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Private international law and parental responsibility: the experience of applying parental responsibility measures to Ukrainians in EU countries

Міжнародне приватне право та батьківська відповідальність: досвід застосування заходів батьківської відповідальності до українців у країнах ЄС

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Abstract

The article examines the relationship between parental responsibility as a measure of protection of children's rights and Private International Law on the example of the application of parental responsibility measures to Ukrainians in EU countries. The purpose of the article is to provide a legal analysis of the problem of removal of children from Ukrainian families by social services in the EU countries as a measure of parental responsibility. In the example of the analysis of the national legislation of Spain, Poland, Sweden, Germany and Finland, the differences in the legal regulation of parental responsibility are considered. The most pressing issues that arise when initiating a case on parental responsibility of persons enjoying temporary protection in the EU countries have been identified. The methodological basis of the research is: dialectical method, comparative legal method, method of legal analysis. It has been established that in most cases the removal of children from families as a measure of parental responsibility was applied based on improper performance of parental duties, but there are cases when such measures were of a preventive nature. The need to improve the legal regulation of parental responsibility in the legislation of Ukraine has been identified.

Keywords: rights of the child, law, Ukraine, parent-child relationship, parent attitudes, childhood, displaced person, child abuse, social service.

Анотація

Стаття досліджує взаємозв'язок між батьківською відповідальністю як заходом захисту прав дитини та міжнародним приватним правом на прикладі застосування заходів батьківської відповідальності до українців у країнах ЄС. Метою статті є правовий аналіз проблеми вилучення дітей із українських сімей соціальними службами в країнах ЄС як міри батьківської відповідальності. На прикладі національного законодавства Іспанії, Польщі, Швеції, Німеччини та Фінляндії розглядаються відмінності у правовому регулюванні батьківської відповідальності. Визначено найбільш актуальні питання, що виникають при порушенні справ про батьківську відповідальність щодо осіб, які користуються тимчасовим захистом у країнах ЄС. Методологічну основу дослідження становлять: діалектичний метод, порівняльно-правовий метод, метод правового аналізу. Встановлено, що в більшості випадків вилучення дітей із сімей як міра батьківської відповідальності застосовувалося через неналежне виконання батьківських обов'язків, але існують випадки, коли такі заходи мали превентивний характер. Виявлено потребу вдосконалення правового регулювання батьківської відповідальності у законодавстві України.

Ключові слова: права дитини, закон, Україна, відносини між батьками і дітьми, ставлення батьків, дитинство, жорстке поводження з дітьми, переселенець, соціальні служби.

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Introduction

The growing quantity of transborder private relations increases the need to resort to Private International Law (PIL), as conflict of laws issues arise in the regulation of such relations. The national legislation of foreign countries has differences and peculiarities, which causes unequal application of the law to the same private relations. Cross-border family relations are no exception. Particularly many questions arise regarding parental responsibility and protection of children's rights.

At the international level, international legal instruments on the rights of the child and their proper implementation are being developed and adopted, and Ukraine is a party to several such treaties. However, it is indisputable that the child is the most vulnerable party in any conflicting family legal relations, and it is he/she who suffers the most suffering and losses (Supreme Court of Ukraine, 2008).

Today, the problem of foreign social services applying urgent measures to Ukrainian families abroad who are under temporary protection, in EU countries in the form of removing children from the family and initiating proceedings for deprivation/restriction of parental rights, is quite acute. According to official UNHCR data², as of March 14, 2024, more than 6 million Ukrainian citizens have left for EU countries since the beginning of the war in Ukraine (Operational data portal UNHCR, 2024). In most of the known cases, the removal of children from Ukrainian families by the social services of the host country was based on suspicion of improper parental responsibilities or suspicion of harm to the child. Such circumstances simultaneously violate the rights of children and parents to communicate, in particular, the principle of "balancing the interests of the child and parents" (Volkova et al., 2023), and also violate the principle of the "best interests of the child". Children are placed in reception centers until the case is heard by the court, and only after the court decision, the child can be returned to the parents. Besides, parents are often deprived of the opportunity to communicate with their own child before the court hearing. Such situations often drag along for months.

This issue is multidimensional, as it touches upon Family law and PIL, in particular, parental responsibility and protection of children's rights. In addition, the problem has a cross-border nature, as children are removed from Ukrainian families in a foreign country by foreign social services. Ukrainians enjoying temporary protection in EU countries are at subject to two national laws - that of their country of citizenship and that of the country of residence. In such circumstances, they need to know the scope of rights and obligations they acquire in the host country depending on their legal status, as well as the procedure for protecting their rights and legitimate interests.

D. Lubinets noted «that the largest number of cases of taking children away from families was recorded in Italy and Germany» (Lubinets, 2023), and that those recorded cases constitute only the tip of the iceberg, since many cases are unknown. The problem is gaining momentum, notably, it also exists outside the EU. Unfortunately, there is currently a practice of removal children in Spain, Italy, Poland, Germany, France and Finland. «240 cases were recorded when social services of European countries took children from families of Ukrainian citizens with temporary protection status as of June 2023. Fifty-five children were taken in Poland, 50 – in Germany, 30 – in Spain and 17 – in Italy as of June 2023» (Kobzar, 2023). As of March 2024, 340 such cases were recorded (Gorban, 2024). In some cases, after trial on the merits, children are returned to their parents, in others – parents are withdrawal of their parental rights, in others – children and their parents are placed in special centers, where they live together. Only in February 2024, the Ministry of Foreign Affairs of Ukraine published information on the official websites of Ukrainian embassies in different countries on the grounds for removal of children and the procedure for returning them to their families (Embassy of Ukraine in the Republic of Poland, 2024; Embassy of Ukraine in the Republic of Finland and Iceland, 2024; Embassy of Ukraine in the Kingdom of Spain, 2024; Embassy of Ukraine in the Federal Republic of Germany, 2024).

When initiating a case on parental responsibility and deprivation of parental rights of persons enjoying temporary protection in the EU countries, there are the following conflicting issues:

What is the personal law of a child enjoying temporary protection?
The court of which country will hear the case of parental responsibility?

² The number of Refugees from Ukraine recorded in Europe is 5,982,900. Refugees from Ukraine recorded globally 6,486,000

What are the reasons for deprivation of parental rights?
 What kind of substantive law will be applied during the trial?
 Which country's legislation is in the best interests of the child?

The reasons for bringing to parental responsibility and removal of children by social services are completely different, but the common thing is that the answers to these questions cannot be resolved without reference to the PIL rules.

