



**Child Protection Systems: Roles and responsibilities in the promotion and protection of children living and/or working on the street  
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Distinguished guests, dear friends

**1. Introduction**

It is a great pleasure to join you in this Expert Consultation on behalf of the Special Representative of the Secretary General on Violence against Children, to contribute to this important Panel Discussion on a critical area of concern for the protection of children from all forms of violence.

Jack Heckman and Amartya Sen, both Nobel prize winners in Economics, affirm that the development of a country should be grounded on the investment of governments in building capacity, wellbeing and empowerment of their people. Studies across countries show that there are social and systemic risks surrounding the prevalence of violence against children living and/ or working on the streets. Often children living and/or working on the streets are among the most marginalized, stigmatized and invisible in public policies.

In a vast majority of situations, children living and/or working on the streets are rejected by their families, or are even forced to leave home to escape violence in the home and the family. In some countries children living and/working on the streets are ill-treated; routinely arbitrarily and illegally detained; tortured or even killed by the police. Social cleansing and forced disappearances of children living and/or working on the streets have been perpetrated in many countries.

Girls, children with disabilities, indigenous and afro descendant children, as well as, children on the move may be less visible but they remain the most vulnerable. Girls endure sexual abuse and sexual exploitation; and face early pregnancy, sexual transmittable diseases and responsibilities as mothers of a new generation of street children. Children with disabilities are usually used as forced beggars and many children living on the streets have mental diseases or live under higher risks of becoming disabled. Indigenous and afro descendant children are stigmatized on the ground of their ethnicity and culture and once on the streets they experience multiple forms of discrimination. In migration context, unaccompanied children face higher risks to live and/or work on the streets to survive.

Prevention and protection of children living and/or working on the street is an area where a “governance gap” and the incoherence between legal frameworks and practices prevail. Despite the development of a strong human rights normative foundation on the rights of the child and specific international jurisprudence addressing the situation of children living and/or working on the streets, appalling conditions such as stigmatization, discrimination, exclusion, indifference, impunity and criminalization of persons under the age of 18 living and/or working on the streets are common in all regions. As noted by the UN Study, many children working or living on the streets are simply assumed to be anti-social elements, and are taken into detention by police without proof of misdeed. According to the jurisprudence of international human rights bodies, street children are among the most vulnerable victims of the most extreme forms of violence, including at the hands, or with the encouragement or tolerance of law enforcement officials<sup>1</sup>.

Across borders in this very moment there are new child victims of violence for simple as being living on the streets, vagrancy or petty infringements of the law. Street children are targets of organized child trafficking rings, gangs, “*cleanup squads*”.

## **2. Children’s actions and resilience**

Violence against children is a major concern for young people in all regions. And although invisible and socially excluded, children living and working on the streets share this view too. Listening to young people’s views and experiences, particularly those living and working on the streets is critical to gain a better understanding of the hidden face of violence and, more importantly, to become better equipped to prevent its occurrence, to develop long lasting reintegration strategies, and to monitor progress and impact in a systematic way.

As noted by the Consortium for Street Children, interventions to prevent and respond to the situation of children living and-or working on the streets risk failure if these are not grounded on the “three-stage choice process”<sup>2</sup> of understanding, expanding and empowering. This process includes understanding from a children’s perspective the individual background of each child to identify the appropriate intervention to be implemented with them; expanding choices available to them, for instance, informing them about access to counselling, complaint and reporting mechanisms; and empowering children to make choices that help them to overcome the history of abuse /coercion they could have experienced. Children who are empowered are capable of protecting themselves and participating in all matters that concern their rights.

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<sup>1</sup> The Inter-American Human Rights System have developed a rich jurisprudence on the protection of the rights of children living and/or working on the streets. Special attention deserve that concept of the right to a life with dignity that was analyzed by the Inter-American Court of Human Rights in the Case Villagrán Morales “street children” vs. Guatemala (1999); similar reflections can be found in the case Servellón García vs. Honduras (2007) and individual case under consideration of the Inter-American Commission on Human Rights Cristina Aguayo vs Paraguay (2008)

<sup>2</sup> Consortium for Street Children, Marie Wernham, “An Outside Chance: Street Children and Juvenile Justice – an International Perspective”, May 2004.

