



# General Assembly

Distr.: General  
11 January 2012

Original: English

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## Human Rights Council

### Nineteenth session

Agenda items 2 and 3

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street\*

### *Summary*

The present report analyses the circumstances of children working and/or living on the streets. It concludes that the actual number of children who depend on the streets for their survival and development is not known and that the number fluctuates according to socio-economic, political and cultural conditions, including growing inequalities and patterns of urbanisation. The report analyses the causes that lead children to the street and the challenges they face in their everyday lives. It recognises that before reaching the streets, children will have experienced multiple deprivations and violations of their rights.

The report makes a number of recommendations to States and draws attention to this moment of opportunity when States are developing or strengthening comprehensive child protection systems; civil society organizations are consolidating promising specialized interventions; data collection is becoming more systematic and research more participatory. As requested by the Human Rights Council, children working and/or living on the street have been consulted in the preparation of the present report. Investing in children in street situations is essential to building a society that respects human dignity, because every child counts.

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\* Late submission.

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## I. Introduction

1. This report is submitted to the Human Rights Council pursuant to resolution 16/12 of 24 March 2011, in which it invited the Office of the High Commissioner for Human Rights (OHCHR) to conduct a study on challenges, lessons learned and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street and to present it to the Council at its nineteenth session. It also requested OHCHR to conduct the study in close collaboration with relevant stakeholders, including States, the United Nations Children's Fund (UNICEF) and other United Nations bodies and agencies, the Special Representative of the Secretary-General on violence against children, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and other relevant special procedures mandate holders, regional organizations, civil society, national human rights institutions as well as children themselves.

2. Contributions were received from States, intergovernmental organizations, national human rights institutions, non-governmental organizations (NGOs), academia and individual experts. On 1 and 2 November 2011, OHCHR, with the support of Aviva,<sup>1</sup> the Consortium for Street Children and UNICEF, organized an expert consultation on children working and/or living on the street, to gather input from different stakeholders. Two documents were commissioned by OHCHR for this process: a global research paper by independent consultant, Dr. Sarah Thomas de Benitez; and a paper on the views of children led by the Consortium for Street Children. Both documents, as well as the results of the consultation, written submissions, input from States and other stakeholders informed the preparation of this report. All these documents and information about the process are available at <http://www.ohchr.org/EN/Issues/Children/Study/Pages/childrenonthestreet.aspx>.

## II. International legal standards

3. The international legal framework establishing the obligations of States in relation to children has never been as comprehensive as it is today. The 1989 Convention on the Rights of the Child constitutes the main international instrument for the promotion and protection of the rights of the child, and it applies to all children in all circumstances. Its almost universal ratification demonstrates the importance that States accord to the protection and promotion of the rights of children. The Convention is unique as the first legally binding instrument to take a holistic approach to the rights of the child. It covers a whole range of rights – civil, political, economic, social and cultural; establishes a framework of duties for different actors; marks a milestone in recognizing all children as rights holders and reaffirms the general principles of best interests of the child, non-discrimination, participation, survival and development as the framework for all actions concerning children.

4. All children, irrespective of their economic status, race, colour, sex, language, religion, national, ethnic or social origin, property, disability, birth or any other status have the same rights and are entitled to the same protection by the State. While the Convention makes no particular reference to children working and/or living on the street, all its provisions are applicable to them.

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<sup>1</sup> Aviva is the world's sixth largest insurance group and the largest in the United Kingdom ([www.aviva.com](http://www.aviva.com)).

5. The Committee on the Rights of the Child, the body of experts in charge of monitoring the implementation of the Convention, regularly raises the issue of children in street situations in its dialogue with State parties, and refers specifically to their situation in several of its general comments, in particular No. 13 (2011) on the right of the child to freedom from all forms of violence, No. 12 (2009) on the right of the child to be heard and No. 10 (2007) on children's rights in juvenile justice. Other treaty bodies have also referred to the situation of children, both boys and girls, living and working in the street, and have made recommendations in this regard.

6. In addition to the Convention, its Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict and the recently adopted Optional Protocol on a communications procedure, it must be noted that all core human rights treaties apply to both adults and children; indeed, some contain specific provisions relating to children, such as article 7 of the Convention on the Rights of Persons with Disabilities. Other international instruments also are key to the protection of children working and/or living on the street, particularly those dealing with child labour, trafficking, juvenile justice and alternative care for children. These include the Minimum Age Convention No. 138 (1973) and Worst Forms of Child Labour Convention No. 182 (1999) of the International Labour Office, which distinguish between acceptable work carried out by children and economic exploitation, or child labour, of which total abolition should be achieved.

7. Another essential instrument that protects the rights of children in street situations, given their risk of being trafficked, is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. There are also several non-binding instruments which set standards on juvenile justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules). The recently adopted Guidelines for the Alternative Care of Children are intended to enhance the implementation of the Convention on the Rights of the Child and other international instruments regarding the protection and well-being of children deprived of parental care. They provide guidance on policies and practices for the alternative care of children.

