



ARE CHILDREN HUMAN?

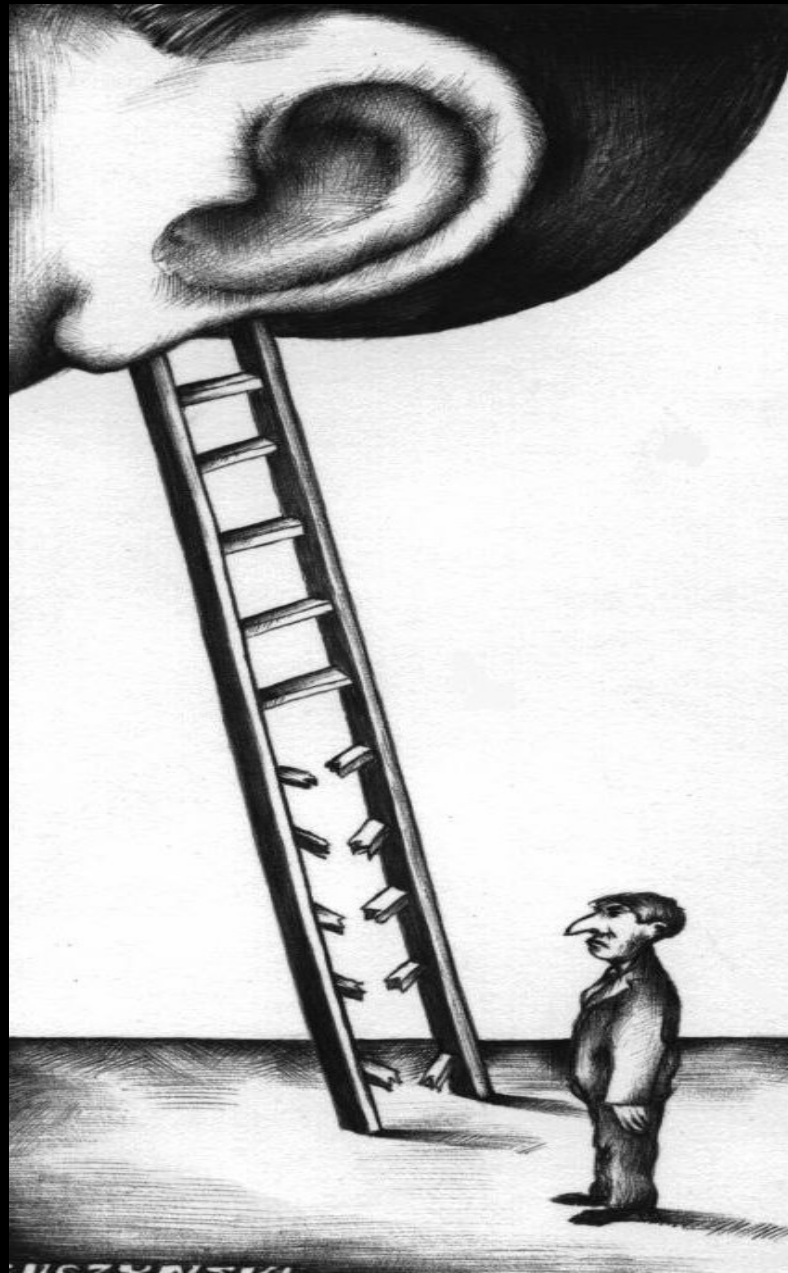
CORPORAL PUNISHMENT AS A HUMAN RIGHTS ISSUE

Dr Jocelynn A. Scott
Barrister & Human Rights Lawyer
Senior Fellow & Visiting Professor
University of Buckingham

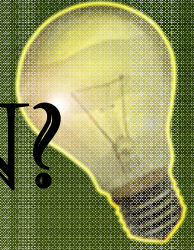
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The test for the present, as we live it, is what kind of world does a moral society provide for children to live in, here and now, in public and in private.

