

The Social Reconstruction of Childhood after World War II through the UN Declaration of the Rights of the Child, 1959

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Humanity has its place in the general order of things; childhood has its place in the order of human life. Mankind must be considered in the individual man, and childhood in the individual child.

– Jean Jacques Rousseau, *Émile, or, Concerning Education*.

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Abstract

This thesis aims to shed light on the emergence of child rights from international human rights movements in the mid-twentieth century post-World War II. It investigates how child rights emerge through a social reconstruction of childhood by way of the United Nation's *Declaration of the Rights of the Child of 1959*. Using the theory of Philippe Ariés and a few other human rights scholars and historians, this thesis examines the social construction of childhood through the dimensions and qualities of the child. It looks for a transformation to a more universal human rights implementation, rather than the short-term solutions that humanitarianism provided. This thesis aims to be able to fill the gap of knowledge around the social reconstruction of childhood in the mid-twentieth century, as well as add knowledge to the child rights movement of the twentieth century. The following questions are addressed: *What dimensions of childhood were reflected in the 1959 UN Declaration of the Rights of the Child? And in what ways were experiences of World War II and immediate post-war years, in particular the phenomenon of the unaccompanied child, reflected in the 1959 Declaration?*

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At the beginning of the third semester, I had hit a few walls that should have pushed me back more than I imagined. These walls included personal life issues as well as finding out the original idea for my thesis had to be scrapped. Despite that though, I was able to persevere and stay on track to complete my master thesis. I would like to thank certain people for all their help as well as groups of people for allowing this degree to be possible.

With the help from my advisor Hanne Hagtvedt Vik, I was able to stay on track and on deadline to make this possible, and as well as her great supervising, I have been taught so much by her.

I would like to thank my friends who stayed by my side and gave me motivational support, and as well as my family back home who have been extremely supportive of my endeavors in life. I would like to specifically thank my little sister, Anna, for proofreading my thesis and giving me excellent feedback.

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Lastly, I would like to say that I take full responsibility for the contents in this thesis. Any errors or mistakes made are all my own.

Abby Jane Arisco,

23 May 2018

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Chapter 1: Introduction

This thesis aims to understand how the role and concepts of childhood were reflected in the United Nations *Declaration of the Rights of the Child in 1959*, adopted by the General Assembly Resolution 1386 on November 20, 1959. The objective of the *Declaration of the Rights of the Child of 1959* was to provide welfare and well-being rights for the children in the post-World War II era.¹ This period had been a founding phase for international human rights and the re-emergence of child rights. From what it appears, there has been relatively few historical documents and literature with a childhood perspective on the *Declaration of the Rights of the Child of 1959* specifically. However, there have been writings on the previous *Geneva Declaration of the Rights of the Child of 1924*, and later, *Convention on the Rights of the Child in 1989*. I hope to be able to help fill in this gap.

To make clear, the ideas of human rights have not been exclusively a Western idea. It has emerged throughout the centuries by way of many different cultures and peoples. According to A.H. Robertson, “the struggle for human rights is as old as [world] history itself, because it concerns the need to protect individuals against the abuse of power by the monarch, tyrant, or the states.”² In agreement, historian, Paul Gordon Lauren, added however, what the West did provide in the paradigm of human rights, were opportunities of instruments of implementation and considerations towards human rights.³ Post-World War I, Western culture created the first intergovernmental organization in 1920 as a result of the Paris Peace Conference: the League of Nations.⁴ However, the League of Nations, made to bring about peace, floundered because of an overwhelming economic crisis around the world called the Great Depression.⁵ Mass unemployment and poverty fueled fears and nations turned to hatred and discriminations within central and southern Europe.⁶ The world was yet again engulfed with war. World War II had

¹ United Nations General Assembly, "Declaration of the Rights of the Child," A/RES/14/1386 - Declaration of the Rights of the Child - UN Documents: Gathering a body of global agreements, <http://www.un-documents.net/a14r1386.htm>.

²A.H. Robertson, *Human Rights in the World Being an Account of the United Nations Covenants on Human Rights, the European Convention, the American Convention, the Permanent Arab Commission, the Proposed African Commission and Recent Developments Affecting Humanitarian Law* (Manchester: Univ. Press, 1972), 9; Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia: University of Pennsylvania Press, 2011), 13.

³ Lauren, *The Evolution of International Human Rights*, 13.

⁴ *Ibid*, 102-103.

⁵ U.S. Department of State, accessed March 10, 2018, <https://history.state.gov/milestones/1914-1920/league>.

⁶ Lauren, *The Evolution of International Human Rights*, 134-135.

been a bloody conflict fought among different nationalist parties and military super powers, resulting in the largest loss of life from war.⁷ Post-World War II era had been filled with the re-emergence of human rights, child rights, internationalism, and humanitarianism. It had become a transformational period for universal rights. With the newly established United Nations in 1946, the international arena began to request and demand for the universality of child rights and human rights.

The main thesis question: *What dimensions of childhood were reflected in the 1959 UN Declaration of the Rights of the Child? And in what ways were experiences of World War II and immediate post-war years, in particular the phenomenon of the unaccompanied child, reflected in the 1959 Declaration?* In order to answer the question, it seemed logical to focus on the years before the Declaration, 1946-1959. Beginning with the creation of the United Nations and the end of World War II, and ending with the *Declaration of the Rights of the Child of 1959*.

In this introductory chapter, I will give a brief overview on the background and emergence of international human rights until the *Universal Declaration of Human Rights in 1948*. The main questions in the background I intend to answer will be; what ideas in the International Human Rights movement emerged and how had it affected the people and the demonstrations of the movement? In addition to answering this question, I will also introduce the theoretical perspective I will use within the research and writings of this thesis and try to identify the difference between humanitarian rights and human rights.

⁷ John Graham Royde-Smith and Thomas A. Hughes, "World War II," Encyclopædia Britannica, April 12, 2018, accessed April 26, 2018.

1.1. The Emergence of International Human Rights

The emergence of international human rights seems to be a controversial area of review by human rights historians. Samuel Moyn and Kenneth Cmiel have argued that the emergence of human rights actually took place in the 1970s and not the 1940s post–World War II. Despite the word “human rights” being coined in the 1940s, Moyn still discussed how the word only made people aware of these issues, yet there were no proper instruments of implementation at time.⁸ Cmiel too argued how the emergence of the international human rights took place in the 1970s, despite the discourse around sovereignty and nationalism in the 1940s. Meanwhile, Hanne Hagtvedt Vik distinguishes Moyn from other human rights scholars, by discussing the transnational movements between other nations during the 1970s, 1940s and even times before. She stated that Moyn, “is dismissive of popular, academic, and political interest in human rights during the 1940s,”; yet Moyn only argues this way because there had not been a significant international instrument to implement human rights since the 1940s, but in the 1970s this was when things changed.⁹ According to Lauren, modernization and internationalization, transnationally influenced the emergence and made possible the human rights movement in the early 1900s.¹⁰ These two forces played vital roles in forming the international human rights movement.¹¹

At the beginning of the nineteenth century, the first international texts regarding human rights laws were created to fight the violations and abuses that occurred.¹² These documents were the first international instruments of implementation that any human rights discourse had reached. These violations and problems were products of years of slavery through societal traditions and imperialist countries, which transformed it into a form of racial discrimination.¹³ Slavery was a form of forced labor and majority of time the people being oppressed were not seen as people, but as a possession or a product.¹⁴ By incorporating the internationalism dimension, organizations and nation states participation increased. In 1890, the Brussels

⁸ Samuel Moyn, "Human Rights in History," *The Nation*, August 11, 2010, accessed May 01, 2018, <https://www.thenation.com/article/human-rights-history/>.

⁹ Hanne Hagtvedt Vik, "Taming the States: The American Law Institute and the ‘Statement of Essential Human Rights’," *Journal of Global History* 7, no. 03 (2012): 462, doi:10.1017/s1740022812000289; Moyn, “Human Rights in History,” 2010.

¹⁰ Lauren, *The Evolution of International Human Rights*, 81.

¹¹ *Ibid*, 81.

¹² A. H. Robertson, *Human Rights in the World*, 15.

¹³ Lauren, *The Evolution of International Human Rights*, 29.

¹⁴ *Ibid*, 29-30.

international conference for the anti-slavery act had been signed by eighteen nations and had been drafted and ratified, condemning the illegal use of people being suppressed.¹⁵ This conference highlighted international human rights violations. The conference had brought the attention of these atrocities to the public and humanitarians at the time regarded this as a large feat.¹⁶ Interestingly enough, Cmiel discussed how human rights had been a topic of debate for years. Meanwhile, there had been several outbursts of activism, human rights had still been politically weak to survive within the international field.¹⁷ The internationalization of human rights activism helped with sustaining the movements, but without transnational agencies to help back human right campaigns, it became discouraged.¹⁸ Though, without internationalism as a component to the social activism and social rights, human rights would have been even more difficult for the public to begin participation.

Several years after the *1890 Brussels Act* on anti-slavery, the world's next development that occurred on the global stage of human rights had been the fight for Native and Aboriginal Rights.¹⁹ The internationalization of the rights of minorities had been eye opening. In the late nineteenth and early twentieth century, the rights of indigenous peoples/populations had increased. With the creation of the League of Nations in 1919, different peoples, the Maoris, Native Americans, and Australian Aborigines had petitioned the League of Nations to become represented as a people separate of the nation state.²⁰ The influence of self-determination and nationalism had emerged. According to Vik, the indigenous populations had wished for their interests to be represented in the inter-war period on the international level with the intergovernmental organizations.²¹ However, these requests seemed to be isolated ordeals.

During the inter-war period, the *International Convention on the Abolition of Slavery and the Slave Trade* occurred. It had stated the right to personal freedom "is the rightful possession of every human being."²² From this, people wished to fight for their representation,

¹⁵ A. H. Robertson, *Human Rights in the World*, 16; Lauren, *The Evolution of International Human Rights*, 16, 56.

¹⁶ Suzanne Miers, "Brussels Conference and Act, 1890," World History, April 4, 2015, <http://www.worldhistory.biz/sundries/32167-brussels-conference-and-act-1890.html>.

¹⁷ Kenneth Cmiel, "The Recent History of Human Rights," *The American Historical Review* 109, no. 1 (2004): 126-127, doi:10.1086/530153.

¹⁸ *Ibid*, 127.

¹⁹ Lauren, *The Evolution of International Human Rights*, 116-118.

²⁰ Hanne Hagtvedt Vik, "Indigenous Internationalism," in *Internationalisms: A Twentieth-Century History* ed. Glenda Sluga and Patricia Clavin, (Cambridge: Cambridge University Press, 2017), 318.

²¹ Vik, "Indigenous Internationalism," 319.

²² Lauren, *The Evolution of International Human Rights*, 119.

right of self-determination and sovereignty.²³ Other organizations, the Aborigines' Progressive Association and the Anti-Slavery and Aborigines Protection Society began placing the needs of these people into the realm of humanitarian cause. These specific dimensions, self-determination and sovereignty, within internationalism and humanitarianism began to emerge, and soon planted a seed in other areas of civil liberties. Throughout the globe, the dimension of self-determination reached most colonized nations. The politics of the twentieth century had ignited the rise of anti-colonialism and the rise of nationalism through self-determination. The indigenous populations and the colonized nations slowly became acknowledged by nation states. The institutionalization of the human rights had progressed the chances of change in universal self-determination. With the creation of the intergovernmental organization, the League of Nations and post-World War II, United Nations, the implementation of universal rights had developed.

Parallel to the Anti-Slavery and Indigenous movements, the women's rights movement developed. The denial of women's rights or participation of women in the international level had even been an issue during the International Anti-Slavery Conference when two women, despite having long standings with abolitionist campaigns, could not participate.²⁴ During the Women's Rights movement, they fought for the same rights men had: economic, educational, and political rights.²⁵ Most known, the British Suffrage led a successful radical movement in women's rights during the early years of the twentieth century, ending with women gaining the right to vote in Great Britain in 1928.²⁶ Across Europe, women's rights began to flourish, in Norway and Finland, women gained universal suffrage in the early 1900s.²⁷ Feminism sparked a movement that most people became aware of: the child's rights movement.

