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The birth of children's rights between the First and Second World Wars: The historical events leading up to the Convention

Abstract

At the beginning of the twentieth century, the industrialised countries had no guidelines for protecting children. From the time of its creation, the League of Nations has been interested in improving the situation of children and expanding their rights. To accomplish just that, the Child Welfare Committee was created in 1919. The creation of said Committee was the first action taken by the international community in a matter that was not to be left to the sole discretion of the states. That same year, the Englishwoman Eglantyne Jebb and her sister Dorothy founded Save the Children, which evolved very quickly and, in 1920, gave way to the establishment of the International Save the Children Union, headquartered in Geneva. In 1924, the League of Nations approved the Geneva Declaration of the Rights of the Child, drafted by Eglantyne Jebb herself. The first big challenge that said legal doctrine and the partnership in favour of children's rights came up against was the Spanish Civil War. The first great movement of refugee children featured the children of the Basque Country, who were welcomed in Great Britain. Let us take a look at this case as an example of the practical side of the first legal doctrine on children's rights. On 21 May 1937, over 3,800 Basque children arrived at the port of Southampton, accompanied by just over two hundred adults. The British created the "Basque Children's Committee", chaired by the Duchess of Atholl, and the Basque government was in charge of organising the escape expedition. These children lived for four months in tents in a camp in Eastleigh, supported by voluntary contributions, particularly

by left-wing English organisations, before they were sent to homes and organised 'colonies' spread throughout the United Kingdom.

Key words: Child Welfare Committee, International Committee of the Red Cross, International Save the Children Union, Declaration of the Rights of the Child of 1923, *Basque Children's Committee*

1. The starting point for children's rights: the need to protect children after the First World War

At the beginning of the twentieth century, there existed no law or rule for the protection of children, until the horrors of the First World War led us to seek ways to give them protection. Children became victims like never before in history. At that time, humanitarian law became embodied in private, international institutions of a voluntary nature, like the pioneering Red Cross. Since its founding in 1863, the aim of the *International Committee of the Red Cross* (ICRC) has been to provide protection and assistance to victims of armed conflict and strife, DOI: 10.15290/mhi.2020.19.01.01ng so through the implementation of activities around the world[1]. These forms of constructive cooperation were gradually developed with increasing dynamism from the late nineteenth century onwards [2], reaching a high organisational level with the First International Child Welfare Conference held in Brussels in July of 1913 – an event which brought together representatives from 34 states and which marked a dual reconfiguration of the international movement for the protection of children[3].

After the First World War, the intervention of institutions such as the International Red Cross, the International Federation of Trade Unions, the Boy Scouts movement, and hundreds of small local, regional, and state associations continued to have a non-official nature; even so, these humanitarian organisations that helped European children proved to be vital[4]. The child victim of war had become a cause that awoke great sympathy among citizens; therefore, governments – at a time when it was necessary to rally voters – were attentive to this point[5]. As a result, the various states sought mechanisms to influence organisations:

1 A. Bennett, *The Geneva Convention*.
2 M. Chauvière, P. Lenoël, É. Pierre (dir.), *Protéger l'enfant; M.-S.* Dupont-Bouchat, *Le mouvement international*, 207-235. K. Stornig, *Between Christian Solidarity and Human Solidarity*, 249-266.
3 *Premier Congrès international de la protection de l' enfance, Bruxelles, 1913*.
4 D. Dwork, *War Is Good for Babies*.
5 D. Marshall, *The Construction of Children*, 103-147.

by offering grants, taking tutelary measures, creating structures under their supervision, and participating directly in intergovernmental agencies[6].

The first official recognition of children's rights came into being with the League of Nations, an international institution created by the Treaty of Versailles on 28th June 1919 and launched on 1st January 1920, and which was concerned with improving the situation in which children found themselves by providing them with rights. The League of Nations created, just a few months later, the Child Welfare Committee, which was the first action taken by the international community in a matter that was not to be left to the sole discretion of the states[7].

In 1919, the Save the Children Fund also came to be in order to protect all children affected by the First World War, DOI: 10.15290/mhi.2020.19.01.01ng so indistinctly and with the help of Eglantyne Jebb (Ellesmere, Great Britain, 1876 – Geneva, Switzerland, 1928). In terms of the life of the well-known social activist[8], we must simply recall that during the year 1913, Eglantyne travelled to the Balkans. Her task was to distribute money that had been raised to alleviate the tragedy. There she saw the terrible suffering and displacement of refugees, especially of children. After the war, Jebb returned to London, concerned by the need to save children from disease and starvation. With the outbreak of the First World War, Eglantyne Jebb, along with her sister Dorothy and a group of friends, collected all the news about the violation of children's rights from various sources and reports from the International Red Cross and published it all in the Cambridge newspaper. In addition, they created the Fight-the-Famine Council. They also travelled all over England trying to raise awareness in the government of the fact that urgent action in favour of Europe's children was needed – children were in need of food and medical resources.

Faced with governmental sluggishness, on 15th April 1919, Dorothy and Eglantyne managed to create such a large political pressure group that it was agreed to establish an independent Save the Children Fund with the aim of providing real help to children throughout Europe. On 19th May, Eglantyne led – with the support of her sister – an important meeting in Albert Hall to announce the creation of the Fund. The formula was an instant success in Britain as a whole. A central office was created in London to collect money and channel aid. The employees of the central office worked with great austerity in terms of the organisation's means, while management was undertaken as if it was

6 M. L. Cortés Braña, *Ayuda humanitaria*.

7 M. Revest, *La protection de l'enfance;* H. Slim (ed.), *Children and Childhood*; D. Marshall, *Dimensions transnationales*, 47-63. Idem, 'The Rise of Coordinated Action', 82-107; J. Droux, *L' internationalisation de la protection de l' enfance*, 17-33.

