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SYNOPSIS OF THE DOCTORAL THESIS

LEGAL ISSUES OF THE IMPLEMENTATION OF THE CHILDREN RIGHT TO KNOW THEIR BIOLOGICAL PARENTS: CASE OF LITHUANIA IN THE PERSPECTIVE OF INTERNATIONAL PRIVATE LAW

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INTRODUCTION

This thesis analyzes the right of children to know their biological parents, focusing on the case of Lithuania within the framework of private international law. It addresses the legal, social, and psychological implications of this right amidst changing family structures and reproductive technologies.

According to UNICEF, about 15.1 million orphans worldwide have lost both of their parents. As children move from one stage of development to another, they acquire new cognitive skills and psychosocial structures¹. They have different views on life and often have more worries or problems².

Under 7 and 9 (3) articles of the Convention on the Rights of the Child each child has the right to know his or her parents. Also separated from his or her biological parents' child has the right for regular contacts with them³.

This one of the most important child's rights is declared in 7 th. article of the Child's Rights Convention and it means that all children have a right to know their biological parents. It should be noted that this child right in the national law is guaranteed by article 3.148 of Lithuanian Civil code. Under this article: "grounds for paternity affiliation shall be scientific evidence⁴ and other means of proof provided for in the Code of Civil Procedure⁵.

The relevance of the topic is determined by the fact that we currently have the recognition of biological paternity in the law, but in court practice we see that biological paternity is no longer the main reason for legalizing and maintaining parental relations⁶. Not so long ago, biological parenthood had priority over social parenthood, but today much attention is paid specifically to the legitimate interests of the child and attempts are made to find a balance between the interests of adults and the interests of children. Courts adhere to the principle of the primacy of the child's interests⁷. Child protection and child

¹ Melina, L. (2000). Talking to children about their adoption: When to start, what to say, what to expect. *Adopted Child*, 19, 1–4. DOI: 10.1186/1742-4755-6-7

² Lyons, D. (2018). Domestic implementation of the donor-conceived child's right to identity in light of the requirements of the UN Convention on the Rights of the Child. *International Journal of Law, Policy and the Family*, 32(1), 1–26. DOI: 10.1093/lawfam/ebx017

³ United Nations Treaty Collection, "United Nations Treaty Collection," November 20, 1989, Retrieved 07.19.2024, From: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=_en.

⁴ The Crown Prosecution Service, "Expert Evidence, The Crown Prosecution Service," November 20, 2023, Retrieved 07.19.2024, From: <https://www.cps.gov.uk/legal-guidance/expert-evidence>.

⁵ The Constitutional Court of The Republic of Lithuania, On the compliance of Paragraph 2 of Article 153, Paragraph 3 of Article 319, and Paragraph 3 of Article 352 of the Code of Civil Procedure of the Republic of Lithuania (wording of February 28, 2002) with the Constitution of the Republic of Lithuania (2002).

⁶ Barker, K. K. (2004). Bargaining or biology? The history and future of paternity law and parental status. *Cornell Journal of Law and Public Policy*, 14, 1.

⁷ NeJaime, D. (2020). The constitution of parenthood. *Stanford Law Review*, 72, 261. DOI: 10.2139/ssrn.3465635

rights are part of the legal framework of our time⁸. To ensure the most effective implementation of parental rights and responsibilities for children, appropriate legal regulation of biological and social parentage institutes is important⁹.

The novelty of the topic is determined by the fact that in modern times we have the recognition of biological paternity in the laws, but in court practice we see that biological paternity is no longer the main reason for legalizing and maintaining parental relations.

The objective of research is to determine the appropriate recognition of the implementation of the children's right to know their biological parents as a natural right of the child, revealing the problematic issues of the practical application.

The object of the research. The child's right to know his/her biological parents within the framework of international private law.

The following research tasks are defined:

1. Define the concept of biological parentage.
2. To examine the legal acts regulating the assurance of parental rights and responsibilities for children, social parenting institutes and the legal consequences of non-fulfillment of parental rights and responsibilities for children.
3. To analyze court practice and identify problems arising from the legal regulation of biological and social parentage.
4. Based on the data of the performed analysis, submit proposals for the improvement of legal regulation.

Empirical and theoretical methods of social science for the research were chosen, considering the thesis object, issues, purpose, and raised tasks. *Document analysis method* as one of the main methods used in this work was used to evaluate national and international problematic issues of the children's right to know their origin and biological parents, creating prerequisites for the proper implementation of these rights, as effectively as possible in ensuring children's rights and their legal protection. The situation of children's rights to know their biological parents in both national and international law was investigated using the method of *systematic analysis*, as this method promotes a systematic approach to the subject of research. The method of *comparative analysis* was applied in both theoretical and practical aspects,

⁸ Luis Arechederra, "The Right of the Born to Biological Truth," Humanities and Medical Ethics Unit, 2010, Retrieved 07.19.2024, From: <https://en.unav.edu/web/humanities-and-medical-ethics-unit/bioethics-material/el-derecho-del-nacido-a-la-verdad-biologica#gsc.tab=0>.

⁹ Eekelaar, J. (2017). Family law and personal life. Oxford University Press.

comparing the experience of Lithuania and foreign countries, distinguishing the fundamental shortcomings of the implementation of the child's right to know his biological parents and the differences in application, summarizing them and forming reasonable conclusions. A semi-structured interview method was used for examining the legal regulation problems in the context of national and international law related to the implementation of the Republic of Lithuania and international rights.

The doctoral thesis consists of 165 pages. The thesis is structured into an introduction, three main research sections, concluding with a summary and recommendations. The introduction is devoted to describing the current legal environment in recognition of the child's right to know his/her biological parents for establishment of the object, subject, the objective and the novelty of the research, as well as the research question of the thesis. The first section of the thesis is analysis of the general questions on the children's right as a natural right to know their biological parents in context of international private law. The second section deals with the implementation of the children's right to know their biological parents in the context of national and international law and with identification of the main problems. The third section focuses on empirical research: the practical resolution of legal regulation concerning children's right to know their biological parents.

CONTENT OF THE THESIS

1. GENERAL QUESTIONS ON THE CHILDREN RIGHT AS A NATURAL RIGHT TO KNOW THEIR BIOLOGICAL PARENTS IN CONTEXT OF INTERNATIONAL PRIVATE LAW

The first chapter of the thesis is theoretical and analytical in nature. Considering the problems, goals and objectives raised in the scientific work, this chapter aims to reveal the essential features of children's right to know their biological parents. Also, this part aims to reveal the concept of biological parentage and legal principles of a child's right to know his biological parents in national and international context, children need to know their biological origin and legal environment and cases of limitation and restriction of the child's right to know his biological parents. A detailed theoretical analysis will help to prepare a scientific study, which is presented in the second part of this work, and to better understand and delve into the problems, formulating the practical settlement of issues for legal regulation of children's right to know their biological parents in the third part.

