

The children's hour:**What about the rights of the young?**

By Hugh Westrup

Children are not fully protected by the present legal system which still represents age-old attitudes of childhood oppression.

This was the message of child welfare consultant, Barbara Chisholm, at a symposium last Friday on children's rights, sponsored by York's Centre for Continuing Education.

"We haven't looked at children as persons in their own right," said Chisholm. "What exactly are their rights and responsibilities?"

Besides encouraging an examination of the rights of children Chisholm proposed that children be provided with a forum for the resolution of conflicts and the right to appeal, similar to what adults are given in the contemporary court system.

Issues that she said are involved in a discussion of children's rights include guidelines for adolescents seeking services without obtaining their parents' permission and whether or not children removed from a home by child care workers should always be allowed to return.

Chisholm said the examination of children's rights is a growing and viable one, but cautioned against popular notions of "kiddie's lib."

"Kid's lib writers who say, for example, that children have the right to any form of sexual exploration or the right to leave home at any age, have a poor understanding of childhood. Anyone who demands that adults and children be given the same rights is irresponsible."

According to Chisholm, the present day attention to the rights of children gained momentum after the trial of a 15 year old Arizona boy who made an obscene phone call to a woman neighbour. With only the woman in attendance at the trial as a witness, and without the aid of legal council, Gerald Gault, who had no previous record of misconduct, was sentenced to an indeterminate period in a reform school.

"If Gault had been 21 when charged, he would have been informed of the nature of the charge, given opportunity for legal council, time to prepare a defense and the right to cross examine the witness. This was not available to Gerald at 15," said Chisholm.

Because no legal mechanism existed for an appeal, it took two years before the case could be



Gary Hershorn

reopened. The US Supreme Court finally ordered that Gault be released.

"This decision rocked the

system," said Chisholm. "It said that the 14th ammendment to the American constitution, which says that no person should be deprived of liberty without due process of law, should also include minors."

Chisholm said that for a critical understanding of children's rights one must examine the history of childhood, a task she undertook seven years ago when she began questioning her own assumptions about childhood.

The brief history she injected into her own talk reached back to ancient times from which we have inherited present day attitudes. Throughout most of history, she said, children have been regarded as chattel. In classical Greece, fathers dominated the family and had the right to execute intransigent offspring. As late as the 12th century, fathers were allowed to sell their own children. In 15th century Great Britain, children were still being hanged for minor criminal offenses like stealing bread.

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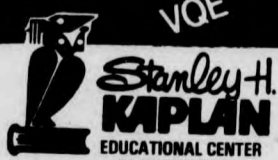
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