



# Rights of Children in Street Situations

General Comment No.21 (2017)  
on Children in Street Situations





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# Introduction to this document

The first half of this document is the verbatim text from the UN General Comment No. 21 on Children in Street Situations, authored by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

The General Comment was shaped by consultations with children and youth in street situations, and the summary for this can be found in the second part of this document – the Annex, authored by the Consortium for Street Children.

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# Preface

In June 2017, the Committee on the Rights of the Child adopted its General Comment No 21 on Children in Street Situations. The General Comment provides governments with authoritative guidance on how to ensure they offer the same human rights protection to children in street situations as any other child within their jurisdiction. This is the first time that children in street situations have received this level of recognition, and have been explicitly recognized as rights holders under the Convention of the Rights of the Child (CRC).

The analysis that informed the wording of the General Comment was based, together with submissions by States, civil society, national institutions, international organisations and entities, academia and civil society representatives, on research collected by Consortium for Street Children working in collaboration with member organisations around the world,. The research indicated that children in street situations did not access the rights guaranteed to them under the CRC, and further, were subject to multiple violations.

What was inspirational and ground breaking was the process by which this General Comment was written, and how the research to inform it was collected. Rather than writing solely a legal interpretation of national government obligations under the CRC, the Committee elected to undertake a process whereby children in street situations themselves would identify the priority areas and which parts of their lives could be most improved with targeted application of the CRC. Numerous and wide-ranging consultations with children in street situations were organized and arranged with help from non-governmental organizations globally, and supported by the private sector. The views of over 1,000 children in street situations around the world were collected, considered and included in the development of the General Comment. To have a General Comment so grounded in the experiences of those whose lives it is aimed to improve is a major achievement.

The Committee in its General Comment urges States to develop comprehensive, long-term national strategies on children in street situations, using a holistic, child rights approach. This means that children in street situations must be treated as active agents in their own lives and involved in decision-making. They should not be viewed or treated merely as victims or delinquents. It further means that each child is an individual: the diversity of children - their age, sex, ethnicity, indigenous identity, nationality, disability, sexual orientation and gender identity/expression, among other characteristics - should be taken into account in determining what is in the best interest of each child. No one singular, uniform approach to support the needs of each individual child in street situations can exist.

The violations that are perpetrated against children in street situations are vast, numerous and often brutal. Protecting their rights and ensuring redress should be a priority for States.

**United Nations Committee on the Rights of the Child**  
**Consortium for Street Children**



# General Comment

## No.21 (2017) on Children in Street Situations







## I. Introduction: “change our story”

1. Children in street situations consulted for the present general comment spoke strongly about the need for respect, dignity and rights. In expressing their feelings, they said, *inter alia*: “Respect us as human beings”; “I would like for people who have never lived on the streets to see us as persons with pride, like normal people”; “It’s not about getting us off the streets and into shelters. It’s about giving us a status”; “Governments should not say we should not be on the streets. They should not harass us if on the streets. We should be accepted”; “Living on the street does not mean that we cannot have rights”; “The street leaves its mark: either you get out or you don’t”; “We don’t want help, charity, pity. Governments should work with the community to give us rights. We’re not asking for charity. I want to become someone to fend for myself”; “[People] should give us a chance to use our gifts and talents to achieve our dreams”; “Give us the opportunity to change our story”<sup>1</sup>.

<sup>1</sup> All quotations are from consultations or written submissions for the present general comment. Respectively, they are from: children in Bangladesh (written submission from Dhaka); children in Latin America (consultation in Mexico); a 15-year-old boy from Brazil; an 18-year-old boy and girl from India; children and young people from the Democratic Republic of the Congo; children and young people in Europe (consultation in Brussels); a 16-year-old boy from Pakistan; a boy from Burundi; and an 18-year-old boy from Brazil.

## II. Overall context

### Purpose

2. In the present general comment, the Committee on the Rights of the Child provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response in line with the Convention on the Rights of the Child. While the Convention makes no explicit reference to them, all of its provisions are applicable to children in street situations, who experience violations of a large majority of the Convention’s articles.

### Consultations

3. In total, 327 children and young people from 32 countries were consulted in seven regional consultations. Civil society representatives responded to a general call for submissions, and an advanced draft was shared with all States parties.

## Terminology

4. In the past, the terms used to describe children in street situations have included “street children”, “children on the street”, “children of the street”, “runaway children”, “throwaway children”, “children living and/or working on the street”, “homeless children” and “street-connected children”. In the present general comment, the term “children in street situations” is used to comprise: (a) children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) 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. It does not include public buildings such as schools, hospitals or other comparable institutions.

### Key observations

5. There are different approaches used with respect to children in street situations, sometimes in combination. They include a child rights approach, whereby the child is respected as a rights holder and decisions are often made with the child; a welfare approach, involving the “rescue” of children perceived to be an object or victim from the street and whereby decisions are made for the child without serious consideration for her or his views; and a repressive approach, whereby the child is perceived to be a delinquent. The welfare and repressive approaches fail to take into account the child as a rights holder and result in the forcible removal of children from the streets, which further violates their rights. Indeed, claiming that welfare and repressive approaches are in the best interests of the child does not make them rights based.<sup>2</sup> To apply the Convention, it is essential to use a child rights approach.

<sup>2</sup> See general comments No. 13 (2011) on the right of the child to freedom from all forms of violence, para. 59, and No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration.