### **III. Children and their connections to the street**

#### **A. Terminology and figures**

8. The term "street child," used by the Commission on Human Rights in 1994, was developed in the 1980s to describe "any girl or boy [...] for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood, and who is inadequately protected, supervised or directed by responsible adults." At that time, "street children" were categorized as either children *on* the street, who worked on the street and went home to their families at night; children *of* the street, who lived on the street, were functionally without family support but maintained family links; or abandoned children who lived completely on their own.

9. Research in the 1990s found these categories did not accurately reflect the children's circumstances or experiences. It was also generally agreed that the term "street child" carried negative connotations. Although the term can be used pejoratively, some street children and their representative organizations use it with pride. Today, "street children" is understood as a socially constructed category that, in practice, does not constitute a

homogeneous population, making the term difficult to use for research, policymaking and intervention design.

10. Terminology has continued to evolve to recognize children as social actors whose lives are not circumscribed by the street. Human Rights Council resolution 16/12 refers to children working and/or living on the street, and the Committee on the Rights of the Child has adopted the term “children in street situations,” recognizing that children engage in numerous activities on the street and that if there is a “problem” it is not the child, but rather the situations in which s/he finds her/himself.

11. As recognized during the expert consultation, new terminology is emerging which emphasizes relationships and “street connections,” drawing attention to choices children make in developing relationships on the street, alongside other connections they have with their families, neighbourhoods and schools. Most children have some connections with the street (for play, socialization, leisure and consumption) but are not reliant on public spaces for their development; they have stronger connections with family, school and peers in the community. Taking a holistic approach that understands children as growing and developing within a series of inter-connected environments, the term “street connections” recognizes that the street may be a crucial point of reference for some children, even when they are not physically present there. Street connections can become vital to children’s everyday survival, their selection of coping strategies, and their identity development. A street-connected child is understood as a child for whom the street is a central reference point – one which plays a significant role in his/her everyday life and identity.

12. This report acknowledges there are a number of terms and definitions in use, including “children working and/or living on the street,” “children in street situations” and “children with street connections,” each having the potential to offer distinctive insights and to encourage new avenues of research. At the same time, contested definitions and evolving terminology have made it difficult to estimate the number of children in street situations. The frequently cited global estimate of more than 100 million street children has been questioned. Research undertaken for this report concludes that global estimates of the number of children in street situations have no basis in fact, and we are no closer today to knowing how many children worldwide are working and/or living in the streets. There is general agreement that estimates in the 1980s were exaggerated, but a rapidly urbanizing and growing global population, together with increasing inequalities and migration, suggest that numbers are generally increasing, including in richer regions. The number and flow of children onto the streets of a given city or country may fluctuate significantly according to changes in socio-economic and cultural-political contexts, availability of protection services and patterns of urbanization.

13. A number of country-wide analyses in countries as diverse as Romania, Mexico, Zimbabwe, Egypt, Georgia and Turkey, as well as contributions to this study from States, demonstrate the complexity of making reliable estimates of children in the streets. What is known is that children with street connections form a relatively small proportion of the global population of children, and international concern should be less about numbers and more about the persistence of appalling conditions that force children to choose to move onto urban streets.

## **B. Characteristics and experiences**

14. Street children have typically been represented as male, aged around 13 or 14, engaged in substance abuse, early sexual activity, delinquency, and either orphaned or abandoned. These stereotypes reflect public attitudes towards street children more than the reality of individual children’s lives. Such representations are problematic because they fail to capture diverse realities of children’s lives. Children seen as “victims” are more likely to

be treated as passive objects of welfare rather than as rights holders, while children seen as “delinquents” are more likely to be subjected to violence and to end up in the penal system.

15. In reality, the characteristics of children on the streets are very diverse. While in many cities, children in street situations are predominantly male, in some places, girls outnumber boys (a 2005 study in Mali and Ghana found that in Bamako, the large majority of children counted were boys, while in Accra, three out of four were girls). Similarly, some children are born on the streets but others move onto the streets only in adolescence. Discrimination around ethnicity also shapes risks faced by and opportunities open to children. In some Latin American countries, for example, a disproportionate number of indigenous children are in street situations. Experiences of street work, sexual activity and substance use are similarly diverse, reflecting government policies, local cultures, formal and illegal market realities, social transformations and inequalities, as well as children’s characteristics and experiences.

### **C. Causes leading children to the street**

16. Traditionally, economic poverty and family breakdown or abandonment of children were held in combination to be the main causes of street children. However, conventional wisdom has been challenged in both respects. First, while poverty can be an important pathway to the street, the great majority of children who live in economic poverty do not end up in the streets. Second, while many families of children in street situations have been identified as fragile, violent or unstable, orphaned or abandoned children are more unusual. Most families of street-connected children have experienced persistent discrimination, poverty and social exclusion within societies where inequalities are high and/or growing. Few have received economic support, child-care assistance, help to ensure that absent parents assume responsibilities towards their children, access to mental health or drug rehabilitation services.

