

# Children's diplomacy and the construction of children's rights during the twentieth century

**Yves DENÉCHÈRE**

## ABSTRACT

Childhood played a powerful political role throughout the twentieth century, and became a cause and a subject of diplomacy for states and transnational actors. The gradual construction of children's rights on the global scale offers a fine illustration of this process.



1. Geneva Declaration, 1923 (Archives de l'État de Genève, private Archives 33). The first two signatures are those of Gustave Ador (1845-1928), President of the International Committee of the Red Cross, and Eglantyne Jebb (1876-1928),

founder of the Save the Children Fund and the Save the Children International Union.



2. Children at the United Nations International School in New York viewing a poster for the Universal Declaration of Human Rights, 1950 (photo UN).



3. UNICEF poster presenting the ten principles of the Declaration of the Rights of the Child, adopted by the UN General Assembly on November 20, 1959.



4. Seventy-one heads of state and government posing for a group photo during the World Summit for Children at UN headquarters in New York, September 30, 1990 (UN Photo/John Isaac).

## Establishing humanity's duties toward children

In the aftermath of the Great War, the hope for a better future placed in children was, among others avenues, inscribed in a transnational movement to adopt a declaration of children's rights. For promoters of peace and a new global order in connection with the League of Nations (LoN), the shared desire to take children into

consideration offered an excellent starting point for combatting the risks of war. The pioneers of children's diplomacy saw it as an opportunity to learn—on common ground acceptable to all states and peoples—how to collaborate in favor of peace. In addition to politicians and diplomats, doctors, judges, teachers, and humanitarians also engaged in the effort, among others. The Save the Children International Union (SCIU) and Children's Care International (CCI) chose Europe and the world as the space for the children's cause. A first text called the Geneva Declaration was developed by the SCIU in 1923 under the guidance of Eglantyne Jebb. Five short points summarize the vital needs of children that society must meet (doc. 1).

The Geneva Declaration was approved by the LoN General Assembly in 1924, which created a Child Welfare Committee (CWC) to encourage states to converge toward shared standards in this area. Although symbolic, for it was in no way binding for states, the text had the merit of shifting toward the national scale a rhetoric for the children's cause that sought to be universal in nature. In France, the Minister of Public Instruction ordered that the declaration be displayed in all schools; his Canadian counterpart requested that students learn it by heart. However, in certain countries, the interests of the nation and even of the state were in competition with those of children, which were not expressly formulated. Moving beyond society's duty to protect children, Janusz Korczak (1878-1942) and others—especially the promoters of a new education—experimented in schools and households with children's capacity rights, such as the rights to expression, assembly, and decision-making.

The Geneva Declaration was confirmed in 1946 by the brand new United Nations Organization (UN), which launched a major effort that led to the Universal Declaration of Human Rights in 1948. The declaration does not mention children, but stipulates that "maternity and childhood have a right to special assistance," without providing additional details (doc. 2). Beyond this edification, the Geneva Declaration was amended in 1948 to add two duties for humanity: child welfare without distinction of race, nationality, or belief; and respect for the integrity of the family.

New transnational actors for the cause of children mobilized for a major text clearly stating the positive rights of children rather than the duties of society. Among them, the United Nations International Children's Emergency Fund (UNICEF), which was laboriously created between 1946 and 1953, played a leading role. In the context of the Cold War, childhood once again emerged as a cause that could be shared by all peoples, diplomacies, states, and transnational actors.

The Declaration of the Rights of the Child was adopted by the United Nations General Assembly on November 20, 1959. The text includes the "needs" of children and the "duties" of humanity that appeared in 1924 and 1948. It also lays out ten "principles," expanding the previous list with the right to a name and nationality, a right to love, and a right to leisure (doc. 3). While the 1959 declaration was signed by all UN member states, like the Geneva Declaration it was not binding in any way.

## **Establishing a binding legal text for states**

In order to promote universal awareness regarding children's rights, the UN designated 1979 as the International Year of the Child, and the Commission on Human Rights created a working group to draft a Convention that would be binding for states. The group consisted of international organizations, NGOs—including some that were created specifically for that purpose, such as Defence for Children International (DCI)—in addition to the Commission's 48 member states, with communist Poland, which was very active in the children's cause, referring to Janusz Korczak.

This major undertaking took ten years of work, as it raised the sensitive issue of the universality of children's rights. Children are considered very differently depending on the cultural area, so how could one define "children's interests" in a way that would be accepted by everyone and everywhere? The very definition of a child raised issues relating to highly divergent state legislation regarding abortion. In order to write a text that would garner unanimous support, the Convention's development was guided by a logic of diplomacy, consensus, and political

compromise. The late 1980s, with a revival of the UN and the resolution of underlying conflict, was a favorable context for finalizing the text.

On November 20, 1989, the United Nations General Assembly adopted the International Convention of the Rights of the Child (UNCRC), which includes 54 articles. It stipulates that all protective measures for a child must be governed by concern for the child's best interests, as well as respect for his or her fundamental rights by ensuring the child's protection and liberty. UNCRC took effect on September 7, 1990, after its ratification by 20 states. A few days later, children's diplomacy reached its peak with a World Summit for Children that brought together a great many leaders who had never met at the same time (doc. 4). They adopted a World Declaration on the Survival, Protection, and Development of Children, along with a plan of action for the 1990s.

The application of UNCRC was overseen by the UN's Committee on the Rights of the Child, which regularly published "general observations" on problematic issues, and examined the periodic reports of states. Through their ratification of the UNCRC, the latter were required to apply its rules. In 2000, two additional optional protocols were adopted by the UN, and then a third in 2011, which enables any child to submit an individual communication to the Committee on the Rights of the Child. Sixteen young petitioners used this process in September 2019, including Greta Thunberg and Alexandria Villaseñor, arguing that the failure of states to address the climate crisis represented a violation of children's rights. On the 30<sup>th</sup> anniversary of UNCRC, 196 of the 197 sovereign state signatories had ratified it. The United States did not sign the convention until 1995, and today remain the only signatory country not to have ratified it, which continues to raise questions regarding the failure of a major democracy in the transnational space for the cause of children.

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