TABLE OF CONTENTS

Abb	revia	ations		Page xix
INTI	RODU	CTION		xxi
CHA	PTEI	0.1		
CHA				
			CEPT OF THE CHILD'S RIGHT TO	
	PR	IVACY	IN INTERNATIONAL LAW	1
	1		RODUCTION	1
	2		CONCEPT OF THE CHILD'S RIGHT TO	
			ACY IN THE CONTEXT OF INTERNATIONAL	
	3		ON THE RIGHTS OF THE CHILD EMERGENCE OF THE PRIVACY CLAUSE	2
	3		HE UNCRC	6
	4		OVERVIEW OF NATIONAL LEGISLATIVE	U
			ROACHES TO THE CHILD'S RIGHT TO	
		PRIV		12
	5	SOM	IE OF THE SPECIAL FACTORS RELEVANT	
		TOT	HE CHILD'S RIGHT TO PRIVACY	18
		5.1	Who is a child?	18
		5.2	The start of childhood	20
		5.3	The end of childhood	22
		5.4	The stages of childhood	23
		5.5	The evolving capacities of the child	24
		5.6	Parental direction and guidance	27
		5.7	'The best interests of the child'	30
		5.8	The child's right to express his/her views freely in a	11
			matters affecting him/her	32
		5.9	Doctrinal issues concerning the child's right	
			to privacy	35
			5.9.1 Doctrinal issues concerning dichotomy	
			between the public and private spheres	35
			5.9.2 Doctrinal issues concerning 'Freedom'	
	6	THE	versus 'Protection'	36
	U		CONCEPT OF PRIVACY IN INTERNATIONAL	26
			IAN RIGHTS LAW	36
		6.1	The broad concept of the right to privacy	38

			6.1.1.	The child's right freely to pursue the	
				development of his/her own personality	38
			6.1.2.	The child's right to the protection of his/he	r
				physical and moral integrity	46
		6.2	The na	rrow concept of the right to privacy	48
			6.2.1	The right to freedom from unwarranted	
				publicity and disclosure of personal	
				information	49
			6.2.1(a	The right to live protected from publicity	49
			6.2.1(b)Privacy of the child inside the court-room	1
				during proceedings	50
			6.2.1(0	c)Collection, disclosure and non-disclosure	e of
				personal information	50
			6.2.1(d)The privacy of correspondence	51
		6.3	Other	rights guaranteed in the privacy clause of the	
			UNCF	RC	53
			6.3.1	The right to family life	53
			6.3.2	The right of privacy of the home	54
			6.3.3	The concept of 'honour and reputation'	60
	7	CONC	LUSION		60
CHAP	TER	2			
	THE	CHIL	D'S RIG	HTTO PRIVACY VISÀ VIS	
				TO FAMILY LIFE	64
	1	INITIDA		ON	64
	2		ODUCTI		04
	2	LAW	NITION	OF 'FAMILY' IN INTERNATIONAL	67
		LAW			0 /
		2.1		retation of the concept of 'family' under the	
			UNC		68
		2.2		retation of the concept of 'family' under	
				FR and ACRW	71
		2.3		retation of the concept of 'family' under the	
		2.4	ICCP		72
		2.4		oretation of the concept of 'family' under	
		25	the E		73
		2.5		oretation of the concept of 'family' under the	
			ADK	M and AMR	75

3	THE RIGHT TO FAMILY LIFE IN THE CONTEXT OF THE UNCRC				
4		ROLE OF THE STATE IN PROTECTING			
	THEF	RIGHT TO FAMILY LIFE UNDER THE UNCRC	77		
	4.1	The State's obligation to protect the family	78		
	4.2	Circumstances that warrant State intervention in the family unit	82		
	4.3	The State's duty to reconcile the rights of the child with the rights of parents	85		
5	PRIVA	ECTION OF THE CHILD'S RIGHT TO ACY IN THE FAMILY SETTING: EXPERIENCE ER THE UNCRC	92		
	5.1	Family environment conducive to the enjoyment of the child's right to privacy	93		
	5.2	The opportunities available for the child to make decisions pertaining to his/her personal life in the family setting	96		
	5.3	The child's right to express views and opinions on matters affecting his/her life as a prerequisite for the enjoyment of his/her right to privacy in the family	e		
		setting	103		
		5.3.1 Africa	103		
		5.3.2 Asia and Oceania Pacific	107		
		5.3.3 South America and the Caribbean	109		
		5.3.4 The Middle East	110		
		5.3.5 Western Europe	112		
		5.3.6 Eastern Europe	115		
		5.3.7 Concluding observations	116		
	5.4	Traditional and cultural norms and values that affect the effective enjoyment of the child's rights in the	t		
		family setting	117		
		5.4.1 Extended family system	118		
		5.4.2 Children as 'family property'	121		
		5.4.3 Paternalistic attitude of protecting			
		the child	122		