### **3. The family plays a critical role in the prevention and protection of children and young people living and/or working in the streets from violence**

Behind street living lie highly vulnerable families and communities, surrounded by violence and marginalization. Both the Convention on the Rights of the Child and the UN Study enshrine the State responsibility to support families' capacity to provide children with care in a loving and safe environment. The family's central role in promoting a violence free environment and securing a protective environment for children, is also critical for prevention and response to all forms of violence against children. Particularly, as regards to street children the CRC Committee has recommended States to prioritize protection of early childhood, creation of positive parenting programmes and reunification programmes, when it is in the best interests of the child. A key dimension is building parents and care givers capacity on positive parenting by building skills in non-violent discipline, problem-solving and conflict resolution. Parents' relationship and interaction with their child impacts on the self-esteem, confidence and development of the child. Positive parenting is based on mutual respect between the child and the parent. It involves guidance, teaching and setting boundaries without using corporal punishment, psychological violence or any form of humiliating treatment.

Interventions to prevent and respond to the situation of children living and-or working on the streets risk failure if these are not grounded on a new holistic and comprehensive approach that give a leading role to children and their families.

### **4. It is urgent to fast track the pace of progress made so far**

It is urgent to develop robust and well-resourced child protection systems, and support families in their critical child rearing role with a view to preventing children from being confronted with the street as their living environment. The recommendations of the UN Study constitute a decisive reference for effective prevention and response to all forms of violence against children living and/or working on the streets. Three of these recommendations gain a special relevance, constituting a priority for the SRSB's mandate.

- a) **Firstly, it is urgent to develop in every country a cohesive, holistic, well-coordinated and well-resourced national strategy or action plan to address violence against children**

A national strategy to protect children living and/or working on the street needs to be mainstreamed in public policies on human rights and development. Children living and/or working on the streets are usually stigmatized by public policies which look at them as a problem, rather than as rights holders. To be effective, the strategy needs to be a core component of the national policy and development agenda; and it needs to be coordinated by a high level focal point with leading responsibilities on children's issues, with the authority to articulate activities across departments, and the ability to associate civil society, the media and the private sector. Strategic partnerships at the national, regional and international levels are necessary. Cooperation within and beyond the UN system, universal and regional human rights bodies, International Financial Institutions, donors, the private

sector, civil society organizations must be strengthened as regards prevention, protection and response to violence against children living and/or working on the street. Particularly relevant is the role of the International Financial Institutions to promote mainstreaming of the adoption of prevention strategies and appropriate response to the challenges face by children living and/or working in the streets. The media has also a decisive role in the eradication of stereotypes, prejudices, criminalization and impunity as regards to children living and/or working in the streets. At the local level it is fundamental to develop strategies to promote community networks. Moreover, the agenda needs to be periodically evaluated to assess progress and impact, and to allow for the introduction of any required adjustments.

Violence prevention and children's protection therefore can be best addressed through the systematic and effective engagement of all relevant ministries and all levels of public administration, including health; civil registries to ensure all children have a birth registration and identification documents; education and sports; social affairs, justice and home affairs; and planning, economy and finance; both at central and local level. When coordination is effective and solutions benefit from the experience and expertise of individual sectors and disciplines, convergence of actions and judicious use of resources can be promoted; fragmented and reactive solutions can be avoided; and sound child protection systems can be strengthened to support children and families at greater risk; and, above all, to prevent violence altogether.

Violence against children living and/or working on the streets requires sustained action, including widespread and periodic awareness-raising campaigns, if it is to be eliminated on a lasting basis. Protection of children living and/or working on the street needs to be an indicator of progress achieved in each country.