The child rights movement began to emerge from human rights and internationalism. Throughout this brief history on international human rights, it led to the start of the child rights movement from a noticeable trend of the right to self-determination and sovereignty through anti-slavery, indigenous, and women's rights. In the United Nations instrument, the *Universal Declaration of Human Rights in 1948* (UDHR), the rights of the minorities of the non-self-

²³ Lauren, *The Evolution of International Human Rights*, 54; William J. Talbott, *Human Rights and Human Well-being* (New York, NY: Oxford University Press, 2010), 190.

²⁴ Glenda Sluga, "Women, Feminism, and the Twentieth-Century Internationalisms," in *Internationalisms: A Twentieth-Century History* ed. Glenda Sluga and Patricia Clavin, (Cambridge: Cambridge University Press, 2017), 62.

²⁵ Women in the EU: Women in the History of Europe - Women's Politics: The Feminist Movement, accessed March 27, 2018, <http://www.helsinki.fi/science/xantippa/wee/weetext/wee214.html>.

²⁶ Ibid.

²⁷ Ibid.

governing areas, the rights of women, and the rights of life had been referenced.²⁸ The UDHR only hinted for the native inhabitants rights meanwhile passing the universal individual rights. However, the UDHR did specify the violation of slavery and right to life in Article 3 and 4.²⁹ In addition, the universal rights of men and women in the fifth paragraph of the preamble had been stated.³⁰ As this section ends, it is to note, these human rights acts did not occur separately, but overlapping and intertwining together throughout the period, fighting for self-determination and sovereignty.

1.2. The Ideas that Emerged

During the growth of the International Human Rights movement, the idea of universality had been the main motivator. Universality is the idea that all people, regardless of race, faith, or social standing, have the right to equality.³¹ The Anti-Slavery, Indigenous, and Women's rights movements each grasped this concept through the political sphere and used this to their advantages: their rights to equality, their rights to vote, their rights to live the same as their counterparts. This idea of universality had been a reason why Eglantyne Jebb began the fight for the rights of children. She believed despite being red, black, brown, or white, a child is a child and deserved a voice to fight for their rights.³²

As this main idea pushed these movements forward, another emerged too, the right to sovereignty. To have sovereignty is to have the means of self-governing, yet it is not an old concept. Most of the times this idea of sovereignty coincides with the concept of nationalism. The concept of nationalism has been defined by many words: national culture, ideology, identity, pride, and self-determination.³³ For the thesis I will not fully define nationalism, but I will say that when a government feeds the citizens with hope for a nation to strive, this sense

²⁸ Please refer to Appendix 3, specifically Article 2.

²⁹ Please refer to Appendix 3.

³⁰ Please refer to Appendix 3.

³¹ "Universality | Definition of Universality in English by Oxford Dictionaries," Oxford Dictionaries | English, accessed April 01, 2018, <https://en.oxforddictionaries.com/definition/universality>.

³² Mike Yates, "Eglantyne Jebb," Leader Values, accessed April 06, 2018, <https://www.leader-values.com/leader.php?lid=7>.

³³ Andrew Vincent, "Nationalism - Oxford Handbooks," Oxford Handbooks - Scholarly Research Reviews, June 16, 2017, accessed May 01, 2018, <http://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780199585977.001.0001/oxfordhb-9780199585977-e-023#oxfordhb-9780199585977-div1-137>.

of hope and self-determination created nationalism.³⁴ Among the international human rights movement, it is observed that the right for sovereignty, individualism, and self-determination had become a trend.

At the start of World War II, human rights violations, as well as war crimes, had been committed. The world changed. The principle of universality seemed to become hidden from the atrocities of war. After World War II, human rights issues were brought up to the front burner of politics. The actors on the international stage needed to do something about these acts of violence. Therefore, in 1946, the United Nations had become the successor to the League of Nations. However, despite what some might believe, the draft of the *Universal Declaration of Human Rights* had not been to right the wrongs of World War II, but instead to right the wrongs of the human rights violations made throughout the centuries. It became *the* international instrument of implementation that acknowledged the rights of most people in the member and non-member countries of the United Nations.

1.3. Theoretical Area and Perspective of Research

The scope of this thesis is written within the area of child rights with a focus on the development of the child and childhood on the international stage in the years 1946 - 1959. To understand child rights and developmental rights, I needed to understand the difference between humanitarianism and human rights. The *Empire of Humanity: A History of Humanitarianism*, by Michael Barnett, helped distinguish the difference between humanitarianism and human rights. Barnett realized his own belief of humanitarianism and human rights had no essential difference, and he was actually wrong. The realization was that there was a clear distinction:

“Human rights relies on a discourse of rights, humanitarianism a discourse of needs. Human rights focuses on legal discourse and frameworks, whereas humanitarianism shifts attention to moral codes and sentiments. Human Rights typically focus on the long-term goal of eliminating the causes of suffering, humanitarianism on the urgent goal of keeping people alive.”³⁵

³⁴ Ibid.

³⁵ Michael Barnett, *Empire of Humanity: A History of Humanitarianism*, (Ithaca, NY: Cornell University Press 2011), 16.

Essentially, what Barnett has distinguished is the difference between a needs-based approach and a rights-based approach to handling human rights violations. A needs-based is humanitarianism, and rights-based is human rights. I intend to write with a rights-based approach in the perspective of the child. I want to trace the idea of universalism and the dimensions of childhood throughout the *Declaration of the Rights of the Child in 1959* and see if there are trends within these rights. In order to understand the theoretical area of rights-based approaches in the aspect of child rights, I researched journals and books by a few scholars that formed my understanding. *A Rights-Based Preventative Approach for Psychosocial Well-Being in Childhood* by Murli Desai and *Introduction to Rights-based Direct Practice with Children*, co-authored by Murli Desai and Sheetal Goel, described the difference between a needs-based approach versus a rights-based approach.³⁶ Desai’s argument was that the difference between the needs-based approach and the rights-based approach was that the needs-based had been purely short term; meanwhile, a rights-based approach had long-term solutions.³⁷ In the same way Barnett described the difference between humanitarianism (short-term goals) and human rights (long-term goals). Murli displayed a table, which has helped my understanding of rights verses needs:

Chart 1 Comparison of Needs Approach and Rights Approach³⁸	
Needs Approach	Rights Approach
<ul style="list-style-type: none"> • Each program has its own goal but there is no unifying overall purpose • Specific projects targeting specific groups of children • Hierarchy of needs as some needs are considered more important than others • Address symptoms • Short-term perspective • Aims at welfare • Providing welfare services as a object of needs • Service provision 	<ul style="list-style-type: none"> • There is an overreaching goal which all programs contribute • Holistic approach • Rights cannot be divided, they are indivisible and interdependent • Address root causes • Long-term perspective • Aims at legal entitlements, claims, guarantees justice, equality, freedom • Empowering rights holders as subject of rights to claim their rights

³⁶ Murli Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood* (Netherlands: Springer, 2013).; Murli Desai and Sheetal Goel, *Introduction to Rights-based Direct Practice with Children* (Child Rights and You: 2018), https://doi.org/10.1007/978-981-10-4729-9_10.

³⁷ Murli Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32.

³⁸ *Ibid*, 32.

Chart 1 Comparison of Needs Approach and Rights Approach ³⁸	
Needs Approach	Rights Approach
<ul style="list-style-type: none"> • Private security • Voluntary • Needs vary according to the situation, the individual and the environment • Determination of needs is subjective • Governments out to do something but nobody has definite obligations • Given scarce resources some children may be left out • Children are recipients of services 	<ul style="list-style-type: none"> • Awareness–raising (of parents, children, decision-makers) • Public, political, moral and legal responsibility, obligation, duty • Mandatory • Rights are universal • Rights are based on international standards • Governments have binding legal and moral obligations • All children have the same right to fulfill their potential • Children are active participants in the service delivery

A needs-based approach theory would be examining the unaccompanied child’s perspective by measuring the necessities each would need to survive. Similar to what Barnett found, a needs-based approach would be the aid of humanitarianism that these children needed right away. As displayed in the Chart 1, it highlights that needs-based approach is solely focused on practicalities and rights-based approach is focused on the indivisibility of rights and awareness raising of adults and children. However, when observing the *Declaration of the Rights of the Child of 1959*, I need to be skeptical with both the needs-based and rights-based approach. Critically looking at the declaration would aid in the possible answer to the thesis question: *What dimensions of childhood were reflected in the 1959 UN Declaration of the Rights of the Child? And in what ways were experiences of the Second World War and immediate post-war years, in particular the phenomenon of the unaccompanied child, reflected in the 1959 Declaration?*

The principle of universality within the realm of human rights has been demonstrated within current human rights legislation and documents. Universality in human rights law is defined, according to the Oxford-English dictionary, as, the “quality of involving or being shared by all people or things in the world or in a particular group.”³⁹ Universality and rights-based approach from what Murli and, Jo Boyden and Deborah Levison researched seemed that

³⁹"Universality | Definition of Universality in English by Oxford Dictionaries," Oxford Dictionaries | English, accessed April 01, 2018, <https://en.oxforddictionaries.com/definition/universality>.

both needed to work simultaneously.⁴⁰ However, when it comes to the area of children, when applying a rights-based approach and universalism, it becomes child rights programming (CRP). According to Save the Children, in 2002, CRP is when an organization places the child in the center of the program and sees that they are rights-holders and helps them engage as their own actors.⁴¹ Essentially, I will be using the concept of CRP and the rights-based approach while examining childhood and the shift in the construct of childhood post-World War II to see if the qualities were reflected in the *Declaration of the Rights of the Child of 1959*.

1.4. Literature, Sources and Structure

Within the introductory chapter, I have discussed a brief history and development of the international human rights movement and the emergence of children's rights from that. In this section, I will not repeat the elements discussed, but instead, focus on the other literary works that have helped in shaping my perspective of child rights on the international stage, the unaccompanied child, and the social construct of childhood.

In order to understand the concept of the child and childhood I read a few books to help my perspective. Social historian Philippe Ariès explained the evolution and emergence of childhood throughout the centuries in his book, *Centuries of Childhood*⁴². The idea that the child had existed, however in a different perspective than the modern thought was intriguing. As well as the idea that childhood had not existed at all. The way he accounts for the child through art, literature, and the shift that occurred in the placement within the family, shaped my own perspective to see that the child did emerge as an important figure in society. A figure that should be cherished and acknowledged. After reading the *Centuries of Childhood*, it began to spark my interest in child rights and if children were seen as individuals during the different United Nations declarations.

Another book that has shaped my understanding of the history of the child is Colin Heywood's *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times*. Heywood had criticized Ariès' theory because of Ariès' claim that childhood

⁴⁰ Jo Boyden and Deborah Levison, 2000, "Children as Economic and Social Actors in the Development Process," Stockholm: Expert Group on Development Issues, 2000, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.120.1198&rep=rep1&type=pdf>.

⁴¹ Save the Children, *Child Rights Programming: How to Apply Rights-based Approach in Programming*, (Stockholm: Ministry of Foreign Affairs, 2002), 1.

⁴² Philippe Ariès, *Centuries of Childhood*, trans. Robert Baldick, ed. Adam Phillips (London: Pimlico, 1996).

did not exist whatsoever during the middle ages.⁴³ In order to understand the concept of childhood, I needed to understand the stages of life of a child. Heywood not only criticized Ariés and other authors, but he argued that society had been aware of the child. The way he explained the awareness was through the continuity or change in the awareness of stages of the child. The different perspectives of the child that Heywood described from “looking up,” the child’s view, or “down,” the adult view, the life stages supported the elements of human rights and child rights that were needed to analyze the United Nations *Declaration of the Rights of the Child of 1959*.

In order to understand the relationship between rights and childhood, I have used David Archard’s book, *Children: Rights and Childhood*. Archard argued that the child deserved the best possible upbringing and lifestyle during childhood. He used John Locke’s theory of reason which said, “adults possess reason, whereas children lack it,” and disagrees that the child is incompetent.⁴⁴ However, Archard agreed with Locke as well, because a child’s mind was malleable at the early stages. He also gave perspectives on how the area of “child abuse” should be relooked at in consideration of parental power. Despite how Archard’s idea clashed at times, he provided a philosophical essay forming my understanding of childhood within child rights.