8 D. Buxton, E. Fuller, *The White Flame*; E. Fuller, *The Right of the Child*; F. Wilson, *Eglantyne Jebb*; C. Mulley, *The Woman Who Saved the Children*.

a company. Some criticised these methods, feeling as though they were not proper for a volunteer organisation; nevertheless, this example soon influenced other large international institutions. The use of emotional propaganda was combined with a growing symbiosis with the political powers and the media[9].

Eglantyne Jebb soon established relations with the International Red Cross. She went for the first time to Geneva (which would become her favourite city) on the occasion of the report by Doctor Frederic Ferrière, Vice President of the International Conference of the Red Cross (ICRC), on the catastrophic situation of the children of Vienna in the wake of the First World War – a place where the Save the Children Fund was undertaking important humanitarian work[10].

In addition to these contacts, and to gain wider support for her work, she made an appeal to all the churches. She met with the Archbishop of Canterbury and Pope Benedict XV. He met with her on 27th December 1919. She, Anglican, told him the story of the suffering children of Europe. Benedict XV listened carefully and gave her a substantial financial contribution. The 28th December of that very year, the Day of the Holy Innocents, was dedicated to prayers and collections for children thanks to a dual desire by the heads of the Anglican and Catholic churches. Other churches also joined them. Benedict XV also encouraged Eglantyne Jebb to found an international organisation that would link the various national agencies whose spirit aligned with that of the Save the Children Fund, aiming to be able to work in an effective way on the world level. A year later, on 1st January 1920, Benedict XV published the encyclical *Annus iam plenus est* about reconciliation and peace in the world after the war, in which the name of the Save the Children Fund was mentioned on two occasions[11]. It was the first time that a Catholic authority referred expressly to a non-confessional organisation.

Eglantyne Jebb advocated for, in November of 1919, the creation of a Committee whose aim was to boost the creation of the Save the Children International Union (SCIU). The proposal was quick to catch on, and the SCIU, also known by its French name, *Union Internationale de Secours aux Enfants* (UISE), was established in Geneva on 6th January 1920. Its two founding members were the Save the Children Fund (SCF), London, and the Comité Suisse de Secours aux Enfants (CSSE), Berne, (the latter went out of existence in 1927), and it was sponsored by the *International Committee of the Red Cross* (ICRC). Eglantyne Jebb had suggested the sponsorship of this Central Union to the ICRC

9 E. Baughan, *Every Citizen*, 116-137.

10 S. Roberts, *Exhibiting children at risk*, 171-190.

11 https://www.vatican.va/content/benedict-xv/en/encyclic als/documents/hfben-xvenc0112 1920annus-iam-plenus.html, (08.07.2020).

with the condition that the latter should not intervene in the management of the new agency. The founding act was held at the Ateneo of Geneva, in the same room as that in which the Red Cross had been born 50 years earlier. Soon other agencies joined: the Swedish Föreningen Rädda Barnen, the French Comité de Secours aux Enfants, and the German, Italian, Dutch, Turkish, South African, and Australian committees. Later other committees joined, such as that of the Republic of Ireland, which Eglantyne Jebb herself had founded in 1921. As time passed, the Union became a great federation of public, semi-public, and private national and international bodies with the same purpose[12].

The tradition was established for the President of the ICRC to be part of the SCIU's Committee of Honour while said Committee existed. The personal and work-related ties between the SCIU and the ICRC were numerous and intense. During the early times, when activities consisted only of immediate assistance activities, those who were in charge of distributing the aid were delegates of the ICRC. Georges Werner, member of the ICRC, was the first Chairperson of the Union's Executive Committee, and the first Secretary was Ettiene Clouzot – previously the Head of the ICRC Secretariat[13].

From the creation of the SCIU, Eglantyne Jebb began to think about undertaking long-term actions; she realised that the war and the disorders that accompanied it were not the only causes of misery and injustice. Only proper protection of children and education in a spirit of service would be able to ensure a better future for the world. The help deployed for children in times of war also was needed in times of peace: as the Save the Children Fund notes, "the undeniable means to ensure the safeguarding of the interests of children in times of disaster is the establishment of an improved system of child protection *in normal times*"[14]. This was the same step that had already been taken by the Red Cross by committing humanity to solidarity in terms of childhood – and by DOI: 10.15290/mhi.2020.19.01.01ng so with remarkable results, such as the fight against typhus in Poland in the year 1921, undertaken by the ICRC and Save the Children. A 15-minute film remains that includes images of scientific research into typhus and Red Cross volunteers disinfecting clothing and distributing food to the refugees. There are also shots of an ICRC orphanage in Warsaw in which it can be seen how the children receive food, care, and education, as well as how they have fun, dance, and even play[15].

12 P. Rooke, R. L. Schnell, *Uncramping Child Life*, 176-202.

13 A. Morier, *La Déclaration des Droits de l'Enfant*, 209-216. P. E. Veerman, *The Rights of the Child*, 155-156.

14 It is cited in United Nations, Economic and Social Council, Document E/CN.5/44, *Report of the Social Commission, Third Sesion*, 19 February 1948.

15 https://www.icrc.org/es/document/la-lucha-contra-el-tifus-el-cicr-en-polonia-1921, (08.07.2020).

2. The Declaration of the Rights of the Child of 1923

Despite the achievements of the Save the Children Fund, there was a lack of a unifying principle with an integrating legal capacity. In 1922, major advances came about. Various international agencies relating to child labour and, along the same lines, Youth Workers International, the Union of Socialist Youth, and the International Federation of Trade Unions had published, in August of that year, a Socialist Charter on Teenage Labour. Likewise, Herbert Hoover (who in 1929 would become the President of the United States), acting as Director of the American Relief Administration, had sought the way to summarise, in three sentences, the duties of humankind regarding children[16].

