

University of Groningen

The Child-specific Right to Adequate Housing in the Convention on the Rights of the Child

Wind, Roos; Vols, Michel; Roorda, Berend

Published in:
The International Journal of Children's Rights

DOI:
[10.1163/15718182-31020001](https://doi.org/10.1163/15718182-31020001)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2023

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Wind, R., Vols, M., & Roorda, B. (2023). The Child-specific Right to Adequate Housing in the Convention on the Rights of the Child. *The International Journal of Children's Rights*, 31(2), 444-470.
<https://doi.org/10.1163/15718182-31020001>

Copyright

Other than for strictly personal use, it is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license (like Creative Commons).

The publication may also be distributed here under the terms of Article 25fa of the Dutch Copyright Act, indicated by the "Taverne" license. More information can be found on the University of Groningen website: <https://www.rug.nl/library/open-access/self-archiving-pure/taverne-amendment>.

Take-down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Downloaded from the University of Groningen/UMCG research database (Pure): <http://www.rug.nl/research/portal>. For technical reasons the number of authors shown on this cover page is limited to 10 maximum.



BRILL



brill.com/chil

The Child-specific Right to Adequate Housing in the Convention on the Rights of the Child

Roos Wind | ORCID: 0000-0003-2793-5909

PhD student, Department of Legal Methods, Faculty of Law,
University of Groningen, Groningen, The Netherlands
Corresponding author
r.c.wind@rug.nl

Michel Vols | ORCID: 0000-0002-5762-8697

Professor, Department of Legal Methods, Faculty of Law,
University of Groningen, Groningen, The Netherlands
m.vols@rug.nl

Berend Roorda | ORCID: 0000-0001-8323-570X

Associate Professor, Department of Legal Methods, Faculty of Law,
University of Groningen, Groningen, The Netherlands
b.roorda@rug.nl

Abstract

Millions of children live on the street or in inadequate housing. The failure of authorities to address these problems violates the right to adequate housing, as laid down in, *inter alia*, Art. 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Yet, deplorable living conditions make children even more vulnerable than adults, given the negative impact on their development. This calls for a child-specific right to adequate housing tailored to the needs of children. Although one might expect to find such a child-specific right in the Convention on the Rights of the Child (CRC), little is known about the CRC and housing. This paper is the first to unravel to what extent the CRC stipulates a child-specific right to adequate housing and, if so, whether it offers children other entitlements than the general right to adequate housing laid down in Art. 11(1) ICESCR.

Keywords

right to adequate housing – children’s rights – (in)adequate housing for children – adequate standard of living – Convention on the Rights of the Child (CRC), Art. 27 CRC – International Covenant on Economic, Social and Cultural Rights (ICESCR), Art. 11(1) ICESCR

1 Introduction

It is estimated that, worldwide, millions of children live on the street or in inadequate housing (Willenberg *et al.*, 2014; Sund and Vackermo, 2015; Cappa and Hereward, 2019). These living conditions harm children’s human dignity (Leary, 1995; Bueren, van, 1998; UN CRC General Comment No. 21, 2017; Sandbergen, 2018; Gronowski, 2019). Research has found that living in deplorable housing conditions makes children even more vulnerable than adults living in the same situation, given the negative impact it has on their development (UN Special Rapporteur on housing, 1995; Eide, 2006; Nolan, 2011; Malone, 2015; Wilkinson, 2017; Lansdown, 2020). According to the CRC Committee and research literature, these children’s right to adequate housing is under severe pressure (UN CRC GC No. 21, 2017; Sandbergen, 2018; Gronowski, 2019). A growing body of research shows that the failure to prevent homelessness and living in substandard housing results in violations of the right to adequate housing, as laid down in, *inter alia*, Art. 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (General Comment No. 4, 1991; Hohmann, 2013; UN CESCR 2017; Liebel, 2020). However, Art. 11 ICESCR focuses neither specifically on children nor on the influence of inadequate housing on their development (Doek, 2019). This leaves room for questions, such as: how should the dependency of children on adults regarding housing issues be approached? Or: what must housing encompass to be adequate for the child’s development? A child-specific¹ right to adequate housing that answers these questions is to be expected in the CRC. However, until now, the research literature has remained relatively silent about this treaty concerning the right to adequate housing (Harbach, 2020).

This paper aims to establish to what extent the CRC constitutes a right to adequate housing for children and, where this is the case, whether or not this child-specific right offers children different entitlements than Art. 11(1)

1 By which we mean a right that focuses specifically on children as right bearers and the specific rights, position in society, needs and characteristics of children, see, e.g. Nolan, 2011.

ICESCR.² The text of the CRC gives us reason to believe that the Convention contains a right to adequate housing. Paragraph 1 of Art. 27 CRC stipulates a right to an adequate standard of living for children, for their physical, mental, spiritual, moral and social development. Paragraph 3 connects this right to an adequate standard of living to housing:

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Given the text of this provision, housing appears to be (at the very least) an essential component for achieving the right to an adequate standard of living for the child's development. Article 16(1) CRC also addresses housing, as it mentions a child's home in relation to their privacy rights. In addition, housing plays a role in the enjoyment of other children's rights within the CRC (Freeman, 2007; Gronowski, 2019; Arts, 2019; Tobin, 2019a; Kaime, 2019).

Another indication that the CRC contains a right to adequate housing is that the right is mentioned in documents produced by the CRC Committee. In General Comment (GC) No. 21, the CRC Committee holds that the right to adequate housing is an important component of Art. 27 CRC (UN CRC GC No. 21, 2017). However, the CRC Committee does not comprehensively explain how this right must be interpreted.

This article is structured as follows. The second section explains the research approach and methods used. The third section discusses the right to adequate housing, as laid down in Art. 11(1) ICESCR. It also describes the meaning of this right, which will allow a comparative analysis between this more general right to adequate housing and a right to adequate housing specific to children. The fourth section analyses what the text of the CRC indicates regarding a right to adequate housing within the convention. The fifth section presents an analysis of the role of the right to adequate housing in children's rights literature. The sixth section presents a similar analysis of General Comments and communications procedures issued by the CRC Committee. The final section synthesises the findings of our analysis.

² This paper aims to establish whether or not there *is* a right to adequate housing for children within the CRC, *not* whether or not this would be desirable.

2 Research Approach and Methods

This study is a systematic, doctrinal legal analysis focusing on several carefully collected sources (Vols, 2021). First, we analyse the text of the CRC and its *Travaux Préparatoires*, exploring whether or not these sources refer to a(n implied) right to adequate housing. Second, we analyse the role of the right to adequate housing in children's rights literature. Our literature sample includes 21 leading books and papers on children's rights³ and all the articles published in *The International Journal of Children's Rights* from 1993 to 2022 (Vol. 1–30). Third, we examine all the General Comments and communications procedures on housing issued by the CRC Committee. Fourth, we compare our findings with Art. 11(1) ICESCR, to determine whether the CRC provides a different interpretation and offers different entitlements for children than the ICESCR. We chose Art. 11(1) ICESCR as the provision representative of a general right to adequate housing, since this is the most cited right to adequate housing within international law (Hohmann 2013).

3 The International Right to Adequate Housing

The right to adequate housing is often referred to as one of human beings' most important welfare rights, closely related to human safety and dignity (UN CESCR GC No. 4, 1991; Moons, 2018; Vols *et al.*, 2019). According to Hohmann (2013), Art. 11(1) ICESCR is the clearest expression of the right in international law. This provision closely mirrors its source of inspiration; the right to adequate housing as laid down in Art. 25 of the non-binding Universal Declaration on Human Rights (Hohmann, 2018). Article 11(1) ICESCR reads as follows:

The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

3 Freeman, 1978–88, Wald, 1979, Veerman, 1992, Van Bueren, 1995, Leary, 1995, Bueren, van, 1998, Nowak 2005, Eide 2006, Todres, *et al.*, 2006, Freeman, 2007, Nolan, 2011, Invernizzi and Williams, 2011, Vučković Šahović, Doek and Zermatten, 2012, Liefwaard and Sloth-Nielsen, 2017, Liefwaard and Doek, 2017, Falch-Eriksen and Backe-Hansen, 2018, Kilkelly and Liefwaard, 2019, Tobin, 2019b, Bruning, Klep and Punselie 2020, Freeman, 2020, Todres and King, 2020.

