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Article 5 of the UN Convention on the Rights of the Child: parental guidance and the evolving capacities of the child

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References

1 PRIMARY SOURCES

1.1 International law instruments

- Geneva Declaration of the Rights of the Child, adopted 26 September 1924, League of Nations.
- Statute of the International Court of Justice, 26 June 1945, 993 U.S.T.S. 25.
- United Nations Universal Declaration of Human Rights, 10 December 1948, UNGA Resolution 217A.
- Declaration of the Rights of the Child, UNGA Resolution 1386(XIV) of 20 November 1959.
- Vienna Convention on the Law of Treaties, adopted 23 May 1969, entered into force 27 January 1980, 1155 U.N.T.S. 33.
- United Nations International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966, entered into force 3 January 1976, 993 U.N.T.S. 3.
- United Nations International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, 999 U.N.T.S. 171.
- Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, UNGA Resolution 36/55, A/36/684 (1981).
- United Nations Convention on the Rights of the Child, adopted 20 November 1989, entered into force 2 September 1990, 1577 U.N.T.S. 3.
- Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, entered into force 14 April 2014, adopted by UN General Assembly Resolution, A/RES/66/138, 19 December 2011.
- UN Convention on the Rights of Persons with Disabilities, adopted 13 December 2006, entered into force 3 May 2008, 2015 U.N.T.S. 3.
- American Declaration of the Rights and Duties of Man, adopted by the Ninth International Conference of American States, Bogotá Colombia, 1948, Inter-American Commission on Human Rights.

1.2 International materials

- UN Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004, CCPR/C/21/Rev.1/Add.13.
- UN Human Rights Committee, General Comment No. 6 (The right to life), 30 April 1982, HRI/GEN/Rev.7.

- UN Committee on Economic, Social and Cultural Rights, General Comment No. 13, 'The right to education (article 13 of the Covenant)', 8 December 1999, E/C.12/1999/10.
- UN Committee on the Elimination of Discrimination against Women, General recommendation No. 25: Article 4, paragraph 1, of the Convention (temporary special measures), thirtieth session, 2004.
- UN General Assembly, International Year of the Child, UNGA Resolution 31/169, adopted on 21 December 1976.
- United Nations General Assembly, Resolution 64/142. Guidelines for the Alternative Care of Children, 24 February 2010, A/RES/64/142.

1.3 Research ethics codes and guidelines

1.3.1 International instruments

- Council for International Organizations of Medical Sciences (CIOMS) in collaboration with the World Health Organization (WHO), *International Ethical Guidelines for Health-related Research Involving Humans* (2016), Geneva: Switzerland.
- Council of Europe, Additional Protocol to the Convention on Human Rights and Biomedicine, Concerning Biomedical Research (ETS No. 195), adopted 25 January 2005, entered into force on 1 September 2007. Accessed at: <https://rm.coe.int/168008371a#:~:text=Parties%20to%20this%20Protocol%20shall,in%20the%20field%20of%20biomedicine> (27 October 2021)
- Council of Europe, Convention on Human Rights and Biomedicine (Oviedo Convention), entered into force on 1 December 2009. Accessed at: <https://www.coe.int/en/web/bioethics/oviedo-convention> (27 October 2021)
- Declaration on Bioethics and Human Rights, *UNESCO*, adopted by acclamation at the 33rd session of the General Conference of UNESCO, 19 October 2005. Accessed at: <https://en.unesco.org/themes/ethics-science-and-technology/bioethics-and-human-rights> (27 October 2021)
- European Parliament, Regulation (EU) No 536/2014 on clinical trials on medicinal products for human use, *European Parliament and of the Council*, 16 April 2014. Accessed at: https://ec.europa.eu/health/sites/default/files/files/eudralex/vol-1/reg_2014_536/reg_2014_536_en.pdf (27 October 2021)
- International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), 'Integrated Addendum to ICH E6(R2): Guidelines for Good Clinical Practice E6(R2), Current Step 4 Version, 9 November 2016. Accessed at: https://database.ich.org/sites/default/files/E6_R2_Addendum.pdf (27 October 2021)
- International Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human Use (ICH), 'Guidelines for Clinical Investigation of Medicinal Products in the Pediatric Population E11(R1)', 1 August 2017 (ICH-GCP E11(R1)). Accessed at: https://database.ich.org/sites/default/files/E11_R1_Addendum.pdf (27 October 2021)

- National Commission for the Protection of Human Subjects and Biomedical And Behavioural Research, *Belmont Report*, Office of the Secretary, Department of Health, Education and Welfare (Baltimore: United States of America, 1979).
- Nuremberg Code, *United States of America v Karl Brandt et al.*, 21 November 1946-20 August 1947.
- World Medical Association, *Draft Code of Ethics on Human Experimentation* (1962) 2(5312) *British Medical Journal* 1119.
- World Medical Association, *Declaration of Helsinki* (1964), adopted by the 18th World Medical Assembly, Helsinki, Finland.
- World Medical Association, *Declaration of Helsinki* (1975), revised by the 29th World Medical Assembly, Tokyo, Japan.
- World Medical Association, *Declaration of Helsinki* (1983) revised by the 35th World Medical Assembly, Venice, Italy.
- World Medical Association, *Declaration of Helsinki* (1989), revised by the 41st World Medical Assembly, Hong Kong.
- World Medical Association, *Declaration of Helsinki* (1996), revised by the 48th General Assembly, Somerset West, Republic of South Africa.
- World Medical Association, *Declaration of Helsinki* (2000), revised by the 52nd WMA General Assembly, Edinburgh, Scotland.
- World Medical Association, *Declaration of Helsinki* (2004), revised by the 55th WMA General Assembly, Tokyo, Japan.
- World Medical Association, *Declaration of Helsinki* (2008), revised by the 59th WMA General Assembly, Seoul, Korea.
- World Medical Association, *Declaration of Helsinki* (2013), revised by the 64th WMA General Assembly, Fortaleza, Brazil.

1.3.2 National instruments

- National Research Council of Thailand, *National Policy and Guidelines for Human Research 2015* (Bangkok: National Library of Thailand, 2015) 1-112.
- Forum for Ethics Review Committees in Thailand, *Ethical Guidelines for Pediatric Research* (Bangkok: FERCIT, 2015). Accessed at: <http://www.fercit.org/index.php>

1.4 UN Working Group Session Reports on the drafting on the CRC

- United Nations Commission on Human Rights, Report of the Working Group, (1981) E/CN.4/L.1575.
- United Nations Commission on Human Rights, Report of the Working Group to the Commission on Human Rights, (1984) E/CN.4/1983/62.
- United Nations Commission on Human Rights, Report of the Working Group on a draft convention on the rights of the child, (1987) E/CN.4/1987/25.
- United Nations High Commission on Human Rights, Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II), 12 August 1987, E/CN.4/Sub.2/1987/NGO/5.
- United Nations Commission on Human Rights, Report of the Working Group on a draft convention on the rights of the child, (1988) E/CN.4/1988/28.

- United Nations Commission on Human Rights, Report of the Working Group on a draft convention on the rights of the child, (1989) E/CN.4/1989/48.
- Office of the United Nations High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child*, Volume I and Volume II (Geneva: OHCHR, 2007).

