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Both at home and abroad, the issues of assisted human reproduction and adoption have been the source of controversy in recent times. While the debates they have prompted have many facets, there is one thread connecting them that, to my mind, has not received any attention: children's identity rights. When a child is adopted or is born by means of assisted human reproduction, a layer of complexity is added to the child's personal identity. In coming to terms with this complexity, either as a child or an adult, an individual can be confronted with a basic obstacle, namely the inability to access certain information regarding his or her biological parents.

This can be a source of considerable pain and anguish for the people involved; it also raises significant questions regarding Ireland's compliance with its international human rights obligations. As the Government considers legislation to fill the current gap regarding access to information in the context of adoption and also filiation arising from assisted human reproduction, it is essential that children's identity rights frame the debate.

The fact that identity is of such vital interest to us all is reflected in the protection afforded to it by international human rights standards, most notably the UN Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR).

Article 7 of the UNCRC provides that every child has a right to know and be cared for by his or her parents, as far as possible. Article 8 further requires that States respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognised by law.

The United Nations Committee on the Rights of the Child has frequently indicated its concerns about children's access to information regarding their birth and origins. States have been criticised by the Committee for underpinning laws relating to adoption and assisted human reproduction with a presumption against disclosure of birth information, or for putting in place blanket prohibitions on the release of such information. For example, when

the Committee examined the UK's compliance with the Convention in 2002, it expressed concern about children born out of wedlock, adopted children, or children born in the context of assisted human reproduction did not have the right to know the identity of their biological parents. The Committee recommended that the UK take all necessary measures to allow all children, irrespective of the circumstances of their birth, to obtain such information to the extent possible. It is noteworthy that the UK subsequently amended the statutory framework governing assisted human reproduction to give greater protection to donor-conceived individuals' right to access information regarding their birth and origins.

Identity rights are also protected by the European Convention on Human Rights. The European Court of Human Rights has held that under Article 8 of the ECHR – which guarantees the right to private and family life - individuals have a vital interest, protected by the Convention, in receiving the information necessary to know and to understand their childhood and early development. Matters of relevance to one's identity and development for the purposes of Article 8 of the Convention include the identity of one's parents. The Court has also held that birth, and in particular the circumstances in which a child is born, forms part of a child's and subsequently the adult's private life guaranteed by the Convention. While recognising that such a right exists under Article 8 of the ECHR, the Court has also stressed that it is not absolute and must be balanced against the rights of other parties, where appropriate.

In the context of adoption, I recommended in 2009 that our laws include a general presumption in favour of disclosing information to adopted people regarding their birth and adoption. Based on the same principles, I believe that Ireland should adopt a maximal approach to providing information to donor-conceived people regarding their birth and origins. There is an international trend, supported clearly by the UN Convention on the Rights of the Child, against allowing anonymous donations in the context of assisted human reproduction; donor-conceived people should have a right to know the identity of their biological parents. This should be a guiding principle for the Oireachtas when the legislation regarding this issue comes before it.

Ireland has lagged behind many of its neighbours on the question of identity rights. We must end the disregard for those rights. Although it manifests in very different contexts, the basic principle underpinning identity rights transcends those particular situations. Fundamentally, providing in law for a person's right to information regarding his or her birth and origins is about endorsing the idea that it should not in general be acceptable to deny individuals access to information about who they are and where they come from.