The Committee on Economic, Social and Cultural Rights (CESCR) explains rather extensively how Art. 11(1) ICESCR should be interpreted, namely in GC No. 4 on the right to adequate housing and GC No. 7 on forced evictions (UN CESCR GC No. 4, 1991; UN CESCR GC No. 7, 1997; Vols and Dyah Kusumawati, 2020). These General Comments are often cited in research on the meaning of the right to adequate housing at an international level (Hohmann, 2013). In GC No. 4, the CESCR states that the right to adequate housing is more than just a right to shelter; a home is a place where one can live in security, peace and dignity. The CESCR divides the right into seven cumulative components, namely: (1) legal security of tenure; (2) availability of services, materials, facilities and infrastructure; (3) affordability; (4) habitability; (5) accessibility; (6) location; and (7) cultural adequacy (UN CESCR GC No. 4, 1991).

The first component – legal security of tenure – is the cornerstone of the right, protecting people from forced eviction, harassment and other threats. The second component – availability of services, materials, facilities and infrastructure – implies that adequate housing includes access to safe drinking water, energy for lighting, heating and cooking, sanitation and washing facilities, refuse disposal, means of food storage, site drainage and emergency services. The third component – affordability – entails that housing costs must not compromise other basic needs. The fourth component – habitability – means that housing has adequate space and offers protection against cold, dampness, heat, rain, wind or other threats to health, structural hazards and disease vectors. The fifth component – accessibility – implies that housing needs to be accessible for those entitled to it. The sixth component – location – entails that housing allows access to employment, healthcare, schools, childcare and other social facilities and that housing is not built on or near polluted sites. The seventh and last component – cultural adequacy – calls for enabling the expression of cultural identity and diversity of housing (UN CESCR GC No. 4, 1991; UN CESCR GC No. 7, 1997).

Article 11(1) ICESCR must be read with Art. 2(1) ICESCR to unravel the states' responsibilities regarding the right to adequate housing. This latter provision provides for the progressive realisation of rights and acknowledges the limits of available resources of states (UN CESCR GC No. 3, 1990). As a result, the responsibilities of states are not set in stone. However, the CESCR says that Art. 2(1) ICESCR stipulates a "minimum core obligation" that leaves no leeway for states. In GC No. 3, the CESCR clarifies that basic shelter and housing are components of this minimum core (UN CESCR GC No. 3, 1990). Hence, if many individuals are deprived of basic shelter or housing, a state fails to discharge its obligation under the ICESCR (UN CESCR GC No. 3, 1990).

Although Art. 11(1) ICESCR does not intend to stipulate a right to adequate housing specifically for children, the CESCR is not blind to their position (Nolan, 2013). In its General Comments and Views published under the Optional Protocol to the ICESCR, the CESCR concludes that children are more vulnerable to, and suffer disproportionately from, forced evictions (UN CESCR GC No. 7, 1997; UN CESCR, *Lorne Joseph Walters* (2021) 061/2018). Therefore, when children are involved, states must take essential steps to provide alternative housing before eviction occurs (UN CESCR, *Ben Djazia et al.* (2017) 005/2015). Additionally, alternative accommodation is considered unsuitable when separating families (UN CESCR, *El Mourabit Ouazizi and Boudfan* (2022) 133/2019). Furthermore, housing for children must be stable instead of temporary and not too far away from school or childcare facilities (UN CESCR GC No. 7, 1997; UN CESCR, *López Albán et al.* (2019) 037/2018; UN CESCR *El Goumari et al.* (2021) 085/2018). Lastly, disadvantaged groups, including children, should have some degree of priority when accessing housing (UN CESCR GC No. 4, 1991). Despite the above, the CESCR does not always explain how the right must be interpreted and applied in situations that concern children. For instance, it remains unclear to what extent it is the role of parents to ensure adequate housing for their children. Under the CRC (Art. 18), parents have the primary responsibility for the upbringing and development of their child, but the ICESCR does not contain a similar provision.

The right to adequate housing in Art. 11(1) ICESCR is characterised as an economic, social and cultural right. These rights are often classified as “positive” rights: they request actions from states to guarantee the rights. Yet, the right to adequate housing also contains elements of “negative” rights (Brems, 2001; Nolan, 2011; Van Tongeren, 2020). These negative elements of the right require that states refrain from certain acts. For example, the right to adequate housing, as described above, clearly protects individuals from forced evictions initiated by states.

Consequently, sharp distinctions between civil and political rights on the one hand and economic, social and cultural rights on the other – or between “negative” and “positive” rights – do not seem to work for the right to adequate housing. Therefore, this article characterises the right to adequate housing with civil, economic, social and cultural rights components. With that in mind, we can now continue to analyse whether the CRC constitutes a right to adequate housing for children. The first step is to assess the Convention’s text in more detail.

4 The Right to Adequate Housing in the Text of the CRC

The CRC addresses housing explicitly in two provisions: Art. 16(1) CRC and Art. 27(3) CRC. The first provision speaks of a 'home' for children in relation to privacy rights. The text resembles Art. 17 International Covenant on Civil and Political Rights (ICCPR), which protects a vital component of a right to adequate housing, namely security of tenure (UN Human Rights Committee, 1988; ECtHR, 2012; Vols *et al.*, 2015; Bruijn, 2020).

The second provision is Art. 27 CRC. This provision is often mentioned in the same breath as Art. 11(1) ICESCR, as it connects housing to the right to an adequate standard of living (Hohmann, 2013; Nolan, 2019). Yet, Art. 27 CRC differs from Art. 11(1) ICESCR. First, the adequate standard of living is linked to the child's physical, mental, spiritual, moral and social development in paragraph 1 of Art. 27 CRC. Second, Art. 27 CRC explicitly acknowledges the position of parents or other legal guardians (hereafter, parents). It states that parents are primarily responsible for ensuring the right to an adequate standard of living and that states must take appropriate measures to assist parents in doing so. With regard to housing, the state should provide, 'material assistance and support programmes' towards parents in case of need (Art. 27(3) CRC). The responsibilities of parents and states both depend on the resources available to them (Arts. 4 and 27 CRC). Regarding the states' responsibilities, Art. 4 CRC has a similar effect as Art. 2 ICESCR. Article 4 CRC dictates that states must 'undertake all legislative, administrative and other measures to implement these rights, to the maximum extent of their available resources and, where needed, with international co-operation'. This leaves room to tailor the obligations of states based on their available resources.

The CRC, as we know it today, does not explicitly mention a right to adequate housing, but Art. 4 of the first Polish draft of the Convention (1978) did. The text of this provision reads the same as Art. 4 of the Universal Declaration on Children's Rights (UDCR) of 1959 (UN Commission on Human Rights, 1978a), the predecessor to the CRC (Veerman, 1992). Article 4 UDCR reads as follows (Te Kohu Douglas and Douglas, 1995):

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 prenatal and post-natal care. The child shall have the right to adequate nutrition, housing and medical services.

We have tried to decipher why the UDCR and the first Polish draft of the CRC both mention a right to adequate housing, but the 1989 convention does not. After the first Polish draft, explicit mention of the right disappeared. In the second draft (1979), “housing” is mentioned in Art. 15 CRC in relation to the right to an adequate standard of living. Article 15 reads as follows:

1. The States Parties to the present Convention recognize the right of every child to a standard of living adequate for his healthy and normal physical, mental and moral development in every phase of the child's development.
2. The parents shall, within their financial possibilities and powers, secure conditions of living necessary for a normal growth of the child.
3. The States Parties to the present Convention shall take appropriate measures to implement this right, particularly with regard to nutrition, clothing and housing, and shall extend the necessary material assistance to parents and other persons bringing up children, with special attention paid to incomplete families and children lacking parental care.