During World War I and II, before both the declarations of the rights of the child, 1924 and 1959 were written, there were children that had become orphaned, abandoned, and unaccompanied due to the wars. I have chosen to read *Unaccompanied Child: Care and Protection in Wars, Natural Disasters, and Refugee Movements* by Everett Ressler, Neil Boothby, and Daniel Steinbock to help my understanding of this group of children. They wrote about the unaccompanied children and their lives in World War II and other areas of conflict.⁴⁵ This book assisted in narrowing my perspective and the understanding of the term of “unaccompanied child.” They discussed the areas of weakness that the countries could have done to protect the children more and provided my research with statistical numbers in that period.

Other than Ressler et al’s book on the unaccompanied child, Tara Zahra’s work on the post-war childhood and refugee history, *The Lost Children* has proven helpful in understanding the role of the child during this period. She accounts on the separation of the child from the

⁴³ Colin Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern times* (Cambridge: Polity, 2001), 12-15.

⁴⁴David Archard, *Children: Rights and Childhood* (London: Routledge, 1993), 3-4.

⁴⁵ Everett M. Ressler, Neil Boothby, and Daniel J. Steinbock, *Unaccompanied Children: Care and Protection in Wars, Natural Disasters, and Refugee Movements* (New York: Oxford University Press, 1988).

nuclear family and shows psychologically what these children went through.⁴⁶ She argued that the allies and non-governmental organizations had kept the child in their best interests and helped them restructure the family of Europe. This book assisted in the comparison of elements traced throughout the emergence of human rights to the principles of Declaration of the Rights of the Child in 1959.

Similarly to Zahra's restructuring of the European family, *The Rights to the Child and the Changing Image of Childhood* by Philip E. Veerman, assisted in the perspective of how childhood had changed throughout the evolution of child rights. Veerman assisted in the background history of International Human and Child Rights, as well as shaping my understanding of the *Declaration of the Rights of the Child of 1959* drafting process. The historical aspect that Veerman's book brought to the comparative chapter and the drafting process chapter aided in the background knowledge for my topic.

As for archival research, I have focused my research on the United Nations Online Archives. Overall, these records were relatively easy to find. The records I was able to find were the Economic and Social Council Resolutions and several different sessions that discussed the drafting process. As well as the General Assembly and Commission on Human Rights resolutions and meetings. Luckily, all the primary sources were from the United Nations Archives and contributed to a more accurate retelling of the events, but it is still important to note that these events will not be accurately portrayed because I had not been there and these findings are my own interpretations of the archival documents.

Apart from the introductory chapter, the thesis consists of four other chapters. The second chapter is a descriptive chapter on the social construction of childhood through political, socioeconomic, and cultural dimensions. The third chapter will be discussing the emergence of child rights from the international human rights movement and then explain the drafting process of the UN General Assembly's *Declaration of the Rights of the Child of 1959*. The fourth chapter will be an analysis on the *Declaration of the Rights of the Child of 1959* and discussing throughout the principles whether there had been a continuity of childhood qualities from the previous declaration or not. The fifth chapter will be the conclusion where I will discuss the results of the thesis. Before moving ahead, I would like to state that even though most theses

⁴⁶ Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, MA: Harvard University Press, 2015).

are ambition, I would like to claim this is not an entire history on child rights, but an analysis with a western bias to trace the social re–construction of childhood through a European/United Nations scope of develops during the time frame of this thesis.

Chapter 2: The Social Construction of Childhood

“Biology does not determine childhood or adolescence, but provides a context for it,” a concept made by historian Murli Desai made an interesting point, similar to how biology does not determine sex but can provide context for girls and women.⁴⁷ The concept of childhood, as explained by Ariés, did not exist in the Middle Ages and children were portrayed as small adults.⁴⁸ However, if the explanation for children and childhood had been the way children appeared, in the Middle Ages people would have assumed that biology, countering what Desai explained, was the determinate of childhood. However, arguing against Ariés theory, Archard claimed that it was not that childhood did not exist, but “what the past had lacked was *our* concept of childhood.”⁴⁹ With the notion being that biology or appearance does not determine childhood, then what does determine the concept of childhood?

To understand the social construction of childhood, I needed to analyze the dimensions of childhood. According to Ivar Frønes, there were four developmental areas of childhood where the historical, cultural, and social changes occurred.⁵⁰ Similarly, Göran Therborn, another sociologist, who analyzed the political dimension of childhood and child rights on the international and national dimensions, found how these developmental areas gave a new outlook on the child as a political entity in the international stage.⁵¹ It was not until the eighteenth century children began being seen as cherished parts of society, but only until the age of six or seven.⁵² The concept of childhood had been perplexing to most historians, considering mainly sociologists, anthropologists, and psychologists studied the subject of childhood.⁵³ In order to understand how childhood influenced parts of the *Declaration of the Rights of the Child of 1959*, I need to explain the social construction of childhood and the qualities of the child.

⁴⁷ Murli Desai, "A Rights-Based Preventative Approach for Psychosocial Well-Being in Childhood," 252.

⁴⁸ Philippe Ariès, *Centuries of Childhood*, 32.

⁴⁹ David Archard, *Children: Rights and Childhood*, 19.

⁵⁰ Ivar Frønes, (1991) "Dimensions of Childhood," Notatserie, Nr. 3, Instituttet for Sociology: Universitetet I Oslo, 4-5.

⁵¹ Göran Therborn, "Child Politics," *Childhood* 3, no. 1 (1996): 37-41, doi:10.1177/0907568296003001003.

⁵² Marc Jans, "Children as Citizens," *Childhood* 11, no. 1 (2004): 32, doi:10.1177/0907568204040182.

⁵³ Llyod DeMause, "Chapter 1: The Evolution of Childhood," in *Foundations of Psychohistory*, 1982, 2.

Throughout this chapter, I will first define the child in the time of the *Declaration of the Rights of the Child of 1959*. Second, I discuss the social construction of childhood through the dimensions of the child, and then highlight the qualities of the child that emerged from the social construct of childhood. Next, the discussion will turn to the unaccompanied child during World War II, and how the dimensions of childhood shifted. To conclude, I will relate the dimensions and qualities to the same ideologies that emerged from the International Human Rights movements.

2.1. How was the Child defined in history?

According to Aristotle, “the Child is imperfect and therefore obviously his virtue is not relative to himself alone, but to the perfect man and to his teacher, and in like manner the virtue of the slave is relative to the master.”⁵⁴ The child is seen as an incomplete being; in addition to this perspective, the modern world has developed a specific age to measure what a child is or isn’t. In the *Convention of the Rights of the Child in 1989*, a child is a human being under the age of eighteen unless that particular country identifies otherwise.⁵⁵ Ageism, a prejudice towards a person’s age, was demonstrated towards the child and continues to be present in today’s society. However, before this definition was established, identifying a child had been a subject juggled among scholars and people for centuries. Frønes explained how the child was classified in this certain period of life as an age group in order to distinguish it from the different age groups (e.g. adulthood).⁵⁶ In both the previous *Declaration of the Rights of the Child, 1924* and *1959*, neither formally established the period or the age of a child. According to Ariès, a child was just a miniature adult in the Middle Ages, and according to historian James A. Schultz, children were seen as “imperfect adults” in the western perspective.⁵⁷ Ariès explained that in different centuries there have been different concepts of a child. He studied the idea of a child through literature and the arts. By doing so, he was able to trace the development of the

⁵⁴ Anne Mae Duane, introduction to: *Child Slavery before and after Emancipation: An Argument for Child-Centered Slavery Studies*, ed. Anne Mae Duane (New York: Cambridge University Press, 2017), 5-6.

⁵⁵United Nations General Assembly, “Convention of the Rights of the Child.” A/RES/44/25 - Convention of the Rights of the Child - UN Documents: General Assembly Resolutions, 1989. Accessed May 2018. <http://www.un.org/documents/ga/res/44/a44r025.htm>.

⁵⁶ Ivar Frønes, “Dimensions of Childhood,” 1.

⁵⁷ Ariès, *Centuries of Childhood*, 31; Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern times*, 2.

child.⁵⁸ Making observations through paintings and journals that had marked the days written and age of the person on them, helped separate the idea of an adult versus the child during the sixteenth, seventeenth, and eighteenth centuries. By identifying age with the person, people began seeing the difference in a grown male and an underdeveloped male.

Further into the present day, in 1960, scholar, Hans Peter Dreitzel, explained how researchers said that the child was “‘an incomplete organism’ which developed in different directions in response to different stimuli.”⁵⁹ A child defined as an underdeveloped human being would be the more accurate definition in comparison to the *Convention of the Rights of the Child in 1989* definition pertaining to age. However, even though the underdeveloped human being made sense to historian, Mark Yudof, he believed that Ariés theory about the child being a “mini” adult was an incorrect perspective towards the topic.⁶⁰ During the time before the declaration, the child, in short, was a growing and developing individual: simply, a stage before adulthood that became acknowledged as necessary and inevitable.

2.2. The Social Construction of Childhood

The concept of childhood is a social construct of society. Social construction is defined as what has been observed and has been molded by the social norms of the time of a certain societal phenomenon.⁶¹ Childhood, being one of these types of phenomena, was created by societies according to their social norms. Ariés researched the idea of childhood in the Middle Ages and found that childhood did not exist.⁶² As stated before, Archard argued that it was only the concept of modern childhood that did not exist in the Middle Ages.⁶³ By modernizing childhood, the development from extra labor hands to being cherished in the family sphere shifted. Meanwhile, when understanding the research of Ariés and other historians, throughout the twelfth to the eighteenth century, the development of the modern childhood began to emerge.

⁵⁸ Ariés, *Centuries of Childhood*, (1996).

⁵⁹ Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern times*, 3.

⁶⁰ Philip E. Veerman, *The Rights of the Child and the Changing Image of Childhood* (Dordrecht: Nijhoff, 1992), 5.

⁶¹ Ron Mallon, "Naturalistic Approaches to Social Construction," *Stanford Encyclopedia of Philosophy*, November 10, 2008.

⁶² Ariès, *Centuries of Childhood*, (1996).

⁶³ Archard, *Children: Rights and Childhood*, 19.

As mentioned before, Frønes, had analyzed childhood in four developmental areas: the relationship between generations, the relationship between children, the institutional arrangements of childhood, and childhood as an age group.⁶⁴ In each area, it divided the child's development into social, economic, political, and cultural dimensions focused on key aspects and qualities in childhood.⁶⁵ In order to start to see the construct of childhood, the four areas and dimensions need to be examined in the child's life. To begin, the institutionalization of childhood was an area that socially structured and had constructed the age group of the child. The institutionalization of childhood referred to, and had been primarily, the educational systems during the time of the child's life.⁶⁶ These systems had a significant impact on the organization of children's lives. By creating the social norm that a child needs to go to school rather than work at a young age, the structure went from a small adult's life to a child's life. After the industrial era, children began to work less and play more; play as in have the right creative thinking and enjoy learning. The child became a declining population of the industrial era, yet climbed to the center of the family on the basis of sentimentalism.⁶⁷ During the eighteenth century, Jean Jacques Rousseau produced the idea of sentimentalism through literature about the child and childhood. Rousseau's *Émile; or Concerning Education*, explained how the child and childhood were a distinct part of humanity separate of the adult life. His work and conclusions shaped the ideas that adults began to understand children as cherished individuals.⁶⁸ Before Rousseau wrote *Émile*, these children were once considered "pocket-sized adults," as stated above; children were extra hands for economic contribution. With the educational system organizing the lives of the child, by age, interests, and education levels, it began to lead to the development of the individualization of the child within the family structure and society.

Individualization had been a creation of the educational system. Education socially constructed childhood by taking children away from the workforce and bringing them into the classroom.⁶⁹ School, a socially 'forced' activity, had been a particular part of the child's life. The modern school day allowed children to build relationships with other children, rather than

⁶⁴ Frønes, (1991) "Dimensions of Childhood," 5.

⁶⁵ Ibid, 1-6.

