

EXPERT CONSULTATION ON CHILDREN IN STREET SITUATIONS

1-2 November 2011

Geneva, PN Room XXIV

Firstly, I would like to express all my appreciation to the organizers of this Expert consultation “*on promoting and protecting the rights of children working and/or living in the street : Bridging the gap between policy and practice discussion*”, for convening this event and giving me the opportunity to provide some remarks on behalf of the Committee of the Rights of the Child (CRC).

I am sorry not to have been able to take part in yesterday’s discussion, but I am sure that your work has been very fruitful. Today, we will have a first part on the question of data collection and how to use it to promote and protect the rights of the child. The second part of the day will be dedicated to Recommendations. I think that this is a very crucial part, since the Recommendations will be the foundation of the future work in this domain.

I hope that this programme will suit you!

Let me start with a short introduction to this Data collection panel

I would like to start by explaining how the Committee approaches the question of children in street situations; then I’ll come back to the question of the definition, with which you certainly dealt already yesterday; finally, I’ll focus on the requirements of the Committee regarding statistics, researches, evaluations, indicators and studies on this issue.

A) The Committee

To which extent and in which way do State parties and the Committee deal with children in street situations in the monitoring process?

In a short study done by my colleague , ex-Member of the CRC Committee, Mr. Lothar Krappmann in 2007¹ on 108 State party reports and the corresponding 108 COBS of the Committee from 2003 to 2007 and with a perspective of reports submitted by governments from all world regions (initial or periodic reports) the author noticed that :

- **74 of the 108 governments (68%)**, whose reports were reviewed within these four years, provided information on street children (theterminology used at this period) and related Governmental plans and measures to handle problems that these children had or generated;
- The Committee included street children **in 80 of their Concluding Observation (74%)** during this period;
- The figures demonstrate that the Committee addressed the issue relatively often, even when the State party report did not provide any information (19 times);

¹ Krappman L. in *Children in street situations. Prevention, Intervention, Rights-based Approach*, IDE, Mai 2008, p. 43 ss, Sion Switzerland

- **These figures do not correspond exactly** to the information included on the website Street Children Index collecting data on street children worldwide (gvnet.com/streetchildren)

Which problems do Governments address with regard to these children and related governmental policies? The information provided was of very different quality:

- Some Governments did not spend more than one or two sentences on street children or just mention them together with other children in need of protection;
- Only about one third of the reports gave a rather comprehensive picture. They referred to street children in several sections of the reports, often in the sections on family, special protection, and education and mentioned discrimination, risks and injuries
- Others placed street children together with child workers, beggars, deviant and criminal persons, drug addicts and prostitutes. The concerns expressed and the measures applied related more to these behaviors and not to life and development of street children

Which solutions or measures have been proposed or taken by Governments?

- Governments aim at providing access to needed **services**: nutrition, health, shelter, sometimes education and job opportunities. These provisions are very much needed, and such a policy seems to be supportive.
- Very often the programmes of the governments could be summarized under the heading *“to take the children off the street”*. Usually this means that children shall be reunited with their families, or, if no family exists, put into a home. Little attention is paid to the question if families are capable, or not, to reintegrate their children;
- Many State party reports demonstrated **a tendency to pass on the main responsibility for these children** to non-governmental organizations, which in fact play an important role.

What did the Committee recommend?

- First of all and it is important for today’s discussion, the Committee notes a general **lack of information** on children in street situations. Many COBs request Governments to provide more data, in-depth studies or comprehensive analyses of the situation. The Committee, most of the time, is not satisfied with the picture of the life conditions depicted by quite a number of State party reports. Without more clarification it is hard to elaborate conclusive recommendations.
- Then the Committee asks for **protection and access to services**. Most COBs contain a list of concerns and needed services: adequate nutrition, clothing and shelter; social and health services; educational opportunities, including vocational; appropriate protection, assistance and recovery social reintegration services; and trained street counselors, among others;
- Two thirds of the COBs include a statement which refers to the **reduction and prevention** of children in the streets. Usually the Committee asks for a comprehensive study “with the aim of preventing and reducing this phenomenon”. Such study shall reveal the root causes and demonstrate how to approach the reduction of children in the streets;
- Finally, in about one quarter **only** of the COBs, the Committee asks that decisions related to ESR are taken with **the active participation of the children who are in street situations**. The Committee is of the opinion that quite a number of street children see more alternatives than either street or family. These children have gained

mixed experiences in both fields of life and it is crucial that they have a direct influence on the decisions taken in their best interests. This position of the CRC Committee is based on the General principle of art. 12.

In conclusion to this first part, I will say that the Committee is fully aware of this issue and has expressed a permanent concern for this group of vulnerable children.

B) Definition

One of the main difficulties of this issue stems from the absence of a precise and commonly accepted definition of what a **street child** is. From “**street children**” to **children of the streets**, or **children in/on the street** (the UNICEF’s approach during long time), this terminology is more focused on a child who is at risk ; and the key variable is the contact of the child with the street, as opposed to the contact with his/her family.