6. Children in street situations are not a homogenous group. Characteristics are diverse in terms of age, sex, ethnicity, indigenous identity, nationality, disability, sexual orientation and gender identity/expression, among others. This diversity implies different experiences, risks and needs. The nature and time spent physically on the street varies significantly from child to child, as does the nature and extent of relationships with peers, family members, community members, civil society actors and public authorities. Children’s relationships can help them survive on the streets and/or perpetuate conditions of violent abuse of their rights. Children engage in a range of activities in public spaces, including work, socialization, recreation/leisure, shelter, sleeping, cooking, washing and engaging in substance abuse or sexual activity. Children may engage in such activities voluntarily, through lack of viable choices or through coercion or force by other children or adults. Children may conduct these activities alone or in the company of family members,<sup>3</sup> friends, acquaintances, gang members, or exploitative peers, older children and/or adults.

7. Often, data are not systematically collected or disaggregated, so it is not known how many children are in street situations. Estimates fluctuate according to definitions used that reflect socioeconomic, political, cultural and other conditions. The absence of data makes these children invisible, which leads to policies not being developed or measures that are ad hoc, temporary or short-term. This results in the persistence of multiple rights violations that force children onto the streets and that continue when children are on the streets. This issue concerns every State.

8. Causes, prevalence and experiences of children in street situations differ within and between States. Inequalities based on economic status, race and gender are among the structural causes of the emergence and exclusion of children in street situations. These are exacerbated by material poverty, inadequate social protection, poorly targeted investment, corruption and fiscal (tax and expenditure) policies that reduce or eliminate the ability of poorer

<sup>3</sup> For children in street situations with their families, this general comment focuses on the children as the main rights-holders. Where children in street situations have children of their own, the best interests of each generation of children must be a primary consideration.





people to move out of poverty. Abrupt destabilization, caused by conflict, famine, epidemic, natural disaster or forced eviction, or events leading to displacement or forced migration, further compound the effects of structural causes. Other causes include: violence, abuse, exploitation and neglect at home or in care or educational (including religious) institutions; the death of caregivers; child relinquishment (including through HIV/AIDS);<sup>4</sup> unemployment of caregivers; precarious families; family breakdown; polygamy;<sup>5</sup> exclusion from education; substance abuse and mental ill-health (of children or families); intolerance and discrimination, including against children with disabilities, children accused of witchcraft, former child soldiers rejected by families and children cast out from families as a result of questioning their sexuality or identifying as lesbian, gay, bisexual, transgender, intersex or asexual; and families' inability to accept children's resistance to harmful practices, such as child marriage and female genital mutilation<sup>6</sup>.

### III. Objectives

9. The objectives of the general comment are:

(a) To clarify the obligations of States in applying a child rights approach to strategies and initiatives for children in street situations;

(b) To provide comprehensive and authoritative guidance to States on using a holistic, child rights approach to: prevent children experiencing rights violations and the lack of choices that results in them having to depend on the streets for their survival and development; and to promote and protect the rights of children already in street situations, ensuring a continuum of care and helping them to develop to their fullest potential;

(c) To identify the implications of particular articles of the Convention for children in street situations to enhance respect for them as rights holders and full citizens, and to enhance understanding of children's connections to the street.

<sup>4</sup> See general comment No. 3 (2003) on HIV/AIDS and the rights of the child, para. 7.

<sup>5</sup> See joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, paras. 25-28.

<sup>6</sup> Ibid., paras. 19-24.

## IV. Holistic long-term strategies based on a child rights approach

### A. CHILD RIGHTS APPROACH

#### Description

10. In a child rights approach, the process of realizing children's rights is as important as the end result. A child rights approach ensures respect for the dignity, life, survival, well-being, health, development, participation and non-discrimination of the child as a rights holder.

11. According to the United Nations Children's Fund (UNICEF)<sup>7</sup>, a child rights approach is one that:

(a) Furthers the realization of child rights as established in the Convention and other international human rights instruments;

(b) Uses child rights standards and principles from the Convention and other international human rights instruments to guide behaviour, actions, policies and programmes, particularly: non-discrimination; the best interests of the child; the right to life, survival and development; the right to be heard and taken seriously; and the child's right to be guided in the exercise of his or her rights by caregivers, parents and community members, in line with the child's evolving capacities;

(c) Builds the capacity of children as rights holders to claim their rights and the capacity of duty bearers to fulfil their obligations to children.

#### Significance for children in street situations

12. The Committee considers that strategies and initiatives that adopt a child rights approach fulfil the main criteria for good practice, regardless of level or context. Children in street situations are often

<sup>7</sup> See UNICEF, Child Rights Education Toolkit: Rooting Child Rights in Early Childhood Education, Primary and Secondary Schools (Geneva, 2014), p. 21. Available from [https://www.unicef.org/crc/files/UNICEF\\_CRE\\_Toolkit\\_FINAL\\_web\\_version170414.pdf](https://www.unicef.org/crc/files/UNICEF_CRE_Toolkit_FINAL_web_version170414.pdf). See also general comment No. 13, para. 59. See also "Human Rights Based Approach to Development Cooperation", available from <http://hr-baportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>.

distrustful of adult intervention in their lives. Their abusive treatment by adults in society has led them to be unwilling to relinquish their hard-won, albeit limited, autonomy. This approach emphasizes full respect for their autonomy, including supporting them to find alternatives to depending on the streets. It promotes their resilience and capabilities, increasing their agency in decision-making and empowering them as socioeconomic, political and cultural actors. It builds on their existing strengths and the positive contributions they make to their own survival and development and that of their peers, families and communities. Applying this approach is not only a moral and legal imperative but also the most sustainable approach for identifying and implementing long-term solutions with children in street situations.