In view of the above, the article aims to provide a legal analysis of the problem of removal of children from Ukrainian families by social services in the EU countries as a measure of parental responsibility.

The section "Theoretical Framework" represents the legislative basis for the study. The section "Methodology" identifies the key methods by which the research was conducted. In the first section of "Results and Discussion" the author analyzes the reasons for removal of children who are citizens of Ukraine from families enjoying temporary protection in EU countries. In the second section, describes the peculiarities of legal regulation of parental responsibility in the national legislation of some EU Countries and Ukraine. The third section discloses the peculiarities of determining jurisdiction in cases of parental responsibility. The results of the study are summarized in the conclusions and the need to improve the legislation of Ukraine in the issues of legal regulation of parental responsibility are identified.

Theoretical Framework

The analysis of existing scientific sources gives grounds to assert that the topic of the problems of legal regulation of parental responsibility is fragmentary. Ukrainian scholars have partially studied the questions of parental responsibility within the family law framework. Moreover, today there are no scientific studies in PIL on the legal analysis of the problems of removal of children from Ukrainian families abroad and parental responsibility. This indicates the relevance of the study and the need to find ways to overcome this problem.

In addition, today there are no scientific publications in the area of PIL, which would carry out a scientific analysis of the problems and grounds for the removal of children from Ukrainian families in the EU countries.

The legislative basis for the study are: the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (hereinafter referred to as the 1996 HCCH Child Protection Convention) (HCCH, 1996) and Council Regulation (EU) No. 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of decisions in matrimonial matters and matters of parental responsibility and on international child abduction (Regulation No. 2019/1111, entered into force on First of August 2022)³ (European Union, 2019). Ukraine is not a party to this Regulation, but the Regulation No. 2019/1111 contains an addendum to the HCCA Child Protection Convention ((2) Preamble, Regulation No. 2019/1111)). In addition, the author examines the problems of removing children from Ukrainian families outside Ukraine, namely from families enjoying temporary protection in EU countries in accordance with Council Directive 2001/55/EC of 20 July 2001 on minimum standards for the provision of temporary protection in the event of a mass influx of displaced persons and on measures to help balance efforts between Member States to receive such persons and to bear the consequences thereof (Council of Europe, 2001), therefore, it is also important to study the provisions of Regulation No. 2019/1111 (European Union, 2019).

Methodology

The methodological basis of the article is general scientific and special methods of scientific knowledge. The legal nature of the relations under study has a cross-border nature and is included in the subject of private international law, therefore, the achievement of the purpose of the article is possible through the use

³ This regulation replaces and recasts Council Regulation (EC) 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Regulation Brussels II bis), repealing Regulation (EC) 1347/2000 (Regulation Brussels II) (Council of Europe, 2003). It is now known as Brussels II ter (European Union, 2019; International Union of Judicial Officers, 2022).

of such methods as the dialectical method, the comparative legal method, the method of analysis. The result of the application of these methods is a comprehensive characterization of the problem of taking children away from families enjoying temporary protection in the EU countries, which reflects the grounds for parental responsibility, the peculiarities of legal regulation of parental responsibility in the national legislation of some EU Countries and Ukraine, the peculiarities of determining jurisdiction in cases of parental responsibility.

The dialectical method of scientific cognition has made it possible to identify and characterize the reasons for removal children who are citizens of Ukraine from families enjoying temporary protection in EU countries. The source of up-to-date information on the state of the problem of removal of children from families enjoying temporary protection in the EU was the information declared by the Ombudsman of Ukraine and published in the media.

The comparative legal method made it possible to: study the peculiarities of legal regulation of parental responsibility in the national legislation of some EU countries, in particular, Spain, Poland, Sweden, Germany, Finland, and determine the grounds for removing children from Ukrainian families in these countries. The focus of the application of the comparative legal method is focused on the study of: the grounds for removing children from families enjoying temporary protection in the countries given in the examples; comparison of the state of legal regulation of parental responsibility; determination of the consequences of the application of parental responsibility measures to Ukrainian families on the territory of the EU countries. In general, the comparative legal method provided an opportunity to reflect the experience of applying the national legislation of individual EU countries in the application of parental responsibility measures in relations with a foreign element.

Using the method of legal analysis, the author identifies the shortcomings of legal regulation of parental responsibility in the legislation of Ukraine. In addition, the application of the method of analysis made it possible to determine the jurisdiction over cases of parental responsibility, which is of key importance for research in the field of PIL.

A comprehensive literature review makes it possible to ascertain the state of research on this issue in PIL and family law. The scientific basis of the study is based on scientific publications in the field of PIL, which investigated the regulation of parental responsibility, jurisdiction in cases of parental responsibility and compliance with the principle of the best interests of children. The search for scientific publications was carried out in the scientific metric databases WoS, Science Direct, Google Scholar, ResearchGate. The legal basis of the study is: the Convention on the Protection of Children and Council Regulation 1996 No. 2019/1111 of June 25, 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and parental responsibility, as well as on international child abduction and national legislation of some EU countries. Legislative sources are selected in the legislative databases of the Hague Conference on Private International Law, the European Union, and on the official websites of the legislative databases of Spain, Poland, Sweden, Germany and Finland. In addition, up-to-date information related to the study was collected from the official websites of the Embassy of Ukraine in the Republic of Poland, the Embassy of Ukraine in the Republic of Finland and Iceland, the Embassy of Ukraine in the Kingdom of Spain, the Embassy of Ukraine in the Federal Republic of Germany. In the study of the legislation of Ukraine, legislative sources from the official Open Data Portal of the Verkhovna Rada of Ukraine <https://data.rada.gov.ua/open/data/zak> were used.

Results and Discussion

I. Analysis of the reasons for removal children who are citizens of Ukraine from families enjoying temporary protection in EU countries

Removal of children from families is one of the types of parental responsibility based on improper performance of parental duties. The Convention on the Rights of the Child of 1989 (United Nations, 1989) declares that “States Parties shall ensure that a child shall not be separated from the parents against their will, except cases when cognizant authorities due to the court decision determine that such separation is necessary in the best interests of the child in accordance with the applicable law and proceedings” (Article 6). Thus, the rules of the Convention on the Rights of the Child (United Nations, 1989) provide separation from parents, but according to the court decision and in the best interests of the child, but the category of

“the best interests of the child” is evaluative one and may vary according to the internal legislation of different countries.

