

# Let children know their genetic origins, say child law experts

By **TANIA BROUGHTON**

● Under South African law, donor-conceived children do not have the right to be informed of their donor conception.

Nor does the law recognise the right of donor-conceived children to be informed of the identity of their gamete donor in circumstances where they have discovered the fact of donor conception (through deliberate or inadvertent disclosure).

Rani Pillay, a bioethicist and child law specialist with a research interest in the right of donor-conceived children to know their genetic origins, believes it is time for this to change.

"The right to know one's genetic heritage is important from a medical perspective for the purpose of gaining insight into one's vital medical history. It is also important from an identity perspective for the purpose of developing and establishing one's personal narrative or inner story that defines the meaning of one's life.

"The South African position runs counter to legal developments in parts of Europe and

Australia over the past three decades where the trend has been to promote the child's right to know their biological origins rather than uphold the anonymity of the donor genetic parent."

In SA, donor-conceived children should be granted a legislated right to information concerning their donor genetic parent upon reaching the age of 18 or when they are "sufficiently mature", Pillay said.

"Most fertility clinics do not keep detailed identifying information of gamete donors, since the latter have a right to anonymity in relation to the commissioning parents and the subsequently born child."

Professor Ann Skelton, director of the Centre for Child Law at the University of Pretoria, said the "diblings" story was "fascinating".

She said: "It is, in a sense, a case that has been waiting to happen. The current law, set out in section 41 of the Children's Act, is that



**Rani Pillay**

children can access medical information about donors but not the identity [of the donor].

"The Centre for Child Law would be interested in such a case because we have an interest in children being able to know their origins."

In a recent legal opinion, Centre for Child Law deputy director Karabo Ozah said the withholding of donor information

was harmful to the best interests of children. "Knowing one's genetic origins is essential to human wellbeing. People have the right to the truth about their origins and children who are aware that they are donor-conceived suffer psychologically when they are denied information about their origins and identity," she said.

She said adopted children had rights to information and yet donor-conceived children were not granted similar rights.

"There is significant evidence of a trend towards openness and allowing the child to know their origin," she said.