

Joint submission to UN Special Rapporteur on Contemporary Forms of Slavery

Homelessness as a cause and a consequence of contemporary forms of slavery

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Background to contributors

1. Consortium for Street Children (CSC) is a global network supporting children in street situations (CiSS's) and working to instigate systemic change through advocacy, research and innovative programming, including on the Worst Forms of Child Labour. CSC works closely with non-governmental organisations to promote the rights of CiSS at international, national and subnational levels, including through engagement with United Nations human rights architecture.
2. The CLARISSA consortium is constituted by in-country and global partners operating in Bangladesh and Nepal. The CLARISSA programme is a participatory research programme working with children to co-develop innovative and context-appropriate ways to increase options for children to avoid engagement in hazardous, exploitative labour in Bangladesh
3. Children Women in Social Service and Human Rights (CWISH) is a national level non-governmental organization operating in Nepal established in 1993 with the aim of advocating for the empowerment of children, women and marginalized communities and the protection and promotion of human rights. CWISH is guided by human rights principles and rights-based approaches. It values dignity and the rights of everyone. CWISH has a range of expertise in Participatory Action Research, Policy Research, Qualitative and Quantitative research for an evidence-based advocacy in its area of work.
4. Professor Lorraine van Blerk is Chair in Human Geography and Associate Dean for Research in the School of Humanities, Social Sciences and Law at the University of Dundee. Her research expertise focuses on social justice and rights for children and youth living in challenging circumstances. She has over 25 years' experience of co-producing research with CiSS, mostly in East and Southern Africa. Her work reflects the mission and values of the University of Dundee to act purposively to transform lives positively both locally and globally.
5. This report was produced by CSC through inputs and research received from contributors. CSC has had ECOSOC Special Consultative Status since 1997.

Introduction

6. To understand the risks posed to CiSS by homelessness, including exposure to contemporary forms of slavery such as the Worst Forms of Child Labour, it is helpful to consider the links between street-connectedness and homelessness. United Nations Committee on the Rights of the Child General Comment No. 21 (2017) defines CiSS as:

[C]hildren who depend on the streets to live and/or work, whether alone, with peers or with family; and...a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities. This wider population includes children

who periodically, but not always, live and/or work on the streets and children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets. Concerning children in street situations, “being in public spaces” is understood to include spending a significant amount of time on streets or in street markets, public parks, public community spaces, squares and bus and train stations.¹

7. This definition makes clear that while CiSS may be street homeless, not all are. However, this is not to underestimate the risks posed to CiSS by living circumstances which, while not always constituting street homelessness, are often precarious and may as a result fall within the definition of homelessness considered in its wider sense, such as that put forward by the Special Rapporteur on the right to adequate housing:

Experiencing homelessness means not having stable, safe and adequate housing, nor the means and ability of obtaining it. It should be noted that international agencies, governments, researchers or civil society have adopted different definitions of homelessness depending on language, socioeconomic conditions, cultural norms, the groups affected and the purpose for which homelessness is being defined. The experience of homelessness is not fully captured without a richer definition that goes beyond the deprivation of physical shelter. Reducing the matter to putting a roof over one’s head, would fail to take into account the loss of social connection — the feeling of “belonging nowhere” — and the social exclusion experienced by persons living in homelessness.²

8. The unique relationship that CiSS have to the street makes them more likely to be homeless, considered in its narrow and wider sense, and thereby at greater risk of the attendant harms, including contemporary forms of slavery as explored in this document. Consequently, any effort to address the links between homelessness and contemporary forms of slavery must explicitly address the needs of CiSS by incorporating their views into policy developments and with due regard to context-specific drivers.

