

Italian-Ukrainian child-abduction Case of Giulio Arcangeli

- Summary -

Child father's personal data:

Giovanni Arcangeli

<...>

Roma – Italy

<...>



What happened ?

My son Giulio was born in Rome, Italy, on <...> 2012. With my Odessan wife Tetyana, his mother, I lived in Italy. Every year's summer holidays, we went to Ukraine for a couple of months.

Giulio has pediatry in Italy, where he had received all his necessary vaccinations (while now his mother does not want to vaccinate him). He attended kindergarden during two years, was in charge of the sanitary system for logopedic cures. We asked also for a specialized teacher at the kindergarden for the next year.

Only I worked and had to take care of Giulio *and* of the house, while my wife Tetyana rejected to do anything. I cared of him from morning to night, woke him up, dressed him, had breakfast with him, brought him to kindergarden, then to the park and back home, where I bathed him and played with him, took him to bed and read fairy tales for him to calm him down as he often had headaches in the night.

During summer holiday we were guest in Tetyana's parents little apartment in Odessa region. I was always with Giulio, and we went to the park, to the seaside etc.

At the end of summer 2016 (according to diligent plan, which became obvious later), they made a scandal and punched me. With zero-response from the Police, I learnt it was better to keep away from that apartment.

With Tetyana I agreed that Giulio would be one day with me and next one with her. During two weeks, everything looked working well. But on Sept 11 2016, she took Giulio with her and disappeared. Only on Giulio's birthday, I could see him for a while, then again she disappeared with him. Without informing me, she filed for divorce and sole custody of the child in Ukraine.

I then went back to Italy and filed a claim against Tetyana on her defiance against my parental rights, as she illegally retained and hid Giulio. On Nov 3 2016 - less than three months after his abduction - I applied in Ukraine for Giulio's return to Italy under the Hague Convention on International Child Abduction.

What goes wrong ? Which laws, rules and agreements are violated ?

What are the specific abuses and threats to child welfare ?

- Those are Ukraine's violations of the Hague Convention on International Child Abduction (HCCA) of 1980 (ratified by Ukraine in 2008) in Giulio's case:

Article 1 - The prompt return of the child was not secured, and the rights of custody and access, as in force at the beginning of the abduction, were not respected. Thus the two key principles of the Hague Convention 1980 were deliberately and continuously violated ab initio.

Articles 11 and 12 - The child return was not ordered forthwith.

Article 7a - The whereabouts of the child were not investigated, when it was displaced to secret hideouts in May 2018. I still do not know where he is.

Article 7b - There was not taken any measure to protect the child against further dangers - such as permanent displacement, confinement and isolation as much as insufficient medical care and instruction.

Article 7f - There was not taken any appropriate measure to secure the rights of intermediate access and visit of the child's father. Thus the abductor mother was free to suppress any contact between father and child and to alienate them from each other.

From the beginning, there were excessive delays of the child-return procedure. During the first-instance procedure, five District judges were replaced (partly arrested or dismissed on charges of abuse and corruption). It clearly shows that Ukraine's most important aim is the cold legalization of the abduction as children are considered to be property of their Ukrainian mothers.

- There are also severe violations of Ukraine's Family Code and domestic laws:
The Bilgorod-Dnistrovskij Municipality allowed Tetyana to change his residence even without the consent of the father and without a court order. This illegal behaviour was recognized by the Odessa Court of Appeal. On top, Municipality deceived the court, declaring that Giulio was attending a private kindergarden. The head of the kindergarden issued two self-contradictory statements: The first one said that Giulio was attending the

kindergarden, and the subsequent one that he never had been there. This shows the manifold manipulations and abuses by a number of Ukraine's state bodies. There is deep defiance and resentment against the principle of father-mother equality.

What do I specifically request from authorities, officials and politicians
- on ground of which law, rule and agreement ?

- I urgently request the issue of an order of Giulio's return to his habitual residence in Italy, and the prompt execution of this order on the ground of HCCA. Ukrainian government shall consider to apply its article 18 for doing it by plain administrative measures, as the judiciary is obviously neither able nor willing to comply with HCCA.
There is no risk for the child by return to his habitual residence, and in those 20 months after my child-return claim no official or judge has declared such risk.
Ukraine's excessive delays of the procedure serves only Giulio's illegal resettlement in the new environment and the establishment of "maternal preference" in child custody.
The mother is free to live in Italy, with her permanent residence title and her entitlement for public social support.
- I request an official statement by the Ministry of Justice on the reasons on the excessive delays of the child-return procedure (now 88 weeks instead of the prescribed 6 weeks). Ukraine's behaviour defies the HCCA's rule of expeditionary proceeding for the sake of child's welfare. Those delays look like Ukraine's most powerful tool to evade its child-return obligations - to the detriment of the child.
- I request to immediately remove all obstacles for my direct access and contact with Giulio without restriction and supervisions, according to HCCA's articles 7f and 5 and to Italy's and Ukraine's Family Codes with their principle of father-mother equality. A close and fulfilled relationship with his father is essential for Giulio's healthy development. It cannot be replaced with arbitrary and illegal "maternal preference" habits.