"Child's rights" is a relatively new concept, although the idea that children need special protection dates to the 19th century. However, the history of children, who were granted a separate set of international human rights, began in the 20th century¹⁰. In the 1920s, when the rights-based approach to child protection expanded to the international arena after the First World War. In 1924 E. Jebb, the founder of the international organization "Save the Children", persuaded the UN to adopt the Geneva Declaration on the Rights of the Child¹¹, and in the same year the first international document protecting the rights of the child was adopted - the Geneva Declaration of the Rights of the Child. This declaration is short, containing only five statements, but they provide a concise list of what society "owes the child" and established the notion that children should have certain kinds of rights and declared that humanity should give the child the best¹². The right to know one's parentage is self-evident to most people who know their biological parents, but some children do not know their biological parents¹³. Leaving aside the sociological aspects of children's desire and need to know their biological parents and focusing on the legal basis, it can be recognized that the rapid development of biotechnology has created many legally sensitive family law issues¹⁴. Children need to know their biological origin can be seen by delving into the issues of ensuring the rights and legitimate interests of the child¹⁵. It is the rights of the child and its related interests that are deeply analyzed issues in the national and international law of many countries. Both the rights of the child and the best interests of the child are interrelated and inseparable concepts necessary for the proper implementation of the goals of parenting and ensuring the well-being of the child¹⁶.

When discussing children's right to know their parentage, they most likely mean that children should have information to identify their parents. Adopted children know who their legal parents are,

¹⁰ Cole-Alback, A. (2021). A brief history of children's rights. The Centre for Research in Early Childhood. Birmingham, England.

¹¹ Mayhew, E. (2019). Eglantyne Jebb and the war against children. *The Lancet*, 393(10184), 1928–1929. DOI: 10.1016/S0140-6736(19)31089-6

¹² Declaration of the Rights of the Child, "Geneva Declaration of the Rights of the Child of 1924, Adopted Sept. 26, 1924, League of Nations O.J. Spec. Supp. 21, at 43 (1924).," September 26, 1924, Retrieved 07.19.2024, From: <http://hrlibrary.umn.edu/instate/childrights.html>.

¹³ Besson, S. (2007). Enforcing the child's right to know her origins: Contrasting approaches under the Convention on the Rights of the Child and the European Convention on Human Rights. *International Journal of Law, Policy and the Family*, 21(2), 137–159. DOI: 10.1093/lawfam/ebm007

¹⁴ Zhussipbek, G., & Nagayeva, Z. (2022). The need to bridge the gap between research on children's rights and parenting styles: Authoritative/democratic style as an acultural model for the child's well-being. *Social Sciences*, 12(1), 22. DOI: 10.3390/socsci12010022

¹⁵ Garbarino, J. (2017). *Children and families in the social environment: Modern applications of social work*. Routledge.

¹⁶ Langlaude, S. (2007). *The right of the child to religious freedom in international law (Vol. 93)*. Martinus Nijhoff Publishers.

their adoptive parents, but may not know the circumstances of their birth and whose genes they carry. Certain laws aim to strike a proper balance between the child's and biological parents' rights to learn about one another while considering the child's needs and those of the adoptive parents, ensuring that children can be raised in a secure family environment.

The human rights enshrined in the Universal Declaration of Human Rights apply to all people, regardless of age, and therefore children enjoy the same rights as adults. A child is a person to whom both international and national laws and legal acts guarantee natural rights, just like any other person¹⁷. Although the rights of the child are determined by many legal acts, this paper singles out those that directly or indirectly enshrine the child's right to know his biological parents. In the context of the provisions of the ECHR, this right is protected by Article 8. 1 d. established provisions that "everyone has the right to respect for his personal and family life [...]"¹⁸. The UNFCCC is the most comprehensive international convention, Article 7 of which 1 d. it is directly established that "the child [...] from the moment of birth has [...] as far as possible, the right to know his parents and to be under their care". Article 3.161 of the CC of the Republic of Lithuania. 2 d. it is also directly established that "a child has the right to know his parents, if this does not harm his interests or the law does not provide otherwise"¹⁹. Article 9 of the Basic Law on the Protection of Child Rights. 1 d. it is announced that "from the moment of birth, a child has the right to a name, surname, nationality and citizenship, the right to family and other ties related to his individuality and their preservation [...]", and Article 4 of the same law. it is stipulated that [...] when making decisions or taking any actions related to a child, the child's natural right to grow up in a biological family and preserve family ties must be taken into account, if this does not conflict with the child's interests [...]"²⁰. Although the Constitution of the Republic of Lithuania, in contrast to the constitutions of Serbia, Uganda, Namibia, Malawi, Costa Rica and Congo²¹, does not directly provide for a child's right to know his biological parents, but Article 38 of the Constitution of the

¹⁷ Seimas of the Republic of Lithuania, "Universal Declaration of Human Rights" (1948), Retrieved 07.23.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.278385>.

¹⁸ Seimas of the Republic of Lithuania, "European Convention on Human Rights" (1950), Retrieved 07.19.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.19841>.

¹⁹ Seimas of the Republic of Lithuania, "Law No. VIII-1864 on the Approval, Entry into Force, and Implementation of the Civil Code of the Republic of Lithuania." (2000), Retrieved 07.19.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.107687>.

²⁰ Seimas of the Republic of Lithuania, "I-1234 Law on the Fundamentals of Child Rights Protection of the Republic of Lithuania" (1996), Retrieved 07.19.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.26397>.

²¹ Kraljic, Suzana. (2021). "The Right to Know One's Origins in Light of the Legal Regulations of Adoption in Slovenia." Law, Identity & Values 1:99.

Republic of Lithuania. established that [...] the state also protects the family, motherhood, fatherhood and childhood [...], and Art. 18 declares that "human rights and freedoms are natural [...]"²².

The concept of the child's interests is enshrined in Article 3 of the United Nations Convention on the Rights of the Child. 1, which establishes that "in all child-related actions taken by public or private social welfare institutions, courts, administrative institutions or legislative institutions, the interests of the child must be taken into account first"²³. In this article, "all actions affecting the child" include all decisions, actions, offers, services, procedures and other measures, including omissions and omissions²⁴. This term indicates that there are no restrictions on the application of the principle in situations involving children²⁵.