### B. NATIONAL STRATEGIES

#### Overview

13. To comply with obligations under the Convention, States are urged to adopt holistic and long-term strategies and make the necessary budget allocations for children in street situations. The cross-cutting issues and processes are shown below, followed by the thematic content to be addressed in such strategies. As experts on their own lives, children in street situations should participate in developing and implementing strategies. A first step is for States to collect information about such children in their country to decide how best to uphold their rights. States should take a cross-sectoral approach to understand how policy in one area, for example, finance, affects policy in another, for example, education, which in turn affects children in street situations. States should encourage cross-sectoral and inter-State cooperation.

#### Legislative and policy review

14. States should assess how laws and policies can be improved to reflect the recommendations of the present general comment. States should, with immediate effect: remove provisions that directly or indirectly discriminate on the grounds of the street situation of children or their parents or family; abolish any provisions allowing or supporting the round-up or

<sup>8</sup> See general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, para. 8.

<sup>9</sup> See general comments No. 5 (2003) on general measures of implementation of the Convention, paras. 42-44; No. 7 (2005) on implementing child rights in early childhood, para. 32; No. 9 (2006) on the rights of children with disabilities, para. 25; and No. 16, para. 25.

arbitrary removal of children and their families from the streets or public spaces; abolish where appropriate offences that criminalize and disproportionately affect children in street situations, such as begging, breach of curfews, loitering, vagrancy and running away from home; and abolish offences that criminalize children for being a victim of commercial sexual exploitation, and so-called moral offences, such as sex outside of marriage. States should introduce or review an act on child protection or children based on a child rights approach and that specifically addresses children in street situations. The act should be implemented by enabling policies, mandates, operating procedures, guidelines, service delivery, oversight and enforcement mechanisms, and developed in collaboration with key stakeholders, including children in street situations. States may need to develop nationally relevant policy and legal definitions of such children on the basis of participatory research, in contexts where this is necessary to facilitate interventions by legally mandated professionals and services. However, the process of developing legal definitions should not delay taking action to address rights violations.

### Role of the State and responsibilities, regulation and coordination of non-State actors

15. Strategies for children in street situations should acknowledge State and non-State actors. The role of the State, as primary duty bearer, is outlined in section V below. States have an obligation to help parents or caregivers to secure, within their abilities and financial capacities and with respect for the evolving capacities of the child, the living conditions necessary for the child's optimal development (arts. 5, 18 and 27). States should also support civil society, as complementary actors, in providing personalized, specialist services for children in street situations the basis of a child rights approach, through funding, accreditation and regulation. The business sector must meet its responsibilities regarding children's rights, and States should ensure it does so<sup>8</sup>. Coordination is needed between State and non-State actors. States are legally obliged to ensure that non-State service providers operate in accordance with the provisions of the Convention<sup>9</sup>.



## Addressing complexity

**16.** Strategies need to address multiple causes, ranging from structural inequalities to family violence. They also need to take into account measures for immediate implementation, such as stopping round-ups or the arbitrary removal of children from public spaces, and measures to be implemented progressively, such as comprehensive social protection. A combination of legal, policy and service provision changes is likely to be needed. States should commit to fulfilling human rights beyond childhood. Particularly, States should ensure follow-up mechanisms for children in alternative care settings and in street situations as they transition into adulthood at the age of 18, to avoid an abrupt termination of support and services.

## Comprehensive child protection systems

**17.** Within a legislative and policy framework, budgeting for, developing and strengthening holistic child protection systems, on the basis of a child rights approach, forms the basis of the practical measures required for prevention and response strategies. Such national child protection systems need to reach children in street situations and should incorporate fully the specific services they need. The systems need to provide a continuum of care across all relevant contexts, including prevention, early intervention, street outreach, helplines, drop-in centres, day-care centres, temporary residential care, family reunification, foster care, independent living or other short- or long-term care options. However, not all of these contexts are relevant for all children in street situations. For example, prevention and early intervention are priorities for children at the early stages of developing strong and harmful street connections, but are not relevant for children born in street situations. Some children may not experience residential placements while, for others, family reunification is not relevant or appropriate. Strategies should make it clear that a child rights approach needs to apply to each and every context. Administrative burdens and delays in gaining access to child protection systems should be reduced. Information should be made available in child-friendly and accessible formats and children in street situations should be supported to understand and navigate child protection systems.

## Capacity-building of those in contact with the child

**18.** States should invest in good quality initial and in-service basic training on child rights, child protection and the local context of children in street situations for all professionals who may come into direct or indirect contact with children in street situations, in such areas as policymaking, law enforcement, justice, education, health, social work and psychology. This training may draw on the expertise of non-State actors and should be integrated into the curricula of relevant training institutions. Additional in-depth training on a child rights approach, psychosocial support and child empowerment is required for professionals working with children in street situations as a dedicated part of their mandate, for example, street-based social workers and specialized child protection units of the police service. “Outreach walks” and “street walks” are an important on-the-ground training method. Basic and specialized training should include attitudinal and behavioural change, as well as knowledge transfer and skills development, and should encourage intersectoral cooperation and collaboration. National and local governments should understand and support the critical role of social workers, including street-based workers, in early detection, providing support to families with children at risk and to children in street situations. Professionals should be involved in participatory development of operating procedures, good practice guidelines, strategic directives, plans, performance standards and disciplinary codes, and should receive support to implement these in practice. States should facilitate sensitization and training for other stakeholders who come into direct or indirect contact with children in street situations, such as transport workers, media representatives, community and spiritual/religious leaders and private sector actors, who should be encouraged to adopt the Children’s Rights and Business Principles<sup>10</sup>.

