

<i>Acknowledgments</i>	<i>xi</i>
<i>List of Abbreviations and Acronyms</i>	<i>xiii</i>
<i>Introduction</i>	<i>xv</i>

Chapter 1: Using International Human Rights Framework to

Study Bioethics	1
A. International Human Rights and Bioethics: An Inextricable Connection.....	1
B. Medical Cultures.....	2
1. Historical Context	2
2. The Principlism Approach and Its Critique	3
C. Children, Bioethics, and Medical Culture	7
1. Children, Body, and Culture	8
2. Children's Bioethics.....	10
D. Children's Bioethics and the Question of Agency.....	16
1. Children and Social Agency	16
2. Children, Citizenship, and Participation	18
3. Children's Agency and Bioethics	19
E. Conclusion.....	22

Chapter 2: Children's Bioethics in the Convention on the Rights

of the Child: Historical Overview of the Drafting Process	25
A. Drafting the Children's Convention	27
B. The Innovative Creed of the Children's Convention	29
C. Drafting Children's Bioethics into the Children's Convention.....	33
1. Scope of the Study	33
2. Difficulties with the Process of Categorization	33
D. Categories of Biomedical Practices	36
1. Informed Consent	36
a. Respect for Children's Views on Medical Treatment	36
b. Informed Consent, Medical Treatment, and Experimentation	38
2. Harmful Traditional Practices.....	41
a. Female Circumcision.....	42
b. Experimentation, Scientific Developments, and Genetic Manipulation.....	45
c. Medicalization, Drugs, and Children	47
E. Who Won, Who Lost?.....	49
1. Children's Bioethics in View of the Children's Convention's Holistic Approach	52
2. Children's Bioethics in View of the Children's Convention's Innovative Creed: Children's Development, Agency, and Right to Identity	55
a. Right to Life, Survival, and Development	56
b. Children's Agency	56
c. The Child's Right to Identity	57
3. Children's Bioethics in View of the Children's Committee's Jurisprudence	59
4. Other International Instruments Addressing Children's Bioethics	62
F. Conclusion.....	65

Chapter 3: Traditional Bodily Practices: Case Studies

A. Case Selection	67
B. Traditional Body Practices: Background and Context.....	70
1. Male Circumcision	70
2. Tribal Marks	75
a. Tattooing.....	76
b. Scarification.....	77
3. Milk Teeth Extraction	79

4. Neck Elongation: The Case of the “Padaung Girls”	85
C. Conclusion.....	89
Chapter 4: Children’s Bioethics and the Framework of Analysis	91
A. Theoretical Framework of Human Rights.....	94
1. Group Rights and Human Rights	94
2. Group Rights and Children	99
B. Bodily Practices and Cultural Conflicts.....	105
1. Cultural Bodily Encounters on the National Level.....	105
2- Evaluating Cultural Bodily Practices on the International Level	110
a. The Majority/Minority Rule on the International Level: An Acceptable Analogy?.....	110
b. International Cross-Cultural Evaluation, Bodily Practices, and Imperialism	111
C. Conclusion.....	116
Chapter 5: Biomedical Practices and the Child: Rights in Question.....	119
A. Abuse and Neglect	120
B. Torture, Cruel, Inhuman, and Degrading Treatment.....	127
C. Freedom from Violence	131
D. Freedom of Thought, Conscience, and Religion	134
1. Children’s Religious Freedom as an Autonomous Right	136
2. Children’s Views of Religion	139
E. Informed Consent.....	140
1. Doctrine of Informed Consent—Historical Context.....	140
2. Children’s Religio-Cultural Bodily Practices and Informed Consent.....	144
F. Conclusion	149
Chapter 6: Rights Discourse, Children, and Bioethics	153
A. Culture, Cultural Rights, and Cultural Identity.....	154
B. Biomedical Practices as Cultural Rights.....	158
C. Children as Bearers of (Biomedical) Cultural Rights.....	163
1. Do Children Have Rights?	165
2. The Relational Approach/Ethic of Care.....	169
a. The Relational Approach and Children’s Bioethics.....	172
b. Arguments against the Relational Approach	176
D. Children’s Cultural Identity.....	177
1. The Child’s Right to Identity under the Children’s Convention.....	181
2. The Children’s Committee Analysis	182
3. Children as a Minority Group.....	186
E. Children’s Bioethics in Practice	187
1. State Responsibilities to “Respect, Protect, and Fulfill”	188
2. State Responsibilities and the Child’s Right to Biomedical Identity: A Dual Model	189
F. Conclusion	195
Chapter 7: Broadening the Lens: Genetic Manipulation	197
A. Genetic Manipulations.....	198
B. Why Disability-Related Practices?	199
C. Genetic Selection of Children’s Characteristics: A Part of Parental Reproductive Freedom?.....	202
D. Scientific Progress and Children	207
1. Status of the Fetus under International Law	208
E. The Child’s “Right to a Sound Mind and Body”	211
1. Are Genetic Interventions for Disability-Related Reasons Medically Justified?	213
2. “Disabled Identity”?	215
3. Purposeful Parental Selection for and against Disability —	

A Valid Comparison?.....	220
F. Conclusion.....	224
Chapter 8: Conclusion	227
A. Considerations under the Physical Path	233
B. Considerations under the Identity Path.....	237
C. Resolution of Biomedical Conflicts.....	240
1. Majority's Biomedical Practices.....	241
2. Minority's Biomedical Practices	242
3. Mixed Minority/Majority Biomedical Practices.....	246
4. Genetic Manipulation, Disability, and Deafness by Choice.....	247
D. Children's Bioethics: A Reevaluation	249
<i>Bibliography</i>	251
Court Cases.....	251
International Documents.....	251
Sources	257
<i>Index</i>	281