Also that year, the National Council of Women, with its chairperson, Ishbel María Hamilton-Gordon, the Marchioness of Aberdeen and Temair (1847–1939), had already come up with a draft *Children's Charter* that was presented to the Save the Children Fund for consideration, an organisation which Lady Aberdeen was a member of. The Children's Charter included a preamble, a brief statement of four fundamental principles, and twenty-eight explanatory clauses for their implementation. Its aim was to "ensure a minimum of attention to the children around the world". This Charter talked of the protection of prenatal care, the protection of children of preschool age and of school age, the protection of mothers, the restriction of child labour, measures relating to delinquent children, national child protection services, and international conferences. In addition, it was understood that each country was to later design its own Charter according to its own needs[17].

The SCIU saw the need for a Charter that could be understood and accepted by all countries and that would be easy to translate into all languages, designed to call the whole world's attention and bring about a transformation of the laws and a reform of customs; a Charter that would become a precious instrument of propaganda. The aim was to proclaim the rights of children and also, primarily, the rights towards them. The preparatory work was long and tedious. Finally, on 17th May 1923, two proposals were delivered to the SCIU Committee. One was long and detailed; the other was briefer and had just five points. A choice had to be made.

Eglantyne Jebb, in Geneva, along with the Secretary of the Union, Ettienne Clouzot, considered the contents of the Charter which[18], in turn, was inspired by the work of the Polish physician and pedagogue Janusz Korczak (Warsaw, 1878

16 G.H. Nash, *The Life of Herbert Hoover,* Vol. 1.

17 V. Strong-Boag, *Liberal Hearts and Coronets*. See also P. E. Veerman, *The Rights of the Child*, 217, note 6.

18 P.E. Veerman, *The Rights of the Child*, 155-156.

– Treblinka, 1942)[19]. Jebb wanted something brief, more vigorous, and forceful, and he suggested the title *Geneva Declaration*. After a brief explanatory preamble, the text would establish the principles of child-related rights and duties. Thus, the first international text on the specific rights of the child was born.

Unlike the United Nations' Declaration of the Rights of the Child, the League of Nations did nothing more than adhere to a text drafted without its participation, which had its origins in the tradition of humanitarian law implanted voluntarily by societies[20].

The Geneva Declaration states that all people should recognise the right of children to have the necessary means for their development, to receive special help in times of need, to have priority in relief activities, to enjoy financial freedom and protection against explotation, and to have access to an education that instils social conscience and a sense of duty. More specifically, the Declaration of Geneva consists of five well-known principles[21]:

"1. The Child must be given the means requisite for its normal development, both materially and spiritually.
2. 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 succoured.
3. The Child must be the first to receive relief in times of distress.
4. The Child must be put in a position to earn a livelihood, and must be protected against every form of explotation.
5. The Child must be brought up in the consciousness that its talents must be devoted to the service of its fellow-men".

On 21st November 1923, Gustave Ador, president at the time of the ICRC, read the Declaration of Geneva from the radiotelephone station of the Eiffel Tower in Paris. The European press of the time reproduced the text. Months later, on 28th February 1924, a ceremony at the Museum of Art and History of Geneva took place, during which the Geneva Declaration, in its original French, was deposited by George Werner (who, along with Ettienne Clouzot, had participated in its drafting) in the Archives of the Republic and Canton of Geneva[22].

Eglantyne Jebb was tasked with presenting the Declaration of Geneva at the League of Nations in the course of the Fifth Assembly, during the plenary session

19 A. Lewin (ed.), *Janusz Korczak*; W. Kerber-Ganse, *Die Menschenrechte des Kindes.*

20 E. Fuller, *The Right of the Child*. P. E. Veerman, *The Rights of the Child*, 157-159.

21 "Declaration of the Rights of the Child – 1923," Child Rights International Network, https://archive.crin.org/en/library/un-regional-documentation/declaration-rights-child-1923, (08.07.2020).

22 J. G. L., 'Tribute to the Memory of Eglantyne Jebb', 556-557. P. E. Veerman, *The Rights of the Child*, 156.

on 26th September 1924 – and it was approved unanimously. Immediately after its adoption by the League of Nations, a copy of the Declaration in thirty languages was sent to all members of the Assembly and the personal adherence of many representatives was registered: ministers, deputies, plenipotentiaries. The Member States were invited to draw inspiration from its principles; and some were not slow to follow in the footsteps of the League[23]. Among formal adhesions to the Charter, noteworthy is that of the IV Pan American Child Congress, which met in Santiago de Chile from 12th to 19th October 1924. Additionally, during this Congress, deep reflection was undertaken on a number of issues stemming from the Declaration of Geneva, such as school hygiene, the protection of children and the creation of official funds for said protection, the causes and results of family breakup, the fight against child poverty, care for homeless children, child labour, courts for minors, parental rights, and the promotion of savings among children, among other aspects. One of the most notable decisions approved by the Congress in its plenary session had to do with the establishment in Montevideo of the International American Institute for the Protection of Children[24].

3. Assumption of the *Association Internationale pour la Protection de l' Enfance's* (AIPE's) functions by the Secretariat of the Council of the League of Nations

Let us go back in time. In the bosom of the League of Nations, the so-called "Health Organisation and Social Section" took on certain aspects of the protection of children, and it also operated an Advisory Commission on the Traffic of Women and Children. Likewise, the International Labour Organisation (ILO), regulated the conditions of child labour. For example, the General Conference of the International Labour Organisation, having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25th October 1921, adopted the following Recommendation, which may be cited as the Night Work of Children and Young Persons (Agriculture) Recommendation, Young Persons (Agriculture) Recommendation:

> "I. That each Member of the International Labour Organisation take steps to regulate the employment of children under the age of fourteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than ten consecutive hours.

23 D. Marshall, '*International Child Saving*', 469-490.

24 *Antecedentes, Actas y Trabajos del Cuarto Congreso Panamericano del Niño.*

II. That each Member of the International Labour Organisation take steps to regulate the employment of young persons between the ages of fourteen and eighteen years in agricultural undertakings during the night, in such a way as to ensure to them a period of rest compatible with their physical necessities and consisting of not less than nine consecutive hours"[25].