Homelessness and contemporary forms of slavery

United Kingdom

9. According to The Anti-Trafficking Monitoring Group (ATMG), child trafficking cases reported to UK authorities increased by 66% between 2016 and 2017, with 2,118 minors found to be victims of trafficking in 2017. This corresponds to 40% of all potential victims reported to authorities.³ Research conducted in relation to the support

¹ UN Committee on the Rights of the Child, *General comment no.21 (2017) on children in street situations*, 21 June 2017, para. 4, available at: <https://bureau-client-media.ams3.digitaloceanspaces.com/street-children-website-TJ5d7s/wp-content/uploads/2017/07/15140332/General-Comment-No.-21-2017-on-children-in-street-situations.pdf>.

² UN Special Rapporteur on the right to adequate housing, *Homeless and human rights*, is available at: <https://www.ohchr.org/en/special-procedures/sr-housing/homelessness-and-human-rights#homelessness>.

³ The Anti Trafficking Monitoring Group, *Before The Harm is Done*, 2018, p. 57 is available at: <http://www.antislavery.org/wp-content/uploads/2018/09/Before-the-Harm-is-Done-report.pdf>

needs of male trafficking victims found that in 1% of female and 6% of male cases rough sleeping was a vulnerability that heightened victims' risk to human trafficking.⁴

10. In 2023, news reports confirmed the abduction of unaccompanied asylum-seeking children held in temporary accommodation by criminal networks seeking to traffic them into illegal drug supply networks. In one Brighton hotel used as temporary accommodation for unaccompanied minors, 136 children out of a total of 600 were found to have gone missing despite whistleblowers bringing the risk posed to the children by criminal gangs to the attention of authorities.⁵ Across the county of Brighton and Hove, 282 children disappeared from temporary accommodation provided by the Home Office between April and October 2022.⁶
11. Links between homelessness and trafficking into contemporary forms of slavery in the UK are emerging, with the Clewer Initiative,⁷ ATMG and other organisations reporting an increase in trafficking linked to homelessness.⁸ Furthermore, the overall increase of children in poverty has led to a rise in the number of children who are extremely vulnerable to trafficking and exploitation⁹ while cuts to public services have greatly contributed to the increased number of children at risk, with staffing numbers also reduced and services closed, and demand for services and the need for preventative work to tackle child trafficking growing.¹⁰

South Asia

12. Homelessness and contemporary forms of slavery affect many CiSS in Bangladesh. In a survey of 400 CiSS, 31% of children lived alone and another 12% said they live with friends or others on the street. Some of these children sleep in public places including transport terminals or vehicles, doorways and bridges, in parks and on the street. Many reported working and begging for money to survive up to ten hours a day on average, which is far above that required for the work to be considered hazardous and thus to fall within the definition of the Worst Forms of Child Labour. Seven children – including six girls (7% of all girls participating in the study) – reported engaging in commercial sexual exploitation to survive.¹¹
13. The links between poverty, the threat of homelessness and the Worst Forms of Child Labour in Bangladesh are clear, with children from families at risk of eviction also

⁴ The Salvation Army Research and Development, *Support Needs of Male Victims of Human Trafficking Research Findings*, June 2013, p.12 is available at https://issuu.com/salvationarmyuk/docs/support_needs_of_male_trafficking_v.

⁵ The Observer, *'They just vanish': whistleblowers met by wall of complacency over missing migrant children*, 21 January 2023, is available at <https://www.theguardian.com/uk-news/2023/jan/21/they-just-vanish-whistleblowers-met-by-wall-of-complacency-over-missing-migrant-children>. See also: The Guardian, *The car drew up. The children got in: UK child asylum-seekers' narrow escape from kidnap*, 29 January 2023, is available at <https://www.theguardian.com/uk-news/2023/jan/29/children-child-asylum-seekers-escape-kidnap-abducted-home-office-hotel-brighton>.

⁶ *Id.*

⁷ The Clewer Initiative, *Homelessness & Modern Slavery – A Vicious Cycle*, 29 November 2021, is available at <https://theclewerinitiative.org/blog/homelessness-and-modern-slavery>.

⁸ The Passage, *Understanding and Responding to Modern Slavery within the Homelessness Sector*, 2017, is available at <https://www.antislaverycommissioner.co.uk/media/1115/understanding-and-responding-to-modern-slavery-within-the-homelessness-sector.pdf>.