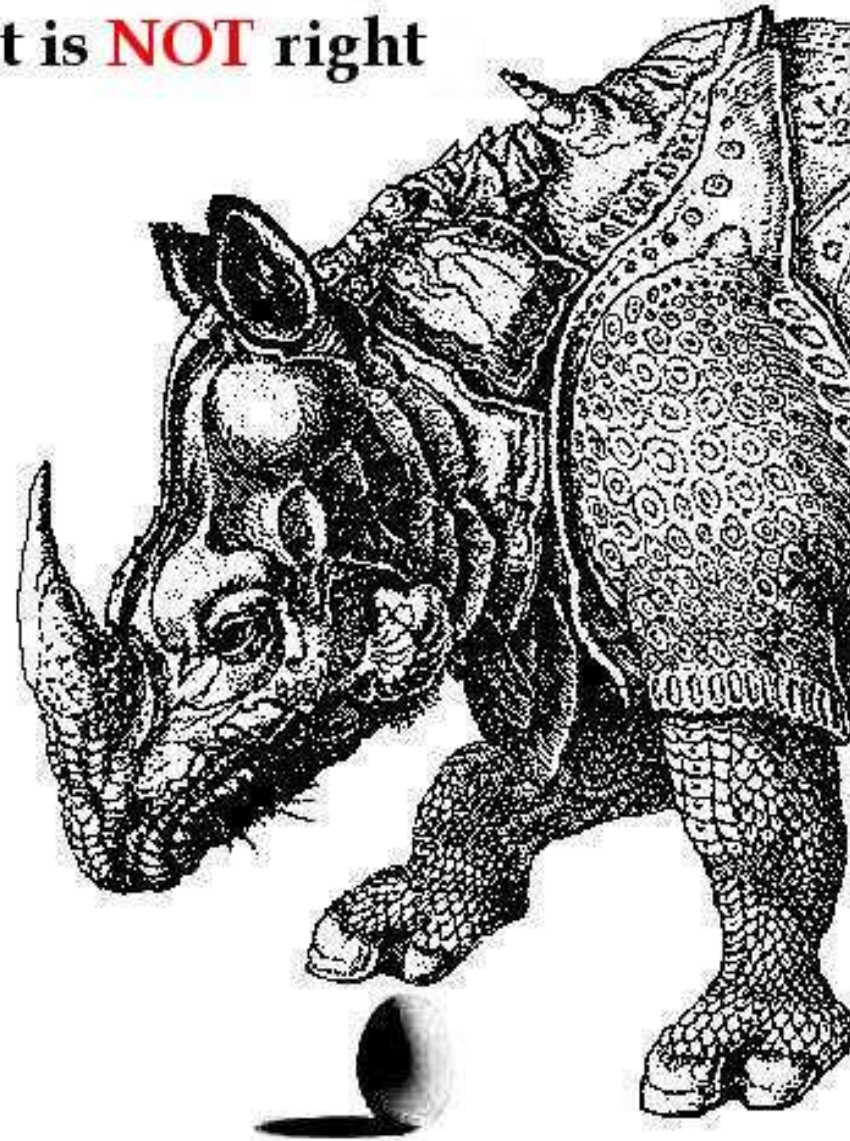


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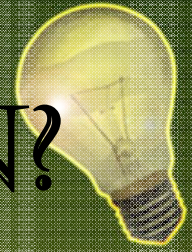
Can we as a moral society countenance the doing to children in private what we cannot countenance being done in public or private to those who escape simply by growing up.

might is **NOT** right



Anti-Discrimination Commission Tasmania, Annual Report 2002-2003

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18th & 19th century campaigns for human rights

- 'Equal rights' demands based on status, attributes, identities
- Aimed at ending discrimination
- Endorsed discrimination whilst railing against it
- Harboured deliberate, often outspoken, intent to incorporate discrimination
 - 'Universal franchise' – no women allowed
 - Ending slavery & racial inequality – no women allowed
 - Votes for women – property, marital status & age discrimination