## Service provision

**19.** States should take action to secure the ability of children in street situations to gain access to basic services such as health and education, and to justice, culture, sport and information. States should ensure their child protection systems provide for specialized services on the street, involving trained social workers

<sup>10</sup> See <http://childrenandbusiness.org>. See also general comment No.16.

with good knowledge of local street connections and who can help children reconnect with family, local community services and wider society. This does not necessarily imply that children should renounce their street connections, but rather, the intervention should secure their rights. Prevention, early intervention and street-based support services are mutually reinforcing elements and provide a continuum of care within an effective long-term and holistic strategy. While States are the primary duty bearers, civil society activities may complement States’ efforts in developing and delivering innovative and personalized service provision.

## Implementation at the local government level

**20.** Successful initiatives rely on a detailed understanding of local contexts and individualized support to children. Care must be taken when scaling up initiatives not to lose children in the process. States should encourage and support local-level, partnership-based, specialized interventions on the basis of a child rights approach, small and flexible, with adequate budgets, often led by civil society organizations with local expertise. These interventions should be coordinated by local governments and supported by the State, through the national child protection system. They could benefit from support from the private sector, for capacity-building resources and organizational skills, and academia, for research capacity to enable evidence-based decision-making. Child-friendly cities and communities contribute to an atmosphere of acceptance and provide the basis for social networks and community-based protection systems for children in street situations. Children in street situations should be supported to participate in local, decentralized bottom-up planning processes.

## Monitoring and accountability

**21.** The effective implementation of legislation, policies and services relies on clear monitoring and accountability mechanisms that are transparent and robustly enforced. States should support the involvement of children in street situations, including in social accountability mechanisms, such as coalitions of State and non-State actors, committees or working groups that monitor public policy, focusing on children in street situations. Independent national human rights institutions for promoting and monitoring



Photo credit: Retrak

implementation of the Convention,<sup>11</sup> such as children’s rights ombudspersons, must be easily accessible to children in street situations.

## Access to justice and remedies

**22.** Children in street situations who have been victims or are survivors of human rights violations have the right to effective legal and other remedies, including legal representation. This includes access to individual complaints mechanisms, by children themselves and/or represented by adults, and to judicial and non-judicial redress mechanisms at the local and national levels, including independent human rights institutions. When domestic remedies are exhausted, access to applicable international human rights mechanisms should be available, including the procedure set up by the Optional Protocol to the Convention on a communications procedure. Reparation measures

<sup>11</sup> See general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, paras. 2 and 15.





can include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition of rights violations<sup>12</sup>.

## Data collection and research

**23.** In partnership with academia, civil society and the private sector, States should develop systematic, rights-respecting, participatory mechanisms to collect data and share disaggregated information about children in street situations. States must ensure that the collection and use of such information does not stigmatize or harm these children. Collecting data on children in street situations should be integrated into national data collection on children, ensuring that national data do not rely solely on household surveys, but also cover children living outside household settings. Children in street situations should participate in setting the aims and agendas of research and in gathering information, analysing and disseminating research to inform policymaking, and designing specialized interventions<sup>13</sup>. Street situations change rapidly, and research needs to be carried out periodically to ensure policy and programmes are up to date.

## V. Key articles of the Convention in relation to children in street situations

### Overview

**24.** All the rights contained in the Convention and its Optional Protocols are interrelated and indivisible, for children in street situations as for all children. The present general comment should be read in conjunction with all other general comments of the Committee. The present general comment focuses on articles that have particular significance for children in street situations and that have not previously been the focus of general comments by the Committee. For example, although provisions relating to violence, education, juvenile justice and health are clearly important, they

feature here as relatively brief references to existing general comments. Some other articles, on the other hand, receive greater scrutiny given their implications for children in street situations and the fact that they have not previously been explored in detail by the Committee. The articles selected below do not imply a predominance of civil and political rights over social, economic and cultural rights for children in street situations.

## A. ARTICLES OF OVERARCHING RELEVANCE IN A CHILD RIGHTS APPROACH

### Article 2 on non-discrimination

#### *Non-discrimination on the grounds of social origin, property, birth or other status*

**25.** States must respect and ensure the rights set forth in the Convention for each child within their jurisdiction without discrimination of any kind. However, discrimination is one of the prime causes of children ending up in street situations. Children are then discriminated against on the basis of their connections with the street, that is, on the grounds of their social origin, property, birth or other status, resulting in lifelong negative consequences. The Committee interprets “other status” under article 2 of the Convention to include the street situation of a child or his or her parents and other family members.