17. Overwhelmed families often struggle to cope in overcrowded, inadequate housing, with increased health risks and poor access to basic services, sometimes migrating or moving between poor neighbourhoods. Unstable, often violent circumstances can weaken children’s family connections as well as their access to adequate schooling, educational performance, friendships and other relationships, weakening their connections to school and community.

18. Other pathways to the street include HIV/AIDS, harmful practices such as early and forced marriages, natural disasters, war and internal displacement. These, alongside experiences of violence, abuse and neglect at home, can be understood within a framework of significant income inequalities, a poor socio-cultural context and inadequate social protection that together deprive children of many of their rights.

19. These are often called “push” factors, that is, causes that encourage or force children onto the street. There are also “pull” factors that can help make the street attractive to a child – although these play a much smaller role in leading children into street situations. Pull factors include spatial freedom, financial independence, adventure, city glamour and street-based friendships or gangs. These can develop over time into strong street connections that, combined with social stigma and prejudices, make it difficult for children to find desirable options off the street. Each child has a unique story of push and pull factors that led him or her, sometimes repeatedly and in different ways, to develop street connections.

## **D. Challenges facing children in street situations**

20. The most complex challenge faced by children in the streets is dealing with the perceptions of those around them and the treatment they are consequently afforded. It should be borne in mind that the majority of these children have already experienced multiple violations of their rights before spending time on the streets, whether at home or in care, including in institutions such as orphanages, detention centres, rehabilitation centres and juvenile justice institutions.

21. A rights-based approach starts from the premise that all children are “rights holders.” In reality, children in street situations are deprived of many of their rights – both before and during their time on the streets – and while on the street, they are more likely to be seen as victims or delinquents than as rights holders. Whether a child is viewed as a victim or a delinquent depends on who is viewing and the social attitudes towards the children’s characteristics (age, gender, ethnicity, religion, etc) and the activities in which he or she is engaged (selling flowers versus sniffing glue). A child seen as “victim” might be subjected to further abuse or exploitation or might be “rescued” from the street (welfare approach) and perhaps placed in a children’s shelter. A child viewed as “delinquent” might be targeted to join a criminal group, driven away by local businesses or detained by police for processing in the penal system (repressive approach).

22. Both the welfare and repressive approaches fail to take into account the child as a rights holder or put the best interests of the child first. From a rights-based perspective, the greatest challenge faced by a child in a street situation is being recognized and treated as a rights holder.

23. A related challenge in the street is managing relationships – whether abusive, exploitative and/or supportive – with family and friends, government officials, including the police, NGO workers, the local business community, employers, gang leaders and members, and the public. Children’s relationships can help them survive on the streets and/or perpetuate conditions of violent abuse of their rights. The nature and intensity of on-street relationships are mediated in part by the socio-cultural context, and in part by characteristics such as gender and age (for example, younger children and girls may need to adopt submissive roles in gangs to obtain some degree of protection).

24. Other, more specific challenges present in wider society can be exacerbated in street situations, particularly those related to access to basic services, and physical and mental health issues. Challenges can include disproportionately high rates of substance abuse, HIV/AIDS, sexually transmitted infections, pregnancy, random violence, suicidal thoughts, exposure to pollution and traffic accidents. Children in the streets – particularly those who spend time living there – are also likely to lose access to basic services to which all children are entitled, either because they lack the identity documents deemed necessary for health care, schooling, etc., or because establishments or individual officers discriminate against them. According to a 2011 UNICEF report on HIV among adolescents in Ukraine, children working and/or living on the streets in Ukraine were found to be disproportionately vulnerable to HIV due to several behavioural factors: 22 per cent had experience injecting drugs; 65 per cent of girls provided commercial sex services or “sex for reward”; 7 per cent of boys reported having had sex with men; and only 13 per cent always used condoms with casual sexual partners.

## **E. Violence against children in street situations**

25. All children have the right to freedom from all forms of violence, as recognized by the Convention on the Rights of the Child and GC-13 on art 19 of the Convention.

According to the Committee on the Rights of the Child, children in street situations are at high risk of suffering violence, particularly torture and inhuman or degrading treatment or punishment. Indeed, a pervasive thread running through the challenges faced by street-connected children is their persistent exposure to and direct experiences of violence, whether physical, sexual and/or psychological in nature. Life stories of children with street connections are infused with violence, often from an early age.

26. One result is that children moving onto the street can evidence anything from psychological distress to profound trauma. While the streets can offer respite from domestic or community-based violence, they expose children to other settings for and forms of violence, including daily psychological violence through stigmatization and intimidation of street children; random physical and/or sexual violence by other street inhabitants or members of the public; expressions of violence within street gangs; by organizers of forced sex-selling or vagrancy; by local businesses; through forcible police round-ups; premeditated rapes and extrajudicial killings. In its recent concluding observations on Cambodia (CRC/C/KHM/CO/2), the Committee on the Rights of the Child expressed concern about the “cleaning up the streets” operations conducted by police, such as one in early 2008, during which many children in street situations were sent to rehabilitation centres, illegally confined and subjected to a variety of abuses which, in some cases, resulted in death, including by suicide.