The “best interests of the child” is a fundamental principle in the protection of children's rights under international law and national legislation. Social services of the countries that granted temporary protection believed in most cases that children were in real danger and carried out emergency measures for preventive purposes, which they are authorized to take - they took the children from their parents without a trial. Suspicion of harm or anonymous reports about non-standard communication with a child was enough for such situations. There were published in mass media about most of the cases in different countries.

It is considered necessary to analyse known cases of taking children who are citizens of Ukraine enjoying temporary protection away from their parents that took place abroad. The parents raised questions in all the mentioned cases about the powers of the cognizant authorities to apply the appropriate measures. It is particularly should noting in this aspect that the HCCH Child Protection Convention (HCCH, 1996) establishes jurisdiction for refugee children and children displaced to foreign countries as a result of social endurance. Articles 5 and 6 contain an indication that “for refugee children and children who, due to disturbances occurring in their own country, are internationally displaced, the authorities of the Contracting State on the territory of which these children are present as a result of their displacement have the jurisdiction to take measures directed to the protection of the child's person or property” (HCCH, 1996). That is, in cases of parental responsibility, the jurisdiction of the country that granted temporary protection to Ukrainian families will apply.

We can currently distinguish and characterize the following grounds.

Suspicion of creating dangerous circumstances for a child. For example, the Children's Service took away the daughter of one Ukrainian citizen who was under temporary protection in Germany. The reason for taking away the child was her mother's desire to go to Ukraine with the child for one week. The Children's Service believed that there was a real threat to the child, since there was a war going on in Ukraine, and took away the child from her mother for preventive purposes. Ukrainian citizens who are in Germany under the temporary protection status are subject to German legislation on the territory of this country following § 24 of the Act of Germany on the Residence (Law of Germany, 2008). The same is stated in the response of the Land Ministry for Refugees, Family, Children and Youth Affairs. Therefore, the “Jugendamt” (specialized state agency for youth affairs) has the right to act in cases when the child's well-being, life and health are in danger from a legal point of view. All that remains to be determined is whether the social service has reasonable grounds to suspect that the child is in actual danger. It is often the most controversial aspect that is the subject of consideration during the court session (Pozdnyakova, 2023). It is quite difficult to find the answer to this question, because, on the one hand, of the Convention on the Rights of the Child (United Nations, 1989) stipulates that “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration” (Article 3). And accordingly, living with a family is in the best interests of the child. However, there is another side to the situation, the norms of the Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (Directive 2001/55/EC) (Council of Europe, 2001) are applied to the child who is the citizen of Ukraine, since the child is in Germany based on temporary protection. Temporary protection is granted to persons who are unable to return in safe to their country of origin because of the situation prevailing in that country (Article 2 (a), (c) of the Directive 2001/55/EC) (Council of Europe, 2001). Therefore, the intention of a woman with a child to go to Ukraine during the period of temporary protection constitutes a real danger to the life and health of the child, and the social services of the country that granted temporary protection have the right to apply measures of a preventive nature.

Religious grounds. There was a case in Germany when the “Jugendamt” (the name of the children's services) intended to take away the children from a Ukrainian family with 13 children that received temporary protection and to deprive them of their parental rights. The reason for removal children was indicated in the letter of accusation received by the family. “Since you are Baptists, and it is written in the Bible 'whom I love I punish', thus, there is a danger according to these arguments that the father will use force against his own children in the future”. That is, the children's services began to persecute the family not for specific actions, but for their religious beliefs, which, according to the children's services, could

pose a threat to the children (Vsirazom, 2023). The existence of a threat to children can be questioned in this situation, since the national legislation of Ukraine and international acts have declared the principle of freedom of religion, which is reflected in the following sources.

In Ukrainian legislation, the principle of freedom of religion is enshrined in the Law of Ukraine "On Freedom of Conscience and Religious Organizations" (Law of Ukraine No. 987-XII, 1991). According to the Article 3, «parents or persons who replace them, by mutual consent, have the right to raise their children in accordance with their own beliefs and attitude to religion. The freedom to exercise religion or belief is subject only to those restrictions that are necessary for protecting public safety and order, life, health and morals, as well as the rights and freedoms of other citizens established by law and are in line with Ukraine's international obligations» (Law of Ukraine No. 987-XII, 1991).

At the international level, the principle of freedom of religion is reflected in the following three international instruments:

Article 18 of the Universal Declaration of Human Rights (United Nations, 1948) provides that "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance" (United Nations, 1948).

Article 2 (1) of the Convention on the Rights of the Child (United Nations, 1989) declares «that States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinions, national, ethnic or social origin, property, disability, birth or other status».

Article 10 of the Charter of Fundamental Rights of the European Union (Council of Europe, 2000) establishes at the level of European legislation that «everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or private, to manifest religion or belief, in worship, teaching, practice and observance».

Analysis of the norms of the Law of Ukraine "On Freedom of Conscience and Religious Organizations" (Law of Ukraine No. 987-XII, 1991), as well as the Universal Declaration of Human Rights (United Nations, 1948) and the Convention on the Rights of the Child (United Nations, 1989), and the Charter of Fundamental Rights of the European Union (Council of Europe, 2000) gives reason to conclude that the application of measures to children who are citizens of Ukraine enjoying temporary protection in the form of removal from the family and consideration of the case for depriving parental rights are discriminatory on a religious basis and violate the norms of national legislation and international acts. There are no real grounds to believe that children are in danger. «The court hearing was held two weeks after all the children were taken away. The parents were not deprived of their parental rights by the court, and two days after the trial, the children were returned to their parents» (Vsirazom, 2023).

Anonymous complaint against parents about child abuse. A Ukrainian woman came to Germany with her two sons in order to get temporary protection. After arriving, the mother and her children lived with a German family for 51 days, and then they moved to a refugee camp. A few days later, representatives of the juvenile services arrived and said that the family, where they lived before had complained about the mother: they wrote a statement that the mother does not allegedly take care of her children, does not feed children properly, reacts too emotionally to everyday difficulties, and stated that the children will be temporarily taken away from her based on this statement until all the circumstances are clarified.

The children were taken directly from the playpit where they were playing. The woman addressed the consulate of Ukraine, but she was told that they could not help, since she is under temporary protection based on clause 24 and is subject to German law (Athens News, 2023). Article 6 of the Basic Law for the Federal Republic of Germany (Law of Germany, 1949) states that "(1) Marriage and the family shall enjoy the special protection of the state. (2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty. (3) Children may be separated from their families against the will of their parents or guardians only according to a law and only if the parents or guardians fail in their duties or the children are otherwise in

danger of serious neglect. (4) Every mother shall be entitled to the protection and care of the community” (Law of Germany, 1949).