1.5 CRC Committee – General Comments

- CRC Committee, General Comment No. 1 (2001) Article 29(1): The Aims of Education, 17 April 2001, CRC/GC/2001/1.
- CRC Committee, General Comment No. 2 (2002) The role of independent national human rights institutions in the promotion and protection of the rights of the child, 15 November 2002, CRC/GC/2002/2.
- CRC Committee, General Comment No. 3 (2003) HIV/AIDS and the rights of the child, 17 March 2003, CRC/GC/2993/3.
- CRC Committee, General Comment No. 4 (2003) Adolescent health and development in the context of the Convention on the Rights of the Child, 1 July 2003, CRC/GC/2003/4.
- CRC Committee, General Comment No. 5 (2003), General measures of implementation of the Convention on the Rights of the Child, 27 November 2003, CRC/GC/2003/5.
- CRC Committee, General Comment No. 6 (2005) Treatment of unaccompanied and separated children outside their country of origin, 1 September 2005, CRC/GC/2005/6.
- CRC Committee, General Comment No. 7 (2005) Implementing child rights in early childhood, 20 September 2006, CRC/C/GC/7/Rev.1.
- CRC Committee, General Comment No. 8 (2006), The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19, 28, para 2; and 27 inter alia), 2 March 2007, CRC/C/GC/8*.
- CRC Committee, General Comment No. 9 (2006), The rights of children with disabilities, 27 February 2007, CRC/C/GC/9.
- CRC Committee, General Comment No. 10 (2007) Children's rights in juvenile justice, 25 April 2007, CRC/C/GC/10.
- CRC Committee, General Comment No. 11 (2009) Indigenous children and their rights under the Convention, 12 February 2009, CRC/C/GC/11.
- CRC Committee, General Comment No. 12, the right of the child to be heard (2009), 20 July 2009, CRC/C/GC/12.
- CRC Committee, General Comment No. 13 (2011) The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13.
- CRC Committee, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para 1), 29 May 2013, CRC/C/GC/14.
- CRC Committee, General Comment No. 15(2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), 17 April 2013, CRC/C/GC/15.

- CRC Committee, General Comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, 17 April 2013, CRC/C/GC/16.
- CRC Committee, General Comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), 17 April 2013, CRCC/GC/17.
- CRC Committee / UN CEDAW Committee, Joint General Recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices, 14 November 2014, CEDAW/C/GC/31 – CRC/C/GC/18.
- CRC Committee, General Comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4), 20 July 2016, CRC/C/GC/19.
- CRC Committee, General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, 6 December 2016, CRC/C/GC/20.
- CRC Committee, General Comment No. 21 (2017) on children in street situations, 21 June 2017, CRC/C/GC/21.
- Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, CMW/C/GC/3-CRC/C/GC/22*.
- Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return*, 16 November 2017, CMW/C/GC/4-CRC/C/GC/23.
- CRC Committee, General Comment No. 24 (2019) on children's rights in the child justice system, 18 September 2019, CRC/C/GC/24*.
- CRC Committee, General Comment No. 25 (2021) on children's rights in relation to the digital environment, 2 March 2021, CRC/C/GC/25.

1.6 CRC Committee – Concluding Observations

- CRC Committee, Concluding Observations: Albania, 31 March 2005, CRC/C/15/Add.249.
- CRC Committee, Concluding Observations: Argentina, 21 June 2010, CRC/C/ARG/CO/3-4.
- CRC Committee, Concluding Observations: Benin, 25 February 2016, CRC/C/BEN/CO/3-5.
- CRC Committee, Concluding Observations: Benin, 20 October 2006, CRC/C/BEN/CO/2.
- CRC Committee, Concluding Observations: Bhutan, 8 October 2008, CRC/C/BTN/CO/2.
- CRC Committee, Concluding Observations: Bosnia and Herzegovina, 5 December 2019, CRC/C/BIH/CO/5-6.

- CRC Committee, Concluding Observations: Burundi, 16 October 2000, CRC/C/15/Add.133.
- CRC Committee, Concluding Observations: Comoros, 23 October 2000, CRC/C/15/Add.141.
- CRC Committee, Concluding Observations: Congo, 20 October 2006, CRC/C/COG/CO/1.
- CRC Committee, Concluding Observations: Cook Islands, CRC/C/COK/CO/2-5.
- CRC Committee, Concluding Observations: Côte d'Ivoire, 9 July 2001, CRC/C/15/Add.155.
- CRC Committee, Concluding Observations: Côte d'Ivoire, 31 May 2019, CRC/C/CIV/CO/2.
- CRC Committee, Concluding Observations: Cyprus, 2 July 2003, CRC/C/15/Add.205.
- CRC Committee, Concluding Observations: Denmark, 10 July 2001, CRC/C/15/Add. 151.
- CRC Committee, Concluding Observations: Democratic People's Republic of Korea, 24 June 1998, CRC/C/15/Add.88.
- CRC Committee, Concluding Observations: Eritrea, 23 June 2008, CRC/C/ERI/CO/3.
- CRC Committee, Concluding Observations: Eritrea, 2 July 2003, CRC/C/15/Add.204.
- CRC Committee, Concluding Observations: Ecuador, 26 October 2017, CRC/C/ECU/CO/5-6.
- CRC Committee, Concluding Observations: Georgia, 27 October 2003, CRC/C/15/Add.222.
- CRC Committee, Concluding Observations: Ghana, 9 June 2015, CRC/C/GHA/CO/3-5.
- CRC Committee, Concluding Observations: Guinea, 13 June 2002, CRC/C/15/Add.177.
- CRC Committee, Concluding Observations: Guinea-Bissau, 8 July 2013, CRC/C/GNB/CO/2-4.
- CRC Committee, Concluding Observations: Guyana, 26 February 2004, CRC/C/15/Add. 224.
- CRC Committee, Concluding Observations: Holy See, 27 November 1995, CRC/C/15/Add.46.
- CRC Committee, Concluding Observations: Honduras, 3 May 2007, CRC/C/HND/CO/3.
- CRC Committee, Concluding Observations: Ireland, 1 March 2016, CRC/C/IRL/CO/3-4.
- CRC Committee, Concluding Observations: Italy, 28 February 2019, CRC/C/ITA/CO/5-6.
- CRC Committee, Concluding Observations: Islamic Republic of Iran, 31 March 2005, CRC/C/15/Add.254.
- CRC Committee, Concluding Observations: Kenya, 7 November 2001, CRC/C/15/Add.160.
- CRC Committee, Concluding Observations: Kiribati, 29 September 2006, CRC/C/KIR/CO/129.

- CRC Committee, Concluding Observations: Lesotho, 21 February 2001, CRC/C/15/Add.147.
- CRC Committee, Concluding Observations: Lithuania, 17 March 2006, CRC/C/LTU/CO/2.
- CRC Committee, Concluding Observations: Luxembourg, 24 June 1998, CRC/C/15/Add.92.
- CRC Committee, Concluding Observations: Madagascar, 27 October 2003, CRC/C/15/Add.218.
- CRC Committee, Concluding Observations: Malawi, 27 March 2009, CRC/C/MWI/CO/2.
- CRC Committee, Concluding Observations: Malaysia, 25 June 2007, CRC/C/MYS/CO/1.
- CRC Committee, Concluding Observations: Mali, 3 May 2007, CRC/C/MLI/CO/2.
- CRC Committee, Concluding Observations: Marshall Islands, 26 October 2000, CRC/C/15/Add.139.
- CRC Committee, Concluding Observations: Mauritania, 17 June 2009, CRC/C/MRT/CO/2.
- CRC Committee, Concluding Observations: Mexico, 8 June 2006, CRC/C/MEX/CO/3.
- CRC Committee, Concluding Observations: Micronesia (Federated States of), 3 April 2020, CRC/C/FSM/CO/2.
- CRC Committee, Concluding Observations: Monaco, 9 July 2001, CRC/C/15/Add.158.
- CRC Committee, Concluding Observations: Nepal, 21 September 2005, CRC/C/15/Add.261.
- CRC Committee, Concluding Observations: New Zealand, 27 October 2003, CRC/C/15/Add.216.
- CRC Committee, Concluding Observations: New Zealand, 21 October 2016, CRC/C/NZL/CO/5.
- CRC Committee, Concluding Observations: Nicaragua, 24 August 1999, CRC/C/15/Add.108.
- CRC Committee, Concluding Observations: Nigeria, 13 April 2005, CRC/C/15/Add.257.
- CRC Committee, Concluding Observations: Niue, 26 June 2013, CRC/C/NIU/CO/1.
- CRC Committee, Concluding Observations: Oman, 29 September 2006, CRC/C/OMN/CO/2.
- CRC Committee, Concluding Observations: Palau, 21 February 2001, CRC/C/15/Add.149.
- CRC Committee, Concluding Observations: Pakistan, 27 October 2003, CRC/C/15/Add.217.
- CRC Committee, Concluding Observations: Republic of Serbia: Initial Report, 20 June 2008, CRC/C/SRB/CO/1.
- CRC Committee, Concluding Observations: Romania, 13 July 2017, CRC/C/ROU/CO/5.