⁹ The Anti-Trafficking Monitoring Group. *Before the Harm is Done*, 2018, *supra* note 3, p. 47.

¹⁰ *Id.*, p. 48.

¹¹ Grambangla Unnayan Committee and Consortium for Street Children, *Rights versus Reality: Street-connected children in Bangladesh*, 2022, p.2.

engaging in hazardous work to support their families in paying rent.¹² Other reports claim a causal link between youth street homelessness and contemporary forms of slavery, such as sexual abuse and exploitation, which occur at night while children are sleeping on the streets.¹³ These links are corroborated by media reports, with articles detailing the recruitment of homeless children in Dhaka into groups involved in petty crime, drug dealing and theft.¹⁴

14. For children engaged in the Worst Forms of Child Labour in tanneries used in the production of leather where they are often exposed to chemicals without adequate protections, instability in living arrangements is linked in a more nuanced manner to their place of work, with some living on tannery premises or with their employers and staff from their workplace.¹⁵ This suggests both that children's engagement in exploitative work provides an opportunity for them to obtain shelter but also that instability in accommodation makes them more vulnerable to engagement in hazardous work.

15. Children living on the streets in Kathmandu, Nepal are exposed to a wide variety of harms including drug use and involvement in petty crime.¹⁶ In a recent study, just under 5% of children in street situations in Nepal were found to be survivors of commercial sexual exploitation.¹⁷ However, the link between homelessness and engagement in the Worst Forms of Child Labour, or other contemporary forms of slavery, is not always a linear one. In an analysis of over 400 life stories of children engaged in exploitative work, including in the adult entertainment sector, it is noted that "poor economic condition is...a dominant factor in pushing children into child labour",¹⁸ with

*[I]ssues such as fighting in families due to a lack of money, being sold by relatives into domestic labour, and the (financial) inability to send children to school as key consequences of a family's poor economic condition.*¹⁹

¹² CLARISSA Bangladesh, *Shuvashish's Life Story*, is available at <https://clarissa.global/resource/shuvashishs-life-story/>. See also *Pavel's Life Story* at <https://clarissa.global/resource/pavels-life-story/>.

¹³ Incidin Bangladesh, *Sound of Silence: Scoping study of child vulnerability in rural and urban areas in Bangladesh*, September 2021, p. 135.

¹⁴ The Business Standard, *Where lost children, pickpockets, drug peddlers and the mentally ill live together: Inside Dhaka's largest government-run shelter for vagrants and the homeless*, 4 July 2021, is available at <https://www.tbsnews.net/features/panorama/where-lost-children-pickpockets-drug-peddlers-and-mentally-ill-live-together>. See also: The Daily Star, *Abandoned children deserve better care*, 28 December 2022, is available at <https://www.thedailystar.net/opinion/editorial/news/abandoned-children-deserve-better-care-3207436>. See also: Dhaka Tribune, *Children's involvement in crime on the rise*, 30 September 2016, is available at <https://archive.dhakatribune.com/bangladesh/2016/10/01/childrens-involvement-crime-rise>. See also: Prothom Alo English, *21 per cent street children are drug carrier*, 26 June 2022, is available in English at <https://en.prothomalo.com/bangladesh/21-per-cent-street-children-are-drug-carrier>. See also: The Daily Sun, *Street children being addicted to drugs*, 22 March 2018, is available at <https://www.daily-sun.com/post/296891/Street-children-being-addicted-to-drugs>.

¹⁵ A K M Maksud, Khandaker Reaz Hossain, Sayma Sayed and Amit Arulanantham, *CLARISSA Emerging Evidence Report 5, Mapping of Children Engaged in the Worst Forms of Child Labour in the Supply Chain of the Leather Industry in Bangladesh*, July 2021, p.2.

¹⁶ Hacker, E. and Sharm, R. *CLARISSA Research and Evidence Paper 4. Life Stories from Kathmandu's Adult Entertainment Sector: Told and Analysed by Children and Young People*, December 2022, Pp. 31, 34 and 35.