But, neither the Health Organisation and Social Section of the League of Nations nor the International Labour Organisation considered joint, global actions. This type of action began to arise in 1921, when the International Committee of the Red Cross (ICRC), the League of Societies of the Red Cross (currently not in existence), and the Save the Children International Union (SCIU) addressed the Council of the League of Nations asking for the appointment of a special service, under the Secretariat, to handle the centralisation of documentation relating to all issues concerning the protection of children. The League of Nations considered the future survival of many volunteer *associations*. Article 24 of the Covenant said that "all the International Offices already established by general treaties would be placed under the direction of the League, if the parties listed in said treaties consented thereto", as well as "the Commissions for the regulation of matters of international concern established until then". This article affected the *Association Ineternationale pour la Protection de l'Enfance* (AIPE), which came to be in 1921 during a Conference held in Brussels that was attended by the official representatives of thirty-three countries. The AIPE's aim was to provide a documentation service with an international scope, dealing mainly with legal matters and medical-social issues. During the Brussels Conference, which gave rise to its birth, some nations – including Great Britain – had already claimed that the task of securing documentation services belonged solely to the League of Nations[26].

The problem resurfaced in the above-mentioned session of 26th September 1924, the Fifth Assembly of the League of Nations. The report by the Belgian representative M. de Brouckère stated that the AIPE had never had the intention to isolate itself from the League of Nations; and, likewise, he said that the Council of the AIPE, in accordance with article 24 of the Covenant, believed it appropriate to pass to the League the official task of documentation; however, it was left clear that the Association would not dissolve and that it "would continue its existence as a private association, believing that there was still a broad field open to its activities." The United Kingdom, in a Memorandum for the same debate,

25 International Labour Organisation, R014 – Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14).

26 J. Droux, *'L'internationalisation de la protection de l'enfance',* 17-33.

associated itself in principle with the proposals of Belgium, insisting on the need to avoid duplicate bodies. In short, the General Assembly of the League voted for the work carried out until then by the AIPE to be entrusted to the Secretariat, and it was also agreed to reconstitute the Advisory Commission on the Traffic of Women and Children with two series of advisers, one of which would take care of the protection of children in general, recommending at the same time that there be private organisations among the members of this category, especially the *Association Internationale pour la Protection de l'enfance* (AIPE)[27]. The AIPE continued its life as an international private association, as was the case then for the SCIU and also – associated therewith – the Save the Children Fund[28].

4. From theory to practice: the first example of mass protection of refugee children (the Basque children of the Spanish Civil War)

Having established the institutional and doctrinal framework that was to ensure the rights of children, the first big practical challenge of a great scale that the new system went up against was the drama of the Spanish Civil War. From the outset of the Civil War, some governments offered to take in Spanish children. France, Belgium, Denmark, Switzerland, the Soviet Union, Argentina, and Mexico, under the authority of their respective governments, offered protection to refugee children of the war. Sweden, Norway and the Netherlands did not take in any children but did provide funding for several colonies on French territory. Responsibility for the child refugees was not taken on by governments but largely by humanitarian associations, support committees, trade unions, leftist political parties and religious groups. The Quakers played an important role: in December 1936, Quaker associations in the USA, the UK, and Switzerland set up the International Commission for the Assistance of Child Refugees in Spain, with headquarters in Geneva and Paris. The International Red Aid and the International Antifascist Solidarity organisations were especially relevant politically and among trade unions. The *Comité d'Accueil aux enfants d'Espagne*, created in Paris by the *Confédération Général du Travail*, was also important. It began its work in the autumn of 1936[29].

27 *Rapport de la Cinquième Commission à la Cinquième Assemblée*, of 24 September 1924, with Annexes: Annex 1, « Rapport à la Cinquième Commission sur la Protection de l'Enfance » (Belgium), Annex 2, « Mémorandum présenté par le délegué de l'Empire Britannique sur la Protection de l'Enfance » contained in document A.107.1924.IV of the League of Nations, Library of the United Nations, Palais des Nations, Geneva.

28 J. Droux, *'L'internationalisation de la protection de l'enfance'*, 17-33.

29 A. Alted Vigil, Nicolás Marín, González Martell R. , *Los niños de la guerra;* A. Alted Vigil, R. González Martell, M. J. Millán Trujillo, *El exilio de los niños; J.* Martín Casasa, P. Carvajal Urquijo, *El exilio español;* E. Pons Prades, *Los Niños republicanos.*

The first great movement of refugee children involved children from the Basque Country who were placed in Great Britain. Let us look at this case as a practical example of the first legal doctrine on children's rights. The events were widely known in the UK in 1937, not just because of media coverage at the time but owing to the book published that year by Yvonne Cloud[30]. Leah Manning, the coordinator of the evacuation, also dedicated a chapter of her 1970 memoirs to the events[31]. There would be no academic research into the evacuation until the 1980s. It was the historian Jim Fyrth who, in 1986, pointed out that despite being a huge event in the history of British society, the story of the Basque children had been largely ignored by most historians of the time[32]. His groundbreaking book led to renowned investigative work by other researchers, among them Adrian Bell[33], Tom Buchana[34] and Isabella Brown[35]. Spanish historiography barely touched the subject until Gregorio Arrién, the founder and first chairperson of the Association for Children Evacuated in 1937, conducted a detailed investigation of the subject in the Basque Country[36].