It can be said that in terms of basic human rights, children are clearly rights holders. It is now widely recognized that every child, regardless of age, race, sex, wealth or place of birth, has rights. A child, like any other person, has the right to be treated with respect, a decent life, the right to know his biological parents, and although given that the term "child rights" is not always used correctly, this does not negate the reality that children have inherent rights. The child's right to know his biological origin is one of the natural aspects of the child's right to full and healthy personality development.

2. THE IMPLEMENTATION OF THE CHILDREN'S RIGHT TO KNOW THEIR BIOLOGICAL PARENTS IN THE CONTEXT OF NATIONAL AND INTERNATIONAL LAW AND IDENTIFICATION OF THE MAIN PROBLEMS

The second section analyses the implementation of the children's right to know their biological parents in the context of national and international law and deals with identification of the main problems.

The right to parentage is a fundamental human right, regardless of whether it is primary or secondary, and regardless of the way in which children appear in the family - through natural conception,

²² Constitution of the Republic of Lithuania, "Constitution of the Republic of Lithuania | Prosecutor's Office of the Republic of Lithuania" (1992), Retrieved 07.22.2024, From: <https://www.prokuraturos.lt/lt/teisine-informacija/lietuvos-respublikos-konstitucija/5993>.

²³ United Nations General Assembly, "Convention on the Rights of the Child," November 20, 1989, Retrieved 07.24.2024, From: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²⁴ United Nations General Assembly, "Convention on the Rights of the Child," November 20, 1989, Retrieved 07.24.2024, From: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

²⁵ Bayefsky, A. F. (2017). The principle of equality or non-discrimination in international law. In Equality and non-discrimination under international law (pp. 71–104). Routledge.

assisted reproduction or adoption²⁶. In modern society, the recognition of paternity is quite relevant and often arises. Recognition of paternity is directly controlled by the state, as it is one of the foundations of the child's rights. Establishing paternity in the absence of a dispute is possible through recognition of paternity. A person's voluntary decision to become a father is enshrined in the Law on Paternity Recognition Institute²⁷.

In Lithuania, the legal regulation of biological paternity (maternity) institutes is based on the provisions of the CC of the Republic of Lithuania and the CPC of the Republic of Lithuania. Recognition of paternity is regulated by Articles 3.141-3.145 of the Civil Code of the Republic of Lithuania, determination of paternity by Articles 3.146-3.148 of the Civil Code of the Republic of Lithuania, disputing paternity (maternity) by Articles 3.149-3.153 of the Civil Code of the Republic of Lithuania, which establish the procedure, conditions and foundations of these institutes. Articles 3.141-3.145 of the CC of the Republic of Lithuania. - established procedure, grounds and conditions for recognition of paternity. The determination of paternity is regulated by Articles 3.146-3.148 of the CC of the Republic of Lithuania. The law provides for the conditions under which paternity can be established, i.e. i.e. when the child was born to an unmarried mother and paternity is not recognized. In this case, paternity can only be determined by a court. Paternity can be established when a child was born to a married mother or his origin from the father is confirmed by a declaration of recognition of paternity only after the data on the father is disputed in the birth record²⁸.

The conditions and grounds for disputing paternity (maternity) are established in Articles 3.149-3.153 of the Civil Code of the Republic of Lithuania. The presumption of the correctness of the data in the birth record can be denied only after disputing such data about the child's father or mother in a court of law, therefore, the data in the child's birth record about the child's parents are considered correct until they are challenged in accordance with the law. The institute for disputing paternity (maternity) is not only intended for determining the blood relationship between the child and the father, but when deciding on disputing paternity, it must be ensured that the child is not deprived of the right to have a father²⁹, therefore, when disputing paternity (maternity) Art. 3.150 of the CC of the Republic of Lithuania

²⁶ NeJaime, D. (2020). The constitution of parenthood. *Stan. L. Rev.*, 72, 261.

²⁷ Scott, R. (2024). New reproductive technologies and genetic relatedness. *The Modern Law Review*, 87(2), 280–316. DOI: 10.1111/1468-2230.12714

²⁸ *Ibid.*

²⁹ Supreme Court of Lithuania, “Infolex.Praktika – Search,” 2021, Retrieved 07.21.2024, From: <https://www.infolex.lt/tp/1985584>.

establishes strictly defined grounds for rebuttal. In 1 part of this article, it is stated that "paternity can be disputed when a child was born to married parents or before three hundred days have passed after the end of the marriage, it is only possible to prove that the person cannot be the child's father", and d. 2 of the same article. provides that "contesting the motherhood or paternity recognized by the application for the recognition of paternity is possible only after proving that the child's mother or father is not the biological parent" ³⁰.

When the child's mother has not been identified, for e.g. the child has been found or the health condition of the possibly the child's mother has not been confirmed after giving birth. Also, in the cases when the advisory committee of doctors does not confirm that the woman is the child's mother, data about the child's mother are not indicated in the birth certificate. In cases where there is no information about the mother or the paternity is contested, the paternity can be established by submitting a lawsuit to the court. A woman who considers herself the mother of a child, an adult child, a child's father, a guardian (carer) or a child rights protection institution can file a claim³¹. For a child born abroad, in addition to a document from a health care institution, a document from another competent institution about the birth of the child and its mother can be submitted ³².

Determining the origin of the child from the father is enshrined in Article 3.140 of the Civil Code of the Republic of Lithuania. Whether the woman is married is of great importance in determining the child's origin from the father, because the general principle is that when a married woman gives birth to a child, the woman's spouse is considered the child's father. Even in those cases, if the child was conceived before marriage, or if the child is born no more than three hundred days after the beginning of the separation or the end of the marriage (recognition of marriage as invalid, divorce or death of the spouse), the mother's spouse is recognized as the child's father. In cases where more than three hundred days have passed since the previous marriage or the mother was unmarried, a statement or a court decision recognizes the man's paternity on the recognition of paternity. When a child is born to a divorced mother and three hundred days have not passed since the end of the marriage, the child's mother, her ex-

³⁰ Seimas of the Republic of Lithuania, "Law No. VIII-1864 on the Approval, Entry into Force, and Implementation of the Civil Code of the Republic of Lithuania." (2000), Retrieved 07.19.2024, From:<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.107687>.

³¹ *Ibid.*

³² Government of the Republic of Lithuania, "Regarding the Amendment of the Resolution No. 1400 of the Government of the Republic of Lithuania Dated November 26, 2001, 'On the Approval of the Procedure for Issuing Birth Certificates.'" (2001), Retrieved 07.19.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f6d63461bd5211e6a3e9de0fc8d85cd8>.

spouse or a man who recognizes himself as the father of the child may submit a joint statement to the court requesting. That the man who recognizes himself as such be registered as the child's father³³.