Artwork by Waldemar Bucyznski

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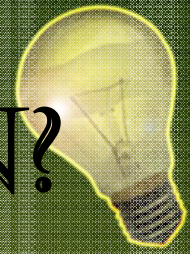
20th century human rights campaigns infused with differentiation as to entitlement

- 1960s Civil Rights Movement – ‘sex’ to defeat proposal
- 1920s age as voting barrier
- **Qualification of Women Act** 1918 (UK) – 30 years
- **Equal Franchise Act** 1928 (UK) – 21 years
- Age 21 re voting rights until 1970s
- 1970s UK, US, Australia age lowered to 18, three decades after Czechoslovakia enfranchised 18-year-olds (1946), with others through 1960s
- Austria, Brazil, Ecuador, Hungary, Nicaragua, Norway, Slovenia – enfranchise youth at 16 years
- Scots referendum included 16-year-old voters
- ‘Lower the Voting Age to 16: Pros and Cons, **International Business Times**, <http://www.ibtimes.com/articles/148691/20110519/lower-the-voting-age-to-16-pros-and-cons.htm> (accessed 19 August 2011)



Picture by Waldemar Buczynski

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Today's International Covenants, Conventions and Treaties -
race/ethnicity

- disability
- sex/gender
- political and civil rights
- more.

Convention on the Rights of the Child - explicitly addressing infants,
children, youth

But this does not/should not preclude children from international law
protections

Or must 'age', 'infant', 'child', 'youth' be explicitly included

Are infants, children and youth 'human' within general terms of
human rights laws?

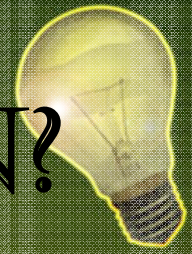


The power NOT to discriminate



Anti-Discrimination Commission, Tasmania, Phone 61 3 6224 4905

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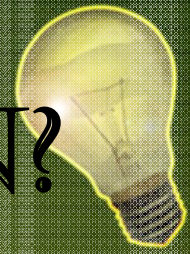
Precedent – Are Women Human?

Women as ‘Non-Persons’

- Sophia Jex-Blake and Six Others 1860s
English House of Lords
- Edith Haynes 1906 Supreme Court of Western
Australia
- Miss (Gwyneth) Bebb 1914
English House of Lords