27. During the preparation of this report, the issue of violence against children by the police was repeatedly raised. It should be noted, that many children reported having received friendly advice and support from some police officers. However, abuses by the police are rarely investigated and impunity is commonplace. Without appropriate, child-sensitive counselling, complaint and reporting mechanisms to which street-connected children can report incidents of violence, police impunity is likely to continue.

28. Such extensive exposure to violence underlies children’s other challenges in the street and carries serious consequences for long-term health and personal development through adolescence into adulthood. Children’s ability to trust and form attachments may be severely damaged, with potential effects for their development of future relationships. The costs to the children, their family and friends and society as a whole are heavy. Understanding the effects of violence is critical to protecting children.

#### **IV. Roles and responsibilities**

29. Under international human rights law, States, as the principal duty bearers, are accountable for respecting, protecting and fulfilling children’s rights within their territories. While States play the role of the principal duty bearer for all children – including street-connected children – other non-State entities, professionals and individuals are also recognized by the Convention on the Rights of the Child as duty bearers in the fulfilment of children’s rights. They include parents and families, teachers, doctors and social workers, employers and/or probation officers. States have the obligation, as principal duty bearers, to ensure that the secondary duty bearers have the knowledge and means to carry out their specific obligations.

30. Protecting children and preventing experiences of multiple deprivations implies taking a holistic approach that understands children’s relationships as interdependent and interconnected, and therefore recognizes that rights can be violated – but also defended – by a range of duty bearers within the family, the community and wider society, including the international community. Defending children from violence and other rights violations that push children into developing connections with the streets requires a coordinated and comprehensive approach across government departments (from finance, through trade,

employment, social sectors – such as recreation and sports, health, education and social well-being) and with the involvement of duty bearers at the family and community levels.

31. Such an approach can only work if an overarching system to protect children is put in place – a system in which duty bearers understand and assume their roles and responsibilities and can be held accountable for protecting children’s rights. Clear delineations of the roles and responsibilities of each duty bearer must be explicitly agreed in codes of conduct, memoranda, protocols or manuals to avoid children falling into gaps between services, and inefficient, potentially harmful, duplication when the limits of roles and responsibilities are not clear. Accountability is necessary to ensure that when children’s rights are violated, the corresponding duty bearers can be identified and held accountable.

32. Comprehensive child protection systems (CPS) are being developed and strengthened in many countries in response to these needs as an organizational form consistent with a rights-based, holistic approach, capable of delineating roles and responsibilities, with integrated mechanisms for reporting by children and other data collection, quality standards, research and analysis, for accountability. However, a systems approach is conceptually a relative newcomer to social work and child protection, so child protection systems are still a work in progress, and as yet there is no precise, commonly agreed, definition or description of such a system. UNICEF proposed the following working definition: “Child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection related risks”<sup>2</sup> – a far-reaching definition which includes laws and policies as well as services across all sectors relevant to children. Save the Children has identified 11 key components for a successful national CPS, namely, a legal framework, a national strategy, a coordinating agency, local protection services, child-friendly justice, child participation, a supportive public, a trained workforce, adequate resources, standards and monitoring mechanism and data collection systems.<sup>3</sup>

33. A fully functioning CPS is likely to greatly improve protection for all children, including those at the highest risk of moving into street situations. A priority area for protecting children from the multiple deprivations that push children into developing street connections is the provision of support for families and other carers at the community level to ensure children are safe and can access their rights. Examples of such support might include universal child benefits through payments to the main carer; tax relief and economic support for single heads of household, incentives for fathers to support their children and play positive parenting roles, early detection of domestic violence and local protection schemes, provision of pre-school and after-school child care in the local community.

34. It is clear from experience that developing a government-led, multi-stakeholder, national CPS, using existing legislation and social values, which is rights-based in practice and capable of protecting children from multiple deprivations takes time, financial resources, as well as significant consultation and commitment. Evidence suggests that emerging child protection systems should focus on core areas of child protection, social well-being, justice and security. Early introduction of data collection systems and research mechanisms have been found useful – for example in West Africa – for periodic mapping and analysis of progress to address problems and recognize early successes.

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<sup>2</sup> See E/ICEF/2008/5/Rev.1, para. 12.

<sup>3</sup> See Save the Children, “Keys to successful national child protection systems,” May 2011.

35. Specialized interventions offer children who develop street connections the personalized support they need to access their rights. In line with a rights-based, holistic approach, these specialized interventions should take a child-centred approach; accompany each child over time to build a relationship, consider effects of multiple deprivations and understand his or her street connections; ensure he or she can have full access to basic services; offer and/or refer the child to specialized services (psycho-social counselling, support for drug abuse, trauma therapies, empowerment through sports, complaint and reporting mechanisms, support services) that can help the child to (re)connect positively with family and local community services. Such interventions do not necessarily imply that a child should renounce his or her street connections, but rather than his or her access to rights should be fully guaranteed.