Article 12 of the Assisted Fertilization Law of the Republic of Lithuania. "Origin of a Child Conceived by Assisted Fertilization" is established that "persons who have signed the informed consent of the patient to perform assisted fertilization are considered to be the parents of the child born after assisted fertilization according to the law" ³⁴.

Article 7.1 of the Convention on the Rights of the Child stipulates that "The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents"³⁵.

The first difficulty with this article is that the term "parents" is not defined. Now, more than ever, this term is likely to cover different realities: are they the birth parents, the adoptive parents, the authors of the parental project who have had recourse to medically assisted procreation, the person who has provided his or her gametes, the genitor, the person whose name is written on the birth certificate, the person who is educating the child?

A second difficulty is that Article 7.1 of the Convention only guarantees the child the right to know his or her parents "*as far as possible*". This restriction, too, is subject to differing interpretations. It was added because of the opposition of certain States to the idea of making the child's right to know his or her parents absolute. The expression is obviously ambiguous, since "as far as possible" can be taken to mean both the absence of material or psychological obstacles and the absence of legal obstacles, and the difference is considerable ³⁶.

Three situations can be distinguished:

1. The first situation is where it is impossible, for material reasons, to identify one of the parents (for example, when the mother does not know who the father is, or when the child is abandoned in the street). In such cases, and even though the Convention requires legislation not to discriminate

³³ Civil Code of the Republic of Lithuania. VIII-1864 Civil Code of the Republic of Lithuania (2000). Retrieved 07.9.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.245495>.

³⁴ Assisted Reproduction of the Republic of Lithuania, "Law on Assisted Reproduction of the Republic of Lithuania, No. XII-2608, September 14, 2016, Vilnius" (2016), Retrieved 07.11.2024, From: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/f31c44c27bd711e6a0f68fd135e6f40c>.

³⁵ United Nations General Assembly, "Convention on the Rights of the Child," November 20, 1989, Retrieved 07.24.2024, From: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

³⁶ Saunders, B. J., Lansdell, G., & Frederick, J. (2020). Understanding children's court processes and decisions: Perceptions of children and their families. *Youth Justice*, 20(3), 272–292. DOI: 10.1177/1473225420947940

against such children, there is little that States Parties can do. This is a case where identification is technically impossible.

2. The second situation is where the mother refuses to reveal the father's identity, for reasons of personal convenience or for more serious reasons (extreme cases such as incest or rape). Legally obliging mothers to give the father's name seems exaggerated and, in any case, difficult to put into practice.

3. The third situation is where the state decides that the parent should not be identified. For example, when the legislator limits the adopted child's access to information about his or her genetic parents, when he or she prescribes the anonymity of egg or sperm donations in the field of in vitro fertilization, when he or she imposes a falsification of identity on the birth certificate, for example for a child whose father is not the mother's husband, or when he or she hinders the establishment of a filiation that is nevertheless known, such as an incestuous filiation.

Internationally, the child's right to know their biological parents is supported the UN Convention on the Rights of the Child, which affirms the child's right to know and be raised by their parents when possible, emphasizing the importance of access to parental identity information for the well-being of the child. However, the practical application of these rights is uneven. Birth registries and other official documents may not always accurately reflect the identity of the biological parents, especially when the birth results from assisted reproduction. The anonymity of biological parents may conflict with the child's entitlement to understand their origins, leading to a complicated scenario both legally and ethically. Judicial bodies frequently act as key arbitrators in these delicate matters, reconciling the biological parents' right to privacy with the children's right to understand their own backgrounds. These choices greatly impact children's identities and their capacity to develop significant family bonds.

While the entitlement of children to identify their biological parents is receiving acknowledgment and legal backing, its successful execution is still filled with challenges. The concurrent safeguarding of parental privacy and the essential rights of children necessitates a delicate and thoughtful strategy, considering legal, social, and individual circumstances. The alignment of legislation and improved global collaboration may be crucial to enhance the efficacy of these rights, guaranteeing every child the opportunity to learn about their origins within a context that honors the rights of everyone concerned. As technology continues to improve, biological origins become more and more important. The mutual rights and obligations of the child and his parents are related to the origin of the child from specific persons, i.e. i.e. of his parents, which presupposes that the child's parents are his biological

parents. In general, legislation treats a woman who has given birth as the legal mother, and her husband or partner as the legal father. However, the surrogacy institute complicates the establishment of the child's origin from the mother, because the woman who gave birth to the child may not be his biological (genetic) mother, so problems may arise due to unequal legal regulation in this matter. Mere knowledge of paternity, without legal recognition of the fact of paternity, is not a sufficient basis to establish the rights and duties of the father and the child protected by means provided by law. It is important for a person not only to know his origin, but also to have it legally recognized. When regulating the determination of the child's origin from the mother and father, the state essentially distinguishes the following ways of recognizing paternity: recognition according to the law - based on marriage, medical data, the fact of assisted insemination. Voluntary recognition of paternity as a matter of free will, based on a statement and through a judicial process, both in determining and disputing paternity (maternity), and in pursuit of the implementation of the best interests of the child, creates opportunities for the recognition of not only biological, but also social paternity. This situation partially limits the child's right to know his biological parents.

3. EMPIRICAL RESEARCH: THE PRACTICAL SETTLEMENT OF LEGAL REGULATION OF CHILDREN'S RIGHT TO KNOW THEIR BIOLOGICAL PARENTS

This chapter of the thesis continues the research to analyze the main problems of ensuring the rights of the children to know their biological parents and the possible ways of solving these problems. This chapter conducted an empirical study that helped to identify the practical problems of the implementation of the child's right to know his/her biological parents, faced by different organizations responsible for the protection of the child's rights. Therefore, an empirical study was conducted in this chapter, which helped to identify the practical problems of the implementation of the child's right to know his biological parents, faced by various organizations responsible for the protection of children's rights. For real contribution in the improvement of the laws of children's rights to know their biological parents process, in the second chapter of the thesis, combining the elements of the analysis of national and international laws, the analysis of the qualitative approach of experts was completed. A semi-structured interview method was used for examining the legal regulation problems in the context of national and international law related to the implementation of the Republic of Lithuania and international rights. This qualitative study aimed to identify the children's rights to know their biological parents and at the same

time their origin as accurately as possible, as well as the problems of the implementation of children's rights in Lithuania in the context of private international law.