The text of this provision ultimately led to Art. 27 CRC. A possible explanation for the disappearance of the right to adequate housing from the CRC is that this is the result of resistance from some countries to adopting such a right. The *Travaux Préparatoires* do not show significant resistance to the right to adequate housing (Office of the United Nations High Commissioner for Human Rights, 2007). Yet, it is mentioned that Malawi criticised the right to adequate housing within the first draft (UN Commission on Human Rights, 1978b; UN Commission on Human Rights, 1978c; UN Commission on Human Rights, 1979). However, we think it more plausible that the provision was not rewritten to remove the right from the Convention. After all, the CRC still mentions housing, which can be enough to stipulate a right to adequate housing (e.g. Art. 25 UDHR) (Hohmann, 2013). We did not find evidence that the second draft intentionally excludes the right to adequate housing from the CRC. On the contrary, it mentions housing in relation to the development of the child and combined with nutrition, which seems to refer to the right to adequate housing stipulated by Art. 4 UDCR. Additionally, it connects housing to the right to an adequate standard of living, which reminds us of Art. 25 UDHR and Art. 11(1) ICESCR. To elaborate on the above, in the next section, we analyse to what extent the research literature distinguishes a right to adequate housing in the CRC.

5 Right to Adequate Housing in the Children's Rights Literature

The emergence and codification of children's rights have resolved into quite a bookshelf of research literature. Some researchers hold that children have a right to adequate housing, but as far as we know, an in-depth analysis of the right to adequate housing in the CRC has never been conducted (Veerman, 1992; Bueren, van, 1995; Leary, 1995; Sacco *et al.*, 2015; Francia and Elding, 2020). Nevertheless, researchers take (the right to) housing into account in various ways. In this article, we distinguish four categories: (1) literature which holds that the CRC does not contain a right to adequate housing; (2) literature which remains unclear about whether or not the CRC contains a right to adequate housing; (3) literature which holds that the Convention does stipulate such a right; and (4) literature which discusses housing in relation to other rights enshrined in the CRC.

With regard to the first two categories, a brief overview is sufficient. Only one paper falls within category one. Pare holds that there is no right to adequate housing within the Convention without substantiating her statement (Pare, 2003). The second category discusses the right to shelter, or the right to adequate housing in relation to children's rights, without specifying whether or not the CRC contains such a right (Schimmel, 2006; Tobin, 2011; Darling, 2013; Kloosterboer, 2017; Freeman 2020; Gal, 2020). For example, Freeman (2020) argues that the CRC does not guarantee the right to adequate housing but later raises the question of whether or not this right exists within the treaty. The papers that fall under these categories are of little use to our research as they do not provide an in-depth analysis of housing rights under the CRC.

Publications in the third category hold that there is a right to adequate housing within the Convention (Nowak, 2005; Hohmann, 2013; Mangena and Ndlovu, 2014; Arts, 2019; Butrymowicz, 2019; Nolan, 2019; Chaney, 2022; Bracewell *et al.*, 2022). Most authors briefly state that there is a right, pointing to Art. 27 CRC. One author also points to Art. 16 CRC (Gronoswki, 2019). Vučković Šahović, Doek and Zermatten conduct a more extensive analysis of the right in Art. 27 CRC. They interpret it as almost identical to how the CESCR describes the right to adequate housing as laid down in Art. 11(1) ICESCR (UN CESCR GC No. 4, 1991; Vučković Šahović *et al.*, 2012). According to the authors, the right to adequate housing requires more than having a roof over one's head; namely, it requires a place to live in security, peace and dignity. They recall five of the seven components, and corresponding subcomponents, that the CESCR presents in GC No. 4: (1) legal security; (2) affordability; (3) accessibility; (4) availability of facilities and infrastructure; and (5) habitability.

Nolan provides an in-depth analysis of Art. 27 CRC, which includes the right to adequate housing (Nolan, 2019). She holds that this provision is more child-specific than Art. 11(1) ICESCR, on two points. First, the rights within Art. 27 CRC extend the entitlements to goods and services necessary for a child's well-being to all factors that are important to ensure a child's mental, spiritual, moral and social development.⁴ Secondly, Nolan holds that parents are primarily responsible for ensuring Art. 27 CRC and that state responsibility comes second. According to Nolan, this demands a collaborative approach between parents and the state, whereby states take measures to support and enable parents to fulfil their responsibility actively. Nolan says there is a level of discretion for states to determine which measures they adopt to assist parents as long as these measures are effective and in line with the other provisions of the CRC.

Other authors touch upon housing in their analysis of other children's rights. This brings us to the fourth category. First, some authors discuss housing in relation to the four general principles of the Convention, as laid down in Arts. 2, 3, 6 and 12 CRC (Freeman, 2020). In General Comment No. 5, the CRC Committee describes that these principles must always be taken into account when applying the CRC (UN CRC GC No. 5, 2003; Doek, 2019; Peleg, 2019). Article 2 CRC stipulates the right not to be discriminated. It is found that this provision implies that children should not be discriminated against when accessing housing (Eide, 2006; Libesman, 2007). Article 3(1) CRC requires that the child's best interests are the primary consideration when deciding on issues involving children. Several authors state this also goes for issues related to housing conditions (Freeman, 2007; Vučković Šahović and Savić, 2015; Vandenhole, 2015; Khazova, 2019). Freeman elaborates on this, saying it is never in the child's best interests to grow up homeless, in bad housing, or in a substandard environment. A substandard environment entails living in a polluted or remote area far from school, shops or work (Freeman, 2007). Housing is also discussed in the context of development rights. Article 6 CRC on the right to life, survival and development is linked to (the right to) housing within Art. 27 CRC, as adequate housing is considered to be of great importance to the child's development (Nowak, 2005; Eide, 2006; Arts, 2019). According to Eide, Art. 27(1) CRC elaborates on the general principle that the state ensures the child's life, survival and development to the maximum extent, as laid down in Art. 6 CRC (Eide, 2006). Finally, Art. 12 CRC requires that children can express

4 According to Nolan, the process of identifying these factors must be ongoing, with attention for the conditions within a state and the views of all the actors contributing to or having impact on the development of the child, see Nolan, 2019.

their views with regard to matters that concern them. Kloosterboer mentions “housing issues” as an example of such matters (Kloosterboer, 2019).

In addition to the four general principles, some authors take housing into account when analysing other children’s rights. Housing is often mentioned under the umbrella of the right to an adequate standard of living for the child’s development, as laid down in Art. 27(1) CRC (Van Bueren, 1998; Candappa, 2000; Eide, 2006; Taylor, 2006; Darling, 2013; Vučković Šahović and Savić, 2015; Smyth, 2019; Walker, 2020). Regarding Art. 27(1) CRC, most of the literature stresses that parents are primarily responsible for ensuring the right to an adequate standard of living and that state responsibility comes second (Eide, 2006; Van den Boom, 2017; Van Loon, 2017; Doek, 2019; Walker, 2020; Bouah and Sloth-Nielsen, 2021). States must assist parents in fulfilling this right, particularly with regard to housing (Doek, 2019; Bouah and Sloth-Nielsen, 2021), which according to Eide (2006: 2), means providing ‘direct supplies of housing in times of emergency’. Furthermore, housing is addressed in relation to the right to health, education and rest, play and leisure (Art. 24, 28–29 and 31 CRC) (Tobin, 2006; Croke and Crowley, 2011; Atkins, 2015; Cook, 2015; Kalverboer *et al.*, 2017; Gronowski, 2019; Tobin, 2019a; Kaime, 2019). It is found that overcrowded accommodation, deprived neighbourhoods, housing density, pollution, noise, hazardous environments and remote locations (i.e. too far from a school or hospital) are not compatible with adequate housing in relation to the CRC. In addition, the literature warns that poor housing could lead to child maltreatment but that such housing is no reason to separate the child from its parents (Gilbert, Woodman and Logan, 2012; Feria-Tinta, 2015; Khazova, 2019). Finally, the literature states that climate change threatens adequate living conditions and housing for children, which may violate Art. 27 CRC (Kaime, 2019; Bakker, 2020; Fambasayi, 2021).