			5.4.4	The obligation to show obedience to pare and elders	ents 124
	6	CONC	CLUSION		125
	O	COIN	CLOSIOI		120
CHAI					
				CHILD HAVE THE RIGHT FREELY DEVELOPMENT OF HIS/HER	
				ONCERNING PERSONAL	
			NSHIPS?		130
	1	INTR	ODUCTION	ON	130
	2	THE	ROLEOF	THE STATE IN REGULATING	
		MAT	TERSAFI	FECTING THE CHILD'S	
		PERS	ONALRI	ELATIONSHIPS	131
		2.1	Person	al relationships	132
			2.1.1	Family relationships	134
			2.1.1(a	a)Custody and access	135
)Institutional care and foster care	139
				c)Adoption	144
			2.1.2	Sexual relationships	146
				a)Sexual consent	147
			2.1.2(b	(a) (a) (b) (c) (c) (d) (d) (d) (d) (d) (d) (d) (d) (d) (d	152
			2.1.2(0	c)Heterosexual and homosexual relationships	153
			2.1.2(c	1)Traditional and cultural norms affecting	133
				sexual relationships	156
			2.1.3	Marital relationships	156
				Minimum age limits for marriage	157
)Discriminatory age limits between	
				girls and boys for marriage	158
			2.1.3(0	c)Early marriages and forced marriages	160
				d)Traditional and cultural norms and	
				practices pertaining to marriage	163
	3	CON	CLUSION		165
CHA	PTER	4			
	HO	W FAR	DOESA	CHILD HAVE THE RIGHT FREELY TO	
				ELOPMENT OF HIS/HER	
				ONCERNING HIS/HER HEALTH,	
	REI			ATION AND IDENTITY?	169
	1	INTR	ODUCTI	ON	160

2	PERS	SONALH	HEALTH	170				
	2.1 Consent for medical interventions							
		2.1.1	Minimum age limits for consent for medic	cal				
			treatment without parental consent	173				
		2.1.2	Requirement of parental consent for medic	cal				
			treatment	176				
		2.1.3	Consent for surgical procedures	178				
	2.2	Menta	Mental health					
	2.3	Repro	Reproductive procedures					
		2.3.1	Contraception	183				
		2.3.2	Termination of pregnancy	186				
	2.4	Organ	and tissue transplants and					
			iments on children	189				
	2.5	Euthanasia						
	2.6	HIV/A	AIDS	192				
3	DEI 16	GION		193				
5	3.1							
	5.1	3.1.1	Africa	196 196				
			South America, the Caribbean, Central					
		3.1.2	America and North America	197				
		313	Asia and Oceania Pacific	198				
			The Middle East	199				
			Western Europe	200				
		3.1.6		201				
	3.2		Eastern Europe ous education	201				
	3.2	3.2.1	Africa					
				203				
		3.2.2	South America, the Caribbean, Central	202				
		222	America and North America	203				
		3.2.3	Asia and Oceania Pacific	204				
		3.2.4		204				
			Western Europe	204				
		3.2.6	Eastern Europe	206				
4	EDUC	CATION		207				
	4.1	The re	quirement of compulsory education	208				
	4.2	Exercise of parental authority in relation to the						
			education	209				
	4.3	The ch	nild's right to give consent or express views					
			ning to his/her education	210				
5	PEDC	ONALIE	DENTITY	211				
-	ILIN	ONALIDENTITY 21						