We believe that the measures taken in this case by the social services to take away the child until the circumstances of the case are clarified were carried out in accordance with Part 3 of the Article 6 of the German Constitution (Law of Germany, 1949), but there were no real grounds of a threat to the child. In such a case, the child was separated from the family that is not in the best interests of the child contrary to the Convention on the Rights of the Child (United Nations, 1989).

Leaving children alone at home. A Ukrainian family (mother, two children and grandfather) has been granted temporary protection status in Finland since the beginning of the war in Ukraine. The mother took the bus to the grocery store, grandfather went with her to help carrying heavy bags. Children of elementary school age stayed at home alone. When the mother returned home, the children were not at home. She found a note on the floor with a phone number and a signature in Finnish: sosiali- ja crisiipäivystys (on-call social crisis service). While social services investigated the circumstances why the children were left alone at home, the children lived in the shelter for 30 days without their mother. The Ukrainian woman currently lives with her children in a family shelter. The task of this institution is to support parents who are unable to take care of their children) (Yle, 2023)

Finnish child protection legislation is based on the norms of the Convention on the Rights of the Child (United Nations, 1989). The Finnish Child Welfare Act (Law of Finland No. 13.4.2007/417, 2007) does not specify the age when a child can be left alone at home. Social services, according to the Child Welfare Act, can intervene when there is neglect of a child's treatment and when there is a threat to the child's development, life and health. The Finnish Child Welfare Act (Law of Finland No. 13.4.2007/417, 2007) defines responsibility for the welfare of the child in the Section 2, according to which the primary responsibility for a child's wellbeing rests with the child's parents and other custodians. The Finnish Child Welfare Act (Law of Finland No. 13.4.2007/417, 2007) applies to all children living and staying in Finland, regardless of their nationality, religion or culture (Embassy of Ukraine in the Republic of Finland and Iceland, 2024).

The child's parents and custodians must safeguard the child's balanced development and well-being in the manner laid down in the Child Custody and Right of Access Act (Law of Finland No. 361/1983). The Act on Child Custody and Right of Access (Law of Finland No. 361/1983) states that «the child must be guaranteed good care and upbringing, as well as supervision and care necessary for the child's age and level of development. The aim must be to provide the child with a safe and stimulating growth environment and an education that corresponds to the child's inclinations and wishes. The child must be protected from all forms of physical and psychological violence, ill-treatment and exploitation» (Section 1).

Analysis of the situation and legislation in Finland gives reason to conclude that the social service acted in accordance with the legislation in order to comply with the best interests of children, since the parents are entrusted with the duty to provide proper care and education, which are necessary for the age and level of development of a child. Leaving children of elementary school age alone without adults is improper performance of parental responsibilities.

Suspicion of sexual abuse of children. All 6 children were taken away from a Ukrainian family in 2022 in Sweden. The cause for that was the oldest daughter's complaints about sexual harassment by her stepfather. Those suspicions were not confirmed after the investigation, but the children have not been returned to the family by the moment of writing this article. The oldest girl was placed into a special institution, because she was diagnosed with mental problems; other children were distributed to different temporary families and did not communicate with each other (except for two children who were placed in the same family), the mother was not allowed to see the children for several months and she was not told about places where the children were, although she was not personally accused, and she could be the sole guardian of the children. The problem was aggravated by the fact that the adults and part of the children in the family are deaf and mute, who use Ukrainian sign language for communication. Only one temporary family had Ukrainian-speaking people, other involved persons – temporary guardians, employees of the special institution where the oldest girl was placed – spoke neither Ukrainian nor Russian, and no one spoke sign language at all (Adcmemorial, 2023). A defence attorney lawyer hired by the human rights organization found that the youngest baby had been placed in a foster home without a family background check. The defence attorney tried to contact the Ukrainian child protection services in order to get a clearer

understanding about the family and for the purpose that this family does not disappear from the field of view of social services in case of return to Ukraine, since the vulnerability of the children from this family is obvious, but communication is very complicated. At the time of this report, the family was in Sweden, with the adults living together but separately from the children, whom they were allowed to see. Social services did not return the children to them because they were considered incapable of caring for children; one of the reasons for refusal was that the mother was pregnant again (Adcmemorial, 2023).

The author believes that sexual abuse against children is unacceptable and should be punished by law. In cases of suspicious or real facts of sexual abuse, to take away the child from the family, where the abuse has been reported, is in the child's best interests. The Charter of Fundamental Rights of the European Union (Council of Europe, 2000) establishes that "the child's best interest must be the primary consideration when a decision is made by a public or private body on behalf of a child" (Article 24). Besides, the Convention on the Rights of the Child (United Nations, 1989) stipulates that "States Parties shall take all necessary legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child" (Article 19(1)).

Unknown reasons. Social services in Italy (Naples), took away a child with a disability from a Ukrainian woman. After the son was taken away, no one gave the mother information about his location. Cognizant authorities were determined to deprive her of parental rights and take away the child. The woman managed to get a response from the Italian Department of the Ministry of Foreign Affairs of Ukraine, where it was stated that a court case on the deprivation of parental rights is being heard (Stralkivska, 2023).

Non-attendance of educational institutions. According to the Article 14 of the Directive 2001/55/EC (Council of Europe, 2001), "Member States shall grant access to the education system to persons under the age of 18 who benefit from temporary protection under the same conditions as nationals of the hosting Member State. Member States may provide that such access shall be restricted by the public education system".

Education is compulsory in most EU countries. For example, every child between the age of 7 and 18 living in Poland is subject to compulsory schooling or compulsory education. It means that any child is obliged to go to school under the threat of sanctions against the parents. This obligation is also applied to children who do not have Polish citizenship, regardless of the legal status of their parents in Poland (Migrant Info, 2024).

Every situation is extremely difficult. Parents in some cases are indeed deprived of their parental rights, but it is very important to identify the real reasons for a danger to the life and health of children, or a violation of their rights.

International institutions are also worried about the situation of Ukrainian children being taken from their families. The United Nations Committee on the Rights of the Child while considering the State party's report of Ukraine in cooperation with the States Parties, noted that "the Committee strongly recommends to the States Parties: (a) intensify its efforts to provide the necessary support and resources to strengthen the family, in particular by avoiding punitive measures for the neglect of parental responsibilities, but strengthening support systems and social benefits for families with children in order to improve their ability to fulfil their responsibilities for raising children; (b) place children in alternative care only when needed and in their best interests; (c) create the system of effective monitoring and evaluation of public services and support for families in need, including single parents" (Commissioner for Human Rights, 2023).