The *Confédération Général du Travail* took part in successive evacuations of Basque children from the ports of Santurtzi, Bilbao and Santander between March and October 1937. Entire schools of children were evacuated, chaperoned by their teachers. The British government was not in favour of taking in Spanish refugees for fear that the gesture would go against the agreement not to intervene in the Spanish Civil War. Signed by the main European powers, said agreement in theory kept these countries at arm's length from the conflict. The USA was not agreeable either. However, the devastating attack on Guernica on 26th April 1937 changed the British attitude. The indiscriminate bombing of this town of 5,000 defenceless inhabitants resulted in hundreds of civilian deaths. Under public pressure, the British government was forced to reconsider its non-interventionist stance and permit entry to 4,000 Basque children as refugees in

30 Y. Cloud, *The basque children.*

31 L. Manning, *A Life for Education.*

32 J. Fyrth, *The signal that was Spain.*

33 A. Bell, *Only for Three Months.*

34 T. Buchanan, *Britain and the Spanish Civil War.*

35 I. Brown, *4,000 Basque Child Refugees.*

36 G. Arrien, *La Generación del exilio;* Idem, *Niños vascos.* An initial book published in 1983 set out a few details, but it was in 1991 when he wrote a dedicated work telling the story of the voyage and the subsequent journey of the children. We highlight, after, Susana Sabin-Fernandez's doctoral thesis at the University of Southampton, titled *The Basque Children of the Spanish Civil War in the UK: Memory and Memorialisation*, published in 2011, was also particularly relevant and analysed efforts made to date to commemorate these children. Published the following year: *The 'Niños vascos'*. Many of the studies we have cited are compiled in PDF format together with many other, far more informational papers on the website http://www.basquechildren.org run by the *BCA 37' UK-Association for the UK Basque Children*. The website also includes substantial additional documentation such as an exhaustive list of the names of the children, the colonies and remembrance ceremonies, in additional to a variety of pictorial material, etc.

the UK. The British government also promised to protect all British, foreign or Spanish convoys dedicated to evacuating Basque women, children and men who were above military age[37].

The diplomatic work was mediated by the Basque government. Throughout the first years of the Spanish Civil War, different movements involved migrations in the Basque Country throughout the Spanish Civil War, each of varying magnitude but all of them dramatic. The conflict led to preparations being made in the spring of 1937 to start evacuating children. The Basque government organised a successful first dispatch of 450 children on March 21st to the French island of Oléron. Between late April and early May, the Special Council of the Basque government put together plans for possible future evacuations beyond Spanish borders, principally to the UK and France. Negotiations with the UK went smoothly. The Basque Government Delegation in London had just become a reputable agency for managing the arrival of refugee children, and later adults. The French Minister for External Affairs, Yvon Delbos, also agreed to the involvement of the French-British naval forces, which would act jointly throughout any possible evacuation of the civilian Basque population. Both the UK and France guaranteed that the evacuation ships would have the protection of the Royal Navy on both their outward and return journeys from the French ports that refugees would flock to[38].

The gradual victory of Francoist troops on the Northern Front triggered a massive flight of civilians towards France. Events such as the capture of Irun on the border between the Basque Country and France in early September 1936, the capture of San Sebastian on 15th September or the fall of Bilbao on 19th June 1937 all contributed to the mass movement of civilians[39]. The Basques that chose exile did so both by land and by sea. Some thirty ships carrying more than a hundred thousand souls had left by September 1937, escorted by the British Royal Navy, making more than sixty such journeys in total. The first large-scale voyage began in the port of Santurtzi, destination Bordeaux, on 6th May. The transatlantic ship La Habana carried a total of 2,375 children and 110 women and seniors, plus 300 people who set sail on the yacht Goizeko Izarra. Any civilian men who were evacuated had to be older than 65. Children had to be younger than 15 and there was no age restriction for women.

The British government approved a limited evacuation of Basque children on the condition that no public funds were used. The operation had to be carried out entirely by volunteers. NGOs and individuals felt compelled to offer their

37 G. Arrien, *La Generación del exilio;* Idem, *Niños vascos*; A. Bell, *Only for Three Months;* I. Brown, *4,000 Basque Child Refugees*.

38 Y. Cloud, *The basque children*; T. Buchanan, *Britain and the Spanish Civil War; G.* Arrien, *Niños vascos.*

39 A. Carballés, *El primer exilio*, 683-708.

services, driven in large part by humanitarian or political motivations which were often at odds with government interests. The British government also imposed the condition that the refugee population comprise a representative percentage of socialists, Basque nationalists and anarchists.

Following government approval, the responsibility for organising the child evacuation largely fell upon British civil society, which was perfectly set up to handle the operation successfully. In late 1936, the UK had more than a dozen movements and organisations geared towards alleviating the most pressing problems in Republican Spain in terms of health, food, children's issues, transport etc. They decided to join forces to form a national organisation, and on 6th January 1937 the *National Joint Committee for Spanish Relief* (NJC) was set up. It was chaired by Katherine Marjory Ramsay, Duchess of Atholl (1874–1960), who was knowledgeable of the consequences of the war on Spanish children and wrote about the subject in *Searchlight on Spain* (1938). Eleanor Rathbone was vice-chair of the NJC and its honorary secretaries included the Labour Party member Ellen Wilkinson, the Liberal Wilfred Roberts and others such as D.R. Grenfell, J.R.J. Macnamara, Isabel Brown, and Leah Manning. The secretary was Mary M. Miller[40].

The real protagonist in the evacuation of the Basque children was Leah Manning (1886–1977)[41]. This experienced educator, social reformer, and former Labour MP became a member of the *NJC*. Her activism in movements against the war and fascism meant she understood the situation all too well, not to mention her previous involvement in committees charged with regularly dispatching healthcare material and medicines to civilian populations besieged by Francoist troops. In April 1937, a convoy of ambulances and healthcare material destined for Madrid was preparing for departure when a representative from the Basque Delegation in London arrived (Gregorio Arrién has studied the incident). The representative relayed the message that thousands of people in Bilbao – mainly children – had to be evacuated urgently.

Manning postponed the expedition to Madrid and, after making a risky journey from Saint Jean de Luz accompanied by Edith Pye, arrived in Bilbao on April 24th, two days prior to the bombing of Guernica. Assisted by the British consul, R.C. Stevenson, she immediately contacted the then president of the Basque government, José Antonio Aguirre, regarding the number of children to be evacuated. In the days that followed, she also approached the Social Support offices of the Basque government to begin outlining the evacuation plan.