#### *Systemic discrimination*<sup>14</sup>

**26.** Discrimination may be direct or indirect<sup>15</sup>. Direct discrimination includes disproportionate policy approaches to “tackle homelessness” that apply repressive efforts to prevent begging, loitering, vagrancy, running away or survival behaviours, for example, the criminalization of status offences,<sup>16</sup> street sweeps or “round-ups”, and targeted violence, harassment and extortion by police. Direct discrimination can include: the refusal by police to take seriously reports by children in street situations of theft or violence; discriminatory treatment within juvenile justice systems; the refusal of social workers, teachers

or health care professionals to work with children in street situations; and harassment, humiliation and bullying by peers and teachers in schools. Indirect discrimination includes policies that result in exclusion from basic services, such as health and education, for example by requiring payment or the provision of identity documents. Even if children in street situations are not isolated from basic services, they might be isolated within such systems. Children can face multiple and intersecting forms of discrimination, for example, on the basis of gender, sexual orientation and gender identity/expression, disability, race, ethnicity, indigenous status,<sup>17</sup> immigration status and other minority status, particularly as minority groups are often overrepresented among children in street situations. Children subject to discrimination are more vulnerable to violence, abuse, exploitation, sexually transmitted infections, including HIV, and their health and development are put at greater risk.<sup>18</sup> States are reminded that guaranteeing the right to non-discrimination is not only a passive obligation to prohibit all forms of discrimination, but also requires appropriate proactive measures to ensure effective equal opportunities for all children to enjoy the rights under the Convention. This requires positive measures aimed at redressing a situation of substantive inequality.<sup>19</sup> Systemic discrimination is responsive to, and can therefore be addressed by, legal and policy change. Children in street situations have highlighted the discrimination and negative attitudes by the public they face as a specific concern, and asked for there to be awareness-raising and educational measures to counter them.

#### *Eliminating discrimination*

**27.** Discrimination should be eliminated formally, by ensuring that a State’s constitution, laws and policies do not discriminate on the grounds of street situation, and substantively, by paying sufficient attention to children in street situations as a group who have suffered persistent prejudice and who require affirmative action<sup>20</sup>. Temporary special measures necessary to accelerate or achieve de facto equality of children in street situations should not be considered discrimination. States should

ensure: that children in street situations are equal under the law; that all discrimination on the basis of street situation is prohibited; that incitement to discriminate and harassment<sup>21</sup> is addressed; that children in street situations and their families are not arbitrarily deprived of their property; and that curfews are legitimate, proportional and non-discriminatory. States should also sensitize professionals, the private sector and the public to the experiences and rights of children in street situations, with the aim of positively transforming attitudes. States should support creative artistic, cultural and/or sports programmes led by, or involving, children in street situations that help to address misconceptions and break down barriers with professionals, communities — including other children — and wider society through visible mutual dialogue and interaction. This may include street circus, theatre, music, art and sports matches. States should work with print, broadcast and social media to disseminate and amplify sensitization and de-stigmatization messages and stories on the basis of a child rights approach. Public fear of crime committed by children in street situations is often media-fuelled and disproportionate to reality. The media should be actively encouraged to use accurate data and evidence and conform to child protection standards to safeguard children’s dignity, physical security and psychological integrity.

### Article 3 (1) on the best interests of the child

**28.** The obligations attached to this right are fundamental, as part of a child rights approach, to secure the holistic physical, psychological and moral integrity of children in street situations and promote their human dignity. These children have been identified as particularly vulnerable. As the Committee has already stated, the best interests of a child in a specific situation of vulnerability will not be the same as those of all the children in the same vulnerable situation. Authorities and decision makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child’s uniqueness<sup>22</sup>. In this context, “vulnerability”

<sup>12</sup> See [www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx).

<sup>13</sup> See Office of the United Nations High Commissioner for Human Rights (OHCHR), “A Human Rights-Based Approach To Data”, available from [www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf](http://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf).

<sup>14</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 12.

<sup>15</sup> Ibid., para. 10.

<sup>16</sup> See general comments No. 4 (2003) on adolescent health and development in the context of the Convention, para. 12; and No. 10 (2007) on children’s rights in juvenile justice, paras. 8-9.

<sup>17</sup> See general comment No. 11 (2009) on indigenous children and their rights under the Convention.

<sup>18</sup> See general comments No. 4, para. 6; and No. 3, para. 7.

<sup>19</sup> See general comment No. 14, para. 41.

<sup>20</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 20, para. 8.

<sup>21</sup> Ibid., para. 7.

<sup>22</sup> See general comment No. 14, paras. 75-76.





should be considered in conjunction with the resilience and self-reliance of individual children in street situations.

## Article 6 on the right to life, survival and development

### Right to life

**29.** Children in street situations are at risk of, inter alia: extrajudicial killings by State agents; murder by adults or peers, including murder linked to so-called vigilante justice, and association with/targeting by criminal individuals and gangs, and when the State does not prevent such crimes; exposure to potentially life-threatening conditions associated with hazardous forms of child labour, traffic accidents,<sup>23</sup> substance abuse, commercial sexual exploitation and unsafe sexual practices; and death due to lack of access to adequate nutrition, health care and shelter. The right to life should not be interpreted narrowly.<sup>24</sup> It concerns individuals' entitlement to be free from acts and omissions intended or expected to cause their unnatural or premature death, and to enjoy a life with dignity. In 1999, in the case of the torture and murder by police of three children and two young people in street situations in 1990, the Inter-American Court of Human Rights ruled that arbitrary privation of life is not limited to the illegal act of homicide, but extends to the deprivation of the right to live with dignity. This conception of the right to life extends not only to civil and political rights but also to economic, social and cultural rights. The need to protect the most vulnerable people — as in the case of street children — definitely requires an interpretation of the right to life that encompasses the minimum conditions for a life with dignity<sup>25</sup>.