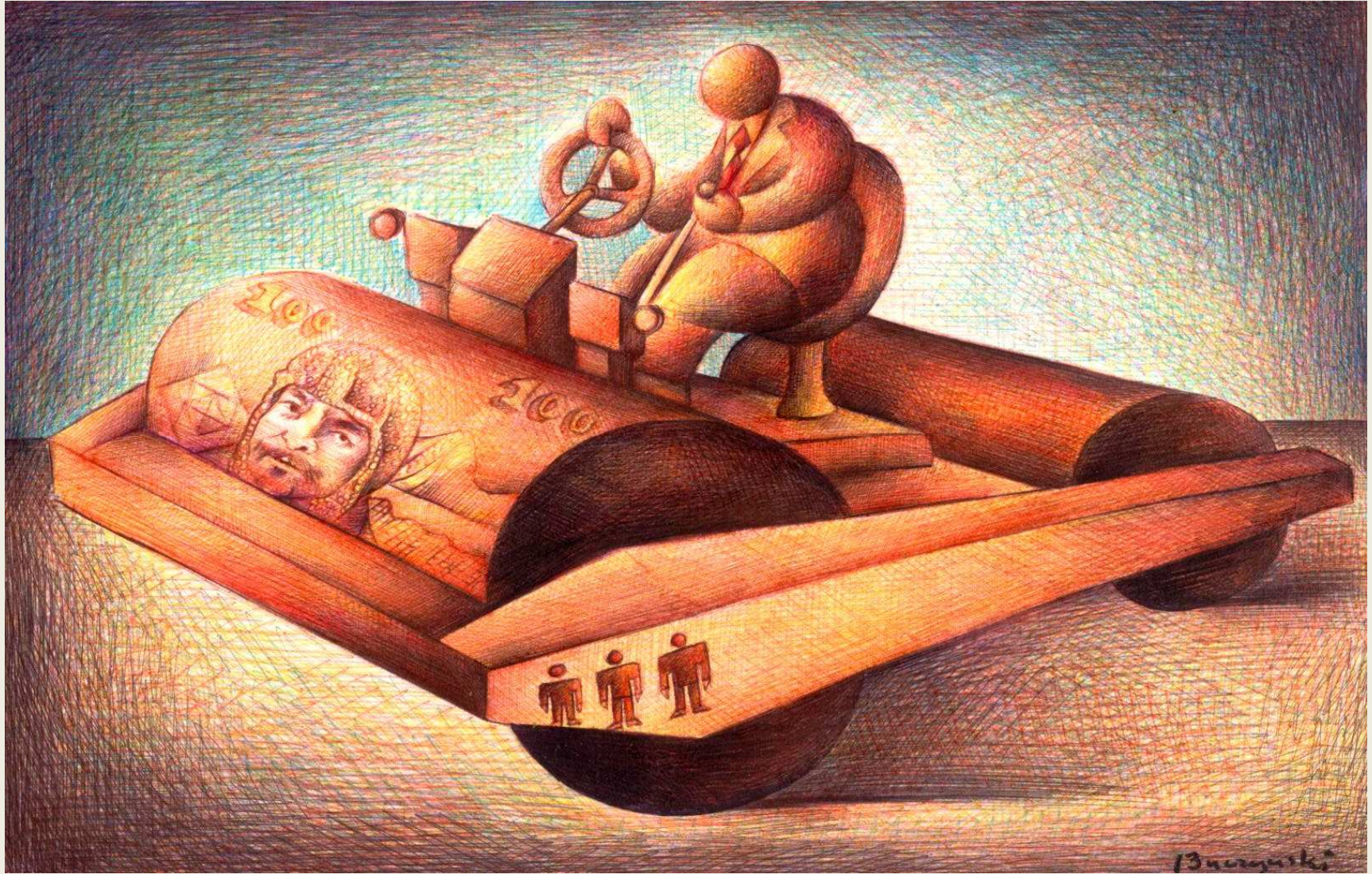


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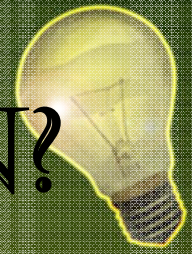
Miss (Gwyneth) Bebb –

- As with Edith Haynes, single
- Married woman vs single woman
- Neither married nor single women = ‘persons’
- *Sex Disqualification (Removal) Act 1919 (UK)*
- Did women thereby accept that women were not/are not ‘persons’?
- Did women thereby accept a ‘second class’ human status?





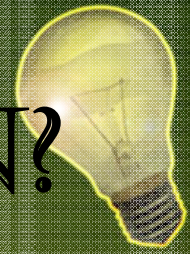
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Hitting –

- Legitimizes violence
- Affirms that when something is really important, hitting is justified
- Asserts that a person in authority has a right to hit
- Says that power allows and justifies hitting
- Establishes a link between love and hitting, love and violence
- Denies the dignity of humanity to persons because of their infancy/youth, age and status