**b) Secondly, it is critical to consolidate national legislation to ensure effective protection of children from all forms of violence**

As you know, the United Nations Study on Violence against Children urges all States to prohibit all forms of violence against children, in all settings. Law reform is a key component of any comprehensive strategy to prevent and address violence against children. Law reform should be comprehensive, including provisions regarding **prevention** of violence against children, such ensuring universal birth registration, access to preschool education programmes, and **protection** and support for victims and complainants. It is key to implement a child friendly justice system to avoid revictimization of children during judicial proceedings. Law reform must ensure **prosecution** and punishment of the perpetrators to evolve from a culture of impunity to a culture of respect for children's rights. And finally, law reform must guarantee **redress** for child victims.

It is crucial to enact national legislation to prohibit all forms of violence against children, everywhere and at all times, including when living or working on the street, and it is imperative to abolish status offences and survival behaviour such as begging, truancy or vagrancy. Law reform has an educational value for society as a whole, providing an unequivocal message of what is right and wrong, encouraging a change in attitudes and behaviour.

The law is not only a technical instrument for legal experts, but also an essential tool to raise awareness on children's right to freedom from violence, to enhance the skills and capacity of professionals, and to set standards of ethical conduct. And once legislation is adopted, it will be equally crucial to make it widely known and understood, including by children, and also effectively applied.

This being said, we do not want laws that are mere window dressing, or adopted as a concession to international pressure or an empty political gesture, or still legislation that is not given the resources to be implemented in practice.

One fundamental dimension of this process is to enact legislation that provides for easily accessible, safe, confidential, effective and child sensitive counseling, reporting and complaint mechanisms for child victims.

Unfortunately, too often these mechanisms remain unavailable or ill-resourced, and professionals working with and for children tend to feel reluctant to address, refer or report those cases to the relevant bodies or institutions. In many cases, there is no guidance on how to report or refer cases of violence, or on how to ensure the confidentiality of the child's testimony. Still too often, children do not know if these mechanisms exist or how they can benefit from their support. As a result, children feel frightened to speak up, or ignored, or harassed when they find the courage to share their trauma.

It is critical to invest in this area and include legal safeguards and adequate counseling and integrated services in order to help children feel reassured that they are listened to in a safe and protective environment that their testimonies will not be disclosed or misused, and that their protection will not be put at further risk.

**c) Thirdly, research and data on violence against children need to be further strengthened**

Information on violence against children living and/or working on the streets remains scarce and unable to capture the magnitude of this phenomenon, such as its causes and numbers, and the impact that street living has on different groups of children, based on gender, age, ethnicity and culture across nations. This is an area where major gaps persist.

And yet data and research are crucial to break the invisibility and social acceptance of violence against children, to understand social attitudes and risk factors, and to enhance the protection of those at risk.

Data and research are also indispensable to support government planning and budgeting for universal and effective child prevention and protection services; to inform the development of evidence-based legislation, policies and actions for violence prevention and response; and to assess results and impact.

To move forward in this area, better monitoring tools and indicators are needed to include all children – boys and girls of all ages - in all contexts and situations. These efforts need to incorporate children’s views and perspectives, and be informed by their experience.

With better data and research we will gain a better understanding of the hidden face of violence and its root causes; and overall, we can become more effective in our ability to prevent violence from happening in the first place.

## **5. Conclusion**

Violence compromises the life of millions of children living and/or working on the streets around the world and is associated with profound social costs. But, as we have learned from the many successful initiatives promoted in all regions, violence is not inevitable; it can be prevented and effectively addressed.

A well-resourced and strategic national agenda, with a strong and effective legislation and a sound data and evidence to understand risk factors and inform policy decisions are core dimensions which will contribute to the reflections for the Report to be presented by the Office of the High Commissioner for Human Rights to the Human Rights Council and to the annual day on children’s rights in 2012.

And to be effective, in our efforts we need to join hands with all children, including children living an/or working on the streets. This is a strong message sent by children across regions. A month ago, children from eight South Asian countries gathered in the preparatory consultation on care standards and child friendly services held in Nepal. The children’s main message was that “their voice should be heard as well as respected and the problems should be looked into to ensure long lasting happiness”. They highlighted that “it is important for the people whom we approach to be loving and caring, people we trust, people who are willing to listen to us and believe in what we say most importantly, people who are non-judgmental and people who respect our privacy.”

Thank you.

### **For more information:**

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