

A D D E N D U M

Unfortunately, due to a programme error, some footnotes have been lost in the final version of my thesis. This addendum lists the footnotes that have been lost and the respective pages where they should have been. Please add this addendum to the thesis “Real People, Real Problems: Children left without human rights?” by Nelleke Groen Esmeijer.

Page 35:

¹⁰¹ Rachel Hodgkin, Implementation Handbook..., cit., p. 40.

¹⁰² Together with article 2(1), discussed earlier, and article 4, which will be considered below, this provision sets out the overall obligations of the states parties.

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¹⁰⁹ As noted by Sharon Detrick, the general principle of the CRC is “that the two sets of human rights are indivisible and interdependent” meaning, inter alia, “that efforts to promote one set of rights should also take full account of the other.” Therefore, “the very nature of children's rights – as opposed to “adults' human rights” – may well establish State obligations of a stronger variety.” (Sharon Detrick, A Commentary..., cit., pp. 103-104).

¹¹⁰ Article 4 reads in full:

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

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¹³⁸ It must be noted though, that family tracing must be continued regardless of the legal status the child receives.

¹³⁹ UNHCR, Refugee Children..., cit., p. 62.

¹⁴⁰ See also United Nations Committee on Economic, Social and Cultural Rights, General Comment 14, The right to the highest attainable standard of health, 11 August 2000, E/C.12/2000/4.

¹⁴¹ Article 27 reads:

“1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. 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.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.”

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¹⁶¹ Ibidem, p. 392.

¹⁶² CRC articles 28 and 29.

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¹⁷¹ Ibidem, para. 36.

¹⁷² Ibidem, para. 36.

¹⁷³ Belgium, Arbitragehof (Court of Arbitration), 22 July 2003, nr. 106/2003.

¹⁷⁴ Article 2 CRC contains the non-discrimination principle, article 3 concerns the best interests of the child. Article 24 regards the right to health, 26 the right to social security and 27 the right to an adequate standard of living.

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