¹⁷ Kunwar, M. 'Work condition, Exploitation, and Mistreatment of Study of Street Children of Kathmandu Valley', *Nepal Journal of Multidisciplinary Research*, vol.5, no.1, March 2022, pp.38-52, p.41.

¹⁸ Hacker, E. and Sharm, R. *CLARISSA Research and Evidence Paper 4. Life Stories from Kathmandu's Adult Entertainment Sector: Told and Analysed by Children and Young People*, supra note 16, p.30.

¹⁹ *Id.*

16. However, it is also noted that “the lives of children in street situations...were often in flux, as they moved between different types of work and different types of living situation.”²⁰ For example, one case study highlights the story of a child who “sometimes lived at home and sometimes on the street” and sometimes worked, and other times socialized with friends.²¹ This suggests the risk of homelessness and engagement in contemporary forms of slavery is not static and that children often have a degree of agency as to whether they choose to live on the streets and engage in exploitative work. The analysis emphasises that how children decide to exercise their agency depends to a certain degree on the “psychological and emotional impact of disrupted family relations, and how this impacted children’s ability to make decisions in their best interest,”²² which also suggests that for some children, living on the streets and working is preferable and safer to living at home, where they may be exposed to violence and abuse.

Africa

17. In Ethiopia, many girls become subject to contemporary forms of slavery, including domestic servitude and commercial sexual exploitation, as a consequence of their efforts to escape harmful traditional practices including early marriage, female genital mutilation and economic pressures.²³ Girls often move from homes and families in rural areas to cities, experiencing instability in their living conditions as part of this process of migration, which also places them at risk of entrapment in contemporary forms of slavery.²⁴ When arriving in cities, many girls begin work as domestic workers before entering into sex work, at the behest of others or due to economic necessity, while others are trafficked into sex work immediately.²⁵ However, homelessness, or unstable living arrangements, is not only a cause but also a consequence of engagement in commercial sexual exploitation, with reports finding that negative social perceptions of their work, abusive clients and negative police relations leads girls engaged in sex work to change locations and thus enter further cycles of home instability.²⁶

18. In South Africa, contemporary forms of slavery are both a cause and consequence of homelessness. Reports record that children are often drawn to the street as an escape from families with connections to organised crime, including carrying drugs and weapons, because of family connections.²⁷ On the street, children may then be pressured to beg or carry drugs by other street-connected children, or engage in transactional sex to survive.²⁸

²⁰ *Id.*, p.33.

²¹ *Id.*

²² *Id.*, p.32.

²³ Van Blerk, L. ‘Livelihoods as Relational Im/mobilities: Exploring the Everyday Practices of Young Female Sex Workers in Ethiopia’, *Annals of the American Association of Geographers*, 2016, 106:2, pp.413-421, p.417.

²⁴ *Id.*, pp.417-416.

²⁵ Van Blerk, L. ‘Poverty, migration and sex work: youth transitions in Ethiopia’, *Area*, 2008, 40.2, pp.245-253, p.248.

²⁶ *Id.*

²⁷ Van Blerk, L. ‘Berg-en-See street boys: merging street and family relations in Cape Town, South Africa, Children’s Geographies’, *Children’s Geographies*, 18 July 2012, pp.325 and 330 is available at <https://www.tandfonline.com/doi/full/10.1080/14733285.2012.693381>.

²⁸ *Id.* p.327.