The literature analysis above shows that there is little literature focusing in great detail on the right to adequate housing within the CRC. However, this does not mean that the research community believes the CRC does not contain a right to adequate housing. On the contrary, (the right to) housing is found to be essential for the fulfilment of other children’s rights. The following section shows how this aligns with the CRC Committee’s views.

6 Right to Adequate Housing in the General Comments of the CRC Committee

The CRC Committee has repeatedly stated that the CRC protects the right to adequate housing. In 2002, the CRC Committee expressed concerns about the

insufficient recognition of this right. It states that the right to adequate housing laid down in Art. 4 UDCR translates as a binding obligation for states in Art. 27 CRC (UN CRC Committee, 2002). This section analyses the CRC Committee's interpretation of Art. 27 CRC and housing, as expressed in General Comments. We have also assessed the Views of the CRC Committee with regard to the communications procedure.⁵ However, only one of the Views (*S.C.S. v. France*) deals with the right to adequate housing (UN CRC S.C.S. (2018) 10/2017). Yet, this specific View does not teach us more about the CRC Committee's reading of the right to adequate housing in the CRC because the communication was inadmissible under Art. 7 (g) of the Optional Protocol.

In the General Comments, the CRC Committee approaches housing from four different angles: (1) housing as a right, (2) housing as a component of other children's rights, (3) housing for specific groups of children and (4) the various obligations stemming from the right for parents and states. This section will discuss these angles to get a better picture of the meaning of a child-specific right to adequate housing in the CRC.

6.1 *General Comments on the Right to Adequate Housing in Art. 27 CRC*

In two General Comments, the CRC Committee explicitly states that Art. 27 CRC stipulates the right to adequate housing for children (UN CRC GC No. 21, 2017, para. 50; UN CMW and UN CRC Joint No. 4/23, 2017, paras. 49, 51). In General Comment No. 21 on children in street situations, the CRC Committee characterises the right to adequate housing as an important component of Article 27 that is particularly relevant for children in street situations (UN CRC GC No. 21, 2017, para. 50).

In the same General Comment, the CRC Committee refers to the views of the CESCR to interpret the right (UN CRC GC No. 21, 2017, para. 50). It asserts that the right to adequate housing entails a place to live in security, peace and dignity, and refers to the seven components related to Art. 11(1) ICESCR. The CRC Committee provides insights on how these components must be interpreted specifically for children. It states that security of tenure is essential for preventing children from ending up on the street. No child must be subject to a forced eviction before adequate alternative accommodation is made available. This requirement also applies when the child is living in informal or illegal housing. Furthermore, the CRC Committee repeats that children have a right to access adequate housing that is safe, including safe drinking water, sanitation and hygiene facilities (UN CRC GC No. 21, 2017, para. 51).

⁵ See Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

6.2 *Adequate Housing in Relation to Other Children's Rights*

The significance of the right to adequate housing is emphasised by the CRC Committee (UN CRC Committee, 2002; UN CRC GC No. 21, 2017; UN CMW and UN CRC Joint GC No. 4/23, 2017). Nevertheless, when assessing the General Comments, it is clear that the CRC Committee falls short of adopting a holistic approach. The CRC Committee's discussion of the right to adequate housing is sporadic and brief, appearing only occasionally in different General Comments. This section examines the different components of the puzzle to gain a deeper comprehension of the interpretation and significance of the right to adequate housing in the CRC.

An analysis of the General Comments shows that the general principles in Arts. 2, 3(1) and 6 CRC are closely linked to housing (UN CRC GC No. 6, 2005, para. 3; UN CRC GC No. 11, 2009, para. 25; UN CRC GC No. 14, 2013: 4). Hence, children should not be discriminated against when accessing housing (UN CRC GC No. 6, 2005, para. 3). The CRC Committee urges states to consider special measures to eliminate conditions that cause discrimination when accessing housing for indigenous children and others that need it (UN CRC GC No. 11, 2009, para. 25). Additionally, the child's best interest is the primary consideration concerning issues involving children, among which housing issues (UN CRC GC No. 14, 2013, p. 4). Lastly, the CRC Committee implies that the right to survival and development relates to the right to an adequate standard of living and housing, as laid down in Art. 27 CRC. It does not elaborate on this relation beyond this comment (UN CRC GC No. 11, 2009, para. 34). Furthermore, it discusses adequate housing in terms of the right to health. According to the CRC Committee, adequate housing includes non-dangerous cooking facilities, appropriate ventilation, a smoke-free environment, ways effectively to remove waste and litter from the living environment and surroundings, family hygiene and a living space free of mould and other toxic substances (UN CRC GC No. 15, 2013: 6). The CRC Committee also holds that the right to rest, play and leisure requires housing that is not overcrowded, insecure and unsafe. Moreover, housing should not be located in an unsanitary environment (UN CRC GC No. 17, 2013: 5–6, 8). Finally, the CRC Committee addresses the role of the digital environment in a child's home. On the one hand, it requests that states support affordable access for children to knowledgeable use of digital technologies in several settings, including at home (UN CRC GC No. 25, 2021, paras. 9, 90). On the other, it urges states to ensure effective mechanisms for child protection in the digital environment at home (UN CRC GC No. 25, 2021, paras. 26, 74)

6.3 *The CRC Committee's Particular Attention to Housing for Specific Groups*

In various General Comments, the CRC Committee elaborates on housing for specific groups of children, namely indigenous children, children with disabilities, adolescents and migrant children. It does so in detailed General Comments focusing on these specific groups of children (UN CRC GC No. 4, 2003; UN CRC GC No. 9, 2006; UN CRC GC. No 11, 2009; UN CMW and UN CRC Joint GC No. 4/23, 2017). However, this fragmented approach of the CRC Committee towards housing raises the question of whether the requirements mentioned in these General Comments also apply to children that do not fall under these specific groups. Although this remains unclear, broader application of the requirements does not seem to be unreasonable as these requirements closely align with the CRC Committee's general views on housing as expressed in GC No. 21.

First, the CRC Committee holds that parents of indigenous children should receive "culturally" appropriate material assistance regarding housing (UN CRC GC No. 11, 2009, para. 34). Second, the CRC Committee states that children with disabilities should be provided with adequate housing, as they often end up on the streets. It does not specify who is responsible for providing this (UN CRC GC No. 9, 2006, para. 76). Third, the CRC Committee concludes that adolescents can count on assistance regarding housing, within the meaning of Art. 27(3) CRC, delivered in a manner that is consistent with their evolving capacities (UN CRC GC No. 4, 2003, para. 16). However, the CRC Committee does not specify how the capacities of children relate to the right to adequate housing.

In GC No. 23, the CRC Committee focuses on the right to adequate housing for migrant children. This General Comment is written together with the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. According to the Committees, migrant children are entitled to access a homeless shelter, regardless of their status (UN CMW and UN CRC Joint GC No. 4/23, 2017, para. 51). In addition, states should not interfere with the right to adequate housing through measures that prevent migrants from renting a property. Finally, states should not criminalise children – or facilitators helping children – for exercising their right to adequate housing (UN CMW and UN CRC Joint GC No. 4/23, 2017, para. 52).