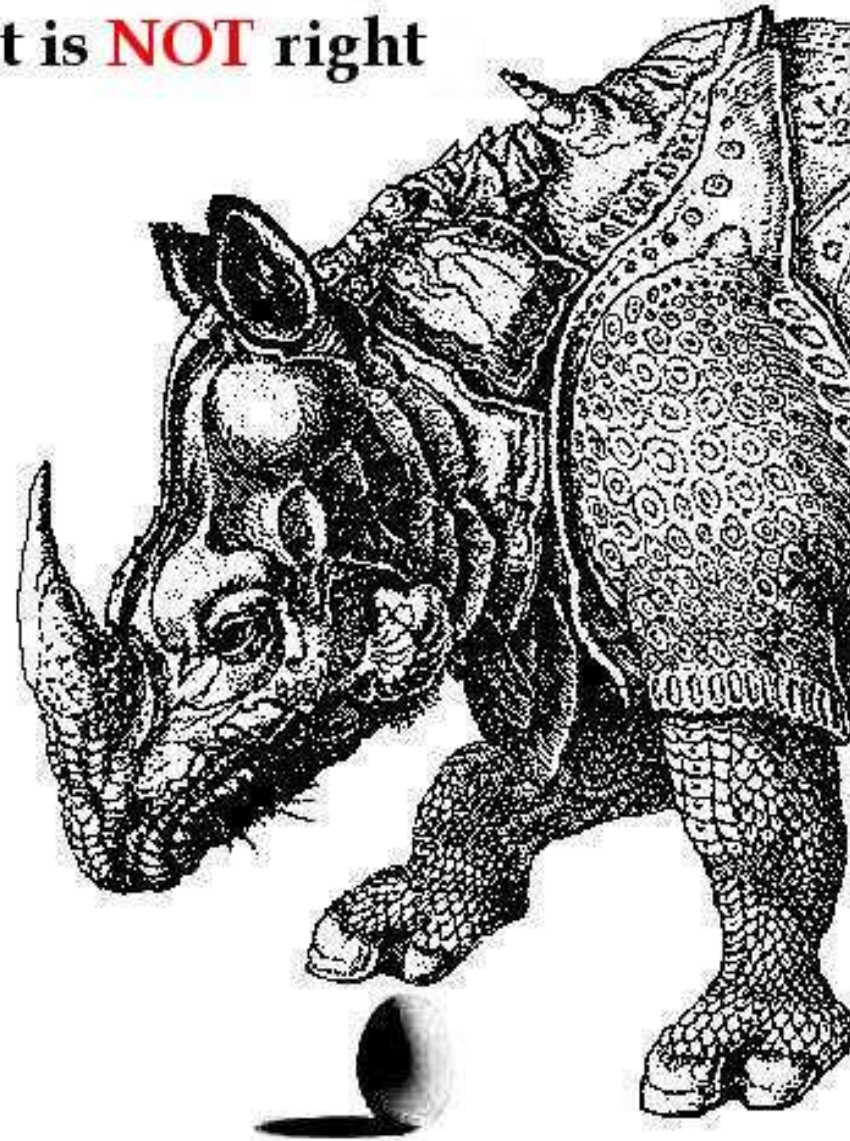
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State sanctioning of the parental 'right' to hit -

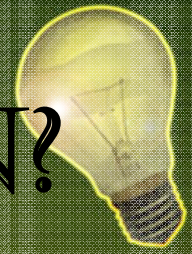
- Denies children the protections that extend to those who are accused by the state of disciplinary offences
- Provides children without recourse to protections including procedural and substantive fairness – such as the right to be heard
- Confirms children in the understanding that they are not entitled to the status of 'human'

might is **NOT** right



Anti-Discrimination Commission Tasmania, Annual Report 2002-2003

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The only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant.

[John Stuart Mill](#)

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The ultimate test of a moral society is the kind of world that it leaves to its children.

[Dietrich Bonhoeffer](#)

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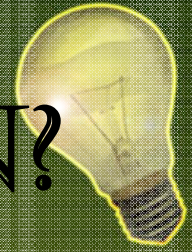
The existence of a legal excuse to hit children:

supports notions that affirm cultural, social and patriarchal excuses for hitting women;

undercuts the truth that it is wrong and unlawful to hit women;

supports the idea that hitting is justified, that when something is important is 'right', that hitting is justified to 'fix' problems, that people 'in authority' have a right to hit, and that hitting is associated with 'love'.

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The existence of an excuse for hitting children promotes the idea that a child is a chattel, that a child is 'owned' and a child is property.

In mirroring the historical position of woman as property, this continues to give support to socio-cultural notions of women as chattels, women as 'owned' and a woman as property.