36. Evidence suggests that specialized interventions that are tailor-made and personalized are better managed by small groups close to the ground, whose size allow flexibility and whose expertise is in local street connections. These interventions should be firmly linked to a national CPS to be able to coordinate children's access to the range of basic services. When States are unable, in the short-term, to provide necessary resources and support, the private sector, academia and the international community might be engaged as partners to ensure that specialized interventions by delegated duty bearers have the means and capacity to fulfil the rights of children who have developed strong connections to the street.

## **V. Criteria for good practices**

37. There are many examples in all regions of initiatives developed by States and non-State entities that seek to address rights violations experienced by children in street situations. These include:

- Local policies: designed in close consultation with civil society, academia and community groups, for example in the city of Rio de Janeiro, Brazil, around railway stations in India and as part of Canada's Homelessness Partnering Strategy to make a range of services available to young persons with street connections;
- Training for law-enforcement officers on child rights and child protection: initiated by some States, for example in 2008-2009, the Consortium for Street Children partnered with Ethiopia's Police University College and UNICEF to train police trainers, who have since, in turn, trained 36,000 police officers throughout the country;
- Outreach support on the street by social street workers trained in child-centred approaches: increasingly used as a participatory approach to building relationships with children over time in their own spaces in cities as diverse as Kinshasa, Mexico City, New Delhi and Brussels;
- Support for families: the focus of organizations in a number of countries, for example, Safe Families Safe Children Coalition is a group of organizations working together across the globe to strengthen family relationships to create home environments where street-connected children can gain sustainable access to their rights.

38. The above examples illustrate the broad agreement that identifying and sharing good practices contribute to safeguarding children's rights. There has, however, been little research into what "good practice" means in relation to children with street connections. And there is no agreement about what constitutes good practice in arenas as diverse as procedures for reporting violations of children's rights; public-private-NGO partnerships;

child protection systems; street-based services; support for families; research; capacity-building, knowledge sharing and organizational development; advocacy; policies and strategies; budgets and financing mechanisms; legislation; international cooperation for street-connected children. Criteria for good practice need to reach across all levels of practice that concern children with street connections.

39. For this study, 10 criteria were developed as a basis for discussion. Five are cross-cutting criteria which coincide with three general principles of the Convention on the Rights of the Child and should always be evident in good practices; five are normative criteria reflecting experiences of children with street connections, which may or may not be relevant in all practices, namely, safety, availability, accessibility, quality and flexibility.<sup>4</sup>

40. The cross-cutting criteria which should form the basis of good practices are as follows:

(a) **Best interests** of children in street situations must be a primary concern in all actions that concern them – by parents, carers, lawmakers, policymakers, welfare institutions and those who influence or control resource allocation, including decisions throughout government, parliament and the judiciary, as stated in the Committee’s general comment No. 5 (2003) on general measures of implementation of the Convention.

(b) **Non-discrimination:** children in street situations have the right to be treated as all other children. Equality does not mean that rights have to be delivered in the same way; the best interests of each child determine how that child’s rights can best be achieved. Explicit discrimination includes vagrancy laws and policies allowing street children to be detained for survival behaviours; implicit discrimination includes requiring birth certificates to access health care or education.

(c) **Participation** is a right and a practical imperative. The opinion of street-connected children should inform policies, plans and interventions designed to address them. Street-connected children may have difficulty forming positive relationships with adults, therefore care, consistency and respect, built over time, are important to ensure their meaningful participation.

(d) **Accountability** on the part of courts and tribunals, which should respect street-connected children by listening to them and taking due account of their views and experiences; offering child-friendly justice; having staff trained in child-friendly procedures and child rights; using language that can be understood by street-connected children; and enforcing judgments. Children who are victims of violations are entitled to reparation, restitution, compensation and guarantees of non-repetition. Mechanisms for accountability should ensure States and other actors comply with their obligations to children, for example through monitoring and evaluating practices; receiving and responding to complaints; providing remedies or redress for human rights violations.

(e) **Sustainability** means ensuring continuity of support to defend children’s enjoyment of their rights. Sustainability of individual improvements means providing children with appropriate support so they can enjoy their rights into youth and adulthood. This requires appropriate legal, financial and policy support. Sustainability implies finding cost-effective investments rather than limiting action to assumptions of “means available.”

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<sup>4</sup> For details of the normative criteria and examples of the cross-cutting criteria, please refer to the Global Research Paper presented to the Expert Consultation on 1-2 November 2011, available at <http://www.ohchr.org/EN/Issues/Children/Study/Pages/ExpertConsultation.aspx>.

## VI. Data collection

41. As reflected in the submissions by governments, few States collect or regularly update information about children in street situations – the main reasons cited being contested definitions; methodological difficulties due to the children’s elusiveness and mobility; lack of investment in research; and lack of policy leadership. However, recent advances, made in all four areas, encourage more systematic and appropriate data collection.

