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PECULIARITIES OF PATERNITY ESTABLISHMENT IN UKRAINE AND COMPARATIVE INTERNATIONAL EXPERIENCE

Establishing paternity constitutes a fundamental legal procedure that defines the formal relationship between a father and his child. This relationship carries significant legal and social consequences,

influencing child support obligations, inheritance rights, custody arrangements, and the child's access to social benefits. In contemporary society, characterized by increasingly diverse family structures and the widespread availability of DNA testing technologies, legal frameworks regulating paternity determination are continually evolving to address emerging challenges and ensure the protection of children's rights.

Ukraine, like many jurisdictions worldwide, has developed comprehensive legislation to address paternity establishment in various circumstances. According to recent data from the Ministry of Justice of Ukraine, applications for paternity establishment increased by 15% in 2024 compared to the previous year [2], highlighting the growing importance of this legal procedure.

The legal foundation for paternity establishment in Ukraine is primarily codified in the Family Code of Ukraine (Articles 121-130) [1], supplemented by the Civil Procedural Code of Ukraine and various regulations from the Ministry of Justice. Ukrainian law establishes a fundamental presumption of paternity: if a child is born during marriage or within ten months after its dissolution, the husband is automatically presumed to be the father. This presumption, known as the 'presumption of paternity,' reflects the traditional legal principle of legitimacy and can only be challenged through judicial proceedings.

For unmarried parents, Article 125 of the Family Code provides two distinct pathways for establishing paternity: voluntary acknowledgment through administrative procedures and judicial determination [1]. The voluntary procedure requires both parents to submit a joint application to the civil status registration authority (DRACS), indicating their agreement on paternity and the child's surname [4]. Notably, Ukrainian law permits this application to be filed even during pregnancy, providing prospective parents with flexibility in planning their family affairs.

When parents cannot reach agreement, Article 128 of the Family Code authorizes judicial determination of paternity [1]. The plaintiff in such proceedings may be the mother, guardian, person caring for the child, or the child upon reaching majority, as well as a man who believes himself to be the father. Ukrainian courts accept various forms of evidence, including witness testimony, documentary evidence, photographic and video materials, and crucially, genetic-molecular DNA testing results.

Recent legislative developments in 2024-2025 have streamlined procedures for cases involving fathers residing abroad, reflecting Ukraine's recognition of increased labor migration and international family connections [2]. Project Law No. 11530 from August 2024 proposes important procedural changes, including provisions for establishing paternity fact in separate proceedings under specific circumstances, particularly in posthumous cases where the father died before acknowledging paternity [3].

Article 130 of the Family Code addresses the particularly sensitive situation of posthumous paternity establishment, which has gained increased relevance due to ongoing military conflicts [1]. When a man who was not married to the child's mother dies before acknowledging paternity, the fact of his paternity may be established by court decision. This procedure has profound implications, as it opens access to crucial social benefits for the child, including survivor's pensions, one-time monetary assistance in cases of military personnel deaths, and inheritance rights.

A landmark 2023 Supreme Court decision established that posthumous paternity can be proven using DNA analysis from close relatives of the deceased when direct testing is impossible [2]. This progressive interpretation addresses practical challenges while maintaining scientific rigor in paternity determination. The court's decision created an important precedent for similar cases throughout the Ukrainian judicial system.

As of January 2024, the court filing fee for paternity establishment applications is 605.60 hryvnias (0.2 times the subsistence minimum for able-bodied persons) [3]. This relatively modest fee ensures access to justice for families seeking to establish legal paternity, though applicants must also consider potential costs for DNA testing and legal representation.

The United States legal framework for paternity establishment is predominantly governed by the Uniform Parentage Act (UPA), which has influenced legislation in many states [5], [6]. However, due to the federal structure of U.S. governance, specific procedures vary significantly across states. The fundamental principle remains consistent: married fathers benefit from an automatic presumption of paternity, while unmarried fathers must take affirmative steps to establish legal paternity.

The most common mechanism for voluntary paternity establishment is the Voluntary Acknowledgment of Paternity (VAP), a standardized form that both parents sign, often at the hospital shortly after birth [5]. Once properly executed and filed with state vital records agencies, a VAP carries the full legal force of a court order. States typically provide a brief rescission period during which a parent may withdraw acknowledgment, after which the paternity determination becomes permanent absent fraud or duress.