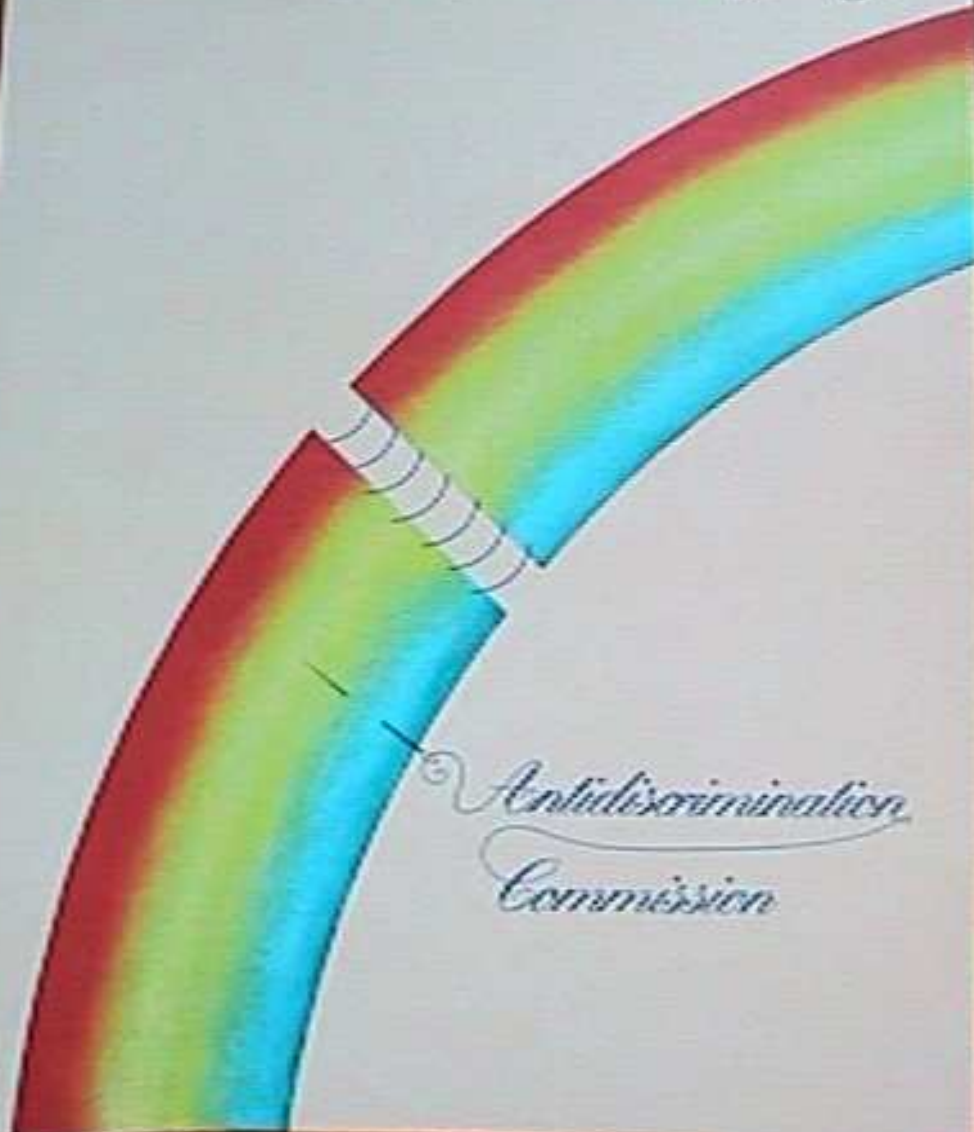
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We cannot as a moral society countenance the doing to children in private what we cannot countenance being done in public or private to those who escape simply by growing up.

The Thread of Right a Theme for Life



*Antidiscrimination
Commission*

Anti-Discrimination Commission, Tasmania, Annual Report 2000-2001



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CORPORAL PUNISHMENT AS AN ISSUE OF INTERNATIONAL HUMAN RIGHTS

Dr Jocelyne A. Scutt
Barrister & Human Rights Lawyer
Visiting Fellow, Lucy Cavendish College,
University of Cambridge
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