- CRC Committee, Concluding Observations: Romania, 18 March 2003, CRC/C/15/Add.199.
- CRC Committee, Concluding Observations: Sao Tome and Principe, 29 October 2013, CRC/C/STP/CO/204.
- CRC Committee, Concluding Observations: Saint Lucia, 21 September 2005, CRC/C/15/Add.258.
- CRC Committee, Concluding Observations: Samoa, 16 October 2006, CRC/C/WSM/CO/1.
- CRC Committee, Concluding Observations: Sierra Leone, 24 February 2000, CRC/C/15/Add.116.
- CRC Committee, Concluding Observations: Senegal, 20 October 2006, CRC/C/SEN/CO/2.
- CRC Committee, Concluding Observations: Solomon Islands, 2 July 2003, CRC/C/15/Add.208.
- CRC Committee, Concluding Observations: Sri Lanka, 19 October 2010, CRC/C/LKA/CO/3-4.
- CRC Committee, Concluding Observations: Sudan, 9 October 2002, CRC/C/15/Add.190.
- CRC Committee, Concluding Observations: Suriname, 28 June 2000, CRC/C/15/Add.130.
- CRC Committee, Concluding Observations: Swaziland, 16 October 2006, CRC/C/SWZ/CO/1.
- CRC Committee, Concluding Observations: Tanzania, 3 March 2015, CRC/C/TZA/CO/3-5.
- CRC Committee, Concluding Observations: The former Yugoslav Republic of Macedonia, 23 June 2010, CRC/C/MKD/CO/2.
- CRC Committee, Concluding Observations: Timor Leste, 14 February 2008, CRC/C/TLS/CO/1.
- CRC Committee, Concluding Observations: Togo, 31 March, 2005, CRC/C/15/Add.255.
- CRC Committee, Concluding Observations: Tuvalu, 31 March 2020, CRC/C/TUV/CO/2-5.
- CRC Committee, Concluding Observations: Tuvalu, 30 October 2013, CRC/C/TUV/CO/1.
- CRC Committee, Concluding Observations: Uganda, 23 November 2005, CRC/C/UGA/CO/2.
- CRC Committee, Concluding Observations: Ukraine, 9 October 2002, CRC/C/15/Add.191.
- CRC Committee, Concluding Observations: United Kingdom of Great Britain and Northern Ireland – Overseas Territories, 16 October 2000, CRC/C/15/Add.135.
- CRC Committee, Concluding Observations: Uzbekistan, 10 July 2013, CRC/C/UZB/CO/3-4.
- CRC Committee, Concluding Observations: Vanuatu 29 September 2017, CRC/C/VUT/CO/2.
- CRC Committee, Concluding Observations: Zambia, 2 July 2003, CRC/C/15/Add.206.

7 CRC Committee – Days of General Discussion

- CRC Committee, Role of the Family in the Promotion of the Rights of the Child, excerpt from Report of the Seventh Session, 10 October 1994, CRC/C/24.
- CRC Committee, General discussion on the role of the family in the promotion of the rights of the child, CRC/C/34.
- CRC Committee, Day of General Discussion on the Right of the Child to be Heard, 29 September 2006, 43rd Session, 11 – 29 September 2006.
- CRC Committee, Day of General Discussion: Violence against children within the family and in school, 28 September 2001, CRC/C/111.
- CRC Committee, Day of General Discussion: the Rights of Indigenous Children, Recommendations, 3 October 2003.
- CRC Committee, Day of General Discussion: Implementing child rights in early childhood, 22 September 2004, CRC/C/SR.979.
- CRC Committee, Summary Record (Partial) of the 979th Meeting, Day of General Discussion, Implementing child rights in early childhood, 22 September 2004, CRC/C/SR.979.
- CRC Committee, 43rd session, Day of General Discussion on the Right of the Child to be Heard, 29 September 2006.
- CRC Committee, Day of General Discussion: Children Without Parental Care, 17 March 2006, CRC/C/153.
- CRC Committee, Report and Recommendations of the Day of General Discussion on Children of Incarcerated Parents, 30 September 2011.
- CRC Committee, Report of the 2014 Day of General Discussion – Digital media and children’s rights, 12 September 2014.
- CRC Committee, Report of the 2016 Day of General Discussion: Children’s Rights and the Environment, 2016.

1.8 CRC Committee – Complaints under Optional Protocol 3

- CRC Committee, *L.H.L. and A.H.L. v Spain*, Communication No. 13/2017, CRC/C/81/D/13/2017, 17 June 2019.
- CRC Committee, *X, Y and Z v Finland*, Communication No. 6/2016, CRC/C/81/D/2016, 15 May 2019.
- CRC Committee, *J.J., O.L., A.J. and A.S. vs Finland*, Communication No. 87/2019, CRC/C/85/D/87/2019, 11 November 2020.
- CRC Committee, *Y.F., F.F., T.F. and E.F. vs Panama*, Communication No. 48/2018, CRC/C/83/D/48/2018, 28 February 2020.
- CRC Committee, *C.R. vs Paraguay*, Communication No. 20/2017, CRC/C/83/D/30/2017, 12 March 2020.

1.9 CRC Committee – Other materials

- CRC Committee, Rules of Procedure, 18 March 2015, CRC/C/Rev.4.
- CRC Committee, Twentieth anniversary of the Convention on the Rights of the Child: Dignity, Development and Dialogue, Outline of 20th Anniversary Event, 1 September 2009.
- CRC Committee and the Office of the High Commissioner for Human Rights, 20th Anniversary Adoption of the Convention on the Rights of the Child: Draft recommendations as submitted by thematic Working Groups, 8-9 October 2009.
- CRC Committee, 10th Anniversary Commemorative Meeting, (30 September-1 October 1999), CRC/C/87, Annex IV.
- CRC Committee (1996), General guidelines regarding the form and contents of periodic reports to be submitted by States Parties under Article 44, paragraph 1(b), of the Convention, adopted by the Committee at its 343rd meeting (thirteenth session) on 11 October 1996, CRC/C/58.
- CRC Committee (2005), Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1(b), of the Convention on the Rights of the Child, CRC/C/58/Rev. 1.
- CRC Committee (2010), CRC Treaty Specific Reporting Guidelines, Harmonised According to the Common Core Document, CRC/C/58/Rev. 2.
- CRC Committee (2015), Treaty-specific guidelines regarding the form and content of periodic reports to be submitted by States parties under article 44, paragraph 1(b), of the Convention on the Rights of the Child, CRC/C/58/Rev. 3. Accessed at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/5&Lang=en and https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/58/REV.3&Lang=en

2 JURISPRUDENCE

2.1 International case law

- *United States of America v Karl Brandt et al.*, 21 November 1946-20 August 1947, judgement reprinted in G. Annas and M. Grodin (eds) *The Nazi Doctors and the Nuremberg Code* (New York: Oxford University Press, 1992) 61-144.
- Inter-American Court of Human Rights, *Velásquez-Rodríguez v Honduras*, 29 July 1988, Series C No. 1, para 166.
- *Marckx v Belgium* (Plenary), No. 6844/74 (ECHR, June 1979).