			5.1	Name	212
			5.2	Personal appearance	216
	6	CONC	LUSION	AND RESIDENCE OF THE PROPERTY OF THE PARTY O	218
CHAI			LODIOI		
	THE	CHILI	o'S RICI	HT TO THE PROTECTION OF	
				LANDMORAL INTEGRITY	222
	1	INITDO	ODUCTI	ON	222
	2			NG OF THE CHILD'S RIGHT TO THE	
	2			OF HIS/HER PHYSICAL AND	
				EGRITY UNDER THE ECHR, THE	
				AMR AND THE UNCRC	223
	3			ISSUES CONCERNING THE RIGHT	
		TOTE	HE PROT	TECTION OF PHYSICAL AND	
		MOR	AL INTE	GRITY	225
		3.1		chotomy between the public and private	
			sphere		225
		3.2		chotomy between 'Freedom' versus	
			'Prote	ction'	229
	4	IMPL	EMENT	ATION OF THE RIGHT TO THE PROTECTION	
				LANDMORALINTEGRITY	230
		4.1	Protec	tion against child sexual abuse	230
			4.1.1	Jurisprudence under the ECHR	230
			4.1.2	Jurisprudence under the AMR	233
			4.1.3	States practice under the UNCRC	235
		4.2	Protec	ction against child sexual exploitation	243
			4.2.1	Child prostitution	245
				Child pornography	249
		4.3		rotection of children from corporal	
			punish		254
			4.3.1	Corporal punishment as a privacy issue	255
			4.3.2	The parameter that offence	256
			4.3.3	1 I will family belling	
		4.4	4.3.4	r Pullistations	265
		4.4.		tional practices affecting the child's physical	
				noral integrity	267
			4.4.1	Female genital mutilation	268
			4.4.2	Early marriages, forced marriages	0=1
			4.4.3	and traditional marriages Virginity tests	271
			т.т.	rigitity tests	272

	5	CONC	CLUSION	273
CHAP	TER	6		
	THE	CHIL	D'S RIGHT TO PRIVACY AGAINST	
	UNV	VARRA	ANTED PUBLICITY AND THE CHILD'S	
	RIG	нт то	PRIVACY OF PERSONAL INFORMATION	278
	1	INTRO	ODUCTION	278
	2	THEF	RIGHTTOPRIVACYAGAINST	
		UNW	ARRANTED PUBLICITY UNDER THE ICCPR,	
		THE	ECHR AND THE AMR	279
	3	PROT	ECTION OF THE CHILD'S RIGHT TO	
		PRIVA	ACYAGAINSTUNWARRANTED	
		MEDI	A PUBLICITY UNDER THE UNCRC	281
		3.1	The child's right to privacy in the media	
			vis a vis freedom of expression and the	
			right to information	281
		3.2	States practice under the UNCRC on the child's	
			right to protection against unwarranted media	
			publicity	284
			3.2.1. Protection of the right to privacy of child	
			offenders in the media	289
			3.2.2. Protection of the right to privacy of child	
			victims of violence and sexual abuse in the	
			media	292
			3.2.3. Protection of the right to privacy of	
			children involved in child protection	
				294
				274
	4		ECTION OF THE CHILD'S RIGHT TO	
			CY INSIDETHE COURT-ROOM	295
		4.1	The right's right to privacy vis a vis the right to a	
				296
		4.2	Protection of the child offender's right to privacy	
			inside the court-room during proceedings	299
			4.2.1 States practice under the UNCRC	301
		4.3	Protection of the right to privacy of child victims	
			of sexual abuse and violence inside the court-room	
			during proceedings	305
				307
		4.4	Protection of the child's right to privacy inside	
				309
				309

5	THE CHILD'S RI	GHT TO PRIVACY OF	
	PERSONAL INF	ORMATION	310
	5.1 Protectio	n of the child's right to privacy of	
	correspon	ndence	311
	5.1.1 P	rotection of the child's right to privacy	
	(of correspondence in family homes	314
	5.1.2. P	rotection of privacy of correspondence	
	O)	f children in institutional care	316
	5.2 Collectio	n, disclosure and non-disclosure of	
	personal	information	318
	5.2.1. P	rotection of privacy of personal	
	ir	nformation under the ICCPR and	
	th.	ne ECHR	319
	5.2.2 P	rotection of the child's right to privacy of	•
	1	personal information under the UNCRC	320
	5.2.2(a)F	Protection of the right to privacy of the	
			322
		Protection of the right to privacy of	
		hild-care records	326
	5.2.2(c) <i>F</i>	Protection of the right to privacy of the	
		hild's birth and adoption records'	328
	5.2.2(d) <i>I</i>	Protection of the child offender's right to	
		rivacy concerning criminal records	333
6	CONCLUSION		337
HINAL CO	NCLUSION		344
Annex 1	Age of majority	, criminal responsibility, employment and	
	compulsory edu	ication	353
Annex 2		ncerning custody, access, institutional/foster	
	care and adopti	on	362
Annex 3	Legal status co	ncerning consent for medical treatment	371
Annex 4	Minimum age l	imits for sexual consent, marriage and legal	
	status concerni	ng child pornography and child prostitution	380
Annex 5	Legal status con	ncerning corporal punishment	390
Bibliogra	ohy		400
Table of	Cases		426
UNCRC	States Party Re	enorts Index	455
UNCRC	Summary Reco	ords Index	
UNCRC	Concluding Oh	oservations Index	463
INDEX	January Or	THE THE PARTY OF T	480
V			488