When paternity is disputed, courts or state agencies possess authority to order genetic testing, typically through simple cheek swab DNA collection. U.S. law recognizes the doctrine of 'paternity by estoppel,' which allows courts to name a man as the legal father even when DNA testing proves he is not the biological parent, provided he has consistently acted as the child's father and established a strong parental relationship [6]. This doctrine prioritizes the child's stability and existing family bonds over strict biological connection.

Several states maintain putative father registries where men who believe they may have fathered a child can register to preserve their parental rights, particularly in adoption scenarios [5]. This mechanism provides unmarried fathers with notice of adoption proceedings, protecting their constitutional rights while balancing adoption stakeholders' interests.

Under German law, paternity recognition (Vaterschaftsanerkennung) must be publicly registered with competent authorities, including registry offices (Standesamt), youth welfare offices (Jugendamt), notaries, or local courts (Amtsgericht) [7], [8]. The German Civil Code (BGB) establishes that the mother's husband at the time of birth is automatically deemed the father (Section 1592), eliminating the need for separate acknowledgment in married couples' cases.

For unmarried parents, German law requires the father's formal acknowledgment and the mother's consent [8]. Notably, German law permits acknowledgment by non-biological fathers, allowing a mother's partner to become the child's legal father regardless of biological connection, provided proper consent is obtained. This provision recognizes the social and emotional dimensions of fatherhood beyond mere genetic relationships.

Germany has implemented restrictions on paternity testing to protect privacy and prevent potential harm. The Gene Diagnostic Act requires consent from all parties for paternity testing, and unauthorized testing without consent is prohibited [8].

France has adopted even stricter regulations, permitting paternity tests only when ordered by a judge. These restrictions aim to protect women from potential domestic violence situations where paternity testing might reveal adultery, while still allowing judicial determination when necessary for child welfare or inheritance matters.

In the United Kingdom, paternity is formally established when unmarried parents jointly register the child's birth at the local registry office, with both parents listed as 'Informants' on the birth certificate [7], [11]. Recent amendments to the Paternity and Adoption Leave Regulations, effective from March 2024, have modernized requirements relating to notice, evidence, and the period within which paternity leave must be taken [9], though these primarily concern employment rights rather than legal paternity establishment itself.

When disputes arise, U.K. family courts possess jurisdiction to determine paternity through proceedings that may include DNA testing [11]. The courts apply principles similar to those found in other common law jurisdictions, balancing biological evidence with considerations of the child's best interests and existing family relationships. British law recognizes that the child's welfare is paramount in all decisions affecting children, a principle that guides paternity determinations when competing interests must be balanced.

The European Union has moved toward harmonization in certain aspects of family law through instruments such as the Pregnant Workers Directive and the Work-Life Balance Directive [10]. While these primarily address parental leave rather than paternity establishment per se, they reflect broader European policy supporting father involvement and gender equality. By April 2022, all EU member states were required to offer minimum ten days of paid paternity leave, demonstrating the EU's commitment to supporting fathers' active parenting roles.

International comparison reveals diverse approaches reflecting different legal traditions and social priorities. Common law jurisdictions like the United States and United Kingdom tend toward more flexible, equity-based approaches exemplified by doctrines like paternity by estoppel [5], [6], [11]. Continental European systems such

as Germany and France emphasize formal registration requirements and, in some cases, restrictions on unilateral paternity testing to protect privacy and prevent potential harm [7], [8].

As families become increasingly international and mobile, coherent approaches to cross-border paternity recognition grow more important [10]. Ukrainian lawmakers' attention to cases involving fathers abroad represents a positive development, though further international cooperation and potential treaty frameworks would facilitate more effective resolution of transnational paternity issues.

Future developments in paternity determination are likely to continue navigating the tension between biological evidence provided by advancing genetic testing technologies and the social realities of parent-child relationships that have developed over time[12]. Legislators and courts worldwide face the ongoing challenge of reconciling these competing considerations, while ensuring that the best interests of the child remain the guiding principle in all decisions regarding paternity.

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HIDDEN IN TRANSIT: COMBATING HUMAN TRAFFICKING IN DENMARK

In the modern world, transnational crime continues to evolve in complexity, transcending borders and challenging even the most advanced legal and security systems. Denmark, while recognized as one of the most stable and secure countries in Europe, continues to face a range of criminal challenges, including drug trafficking, cybercrime, arms smuggling, and financial crimes. Among these issues, human trafficking stands out as a critical and persistent violation of fundamental rights, necessitating a thorough analysis of its scope and the state's response based on internationally recognized sources.