42. Despite the lack of agreement on definitions, a number of States have conducted well-designed, national or city-wide studies by clarifying the definitions they are using. Thus, definitional difficulties are not an insuperable barrier for data collection. Recent advances in terminology, such “children in street situations,” used by the Committee and current work around “street connections,” suggest new avenues for reaching international agreement on definitions and terminology consistent with a rights-based, holistic approach.

43. Some key methodological difficulties have been addressed by various innovative means, for example, counting and describing populations of children in the streets, the capture-recapture method used with respondent-driven sampling and to gather qualitative information about their circumstances and experiences, and the rapid assessment method developed by UNICEF and ILO. Meanwhile, NGOs working with children in street situations have conducted innovative data collection at city-level, including repeat studies at regular intervals for trends and head counts by teams of social workers using triangulation and peer review.

44. One main challenge for States has been investing in research with children. This has been tackled in the closely related field of child labour, through inter-agency collaboration, for example, the Understanding Children’s Work research programme of ILO, UNICEF and the World Bank – suggesting that a similar route could be developed with children in street situations. Child labour data collection is supported by ILO’s Statistical Information and Monitoring Programme on Child Labour (SIMPOC), launched in 1998 with contributions from donor countries to provide a solid information base for appropriate research methodologies on child labour. SIMPOC assists countries with data collection, provides guidance on how to process and analyse data, offers a variety of statistical tools, micro datasets and survey reports available online, and also produces global and regional estimates of child labour regularly.

45. A second difficulty has been the lack of policy leadership to implement systematic, disaggregated data collection and information systems around children in street situations. There is also increasing interest in finding cost-effective ways to prevent violations of children’s rights and restore rights to children – an interest to which civil society and the private sector are beginning to respond with evidence-based studies.

46. Data collection, analysis and development of indicators are all essential to implementing and assessing the rights enshrined in the Convention with respect to children in street situations. An appropriate framework for data collection concerning street-connected children should, then, reflect a rights-based approach, a holistic approach to children’s experiences and a systemic approach to interventions and policy-making. In this respect, the Committee recommends that States develop a comprehensive and coordinated system of data collection, comprising disaggregated data so as to be able to identify discrimination and/or disparities in the realization of rights. Without appropriate data collection, it is difficult to detect obstacles to implementation or recognize progress achieved in programmes or interventions in terms of rights-based outcomes for children. Children, as experts on their own lives, should be enabled to participate in data collection, as well as in the analysis and dissemination of research.

47. Data collected should distinguish children who have street connections within wider groups of surveyed children; be disaggregated by sex, age and ethnicity among salient characteristics; and identify the type of street connections (independence, drug use, survival, gang membership, forced labour) as well as other factors relevant to local contexts experienced by children. Research must be understood as encompassing all environments that affect street-connected children, including family and home, neighbourhood, support interventions, institutions that persecute children with street connections, policies and systems that affect, include and/or target street-connected children, national legislation and budgets designed to guarantee and enforce children's rights, as well as global institutions and interactions between countries.

48. Robust data collection is vital for identifying and assessing good practices. At the same time, criteria for good practice should be evident throughout data collection. For example, in the best interests of the child, data about violations of children's rights should be systematically collected and analysed, using a holistic approach and child-centred research methods, while findings should be used to fulfil street-connected children's rights.

## VII. Children's voices

49. In resolution 16/12, the Council requested that the study be conducted in collaboration with children themselves. In order to bring children's diverse and distinctive views into the process, a number of NGOs, members of the Consortium for Street Children that runs specialized interventions with children connected to the street, were invited to facilitate children's participation and gather their views about their circumstances, experiences and aspirations. A total of 123 children in street situations – 29 girls and 94 boys, aged between 5 and 18 – were consulted in Ecuador, India, Uganda, Ethiopia, Kenya and Morocco. This is a relatively small number and no claims are made to represent any other than the children consulted. The facilitating NGOs have long-standing expertise in supporting street-connected children and strong child protection policies; they used an agreed participatory methodology to ensure the children's meaningful participation. Participation was restricted to children who were already in regular contact with the NGOs, so that a level of trust had already been developed between facilitators and the children. The consultation process included group discussion, role-play and drawing, instead of more conventional surveys or interviews. Consultation centred on three overarching themes: the child him or herself; their access to support; and access to their rights.

### A. The child as an individual

50. *"It's like this: You have to sacrifice things you want for your future, like study maybe, for the future of your family. But if you ask me, I want to help others. If I am to be asked, what have you done with your life, I want to say that I've helped others. The stuff you do, like giving to those who have been deprived of something, giving them some affection, things like that."* Boy in Morocco

51. In India, participants reflected that they felt proud to *"always offer their services without any expectations to the weaker and desperate people,"* while children in Ethiopia felt that they contribute to society by showing loyalty, serving others and respecting their elders.