If it is not easy to define what is understood by these family contacts, at the same time, it is not much easier to define exactly which the relations of the child with the street are. Difficulties appear when we try to define precisely the nature of these contacts as well as what is understood by their degree of intensity. Two possibilities often described are the fact **to live** in the street or / and to **work** in the street. But, there are many other possibilities, intensity, quality and degree of contacts of a child with the street (this was the expression used by the Human Right Council in its resolution and the title of this Expert consultation).

The Committee shares the opinion with many actors, in particular NGOs active in the field, that current conceptions of «street children», still portrayed as «outcomes» of poverty and/or specific «subcultures», negatively label these children and makes everybody an expert in knowing what these children deserve and what is good for them. This general attitude does violate the General principles of the CRC (Art. 2: non-discrimination; Art. 3: best interests of the child; art. 6: right to development; art. 12: right to expression) and it is probably against the most recent research in this field. The media likes characterizations and contributes to the widespread derogatory label of «street child», making such children the object of either sentimental compassion or violent repression. And there is a general tendency to ignore the competencies of children in street situations.

Starting from the point of view of the child as a rights’ holder and a subject of rights, rather than a beneficiary of services, it seems important for the Committee to underline the necessity to include the perspective of the child (art. 12 CRC) so he/she is allowed to define his/her relationships with the street; this has to be made in connection with the child’s best interests (art. 3, para. 1 CRC). In order to decide what intervention would be appropriate to specific profiles of children in street situations, one has to include the concerned children’s voice into the process of decision-making. These decisions will take into account the non-discrimination principle (art. 2) and the different needs and competencies of the child, in accordance with the principle of the evolving capacity (art. 5).

This is why the Committee, in view of the continuous use of different pejorative terminologies (such as street children) and because categorization can be conducive to discrimination, on the basis of a “rights based approach” decided to choose the new wording “**children in street situations**”, which puts the accent on the idea that the child has of his/her

own situation. In fact the problem is no more the child her/himself but the situations in which s/he may find her/himself.

Since 2009, the agreed heading for the COBs is **Children in street situations** (see the new guidelines to reporting -- CRC/C/58/rev.2) under Special Protection Measures.

C) Data

Comprehensive data collection and the CRC Committee

To implement and assess the rights enshrined in the Convention, data collection, analysis and development of indicators are also essential:

The Committee recommends that States parties collect disaggregated data by developing a comprehensive and coordinated system of data collection covering all areas of the Convention, including children in streets situation.

Furthermore, it stipulates that the collected data should be evaluated to identify discrimination and/or disparities in the implementation of the Convention. In that regard, national-level indicators related to the rights guaranteed by the Convention must be developed for use by States parties in the formulation of policies and programmes for the effective implementation of the Convention.

It is obvious that without sufficient data collection, it is impossible to know exactly where the obstacles in the implementation are, nor to recognize the progresses achieved. It is also a challenge to design policies, programmes and strategies, if the Government and its agencies have no idea of the reality, not only in the capital, but in all the regions of the country, including remote areas. *“Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation.”* (GC no 5, par. 48).

Furthermore, in its *Guidelines for Periodic Reports (Revised 2010)* the Committee asks for detailed statistical and other information under most articles.

DATA and Children in street situations

It is obvious that in the issue we are dealing with today, we face many difficulties. One is about definition, as mentioned just right now; the other is on the fact that some Governments have a tendency to exaggerate figures in order to give a certain weight to their statements, but also because they feel that without sensational numbers their pleas would not be heard.

Many NGOs talk of «100 million street children in the world», a number already mentioned by UNICEF more than 20 years ago. In fact, it is impossible to give an exact number to children in street situations, as the literature uses different categories – «children of the street», «on the street», «homeless», «abandoned», «in conflict with the law», «in especially difficult circumstances», etc., and such diverging yet overlapping categories cannot be compared or unified. In addition, it is practically impossible to draw up reliable statistics, as these children are highly mobile.

Life on the streets is made-up of various constraints affecting the child and his survival strategies, and it therefore varies according to the context. The observation therefore should not only focus on the numbers (how many street kids in this city?) but rather ask **for who, since when, where, how and why living on the street is a problem.**

“When talking about these children, people usually analyze the situation using their own values, positions and interests. For some, such children are offenders, for others victims. Some exaggerate statistics, and this may increase the feeling of insecurity, which, in turn, will be exploited to justify ‘cleaning-up’ the streets. Others underestimate the problem or simply censure the topic. Fascination for figures often corresponds to interests that are very distant from the legitimate expectations of those we want to help”².

And there exists an important risk of political manipulation of the data...

Conclusion

I think that the moment has come to address the issue of data with objectivity, not only in the direction of quantity, but more in the perspective of quality. We need disaggregated data because these data can tell us what to do, for whom, how to imagine new methods of intervention, better services and tailored made policies, strategies, programmes and projects.

In fact figures are not enough. We also need research, which takes quality of life into consideration and pays attention to the way in which the children themselves consider their life on the streets, and to be inspired by good practices.

This is what we expect from the next speakers !

Jze/2.11.2011

² Stoecklin D., in *“Life on the streets. Children and adolescents on the streets : inevitable Trsajecotires ?”*, p. 84
IDE, Sion, Switzerland, 2007