2.2 National case law

- *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 2 WLR 480.

2.3 National legislation

- *Thailand Civil and Commercial Code* 2468 B.E. (1925)
- *Thailand Mental Health Act* B.E. 2551 (2008).
- *Thailand Child Protection Act* B.E. 2546 (2003) (Unofficial Translation). Accessed at: http://web.krisdika.go.th/data/outsitedata/outsite21/file/CHILD_PROTECTION_ACT_B.E._2546.pdf

3 SECONDARY SOURCES

3.1 Books

- Alderson, P., and Montgomery, J., *Health Care Choices: Making decisions with children* (London: Institute for Public Policy Research, 1996).
- Alderson, P., *Children's Consent to Surgery* (Buckingham: Open University Press, 1993).
- Alderson, P., *Choosing for Children: Parents' Consent to Surgery* (Oxford: Oxford University Press, 1990).
- Alston, P., Parker, S., and Seymour, J. (eds) *Children, Rights and the Law* (Oxford: Clarendon Press, 1992).
- Alston P., and Tobin J., with the assistance of Darrow, M., *Laying the Foundations for Children's Rights: An Independent Study of some Key Legal and Institutional Aspects of the Impact of the Convention on the Rights of the Child* (Florence: Innocenti UNICEF, 2005).
- Andreassen, B.A., Sano, H., and McInerney-Lankford, S. (eds) *Research Methods in Human Rights: A Handbook* (Cheltenham: Edward Elgar Publishing, 2017).
- Annas, G.J., and Grodin, M.A. (eds) *The Nazi Doctors and the Nuremberg Code: Human Rights in Human Experimentation* (New York: Oxford University Press, 1992).
- Archard, D., *Children Rights and Childhood*, 2nd edition (Abingdon: Taylor and Francis Group, 2004).
- Bainham, A., Day Sclater, S., and Richards, M. (eds) *What is a Parent? A Socio-Legal Analysis* (Oxford: Hart Publishing, 1999).
- Daly, A., *Autonomy and the Court: Beyond the Right to Be Heard* (Stockholm: Brill, 2017).
- Detrick, S., *A Commentary on the United Nations Convention on the Rights of the Child* (The Hague: Martinus Nijhoff Publishers, 1999).
- Faden R., and Beauchamp, T. with King, N., *A History and Theory of Informed Consent* (Oxford: Oxford University Press, 1986).
- Farson, R., *Birthrights* (New York: Penguin Books, 1978).
- Fenton-Glynn, C., *Children and the European Court of Human Rights* (Oxford: Oxford University Press, 2021).
- Fortin, J., *Children's Rights and the Developing Law* (Hampshire: LexisNexis Butterworths, 2003).
- Freeman, M., *The Rights and Wrongs of Children* (Dover, New Hampshire: Frances Pinter, 1983).
- Freeman, M., *A Magna Carta for Children? Rethinking Children's Rights' Hamlyn Lectures* (Cambridge: Cambridge University Press, 2020).
- Gardiner, R., *Treaty Interpretation*, 2nd ed (Oxford: Oxford University Press, 2015).

- Gaylin W., and Macklin R., (eds) *Who Speaks for the Child: The Problems of Proxy Consent* (New York: Hastings Center, 1982).
- Grodin M.A., and Glantz, L.H. (eds) *Children as Research Subjects: Science, Ethics and Law* (New York: Oxford University Press, 1994).
- Guggenheim, M., *What's Wrong With Children's Rights* (Boston: Harvard University Press, 2005).
- Herring, J., *Caring and the Law* (Oxford: Hart Publishing, 2013).
- Jonsen, A., *A Short History of Medical Ethics* (Oxford: Oxford University Press, 1999).
- Kilkelly, U., and Liefwaard, T. (eds) *International Human Rights of Children* (Singapore: Springer, 2018).
- Kilkelly, U., Lundy, L., and Byrne, B. (eds) *Incorporating the UN Convention on the Rights of the Child into National Law* (Cambridge: Intersentia, 2021).
- Lansdown, G., *The Evolving Capacities of the Child* (Florence: UNICEF Innocenti, 2005).
- Lavrysen, L., *Human rights in a positive state: rethinking the relationship between positive and negative obligations under the European Convention on Human Rights* (Cambridge: Intersentia, 2016).
- Peleg, N., *The Child's Right to Development* (Cambridge: Cambridge University Press, 2019).
- Ramsey, P., *The Patient as person* (New Haven: Yale University Press, 1970).
- Sloan, B., and Fenton-Glynn, C. (eds) *Parental Guidance, State Responsibility and Evolving Capacities: Article 5 of the United Nations Convention on the Rights of the Child* (Leiden: Brill Nijhoff, 2021).
- Tobin, J., *The UN Convention on the Rights of the Child: A Commentary* (Oxford: Oxford University Press, 2019).
- Van Bueren, G., *The International Law on the Rights of the Child* (Dordrecht: Martinus Nijhoff Publishers, 1995).
- Veerman, P., *The Rights of the Child and the Changing Image of Childhood* (Hague: Martinus Nijhoff Publishers, 1992).

3.2 Book Chapters

- Abramson, B., 'Article 2. The Right of Non-Discrimination', in A. Alen, J. Vande Lanotte, E. Verhellen, F. Ang, E. Berghmans, and M. Verheyde (eds), *A Commentary on the United Nations Convention on the Rights of the Child* (Leiden: Martinus Nijhoff Publishers, 2008).
- Alderson, P., 'Children's Consent and "Assent" to Healthcare Research' in M. Freeman (ed) *Law and Childhood Studies* (Oxford: Oxford University Press 2012) 175-189.
- Andreassen, B.A., Sano, H., and McInerney-Lankford, S., 'Human rights research method' in B.A. Andreassen, H. Sano & S. McInerney-Lankford (eds) *Research Methods in Human Rights: A Handbook* (Cheltenham: Edward Elgar Publishing Ltd, 2017) 1-13.
- Bainham, A., 'Parentage, Parenthood and Parental Responsibility: Subtle, Elusive Yet Important Distinctions' in A. Bainham, S. Day Sclater and M. Richards (eds) *What is a Parent? A Socio-Legal Analysis* (Oxford: Hart Publishing, 1999) 25-46.

