LouvainX: Louv2.01x International Human Rights

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Consider the case of *Odièvre v. France*, decided by the European Court of Human Rights in 2003. The judgment provides a good illustration of the tendency of human rights courts, where rights happen to collide, to defer to the assessment made by States (or, in domestic settings, by the Legislature or the Executive), and to allow them a broad "margin of appreciation". In this case, Ms Odièvre, the applicant, had been abandoned as a child and given for adoption. Later in life, she sought to obtain information about the circumstances of her birth and the identity of her biological parents. Her alleged right to obtain that information entered in conflict, however, with the right of the biological mother to remain anonymous -- a right that may be important to respect in order to protect the health of the mother by allowing her to give birth in appropriate medical conditions rather than in clandestinity. Read the excerpts of the judgment and the dissenting opinions (/c4x/LouvainX/Louv2.01x/asset/_Materials__Duty_to_Protect_and_conflicting_rights_-_Odievre__Final_.pdf) appended to the judgment, and ask yourself whether the Court could have done better to reconcile the conflicting rights at stake here.

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