6.4 *The Obligations under the Right to Housing in Art. 27 CRC*

The General Comments do not attempt comprehensively to explain which entitlements children have based on the above or against whom they can invoke the right to adequate housing. In GC No. 21, the CRC Committee stipulates that, in accordance with Art. 27(3) CRC, states shall take appropriate measures to assist parents in implementing the right to an adequate standard

of living for children and shall, in case of need, provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing (UN CRC GC No. 21, 2017, para. 49). The CRC Committee emphasises that states have no discretion with respect to these prescriptions. It holds that support for parents should also be given directly to children. What this “support” should look like is unclear, but the CRC Committee expresses that it could be provided either by the state or through civil society organisations aided by the state (UN CRC GC No. 21, 2017, para. 49). The CRC Committee does not discuss the responsibilities of parents in more detail, or how these interact with the responsibilities of states. It does elaborate on state obligations.

In GC No. 21, the CRC Committee states that the limits of state obligations are set out in Art. 4 CRC. This reminds us of the minimum core obligations laid down in Art. 2(1) ICESCR that applies to the right to adequate housing in Art. 11(1) ICESCR. Like the CESCR, the CRC Committee seems to conclude that a safe place to live is part of this minimum core obligation (UN CRC GC No. 21, 2017, para. 49). However, it does not elaborate on this. In addition, the CRC Committee holds that states should take appropriate measures for affected children, which entails that impact assessments of children’s rights and other human rights are incorporated into the development and infrastructure of projects to minimise the negative effects of displacement (UN CRC GC No. 21, 2017, para. 51). States must take measures against structural poverty and income inequalities to reduce (amongst other things) the likelihood of children ending up on the street – for instance, through tax laws, fair wage employment, (child-focused) policies and budgeting, adequate social security and protection, and the elimination of corruption (UN CRC GC No. 21, 2017, para. 51).

7 Conclusion

This article aims to establish to what extent the CRC constitutes a right to adequate housing for children and, if so, whether this child-specific right offers different entitlements for children than Art. 11(1) ICESCR. Based on our analysis, we conclude that Art. 27(1) CRC codifies a child-specific right to adequate housing and that Art. 16(1) CRC protects an important component of that right as well: security of tenure. Although an in-depth analysis of this child-specific right is missing in the current state-of-the-art children’s rights literature, the majority of the children’s rights researchers discussing the right to adequate housing seem to support the existence of this child-specific right to adequate housing. This is also the case with the CRC Committee. It holds that Art. 27

CRC translates the right to adequate housing as laid down in Art. 4 UDCR into a binding obligation for states.

The child-specific right to adequate housing within Art. 27(1) CRC relates to the right to an adequate standard of living for the child's physical, mental, spiritual, moral and social development. The relationship between housing and an adequate standard of living is often addressed in the literature and General Comments of the CRC Committee. We found that the interpretation of the child-specific right to adequate housing depends on the interpretation of the general right to adequate housing as laid down in Art. 11(1) ICESCR. Both the general right and the child-specific right to adequate housing entail a right to live somewhere in security, peace and dignity and embrace all seven components and subcomponents as set out by the CESCR in GC No. 4: (1) legal security of tenure; (2) availability of services, materials, facilities and infrastructure; (3) affordability; (4) habitability; (5) accessibility; (6) location; and (7) cultural adequacy. However, in at least four ways, we hold that the child-specific right to adequate housing in the CRC also differs from the general right in the ICESCR.

First, the CRC connects the right to adequate housing to the child's physical, mental, spiritual, moral and social development. However, the precise relationship between housing and the child's development remains rather undiscussed by the sources we consulted. Therefore, it remains unclear what this means for the interpretation of the right to adequate housing.

Second, the research literature and the CRC Committee both show that the interpretation of the components, as laid down in GC No. 4 of the CESCR, can be expanded in a child-specific way. This means we add subcomponents to nearly all seven components of the right to adequate housing as laid down in Art. 11(1) ICESCR.⁶ A child-specific interpretation of the security of tenure (the first component) means that children can never be evicted before adequate alternative accommodation has been provided. This requirement also applies when the child is living in informal or illegal housing. The availability of services, materials, facilities and infrastructure (the second component), interpreted in a child-specific way, entails that housing for children should have non-dangerous cooking facilities, appropriate ventilation, and effective ways to remove litter. According to the CRC Committee, adequate access and protection to the digital environment should also be guaranteed. We have not found any indications of a child-specific interpretation of affordability (the third component). A child-specific interpretation of habitability (the fourth component) results in the requirement that a house should be smoke-free and

⁶ We did not find any indications of a child-specific interpretation of the affordability component yet.

that specific attention is given to climate change. Looking at accessibility (the fifth component) through a child-specific lens, we find that housing must be accessible for all children without discrimination against the child or disabled family members. Children that are head of a household, children with a disability and migrant children are specifically mentioned in this regard. This last group should not be banned from renting a house and must not be criminalised for exercising their right to adequate housing. A child-specific interpretation of location (the sixth component) entails that a house must not be located in a deprived neighbourhood or an area with high-density housing. Finally, the material assistance that parents (of indigenous children) may expect from states when in need must be culturally appropriate (the seventh component). In addition to the above, it has become clear that housing for children must not be insecure, unsafe or in an unsanitary environment and that inadequate housing is no reason to separate children from their parents.

Third, unlike the ICESCR, the CRC assigns parents an essential role in implementing the child-specific right to adequate housing. The CRC acknowledges the role of parents by giving them primary responsibility for ensuring the right to adequate housing for their children. States must provide assistance and support for parents or children in this regard when needed. The type of assistance and support required is not entirely clear. One could say that this division between the responsibilities of parents and states might be detrimental to children. The general right to adequate housing, as laid down in Art. 11(1) ICESCR addresses only the obligations of states, making it impossible for state authorities to hide behind parental responsibility. The child-specific right in Art. 27(1) CRC creates the risk that states will shift their responsibility towards parents by stating that the parents should act first. At the same time, parents might wait for the state to provide support and assistance without trying to fulfil their children's rights. As a result, the child gets stuck between two parties who pass their responsibility on to one another. However, we assert that Art. 27 CRC does not allow states or parents to hide behind the responsibility of the other. The obligations of parents and states coexist at the same time. On the one hand, parents should try to ensure the right to adequate housing for their children. On the other hand, states must bring their policies in line with children's rights, preventing children from ending up on the street. States are obliged to help parents (or children) if there is a need for assistance or support. When this happens, the state cannot avoid its responsibilities by pointing fingers at parents. At the same time, state assistance does not discharge parents from their own responsibilities. With the division of obligations to fulfil Art. 27 CRC, the child can rely on both – parents and the state – to ensure the right to adequate housing. Nevertheless, the exact meaning of the division

of responsibilities remains unknown. The literature and the CRC Committee have not defined the responsibilities and boundaries of the obligations of both parents and states in a detailed manner. Because of this lack of clarity, it is not clear what is expected from whom. Additionally, the research literature and the CRC Committee are silent on how the child's evolving capacities should play a role, which could influence both parents' and states' responsibilities and obligations.

Finally, the four general principles (Arts. 2, 3, 6 and 12 CRC) should always be taken into account when deciding on the child-specific right to adequate housing for children. This provides extra safeguards for the child, which are not necessarily applicable in procedures concerning the general right to adequate housing as laid down in the ICESCR.⁷ This means that, *inter alia*, the child's best interest should always be the paramount consideration when deciding on housing issues (Art. 3(1) CRC). In addition, it should be taken into account that the fundamental character of housing cannot be denied since it influences the right to life, survival and development (Art. 6 CRC). The development element of the right in Art. 6 CRC does overlap with the development aspect in Art. 27(1) CRC, but they are not interchangeable. As mentioned in section 5, Art. 27 CRC elaborates on the right to life, survival and development, and there is a difference in the states' responsibilities regarding the provisions. Lastly, in cases concerning the child-specific right to adequate housing, the children concerned need to be heard when deciding on housing situations that involve them (Art. 12 CRC).

This article demonstrates that a child-specific right to adequate housing provides children with more protection than the general right to adequate housing. However, it also shows that more research is needed to understand this child-specific right's full meaning and effect. As the interpretation of the right to adequate housing is largely undiscussed in the literature, it is impossible to provide an exhaustive definition of the right and the entitlements it brings for children. Even the CRC Committee addresses housing rather loosely, although it stresses the right's importance.