Empirical research methods and strategies form the foundation of scientific investigation, offering a structured way to explore and comprehend the intricacies of the environment surrounding us. Grounded in the principles of observation, measurement, and evidence-based analysis, empirical research is an essential component of numerous fields, spanning from the natural sciences to social sciences and more. Empirical research fundamentally aims to investigate and clarify phenomena by gathering and analyzing data obtained from actual observations and experiences in the real world. This thorough methodology aims to reveal patterns, connections, and foundational principles, aiding in the creation of knowledge that is both trustworthy and confirmable³⁷.

The purpose of this research is to evaluate the effectiveness of the implementation of the child's right to know his/her biological parents as a natural right of the child, revealing the problematic issues of the practical application of this right in court practice. In accordance with this purpose the method of the research to be used in the study, the study group of the research, the data collection tools of the research, the data collection process of the research and the data analysis are stated in this section. In this research, firstly, written documents on children's right to know their biological parents in the context of international private law were examined. At the same time, a detailed analysis of national and international relations regarding children's right to know their biological parents was carried out in the Republic of Lithuania. Then, face-to-face interviews were conducted through a semi-structured interview form to reveal expert opinions (look appendix No. 1) on children's right to know their biological parents. Depending on the purpose stated above, answers were sought to the following research questions:

1. After analysing the content of the concept of biological parentage and the legal principles of the child's right to know his biological origin, reveal the need for knowledge of biological origin and its influence on the formation of the child's personality and identity.
2. Apart from the general basics of determining the origin of the child, identify aspects of legal regulation of biological parentage (maternity) institutes.

³⁷ Jasti, N. V. K., & Kodali, R. (2014). A literature review of empirical research methodology in lean manufacturing. *International Journal of Operations & Production Management*, 34(8), 1080–1122. DOI: 10.1108/IJOPM-04-2012-0169

3. In the context of national and international law, to examine the legal regulation of the child's right to know his biological parents by naming the cases leading to the limitation or limitation of this right.

After conducting a practical analysis of civil cases, identify problems of practical application related to the implementation of the child's right to know his biological parents.

In the sample group of the research are 4 groups with 5 experts in each group. The Lithuanian representatives of the sample group consists with a group of 20 experts: specialists of State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labor (5 experts); specialists of children's rights protection (5 experts); practicing lawyers related to the protection of children's rights (5 experts); Lithuanian academics related with children's rights protection (5 experts).

The international representatives of the sample group consisted of a group of 20 experts. Accordingly, there were 5 experts of the United Nations Children's Fund (UNICEF), 5 experts of the European Agency for Fundamental Rights (FRA) and 5 experts of the UN Committee on the Rights of the Child (OHCHR). A total of 40 interviewees participated in the study. The data obtained from the semi-structured interview form were analysed in two different ways according to sub-problems and grade levels³⁸. The main purpose of qualitative data analysis is to try to discover and reveal the information hidden in these data, based on the data collected from the field³⁹. In the analysis, descriptive analysis was used while evaluating the data in the structured interview form⁴⁰. The main purpose in descriptive analysis is to interpret the data obtained by taking into consideration predetermined themes. When starting the descriptive analysis, firstly, the data on the interview form was questioned and direct quotations were included.

The research focuses on the children's right to know their biological parents, and the problems and solutions that may arise in this process. In particular, the lack of legal regulations stands out. In recent years, children's demands for getting to know their parents have increased, according to expert opinions. At the beginning of the problems encountered in this process, it is striking that parents want to remain anonymous, do not want to communicate and especially avoid emotional bonds. Again, reluctance of not only parents but also relatives is perceived as an important problem. Parents who are not informed about

³⁸ Burnard, P. (1991). A method of analysing interview transcripts in qualitative research. *Nurse Education Today*, 11(6), 461–466. DOI: 10.1016/0260-6917(91)90009-Y

³⁹ Kallio, H., et al. (2016). Systematic methodological review: Developing a framework for a qualitative semi-structured interview guide. *Journal of Advanced Nursing*, 72(12), 2954–2965. DOI: 10.1111/jan.13031

⁴⁰ Thomas, R. M. (2003). *Blending qualitative and quantitative research methods in theses and dissertations*. Corwin Press.

the process and children who do not fully know their rights also represent an important part of the process. Depending on the developments in technology in recent years, the opinion that the detection of parents and children has become easier. However, according to experts, such progress can cause problems. Finally, while the experts emphasize the inadequacy of the legal basis, they state that the laws should be strengthened and implemented effectively.

Considering the problematic aspects of the legal regulation of children's right to know their biological parents identified in the third chapter of the dissertation, related to violations of the implementation of children's rights, rational solutions to the identified problems are presented in this chapter. For the results of the empirical study to be useful for improving both the national and international legal framework and to maximize practical applicability, the purpose of this chapter is to present rational and as specific as possible proposals to the legislator for the implementation of children's right to know their biological parents.

It can be stated that the right to know their biological parents is allowed or restricted for children born through assisted fertilization, more or less drastically, depending on the laws adopted by each country regulating this institution. The anonymity of gamete donation violates the child's right to identity, which includes his right to know his biological parents, and therefore states' arguments based on the alleged absolute nature of anonymity should be dismissed.

In cases related to surrogacy, when the child is genetically related to only one of the parents, the court considers the possible biological relationship between the child and its intended parents when making decisions. The practice formed by the ECtHR is guided by the principle of the best interests of the child. And it provides that if there is a biological relationship between the child and at least one of the intended parents. In this case, the court recognizes the legal relationship between the intended parents and the child, and the non-recognition of such relationship means the child's right violation to respect his/her private life according to ECHR 8 Art.

Institutions that ensure the protection of children's rights play a particularly important role in helping to ensure the implementation of children's rights, including the child's right to know his biological parents. Only by acting qualitatively, cooperating with each other and prioritizing the rights of the child and the best interests of the child can we help children protect and realize their rights.

The increasing number of divorces and separations, and the growing number of blended families in today's family landscape, have also led to a different approach to redefining the child's ties with his or her parents and stepparents. The norm of substitution has been replaced by that of perpetuating the child's

ties with his or her father and mother, whose equal rights, and duties the law protects as far as possible after the break-up. Alongside the father and mother, the stepparent thus becomes an additional parent, whose place and role are difficult to define, as the law recognizes no such status. Ethnography shows, however, that a variety of ties can be forged within genuine recomposed constellations, woven from several parental homes between which the child circulates. The experience of co-residence and shared childhood sometimes leads, through reciprocal election, to the recognition of a parent-child relationship, to the recognition of a parental relationship between the child and the spouse of his or her father or mother, in addition to the ties the child has with his or her father and mother. Homoparental" families, formed by the recomposing of a homosexual couple after the separation of a heterosexual couple, by adoption or donor insemination, also sometimes unite two couples around a child, including the child's father and mother. In such cases, they borrow many features from recomposed configurations.