19. In other jurisdictions in Africa, the link between street-connectedness, trafficking and contemporary forms of slavery emerge from the stories of street-connected children. In Ghana, these stories focused on the journey that some street children made to Libya under the promise of making money.²⁹ The research shows how this is a route often discussed among boys living on the streets with one boy describing how he had returned to persuade others to also make the journey.³⁰ However, the research also shows that children discussed the dangers of this illegal travel including capsizing and the threat of violence. In one example, Issac (not his real name) accepted travel by vehicle and then faced violence and death on the journey. One child describes further:

*He decided to travel to Libya so he boarded a car on their way; they were attacked in the middle of their journey. He didn't have patience with the people; he decided to struggle with them; and you know armed-robbers don't only attack with their raw strength; they shot him dead.*³¹

20. Similarly in Zimbabwe, young people on the streets talk about illegally crossing the border to South Africa and the dangers of being trafficked. One child describes:

*They are thieves...they may ask you to pay money and as you pay they will see if you have money. If you go there through border jumping, they will take (rob) all your money because they are thieves.*³²

21. In Bukavu, the Democratic Republic of Congo (DRC), evidence suggests street girls are trafficked to mining areas to work as concubines for the miners. For example, one child described:

*In Misisi, a man can award you even a kilo of gold or \$400 for a month. The only expenses you can do are buying clothes and food. But also, once you have got a permanent concubine, your money will be totally kept because he will look after all your needs.*³³

22. Some of the street girls in DRC who frequent local bars as a survival strategy also highlight how men come looking to take them to mining areas specifically for the purpose of sexual exploitation:

A man who was in Jerome's bar-hotel promised to take the girls to Kamituga... He gave us \$60 to have our hair made. We took the money and bought marijuana and smoked instead. We did not show up to the man... (however) The man arrived in our shelter 'Musonge' in the morning to ask us about the program. We told him a lie that we met with the bandits who beat and snatched the money from us. He replied that there was not any problem about that. He

²⁹ Van Blerk, L. Shand, W., Shanahan, P. Hunter, J., Gbeglo, S., Rubambura, T D. and Chitsiku, S. University of Dundee, *Growing up on the Streets: Research with and for young people on the streets, 2012-2016*, 14 September 2020, is available at <https://dx.doi.org/10.5255/UKDA-SN-854123>.

³⁰ *Id.*

³¹ *Id.*, A-RA5 19 May 2014.

³² *Id.*, H-RA4 11 June 2014.

³³ *Id.*, B-RA6 11 June 2014.

*told us to go with him to Kamituga, a gold mining site, and we would have our hair made there. All of us refused to go there.*³⁴

Government approaches to tackling homelessness and contemporary forms of slavery

United Kingdom

23. The Modern Slavery Act 2015 introduced several measures to tackle contemporary forms of slavery, including the introduction of a National Referral Mechanism³⁵ for identifying potential victims of modern slavery.³⁶ Referrals can be made by first responder agencies or individuals via the police and with written consent of the victim.³⁷ In 2022, 4586 potential victims of modern slavery were referred, with a significant majority being found to have reasonable or conclusive grounds.³⁸ The law also included measures for the protection of victims of modern slavery compelled to undertake criminal enterprises as a result of their exploitation.³⁹ Despite this latter provision being an important safeguard for victims, including those in instable living conditions compelled to become involved in criminal enterprises as detailed in paragraph 6 of this document, the Home Office has since downgraded modern slavery from a safeguarding concern to one of illegal immigration.⁴⁰
24. Additionally, section 54 of the Modern Slavery Act 2015 requires commercial organisations supplying goods and services in the UK with a turnover of more than £36 million to submit annual “modern slavery statements”.⁴¹ These statements are able to be uploaded to the modern slavery statement registry, although organisations are not currently required to do so. Should an organisation fail in its obligations to submit an annual modern slavery statement, the Home Office has recourse to enforcement via High Court injunctions.⁴² As of December 2021, up to a third of eligible organisations had not complied with their modern slavery statement obligations.⁴³

³⁴ *Id.*

³⁵ UK Home Office, *National referral mechanism guidance*, 19 May 2022, is available at [https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#:~:text=The%20National%20Referral%20Mechanism%20\(%20NRM,human%20trafficking](https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#:~:text=The%20National%20Referral%20Mechanism%20(%20NRM,human%20trafficking).

³⁶ Modern Slavery Act 2015 is available at <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>.