It could be of great value if the CRC Committee would shed its light on the right to adequate housing for children in a new General Comment dedicated to this topic. We believe there is a practical and legal need for such a General Comment for several reasons. First, because of the millions of children living on the street or in inadequate housing, for whom clarity on this right is of great importance. Second, the CRC Committee could provide a perspective on the

⁷ Article 2 CRC is not mentioned because the right not to be discriminated against when accessing housing is also guaranteed by Art. 11(1) ICESCR.

right to adequate housing, as the often-cited CESCR General Comment No. 4 is over 30 years old already. Lastly, it could address pressing issues with regard to the right to adequate housing for children, e.g., how to balance the responsibilities of states and parents and define minimum core obligations with regard to housing.

In the absence of a CRC General Comment on the right to adequate housing, future research could analyse a broader range of documents; for instance, all the concluding observations on the periodic reviews of the CRC Committee. Future research could also analyse how the (child-specific) right to adequate housing is interpreted and implemented in national and regional human rights law.

Acknowledgement

The research presented in this paper has received funding from the European Union's ERC Research Grant under grant agreement number 949316.

We thank the two anonymous reviewers and the editors of *The International Journal of Children's Rights* for their careful reading of our manuscript and their many insightful comments and suggestions.

References

- Arts, K., "Children's Rights and the Sustainable Development Goals", in: U. Kilkelly and T. Liefwaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: <https://doi-org.proxy-ub.rug.nl/10.1007/978-981-10-4184-6>.
- Atkins, S., "Poverty, Race and Vulnerability", *The International Journal of Children's Rights* 2015, 23(2), 425–476. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-02302005>.
- Bakker, C., "Climate Change and Children's Rights", in: J. Todres and S.M. King, *The Oxford Handbook of Children's Right law* (Oxford: Oxford University Press, 2020). DOI: [10.1093/oxfordhb/9780190097608.001.0001](https://doi-org.proxy-ub.rug.nl/10.1093/oxfordhb/9780190097608.001.0001).
- Bouah, N. and Sloth-Nielsen, J., "Towards Comprehensive Guidance for States in the African Region to respond to Children's Rights in Emergencies, Disasters and Pandemics", *The International Journal of Children's Rights* 2021 (29(2)), 447–474. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-29020002>.
- Bracewell, K., Larkins, C. and Stanley, N., "They Class Me as a Child because I'm 15. But They Don't Want Me at the Kid's Club': Towards Rights Respecting Refugees

- for Teenagers”, *The International Journal of Children’s Rights* 2022 (30(2)), 297–321. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-30020011>.
- Brems, E., *Human Rights: Universality and Diversity* (The Hague/Boston/London: Martinus Nijhoff Publishers 2001).
- Bruijn, L.M., *The alternative war on drugs: drug evictions, cannabis regulation and the legal consequences of adapting to the limitations of criminal law in the field of drug control (PhD Dissertation)*, (Groningen: University of Groningen 2021). DOI: <https://doi.org/10.33612/diss.168718831>.
- Bruning, M.R., Klep, K.F.M. and Punselie, E.C.C., *De invloed van 30 jaar kinderrechtenverdrag in Nederland: Perspectieven voor de rechtspraak* (Deventer: Wolter Kluwer 2020).
- Butrymowicz, M., “The right to have a house: indigenous and ethnic minorities and their fight over their right to identity”, in M. Vols and C.U. Schmid, *Studies in housing law: houses, homes and the law* (Den Haag: Eleven International Publishing 2019).
- Candappa, M., “The right to education and an adequate standard of living: Refugee children in the UK”, *The International Journal of Children’s Rights* 2000, (8(3)), 261–270. DOI: [10.1163/15718180020494659](https://doi.org/10.1163/15718180020494659).
- Cappa, C. and Hereward, M., “Fulfilling the right of street children to be counted” (*blogs.unicef.org* 2019). Last accessed 10 January 2022).
- Chaney, P., “Civil Society Perspectives on Children’s Rights in the Occupied Palestinian Territories”, *The International Journal of Children’s Rights* 2022 (30(1)), 7–40. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-30010003>.
- Cook, P., “Strengthening Colombian Indicators for Protection in Early Childhood”, *The International Journal of Children’s Rights* 2015 (23(3)), 638–660. DOI: [10.1163/15718182-02303008](https://doi.org/10.1163/15718182-02303008).
- Croke, R. and Crowley, A., “Human Rights and Child Poverty in the UK: Time for a Change”, in A. Invernizzi and J. Williams, *The human rights of children: from visions to implementation* (London: Taylor and Francis Group, 2011).
- Darling, K., “Still waiting for the benefits to trickle-down: International children’s rights under a land claim agreement”, *The International Journal of Children’s Rights* 2013 (21(4)), 543–568. DOI: [10.1163/157181812X652616](https://doi.org/10.1163/157181812X652616).
- Doek, J., “The Human Right of Children: An Introduction”, in U. Kilkelly and T. Liefwaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: [10.1007/978-981-10-4184-6](https://doi.org/10.1007/978-981-10-4184-6).
- Eide, A., *A commentary on the United Nations Convention on the Rights of the Child. Article 27 The Right to an Adequate Standard of Living* (Leiden: Martinus Nijhoff Publishers 2006), DOI: [10.1163/ej.9789004148789.i-49](https://doi.org/10.1163/ej.9789004148789.i-49).
- Fambasayi, R., ‘Leveraging City-level Climate Change Law and Policy for the Protection of Children’, *The International Journal of Children’s Rights* 2021, 29(4), 872–896. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-29040007>.

- Feria-Tinta, M., 'The CRC as a litigation tool before the inter-American system of protection of human rights', in: T. Liefwaard and J. Doek, *Litigating the Rights of the Child: the UN Convention on the Rights of the Child in Domestic and International Jurisprudence* (Dordrecht: Springer 2015), DOI: 10.1007/978-94-017-9445-9.
- Francia, G., and Elding S., 'Unaccompanied Afghan Minors' Rights when Restrictive Transnational Migration Policies are in Force', *The International Journal of Children's Rights* 2020, 28(4), 894–924. DOI: 10.1163/15718182-28040002.
- Freeman, M.D.A., 'Taking children's rights seriously', *Children and Society*, 1978/88, 4, 299–319.
- Freeman, M.D.A., *A commentary on the United Nations Convention on the Rights of the Child, Article 3: The best interest of the child* (Leiden/Boston: Martinus Nijhoff Publishers 2007), DOI: 10.1163/ej.9789004148611.i-80.
- Freeman, M.D.A., *A Magna Carta for Children? Rethinking Children's Rights* (Cambridge: Cambridge University Press 2020), DOI: 10.1017/9781316591468.
- Gal, T., 'A Socioecological Model of Children's Rights', in: J. Todres and S.M. King, *The Oxford Handbook of Children's Right law* (Oxford: Oxford University Press, 2020), DOI: 10.1093/oxfordhb/9780190097608.001.0001.
- Gilbert, R., Woodman, J. and Logan, S., 'Developing services for a public health approach to child maltreatment', *The International Journal of Children's Rights* 2012, 20(3), 323–342. DOI: 10.1163/157181812X637091.
- Gronowski, B., 'The right to a nationality and the right to adequate housing: an analysis of the intersection of two largely 'invisible' human rights violations', *Statelessness and Citizenship Review*, issue 2, vol. 1, 2019, p. 240–262.
- Harbach, M.J., 'Feminist Legal Theory and Children's Rights', in: J. Todres and S.M. King, *The Oxford Handbook of Children's Right law* (Oxford: Oxford University Press, 2020), DOI: 10.1093/oxfordhb/9780190097608.001.0001.
- Hohmann, J., *The right to adequate housing: Law, concepts and possibilities* (Oxford: Hart Publishing 2013).
- Hohmann, J., 'The Right to Housing as an Aspect of the Right to an Adequate Standard of Living – Article 25(1) ', in: H. Cantú Rivera, *The Universal Declaration of Human Rights: A Commentary*, (Brill, 2018).
- Invernizzi, A., and Williams, J., *The Human Right of Children: From visions to implementation* (Surrey: Ashgate Publishing 2011).
- Kaime, T., 'Children's Rights and the Environment', in U. Kilkelly and T. Liefwaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: 10.1007/978-981-10-4184-6.
- Kalverboer, M., Beltman, D., van Os, C. and Zijlstra, E., 'The Best Interests of the Child in Cases of Migration', *The International Journal of Children's Rights* 2017 (25(1)), 114–139. DOI: 10.1163/15718182-02501005.