APPROBATION OF RESEARCH RESULTS

1. Labanauskas, V.; Perkumienė, D.; Ovčinkovienė, S. (2022). Challenges of legal regulation of rights and obligations between children and their parents in Lithuania /Humanities studies. Zaporozhzhia: Publishing house Helvetica, 2022, nr. 10(87), p. 71 - 79, ISSN 2708-0390, 2708-0404. doi:10.26661/hst-2022-10-87-08. IndexCopernicus. [20.500.12259/156913] [2022] [S4] [ai: 0.471, iai: 0.471, na: 3, nia :1, nip: 1, pai: 0.471, piai: 0.471, al: 0.571].
2. Labanauskas, V.; Perkumienė, D. (2022). Implementation of the legal regulation of social and biological parenthood analysis of problems in court practice. Šiuolaikinės teisės problemos ir iššūkiai tarptautinės teisės kontekste/Tarptautinės mokslinės-praktinės konferencijos pranešimų medžiaga ISBN 978-609-8308-04-4. Kazimiero Simonavičiaus universiteto Teisės ir technologijų institutas, Dariaus ir Girėno g. 21, Vilnius, LT-02189/88- 95.
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List of scientific reports related to the doctoral thesis:

1. Presentation in the international scientific conference “Legal regulation issues of children rights to know their biological parents’ protection” in the Kaunas Forestry and Environmental Engineering University of Applied Science International Scientific Conference “Relevant Issues of Environment Management” in Lithuania, Kaunas, on 7nd and 9rd April, 2024.
2. Presentation in the international scientific conference “Legal regulation problems of children and their parents rights and obligations in Lithuania“Contemporary legal problems and challenges in the context of international law 2024, in Lithuania, Vilnius, January 7.
3. Presentation in the international conference „Adoption institute as a violation of children's right to know their biological parents“ in Istanbul University-Cerrahpasa University International Symposium, 2023, December 5-6.
4. Presentation in the international scientific conference “The Regulation Issues of children rights protection” in Extremadura University International Scientific Conference “Problems and challenges of law in the 21st century” in Spain, Caceres, on 22nd and 23rd November, 2022.
5. Presentation in the international scientific conference “The surrogacy institute as a violation of children's right to know their biological parents”, Morocco, Cady Ayad university on 7nd and 11rd November, 2023.

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CONCLUSIONS AND RECOMMENDATIONS, AS WELL AS THESES PUT FORWARD FOR DEFENCE

Hypothesis Assessment Summary

The research hypothesis, which aimed to prove that the implementation of the absolute right of children to know their biological parents is limited by the legal acts regulating the institutes of adoption, assisted insemination and surrogacy, was confirmed. A detailed analysis of both the theoretical content and the practical application of the right of children to know their biological parents showed that the legal relations between different institutes and the legal regulation mechanism of states are only partially properly defined and regulated in the national legal system. The assurance and implementation of this right of children in both national and international legal norms remains formal and is not effective enough to ensure the right of children to know their biological parents.

Since this doctoral thesis analyzed legal issues of the implementation of the children's right to know their biological parents by studying the case of Lithuania in the perspective of international private law, suggestions and recommendations are provided to Lithuanian legislators to implement the 7th article of the Child's Rights Convention as much as possible, ensuring the child's right to know his biological parents.

In order to answer the goal, objectives and problematic questions raised in the work, the following conclusions were formulated:

I. Conclusions and recommendations regarding general questions on the children right as a natural right to know their biological parents in context of international private law.

1. Conclusion: Biological parentage is understood as the blood (genetic) relationship between parents and children. This connection forms the basis for determining biological parentage. The only exception is adoption, where the same legal parental relationships are established between adoptive

parents and adopted children as in the case of blood kinship, even though no blood relationship exists. Knowledge of a child's genetic origin, including the circumstances of his or her conception and the identity of his or her biological parents, has a significant impact on the formation of his or her identity and personality. This knowledge provides a sense of coherence and self-understanding that is important for personal growth and self-assertion. However, while the right to know one's biological roots is significant, it is not absolute and often faces various ethical, social and legal challenges.

1. Recommendation. Create clear legal norms that guarantee children the right to know their biological origin, regardless of the circumstances of their birth. This could include the disclosure of biomedical information, such as the identity of biological parents, once the child reaches a certain age. In order to realize the child's right to know his or her biological parents, international dialogue and cooperation should be promoted by creating uniform guidelines for the practice of surrogacy and assisted reproduction.

2. Recommendation. It's recommend reforming adoption processes to ensure that adopted children have access to information about their biological origin, where appropriate and safe. This could include mandatory provision of information to adoptive parents about the children's biological history.

2. Conclusion: Genetic connections determine kinship, parental rights and responsibilities are based on the genetic connection between parents and children, and knowledge of genetic origin, which includes the circumstances of the child's conception and knowledge of the biological parents, is necessary for the formation of the child's identity and personality. The state, regulating the determination of the child's origin from the mother and father, basically distinguishes the following ways of recognizing paternity: recognition according to the law; voluntary recognition of paternity, as a matter of free will, based on a statement and through a judicial process, both when establishing and disputing paternity (maternity). Mere knowledge of paternity, without legal recognition of the fact of paternity, is not a sufficient legal basis to create the rights and responsibilities of father and child, which are protected by means provided by law.

1. Recommendation. Implementing educational programs on children's rights, biological origin and parentage to make information more accessible to children about the circumstances that may require sharing this information, as well as developing specialized legal aid and support programs for children and families who may be facing identity issues, ensuring that they receive the necessary information and support.

2. Recommendation. In implementing the rights of children to know their biological parents, an effective institutional system for the protection of children's rights must be ensured, capable of clarifying and resolving all issues related to the implementation of children's rights and international cooperation between these institutions, as well as the exchange of necessary information. In order to ensure the child's right to identity, knowing their biological parents and origin, it is appropriate to introduce legal provisions ensuring that children conceived through surrogacy or assisted fertilization have access to information about their biological origin when they reach the appropriate age. The creation of centralized registers is also recommended: by creating confidential but accessible registers in which biological origin and other relevant data would be recorded, so that children could receive this information at the appropriate time.

