

SUBMISSIONS BY SHEILA O' BYRNE TO THE JOINT COMMITTEE OF BIRTH & TRACING

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I, Sheila O' Byrne a mother and survivor of St Patrick's mothers & Baby Home, Navan Road, Dublin 7, wish to make the following respectful submissions regarding the upcoming Birth and Tracing Bill to be discussed shortly in the Houses of the Oireachtas.

Everybody in this State of Ireland has a right enshrined in law to his or her identity and this has been proven in the High Court in the case of Kelly-V-The National Maternity Hospital.

Every person should have access to their birth records even if they are adopted. It is a serious infringement of a persons human rights to deny them the knowledge of their medical records from birth that would give their medical advisers an insight to medical information on any past family medical history that would be of great assistance to doctors and consultants in a time of a medical emergency.

These medical records would not have to reveal any identity of the parents, but past family medical history of mother and child at time of birth could very easily be revealed. Also a long version of a birth certificate should be obtainable.

Regarding Tracing it is of no use to make these matters available if the correct and proper staff are not put in place. Staff who are experienced and would know how to deal with such requests and arrange meetings in private if need be.

Regarding a situation where the mother of a child has deceased there is no longer confidentiality in that case. That confidentiality that existed between Hospital, Doctor and Patient expired on the death of the mother. And in fact the child is now the patient.

This confidentiality claim was ruled on in the High Court by admission in the case of Kelly-V-The National Maternity Hospital. Case law on that case is freely available. This case came before the High Court when the applicant concerned had five dates of birth.

These are my very respectful submissions and i look forward to the opportunity to appear before the committee at the Oireachtas and to tender further submissions that will assist.

Yours sincerely.



Sheila O' Byrne.