**30.** The Committee has already highlighted that growing up in conditions of absolute poverty threatens children's survival and their health and undermines their basic quality of life<sup>26</sup>.

### Right to survival and development

**31.** The Committee expects States to interpret "development" as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development. Children in street situations have a limited range of activities and behaviours from which to choose for their survival and development in public spaces. States' obligations under

<sup>23</sup>See general comment No. 4, para. 21.

<sup>24</sup>The preparatory work of the Convention indicate that the rights to life, survival and development under article 6 were understood as complementary and not mutually exclusive, and that the article poses positive obligations (E/CN.4/1988/28).

<sup>25</sup>Joint opinion, *Villagrán Morales et al v. Guatemala*, Inter-American Court of Human Rights, 19 November 1999. Available from [www.corteidh.or.cr/docs/casos/articulos/seriec\\_63\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_63_ing.pdf).

<sup>26</sup>See general comment No. 7, para. 26.

article 6 necessitate careful attention being given to the behaviours and lifestyles of children, even if they do not conform to what specific communities or societies determine to be acceptable under prevailing cultural norms for a particular age group. Programmes can only be effective when they acknowledge the realities of children in street situations<sup>27</sup>. Interventions should support individual children in street situations to achieve their optimal development,<sup>28</sup> maximizing their positive contribution to society.

### Ensuring a life with dignity

**32.** States have an obligation to respect the dignity of children in street situations and their right to life, survival and development by refraining from State-led violence and by decriminalizing survival behaviours and status offences; to protect children in street situations from harm caused by third parties; and to fulfil their right to life, survival and development by designing and implementing holistic long-term strategies, on the basis of a child rights approach, to secure their development to their fullest potential. States should assist trustworthy and supportive adults — such as family members or State or civil society social workers, psychologists, street workers or mentors — to help children in street situations. States should also put in place procedural and practical funeral arrangements to ensure dignity and respect for children who die on the streets.

## Article 12 on the right to be heard<sup>29</sup>

**33.** Children in street situations face particular barriers in being heard, and the Committee encourages States to make proactive efforts to overcome those barriers. States and intergovernmental organizations should provide — and support civil society organizations in providing — children in street situations with a supportive and enabling environment to: be heard in judicial and administrative proceedings; carry out their own initiatives; and fully participate at the community and national levels in policy and programme conceptualization, design, implementation, coordination, monitoring, review and communication,

including through the media. Interventions are of most benefit to children in street situations when the children themselves are involved actively in assessing needs, devising solutions, shaping strategies and carrying them out, rather than being seen as objects for whom decisions are made. States should also listen to relevant adults, such as family and community members, professionals and advocates, when developing prevention and response strategies. Interventions should support individual children in street situations to exercise their rights and develop skills, resilience, responsibility and citizenship, in line with their evolving capacities. States should support and encourage children in street situations to form their own child-led organizations and initiatives, which will create space for meaningful participation and representation<sup>30</sup>. Where appropriate, and when properly safeguarded, children in street situations can raise awareness by sharing their own experiences, to reduce stigmatization and discrimination and to help prevent other children ending up in street situations.

## Article 4 on appropriate measures

**34.** Under article 4, States parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention. This applies to every child without discrimination, paying special attention to the most disadvantaged groups — which clearly includes children in street situations.<sup>31</sup> A minimum core obligation is incumbent upon every State to ensure the satisfaction of, at the very least, minimum essential levels of each of the social, economic and cultural rights<sup>32</sup>. States should ensure that this applies to children in street situations. Lack of available resources is not a valid argument per se for States to not comply with this core obligation. As the Committee has already stated, the immediate and minimum core obligations imposed by children's rights shall not be compromised by any retrogressive measures, even in times of economic crisis. States should ensure that children in street situations are not affected by regressive measures in times of economic crisis<sup>33</sup>.

<sup>30</sup>See *ibid.*, para. 128.

<sup>31</sup>See general comment No. 5, para. 8.

<sup>32</sup>Committee on Economic, Social and Cultural Rights general comment No. 3 (1990) on the nature of States parties' obligations, para. 10.

<sup>27</sup>See general comment No. 3, para. 11.

<sup>28</sup>See general comment No. 5, para. 12.

<sup>29</sup>General comment No. 12 (2009) on the right of the child to be heard.

## Article 5 on direction and guidance consistent with evolving capacities

**35.** To strengthen prevention, States should build the capacity of parents, extended families, legal guardians and community members to provide appropriate direction and guidance to children, helping them to take into account the child's views, in accordance with their age and maturity; to provide a safe and supportive environment in which the child can develop; and to recognize the child as an active rights holder who is increasingly able to exercise those rights as they develop, given proper guidance and direction. The Committee has already elaborated the principle of the evolving capacities of the child: the more the child knows, has experienced and understands, the more the parent or legal guardian has to transform direction and guidance into reminders and advice, and later to an exchange on an equal footing.<sup>34</sup> Children in street situations require particularly sensitive direction and guidance that respects their life experience. The majority of children in street situations maintain contact with families, and there is increasing evidence on effective ways to strengthen those family connections. If children in street situations have few or no positive connections with parents, extended families or legal guardians, then the role of community members, as referenced in article 5, takes on a stronger significance and this is understood to include support from trustworthy adults associated with civil society organizations.