During the afternoon of April 26th, Manning met with British journalists and correspondents. Among them were Philip Jordan and George L. Steer, who would later become two of her staunchest supporters. When Manning became

40 J. Fyrth, *The signal that was Spain*; A. Bell, *Only for Three Months; G.* Arrien, *Niños vascos.*

41 L. Manning, *A Life for Education.*

aware of the bombing of Guernica that same day, the British activist visited the town that was laid to waste and was able to witness first-hand the death and destruction caused by Francoist forces. She was deeply affected by that scene of utter devastation and focused her energies on evacuating the local children. She immediately sent telegrams to the NJC and to various religious and political figures in the UK, asking them to intercede before the British authorities to speed up the process.

Leah Manning worked out of the Social Support offices to coordinate preparations for the voyage to England and discussed the various aspects and options directly with the president and with the Minister of the Interior of the Basque government. She gave countless interviews to the press in Bilbao and often met with foreign correspondents. Manning was fully aware that the deeply Catholic Basque society, with its close ties to the Irish independence cause, did not have much sympathy from the UK's Home Office and Foreign Office. However, she would not be intimidated by the difficulties, and continued on with her plans. As a representative of the NJC, she was in constant contact with the managers of the National Committee in London. After much pressure, the Home Office finally acquiesced and authorised the entry of 4,000 Basque children into the UK.

The British authorities maintained that the upkeep of the evacuees should be funded by private entities. A *Basque Children's Committee (BCC)* was set up in London, comprising eight different humanitarian, social and religious organisations. The Duchess of Atholl was chairperson, and Eleanor Rathbone was vice-chair. This London-based committee was the only body in charge of the operation, as stipulated by the British authorities. Its main mission was to organise the voyage and make preparations for the children's arrival at the provisional camp at Stoneham. The committee was also in charge of the children's care and upkeep at their eventual final destination until their repatriation to the Basque Country[42].

The Foreign Office permitted the entry of 4,000 children. Some 4,152 were registered for evacuation, though only 3,861 travelled to the UK. After much discussion between the organisers of the evacuation and the British authorities, the age of the evacuees was limited to between 7 and 15 years. There were no children under 7 years old, according to the known official list of evacuees. That said, Luis Santamaría remarks in his autobiography that the minimum age for registering a child for evacuation was 5 years. More than half of the children registered (2,093) were between 10 and 13 years old. The total number of girls (1,705) was somewhat lower than the number of boys (2,156). There were many

42 L. Manning, *A Life for Education*.

sibling groups on the list: only 498 children travelled alone, without the company of any brothers or sisters, compared to 3,000 who travelled in groups of two, three, or more siblings[43].

The children travelled with 95 teachers, 120 assistants, 15 priests, Doctors Jesús Irarragorri and Severiano Achucarro, and several nurses. The teachers were generally very young and enlisted for the job entirely of their own accord. In addition to their professional responsibilities, they acted as parental figures to the children, providing them with the love and support that their families back home would not be able to give. In addition, the teachers had to respect the traditions, customs and characteristics of the host country and its inhabitants, all while setting a good example of the seriousness, discipline and democratic spirit of the Basque people. The assistants were principally entrusted with the children's appearance and personal hygiene. The 15 priests who travelled to the UK were charged with the religious training and education of the Catholic children under their care.

Several days before departure, the children received their evacuation card and underwent a medical check by a team of English health professionals, namely Andrey E. Russell and Richard W. B. Ellis, and the nurses Eileen H. Moore and Margaret M.E. Nelson. The parents said goodbye to their children on 20th May in the Portugalete train station. From there, the children would be taken to the port of Santurtzi. Amid the anxiety and hope, the parents repeated a calming message to their children: "Don't worry. We'll see each other in three months". Boarding the ship La Habana took several hours, and by around ten at night all passengers were on board. The boat was designed to carry 400 passengers but set sail with more than 4,200 souls, among them children, teachers and the crew. The "voyage to England", as it was called, was bid farewell by President Aguirre personally. It departed from the Biscayan port of Santurtzi in the early hours of the morning, escorted by the Basque Navy which subsequently handed over responsibility to two Royal Navy frigates in international waters. Leah Manning travelled front and centre[44].

On Saturday, May 22nd 1937, the ship La Habana docked at the Port of Southampton in England at around 6:30 p.m., after a 36-hour crossing. Its passengers did not disembark until Sunday because both children and adults had to undergo a further medical check, and in some cases be disinfected. The refugees were taken aback by the warm welcome and care they received from the English, both at the docks and later on dry land. As some of those involved can remember, figures such as the Duchess of Atholl, numerous representatives

43 S. Sabin-Fernandez, *The 'Niños vascos'*.

44 Y. Cloud, *The basque children*; T. Buchanan, *Britain and the Spanish Civil War; G.* Arrien, *Niños vascos.*

from humanitarian organisations and all the residents of the town came down to welcome them. There was no shortage of journalists either, given the British press had kept a close eye on the arrival of the "war children"[45].

The *Basque Children's Camp* in Eastleigh, near Southampton, was a large area of land that a farmer had offered as a campsite for the children. All of the infrastructure for the children was put together by different social groups, trade unions and local movements. Most of the financial support was channelled through the representative committees of the Labour Party and the Trade Council[46].

The camp was equipped with 500 tents, each of which slept eight children. Each block of four tents was coordinated by one teacher and an auxiliary. Children of Basque nationalists, being Catholic, also had access to a chapel and received religious instruction from fifteen priests. The camp also had a hospital, a cinema, a theatre, shops, fresh food, and was equipped with electricity, fresh water, telephones, a typing service, and an internal news bulletin. Various educational, cultural and leisure activities were organised throughout the children's time at the camp.

A few days after arriving in Southampton, Leah Manning sent a letter to the parents of the evacuees to tell them that the children were in perfect health and that "the camp at Stoneham would likely be empty within six weeks". However, the children ended up in the tents until late September 1937 – somewhat longer than was first thought – when, with just 70 children left, it was closed down[47].