In cases of non-attendance of an educational institution by a child who is under the temporary protection, parents can deal with social services. Non-attendance of educational institutions in individual cases is the fault of the parents, more often it is the result of an imperfect legal regulation procedure of temporary protection. For example, a school-age child and his mother received temporary protection status in Spain. They were accommodated in the hotel on a permanent basis, but the hotel does not grant permission to register the place of residence. The child does not attend a school, because the address where the child is registered must be specified for processing documents. In fact, social services may have reason to take away a child because school attendance is mandatory.

II. Peculiarities of Legal Regulation of Parental Responsibility in the National Legislation of Some EU Countries and Ukraine

According to the HCCH Child Protection Convention (HCCH, 1996), "parental responsibility" includes parental authority, or any analogous relationship of authority determining the rights, powers and responsibilities of parents, guardians or other legal representatives in relation to the person or the property of the child (Article 1 (2)). A similar definition is contained in Council Regulation (EU) 2019/1111, "parental responsibility" means all rights and duties relating to the person or the property of a child which are given to a natural or legal person by a decision, by operation of law or by an agreement having legal effect, including rights of custody and rights of access" (Articles 2 (2)).

Josep Ferrer i Riba (2012) believes that, in strict terms, the concept of parental responsibility refers to the set of powers and duties that the law attributes to parents with regard to their children. These rights and duties are aimed at promoting and safeguarding the child's welfare and essentially encompass the providing of personal care, protection and education, assuming administration of the child's property, and exercising legal representation. Resort to the expression 'parental responsibility' as a legal concept is rather uncommon in national legal systems». For example, in Ukrainian legislation there is no term "parental responsibility".

As a result of living on the territory of the country that granted temporary protection, the regulation of the rights and responsibilities of parents in raising children is covered by two national laws – legislation of Ukraine and the host country, as well as international acts (Sushch, 2023). It is worth noting that the internal legislation of a foreign country that has provided temporary protection may have different specific features than the legislation of Ukraine, it may provide other grounds for the application of emergency measures in case of minimal suspicion of disorders of children's rights and the initiation of a case on the deprivation of parental rights as a result of the violation of children's rights. For example, the actions and deeds of parents, which are permitted and lawful under the legislation of Ukraine, may be inadmissible in a foreign country and entail legal consequences of a negative nature for parents in the form of deprivation of parental rights. Therefore, it is very important to understand the field of applying the legislation in issues of parental responsibility.

The scope of the study does not allow us to examine the specifics of national legislation on parental responsibility in all EU countries, so the author examines examples of legal grounds for the removal of children in those countries where such situations are most common.

The Regional Health and Social Protection Authorities (Services) of Spain are empowered to temporarily remove children from their parents or legal representatives in case of non-fulfilment, impossibility, or improper fulfilment of statutory obligations to care for minors, or when they are deprived of the required moral or material assistance, in particular: abandonment of the child; threats to the life or health of the child and his/her physical integrity; serious negligence in the fulfilment of obligations for the maintenance and nutrition of the child; risk to the mental health of the minor, his/her moral integrity and personal development; severe and prolonged parental attention to the child's emotional or educational needs; serious deterioration of the family environment or the child's living conditions (Embassy of Ukraine in the Kingdom of Spain, 2024). The main legislative act of the Kingdom of Spain in the field of protection of the rights of the child is the Spanish Civil Code (Law of Spanish No. 3158/1889, 1889), as amended by the Law "On the Legal Protection of Minors» (Law of Spanish No. 1/1996, 1996). At the same time, each Autonomous Community has regional legislation that regulates legal relations in this area. In general, any actions of his/her parents that are dangerous to the life and health of the child, or circumstances that result in improper performance of parental duties, may be grounds for temporary deprivation of parental care. Information about the decision taken by the relevant child protection service to remove the child shall be immediately communicated to the Regional Public Prosecutor's Office and, in certain cases, to the judicial institution, as well as to the parents or legal representatives of the child no later than 48 hours. The decision on temporary deprivation of parental care and removal of a child may be appealed administratively within two years from the date of receipt of the notification, or in court (Embassy of Ukraine in the Kingdom of Spain, 2024)

In Poland is concerned, the competent authorities responsible for the protection of the rights and legitimate interests of children on the territory of Poland are the Juvenile Courts. In the event that information is received through law enforcement agencies about violations of the rights and legitimate interests of a child,

including citizens of a foreign state, the above-mentioned judicial institutions assess all aspects of the child's residence and upbringing, and, if necessary, involve social and medical services, and appoint temporary guardians (Rodzina zastępcza). The reasons for initiating a case may be domestic/sexual violence; mental disorders of legal representatives; the child was unsupervised in a public place; the child told the school that he was insulted/scolded at home; During a visit to the doctor, bruises were noticed on the child, etc (Embassy of Ukraine in the Republic of Poland, 2024).

The legal basis for parental responsibility is the Polish Family and Guardianship Code (Law of Poland, 1964a), Civil Procedure Code (Law of Poland, 1964b). Parental responsibility in specifically encompasses parents' obligations and rights to care for a child's person and assets and to bring up a child, with respect for the child's dignity and rights (Article 95(1) of the Law of Poland, 1964a). This Code provides that parental responsibility may take the form of: the restriction of parental authority (Article 109 of the Law of Poland, 1964a); the suspension of parental authority (Article 110 of the Law of Poland, 1964a) and the deprivation of parental authority (Article 111 of the Law of Poland, 1964a; Prucnal-Wójcik, 2023, p.86).

In Sweden, the authorized bodies that make decisions on the temporary removal of children are the Municipal Social Services. The legal act that regulates the removal of children at the national level is the Act of the Kingdom of Sweden On The Care of Young Persons (Law of the Kingdom of Sweden, 1990). Issues of removal of a child, deprivation of parental rights, the appointment of guardianship and custody may also be the subject of court proceedings. Family cases are reviewed by a special commission at the municipal authority on a case-by-case basis, taking into account the opinions of psychologists and social secretaries appointed by the commission to review such cases.