3. Conclusion: Due to the progress of medical technology, the incompatibility of the rights of the child and his biological parents, the principle of confidentiality enshrined in law, the anonymity of the donor and surrogate motherhood agreements, loopholes in the legal regulation of the children's right to know their biological parents are increasingly appearing, therefore, in order to implement the child's right to know his biological parents as effectively as possible, states must to ensure that there is no obstacle to the disclosure of the child's background, taking into account the appropriate balance of interests that is most favorable to the child.

1. Recommendation. In order to implement the child's right to know his/her biological parents, Lithuania could consider amending the articles of the Civil Code related to the establishment of paternity. It is proposed to supplement Article 3.147 of the Civil Code of the Republic of Lithuania (CC) with Part 4 "Persons entitled to apply for the establishment of paternity", adding to the article a provision that every child born through assisted reproduction has the right to receive information about his/her biological parents upon reaching the age of 18, and in exceptional cases even earlier. It is also strongly suggested to supplement this article with a new paragraph that would provide guidelines for international cooperation in cross-border assisted reproduction practice. This would allow for unification of rules and promote transparency. This also would strengthen the child's right to identity and understanding of family origin, which is recognized by international human rights instruments (e.g. the United Nations Convention on the Rights of the Child). It would also create clearer legal regulation in situations related to assisted reproduction practices, which are currently not fully regulated in Lithuania.

II. Conclusions and recommendations regarding the implementation of the children's right to know their biological parents in the context of national and international law and identification of the main problems.

1. Conclusion: Legislation regulating surrogacy and assisted fertilization restricts the absolute implementation of the child's right to know his biological parents has been proven because the legal system of many countries, which regulates surrogacy and assisted fertilization institutes, is more focused on protecting the interests of adults than the child, so the circumstances of conception usually remain the prerogative of the parents.

1. Recommendation. In order to address the situation where laws on surrogacy and assisted reproduction prioritize the interests of adults over the child's right to know their biological parents, legislators are advised to balance the rights and legitimate interests of all parties involved, with greater emphasis on the child's right to identity.

2. Conclusion: The children's right to know their biological parents is clearly denied by Article 8 of the ECHR, which constructs the right to respect for private and family life as a possible restriction when it conflicts with the rights and freedoms of other related persons. Children's right to know their biological parents is enshrined in both national and international legal acts, the legal regulation of which at the same time restricts this child's right in cases where the child is left in the Life Box, adopted, born through assisted fertilization or surrogacy. The child's interest in knowing his biological parents is recognized as essential, but the practice of foreign courts, including the ECtHR, shows that it does not have an absolute nature. It may conflict with the interests of other persons: the biological mother, the mother's husband, the biological father, gamete donors, adoptive parents, as well as the surrogate mother, which have more or less importance depending on the individual situation, determining the balance of different interests.

1. Recommendation. In order to precisely legally regulate the protection of the interests of the child, implementing his right to know his biological parents, the proposed Article 3 of the Law on Assisted Fertilization of the Republic of Lithuania. Article 3, Chapter 10 of the Law on Assisted Fertilization of the Republic of Lithuania details the minimum criteria and areas of important reasons, but does not compile an exhaustive list of them, due to which relevant information is provided in the case of assisted fertilization. disclosed to the child. It is conceivable that such a legal regulation would encourage and help a child born through assisted fertilization to apply for the implementation of his right to know his biological parents, and in solving such issues, the factual basis of the court's permission to provide such information would be more clearly regulated. To fill gaps in Lithuanian law in the existing legal framework and enhance the protection of the rights of children and taking into account the Insights of experts conceived via assisted fertilization, it is suggested to revise Article 3 of the Law on Assisted

Fertilization of Lithuania by establishing explicit criteria for when related information may be shared. This would entail creating list of 'significant reasons' for these disclosures, thus fostering a more organized and foreseeable legal environment. This improvement of Article 3 of the Law of Assisted Fertilization would help children grasp their origins and streamline court proceedings by offering judges a better framework for deciding on information disclosure permissions.

3. Conclusion: At the international level, the right of a child to know his or her biological parents is supported by the UN Convention on the Rights of the Child, which emphasizes the right of the child to know and, if possible, to be cared for by his or her parents. This highlights the essential role of access to parental identity information in ensuring the well-being of the child. However, the practical implementation of these rights remains inconsistent. Official records, such as birth registers, do not always accurately reflect biological parentage, especially in cases involving assisted reproduction. The anonymity of biological parents often conflicts with the child's right to understand his or her parentage, creating a complex legal and ethical dilemma. In such cases, judicial authorities often play a key role in balancing the biological parents' right to privacy with the child's right to know their origins. These decisions have a profound impact on the child's sense of identity and their ability to form meaningful family relationships.

1. Recommendation. To address these issues, it is proposed to amend Article 3.143 of the Civil Code of the Republic of Lithuania “Acknowledgement of Paternity Before the Child is Born”. The article should be supplemented with a clear provision on the child’s right to know their biological parents. It is proposed to supplement the text of the law with a new Part 6:

“A child has the inalienable right to know his or her biological origin, including information about his or her biological parents, regardless of the way their paternity was established or not (including in cases of assisted reproduction). This right may be exercised upon the child’s reaching the age of majority, unless otherwise provided by law.” Also adding paragraph 7: “Information about biological parents, if available, must be registered and stored in civil registry offices or other competent institutions. Information about the origin of the child must be available to the child himself or to other persons only in accordance with the procedure established by law. When a child is born through assisted insemination or surrogacy, the biological parents or persons who initiated these processes must provide all information about the biological parents necessary for filling in the records of the child's origin.” And paragraph 8 of Article 3.143, indicating that “The State of Lithuania, in cooperation with the institutions of other states,

seeks to ensure the right of the child to receive information about his or her biological parents when a child is born through assisted insemination or surrogacy abroad."

Amendments to this article would contribute to the implementation of the child's right to identity and knowledge of biological origin, as required by international standards (e.g. the United Nations Convention on the Rights of the Child), and would also create a clearer legal basis for the registration and accessibility of parentage data, taking into account data protection requirements.

III. Conclusions and recommendations regarding practical settlement of legal regulation of children's right to know their biological parents.