⁶⁶ Frønes, "Dimensions of Childhood," 7; Jens Qvortrup, "Societal Position of Childhood: The International Project Childhood as a Social Phenomenon," *Childhood* 1, no. 2 (February 1993): 121, doi:10.1177/090756829300100207.

⁶⁷ Jens Qvortrup, "Societal Position of Childhood," 120.

⁶⁸ Jean Jacques Rousseau, *Émile; or Concerning Education*, (Boston: D.C. Heath & Company, 1889), 44.

⁶⁹ Göran Therborn, "Child Politics," 29.

with their adult counterparts. Individualization also created the shift in the family community. According to Ariés, children began to shift from being an annoyance to being a form of entertainment and relaxation.⁷⁰ Schooling was a key dimension within the social construct of childhood by making the clear distinction between adulthood and childhood as separate periods of life. Another way school has enhanced the child and childhood, is the socioeconomic standings. School forces the child to be in age groups and intelligent levels. However, interestingly enough, school created social classification within the child age group. The formation of class standings inside the school had slowly forced the individual identities of the child to develop.⁷¹ By identifying the child as a unique personality from each other and from the family, the social construct of childhood created the individual identity of the child.

The relationship between family generations, the children and the parents changed during the shift in cultural relations. Within the cultural dimension, the child began to take form through the arts. In the art of the Middle Ages, there seemed to be no distinction between the adult and the child. According to Ariés, artwork in the twelfth to the fourteenth centuries lacked the identity of a child.⁷² Interestingly enough, childhood began to emerge when religious figurines and paintings began to depict angels as the “holy child.”⁷³ This shift in religious culture created a fascination with becoming innocent like the child, or to also keep the child as innocent as the Bible depicts. In the Bible, Jesus Christ had been said to be quoted by St. Matthew, “Verily I say unto you, Except ye be converted, and become as little children, ye shall not enter into the Kingdom of Heaven.”⁷⁴ The idea that a child’s innocence was the way to gain acceptance into heaven led to the belief being deeply embedded into the Western culture.⁷⁵ In the Western culture, religion was typically a pillar of family life. Christianity inherited this idea that childhood was a way of growth and development for the Lord. There had been a belief that one needs purity in order to enter the Kingdom of God. The development of childhood through the idea of innocence and religion happened throughout the centuries as Ariés, Colin Heywood, and David Archard have demonstrated in each of their works. Religion and education began the social construction of childhood.

By positively categorizing children with age in school, it began the formation of childhood and separation from adult to child. It was clear that childhood was a necessary

⁷⁰ Ariés, *Centuries of Childhood*, 126.

⁷¹ Frønes, (1991) “Dimensions of Childhood,” 5.

⁷² *Ibid*, 31-34.

⁷³ *Ibid*, 34.

⁷⁴ Heywood, *A History of Childhood*, 34; Archard, *Children: Rights and Childhood*, 37.

⁷⁵ Ariés, *Centuries of Childhood*, 121-124

developmental step before the level of adulthood. In addition, the absence of children in the workforce gave adults another perspective on how to observe their children. No longer needing the child as an economic contribution, the child became seen as something of entertainment and cherished. Creativity in the schooling soon made the separation from child labor to childhood more evident. The perspective of how adults viewed children went from a dominant to becoming a caretaker.⁷⁶ The social construct of childhood in turn reshaped the family structure to be more child-oriented. The change in perspective started to transform the roles of the family and the parent. The parent took on the role of reinforcing the duties and rights towards the child. The qualities of the child began to emerge once the social construct of childhood had been established.

From this analysis on the social construct of childhood, one can develop the sense of importance that the family relations and historical relations have towards the child. The modernization process of childhood had been seen first in the shift from the child in the workforce to the child in schools. According to Frønes, the “cultural modernization of childhood is mostly a post-war phenomenon.”⁷⁷ To refute this claim, post-World War II had affected childhood, but in the political and international dimensions. The cultural modernization had occurred during the growth of traditions throughout the eighteenth and nineteenth centuries. As Ariés says, the cultural traditions changed throughout literature and the arts, but also shifted the family structure to adapt to the needs of the period.⁷⁸ Therefore, the cultural modernization had not been a random development, but a linear process of development.

It is interesting to observe the different ideas on the dimensions that affected the development of childhood. Politically, childhood began to find a voice on the international dimension when child rights had emerged in the mid-twentieth century. Socially and economically, the child grew from a small adult worker into a developing and growing student. Culturally, the family had shifted to identify the child as a cherished individual and the structure changed from adult-centered to child-centered. From these dimensions, the qualities of the child developed and soon began to form the modern childhood.

⁷⁶ Ariés, *Centuries of Childhood*, 129-130.

⁷⁷ Frønes, (1991) “Dimensions of Childhood,” 4.

⁷⁸ Ariés, *Centuries of Childhood*, 31-47.

2.3. The Qualities of the Child

Establishing the qualities of the child from the dimensions of childhood had been more difficult than one would think. From reading Philippe Ariés on the cultural dimension of childhood, and the writings of other historians, Philip Veerman, Colin Heywood, and Marc Jans, who explained a more socioeconomic and political dimension in the development of childhood, the qualities in which were displayed were, and not limited to, innocence, individuality, creativity, and dependence. In this section of this chapter, I will explain how these qualities developed from the dimensions of childhood within the United Nations' zone of influence.

With the cultural, social, economic, and political dimensions of the child socially constructing childhood as explained in the above section, these areas each slowly developed the child as an individual as touched upon before. The individuality of the child is the main quality of the child that developed from the dimensions of childhood. When examining the shift in the relationship of the child and the parent, the child becomes the center of the family. Before, the period of childhood shortened due to the economic necessity for the prosperity of the family.⁷⁹ In the eighteenth century, the perspectives of a child changed gradually throughout the art, education, and literature. Ariés and historian, Kimberley Reynolds, both discussed how philosopher, Rousseau's *Émile*, had been a way to convey how the child grew and developed through education. Growing this way allowed for the developmental process to be natural and nothing forced upon the child in an ill manner. Rousseau, who himself was self-taught, wrote *Émile* to express the structure of education and life from the perspective of the child.⁸⁰ This philosophical piece on education and childhood, allowed the reader to view the child as an individual, discoverer, and pioneer rather than an imitator of adults.⁸¹

By allowing the child to think as an individual, some may think the quality of dependency would contradict itself, but it does not. The child might be seen as an individual entity; however, it is still dependent of the adult in life. In the political dimension, the child was starting to be seen as an individual post-World War II.⁸² However, still in the social and cultural dimensions, the child's individualization only catered to it becoming a unique self.⁸³ In the

⁷⁹ Marc Jans, "Children as Citizens," 34-35.

⁸⁰Jean Jacques Rousseau, *Émile: Or Concerning Education*, 11-118.

⁸¹ Ibid.

⁸² I will expand on this in Chapter 3 & 4.

⁸³ Frønes, (1991) "Dimensions of Childhood," 4.

family structure, the child was still vulnerable and cherished, but an individual. When born in to the world, a child is vulnerable and becomes immediately dependent on its mother to live.⁸⁴ Being dependent on the mother and growing with the mother is a key part of the developmental process for the child.⁸⁵

The dependence of the child and its innocence complement each other. Innocence was once derived from the “original sin”⁸⁶ of Christianity. As a social construct of childhood, religion sparked the idea of innocence and admiration of the child. The Christian religion believed that if a child was born and died before baptism, they would not be allowed into heaven due to the lack of purity.⁸⁷ The purification process saved the child and allowed it to regain its innocence. The idea of childhood and innocence in religion was not solely based upon the original sin. The value of innocence essentially made it known the child was one of the closest placements to God. As stated early in the chapter, religious art had depicted angels as children that displayed innocence and playfulness. According to Rousseau, the child had the right to being innocent and happy.⁸⁸

In the perspective of both the cultural and social dimensions, education had enabled the child’s innocence and its creativity. According to Lockean theory, humans have been born with essentially a blank slate or a blank white page that they can shape and form into their own beliefs and opinions.⁸⁹ This factor is one of the most beautiful things about children, as well as the most vulnerable. The vulnerability of the child shifted the adult’s objective to provide more protection. Adults became keen on the observation of the child and the duty to protect the child. The child’s distinct attributes began to become significant in the family setting.

These qualities of the child, innocence, individuality, creativity, and dependence were tools throughout the life stage and development of the child. Within the *Declaration of the Rights of the Child of 1959* these dimensions of childhood were mentioned, yet subtle. Due to the emergence of the unaccompanied child, these dimensions began to shift. Each of these aspects of the child shaped the period of the growth of childhood and had been a noticeable

⁸⁴ Ariès, *Centuries of Childhood*, 24-25.

⁸⁵ Heywood, *A History of Childhood*, 91-92, 104.

⁸⁶ The “original sin,” defined as the first sin committed by human who disobeyed God by eating a forbidden fruit from the tree of knowledge; “Original Sin,” The Editors of Encyclopædia Britannica Academic, January 4, 2007, accessed March 10, 2018, <http://academic.eb.com/levels/collegiate/article/original-sin/57375>.

⁸⁷ Heywood, *A History of Childhood*, 51-52.

⁸⁸ Jeroen J.h. Dekker, “Children at Risk in History: A Story of Expansion,” *Paedagogica Historica* 45, no. 1-2 (April 20, 2009): 19, doi:10.1080/00309230902746206.

⁸⁹ John Locke, *An Essay Concerning Human Understanding: Book II Ideas*, ed. Jonathan Bennett, 2004 (Original 1689), 18.

change after the emergence of the phenomenon of the unaccompanied child during post-World War II.

2.4. The Phenomenon of the Unaccompanied Child and Childhood: Post-World War II

What is an unaccompanied child? According to a 1988 study on wars, disaster zones, and refugee movements on unaccompanied children by Everett M. Ressler, Neil Boothby, and Daniel J. Steinbock, the unaccompanied child was defined as a child without legal adults or guardians to look after them, as well as being under the age of the majority.⁹⁰ In the study, they discussed how the unaccompanied child of World War II needed special care in every country affected and the creation of the new agencies that had developed for these children. During World War II, 1939-1945, the orphaned child had been an ever-growing phenomenon. According to Ressler, Boothby, and Steinbock the total number of children that were separated from the family had been unknown.⁹¹ The total of lives lost during World War II was recorded as being something within 50 million and 80 million deaths.⁹² According to Tara Zahra, East European historian, the amount of orphaned children at the beginning of the war changed the outlook on children's needs.⁹³ However, it is important to say that it was not all children who suffered atrocities during the war. Norwegian children who had the pleasures of childhood, also suffered different issues of anxiety and malnutrition from the war.⁹⁴

At the end of World War II, the children who had been abandoned and orphaned were faced with destitution and starvation.⁹⁵ After the creation of the United Nations of 1946, the nongovernmental organizations that were created to support and rehabilitate the unaccompanied children were United Nations Educational, Scientific and Cultural Organization (UNESCO) and United Nations International Children's Fund (UNICEF). Other organizations that aided these situations in the past, Save the Children Fund and the

⁹⁰Everett M. Ressler, Neil Boothby, and Daniel J. Steinbock, *Unaccompanied Children: Care and Protection in Wars, Natural Disasters, and Refugee Movements*, 7.

⁹¹ *Ibid*, 18.

⁹²"World War 2 Statistics," WW2 Timeline, accessed May 01, 2018, <https://www.secondworldwarhistory.com/world-war-2-statistics.asp>.

⁹³ Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, MA: Harvard University Press, 2015), 237.

⁹⁴ Published: 5.6.2017 Share, "Everyday Life," The National Archives of Norway, accessed May 03, 2018, <https://www.arkivverket.no/en/themes/world-war-ii/everyday-life#!#block-body-1>.

⁹⁵ Eva Simonsen, "Children in Danger: Dangerous Children," in *Children of World War II*, ed. Kjersti Ericsson and Eva Simonsen (New York: Berg, 2005), 274.

International Committee of the Red Cross, also came to the relief. These organizations all attempted to help with humanitarian relief by bringing food, water, and shelter, and attempted to bring the best relief each could. Yet, what could not be given back to these children was their childhood.