According to the provisions of the said legal act, the decision to apply compulsory measures in the field of child protection, including the removal of a child from the parents or one of them, is made by the social service according to the opinion of a special authorized commission functioning under the municipal social service. In accordance with the social legislation of the Kingdom of Sweden, a child may be removed from his or her parents if harm to his or her life or health is identified. In this case, the social service makes a decision to immediately remove the child from the parents and place him or her in a foster family (Socialstyrelsen, 2023).

For the court to decide that the child needs to be taken into care, three requirements must be met: the problems are related to the child's home environment or behaviour; the problems pose obvious risks to the child's health or development; and the child's needs cannot be met under voluntary circumstances (National Board of Health and Welfare of the Kingdom of Sweden, 2023).

In Germany, after the removal of a child by local juvenile services, depending on the situation, a court may initiate a decision on custody or termination of parental rights. In some cases, the removal of a child may also be accompanied by a temporary ban on visits by the mother in the new place of residence, which causes stress and can cause mental trauma to both the child and the mother. The main reasons that may lead to consideration and decision-making on the removal of the child and custody include: improper performance of parental duties; negligent and careless attitude of parents towards their child; suspicions of abuse of the child by the parents; unwillingness or inability of the parents to properly meet the needs of the child, including special needs in case of illness; the health status of the parents. An important point in the framework of "counteracting the removal of children by their legal representatives" is to maintain communication, as well as a certain level of trust and understanding between the parents of children and the relevant German Department of Juvenile Services (Embassy of Ukraine in the Federal Republic of Germany, 2024).

In Finland, according to Section 1 of the Child Custody and Access Act, it is the responsibility of parents to ensure the balanced development and well-being of the child in accordance with their individual needs and wishes. Thus, the purpose of parental responsibility is to secure close and affectionate relationships, especially between children and their parents. Children must be assured of good care and upbringing, as well as the supervision and protection that correspond to their age and stage of development. Children should be brought up in a secure and stimulating environment and receive an education that corresponds to their inclinations and wishes. Children must be brought up with understanding, security and affection. They must not be subject to corporal punishment or otherwise treated in an abusive manner. Children should be supported and encouraged to reach independence, responsibility and adulthood (Law of Finland No. 361/1983, 1983).

A significant drawback of Ukraine's national legislation is the absence of a legislative definition of "parental responsibility."

The Family Code of Ukraine (Law of Ukraine No. 2947-III, 2002) enshrines the grounds for deprivation of parental rights, which is worded as follows: "A mother or a father may be deprived of parental rights by the court if she / he: 1) did not take the child from the maternity hospital or from another health care facility without a good reason and did not show parental care within six months; 2) evade from fulfilling their responsibilities for upbringing the child and/or ensuring that the child obtains full general secondary education; 3) mistreat the child; 4) are chronic alcoholics or drug addicts; 5) resort to any kind of exploitation of the child, force the child to beg and wander; 6) convicted of committing an intentional criminal offense against the child" (Article 164 (1)).

Deprivation of parental rights is, on the one hand, a means of protecting the rights of the child, and on the other hand, a measure of influence on parents who do not properly fulfil their parental responsibilities towards the child. The consequence of parents' failure to fulfil their obligations is not only deprivation of parental rights, but also removal of the child from the parents without deprivation of their parental rights (Menjul, 2021).

Special regulations on the protection of children's rights at the national level are enshrined, in particular, in the Law of Ukraine "On the Protection of Childhood" (Law of Ukraine No. 2402-III, 2001). This Law defines the protection of childhood in Ukraine as a strategic national priority, which is important for ensuring the national security of Ukraine, the effectiveness of the internal policy of the state, and aimed at ensuring the realization of the children's rights to life, health care, education, social protection, comprehensive development and upbringing in a family environment, establishes the basic principles of the state policy in this area, which are based on ensuring the best interests of the child (Law of Ukraine No. 2402-III, 2001).

III. Peculiarities of Determining Jurisdiction in Cases of Parental Responsibility

A key issue in the regulation of private relations that are the subject of PIL is the determination of jurisdiction. PIL contains two effective tools for determining jurisdiction in cases of parental responsibility. The system of conflicts norms, as well as the rules for determining jurisdiction in cases of parental responsibility and protection of children's rights, is enshrined at the level of international acts in the HCCH Child Protection Convention (HCCH, 1996) and Regulation No 2019/1111 (European Union, 2019).

The HCCH Child Protection Convention (HCCH, 1996) establishes jurisdiction for refugee children and children displaced to foreign countries as a result of social endurance. The Articles 5 and 6 contain an indication that «for refugee children and children who, due to disturbances occurring in their own country, are internationally displaced, the authorities of the Contracting State on the territory of which these children are present as a result of their displacement have the jurisdiction to take measures directed to the protection of the child's person or property» (HCCH, 1996). Thus, the law of the country of residence – the country that granted temporary protection – will be applied to cases arising abroad regarding parental responsibility or deprivation of parental rights of citizens of Ukraine who have received temporary protection, and the protection of children enjoying temporary protection (Sushch, 2024).

In determining jurisdiction, Regulation No. 2019/1111 (European Union, 2019) assumes that "the grounds of jurisdiction in matters of parental responsibility are shaped in the light of the best interests of the child and should be applied in accordance with them. Any reference to the best interests of the child should be interpreted in light of Article 24 of the Charter of Fundamental Rights of the European Union ('the Charter') and the United Nations Convention on the Rights of the Child ('United Nations, 1989) as implemented by national law and procedure (clause 19 of the Preamble, European Union, 2019). To safeguard the best interests of the child, jurisdiction should in the first place be determined according to the criterion of proximity. Consequently, jurisdiction should lie with the Member State of the habitual residence of the child, except for certain situations set out in this Regulation, for instance, where there is a change in the child's residence or pursuant to an agreement between the holders of parental responsibility" (clause 20, European Union, 2019).

Since the article focuses on the issue of parental responsibility of Ukrainian citizens in a foreign country, it is also necessary to analyze the application of conflict-of-laws rules enshrined in the Law of Ukraine "On

Private International Law" (Law of Ukraine № 2709-IV, 2005). According to the Article 66 of the Law of Ukraine "On Private International Law", the rights and responsibilities of parents and children, except for the cases provided in the Articles 67, 67-1, 67-4 of this Law, applied to maintenance obligations, are determined by personal law of the child or the law, which is closely related to the relevant relationship and if it is more favourable to the child (Law of Ukraine № 2709-IV, 2005).