³⁷ Homeless Link, *Modern Slavery and Human Trafficking Guidance for homelessness services*, December 2022, p.7, is available at https://homelesslink-1b54.kxcdn.com/media/documents/Modern_Slavery_and_Human_Trafficking_Guidance.pdf.

³⁸ *Id.*, p.10.

³⁹ *Id.*, section 25.

⁴⁰ The Guardian, *Home Office reclassifies modern slavery as illegal immigration issue*, 13 October 2022, is available at <https://www.theguardian.com/world/2022/oct/13/home-office-reclassifies-modern-slavery-as-immigration-issue>.

⁴¹ Section 54 of the Modern Slavery Act 2015 is available at <https://www.legislation.gov.uk/ukpga/2015/30/contents/enactedhttps://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted>; and section 2 of the Modern Slavery Act 2015 (Transparency in Supply Chains) Regulations 2015 is available at <https://www.legislation.gov.uk/uksi/2015/1833/regulation/2/made>.

⁴² 54(11) of MSA 2015, *Id.*

⁴³ The UK Home Office, *Independent review of the Modern Slavery Act: final report*, 31 December 2021, para. 1.4, is available at <https://www.gov.uk/government/publications/independent-review-of-the-modern-slavery-act-final-report/independent-review-of-the-modern-slavery-act-final-report-accessible-version#fn:28>.

25. The UK's Modern Slavery Strategy was due to be updated in 2021.⁴⁴ As of March 2023 no such update has been published.⁴⁵
26. Regarding the UK government's approach to homelessness, while the Homelessness Code of Guidance for Local Authorities recognises that victims of trafficking or modern slavery "may have a priority need for accommodation" in line with Section 189(1) of the Housing Act 1996, this guidance is not statutory and falls short of an effective strategy to address the links between contemporary forms of slavery, such as trafficking and homelessness.⁴⁶

Bangladesh

27. To address risks faced by homeless and street-connected children in Bangladesh, organisations have called for safe night shelters to be established for children without parental care, with priority being given to girls facing commercial sexual exploitation.⁴⁷ Under section 59 of the Bangladesh Children's Act 2013,⁴⁸ the government has established child development centres for the development and integration of children in conflict with the law, including homeless children who fall foul of Bangladesh's Vagrancy Act 1943.⁴⁹ Reports suggest that conditions in the centres are dangerous, with children of all ages kept in cramped, single cells and exposed to further dangers by being kept in close quarters with members from organised criminal groups further exposing them to contemporary forms of slavery.⁵⁰ Reports also suggest a separate system established by the government for the care of abandoned young children, with six centres located across the country, and which are also plagued by concerns, including reports of corporal punishment and religious conversion.⁵¹
28. Regarding the worst forms of child labour, chapter three of the Labour Law 2006 makes provision for the employment of adolescent workers and lists 43 jobs as 'hazardous' for adolescents. Additionally, the government has adopted the National Child Labour Elimination Policy 2010 (NCLEP) and two five-year national plans between 2016-2020 and 2020-2026. Bangladesh has ratified all the major ILO Conventions related to labour issues, including the ILO Convention on the immediate Elimination of Worst Forms of Child Labour (no. 182), and the Minimum Age Convention 1973 (No. 138). The government has established the Department of Inspection for Factories and

⁴⁴ Independent Commission for Aid Impact (ICAI), ICAI follow-up review of 2020-21 reports, 30 June 2022, para. 4.64 is available at <https://icai.independent.gov.uk/review/icai-follow-up-review-of-2020-21-reports/>.

⁴⁵ The UK Cabinet Office did carry out a review of security, defence, development, and foreign policy in which mention, without detail, was made of steps to prevent UK companies benefitting from modern slavery in Xinjiang and steps to tackle international child sexual abuse. See: UK Cabinet Office, *Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy*, 2 July 2021, at <https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy#overview>.