The cultural, socioeconomic, and political dimensions of the child had been altered by the separation of children during World War II. In the cultural dimension, the religious traditions and other traditional areas that affect the family structure began to fall apart.⁹⁶ Childhood shifted in most countries affected by World War II, similar to the traditions of countries changed. In Germany and Austria, it became a normalcy to send children away in order for them to grow up with the right care they needed.⁹⁷ Special agencies were formed to help with the care of the children. This had affected the family structure drastically. In Germany, the Nazi programs for children were designed to have the children perform with absolute obedience to the authority and to declare total loyalty to the German Reich.⁹⁸ In Austria, the unaccompanied child were prominent in the foster homes or homes for orphaned children.⁹⁹ Many children throughout Europe had been experiencing severe malnutrition.¹⁰⁰ This had been an ongoing issue during and after World War II.

These health concerns and the separations of the family began to affect not only cultural or religious traditions families had developed over the years, but it began to shift the dynamics of the socioeconomic and political dimensions. The unaccompanied child distrusted the idea of family life in the 1940s and 1950s. The socioeconomic standing of the unaccompanied child had been filled with poverty and malnutrition. The modernization of childhood had begun to disappear because of the backlash of World War II. However, the phenomenon of the unaccompanied child had disrupted the normal child-centered family structure, but it still displayed the vulnerability and protection that the child had and needed.

In the political and international dimension, the unaccompanied child brought forward human rights issues that concerned the lives of all children in the post-World War II era. The development of child rights from the post-World War I era to the World War II era had seemed to transform from a humanitarianism focus to more morally and politically focused

⁹⁶ Zahra, *The Lost Children: Reconstructing Europe's Families after World War II*, 7, 11-12.

⁹⁷ Ressler, et. al, *Unaccompanied Children: Care and Protection in Wars, Natural Disasters, and Refugee Movements*, 19.

⁹⁸ *Ibid*, 19.

⁹⁹ *Ibid*, 22.

¹⁰⁰ Zahra, *The Lost Children: Reconstructing Europe's Families after World War II*, 9.

responsibility. Child rights issues began to reach the international sphere due to the knowledge of daily life changes and humanitarian crisis of World War II.¹⁰¹

2.5. The Transformation of Ideas

Something changed after World War II. The ideologies of the International Human Rights movement, universalism, self-determination, and individualization, were once what people valued highly, yet began to be seen in a skeptical perspective. Education, religion, and the shift of the nuclear family during the interwar periods had socially constructed the concept of childhood. The elements of the International Human Rights movements began to emerge from the dimensions of the child and childhood. Despite that, the emergence of the unaccompanied child changed this. These ideologies seemed to be what these families and children needed, but the new phenomenon produced a humanitarian setback.

As stated in an earlier section, individualization is the development of a unique personality of the child or the person. Instead, post-World War II, individualization of people had not been the singular person, but instead the categorization of which group they were from: Jewish, Polish, German, or French.¹⁰² The idea of self-determination had been hindered by most of the destitution and starvation. Regardless of this, the idea of self-determination had re-emerged by the strength of the family to survive. Post-war years, the United Nations began to rehabilitate the continent of Europe to give people access to these ideologies through the creation of the *Universal Declaration of Human Rights*. Yet for the child, there still lacked the proper amount of recognition. Therefore, the draft-text of the *Declaration of the Rights of the Child* had been written as the next international instrument of implementation that acknowledged the rights of the child.

¹⁰¹ Zahra, *The Lost Children: Reconstructing Europe's Families after World War II*, 243.

¹⁰² *Ibid*, 241-242.

Chapter 3: The United Nations Drafting Process of the Declaration of the Rights of the Child 1959

The League of Nations ceased operations in 1946; however, it reformed and established the United Nations (UN). Following the suffering of World War II, the UN began the process of the *Universal Declaration of Human Rights* and it was created in 1948. During the year of 1946, the Save the Child International Union (SCIU) and the International Association of Child Welfare merged into a transnational body called the International Union of Child Welfare (IUCW).¹⁰³ Simultaneously, the UN took immediate steps to protect children by creating the United Nations Children Fund (UNICEF). The IUCW demanded for the UN to claim the *Geneva Declaration of 1924* as the international document for child rights, however the UN members wished to focus on the *Universal Declaration of Human Rights*, considering the UN's creation of UNICEF.¹⁰⁴

By asking for focus on the *Declaration of the Rights of the Child*, members of the UN believed that because of the creation of UNICEF and the *Universal Declaration of Human Rights* in 1948 another declaration for the rights of the child would be unnecessary and redundant.¹⁰⁵ The *Universal Declaration of Human Rights* was written to provide the necessary and universal rights to all human beings including the child, however it only mentioned the words "child" and "childhood" three times. Therefore in 1948, the IUCW took it upon itself and sent in a revised version of the *Geneva Declaration on Children's Rights* in 1924, making it the first draft of the *Declaration of the Rights of the Child* in 1950.¹⁰⁶

Both IUCW and the Economic and Social Council of the United Nations (ECOSOC) submitted the 1950 proposed Declaration of the Rights of the Child. Eleven years later, the *Declaration of the Rights of the Child* in *Resolution 1386 (XIV)* had been adopted by the General Assembly on November 20, 1959.¹⁰⁷ On the fourteenth session of the United Nations General

¹⁰³ UNICEF, "The State of the World's Children Special Edition: Celebrating 20 Years of the Convention on the Rights of the Child.," *Reproductive Health Matters*, May 1, 2010, 4-5.

¹⁰⁴ Zoe Moody, "The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation and dissemination of a treaty (re)constituting a transnational cause," *Prospects* 45, no. 1 (2015): 19-20.

¹⁰⁵ Veerman, *The Rights of the Child and the Changing Image of Childhood*, 162.

¹⁰⁶ *Ibid*, 162-163.

¹⁰⁷ United Nations General Assembly, "Declaration of the Rights of the Child," A/RES/14/1386.

Assembly, the *Declaration of the Rights of the Child* was adopted and included a preamble and 10 principles.¹⁰⁸ Before discussing the drafting process of the *Declaration of the Rights of the Child*, it is necessary to discuss the emergence of child rights from the international human rights movements.

3.1. The Emergence of Child Rights from the International Human Rights Movement

The field of child rights has been relatively new in the international human rights movement. Its emergence was similar to that of childhood where it had taken shape from the different political, socioeconomic, and cultural dimensions. These different dimensions socially constructed childhood and child rights as human rights. During the industrial era was the first encounter with child rights. Child labor rights were a major concern in European society.¹⁰⁹ The concerns of the movement had been the focus on exploitation of child labor and child abuse. The industrialization of Europe at the time called for many workers. The majority of the time the factory and business owners encouraged young children to work because of their advantage in size.¹¹⁰ Unfortunately for the child, this led to injury and health issues. These issues soon started to contrast to the normal view that children were merely property and economic assets, but as young, developing humans.

In 1889, the *Prevention of Cruelty to, and Protection of, Children Act* had been established. The act had nineteen principles that had consisted of the punishment on child abuse/neglect, and the restrictions on child employment.¹¹¹ The act applied to the United Kingdom of Great Britain and Ireland. About fifteen years after in 1904, the National Child Labor Committee was established in the United States and its mission had been similar to the

¹⁰⁸ Ibid.

¹⁰⁹ Eckhardt Fuchs, "Children's Rights and Global Civil society," *Comparative Education* 43, no. 3 (2007): 394..

¹¹⁰ Anne Mae Duane, introduction to: *Child Slavery before and after Emancipation: An Argument for Child-Centered Slavery Studies*, 10-11; "ILO," The Worst Forms of Child Labour (IPEC), accessed April 05, 2018, <http://www.ilo.org/ipec/Campaignandadvocacy/Youthinaction/C182-Youth-orientated/worstforms/lang--en/index.htm>; Linda C. Majka, et al., *Childrens Human Rights: Progress and Challenges for Children Worldwide*, ed. Mark Ensalaco and Linda C. Majka (Lanham, MD: Rowman & Littlefield, 2005), 177-178.

¹¹¹ "Prevention of Cruelty To, and Protection Of, Children Act 1889," Legislation.gov.uk, accessed May 10, 2018, <http://www.legislation.gov.uk/ukpga/1889/44/enacted>.

Children Act of 1889 in the United Kingdom. The National Child Labor Committee's mission was "promoting the rights, awareness, dignity, well-being and education of children and youth as they relate to work and working."¹¹² This committee was called to perform investigative work on working conditions in the United States between 1908-1924. It found how harsh and unfair these conditions were, specifically for children. Meanwhile, factories and industries in Europe had been doing the same thing: exploited the use of children to fix machines, to fit in small areas, and exploited their time.¹¹³ These children had zero say for their own rights and, most of the times, these jobs resulted in injury and even some injuries were fatal. By 1908, the British liberal party had a reform package, which included another Children's Act of 1908. The act had been established to acknowledge the rights of children and young people in the United Kingdom.¹¹⁴

Still inside the socioeconomic dimension, the shift from children in the workforce to child in the classroom had been significant. This social shift not only socially constructed childhood, but it began to establish child rights. Education and family structure falls under both the socioeconomic and cultural dimensions of childhood. This began the development of the family seeing the child as a cherished and vulnerable individual. However, in 1914, World War I had broken out. People had become blinded by war and ignored the concept of child labor rights. The shift from child-centered to economic-centered within the family occurred again. Every person on the home front, including the child, worked to provide resources for the soldiers serving their nations.¹¹⁵

After World War I, and as a result of the Treaty of Versailles, the League of Nations had been formed to find solutions for problems of reconstruction, European relief, and peace and international co-operation.¹¹⁶ In the field of human rights, the League of Nations established a set of rules and laws to stop violations. The Treaty of Versailles mentioned the child and the

¹¹² "National Child Labor Committee Collection - Background and Scope," Background and Scope - Prints & Photographs Online Catalog (Library of Congress), January 01, 1970, accessed April 05, 2018, <http://www.loc.gov/pictures/collection/nclc/background.html>.

¹¹³ "ILO," The Worst Forms of Child Labour, (IPEC).

¹¹⁴ "Prevention of Cruelty To, and Protection Of, Children Act 1889," Legislation.gov.uk.

¹¹⁵ Irene Osgood Andrews, *Economic Effects of the War upon Women and Children in Great Britain*, (Oxford University Press, 1918) Nineteenth Century Collections Online, <http://tinyurl.galegroup.com/tinyurl/6FvWo1>, 17-20; Friederike Kind-Kovács, "The Great War, the Child's Body and the American Red Cross," *European Review of History: Revue Européenne D'histoire* 23, no. 1-2 (March 2016): doi:10.1080/13507486.2015.1121971.

¹¹⁶ "The League of Nations," *Nature* vol.150 (September 19, 1942): 354.

young adult in reference to the labor violations as a result of World War I.¹¹⁷ However, what the treaty had not acknowledged was the neglect and abuse that the children in the rest of Europe had been facing.¹¹⁸

Eglantyne Jebb, a social reformer and activist, took an interest in the aftermath of starvation and neglect upon children from World War I.¹¹⁹ Central, Eastern, and Southern Europe's children were starving and dying from the war because they were seen as "enemy" children.¹²⁰ In 1919, Eglantyne Jebb and her sister, Dorothy Buxton, founded the Save the Children Fund whose mission was similar to that of the National Child Labor Committee's, but with an international dimension: *fight for the rights of children and deliver immediate and lasting improvement in children's lives worldwide.*¹²¹ Following the concerns of labor rights and anti-slavery declarations, Jebb ignited the child rights movement in the continent through the Save the Children efforts. Jebb fought for, what she considered the major concern in any rights, specifically within the human rights paradigm: the principle of universality.¹²² Eglantyne Jebb took the initiative and requested that the League of Nations to accept her concept – *Declaration of the Rights of the Child in 1923* in order for these human rights violations to be made aware and hopefully cease these violations on the international level.¹²³ Jebb's concept-declaration was comprised of five principles which stated a needs-based approach towards child welfare: food, water, shelter, health, and clothing.¹²⁴

The emergence of child rights after World War I had a particular importance in the international political dimension. It had been the first time in international history that an instrument was created to implement laws for the rights of children. The *Geneva Declaration*

¹¹⁷ "Treaty of Peace with Germany: Treaty of Versailles," loc.gov, accessed April 26, 2018, <https://www.loc.gov/law/help/us-treaties/bevans/m-ust000002-0043.pdf>.