Based on the analysis of the Article 66 of the Law of Ukraine "On Private International Law" (Law of Ukraine № 2709-IV, 2005), we can note that the conflicting norm of Ukrainian national legislation on parental responsibilities has an alternative nature – the child's personal law (the law of Ukraine), as a general rule, or law that is closely related to the appropriate relationship and if it is more favourable for the child should be applied to cases of deprivation of parentage.

When determining the law, that has the closest relationship to the child, it is necessary to take into account whether the child, who enjoys temporary protection, is undergoing integration and how long the child has been on the territory of a foreign country. For example, if a child is on the territory of an EU state under temporary protection status for more than a year, attends an educational institution (school, kindergarten), and already has a permanent registration in that country, then his or her permanent place of residence will be considered the host country. It is the law of this country that will be considered as the law having a close relationship and relevant family relations, but it can be questioned whether the law of the closest relationship will be more favourable to the child than the law of the country of the child's nationality. However, it should be accepted that jurisdiction to issue orders in respect of children is usually determined by one preferred forum, as a rule it is the habitual residence of the child. The dominant reasoning in respect of children is the decision on the best interests of a child. It is accepted almost everywhere and is emphasized in the UN Convention on the Rights of the Child (United Nations, 1989). Provisions that allow exceptions to the general rule and provide the transfer of a case from the court of the habitual residence to the court with greater capacity to hear the case are also justified by the reasoning of "the best interests" (McClean, D., 2023).

Conclusions

Today, the problem of foreign social services applying urgent measures to Ukrainian families abroad who are under temporary protection in EU countries, in the form of removing children from their families and initiating proceedings to deprive/restrict parental rights is quite acute. The problem is growing, but there is no established mechanism to overcome it. The rules of Private International Law have a key influence on the resolution of cases of parental responsibility.

The author identifies and analyses the grounds for removal of children from Ukrainian families enjoying temporary protection in the EU, in particular, they include: suspicion of creating dangerous circumstances for a child; religious grounds; anonymous complaints against parents about child abuse; leaving children alone at home; suspicion of sexual abuse of children Unknown reasons; non-attendance of educational institutions. In most cases, the removal of children from families as a measure of parental responsibility was applied based on improper performance of parental duties, but there are cases in which such measures were preventive.

Jurisdiction in cases of parental responsibility and deprivation/restriction of parental rights is determined in accordance with the rules established by the HCCH 1996 Child Protection and Council Regulation (EU) No 2019/1111. Based on the analysis of the norms of the HCCH Child Protection (1996) and Council Regulation (EU) No 2019/1111, it has been established that the law of the country that has the closest relationship with legal relations will be considered as the legislation and court having jurisdiction to hear such categories of cases, that is, the law of the country, where the child and the parents live based on temporary protection. But there are exceptions to the general rule, since the basic principle in choosing the jurisdiction is the best interests of the child. The best interests of the child are the guiding principle in the protection of children's rights under international law and national law of separate countries.

It is believed that in cases of parental responsibility, in particular, deprivation of parental rights, the law of the closest relationship is not the most favourable in the interests of the child. In the author's opinion, the most favourable law is the law of the child's personal law.

A significant drawback in the regulation of relations in the field of parental responsibility is that Ukraine is not a party to Council Regulation (EU) No. 2019/1111, which complicates the resolution of conflict of laws problems. In addition, the legislation of Ukraine needs to be amended in terms of consolidating the concept of "parental responsibility" at the legislative level.

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Bibliographic References

- Adcmemorial (2023). *The situation of children from Ukraine in European countries after February 24, 2022*. Retrieved from <https://acortar.link/LJbAs6>
- Athens News (2023). *How Ukrainian refugees lose their children in Europe*. Retrieved from <https://en.rua.gr/2023/03/07/how-ukrainian-refugees-lose-their-children-in-europe/>
- Commissioner for Human Rights (2023). *Urgent action needed to reunite Ukrainian children transferred to Russia and Russian-occupied territories with their families*. Retrieved from <https://acortar.link/tIgESp>
- Council of Europe (2000). *Charter of fundamental rights of the European Union (2000/C 364/01)*. Retrieved from https://www.europarl.europa.eu/charter/pdf/text_en.pdf
- Council of Europe (2001). *Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof*. Retrieved from <https://eur-lex.europa.eu/eli/dir/2001/55/oj>
- Embassy of Ukraine in the Federal Republic of Germany (2024). *Legal assistance to citizens of Ukraine in case of removal of children by social services in Germany*. Retrieved from <https://acortar.link/c9Z6xg>
- Embassy of Ukraine in the Kingdom of Spain (2024). *Obtaining legal assistance in case of removal of children from citizens of Ukraine on the territory of the Kingdom of Spain*. Retrieved from <https://acortar.link/JooJD7>
- Embassy of Ukraine in the Republic of Finland and Iceland (2024). *Information for parents/legal guardians in case of removal of children in Finland*. Retrieved from <https://acortar.link/7HINoD>
- Embassy of Ukraine in the Republic of Poland (2024). *Memo on the procedure for providing legal assistance to citizens of Ukraine in case of temporary removal of their children on the territory of the Republic of Poland*. Retrieved from <https://acortar.link/2d4JCa>
- European Union (2019). *Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction (recast)*. Retrieved from <http://data.europa.eu/eli/reg/2019/1111/oj>
- Ferrer i Riba, J. (2012). *Parental Responsibility: Scope and Terminology*. Max Planck Encyclopedia of European Private Law. Retrieved from https://max-eup2012.mpipriv.de/index.php/Parental_Responsibility
- Gorban, M. (2024). *Children were taken away in Europe, adoptions and 1759 orphans because of the war. Interview with the head of the social service*. Radio Svoboda. Retrieved from <https://www.radiosvoboda.org/a/syroty-bizhentsi-vidibrani-dity-italia-usynovlennia/32844308.html>
- HCCH (1996). *Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children*. Retrieved from <https://www.hcch.net/en/instruments/conventions/full-text/?cid=70>
- International Union of Judicial Officers (2022). *Entry into application of the Brussels II ter Regulation*. Retrieved from <https://www.uihj.com/2022/09/28/entry-into-application-of-the-brussels-ii-ter-regulation/>
- Kobzar, Y. (2023). *In the EU, children were taken from 240 families of Ukrainian refugees - human rights defenders*. UNIAN. Retrieved from <https://www.unian.ua/world/v-yes-viluchili-ditey-u-240-simey-ukrajinskih-bizhenciv-pravozahisniki-12298419.html>
- Law of Finland No. 13.4.2007/417. On Child Welfare. *Finlex*, 2007. Retrieved from <https://www.finlex.fi/fi/laki/ajantasa/2007/20070417>
- Law of Finland No. 361/1983. On Child Custody and Right of Access. *Finlex*, 1983. Retrieved from <https://www.finlex.fi/fi/laki/ajantasa/1983/19830361>

