



Children's Right to Health: Conference Report

CENTRE FOR CULTURES OF REPRODUCTION, TECHNOLOGIES AND HEALTH (CORTH) & SUSSEX SCHOOL OF LAW, POLITICS AND SOCIOLOGY PRESENT:

CONFERENCE "CHILDREN'S RIGHT TO HEALTH"

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**DECEMBER 11, 12PM-5PM,
GLOBAL SCHOOL RESOURCE CENTRE (ARTS C, C214)
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Conference poster by Liiri Oja, European University Institute



On 11th December CORTH held a one-day conference organised jointly with the School of Law Politics and Sociology at Sussex. The conference aimed at exploring key issues in the discourses and practices of children's right to health from an interdisciplinary and comparative perspective. Particular attention was given to the analysis of contextual, legal and procedural reasons for the limited implementation and enforcement of children's right to health, including adolescent sexual and reproductive health. The workshop provided a variety of theoretical and practical approaches, and explored the issues across legal cultures.

Inspired and framed within the UN Convention of the Rights of the Child (1989) the conference focused upon three main teams:

- **Ethics and Researching Children's Rights to Health**
- **Sex, Gender and Consent**
- **Policies and Children's Rights to Health**

The stimulating and powerful presentations and the lively discussion that followed highlighted three main common aspects of children's right to health. First the



multidimensionality of the right to health which encompasses among others access to information about health, respect for privacy and confidentiality, right to education about health and sex education, consent. In addition, participants analysed the extent to which the children's right to health is not uniformly interpreted, applied and implemented, and how this right is often considered secondary to the interests of parents, families or communities. The second characteristic that the participants discussed was the intersection between the right to health and the right to participation. Finally, the importance of drawing health policies upon the best interests of the child was emphasised. Overall the workshop concluded that a more contextualised and children's rights approach should be adopted in carrying out research on children's right to health.

Panels and participants

Ethics and Researching Children's Rights to Health

The range of issues explored in our first panel cut across the continuum of childhood, bodily care and rights. **Tanya Staehler** (Philosophy, University of Sussex) opened the panel by exploring how sex matters in the lives of youths and adolescents, and focused on the taboos surrounding sexual and reproductive health which prevent obstacles to talking about protected sex and condoms. Staehler argued how 'Children have the right to learn what helps them on a practical level towards health, and that means, a



healthy sex life.’ **Arianne Shahvisi** (Ethics and Medical Humanities, Brighton and Sussex Medical School) juxtaposed the legal positions of various non-therapeutic genital alterations when performed on children to argue how current ‘UK law is founded on problematic commitments, rather than a consistent ethical basis.’ **Ben Kasstan** (Anthropology, University of Sussex) discussed the safety concerns surrounding childhood vaccinations for Haredi Jewish parents, and argued how ‘parents are unlikely to grant access to the enablers of child health without greater trust and transparency in healthcare delivery strategies.’ **Katarzyna Wazynska-Fink** (European University Institute) closed the panel with a fascinating account of how children in Poland are legally prevented from providing autonomous consent on any area of healthcare, including sexual and reproductive health.

Sex, Gender and Consent

Our second panel brought together NGOs and legal experts to offer a layered insight into how UK legislation affect the sexual lives, sexualities and gender identities of children. **Sarah Barker** (Mermaids) shared the work of a family and individual support agency for gender diverse and transgender children and adolescents and raised the importance of comprehensive education programmes in schools, and appropriate child-centred policy. **Peter Dunne** (University of Bristol Law School) then offered a fascinating discussion of whether affirming and disaffirming gender is in the best interests of a child.



Isla Callander (School of Law, University of Aberdeen) demonstrated how consensual sexual intercourse when one or both adolescents are under the ‘age of consent’ is criminalised in the UK, and argued how ‘a blanket criminalisation approach is overly broad and entails significant scope for counterproductive consequences.’

Policies and Children’s Right to Health

Our final panel focused on the opportunities and consequences raised by policies concerned with children’s right to health in international contexts. **Jo Moran-Ellis** (Sussex School of Law, Politics and Sociology) delivered a thoroughly and provoking presentation on "The implications of contested bases for children’s agency in relation to their right to health" during which she encouraged to differentiate competencies and agency, to unpack the concept of agency and the concept of competence, and to consider the multidimensionality of health which includes social justice, innocence and information, agency and decision-making, bodily integrity, meaning of health, and the framework of rights. **Jody Harris** (Institute for Development Studies) and **Ruth Stirton** (Sussex School of Law, Politics and Sociology) introduced their new collaborative research project exploring how a child’s right to nutrition is expressed (or not) in legislation and civil action in Zambia and Sierra Leone. **Gayathri Naik** (SOAS School of Law) reflected on the role of the judiciary and the state in realising the right of children to access drinking water



in India, and critically examined whether all children are enjoying this right and whether all Indian states are complying with this obligation. Finally **Po-Han Lee** (Sussex School of Law, Politics and Sociology) critiqued the lack of sexual and reproductive health education in Taiwanese schools and recent incidents of homicide and suicide to caution that the Taiwanese government is 'legally obliged to develop and incorporate relationship and sexuality educations as an integral part of school and health education.'



Jo Moran-Ellis



Katarzyna Wazynska-Fink



Ben Kasstan



Gayarthi Naik



Maria Moscati, closing remarks



Directions for further discussion

Notwithstanding the success and breadth of issues covered in our half-day conference, it was clear that pertinent and current issues in children's right to health were not addressed and significant unmet needs of child health remain. These include:

- The recognition of **children's mental health** in plural legal and policy frameworks as well as healthcare delivery strategies
- Strategies to address **child health in humanitarian emergencies**, at a time when we are witnessing the world's highest levels of human displacement on record
- **Dispute resolution** and children's right to health
- **Global health** and children's rights

The absence of submitted proposals exploring these important challenges to the children's rights to health has created new themes of interest for CORTH to explore in the future.