52. Many children expressed pride in being able to support themselves and their families through work on the street and had developed strong connections to this work. In Ecuador, one boy reflected, *"I started working when I was 5 years old and it was really difficult (...) I didn't want to be on the streets, I didn't like it, I wanted to be with my family and to be in*

*school, but we needed help financially and I knew it wasn't supposed to be that way but if you don't work, things just aren't going to fall out of the sky to feed you (...) I continue to do it because I like it and not just because we need the money. It is something that I learned to do (...) and I don't want to give up doing it just for the sake of it."*

53. In general, children self-identified as strong, positive and engaged, able and willing to make positive contributions within wider society. They showed pride in helping others, being good citizens and supporting themselves and their families.

## **B. Access to support**

54. In Ethiopia, another boy said, *"the public does not like to see us. They inform the police to take us away"*, and in Ecuador, one older street-connected youth noted, *"sometimes I felt rejected by other people, they didn't want to be close to me because they thought I would hurt them because they think that all people that work on the street steal, murder and smoke drugs."*

55. Trust is a major issue. One street girl in Morocco reflected, *"I don't tell anyone. For me, I get used to it, whatever troubles me. There is no one I can really trust so it just stays inside me, even if it gets worse that way."*

56. When asked what would help, children in Uganda said they wanted someone *"who will always identify with them, approve of them, and is able to help and guide them."* They also wished for *"more time, patience and a listening ear."*

57. In general, children said they relied largely on support from each other and the organizations they come into contact with. They had little support from statutory services and often, but not always, met with rejection from the public and the police.

## **C. Access to rights**

58. In Morocco, facilitators observed 'when the topic of rights was brought up the participants either had little clue (noticed among the younger participants) or felt uncomfortable discussing this topic, refraining from participating, not wanting to get involved and moving on the next topic of conversation (noticed among the older participants)'.

59. In India, in comparison, children demonstrated that they clearly understood their rights – to survival, protection, development and participation - while in Uganda and Ethiopia the *'right to love'* (to be loved and cared for, and belong to a family) was mentioned by several participants.

60. When asked if they had ever reported any violations of their rights, one child in Uganda responded: *"No, because before I came here I did not know my rights"*. In India, a child reflected that *'their reports are not taken seriously because they are children and don't understand anything'*.

61. In general, children's understanding of and access to rights seemed to depend on local socio-cultural context and the use of rights-based support by specialized interventions.

## **VIII. Conclusions and recommendations**

62. **It is not known how many children depend on the streets for their survival or development. Numbers fluctuate according to socio-economic, political and cultural conditions, including growing urbanization and inequalities, as well as terminology**

and definitions used. What is known is that diverse conditions and multiple rights violations push children into developing connections with the streets. Once there, children face a range of new challenges, including hostile perceptions of them as delinquents, and many forms of violence. Nevertheless, this is a time of opportunity: States are developing or strengthening comprehensive child protection systems; civil society organizations are consolidating promising interventions; data collection is more systematic; and research is becoming more participatory.

63. A new paradigm is emerging that emphasizes relationships or “connections,” building on the idea of street “situations,” and drawing attention to choices children make as they develop relationships within the street, either alongside or instead of connections within the family, neighbourhood and school. The street is a central reference point for these children; it plays a significant role in their everyday life and identity. If we value our children, we must invest in them. Every child counts. Children in street situations have experienced great deprivation and rights violations. To support them in fulfilling their rights, investment in strengthening children’s connections with family, the community and wider society is required.

64. An important first step to ensuring this support is to ratify the Convention on the Rights of the Child. States that have not yet done so should, as a matter of priority, ratify the Convention and its optional protocols. They should also ratify ILO’s Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Convention No. 138 (1973) concerning Minimum Age for Admission to Employment.

65. Furthermore, the High Commissioner for Human Rights recommends that States develop comprehensive Child Protection Systems, comprising relevant laws, policies, regulations and services across all social sectors, especially social welfare, education, health, security and justice, as an overarching strategy to safeguard all children, and which promotes a holistic, rights-based approach.

66. In particular, States should:

(a) Ensure responsibilities are clearly delegated, roles are clearly defined and obligations are met, so that children’s rights can be respected and fulfilled. When obligations are not met and violations occur, the State must be able to hold accountable those responsible and guarantee children access to legal redress.

(b) Ensure secondary duty bearers have the capacity to carry out their specific obligations. This means developing capacity-building and/or training initiatives to strengthen the capacity of law enforcement officers, judges, social workers, teachers, doctors and others responsible for protecting children’s rights.

(c) Guarantee adequate budget allocations so that the CPS can safeguard children’s rights. Budgetary information should be made public to encourage research into costs and benefits, so as to help States to invest wisely in safeguarding children’s rights.

(d) Take a coordinated approach across all government departments, including those with responsibilities for finance, trade, employment, security, tourism, housing and urban planning, so as to ensure that government policies are coherent in protecting children’s rights.

(e) Foster a collaborative approach in which the interests, inter-connections and expertise of non-State actors – children and families, civil society, academia, the private sector, human rights institutions and intergovernmental organizations – are recognized and brought together in partnerships that ensure children are afforded effective protection.