1. Conclusion: The increasing acknowledgment of children's right to identify their biological parents is changing legal frameworks globally. This right, crucial for a person's identity, genetic well-being, and personal connections, still presents challenges when incorporated into national and international legal systems. It may clash with the privacy rights of both biological and adoptive parents. Courts, when resolving disputes related to the rights of the child and his biological parents, do not always give priority to the child's right to know his biological parents, it has been proven that priority is given to the child's right to know his biological parents, rather than the rights of the biological parents, only in cases where this does not harm the best interests of the child interests. In cases related to surrogacy, when the child is genetically related to only one of the parents, the court considers the possible biological relationship between the child and its intended parents when making decisions. The practice formed by the ECtHR is guided by the principle of the best interests of the child. And it provides that if there is a biological relationship between the child and at least one of the intended parents. In this case, the court recognizes the legal relationship between the intended parents and the child, and the non-recognition of such relationship means the child's right violation to respect his/her private life according to ECHR 8 Art.

1. Recommendation. At the moment, the surrogacy institute is not legalized in Lithuania, but considering its prevalence in the world and possible development in the future, and taking into account the fact that there have already been proposals to legalize altruistic (unremunerated) surrogacy in Lithuania, it is recommended to clearly regulate the registration of the fact of birth of persons born by surrogacy under precisely defined conditions, which would be focused on the best interests of the child and fully protect the child's right to know his biological parents.

2. Conclusion: The right to know their biological parents is allowed or restricted for children born through assisted fertilization, more or less drastically, depending on the laws adopted by each country regulating this institution. The anonymity of gamete donation violates the child's right to identity, which includes his right to know his biological parents, and therefore states' arguments based on the alleged absolute nature of anonymity should be dismissed. The right of an adopted child to know his biological parents is not absolute and must be balanced with the rights of other persons, such as the right of a woman to give birth anonymously. Although a woman can give birth anonymously in both Italy and France, when comparing cases brought on the same basis, the ECtHR made different decisions. The ECtHR found that Italy, unlike France, failed to strike a balance of interests and therefore crossed the threshold of assessment. The mother's right to anonymity, being irreversible and absolute, prevents the child from demanding information about his biological parents. It should also be noted that courts rarely exercise their authority to unseal adoption records when adoptees request disclosure of information about their biological parents for medical reasons.

1. Recommendation.

3. Conclusion: According to the experts who participated in the semi-structured interview study, the right of children to know their biological parents is declared, but this right is often recognized with certain limitations, determining that it is implemented "to the extent possible" and leaving the possibility for the courts, when making decisions on this matter, to individually determine the limits of the possibility of knowing. Systematized research results revealed that, experts participating in the semi-structured interview study identified basic problems related to a child's right to know their biological parents, such as: lack of information, reluctance to communicate, and biological parents wanting to keep their identities hidden cause a bottleneck in solving the problem. After systematizing and summarizing the results of the semi-structured interview with experts, it became clear that, according to the experts, in order to ensure the child's rights to know their biological parents, improvements to the currently valid legal regulation are necessary, for example, it is appropriate to make additions to the Civil Code of Lithuania and the Law on Assisted Fertilization of the Republic of Lithuania.

1. Recommendation. Recommendation. In order to implement the children's right to know their biological parents as optimally as possible, it is proposed to clarify Article 3.221 of the CC of the Republic of Lithuania without determining the age of a specific child seeking to receive information about adoption, and wording it as follows: "every child, regardless of his age, as well as former close

relatives of the child by origin or other persons, may be given information about adoption, if this information is required for the health of the child, his close relative or other persons or for other important reasons". This modification would guarantee that the delivery of information is managed with the required adaptability to cater to distinct personal situations, thus improving the child's entitlement to personal health and family awareness without creating unwarranted obstacles. To solve the problem raised by the experts during the study regarding the lack of information about biological parents, it is recommended to develop a centralized registry or database that securely stores information about biological parentage, accessible to children upon reaching a certain age or under specific circumstances.

4. Conclusion: In this thesis was raised the question of whose rights are more important: the children's right to know their biological parents, or the biological parents' right to remain anonymous. Based on the insights of scientific research laws and the experts who participated in the interview, we cannot approach this issue unambiguously, since both the right of children to know their biological parents and the right of biological parents to remain anonymous have strong legal foundations and ethical implications. The right of a child to know their origins is associated with the formation of the child's identity, their psychological well-being and the possibility of obtaining medical information that may be important for their health and quality of life. Meanwhile, the right of biological parents to anonymity is based on the protection of their private interests, voluntary choice and the possibility of avoiding social, emotional or legal complications.

1. Recommendation. To implement the right of a child to know his or her origin, amendments to the Law on the Health System of the Republic of Lithuania are proposed, Chapter III "Health data processing by electronic means" is proposed to be supplemented with a new article, indicating that "In the case of assisted insemination and surrogacy, the medical data of the biological parents that may be of significance to the health of the child must be entered into a protected data register. These data are accessible to the adult child, in accordance with data protection requirements." The right of a person to anonymity in the process of assisted insemination or surrogacy may be limited only to the extent necessary to protect the child's right to know his or her origin".

2. Recommendation. It is proposed to add in Article 12 th. of the Law on Assisted Fertilization "Origin of a Child Conceived by Assisted Fertilization" the following text: "When using donor genetic material in the assisted fertilization process, donors may request anonymity but must agree to provide basic medical information (e.g., history of hereditary diseases), which will be stored and accessible to the adult child. Donor anonymity may be revoked if the child, having reached the age of majority,

requests disclosure of information about the biological parents and this does not conflict with the legal interests of the donors, which shall be assessed by the court."

3. Recommendation.

Proposed amendments or additions to the Law on the Fundamentals of the Protection of the Rights of the Child of the Republic of Lithuania: to supplement Article 7. „The right of the child to have parents “. The current wording of this article "Every child has the inherent right to have a father and a mother" is proposed to include a new point: "The child has the right to know his or her biological parents and origin. This right may be restricted only in cases established by law, when this is necessary for the protection of the interests of the child".

4. Recommendation. Amendments or additions to Article 9 of the Law on the Framework for the Protection of the Rights of the Child of the Republic of Lithuania "The right of the child to identity and its preservation" are also proposed: supplementing the aforementioned article with the provisions that "The child has the right to receive information about his or her biological parents and origin, including genetic, medical and social information. This right may be restricted only in cases established by law, when a legitimate purpose is necessary - for example, in order to protect the interests of the child or another person".

The proposed amendments and additions to the law would more clearly define in which cases and by what procedure a child can obtain information about his or her biological parents. It would create greater legal possibilities that would help ensure that state institutions cannot ignore or restrict this right without a legal basis. Amendments to the law would also help ensure that the biological father or mother's desire to remain anonymous does not infringe on the child's right to know their origin, except in cases where this would be contrary to the child's interests (e.g. if the information could cause emotional harm). For example, in the case of artificial insemination, donor anonymity would be regulated in such a way that the child could receive at least basic information about their origin (genetic, medical).