



MARK SIMMONDS, M.P.
Member of Parliament for Boston and Skegness

Mr D Gollancz and Mr T Ellis
International Donor Offspring Alliance
3B Lonsdale Place
London
N1 1EL

HOUSE OF COMMONS
LONDON, SW1A 0AA

20th June 2008

Dear Mr Gollancz and Mr Ellis,

Thank you for your letter, dated 28th May, regarding the Human Fertilisation and Embryology Bill. As you may be aware, I will be leading for the Conservative Party on this piece of legislation.

I note your comments regarding the possibility of donor conception being identified on a child's birth certificate. I agree with your view that a child should know their genetic heritage and the state should not collude in deceiving individuals over this information. It is important that children are aware of the biological parentage; research demonstrates that an increasing numbers of illnesses and diseases have been found to be linked to genetic conditions, and a person's sense of identity is bound up in knowledge of their heritage. A birth certificate that is inaccurate falsifies this personal history, and could leave people at risk of a consanguineous relationship.

As you may know, the Joint Parliamentary Committee's report on this Bill suggested that the Government should consider legislating to require that the fact of donor conception should be noted on the birth certificate. However, critics have objected to this, claiming that it is an invasion of the child's privacy, and could result in parents misleading Birth Registrars by failing to declare accurate information.

During the Committee Stage of the Bill I tabled an amendment to the Human Fertilisation and Embryology Bill which would result in the production of two birth certificates for donor conceived children; a detailed or 'long' certificate to include the fact of donor conception and an abridged or 'short' certificate that does not. This would enable a child to be aware of their biological background, whilst using the 'short' certificate for passport applications and other legal requirements, where they might not want to reveal the fact of their donor conception.

There is currently an anomaly whereby an unmarried couple, who may have only known each other a short time and are treated with donated sperm are both recorded on the birth certificate as parents, whereas a same sex couple in a civil partnership are not both listed as parents and the woman who does not give birth would have to adopt the child in order to have any legal claim. The Bill would change this, to allow same sex couples in a civil partnership to be treated in the same way as heterosexual couples. However, by the very nature of two female's names appearing on their birth certificate the child will be aware of their donor conception, and to do this would draw a distinction between two types of donor conceived people - those who are donor conceived for whom the information is made public (as two women cannot be the biological parents) and those for whom the information is not shown on their birth certificate.



There is conflicting legal opinion on this matter. There are questions about how the human rights of the child and the right to health safeguards in the United Nations convention on the rights of the child will be met if a child is brought up without the requisite knowledge to avoid particular health consequences.

The fulcrum of the debate is whether the birth certificate should be primarily a biological or a social record and the welfare of the child should be paramount in the consideration of these issues. I am keen to find a solution which both informs a child of their true genetic origin whilst protecting their privacy and allowing their parents to choose the best method and time to inform the child of their origins.

During the Committee Stage of the Human Fertilisation and Embryology Bill the Government committed to a review of this area, and I await this with interest. It is vital there is a genuine, detailed and thorough consultation with all those affected by the issue. There is a chance that birth certificates could be discussed further on the floor of the House during the report stage of the Bill, and I will bear your correspondence in mind during this discussion. I have no doubt that this topic will be debated carefully and thoroughly during the passage of this Bill, and I can assure you that nothing will be put into law until it has faced considerable scrutiny.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mark Simmonds'.

Mark Simmonds MP
Shadow Minister for Health