⁴⁶ *Id.*

⁴⁷ Incidin Bangladesh, *Sound of Silence: Scoping study of child vulnerability in rural and urban areas in Bangladesh*, *supra* note 13. See also: Grambangla Unnayan Committee and Consortium for Street Children, *Rights Versus Reality, Street-connected children in Bangladesh*, 2022, p.10.

⁴⁸ The Children's Act 2013 is available in English at <https://www.unicef.org/bangladesh/sites/unicef.org.bangladesh/files/2018-07/Children%20Act%202013%20English.pdf>.

⁴⁹ The Vagrancy Act 1943 is available in English at <http://bdlaws.minlaw.gov.bd/act-details-199.html?lang=bn>.

⁵⁰ The Business Standard, *Where lost children, pickpockets, drug peddlers and the mentally ill live together: Inside Dhaka's largest government-run shelter for vagrants and the homeless*, *supra* note 14.

⁵¹ The Daily Star, *Abandoned children deserve better care*, *supra* note 14.

Establishments (DIFE) to inspect and monitor factories and workplaces to ensure compliance with labor laws and regulations. Despite these efforts, modern slavery remains a significant challenge in Bangladesh, particularly in the informal economy where the majority of child labour occurs, because neither labour law nor the ILO Minimum Age Convention 1973 (No. 138) is applicable to the informal economy.

Nepal

29. Nepal's Children's Act 2018⁵² includes measures making the state responsible for the "rescue" of children in street situations, including homeless children, for the provision of support to families, the reintegration of children with their families, and psychosocial counselling. In 2015, the government also issued Guidelines on the Rescue, Rehabilitation and Management of Street Children (the Guidelines)⁵³ which, as of 2021, have reportedly led to 1,648 children being removed from the street by being reunited with their families or placed in government facilities.⁵⁴ The Guidelines' emphasis on the "rescue" of children and removal to drop-in centers, without provision for the consideration of each individual child's circumstances or motivations for being on the street or views,⁵⁵ is a cause for concern, with overly heavy-handed or paternalistic approaches to children in street situations being anathema to a child rights approach and a breach of article 12 of the Convention on the Rights of the Child guaranteeing the right of children to be heard in decisions affecting them.⁵⁶ Further, the use of police forces to enforce the guidelines and conduct the removal of children in street situations to government centres increases the risk of arbitrary and discriminatory police sweeps, contrary to paragraph 26 of UNCRC General Comment 21.⁵⁷
30. More generally, Nepal's National Plan of Action for Children 2004/2005 – 2014/2015 recognised the prevalence of child labour in Nepal and prioritized its elimination by addressing causes and consequences. Furthermore, the Constitution of Nepal,⁵⁸ the Labour Act 2017,⁵⁹ the Children's Act 2018,⁶⁰ and the Child Labour (Prohibition and Regulation) Act 2000⁶¹ all prohibit children to engage in risky work. Despite these commitments and three decades of the prohibition and regulation of child labour in

⁵² The Children's Act 2018 is available in English at <https://www.lawcommission.gov.np/en/wp-content/uploads/2019/07/The-Act-Relating-to-Children-2018.pdf>.

⁵³ Referred to in Khabarhub, *Campaign to make country free of street children gains pace*, 22 January 2021, available at <https://ncrc.gov.np/law-policy/topic/67>.

⁵⁴ *Id.*

⁵⁵ See paragraph 4.1.1.8 to 4.1.2 of the Guidelines.

⁵⁶ The Convention on the Rights of the Child 1989 is available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁵⁷ United Nations Committee on the Rights of the Child General Comment 21 on children in street situations is available at https://www.streetchildren.org/wp-content/uploads/gravity_forms/1-07fc61ac163e50acc82d83eee9ebb5c2/2017/07/General-Comment-No.-21-2017-on-children-in-street-situations.pdf.

⁵⁸ Article 15. The Constitution of Nepal (2015/2072) is available at <https://ncrc.gov.np/uploads/topics/16393880441375.pdf> and <https://lawcommission.gov.np/en/?cat=87>.