¹¹⁸ Clare Mulley, "Eglantyne Jebb, The Woman Who Saved the Children," The History Girls, , accessed May 10, 2018, <http://the-history-girls.blogspot.no/2014/05/eglantyne-jebb-woman-who-saved-children.html>.

¹¹⁹ Priscilla Alderson, *Young Children's Rights: Exploring Beliefs, Principles and Practice*, 2nd ed. (London: Jessica Kingsley Publishers, 2008), 48-49.

¹²⁰ Friederike Kind-Kovács, "The Great War, the Child's Body and the American Red Cross," 33-34.

¹²¹ "Evaluation of the DG ECHO – Save the Children UK Partnership," *Final Report*, October 2006, 3, http://ec.europa.eu/echo/files/evaluation/2006/sc_uk_final.pdf.

¹²² Alderson, *Young Children's Rights: Exploring Beliefs, Principles and Practice*, 48-49.

¹²³ Tina Hyder, "Making It Happen: Young Children's Rights in Action: The Work of Save the Children's Centre for Young Children's Rights," ed. Bob Franklin, in *The New Handbook of Children's Rights: Comparative Policy and Practice* (London: Routledge, 2002), 312-313.

¹²⁴ League of Nations, "Geneva Declaration of the Rights of the Child," *Geneva Declaration of the Rights of the Child of 1924 - UN Documents: Gathering a body of global agreements*, accessed February 09, 2018, <http://www.un-documents.net/gdrc1924.htm>.

of the *Rights of the Child of 1924* had been ratified and unanimously voted for and it was the first global charter that recognized child protection and welfare rights.¹²⁵ However, it is important to take note that a declaration is not a binding treaty; it is only a group of standards that governments agree upon to follow.¹²⁶ Despite the global achievement for children's rights in the 1920s, the rise of fascism and the outbreak of another world war led to many negative outcomes on the child and childhood.¹²⁷

In 1939, Nazi Germany advanced and invaded Poland resulting in the start of World War II. Another war, another blind eye towards the rights of the child. This time around, children were abused, displaced, and neglected in the center of the war, rather than in the workforce. According to East European historian Tara Zahra, the children from Germany, Poland, Austria, Great Britain, and other central European countries had been uprooted as a result of World War II.¹²⁸ During the war, some children were being subjected to violence and concentration camps. Meanwhile others, like in Norway, still experienced the pleasantries of childhood, with some limitations.¹²⁹ Despite this, teachers would notice the lack of nutrition and anxiety developing among the Norwegian children.¹³⁰ As an example, Norway exemplified how not every child had been affected directly from war, but indirectly.

After World War II, the international dimension surrounding human rights shifted. Humanitarian relief had formed into the focus of long-term rights-based solutions. The creation of the United Nations in 1946 occurred. This led to the development of the *Universal Declaration of Human Rights*, which established grounds for the principle of individuation¹³¹ and universality. After the UDHR had been adopted, different sub-groups of the organization soon decided to approach the UN General Assembly with a request to adopt the *Geneva Declaration of the Rights of the Child* in order to form international guidelines on a human rights-based approach to child rights.

¹²⁵ League of Nations, "Geneva Declaration of the Rights of the Child," accessed February 09, 2018.

¹²⁶ Appendix 3: A Human Rights Glossary, accessed April 05, 2018, http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-5/6_glossary.htm.

¹²⁷ Mark Ensalaco, "The Right of the Child to Development," ed. Mark Ensalaco and Linda Majka, in *Childrens Human Rights: Progress and Challenges for Children Worldwide* (Lanham: Rowman & Littlefield, 2005), 10.

¹²⁸ Zahra, *The Lost Children: Reconstructing Europe's Families after World War II*, 61.

¹²⁹ Published: 5.6.2017 Share, "Everyday Life," The National Archives of Norway, accessed May 03, 2018, <https://www.arkivverket.no/en/themes/world-war-ii/everyday-life#!#block-body-1>.

¹³⁰ Ibid.

¹³¹ "Individuation refers to the tendency of the modern state and organizational system to treat the individual as a basic unit." Ivar Frønes, (1991) "Dimensions of Childhood," Notatserie, Nr. 3, Instituttet for Sociology: Universitetet I Oslo, 3.

3.2. The Creation Process

The *Geneva Declaration* was short, simple, and straight to the point in child fundamental rights. The basis of the *Geneva Declaration* had been written with the needs-based approach.¹³² It was made up of five main points that were focused on the physical and material needs a child required after facing crisis.¹³³ Being a humanitarianism approach, the UN did not agree to claim the *Geneva Declaration of 1924* because the committee wished for a document that represented the needs for the people of that time, as well as more emphasis placed on the creation of the *Universal Declaration of Human Rights*.¹³⁴ The *Universal Declaration of Human Rights* consisted of a preamble and thirty articles clarifying the human needs and liberties for all beings.¹³⁵ Article 25 of the *Universal Declaration of Human Rights* states that “motherhood and **childhood** are entitled to special care and assistance. All **children**, whether born in or out of wedlock, shall enjoy the same social protection, (added emphasis).”¹³⁶ Regardless of Article 25, and Article 26 on education, as I stated in the above introduction, this document only mentioned the words “child” and “childhood” three times, lacking the necessary amount of concern on child welfare.

Post-World War II, the member countries of the UN believed that the *Geneva Declaration* did not fit the developments of the years after World War II compared to the time after World War I. Therefore, the request for the clarified and more defining terms for the rights of children in the post-war period.¹³⁷ In the years 1946 and 1947, the drafting of the *Declaration of the Rights of the Child* had been turned over to the IUCW and the main focus was to incorporate child developmental rights.¹³⁸ These developmental rights started to change the viewpoint towards a rights-based verses a needs-based approach. However, the IUCW had been an organization based on a needs approach.

¹³² Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32.

¹³³ Fuchs, "Children's rights and global civil society," 399-400.

¹³⁴ Moody, "The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation and dissemination of a treaty (re)constituting a transnational cause," 19.

¹³⁵ United Nations, General Assembly Resolutions, International Bill of Human Rights: A *Universal Declaration of Human Rights* 1948, accessed December 5, 2017.

¹³⁶ Ibid.

¹³⁷ Dominique Marshal, "The Cold War, Canada, and the United Nations Declaration of the Rights of the Child," in *Canada and the Early War, 1943-1957*, edited by Greg Donaghy (Canadian Government Publishing, 1998): 188; Fuchs, "Children's rights and global civil society," 408; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*. Commission on Human Rights, Fifteenth session. Document E/CN.4/780, 12 January 1959.

¹³⁸ Pramila Pandit Barooah, *Handbook on child: with historical background* (New Delhi: Concept, 1999), 93-95.

IUCW was an international non-governmental organization that allowed for the international and national community to establish its welfare and youth systems. The IUCW developed and improved methods of childcare to broaden the perspectives on child welfare.¹³⁹ Therefore, the IUCW revised the *Geneva Declaration* to create a document that was more focused on the security, welfare, and the wellbeing of the child. The revised version of the 1924 declaration turned into the draft *Declaration of the Rights of the Child*. The IUCW and the Commission on Human Rights submitted the first draft in 1950 where it was soon placed on hold until 1957. As for the IUCW, the first draft of the declaration became the *Charter of the IUCW*.¹⁴⁰

The period between when the first draft was submitted in 1950, until the adoption of the declaration in 1959, the IUCW and the Commission on Human Rights formed coalitions with the new child-centered organizations: the United Nations Educational, Scientific, and Cultural Organization (UNESCO, 1945) and the United Nations International Children's Emergency Fund (UNICEF, 1946). In terms of the drafting process of the *Declaration of the Rights of the Child*, these special agencies were consulted by the UN secretariat to retain the spirit of the previous declaration.¹⁴¹ By consulting these agencies and other organization's charters (International Labor Organization [ILO], the White House Children's Charter, Inter-allied Conference of Educational Experts and the Pan-American child congress), the United Nations General Assembly was able to see the faults and imperfections of the *Geneva Declaration in 1924*, rather than the positives of it.

The ILO, White House Children's Charter, Inter-allied Conference of Educational Experts and the Pan-American Child Congress each have charters that share one thing in common that the *Geneva Declaration in 1924* did not, it mentioned the identity of "every" child. Bringing about this word "every" gave a heavier meaning to the child. It showed that the child was become more self-determined and independent. In the ILO Resolution concerning the Protection of Children and Young Workers, it identified the age which children and young workers should be recognized as a laborer.¹⁴² The ILO acknowledged the gap between child labor and child needs in the family setting and removed it by declaring these new rights and guidelines. Similarly, the Children's Charter of President Herbert Hoover's White House

¹³⁹ Barooah, *Handbook on child: with historical background*, 89-90.

¹⁴⁰ Moody, "The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation and dissemination of a treaty (re)constituting a transnational cause," 20.

¹⁴¹ Ibid, 21.

¹⁴² Marianne Dahlén, "The ILO and Child Labour," *The ILO Century Project*, May 04, 2009, 19.

Conference on Child Health and Protection (1930), the Children’s Charter for Post-War World (1942), and the Declaration of Opportunities for Children (1942) all recognized the identity of “every” child. Unlike the *Geneva Declaration*, each of these charters had established the well-being and welfare of every child, realizing that education and family development were key factors to the “ideal” childhood.

The downside to the *Geneva Declaration of 1924* had been the needs-based approach. Despite the IUCW’s needs-based approach, the organization had realized a rights-based approach to be better suitable and had revised the doctrine to incorporate the child’s wellbeing and welfare rights for long-term solutions. In spite of welfare rights mainly being practical needs, the wellbeing rights began the start of the child rights-based approach. Most of the member states of the UN made suggestions that were among similar opinions; discussing the *preamble* and other principles saying that it should suggest more family development and social security, as well as non-discrimination.¹⁴³ The idea that the child should be the main focus slowly shifted the mindset of the UN into a child rights programming process.

3.3. Countries’ Comments – Common Requests

During the drafting process, twenty-one of the seventy-eight, United Nations member countries wished to address a few concerns revolving around this declaration. The first resolution deal of the draft of the *Declaration of the Rights of the Child* that was pushed to be passed as soon as possible was by France, India, Mexico, and the United States.¹⁴⁴ During this time, the concept of childhood had been on the rise within these countries. In 1947, with the newly independent India, the socialization of the child had been an important part of the Indian family structure.¹⁴⁵ Similarly, in the United States, the child began to be seen as the center of the family structure and as an individual. The rise of feminism began the emergence of

¹⁴³ Marianne Dahlén, "The ILO and Child Labour," 21; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*. Commission on Human Rights, Fifteenth session. Document E/CN.4/780, 12 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*. Commission on Human Rights, Fifteenth session. Document E/CN.4/780/Add.1, 29 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*. Commission on Human Rights, Fifteenth session. Document E/CN.4/780/Add.2, 19 March 1959.

¹⁴⁴ Veerman, *The Rights of the Child and the Changing Image of Childhood*, 162.

¹⁴⁵ Mila Tuli, "Beliefs on Parenting and Childhood in India," *The Indian Family: A Revisit* 43, no. 1 (January/February 2012): 81, *Journal of Comparative Family Studies*.

childhood and the support of child rights.¹⁴⁶ With the creation of the Child's Bureau in the early 1900s, the United States shortly became a frontrunner in the area of child rights. In France and Mexico, similar developments occurred as well. Not only had it been these four countries that were experiencing social changes in the family and way of life, but the other member countries too underwent similar occurrences.

Twenty-one of the seventy-eight members who unanimously adopted the *Declaration of the Rights of the Child of 1959* all shared common comments and requirements for the new draft in the early 1950s.¹⁴⁷ The twenty-one member states were Australia, Finland, France, Greece, Hungary, India, Israel, Japan, Laos, Luxembourg, Netherlands, New Zealand, Pakistan, Philippines, Poland, Portugal, Sudan, Turkey, United Kingdom, Union of Soviet Socialist Republics, and Yugoslavia. A reoccurring theme that each wished for was more clarification, guarantee and legalization, and specification to whom these rights are for and the implementation of the principles. These wishes included the idea that the child could be seen as autonomous or independent in the world stage. Most of the members kept questioning the legitimacy of the document and how it would be executed considering it was only a declaration and not a law binding treaty.