- Bennett Woodhouse, B., 'The Child's Right to Family' in J. Todres and S. M. King (eds) *The Oxford Handbook of Children's Rights Law* (Oxford: Oxford University Press, 2020) 237-252.
- Besson S., and Kleber, E., 'Article 2: The Right to Non-Discrimination' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child: a Commentary* (Oxford University Press 2019) 21-40.
- Brems, E., Desmet, E., and Vanenhole, W., 'Children's rights law and human rights law: analysing present and possible future interactions' in E. Brems, E. Desmet and W. Vanderhole (eds) *Children's Rights Law in the Global Human Rights Landscape* (London: Routledge, Taylor and Francis, 2017).
- Brighouse, H., 'What Rights (If Any) Do Children Have?' in D. Archard and C.M. Macleod (eds) *The Moral and Political Status of Children* (Oxford: Oxford University Press, 2003).
- Brownlie, I., 'The Protection of Individuals and Groups: Human Rights and Self-Determination' in *Principles of Public International Law*, 7th ed., (Oxford: Oxford University Press, 2008) 553-586.
- Cantwell, N. and Holzscheiter, A., 'Article 20: Children Deprived of Their Family Environment' in A. Alen, J. Vande Lanotte, E. Verhellen, F. Ang, E. Berghmans, M. Verheyde and B. Abramson (eds) *A Commentary on the United Nations Convention on the Rights of the Child* (Leiden: Martinus Nijhoff, 2008).
- Daly, A., 'Chapter 3: The "Liberal Ideal": Autonomy Capacity and the Adult/Child Divide' in *Autonomy and the Courts: Beyond the Right to Be Heard* (Leiden: Brill Nijhoff, 2017) 115-191.
- Cantwell, N., 'Words that Speak Volumes: A short history of the drafting of the CRC' in J. Connors, J. Zermatten, and A. Panayotidis (eds) *18 Candles: The Convention on the Rights of the Child Reaches Majority* (Geneva: Institut international des droits de l'enfant (IDE), 2007) 21-29.
- Doek, J., 'The CRC General Principles' in *18 Candles: The Convention on the Rights of the Child Reaches Majority* (Geneva: Institut international des droits de l'enfant, 2007) 31-42.
- Doek, J., 'The Human Rights of Children: An Introduction' in U. Kilkelly and T. Liefwaard (eds) *International Human Rights of Children* (Singapore: Springer Nature, 2018) 3-30.
- Eekelaar, J., 'The Importance of Thinking that Children have Rights' in Philip Alston, Stephen Parker and John Seymour (eds) *Children, Rights and the Law* (Clarendon Press: Oxford, 1992) 221-235.
- Gaylin, W., 'Competence: No Longer All or None' in W. Gaylin and R. Macklin (eds) *Who Speaks for the Child: The Problems of Proxy Consent*, (New York: Hastings Center 1982) 27-56.
- Griffin, J., 'Do Children Have Rights?' in D. Archard and C.M. Macleod (eds) *The Moral and Political Status of Children* (Oxford: Oxford University Press, 2003).
- Herlofson, K., and Hagestad, G.O., 'Transformations in the role of grandparents across welfare states' in S. Arber and V. Timonen (eds) *Contemporary grandparenting: Changing family relationships in global contexts* (Bristol: Policy Press Scholarship, 2012) 27-49.
- Kamchedzera, G., 'Article 5: The Child's Right to Appropriate Direction and Guidance' in A. Alen, J. Vande Lanotte, E. Verhellen, F. Ang, E. Berghmans, M. Ver-

- heyde and B. Abramson (eds) *A Commentary on the United Nations Convention on the Rights of the Child* (Martinus Nijhoff Publishers, 2012).
- Katz, J., 'The Consent Principle of the Nuremberg Code: Its Significance Then and Now' in G. Annas and M. Grodin (eds) *The Nazi Doctors and the Nuremberg Code* (New York: Oxford University Press, 1992) 227-239.
- Knodel J., and Teerawichitchainan, B., 'Grandparenting in developing South East Asia: comparative perspectives from Myanmar, Thailand and Vietnam' in V. Timonen (ed), *Grandparenting Practices around the World* (Bristol: Policy Press Scholarship, 2018) 65-88.
- Lederer, S. and Grodin, A., 'Historic Overview: Pediatric Experimentation' in M. Grodin and L. Glantz (eds) *Children as Research Subjects: Science, Ethics & Law* (Oxford: Oxford University Press, 1994) 3-28.
- Lederer, S., 'Chapter 49: The Ethics of Experimenting on Human Subjects' in R. B. Baker and L. B. McCullough (eds), *The Cambridge World History of Medical Ethics* (Cambridge: Cambridge University Press, 2009).
- Lundy, L., Tobin, J., and Parkes, A., 'Article 12: The Right to Respect for the Views of the Child' in John Tobin and Philip Alston (eds) *The UN Convention on the Rights of the Child: a Commentary* (Oxford University Press 2019) 397-434.
- McInerney-Lankford, S., 'Legal methodologies and human rights research: challenges and opportunities' in B.A. Andreassen, H. Sano & S. McInerney-Lankford (eds) *Research Methods in Human Rights: A Handbook* (Cheltenham: Edward Elgar Publishing Ltd, 2017) 39-67.
- McLean, S., 'Medical Experimentation with Children' in P. Alston, S. Parker and J. Seymour, *Children, Rights and the Law* (Oxford: Clarendon Paperback, 1992) 173-191.
- Peleg, N., 'International Children's Rights Law: General Principles' in T. Liefaard and U. Kilkelly (eds) *International Human Rights of Children* (Singapore: Springer Nature, 2018) 135-158.
- Neill, A., 'Freedom Works' in Paul Adams *et al* (eds) *Children's Rights* (London: Elek Books, 1971).
- Perley, S., Fluss, S., Bankowski, Z., and Simon, F., 'The Nuremberg Code: An International Overview' in G. Annas and M. Grodin (eds) *The Nazi Doctors and the Nuremberg Code* (New York: Oxford University Press, 1992) 149-171.
- Ruggiero, R., Volonakis D., and Hanson, K., 'The inclusion of "third parties": the status of parenthood in the Convention on the Rights of the Child' in E. Brems, E. Desmet and W. Vanderhole (eds) *Children's Rights Law in the Global Human Rights Landscape* (London: Routledge, Taylor and Francis, 2017).
- Scheinin, M., 'The art and science of interpretation in human rights law' in B.A. Andreassen, H. Sano and S. McInerney-Lankford (eds) *Research Methods in Human Rights: A Handbook* (Cheltenham: Edward Elgar Publishing Ltd, 2017) 17-37.
- Sloan, B., 'Chapter 10: Article 5 of the Convention on the Rights of the Child and the Involvement of Fathers in Adoption Proceedings: A Comparative Analysis' in B. Sloan and C. Fenton-Glynn (eds) *Parental Guidance, State Responsibility and Evolving Capacities: Article 5 of the United Nations Convention on the Rights of the Child* (Leiden: Brill Nijhoff, 2021) 257-278.
- Timonen, V., 'Introduction: widening the lens on grandparenting' in V. Timonen, (ed) *Grandparenting Practices around the World* (Bristol: Policy Press Scholarship, 2018) 1-20.

- Tobin, J., 'Chapter 4: Fixed Concepts but Changing Conceptions: Understanding the Relationship Between Children and Parents under the CRC' in M.D. Ruck, M. Peterson-Badali, and M. Freeman (eds) *Handbook of Children's Rights: Global and Multidisciplinary Perspectives* (London: Routledge Taylor & Francis Group, 2017).
- Tobin, J., 'Understanding a Human Rights Based Approach to Matters Involving Children: Conceptual Foundation and Strategic Considerations' in A. Invernizzi and J. William (eds) *Human Rights of Children: From Visions to Implementation* (London: Routledge Ashgate, 2011).
- Tobin, J., 'Introduction: The Foundation for Children's Rights' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child: A Commentary* (Oxford: Oxford University Press, 2019) 1-20.
- Tobin, J., 'Article 20: Special Protection for Children Deprived of Their Family Environment' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child : A Commentary* (Oxford University Press: Oxford, 2019) 725-758.
- Tobin, J., 'Article 36: Protection against All Other Forms of Exploitation' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child: A Commentary* (Oxford: Oxford University Press, 2019) 1402-1419.
- Tobin, J., and Seow, F., 'Article 7: The Rights to Birth Registration, a Name, Nationality and to Know and Be Cared for by Parents' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child : A Commentary* (Oxford: Oxford University Press, 2019) 237-280.
- Tobin J., and Varadan, S., 'Article 5: The Right to Parental Direction and Guidance Consistent with a Child's Evolving Capacities' in J. Tobin and P. Alston (eds), *The UN Convention on the Rights of the Child: a Commentary* (Oxford: Oxford University Press, 2019) 159-185.