## B. CIVIL RIGHTS AND FREEDOMS

### Article 15 on the right to freedom of association and peaceful assembly

#### Overview

**36.** The realities in which children in street situations live do not fit traditional definitions or conceptualizations of childhood. They have a unique relationship to public spaces compared with other children. State restrictions on article 15 in relation to

public spaces may therefore have a disproportionate impact on children in street situations. States should ensure that their access to political and public space in which to associate and peacefully assemble is not denied in a discriminatory way.

#### Civil and political space

**37.** Association and peaceful assembly are essential for children in street situations to claim their rights, for example, through working children's unions and child-led associations. However, the Committee has regularly expressed concern in its concluding observations regarding the lack of political space afforded to children to speak out. This is particularly constrained for children in street situations, who often lack connections with a trustworthy adult who may be required to legally register an organization. Children in street situations may lack support in completing paperwork and gaining access to information to develop association and peaceful assembly initiatives. Children in street situations may be paid to boost numbers in protests or gatherings. They may be vulnerable to exploitation and unaware of the implications of joining such events, raising complex questions regarding the need to balance protection and participation rights. However, as expressed by the Committee in its concluding observations, this should not be used as an excuse to curtail their right to association and peaceful assembly. Article 15 requires States to empower children in street situations to exercise their participation rights and counter co-option and manipulation by adults.

#### Public spaces

**38.** In addition to association and peaceful assembly in the context of civil and political rights, the Committee emphasizes the importance of respecting the choice of children in street situations to associate together in public spaces, without threat to public order, to satisfy their survival and development rights (art. 6), for rest, play and leisure (art. 31),<sup>35</sup> to create networks and organize their social life, and as a key feature of their lives in general. For children in street situations, this type of gathering together is part of living. It cannot always be broken down into discrete activities like eating, sleeping or recreation. For children not in

street situations, this cooperative coexistence with others mainly takes place in settings like the family household or school. For children in street situations, it takes place in public spaces. Such children need to have a safe space in which they can exercise their right to association, interpreted here in conjunction with other rights protected under the Convention as "spending time with others in public spaces". The Committee has explored the decreasing tolerance of children in public spaces in relation to article 31<sup>36</sup>. In the present general comment, it extends those concerns, regarding decreasing tolerance, to the use of public spaces by children for purposes other than those covered under article 31.

### Restrictions on article 15

**39.** In accordance with article 15 (2), policing or other measures relating to public order are only permissible where such measures are taken on the basis of the law, entail individual rather than collective assessment, comply with the principle of proportionality and represent the least intrusive option. Such measures should not be applied on a group or collective basis.<sup>37</sup> This means that harassment, violence, round-ups and street sweeps of children in street situations, including in the context of major political, public or sporting events, or other interventions that restrict or interfere with their rights to association and peaceful assembly, contravene article 15 (2). Not recognizing legally constituted working children's unions and organizations led by children in street situations, and/or requiring licences for organizations to which children in street situations do not have reasonable access, constitute discrimination against them and are not in compliance with article 15 (2).

#### Implementation measures

**40.** States should not harass or arbitrarily remove children in street situations from where they associate and peacefully assemble in public spaces. Sanctions should be imposed on those who violate this right. Specialized training is required to build the capacity of police and security forces to deal with public order situations in a way that upholds respect for the rights

of children in street situations<sup>38</sup>. Local government by-laws should be reviewed to ensure compliance with article 15 (2). States should support positive measures, such as: empowering children in street situations through child rights education and the development of life skills; preparing stakeholders to accept the views of these children in decision-making as expressed through association and assembly; and promoting the participation of these children in recreation, leisure, sports, artistic and cultural activities alongside other children in the community. Legislation should not require children in street situations' associations or peaceful assemblies to be formally registered to incur protection under article 15.

### Articles 7 on birth registration and 8 on identity

**41.** Lack of proof of identity has a negative impact on the protection of rights for children in street situations in relation to education, health and other social services, justice, inheritance and family reunification. As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages. Children in street situations should be supported proactively to obtain legal identity documents. As a temporary solution, States and local governments should allow innovative and flexible solutions, such as providing informal identity cards, linked to civil society personnel/addresses, allowing children in the meantime to gain access to basic services and protection in the justice system. Innovative solutions should be adopted to overcome the challenges faced by children in street situations, who are often highly mobile and who lack the means to keep a physical identity document safe without losing it or having it damaged or stolen.

### Articles 13 on freedom of expression and 17 on access to information

**42.** The right of children in street situations to have access to, seek and impart information about their rights is crucial if those rights are to be understood and realized

<sup>33</sup>See general comment No. 19 (2016) on public budgeting for the realization of children's rights, para. 31.

<sup>34</sup>See general comment No. 12 (2009) on the right of the child to be heard, para. 84, and general comment No. 14, para. 44.

<sup>35</sup>See general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts, para. 21.

<sup>36</sup>Ibid., para. 37.

<sup>37</sup>See general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, para. 18. Originally developed in relation to unaccompanied and separated children who have crossed an international border, in the present general comment the Committee extends this interpretation to all children in street situations.