67. As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages.

68. The High Commissioner recommends specialized support for children in street situations. To this end, States should promote and support child-centred, tailor-made interventions for children whose connections to family, community and wider society have been weakened and who have developed their own street-based coping mechanisms. In line with a rights-based, holistic approach, specialized interventions should help children to reconnect with family, local community services and wider society. This does not imply that the child should renounce his or her street connections, but rather, such intervention should guarantee that his or her rights are fulfilled.

69. In particular, States should:

(a) Introduce laws requiring the design and implementation of municipal policies, with adequate budgets, that are aimed at ensuring positive law enforcement, coordinating referrals and providing support for specialized interventions for children with street connections. These policies should be firmly linked to the national Child Protection System and be based on local multi-stakeholder participation, including children themselves.

(b) Encourage and support city-level partnership-based specialized interventions, in which local civil society or community-led organizations (that are small and flexible, with local expertise in street connectedness) manage specialized interventions, coordinated by local authorities (with the capacity to guarantee access to local services), supported by the State (through a national Child Protection System), with the private sector (for capacity-building resources and organizational skills) and academia (for research capacity to enable evidence-based decision-making).

(c) Guarantee operational budgets for specialized interventions and funding for research to assess their cost-effectiveness. In cases where States are unable, in the short-term, to provide the necessary resources, the private sector and/or international community might be approached to engage as partners, to ensure that specialized interventions, as delegated duty bearers, have the means and capacity to fulfil the rights of children who have developed connections to the street.

(d) Commit to fulfilling human rights beyond childhood, if damaging effects of rights violations are not fully addressed by the age of 18, even though legal commitments specific to children may end.

70. As a minimum, States should address stigmatization and discrimination of children in the streets, including through public sensitization to the experiences and rights of street-connected children.

71. In order to address violence, the High Commissioner recommends that States seek to ensure the prevention and prohibition of all forms of violence against children in street situations, and in this regard, implement the recommendations of international mechanisms, including the Secretary-General's Study on Violence against Children, the Special Representative of the Secretary-General on violence against children and the Committee on the Rights of the Child.

72. In particular, States should:

(a) Ensure full training on non-violent engagement and respect for the right of children in street situations to freedom from violence for, inter alia, law enforcement officers; judges and all staff in the justice and penal systems; teaching

and administrative staff in schools; medical staff in health centres; social workers in welfare centres and specialized interventions.

(b) Introduce and enforce sanctions against all perpetrators of violence against children in the streets.

(c) Ensure that child-sensitive counselling, complaint and reporting mechanisms are easily accessible to street-connected children.

73. As a minimum, States should decriminalize survival behaviours such as begging, loitering, vagrancy, running away and other acts, and ensure that children with street-connections are not forcibly rounded-up or treated like criminals or delinquents for survival activities.

74. With regard to good practices, the High Commissioner recommends that States engage consultations on criteria for good practices with street-connected children, so as to be able to identify and implement good practices aimed at improving support for fulfilling the rights of street-connected children.

75. In particular, States should propose and lead, in partnership with the United Nations, civil society and the private sector, national, sub-regional and regional multi-stakeholder forums that include children, youth and local community representatives to discuss and agree criteria for good practices and to develop indicators and mechanisms to identify and share good practices.

76. The High Commissioner for Human Rights recommends that States develop systemic mechanisms to collect data and share information about children in street situations. States should aim to develop a comprehensive and coordinated system of data collection about children, with disaggregated data so as to be able to identify discrimination and/or disparities in the realization of rights, as recommended by the Committee on the Rights of the Child. Such system should enable the identification of children in street situations by circumstances, connections, characteristics and experiences, in order to design strategies, policies and programmes, detect obstacles to and recognize progress in their implementation, through gathering evidence. This means collecting qualitative as well as quantitative data, and ensuring that children, as experts on their own lives, participate in information gathering, analysis and dissemination of research.

77. In particular, States should:

(a) Invest in national data collection and information sharing about children with street connections, in partnership with civil society, the private sector and academia.

(b) Approach intergovernmental agencies to propose the development of an international coordinating mechanism for knowledge sharing, as well as methodologies and tools to support States in collecting, analysing and sharing data about children in street situations.

(c) Encourage and support participatory research with street-connected children and families to inform policy-making and design of specialized interventions.

78. As a minimum, States should assess the coverage of children in street situations within general data collection relevant to children's rights, address the challenges as necessary, and disaggregate data wherever available, in order to be able to identify and analyse information gathered about children in street situations.

79. In addition, the High Commissioner addresses the following recommendations to international human rights mechanisms, and in particular:

(a) Invites the Committee on the Rights of the Child to develop a general comment on “non-discrimination and children in street situations,” so as to provide more detailed guidance to States party to the Convention on using a holistic, rights-based approach to support children in street situations.

(b) Encourages the universal periodic review to take into consideration and address the situation of children living and/or working on the street in the relevant documentation for the review, as well as during the interactive dialogue and in recommendations, whenever appropriate.

(c) Invites special procedure mandate holders to pay particular attention to the situation of street-connected children during their country visits.

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