3.3 Peer-reviewed Articles

- Alderson, P., 'Giving Children's Views "Due Weight" in Medical Law' (2018) 26(3) *International Journal of Children's Rights* 16-37.
- Alderson, P., Hawthorne, J., Killen, M., 'The Participation Rights of Premature Babies' (2005) 13 *International Journal of Children's Rights* 31-50.
- Alderson, P., Sutcliffe, K., and Curtis, K., 'Children's Competence to Consent to Medical Treatment' (2006) 36(6) *Hastings Center Report* 25-34.
- Alston, P., 'The Best Interests Principle: Towards a Reconciliation of Culture and Human Rights' (1994) 8 *International Journal of Law, Policy and the Family* 1-25.
- Alston, P., 'The Legal Framework of the Convention on the Rights of the Child' (1992) 91/2 *United Nations Bulletin of Human Rights: The Rights of the Child* 1-15.
- Archard, D., 'Do parents own their children?' (1993) 1 *International Journal of Children's Rights* 293-301.
- Baines, P., 'Assent for children's participation in research is incoherent and wrong' (2011) 96 *Arch Dis Child*, 960-962.
- Barsh, R.L., 'The Draft Convention on the Rights of the Child: A Case of Eurocentricism in Standard-Setting' (1989) 58 *Nordic Journal of International Law* 24-34.
- Bartholome, A., 'Parents, Children, and the Moral Benefits of Research' (1976) *Hastings Center Report* 44-45.

- Beecher, H., 'Ethics and Clinical Research' (1966) 274(2) *The New England Journal of Medicine* 1354-1360.
- Beecher, H., 'Experimentation in Man' (1959) 159 *JAMA* 461-478.
- Bwakura-Dangarembizi, M., Musesengwa, R., Nathoo, K.J., Takaldza, P., Mhute, T., and Vhembo, T., 'Ethical and legal constraints to children's participation in research in Zimbabwe: experiences from the multicenter pediatric HIV ARROW trial' (2012) 13(17) *BMC Medical Ethics* 1-5.
- Cantwell, N., 'Conventionally Theirs: An Overview of the Origins, Content and Significance of the Convention on the Rights of the Child' (1992) 56(4) *Social Education* 208-210.
- Cheah P.Y., and Parker, M., 'Consent and assent in paediatric research in low-income settings' (2014) 15(22) *BMC Medical Ethics* 1-10.
- Colom, M., and Rohloff, P., 'Cultural considerations for informed consent in paediatric research in low/middle-income countries: a scoping review' (2018) 2 *BMJ Paediatrics Open* 1-14.
- Coomans, F., Grünfeld, F., and Kamminga, M., 'Methods of Human Rights Research: A Primer' (2010) 32(1) *Human Rights Quarterly* 179-186.
- Daly, A., 'Assessing Children's Capacity: Reconceptualising our Understanding through the UN Convention on the Rights of the Child' (2020) 28 *International Journal of Children's Rights* 471-499.
- De Pretto-Lazarova, A., Brancati-Badarau, D.O., and Burri, C., 'Informed consent approaches for clinical trial participation of infants with minor parents in sub-Saharan Africa: A systemic review' (2020) 15(8) *PLOS One* 1-23.
- Diekema, D., 'Taking Children Seriously: What's so Important about Assent?' (2003) 3(4) *American Journal of Bioethics* 25-26.
- Doek, J., 'What Does the Children's Convention Require' (2006) 20 *Emory International Review* 199.
- Eekelaar, J., 'The Emergence of Children's Rights,' (1986) 6(2) *Oxford Journal of Legal Studies* 161-182.
- Eekelaar, J., 'The Interests of the Child and the Child's Wishes: The Role of Dynamic Self-Determinism' (1994) 8 *International Journal of Law and the Family* 42-61.
- Eekelaar, J., 'The Emergence of Children's Rights' (1986) 6 *Oxford Journal of Legal Studies* 161-182.
- Emanuel, E., Wendler, D., and Grady, C., 'What Makes Clinical Research Ethical?' (2000) 283(30) *JAMA* 2701-2711.
- Emanuel, E., Wendler, D., Killen, J., and Grady, C., 'What Makes Clinical Research in Developing Countries Ethical? The Benchmarks of Ethical Research' (2004) 189 *Journal of Infectious Diseases* 930-937.
- Fenton-Glynn, C., and Sloan, B., 'Editorial' (2020) 28 *International Journal of Children's Rights* 439-445.
- Fisher, C., 'A Goodness-of-Fit Ethic for Child Assent to Nonbeneficial Research' (2003) 3(4) *American Journal of Bioethics* 27-28.
- Freeman, M., 'Rethinking Gillick,' (2005) 13(1-2) *International Journal of Children's Rights* 201-218.
- Freeman, M.D.A., 'Why It Remains Important to Take Children's Rights Seriously' (2007) 15(1) *International Journal of Children's Rights* 5-23.

- Freeman, M.D.A., 'Taking Children's Rights More Seriously' 1992 6(1) *International Journal of Law and the Family* 52-71.
- Goodman, D., 'Analysis of the First Session of the Committee on the Rights of the Child,' (1995) 1 *Netherlands Quarterly for Human Rights* 43-62.
- Hafen, B., and Hafen J., 'Abandoning Children to their Autonomy: The United Nations Convention on the Rights of the Child' (1996) 37 *Harv. Int'l L. J.* 449-492.
- Hanson, K. and Lundy, L., 'Does Exactly What it Says on the Tin? A Critical Analysis and Alternative Conceptualisation of the So-called "General Principles" of the Convention on the Rights of the Child' (2017) 25(2) *The International Journal of Children's Rights* 285-306.
- Hein, I., De Vries, M., Troost, P., Meynen, G., Van Goudoever, J.B, and Lindauer, R., 'Informed consent instead of assent is appropriate in children from the age of twelve: Policy implications of new findings on children's competence to consent to clinical research' (2015) 16(76) *BMC Medical Ethics* 1-7.
- Henaghan, M., 'New Zealand Case Studies to Test the Meaning and Use of Article 5 of the 1989 United Nations Convention on the Rights of the Child' (2020) 28(3) *International Journal of Children's Rights* 588-612.
- Herring, J., 'Compassion, ethics of care and legal rights' (2017) 13(2) *International Journal of Law in Context* 158-171.
- Herring, J., 'Forging a relational approach: Best interests or human rights?' (2013) 13(1) *Medical Law International* 32-54.
- Ingersoll-Dayton, B., Punpuing, S., Tangchonlatip, K., and Yakas, L., 'Pathways to grandparents' provision of care in skipped-generation households in Thailand' (2018) 33 *Ageing and Society* 1429-1452.
- Joffe, S., 'Rethink "Affirmative Agreement", but Abandon "Assent"' (2003) 3(4) *American Journal of Bioethics* 9-11.
- Jonsen, A., 'Non-therapeutic research with children: the Ramsey versus McCormick Debate' (2006) *JAMA* S12-S14.
- Joseph, P.D., Caldwell, P.H.Y., Tong, A., Hanson, C.S., and Craig, J.C., 'Stakeholders View of Clinical Trials in Low- and Middle-Income Countries: A Systemic Review' (2016) 137(2) *Pediatrics* 1-19.
- Joseph, P.D., Craig, J.C., Tong, A., and Caldwell, P., 'Researchers', Regulators', and Sponsors' Views on Pediatric Clinical Trials: A Multinational Study' (2016) 138(4) *Pediatrics* 1-13.
- Kalabuanga, M., Ravinetto, R., Maketa, V., Mavoko, H.M., Fungula, B., Da Luz, R.I., Van Geertruyden, J, and Lutumba, P., 'The Challenges of Research Informed Consent in Socio-Economically Vulnerable Populations: A Viewpoint from the Democratic Republic of Congo' (2016) 16(2) *Developing World Bioethics* 64-69.
- Kilbourne, S., 'U.S. Failure to Ratify the U.N. Convention on the Rights of the Child: Playing Politics with Children's Rights' (1996) 6 *Transnat'l L. & Contemp. Probs.* 437-462.
- Kilkelly, U., '"Evolving Capacities" and "Parental Guidance" in The context of Youth Justice' (2020) 28 *International Journal of Children's Rights* 500-520.
- Knodel J., and Chayovan, N., 'Intergenerational Relationships and Family Care and Support for Thai Elderly' (2009) 33 *Ageing International* 15-27.
- Knodel J., and Nguyen, M.D., 'Grandparents and grandchildren: care and support in Myanmar, Thailand and Vietnam' (2015) 35 *Ageing & Society* 1960-1988.