- Law of Germany. The Basic Law for the Federal Republic of Germany. *Bundestag*, 1949. Retrieved from <https://www.bundestag.de/gg/grundrechte>
- Law of Germany. On the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act - AufenthG). *Federal Ministry of Justice*, 2008. Retrieved from https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html
- Law of Poland. Polish Family and Guardianship Code. 1964a. Retrieved from <https://acortar.link/68Nd0Z>
- Law of Poland. Civil Procedure Code. *Wipo*, 1964b. Retrieved from <https://www.wipo.int/wipolex/en/legislation/details/22373>
- Law of Spanish. Spanish Civil Code. *Ministry of Justice*, 1889. Retrieved from <https://acortar.link/5Yb9Gq>
- Law of Spanish No. 1/1996. On the Legal Protection of Minors, modifying the Civil Code and the Code of Civil Procedure. *BOE* No. 15, 17 January 1996. Retrieved from <http://www.boe.es/buscar/doc.php?id=BOE-A-1996-1069>
- Law of the Kingdom of Sweden. *On The Care of Young Persons*, 1990. Retrieved from <https://assets.hcch.net/docs/28194499-f47e-4b33-8bcc-e63634847d45.pdf>
- Law of Ukraine No. 2947-III. Family Code of Ukraine. *Bulletin of the Verkhovna Rada of Ukraine*, Kyiv, Ukraine, January 10, 2002. Recovered from <https://zakon.rada.gov.ua/laws/show/2947-14#Text>
- Law of Ukraine No. 2402-III. On Childhood Protection. *Bulletin of the Verkhovna Rada of Ukraine*, Kyiv, Ukraine, March 26, 2001. Retrieved from <https://zakon.rada.gov.ua/laws/show/2402-14#Text>
- Law of Ukraine No. 2709-IV. On Private International Law. *Bulletin of the Verkhovna Rada of Ukraine*, Kyiv, Ukraine, June 23, 2005. Retrieved from <https://zakon.rada.gov.ua/laws/show/2709-15#Text>
- Law of Ukraine No. 987-XII. On Freedom of Conscience and Religious Organizations. *Bulletin of the Verkhovna Rada of Ukraine*, Kyiv, Ukraine, April 23, 1991. Retrieved from <https://zakon.rada.gov.ua/laws/show/987-12#Text>
- Lubinet, D. (2023). *The number of Ukrainian children removed abroad has already decreased from 240 to 215*. Ukrinform. Retrieved from <https://acortar.link/526N9u>
- McClean, D. (2023). The transfer of proceedings in international family cases. *Journal of Private International Law*, 19(1), 1-24
- Menjul, M. (2021). *Comparative Family Law: A Study Guide*. Uzhhorod: RIK-U, 296 p. (in Ukrainian)
- Migrant Info (2024). *Should I send my child to school while in Poland?* Retrieved from [https://migrant.info.pl/ua/home-120/navcanna/vazлива-informacia-ta-practicni-poradi](https://migrant.info.pl/ua/home-120/navcanna/vazлива-informacia-ta-prakticni-poradi)
- National Board of Health and Welfare of the Kingdom of Sweden (2023). *Information about compulsory care of children by Swedish act LVU*. Retrieved from <https://acortar.link/j96Xyo>
- Operational data portal UNHCR (2024). *Ukraine Refugee Situation*. Retrieved from <https://data.unhcr.org/en/situations/ukraine>
- Pozdnyakova, N. (2023). *Ukrainian refugees in Germany. How and why are children taken from them?* DW. Retrieved from <https://acortar.link/TA7cpk>
- Prucnal-Wójcik, M. (2023). State Interference With the Scope of Parental Responsibilities – Comparative Legal Analysis. *Horizons of Education*, 22(64), 83-93.
- Socialstyrelsen (2023). *Information about compulsory care of children in accordance with Swedish act LVU*. Retrieved from <https://acortar.link/j96Xyo>
- Stralkivska, M. (2023). *Social services in Italy took the child away from Ukrainian women. A mother cannot bring her son back*. SlovoProslovo. Retrieved from <https://slovoproslovo.info/sotssluzhbi-v-italii-zabrali-ditinu-v-ukrainki-mati-ne-mozhe-povernuti-sina/>
- Supreme Court of Ukraine (2008). *Generalization of judicial practice of the Supreme Court of Ukraine. The practice of court consideration of cases related to deprivation of parental rights, renewal of parental rights, adoption, establishment of guardianship and guardianship of children*. Retrieved from <https://zakon.rada.gov.ua/laws/show/n0020700-08#Text>
- Sushch, O. (2023). Problems of Temporary Protection of Ukrainians Abroad in Terms of Armed Aggression of the Russian Federation (European Experience). *Juris Europensis Scientia*, 6, 18-24. <https://doi.org/10.32782/chern.v6.2023.4>
- Sushch, O. (2024). Problems of Protecting Children's Rights who are Citizens of Ukraine Enjoying Temporary Protection in EU Countries. *Law and Innovation Society*, 1(22), 39-51. [https://doi.org/10.37772/2309-9275-2024-1\(22\)-4](https://doi.org/10.37772/2309-9275-2024-1(22)-4)
- United Nations (1948). *Universal Declaration of Human Rights*. Retrieved from <https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article-%2026,on%20the%20basis%20of%20merit>
- United Nations (1989). *Convention on the Rights of the Child of 1989*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

- Volkova, N., Prytuliak, V., Yanitska, I., Poliuk, Y., & Polunina, O. (2023). Current issues of the application of ECTHR decisions and its implementation in the field of children's rights protection. *Amazonia Investiga*, 12(67), 241-249. <https://doi.org/10.34069/AI/2023.67.07.22>
- Vsirazom (2023). *How in Germany they wanted to deprive Ukrainian parents of 13 children of their parental rights*. Retrieved from <https://vsirazom.ua/news/yak-u-nimechchyni-hotily-pozbavyty-batkivskyh-prav-batkiv-13-ditej>
- Yle (2023). *The guardianship service took the children of the Ukrainian refugee while she went to the store*. Retrieved from <https://yle.fi/a/74-20034478>