Among some countries, their comments had been simple and concise stating that the principles were well written and conformed with their legislation. Meanwhile, others wished for the declaration to be rewritten and clarified in some areas. Australia, France, Netherlands, USSR, and a few others went entirely into detail on principles that needed altering and even some took it upon their self to create another draft for the *Declaration of the Rights of the Child*. Australia and the Philippines made a point that in each principle "the child" should be changed to accentuate that "every child" will be given these rights, despite their religious, ethnic, and social background.¹⁴⁸ To make that change would give clarity and affirmation and "added force" to each principle.¹⁴⁹

¹⁴⁶ Joseph J. Bock, *The Children's Bureau Legacy: Ensuring the Right to Childhood* (Children's Bureau, U.S. Department of Health & Human Services, 2012), 30-31.

¹⁴⁷ "Declaration of the Rights of the Child, 1959," Humanium • We make children's rights happen, accessed February 2018, <https://www.humanium.org/en/declaration-rights-child-2/>; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 12 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 29 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 19 March 1959.

¹⁴⁸ United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 12 January 1959, 2-17.

¹⁴⁹ *Ibid*, 15.

Of all twenty-one countries who sent comments, the overall comment that kept reoccurring was the need for clarification and affirmation that the *Declaration of the Rights of the Child* will become a law binding treaty, rather than non-binding. The means to making this law binding would be forming it into a convention or a treaty, however this never occurred. Instead, discussion of special agencies that could assist in the assertiveness of these child rights being included in the declaration was made. This “concept-declaration” however had been ‘forgotten’ for a long time and was not given the high political priority like most NGOs believed: including IUCW, International Catholic Child Bureau, and Joint Committee of International Teachers’ Federation.¹⁵⁰ France highly supported the decision to include the special agencies (UNICEF, UNESCO, ILO, etc.), as well as the guarantee that each state will protect, recognize, and support these rights.¹⁵¹

To support the recognition and protection that this document needed, the government of the Netherlands wished for the countries who supported the *Declaration of the Rights of the Child* to also agree towards the *Universal Declaration of Human Rights*. The government of the Netherlands claimed that the countries need to abide by all human rights international law, if they wished for the child rights to pass.¹⁵² It is important to address this while explaining the drafting process of the declaration because it shows how some countries at the time did not believe in universality or individuation of rights. With the government of the Netherlands making clear that despite the unanimity among members for the rights of children, there has not been the same opinion shared for the *Universal Declaration of Human Rights*. In addition to the Netherlands’ government, Luxembourg and New Zealand have requested for a confirmation on this becoming a legal binding document, and for the clarification on the existence and protection of the child.¹⁵³ Additionally, to reaffirm that an official convention in the future for child rights should occur.¹⁵⁴

Among all the comments, the Declaration had been fixed in accordance with the developments that society had after World War II. The five main principles from the *Geneva*

¹⁵⁰ Veerman, *The Rights of the Child and the Changing Image of Childhood*, 167.

¹⁵¹ United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 12 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 29 January 1959; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 19 March 1959.

¹⁵² United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 19 March 1959, 1.

¹⁵³ United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 12 January 1959, 11-15.

¹⁵⁴ *Ibid.*

Declaration of 1924 were changed to total ten principles with the focus on education and the child's wellbeing. It is important to point out that the United Nations wished not to claim the prior *Geneva Declaration* as the all-encompassing child rights doctrine. It wanted to focus on the human rights document and hope that the *Declaration of the Rights of the Child* would not undermine the main *Universal Declaration of Human Rights*, hence the reason it became a declaration and not a treaty.¹⁵⁵

Unfortunately, the draft-text concluded with the result of not using the word "every" in front of child, the *Declaration of the Rights of the Child of 1959*, yet still focused on education and the child's well-being. In the next chapter, I will explain the declaration with the analysis on the dimensional shifts and qualities of the child in which affected each principle. As well as answer: Why did the UN General Assembly decide against using "every" in front of child? What and how were the dimensions reflected in the UN *Declaration of the Rights of the Child of 1959*? And had the *Declaration of the Rights of the Child* been written in either a human rights perspective or a humanitarian perspective?

¹⁵⁵ Moody, "The United Nations Declaration of the Rights of the Child (1959): Genesis, transformation and dissemination of a treaty (re)constituting a transnational cause," 22-23.

Chapter 4: The Analysis

After World War II, and the establishment of the United Nations, the intergovernmental agencies had become more focused on the new developments in child rights and human rights. The main focus was on universal human rights, and, additionally, to the then tentative human rights document, the United Nations established agencies such as, UNICEF, in order to protect the well-being of the child post-World War II.¹⁵⁶ On the 20th of November 1959, eleven years after the *Universal Declaration of Human Rights* had been adopted, the fourteenth session of the United Nations General Assembly adopted Resolution 1386, the *Declaration of the Rights of the Child 1959*. The creation of the declaration had been in regard to the lack of child protection and welfare rights within the *Universal Declaration of Human Rights of 1948*, and lack of care for the child post-World War II.

Discussed in the previous chapters, the qualities of the child and childhood had been explained and examined. By understanding how childhood emerged, it displayed how the rights of the child as an individual were becoming even more pertinent post-war years. Throughout the interwar period and after World War II, the child gradually was becoming seen as an individual within a group that characterized them separately from the adults. During the drafting process, the UN member countries wished for the focus to be switched from “the” child, to “every” child. In order to show and clarify there had been a shift in the international communities’ perspective of children. Slowly the child began to be seen as an individual identity from the adult. However, this subtle change did not occur entirely throughout the full declaration. The only section of the declaration that “the” changed to “every” had happened within the first principle of the *Declaration of the Rights of the Child of 1959* where it stated that “every child, without any exception whatsoever, shall be entitled to these rights–.”¹⁵⁷

Before the analysis of the Declaration, it is important to note why there had to be a section on the definition of the child in the chapter on the “Social Construction of Childhood.” In both the *Geneva Declaration of 1924* and the *Declaration of the Rights of the Child of 1959*, there had not been a concrete definition of what a child was. Without a concrete definition, other countries were able to just use the rights as guidelines and worked around what each had considered the age of a child had been. The acknowledgement of the lack of acknowledgment

¹⁵⁶ Ensalaco, *Children’s Human Rights: Progress and Challenges for Children Worldwide*, 10-11.

¹⁵⁷ United Nations General Assembly, “Declaration of the Rights of the Child.” A/RES/14/1386.

demonstrated a flaw in both of these declarations. Yet, there were still aspects that supported the humanitarian needs and human rights for the child.

By using the rights-based approach perspective while analyzing the *Declaration of the Rights of the Child of 1959*, it became clear the continuity of some key aspects from the predecessor of the 1959 declaration. Each of the declarations shared a *preamble* and principles. The first declaration had five principles and the second declaration had ten principles. The main focus of this chapter is the analysis on the *Declaration of the Rights of the Child of 1959* by examining which qualities and areas of dimension of the child and childhood had been reflected throughout it. In addition, I will also be distinguishing whether or not the *Declaration of the Rights of the Child of 1959* had been written with the rights-based approach or a needs-based approach.

4.1. Analysis of Preamble and Principles

In the international human rights movement, the ideas, universalism, self-determination, sovereignty, and individualization emerged that contributed to the positive outcomes of the movement. Childhood reflected these ideas through the political, socioeconomic, and cultural dimensions that socially constructed it. The qualities of the child had also emerged from childhood that seemed to be a main characteristic in distinguishing the child from the adult: innocence, individuality, creativity, and dependence.

In the Declaration of 1959¹⁵⁸ the first notion acknowledged is the fundamentals of human rights. In paragraph one of the *preamble*, the United Nations confirmed its determination for people to be able to access the betterment and social progress to life.¹⁵⁹ The second paragraph of the *preamble* actually referred to the *Universal Declaration of Human Rights*. As stated in chapter 3, on the drafting process of the declaration, the government of the Netherlands wanted all members whom agreed to the *Rights of the Child* to also agree to the *Universal Declaration of Human Rights*.¹⁶⁰ Therefore, placing the Netherlands request in the second paragraph adding the emphasis of the acceptance of both declarations. In paragraph three of the *preamble* in the 1959 declaration, it says that because of the child's "physical and mental

¹⁵⁸ Please refer to Appendix 1.

¹⁵⁹ Veerman, *The Rights of the Child and the Changing Image of Childhood*, 167.

¹⁶⁰ Please refer to Appendix 1, *Preamble, Paragraph 2*, and Appendix 3; United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*, 19 March 1959, 1.

immaturity” it would need protection during its life cycle.¹⁶¹ The idea of the child’s innocence, dependency, and vulnerability, sheds light on the need for protection and re-emerging image of the cherished child. Demonstrating how the modern family shifted towards a child-centered outlook and felt that it was a necessity to promote the protection of the child.

In the following fourth paragraph of the *preamble*, it expressed the safeguards and special agencies that were for the welfare of children. By expressing the protection and agencies that these children would need, the declaration reflected the similar interest in helping these children in the prior *Geneva Declaration*. In paragraph five it stated in the *preamble* that “mankind owes to the child the best it has to give.”¹⁶² Indicating how the declaration was of good intentions for the child during the post-war period. The last paragraph of the *preamble* to the *Declaration of 1959* was the most important to the concept of childhood. It stated that the child had the right to a happy childhood and to enjoy life.¹⁶³ This addressed the awareness the adults needed to have for the child and childhood. Additionally, just mentioning childhood in the declaration had given hope for the concept of childhood to re-emerge out of the new rights for the child. Throughout the other principles of the declaration, the dimensions which shaped childhood and qualities of the child began to surface and reconstruct the concept of childhood.

The qualities of innocence and vulnerability, and the concept of protection of the child had been pointed out in the first principle of the *Declaration of the Rights of the Child of 1959*, which stated that “every child, without any exception whatsoever, shall be entitled to these rights–.”¹⁶⁴ From the countries’ requests, this had been the only area where “the child” had been changed. It seemed as though the child was to be viewed as every child because of the subtle rewording of the declaration’s first principle. Inside the principle, it distinguished the nondiscrimination clause and acknowledged that throughout the rest of these rights “every” child is qualified regardless of its status, family, religion, and identity.

Similar to the first principle, the second principle, too, shares the nondiscrimination clause. The special protection, that was mentioned in principle 2, focused on the vulnerability of the child and the dependency that the child has on its parents. Other principles that expressed the protection for the child were principles 4, 5, 8 and 9. The care of the child was a significant part to this declaration. Comparable to how Eglantyne Jebb wrote the first declaration of child rights, the United Nations and the Economic and Social Council made sure that the child would

¹⁶¹ Please refer to Appendix 1, *Preamble*.

¹⁶² United Nations General Assembly, “Declaration of the Rights of the Child,” A/RES/14/1386.

¹⁶³ Please refer to Appendix 1, *Preamble*.

¹⁶⁴ United Nations General Assembly, “Declaration of the Rights of the Child,” A/RES/14/1386.

not only receive humanitarian aid from the crisis as soon as possible, but also long-term solutions (e.g. international laws, child charters, special agencies).¹⁶⁵

Certain sections of the principles had emerged from the same dimensions of the child in which constructed childhood. From the social and cultural dimension, education became a key factor in forming the declaration for child rights. In principle 5 and 7, it discussed how the handicapped child and the non-handicapped child were entitled to the education regardless of their upbringing and background.¹⁶⁶ This had been created in order to establish the formation of childhood again and to be able to keep the child out of the labor force as well as educating the child on individual judgment, moral and social responsibilities, and to become a useful member of the community.¹⁶⁷ Not only did principle 7 enable education and the life of the child to become reorganized for learning and leisure, but it also allowed the parent to become a guiding principle of the child. As a key point in Desai's chart, a point in raising the awareness of the parent of these issues was to provide the child with longer term solutions for better rights.¹⁶⁸ Essentially, principle 7 was a pushing factor for the social re-construction of childhood, by recreating that new educational structure that occurred during the social construction of childhood, it made awareness to the modern childhood once more.