- Knodel J., and Pothisiri, W., 'Intergenerational Living Arrangements in Myanmar and Thailand: A Comparative Analysis' (2015) 30(1) *J Cross Cult Gerontol* 1-20.
- Lederer, S., 'Children as Guinea Pigs: Historical Perspectives' (2003) 10 *Accountability in Research* 1-16.
- Lentz, J., 'Little Medical Heroes' (1940) 18 *Hygeia* 888.
- Lepola, P., Needham, A., Mendum, J., Sallabank, P., Neubauer, D., and de Wildt, S., 'Informed consent for pediatric trials in Europe' (2016) 101 *Arch Dis Child* 1017-1025.
- P. Lepola, M. Kindred, V. Gianuzzi, H. Glosli, M. Dehliner-Kremer, H. Dalrymple, D. Neubauer, G.B. Boylan, J. Conway, J. Dewhurst, and D. Hoffman, 'Informed consent and assent guide for paediatric clinical trials in Europe' (2021) 0 *Arch Dis Child* 1-9.
- Lopatka, A., 'An Introduction to the United Nations Convention on the Rights of the Child' (1996) 6 *Transnat'l L. & Contemp. Probs.* 251-262.
- Margolin, C.R., 'Salvation versus Liberation: The Movement for Children's Rights in a Historical Context' (1978) 25(4) *Social Problems* 441-452.
- McCormick, R., 'Proxy consent in the experimentation situation' (1974) 18(12) *Perspectives in Biology and Medicine* 2-20.
- McCrudden, C., 'Legal research and the social sciences' (2006) 122 *Law Quarterly Review* 632-650.
- McGoldrick, D., 'The United Nations Convention on the Rights of the Child', (1991) 5 *International Journal of Law and Family* 132-169.
- Miller, V., and Nelson, R., 'A Developmental Approach to Child Assent for Non-therapeutic Research' (2006) *Journal of Pediatrics* S25-30.
- Moser, R., 'An Anti-Intellectual Movement in Medicine?' (1974) 227(4) *JAMA* 432-434.
- Navin, C., and Wasserman, J., 'Capacity for Preferences and Pediatric Assent' (2019) 49(1) *Hastings Center Report* 43-51.
- Nelson, R., 'We Should Reject Passive Resignation in Favor of Requiring the Assent of Younger Children for Participation in Nonbeneficial Research' (2003) 3(4) *American Journal of Bioethics* 11-13.
- O'Neill, O., 'Children's Rights and Children's Lives' (1992) 6(1) *International Journal of Law and the Family* 24-42.
- Quennerstedt, A., 'Balancing the Rights of the Child and the Parents in the Convention on the Rights of the Child' (2009) 8 *Journal of Human Rights* 162-176.
- Quennerstedt, A., Robinson, C., and l'Anson, J., 'The CRC: The Voice of Global Consensus on Children's Rights?' (2018) 36(1) *Nordic Journal of Human Rights* 38-54.
- Ramsey, P., 'The enforcement of morals: non-therapeutic research on children' (1976) 6(4) *Hastings Centre Report* 21-30.
- Rap, S., Schmidt, E., and Liefgaard, T., 'Safeguarding the Dynamic Legal Position of Children: A Matter of Age Limits?' (2020) 1 *Erasmus Law Review* 4-11.
- Rodham, H., 'Children Under the Law' (1973) 43(4) *Harvard Educational Review* 487-514.
- Rossi, W., Reynolds, W., and Nelson R., 'Child Assent and Parental Permission in Pediatric Research' (2003) 24 *Theoretical Medicine* 131-148.
- Shirkey, H., 'Editorial: Therapeutic Orphans – Everybody's Business' (1968) 68(2) *Drug Intelligence* 323.

- Shirkey, H., 'Therapeutic Orphans' (1970) 121(3) *The Journal of Infectious Diseases* 348-350.
- Sibley, A., Pollard, A., Fitzpatrick, R., and Sheehan, M., 'Developing a new justification for assent' (2016) 17(2) *BMC Medical Ethics* 1-9.
- Sibley, A., Sheehan, M., and Pollard, A., 'Assent is not consent' (2012) 38(1) *Journal of Medical Ethics* 3.
- Spriggs, M., and Caldwell, P., 'The ethics of paediatric research' (2011) 47 *Journal of Paediatrics and Child Health* 664-667.
- Spriggs, M., and Gillam, L., 'Deception of children in research' (2015) 41 *J Med Ethics* 179-182.
- Strode, A.E., Singh, P.P., Slack, C.M., and Wassenaar, D.R., 'Research ethics committees in a tight spot: Approving consent strategies for child research that are *prima facie* illegal but are ethical in terms of national guidelines' (2018) 108(1) *SAMJ* 828-832.
- Sutherland, E., 'The Enigma of Article 5 of the United Nations Convention on the Rights of The Child' (2020) 28(3) *International Journal of Children's Rights* 447-470.
- Tisdall, K., 'Challenging Competency and Capacity? Due Weight to Children's Views in Family Law Proceedings' (2018) 26 *International Journal of Children's Rights* 159-182.
- Tobin, J., 'Parents and Children's Rights under the Convention on the Rights of the Child: Finding Reconciliation in a Misunderstood Relationship' (2005) 7(2) *Australian Journal of Professional and Applied Ethics* 31-46.
- Tobin, J., 'Recognising Same-Sex Parents' (2008) 33(1) *Alternative Law Journal* 36-40.
- Tobin, J., 'Judging the Judges: Are They Adopting the Rights Approach in Matters Involving Children?' (2009) 33 *Melbourne University Law Review* 579-625.
- Tobin, J., and McNair, R., 'Public International Law and the Regulation of Private Spaces: Does the Convention on the Rights of the Child Impose an Obligation on States to Allow Gay and Lesbian Couples to Adopt?' (2009) 23 *International Journal of Law, Policy and the Family* 110-131.
- Tobin, J., 'Seeking to Persuade: A Constructive Approach to Human Rights Treaty Interpretation' (2010) 23 *Harvard Human Rights Journal* 1-50.
- Tobin, J., 'Justifying Children's Rights,' (2013) 21(3) *International Journal of Children's Rights* 395-441.
- Tobin, J., 'Understanding Children's Rights: A Vision beyond Vulnerability' (2015) 28 *Nordic Journal of International Law* 155-182.
- Ungar, D., Joffe, S., and Kodish, E., 'Children are not small adults: Documentation of assent for research involving children' *Journal of Pediatrics* (2006) S31-S33.
- Vischer, N., Pfeiffer, C., Joller, A., Klingmann, I., Ka, A., Kpormegbe, S.K., and Burri, C., 'The Good Clinical Practice guideline and its interpretation – perceptions of clinical trial teams in sub-Saharan Africa' (2016) 21(8) *Tropical Medicine and International Health* 1040-1048.
- Weindling, P., von Villiez, A., Loeweneau A., and Farron, N., 'The victims of unethical human experiments and coerced research under National Socialism' (2016) 40(1) *Endeavour* 1-6.
- Wendler, D., and Shah, S., 'Should Children Decide Whether They are Enrolled in Nonbeneficial Research?' (2003) 3(4) *American Journal of Bioethics* 1-7.