- Khazova, O.A., "International Children's Rights Law: Child and the Family", in U. Kilkelly and T. Liefwaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: 10.1007/978-981-10-4184-6.
- Kilkelly, U. and Liefwaard, T., *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: 10.1007/978-981-10-4184-6.
- Kloosterboer, K., "To be Heard and Seen: Youth Participation as a Goal and as a Means to Improve Children's Rights Situations", in T. Liefwaard and J. Sloth-Nielsen, *The United Nations Convention on Children's Rights: Taking Stock after 25 Years and Looking Ahead* (Leiden/Boston: Brill/Nijhoff 2017). DOI: 10.1163/9789004295056.
- Lansdown, G., "National Human Rights Institutions for Children", in J. Todres and S.M. King, *The Oxford Handbook of Children's Right Law* (Oxford: Oxford University Press, 2020). DOI: 10.1093/oxfordhb/9780190097608.001.0001.
- Leary, V.A., "The Social and Economic Rights of the Child", *Law and Policy* 1995 (17(4)), 353–375.
- Libesman, T., "Can International Law Imagine the World of Indigenous Children?", *The International Journal of Children's Rights* 2007 (15(2)), 283–309. DOI: 10.1163/092755607X206524.
- Liebel, M., "Economic and Labor Rights of Children", in J. Todres and S.M. King, *The Oxford Handbook of Children's Right Law* (Oxford: Oxford University Press, 2020). DOI: 10.1093/oxfordhb/9780190097608.001.0001.
- Liefwaard, T. and Sloth-Nielsen, J., *The United Nations Convention on Children's Rights: Taking Stock after 25 Years and Looking Ahead* (Leiden/Boston: Brill/Nijhoff, 2017). DOI: 10.1163/9789004295056.
- Malone, K., "Children's Rights and the Crisis of Rapid Urbanisation", *The International Journal of Children's Rights* 2015 (23(2)), 405–424. DOI: 10.1163/15718182-02302007.
- Mangena, T. and Ndlovu, S., "Reflections on How Selected Shona and Ndebele Proverbs Highlight a Worldview that Promotes a Respect and/or a Violation of Children's Rights", *The International Journal of Children's Rights* 2014 (22(3)), 660–671. DOI: 10.1163/15718182-02203003.
- Moons, N., *The right to adequate housing in law and society* (New York: Routledge 2018). DOI: 10.4324/9781315106939.
- Nolan, A., *Children's Socio-economic Rights, Democracy and The Courts* (Oxford: Hart Publishing Ltd, 2011).
- Nolan, A., 'Economic and Social Rights, Budgets and the Convention on the Rights of the Child', *The International Journal of Children's Rights* 2013 (21(2)), 248–277. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-02102003>.
- Nolan, A., "The right to a standard of living adequate for the child's development", in J. Tobin, *The UN Convention on the Rights of the Child: A Commentary* (Oxford: Oxford University Press, 2019). DOI: 10.1093/law/9780198262657.001.0001.

- Nowak, M., *A commentary on the United Nations Convention on the Rights of the Child, Article 6: The Right to Life, Survival and Development* (Leiden/Boston: Martinus Nijhoff Publishers 2005).
- Office of the United Nations: High Commissioner for Human Rights, *Legislative History of the Convention on the Rights of the Child: volume ii* (New York/Geneva, 2007).
- Pare, M., “Why have street children disappeared? – The role of international human rights law in protecting vulnerable groups”, *The International Journal of Children’s Rights* 2003 (11(1)), 1–32. DOI: 10.1163/092755603322384001.
- Peleg, N., “International Children’s Rights Law: General Principles”, in: U. Kilkelly and T. Liefaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: 10.1007/978-981-10-4184-6.
- Sacco, A.M., Lazzaretti de Souza, A.P. and Koller, S.H., “Child and Adolescent Rights in Brazil”, *The International Journal of Children’s Rights* 2015 (23(4)), 818–843. DOI: 10.1163/15718181X611063.
- Sandbergen, K., “Children’s Rights to Protection Under the CRC”, in A. Falch-Eriksen and E. Backe-Hansen, *Human Rights in Child Protection* (Oslo: Palgrave Macmillan, 2018). DOI: 10.1007/978-3-319-94800-3.
- Schimmel, N., “Freedom and Autonomy of street children”, *The International Journal of Children’s Rights* 2006 (14(3)), 211–234. DOI: 10.1163/157181806778458121.
- Smyth, C., “Migration, Refugees, and Children’s Rights”, in U. Kilkelly and T. Liefaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019). DOI: 10.1007/978-981-10-4184-6.
- Sund, L. and Vackermo, M., “The Interest Theory, Children’s Rights and Social Authorities”, *The International Journal of Children’s Rights* 2015 (23(4)), 752–768. DOI: 10.1163/15718182-02304002.
- Taylor, C.S., “Children’s Right to an Adequate Standard of Living”, in J. Todres, et al., *The United Nations Convention on the Rights of the Child: An Analysis of Treaty Provisions and Implications of U.S. Ratification* (New York: Transnational Publishers, Inc., 2006).
- Te Kohu Douglas, E. and Douglas, R.B., “The rights of the indigenous child: Reconciling the United Nations Convention on the Rights of the Child and the (Draft) Declaration on the Rights of Indigenous People with Early Education Policies for Indigenous Children”, *The International Journal of Children’s Rights* 1995 (3(2)), 197–211. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/157181895X00032>.
- Tobin, J., “Beyond the Supermarket Shelf: Using a Rights Based Approach to Address Children’s Health Needs”, *The International Journal of Children’s Rights* 2006 (14(3)), 275–306. DOI: 10.1163/157181806778458103.
- Tobin, J., “Understanding a Human Rights Based Approach to Matters Involving Children: Conceptual Foundations and Strategic Considerations”, in A. Invernizzi and

- J. Williams, *The Human Right of Children: From visions to Implementation* (Surrey: Ashgate Publishing, 2011).
- Tobin, J., "Children's right to health", in U. Kilkelly and T. Liefwaard, *International Human Rights of Children* (Singapore: Springer Nature Singapore Private Limited, 2019a). DOI: 10.1007/978-981-10-4184-6.
- Tobin, J., *The UN Convention on the Rights of the Child: A Commentary* (Oxford: Oxford University Press, 2019b). DOI: 10.1093/law/9780198262657.001.0001.
- Todres, J., et al., *The United Nations Convention on the Rights of the Child: An Analysis of Treaty Provisions and Implications of U.S. Ratification* (New York: Transnational Publishers, Inc. 2006).
- United Nations Commission on Human Rights, *Thirty-fourth session, Question of a Convention on the Rights of the Child*, UN doc. E/CN.4/L.1366 (1978a).
- United Nations Commission on Human Rights, *Summary record of the 147st meeting*, UN doc. E/CN.4/SR.1471 (1978b).
- United Nations Commission on Human Rights, *Thirty-fifth session, Question of a Convention on the Rights of the Child*, UN doc. E/CN.4/1324 (1978c).
- United Nations Commission on Human Rights, *Thirty-fifth session, Question of a Convention on the Rights of the Child (Addendum)*, UN doc. E/CN.4/1324/Add.4 (1979).
- United Nations Committee on Economic, Social and Cultural Rights, *Ben Djazia et al.*, UN doc. 005/2015 (2017).
- United Nations Committee on Economic, Social and Cultural Rights, *López Albán et al.*, UN doc. 37/2018 (2019).
- United Nations Committee on Economic, Social and Cultural Rights, *El Goumari et al.*, UN doc. 85/2018 (2021).
- United Nations Committee on Economic, Social and Cultural Rights, *Lorne Joseph Walters*, UN doc. 061/2018 (2021).
- United Nations Committee on Economic, Social and Cultural Rights, *El Mourabit Ouazizi and Boudfan*, UN doc. 133/2019 (2022).
- United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 3, *on the nature of states parties' obligations (Art. 2, para 1, of the Covenant)*, UN doc. E/1991/23 (1990).
- United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 4, *on the right to adequate housing (art. 11(1) of the Covenant)*, UN doc. E/1992.23 (1991).
- United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 7, *on the right to adequate housing (art. 11(1) of the Covenant): Forced evictions*, UN doc. E/1998/22 (1997).
- United Nations Committee on the Rights of All Migrant Workers and Members of Their Families and United Nations Committee on the Rights of the Child, Joint General