In parallel to principle 7, principle 6 expressed the need for the child to develop a personality through harmonious and loving boundaries. As mentioned in the qualities of the child, the dependency on a child not only aids in the formation of the individuality of the child, but the dependency on the mother enhances the nurturing side to the child. According to Veerman, principle 6 also makes note that the children without adequate guardians will be the responsibility of the state, "society, and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support."¹⁶⁹ As the analysis of the declarations preamble and principles concludes, it showed how the transformation gradually took on the element of childhood. Interestingly enough, there had been more similarities from the previous *Geneva Declaration* than speculated.

¹⁶⁵ United Nations Economic and Social Council, *Draft Declaration of the Rights of the Child*. 19 March 1959.

¹⁶⁶ Ensalaco, *Children's Human Rights: Progress and Challenges for Children Worldwide*, 12.

¹⁶⁷ United Nations General Assembly, "Declaration of the Rights of the Child," A/RES/14/1386.

¹⁶⁸ Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32.

¹⁶⁹ Please refer to Appendix 1, Principle 6.

4.2. Continuity or Discontinuance

While analyzing the declaration, there was a pattern in similarities to the previous *Geneva Declaration*. Although differences emerged as well, there were not many. It is important to remind the reader that the *Geneva Declaration* and the *Declaration of the Rights of the Child* were both written for the time directly after each World War and specific to those individual periods. The creation of the *Geneva Declaration of 1924* had been due to a woman, Eglantyne Jebb, who noticed children were being neglected and deprived of normalcy and harmony in life. Meanwhile the creation of the *Declaration of the Rights of the Child of 1959* had been created due to the lack of awareness and lack of rights the child had in the *Universal Declaration of Human Rights of 1948*.

The qualities of the child that had been in question after World War II were innocence, vulnerability, creativity, and dependency. As discussed in the early chapter, the dimensions of childhood formed these qualities of the child and had been able to define what the child was in the eyes of the adult. With these areas of development, you can see that within the *Declaration of the Rights of the Child of 1959* there were trends of individualism, universalism, and self-determination. From one declaration to the next, the idea of universality had continued and been attempted to be implemented throughout the human rights of the years. However, even though universalism had been traced within the declaration of 1959, the shift of childhood due to the new phenomenon of the unaccompanied child hindered its ability to surface. The continuity of the child's innocence and vulnerability rebuilt the identity of the child as a separate being from the adult. The creation of the *Declaration of the Rights of the Child of 1959* had begun to reinforce the identity and self-determination of the child and its universality.

Interestingly enough, I was asked to observe any discontinuance in this section, however from what I found there had been only a subtle difference. The subtle difference had been the acknowledgement of the unaccompanied child as well as the handicapped child during post-World War II. In addition to the education and to the longer lasting solutions for child rights in future cases; each principle, from the first declaration to the second, had been built upon the other and focused on the child as the center. In a sense, creation of the *Declaration of 1959* was continuously acknowledging the concept of childhood and because of the new phenomenon of the unaccompanied child attempted to socially reconstruct childhood post-World War II.

4.3. From a Needs-based Approach to Rights-based Approach

The shift from needs-based approach to rights-based approach became evident in analysis of the two declarations. The 1959 declaration requested for longer-term perspectives and resolutions compared to the short-term humanitarian needs that the *Geneva Declaration* demanded. As discussed in the theoretical area and perspective of research, needs-based is humanitarianism, and rights-based is human rights. Murli Desai explained the difference between a needs-based approach versus a rights-based approach, saying needs-based had been purely short term, and meanwhile a rights-based approach had long-term solutions.¹⁷⁰ The *Geneva Declaration* had been a needs-based approach by measuring the necessities and physical supplies each child would need to survive in that time after World War I. Similar to what Michael Barnett found, a needs-based approach would be the aid of humanitarianism that these children needed right away. Chart 1 highlights that needs-based approach is solely focused on practicalities and rights-based approach is focused on the indivisibility of rights and awareness raising of adults and children.¹⁷¹

In the *Declaration of the Rights of the Child of 1959*, I traced that the long-term needs of the child had been becoming more evident compared to the *Geneva Declaration of 1924*. By interpreting each declaration through the chart that Murli Desai designed, it is aware that the declaration of 1924 appropriately coincides with the needs-based approach side. During the period before and after the *Geneva Declaration*, there were private charities¹⁷² that emerged to help provide material necessities to children and adults. In Desai's chart, a couple of the bullet points were focuses on private charity, welfare services, and necessities which vary according to the situation the people in need are. The area in target had been a need-based approach. The *Geneva Declaration* mainly sought out to find the necessary areas of weakness to help out in. By doing so, there was a major downside to the needs-based approach that Desai points out in

¹⁷⁰ Murli Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32; Desai and Goel, *Introduction to Rights-based Direct Practice with Children*, 275-277.

¹⁷¹ Please refer to Introduction: Theoretical Area and Perspective of Research

¹⁷² Private charities such as: Stefánia Association (1915) created to provide the needs to infants and mothers; Save the Children Fund (1919) created to provide children with the basic needs to survive; the International Committee of the Red Cross (1863) created to provide support and necessities to people struggling in conflict zones; Friederike Kind-Kovács, "The "Other" Child Transports: World War I and the Temporary Displacement of Needy Children from Central Europe," *Revue D'histoire De L'enfance « Irrégulière »*, no. 15 (2013): 75-109.

her chart – “Given scarce resources some children may be left out.”¹⁷³ Unfortunately for the 1924 declaration, this bullet point had been true. There had been children left out and these children were attempted to be taken under the wing of the Save the Children Fund founded by Jebb.¹⁷⁴

From the chart 1, which compares needs-based approach and rights-based approach it is apparent there are differences between the two approaches. In examining each declaration and specifically the *Declaration of the Rights of the Child of 1959*, it appeared that the declaration had been worked on and drafted with a rights-based approach rather than a needs-based approach. Majority of the principles of the *Geneva Declaration* all shared humanitarianism aspects. Comparable to the *Declaration of the Rights of the Child of 1959*, the objectives of each were welfare rights, however what the 1924 declaration intended to do was split the child rights from the human rights. By doing so, it made them a separate category all together and did not hold significance. Rather than separating child rights from human rights, the 1959 declaration demonstrated the emergence of the child rights from the human rights. It gave indivisibility and interdependency to child rights with human rights.¹⁷⁵

¹⁷³ Murlī Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32.

¹⁷⁴ Friederike Kind-Kovács, "The Great War, the Child's Body and the American Red Cross," 33-34.

¹⁷⁵ Desai, *Rights-based Preventative Approach for Psychosocial Well-being in Childhood*, 32.

Chapter 5: Conclusion

In tracing and examining the social construction of childhood and the dimensions of the child during the post-World War II era, leading up until the *Declaration of Rights of the Child of 1959*, this thesis has achieved two objectives: first, identifying the dimensions of childhood that were reflected in the 1959 UN *Declaration of the Rights of the Child*, and second, find how the experiences from World War II and the phenomenon of the unaccompanied child were reflected, as well as the transformation of dimensions of childhood, in the 1959 declaration. In order to achieve these objectives, it seemed logical structuring the thesis to identify the three significant areas: the social construction of childhood, the drafting process of the declaration, and the analysis of the *Declaration of the Rights of the Child of 1959*. By keeping within the parameters of World War II, immediate post years, and up until the year of the *Declaration of the Rights of the Child*, it allowed the scope of thesis research to stay narrow and precise with the analysis in the perspective of childhood through the political, cultural, and socioeconomic dimensions.

In framing the history of childhood and of the United Nations *Declaration of the Rights of the Child of 1959*, this thesis by no means tries to impede on the originality of the documentations, but wishes to add the idea that a social reconstruction of childhood occurred within the declaration itself. In the broader scope of human rights, this thesis also tries to fit within the realm of child rights and support the re-emergence of child rights on the international human rights movement.

The *Declaration of Rights of the Child of 1959* had reflected the political, socioeconomic, and cultural dimensions of childhood within the principles. The qualities of innocence, individuality, dependency, and creativity had re-emerged for the child and shifted the family structure into a more child-oriented one, post-World War II. Regaining the role of childhood had been a significant part in the creation of the declaration in 1959. Families and governments realized that the child had been a “dying species” due to war and industry. The new phenomenon of the unaccompanied child post-World War II had made the eyes of policy makers and countries’ governments open due to the struggles and hardships that were brought on by World War II. The protection of the innocent and vulnerable child, regardless of unaccompanied or not, had to happen.

Within the declaration, principles 5 and 9 focused on the unaccompanied child, as stated in “Chapter 4: The Analysis.” These two principles acknowledged the special needs and agencies these children needed due to the neglect and starvation that arose from conflict and disaster. Prior private charities had also aided and supported the children post–World War II; yet, those were only humanitarian needs. The United Nations’ member states wanted to create something that was going to be in comparable importance as the *Universal Declaration of Human Rights of 1948*. Therefore, the drafting process of the *Declaration of the Rights of the Child of 1959* began and the rights-based approach in implementing and creating the principles had become the main focus.

When examining the *Declaration of the Rights of the Child of 1959* it is noticeable that the United Nations wanted to begin a list of rights based on universalism to become the international standard. Therefore, the *Declaration of the Rights of the Child of 1959* paved the way for issues of childhood on the international level and decades afterwards. The momentum of the rights of the child grew during the 1960s and 1970s when more world atrocities and natural disasters took place. As the predecessor, the *Declaration of the Rights of the Child of 1959* had introduced the international dimension with a rights-based approach to child rights, later reconvening in 1989 as the *Convention of the Rights of the Child of 1989*, which later became the international law of children’s rights for the future.

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Appendices

Appendix 1:

Declaration of the Rights of the Child 1959 – A/RES/14/1386¹⁷⁶

Preamble

Whereas the peoples of the United Nations have, in the [Charter](#), reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,
Whereas the United Nations has, in the [Universal Declaration of Human Rights](#), proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,
Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,
Whereas the need for such special safeguards has been stated in the [Geneva Declaration of the Rights of the Child](#) of 1924, and recognized in the *Universal Declaration of Human Rights* and in the statutes of specialized agencies and international organizations concerned with the welfare of children,
Whereas mankind owes to the child the best it has to give,

Now therefore,

The General Assembly

Proclaims this *Declaration of the Rights of the Child* to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

¹⁷⁶ United Nations General Assembly, "Declaration of the Rights of the Child.," A/RES/14/1386 - Declaration of the Rights of the Child (UN Documents: Gathering a body of global agreements), Accessed February 2018, <http://www.un-documents.net/a14r1386.htm>.

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

Principle 7

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

Principle 8

The child shall in all circumstances be among the first to receive protection and relief.

Principle 9

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form. The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be engaged or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

Principle 10

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

Appendix 2:

Geneva Declaration of the Rights of the Child 1924¹⁷⁷

Adopted 26 September, 1924, League of Nations

By the present Declaration of the Rights of the Child, commonly known as “Declaration of Geneva,” men and women of all nations, recognizing that mankind owes to the Child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed:

- The child must be given the means requisite for its normal development, both materially and spiritually;
- The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succored;
- The child must be the first to receive relief in times of distress;
- The child must be put in a position to earn a livelihood, and must be protected against every form of exploitation;
- The child must be brought up in the consciousness that its talents must be devoted to the service of fellow men.

¹⁷⁷ League Of Nations, "Geneva Declaration of the Rights of the Child," Geneva Declaration of the Rights of the Child of 1924 (UN Documents: Gathering a body of global agreements), Accessed February 09, 2018, <http://www.un-documents.net/gdrc1924.htm>.

Appendix 3:

Universal Declaration of Human Rights, 1948¹⁷⁸

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly

proclaims

this Universal Declaration of Human Rights,

as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective

¹⁷⁸ United Nations. General Assembly Resolutions, *International Bill of Human Rights: A Universal Declaration of Human Rights* (1948), Accessed December 5, 2017, <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/88/IMG/NR004388.pdf?OpenElement>.

recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
2. No one shall be held guilty of any penal offense on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offense was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and

professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.