3.4 Grey Literature (reports, internet sources, media)

- Committee on Bioethics of the Council of Europe, *From Law to Practice: Towards a Roadmap to Strengthen Children's Rights in the Era of Biomedicine*, Leiden University (The Committee on Bioethics of the Council of Europe: Strasbourg, 2017). Accessed at: <https://scholarlypublications.universiteitleiden.nl/handle/1887/54658>
- Council for International Organizations of Medical Sciences, *Clinical research in resource-limited settings: A consensus by a CIOMS Working Group* (Geneva: CIOMS, 2021). Accessed at: https://cioms.ch/wp-content/uploads/2021/06/CIOMS_ClinicalResearch_RLS.pdf
- Family for Every Child, *The paradox of kinship care: The most valued but least resourced care option – a global study*, November 2019. Accessed at: <https://bettercarenetwork.org/sites/default/files/2020-02/Kinship-Care-Global-Review-Final.pdf>
- HelpAge International, *The Situation of Thailand's Older Population: An Update based on the 2014 Survey of Older Persons in Thailand*, (HelpAge International: November 2015). Accessed at: <https://www.helpage.org/where-we-work/east-asia/thailand/>
- International Council for Harmonisation, 'ICH Reflection on "GCP Renovation": Modernization of ICH E8 and Subsequent Renovation of ICH E6', Revised in May 2021. Accessed at: https://admin.ich.org/sites/default/files/2021-05/ICH_ReflectionPaper_GCPRenovation_2021_0519.pdf
- Nuffield Council of Bioethics, *Children and clinical research: ethical issues*, London: Nuffield Council, 2015. Accessed at: <https://www.nuffieldbioethics.org/publications/children-and-clinical-research>
- Office for Human Research Protections, U.S. Department of Health and Human Services, *International Compilation of Human Research Standards*, 2019. Accessed at: <https://www.hhs.gov/ohrp/sites/default/files/2019-International-Compilation-of-Human-Research-Standards.pdf>
- UNICEF Thailand, *The Impact of Internal Migration on Early Childhood Well-Being and Development* (2016). Accessed at: <https://www.unicef.org/thailand/reports/impact-internal-migration-early-childhood-well-being-and-development>
- UNICEF, *Child Rights Education Toolkit: Rooting Child Rights in Early Childhood Education, Primary and Secondary Schools*, First ed., (Geneva: UNICEF).

List of publications

John Tobin and Sheila Varadan, 'Article 5: The Right to Parental Direction and Guidance Consistent with a Child's Evolving Capacities' in J. Tobin and P. Alston (eds) *The UN Convention on the Rights of the Child: a Commentary* (Oxford University Press, 2019) 159-185.

Sheila Varadan, 'The Principle of Evolving Capacities under the UN Convention on the Rights of the Child' (2019) 27(2) *International Journal of Children's Rights* 306-338. <https://doi.org/10.1163/15718182-02702006>

Sheila Varadan, 'Article 5: The Role of Parents in the Proxy Informed Consent Process in Medical Research involving Children' (2020) 28(3) *International Journal of Children's Rights* 521-546. <https://doi.org/10.1163/15718182-02803009>

Sheila Varadan, 'The Child's Right to Development by Noam Peleg' Book Review (2020) 34(3) *International Journal of Law, Policy and the Family* 328-332. <https://doi.org/10.1093/lawfam/ebaa012>

Sheila Varadan, 'Chapter 12 – Article 5: The Role of Parents in the Proxy Informed Consent Process in Medical Research involving Children' in B. Sloan and C. Fenton-Glynn (eds) *Parental Guidance, State Responsibility and Evolving Capacities: Article 5 of the United Nations Convention on the Rights of the Child* (Leiden: Brill Nijhoff, 2021) 281-306.

Sheila Varadan, 'There's No Place Like Home: the Role of Informal Carers under the UN Convention on the Rights of the Child' (2021) 32(1) *International Journal of Law, Policy and the Family*. <https://doi.org/10.1093/lawfam/ebab049>

Sheila Varadan, Salin Sirinam, Kriengsak Limkittikul and Phaik Yeong Cheah, 'The Proxy Dilemma: Informed Consent in Paediatric Clinical Research – a Case Study of Thailand' (2022) 22(1) *Developing World Bioethics* 1-10. <https://doi.org/10.1111/dewb.12341>

Curriculum vitae

Sheila Varadan was born on 24 February 1976 in Simcoe, Ontario Canada. She completed her primary and secondary education in Toronto, Ontario Canada. Sheila pursued post-secondary education in political science and international development, earning an honours Bachelor of Arts (with distinction) from the University of Guelph in 2000. Sheila then gained admission to the transsystemic law programme at McGill University in Montreal Quebec, earning a Juris Doctor (with distinction) and a Bachelor of Civil Law (with distinction) in 2004. After qualifying as a barrister/solicitor with the Law Society of Ontario in 2005, Sheila was awarded the Harold G. Fox Scholarship to undertake barrister pupillage in London, United Kingdom. Sheila returned to Toronto in 2006, where she began practising criminal law as an assistant crown attorney for the Ontario Ministry of Attorney General. In 2007, Sheila received the British Council Chevening Scholarship and the London Good-enough Association of Canada Scholarship, and headed back to England where she completed a Master of Laws in Human Rights (with distinction) at the London School of Economics and Political Science. In 2008, Sheila relocated to Thailand to work on an access to justice project in the ethnic Burmese refugee camps on the Thai-Myanmar border. In 2011, Sheila began working for the International Commission of Jurists where she led the South Asia access to justice programme. In 2014, Sheila moved to ECPAT International, heading the Global Legal Programme under the guidance of Professor Jaap Doek.

In 2016, Sheila left full-time work to pursue a doctorate (as an external candidate) at Leiden Law School under the supervision of Professor Jaap Doek and Professor Ton Liefwaard. Alongside her doctoral studies, Sheila continued working as an independent human rights consultant for UN agencies (UN Women, UNICEF and UNESCAP) and the University of Oxford.

Sheila has been living in Bangkok Thailand with her husband Yoel and two sons, Sam and Jude for the past 13 years.

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2020, 2021 and 2022

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- MI-354 E.G. van 't Zand e.a., *Bestuurlijke boetes en de Verklaring Omtrent het Gedrag. Een onderzoek naar de realiseerbaarheid en wenselijkheid van het betrekken van bestuurlijke boetes bij de VOG-screening aan de hand van een casestudy naar handhaving en integriteit in de financiële sector*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 843 7
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