⁵⁹ Article 5. The Labour Act (2017/2074) is available at <https://lawcommission.gov.np/en/wp-content/uploads/2021/03/The-Labor-Act-2017-2074.pdf>.

⁶⁰ Article 17, Children's Act 2018, *supra* note 46.

⁶¹ Article 3, *inter alia*, the Child Labour (Prohibition and Regulation) Act 2000 is available in English at http://ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=57354&p_country=NPL&p_count=117.

Nepal, a significant number of children are still working as child labourers. According to the 2021 National Child Labour Report:⁶²

- a. Among seven million children (total children) between the ages of 5 and 17 in Nepal, 1.1 million children (15.3%) were found to be engaged in child labour;
- b. Child labour figure amounts to 14.1% for children attending school while it is 25.1% for children not attending school;
- c. About 0.2 million (3.2%) children are found to engage in hazardous work; and
- d. More males (3.7%) are engaged in such work in comparison to females (2.6%).
- e. About 74% of children engaged in the informal sector work in hazardous conditions.

South Africa

31. In Cape Town, efforts to develop urban governance have led to problems for CiSS. The developments have largely taken place through the use of private security companies and CCTV, and been focused on crime reduction and tourism,⁶³ which have impacted street-connected children's access to the streets on which they rely for survival, community and a place to sleep.⁶⁴ Tactics employed by security personnel have included the taking of blankets from CiSS, the removal of children to other parts of the city in vans and in some cases, incarceration.⁶⁵ Unsurprisingly, CiSS have reported feeling dehumanized by the actions of authority figures and a sense of displacement.⁶⁶ Other children reported losing their sense of mobility and ability to move around the city freely.⁶⁷

32. A consequence of this approach has been the greater invisibility of CiSS, who as a result are "much more open to abuse" and more unable to access services, given their detachment from the city.⁶⁸ In addition, this invisibility creates a false narrative that problems related to street-connectedness have been solved, when in fact the underlying problems, "such as drugs, crime, gangsterism and extreme poverty,"⁶⁹ remain present but out-of-sight, and therefore arguably more difficult to tackle.

Conclusions and recommendations

There is a need for a deeper understanding and a more holistic approach to solutions to homelessness and contemporary forms of slavery, including the Worst Forms of Child Labour.

⁶² ILO and Central Bureau of Statistics of Nepal, *Nepal Child Labour Report, 2021*, Executive Summary Section, pp. 13-14, is available at <https://www.dol.gov/agencies/ilab/nepal-child-labour-report>.

⁶³ Van Blerk, L., 'New Geographies: The Impact of Urban Governance on the Mobilities of Cape Town's Street Youth', *Urban Studies*, 50(3), pp.556-573, p.561.

⁶⁴ *Id.*, p.565.

⁶⁵ *Id.*

⁶⁶ *Id.*, p.566.

⁶⁷ *Id.*, pp.567-8 and 570

⁶⁸ *Id.*, p.570.

⁶⁹ *Id.*

Recommendation 1: States should deepen their understanding of the interplay between homelessness and contemporary forms of slavery, including the Worst Forms of Child Labour. This may include strengthening existing sources of data, civil society engagement and research in responses to homelessness and/or contemporary forms of slavery.

Recommendation 2: States should incorporate efforts to prevent homelessness as a cause and consequence of contemporary forms of slavery, including the Worst Forms of Child Labour, into their contemporary forms of slavery/modern slavery strategies.

Individuals who are not street homeless but experience unstable living circumstances are also vulnerable to contemporary forms of slavery. For example, children whose families are at risk of homelessness often enter the Worst Forms of Child Labour to assist family members with rental payments.

Recommendation 3: States should prioritise access to secure housing as a means of tackling homelessness as a cause and consequence of contemporary forms of slavery.

Efforts to tackle homelessness are often heavy-handed and fail to take a rights-based approach to the needs of those experiencing homelessness.

Recommendation 4: States should make efforts to tackle the causes of homelessness, such as poverty, family breakdown and addiction, and not simply remove or restrict the freedom of movement of people experiencing homelessness.