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The Child's Right to Identity and Assisted Human Reproduction

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Abstract

Encompassed in the child's right to identity is the right of the child to access information regarding his or her genetic identity. This paper considers whether current New Zealand legislation compromises this right as the law provides for a number of limitations governing if, when, and what type of information may be accessed. In particular, this paper considers the legitimacy of such limitations as they allow for differential treatment as between various groups of New Zealand children due to the fact that the current legislation, which seeks to regularise the relationship between the adults and children concerned, provides no means of signaling to donorconceived children that they are not genetically related to either one or both of their birth parents. Moreover, where such children become aware that their genetic parentage may be different to their birth parentage, access to information regarding their genetic parents is also subject to limitations.