The *Basque Children's Camp* had been conceived as a provisional measure, while the war was being fought in the north of Spain. As with other official evacuation operations, the aim was to protect and safeguard children in the most war-torn areas. In reality, however, the government of the Spanish Republic as well as the Basque government, the authorities in the host countries, support organisations, and the families who consented to their children's departure were involved in transporting and safeguarding these children abroad for the duration of the war. As the conflict unfolded, and with Franco's victory, a new and troubling scenario emerged[48].

With the war over on the Northern Front, there was now the problem of what to do with the children in the camp. The British government wanted them to be repatriated to Spain and almost all were sent back before the war was over. Those who could not be returned to Spain – a little over 400 children in May 1939 – were distributed in colonies throughout the UK. Each had a new and different fate, and each started completely different lives. The scattering of the

45 Y. Cloud, *The basque* children, L. Manning, *A Life for Education.*
46 D. Legarreta, *The Guernica Generation, 107-109.*
47 Letter published in the magazine *Euzkadi*, 1937-05-28.
48 G. Arrien, *La Generación del exilio;* Idem, *Niños vascos.*

children in this way was agreed with the Basque authorities, which granted its approval provided the children were sent in groups so as to retain their Basque identity. The children were put up in houses with room for an average of 40 to 50 inhabitants, though the accommodation varied.

The residences were scattered all throughout the UK, from Scotland to the south of England. A greater number were located in England and Wales. More than a hundred such colonies were set up, under the auspices of the *BCA 37' UK-Association for the UK Basque Children*. Gregorio Arrién has grouped the residences into the following categories: *Salvation Army* houses and residences run by the Sisters of Nazareth; other Catholic colonies integrated within the *Crusade of Rescue;* colonies totally or partially maintained by local committees; and colonies directly supported by the *National Joint Committee*.

The young Basques lived in these homes for several years. There, they learned English and took part in all types of educational and free time activities. While most of the testimony gathered from those children is very positive about their experiences, there are a few worrying cases. Most of the colonies were exceptionally well equipped, and in many cases had extensive parks and gardens. A good diet and a healthy lifestyle meant that the symptoms of malnutrition they had suffered in war-torn Spain soon disappeared. However, eight children died between 1937 and 1938 due to a number of reasons, as well as two adults (a teacher and a priest) who worked for the colonies. The children in the colonies received three hours of schooling in the morning and two hours in the afternoon, with a special focus on Basque culture. The teachers were facing a growing problem, since added to the normal shortage of schoolbooks and materials were concerns about the boys over 15 years of age, and what to do with them during their particularly difficult adolescence[49].

Child repatriations began following the fall of Bilbao to Francoist forces. By the time the Second World War started in 1939, most of the evacuated children had made the return journey to Spain. In some cases, the children's return had been requested by their parents, but many others were repatriated owing to pressure from Franco, aided by certain British institutions and against the wishes of parents. Francoist organisations and the nationalist media demanded the large-scale and indiscriminate repatriation of the exiled children. The Secretariat of the Apostolic Delegation was also actively involved in this propaganda campaign, and had a certain degree of influence in Catholic and conservative circles. Opposition from the families and the Basque authorities to the Francoist propaganda around the imminent return of the children soon became evident. In 1937, relatively few parents asked that their children be returned to the Basque

49 G. Arrien, *La Generación del exilio;* Idem, *Niños vascos;* A. Bell, *Only for Three Months;* I. Brown, *4,000 Basque Child Refugees*.

Country. Three groups comprising a total of 275 children returned from the UK between November and December that year. The large-scale return voyages took place between 1938 and 1940[50].

The majority of the children who were evacuated to the UK, Switzerland, and Denmark were returned at the request of their families and repatriated before the war finished or immediately thereafter. The respective authorities in the three countries kept their distance from the matter. The presence of the children created great tensions at the heart of their governments and led to pressure to return the children to Spain.

1938 was a particularly significant year owing to the return of many Basque children from exile. More than 1,300 minors returned from the UK, many of them as part of large-scale repatriation operations. In early 1939 some 1,700 Basque children were still living in the UK, distributed among 40 houses across England, Wales, and Scotland. The *Basque Children's Committee* wanted to gradually wind down the existing colonies with the aim of repatriating the children, except for those whose parents lived in France or could not be tracked down. Between April and May, around 500 children returned to Bilbao in three separate voyages. A similar number returned towards the end of the year. Some 128 children came back during the first half of 1940. The total number of children who were not repatriated and who remained in the UK was between 400 and 500. These children were mostly orphans or had parents in prison or whose whereabouts were unknown. Those over 16 years of age were allowed to decide for themselves, and some opted not to return. Some families asked them not to come back. The 3,861 Basque children constitute just a small portion of the thousands of children of the war evacuated during the Spanish Civil War. As many as 32,037 Spanish children were evacuated to other countries during the conflict, according to a 1949 report by the Delegation for the Repatriation of Minors[51].

5. Towards the creation of the Convention on the Rights of the Child

During the Second World War (1939-1945) the rights of people, and those of children in particular, were once again brutally violated [52]. Janusz Korczakm, theorist on children's rights, was murdered by the Nazis in the concentration and extermination camp at Treblinka on 7th August 1942. Even in the advanced Great Britain, the achievements seemed to vanish — as exemplified by the situation of the Basque children refugees there. A new law passed by the British government

50 G. Arrien, *Niños vascos.*

51 G. Arrien, *Niños vascos; S.* Sabin-Fernandez, *The 'Niños vascos'.*

52 Freud A., Burlingham D., *War and Children*; D. Macardle, *Children of Europe*; K. Sosnowski, *The Tragedy of Children*; D. Dwork, *Children with a Star*; D. Marshall, *International Child Saving*, 469-490. J. Marks, *The Hidden Children*; L. H. Nicholas, *Cruel World.*

in 1940, against the backdrop of the Second World War, changed the children's legal status as refugees to that of *"enemy aliens"*. The use of such a negative term undoubtedly had unfavourable consequences on many levels, the most immediate being that whereas their status as refugees upheld the impossibility of their return to their country of origin — and therefore their unquestionable right to refuge and protection — losing this status meant that they lost the rights that came with it. The public had initially been fairly sympathetic to the Basque children's plight and had viewed them as a group of people in need. Now, given their new status as "enemy aliens", they were increasingly perceived as bothersome and hostile.

