Twitter Thread by Dr Laura Cahillane

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On the issue of access to information for adopted persons #knowyouridentity, there are others who have more expertise in this than me but since I didn't get time to make all the points I would have liked to on @morningireland earlier, here are some thoughts (Thread ■■)

The previous AG advised that it would be unconst to provide an unlimited right to access info in leg - reasons were not given but we can presume this opinion is based on the result in the IOT vB case, which is a misreading of that case, while privacy was prioritised in that case

The SC indicated that this was an issue which should properly be dealt with by the Oir, which is entitled to conduct a balancing exercise and decide that one right should prevail over the other. The only prob would be if one set of rights was completely disregarded

Also, the weight of law and legal opinion is on the side of the right to know your identity, a CoA judgmnt last feb identified a right right to have your identity correctly recognised by the State and that was said to encompass a right to have a birth certificate and a passport.

The ECHR has recognised identity rights in respect of a variety of adoption information context & under EU law a person's name is their personal data to which they have a right & personal data can lawfully be restricted only if there is clear legislation that allows for it

Which essentially means that the current situation where adopted people are being denied access to their own records is unconstitutional, contrary to the ECHR and contrary to EU Law.

It is also inconsistent since under the child and family relationships Act a child born through sperm donation has a legislative right to know there identity – yet this is still being denied to adoptive persons – this is arbitrary, unjust and discriminatory.

A referendum is not needed on this - @adoptionrights has a bill, drafted by @cmcgettrick @maeveorourke @maireadenright and @JamesGallen which properly addresses all these things and is ready to go

The Oireachtas knows all this already - people like @ConorUCCLaw and @ferguswryan contributed at pre-legislative stage in 2016 and laid all of this before the Justice Committee - handing it off to a citizens assembly etc would only cause further delay and hurt

Hopefully the new AG will review all of this and will agree with all of the legal experts who have written about and advocated for this. It is not as complicated as may first appear.
Oireachtas members - please engage with @clann_project and others and just legislate for this!