- Comment No. 4/23, *on State obligations regarding the human rights of children in the context of international migration: in countries of origin, transit, destination and return*, UN doc. CMW/C/GC/3-CRC/C/GC/22 (2017).
- United Nations Committee on the Rights of the Child, *Report of the Committee on the Rights of the Child*, UN doc. A/57/41 (2002).
- United Nations Committee on the Rights of the Child, S.C.S, UN doc 10/2017 (2018).
- United Nations Committee on the Rights of the Child, General Comment No. 4, *Adolescent health and development in the context of the Convention on the Rights of the Child*, UN doc. CRC/GC/2003/4 (2003).
- United Nations Committee on the Rights of the Child, General Comment No. 9, *The rights of children with disabilities*, UN doc. CRC/C/GC/9 (2006).
- United Nations Committee on the Rights of the Child, General Comment No. 11, *Indigenous children and their rights under the Convention*, UN doc. CRC/C/GC/11 (2009).
- United Nations Committee on the Rights of the Child, General Comment No. 14, *on the right of the child to have his or her best interests taken as a primary consideration (Art. 3, para. 1)*, UN doc. CRC/C/GC/14 (2013).
- United Nations Committee on the Rights of the Child, General Comment No. 15, *on the right of the child to the enjoyment of the highest attainable standard of health (Art. 24)*, UN doc. CRC/C/GC/15 (2013).
- United Nations Committee on the Rights of the Child, General Comment No. 17, *on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (Art. 31)*, UN doc. CRC/C/GC/17 (2013).
- United Nations Committee on the Rights of the Child, General Comment No. 21, *on children in street situations*, UN doc. CRC/C/GC/21 (2017).
- United Nations Committee on the Rights of the Child, General Comment No. 25, *on children's rights in relation to the digital environment*, 2 March 2021, CRC/C/GC/25.
- United Nations Committee on the Rights of the Child, General Comment No. 5, *General measures of implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44 para. 6)*, UN doc. CRC/GC/2003/5 (2003).
- United Nations Committee on the Rights of the Child, General Comment No. 6, *Treatment of Unaccompanied and Separated Children Outside Their Country of Origin*, UN doc. CRC/GC/2005/6 (2005).
- United Nations Committee on the Rights of the Child, General Comment No. 7, *Implementing child rights in early childhood*, UN doc. CRC/C/GC/7/Rev.1 (2006).
- United Nations Human Rights Committee, General Comment No. 16: *Art. 17 (right to privacy), the right to respect of privacy, family, home and correspondence, and protection of honour and reputation* (1988).
- United Nations Special Rapporteur on Adequate Housing, *The realization of economic, social and cultural rights: the right to adequate housing*, UN Doc. E/CN.4/Sub.2/1995/12 (1995).

- Van Bueren, G., 'Combating Child Poverty – Human Right Approaches', *Human Rights Quarterly* 1995, 21(13), 680–70.
- Van Bueren, G., *The International Law on the Rights of the Child* (The Hague: Kluwer Law International, 1998).
- Van den Boom, P.M., "Advancing Children's Rights through Parent Support Services", in T. Liefwaard and J. Sloth-Nielsen, *The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead* (Leiden/Boston: Brill/Nijhoff, 2017). DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/9789004295056>.
- Vandenhoele, W., "The Convention of the Rights of the Child in Belgian Case Law", in T. Liefwaard and J. Doek, *Litigating the Rights of the Child: the UN Convention on the Rights of the Child in Domestic and International Jurisprudence* (Dordrecht: Springer, 2015), DOI: 10.1007/978-94-017-9445-9.
- Van Loon, H., "Protecting Children across Borders: The Interaction between the CRC and the Hague Children's Convention", in T. Liefwaard and J. Sloth-Nielsen, *The United Nations Convention on Children's Rights: Taking Stock after 25 Years and Looking Ahead* (Leiden/Boston: Brill/Nijhoff 2017). DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/9789004295056>.
- Van Tongeren, J.H.S., "Housing Ex-Offenders in the Netherlands: Balancing Neighbourhood Safety and Human Rights", *European Journal on Criminal Policy and Research*, 2020, 28, 57–77. DOI: <https://doi.org/10.1007/s10610-020-09443-6>.
- Veerman, P.E., *The rights of the child and the changing image of childhood* (Dordrecht: Martinus Nijhof Publishers, 1992).
- Vols, M., *Legal research: one hundred questions and answers* (The Hague: Eleven, 2021).
- Vols, M. and Dyah Kusumawati, E., "The International Right to adequate housing, Evictions and the Obligation to Provide Alternative Accommodation: A comparison of Indonesia and the Netherlands", *Asia-pacific Journal on Human Rights and the Law* 2020 (21), 237–269.
- Vols, M., Kiehl, M. and Sidoli del Ceno, J., "Human Rights and Protection against Eviction in Anti-social Behaviour Cases in the Netherlands and Germany", *European Journal of Comparative Law and Governance* 2015 (2), 156–181.
- Vols, M., Belloir, A., Hoffmann, M., Zuidema, A., "Common trends in eviction research: a systematic literature review", in M. Vols and C. Schmid (eds.), *Houses, Homes and the Law* (Dordrecht Eleven International Publishing, 2019).
- Vučković Šahović, N. and Savić, I., "Strategic Litigation on the Rights of the Child in Serbia", in T. Liefwaard and J. Doek, *Litigating the Rights of the Child: the UN Convention on the Rights of the Child in Domestic and International Jurisprudence* (Dordrecht: Springer, 2015). DOI: 10.1007/978-94-017-9445-9.
- Vučković Šahović, N., Doek, J.E. and Zermatten, J., *The rights of the child in international law* (Berne: Stämpfli Publications Ltd, 2012).

- Wald, M.S., "Children's Rights: A Framework for Analysis", *U.C.D. Law Review*, 1979 (12(2)), 255–282.
- Walker, L., "Child support and the Government's Children's Socio-economic Rights Obligations", *The International Journal of Children's Rights* 2020 (28(4)), 860–893. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-28040004>.
- Wilkinson, I.G., "Bullying in Canada in the 21st Century: The Moral Obligations of Parents, Teachers, Schools and Governments", *The International Journal of Children's Rights* 2017 (25(1)), 231–260. DOI: <https://doi-org.proxy-ub.rug.nl/10.1163/15718182-02501010>.
- Willenberg, I.A., Tenenbaum, H.R. and Ruck, D., "It's not like in Apartheid", *The International Journal of Children's Rights* 2014 (22(3)), 446–466. DOI: [10.1163/15718182-02203007](https://doi-org.proxy-ub.rug.nl/10.1163/15718182-02203007).