Following the return of most children to the Basque Country, their teachers found themselves without work and were practically on the streets. As a result, some teachers and assistants also returned to the Basque Country between 1937 and 1940. Those who stayed in the UK did modest work as household staff or in factories and hospitals, etc. Faced with this future, some decided to try and re-emigrate to the Americas.

In the midst of the crisis, in 1942 the Basque inhabitants of the UK got together to create two entities: *Euzko Etxea* (Basque House) and the *Euzko Emakumiak* (Basque Women) association. The most active, responsible, and participative individuals got involved with both of these institutions which had no political, social or religious leaning. A few years prior, Spanish and Catalan refugees set up their own respective social, cultural and political organisations. Only around 50 Basque women were involved – most of them former teachers and auxiliaries – but they did commendable work both in terms of the education of the children and young people who stayed in the UK and to assist the Basque soldiers, nurses, and refugees from the Second World War[53].

After the Second World War, the Basque children were once again reclassified, this time as "stateless persons". The following is an extract from the memoirs of Luis Santamaría, one of those Basque children: "[we were] residents in the United Kingdom – citizens of the United Nations with passports and letters of safe-passage issued by that organisation (obviously useless in Francoist Spain) that only enabled us to travel and return to the country of residence –. The situation to us was insufferable"[54]. Finally, after long bureaucratic processes, those people obtained a passport and a nationality, in some cases Spanish and in others British.

Children's rights were reborn in a short time. As it is well known, once the UN had been established (in 1945), the Economic and Social Council of said organisation was to recommend retaking the Geneva Declaration of 1924

53 These entities remained active until roughly 1947. It is difficult to trace what their members did after that. Some Basques, both men and women alike, stayed in the UK, while many left for France to subsequently emigrate to Venezuela or other parts of Latin America.

54 See S. Sabin-Fernandez, *The 'Niños vascos'*, 78.

and acting in favour of the child. In the year 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights, which from then on would be considered a fundamental reference piece for the defence of personal rights. While all the articles refer implicitly to children (as generic references made to people and their rights cover all the stages of life), in articles 25 and 26 the most explicit references to children can be found. As a way to develop and extend this Statement, in 1959 the UN General Assembly unanimously adopted the Declaration of the Rights of the Child, with its ten principles which specified and expanded the human rights adopted in 1948 to childhood. As a result of this, in 1950 the United Nations International Children's Emergency Fund (UNICEF) was created.

Likewise, the Geneva Convention of 1951 relating to the Status of Refugees protected children through the figure of asylum, in the same way as with adults, keeping those who are persecuted for any of the reasons set forth therein from being returned to their countries of origin. When boys and girls flee from situations of persecution and cross the borders of their country, they have the right to international protection to safeguard them from the abuses and risks they have suffered from in the past, ensuring their rights and preventing these situations from continuing to arise.

The organisations that attended the European children who were victims of the First and Second World began a process that has continued to bear fruit [55].

Based on the experiences of these organisations and the new ones that have been created since the middle of the 1950s, there have been new protocols for action with regard to stateless children, refugees and internally displaced persons, and unaccompanied children and child soldiers, among others. In conclusion, the rights of children today cannot be understood without taking into account the Geneva Declaration and the work of the organisations that helped children of Europe during the emergence of the First and Second World Wars.

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Summary

The birth of children's rights between the First and Second World Wars: The historical events leading up to the Convention

At the beginning of the twentieth century, the industrialised countries had no guidelines for protecting children. From the time of its creation, the League of Nations has been interested in improving the situation of children and expanding their rights. To accomplish just that, the Child Welfare Committee was created in 1919. The creation of said Committee was the first action taken by the international community in a matter that was not to be left to the sole discretion of the states. That same year, the Englishwoman Eglantyne Jebb and her sister Dorothy founded Save the Children, which evolved very quickly and, in 1920, gave way to the establishment of the International Save the Children Union, headquartered in Geneva. In 1924, the League of Nations approved the Geneva Declaration of the Rights of the Child, drafted by Eglantyne Jebb herself. The first big challenge that said legal doctrine and the partnership in favour of children's rights came up against was the Spanish Civil War. The first great movement of refugee children featured the children of the Basque Country, who were welcomed in Great Britain. Let us take a look at this case as an example of the practical side of the first legal doctrine on children's rights.

On 21st May 1937, 3,861 Basque children arrived at the Port of Southampton in the south of the United Kingdom, accompanied by 95 female teachers, 120 auxiliaries and 15 priests. It was the largest intake of refugees in British history and the only comprising almost entirely children. All that the children had with them were two changes of clothes and a card with their personal details. They arrived on a ship that had set sail from the Basque Country two days before, when this region loyal to the Republican government was attacked by General Franco's troops. Just a few weeks prior, the emblematic city of Guernica had been devastated in an aerial attack by Germany's Condor Legion. The bombing caused international outrage and was the reason why the British government allowed refugee Basque children into the country

– largely as a result of pressure from the Basque Children's Committee (presided over by the Duchess of Atholl) which, together with the Basque government, coordinated the voyage. They left their home country as wartime evacuees, only to become refugees in the UK. For four months they lived in a camp in Eastleigh in the south of England, supported by donations in large part from left-leaning British organisations. The children were later sent to homes and colonies throughout the UK. Though there were generally referred to *as* Basque children, not all were Basque. Some had fled to the area as a result of the war. A considerable number of these children stayed in Britain permanently.