<sup>38</sup>See general comment No.13, para. 44.





in practice. Context-specific, accessible child rights education will help to overcome barriers to participation so their voices can be heard. Children in street situations need to have access through accessible and appropriate channels to accurate, high-quality and child-friendly information relating to: (a) the role and accountability of the State, and complaints mechanisms for redress in relation to human rights violations; (b) protection from violence; (c) sexual and reproductive health, including family planning and prevention of sexually transmitted infections; (d) healthy lifestyles, including diet and physical activity; (e) safe and respectful social and sexual behaviours; (f) prevention of accidents; and (g) the negative impacts of abuse of alcohol, tobacco, drugs and other harmful substances.

## Article 16 on privacy, honour and reputation

**43.** Children in street situations may experience limited privacy given that they have to carry out activities in public spaces. Discrimination on the grounds of their or their parents' or family's street situation makes them particularly vulnerable to violations of article 16. The Committee recognizes forced eviction to be a violation of article 16 of the Convention, and the Human Rights Committee has in the past recognized it to be a violation of article 17 of the International Covenant on Civil and Political Rights.<sup>39</sup> Recommendations in paragraph 27 addressing stigmatization, and in paragraph 60 addressing non-discriminatory and respectful treatment by the police, give guidance in relation to honour and reputation.

## C. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### Article 20 on the right to special protection and assistance for children deprived of a family environment

#### *Types of care*

**44.** For those children in street situations without primary or proxy caregivers, the State is the de facto caregiver and is obliged, under article 20, to ensure

alternative care to a child temporarily or permanently deprived of his or her family environment<sup>40</sup>. Types of care include: practical and moral support to children on the streets, through a trustworthy adult street worker or peer support, without requiring or coercing children to renounce their street connections and/or move into alternative accommodation; drop-in and community/social centres; night shelters; day-care centres; temporary residential care in group homes; foster care; family reunification; and independent living or long-term care options including, but not exclusively, adoption. Deprivation of liberty, for example, in detention cells or closed centres, is never a form of protection.

#### *Applying a child rights approach*

**45.** Interventions that do not respect children as active agents in the process of moving off the street into alternative care do not work: children often end up back on the streets when they run away or when placements break down. Placements fail when children in street situations are sent to unfamiliar areas to live with little-known relatives. By applying a child rights approach to the development and provision of alternative choices, States will ensure that children are not forced to depend on their street connections for their survival and/or development and that they are not forced to accept placements against their will. States should ensure, through legislation, regulation and policy directives, that the child's views are solicited and considered in decisions regarding placements, development and review of care plans, and visits with family<sup>41</sup>. States should respect the established international parameters that limit institutionalization as a last resort,<sup>42</sup> ensure that children are not placed in alternative care unnecessarily and ensure that, where alternative care is provided, it is delivered under appropriate conditions responding to the rights and best interests of the child<sup>43</sup>. States should ensure that State and civil society-run shelters and facilities are safe and of good quality. Where placement with family members is deemed, in consultation with the children in street situations themselves, to be in their best interests, careful preparation and follow-up is needed on both sides. A transitional stage between the streets and a long-term placement is often required, the length of this period being determined on a case-by-case basis with the child. Use of police or other detention cells to

accommodate children owing to lack of alternative care facilities is not acceptable.

## Article 9 on separation from parents

**46.** Many children in street situations live with their families, either on or off the streets, and/or maintain family connections, and they should be supported to maintain those connections. States should not separate children from their families solely on the basis of the families' street-working or street-living status. Likewise, States should not separate babies or children born to children themselves in street situations. Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for the removal of a child from parental care but should be seen as a signal for the need to provide appropriate support to the family<sup>44</sup>. To prevent long-term separation, States can support temporary, rights-respecting care options for children whose parents, for instance, migrate for certain periods of the year for seasonal employment.

## Articles 3 (3) on standards for care and protection institutions, services and facilities, and 25 on periodic review of placements

**47.** It is important to establish, maintain and monitor the quality of State and non-State services to prevent children from ending up in street situations as a result of failing to have their care and protection rights fulfilled, and for the benefit of children already in street situations. States should provide quality, rights-respecting services and support civil society organizations to do the same. Non-State institutions, services and facilities for children in street situations should be supported, resourced, accredited, regulated and monitored by the State. Personnel involved in such services should be trained in accordance with paragraph 18.

## Article 18 on parental responsibility

**48.** Support for parents and legal guardians is essential to prevent children ending up in street situations, and to strengthen family reunification programmes for children already in street situations. States are obliged to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and to ensure the development

of institutions, facilities and services for the care of children. States should take measures to eliminate structural forces that put pressure on families in precarious situations. Key issues to address include: improving rights-based community development in impoverished neighbourhoods; establishing comprehensive economic and social safety nets; providing safe and affordable day-care centres and other specialist services; and improving access to adequate housing and income generation for families. In addition to structural and policy approaches, vulnerable families need case-by-case solutions facilitated by well-trained professionals. States should invest in and scale up family support programmes on the basis of a child rights approach that are proved to halt the intergenerational transmission of conditions that exacerbate children ending up in street situations. States should take measures to provide universal education on child rights and positive parenting for all parents and caregivers, prioritizing — in a non-stigmatizing way — families with children at risk of ending up in street situations. This education should include child rights, including how to listen to children and include their views in decision-making; positive child-rearing, including positive discipline skills, non-violent conflict resolution and attachment parenting; and early childhood development. See also paragraphs 35 and 49.

## D. ADEQUATE STANDARD OF LIVING

### Article 27 on the right to an adequate standard of living

#### *Support to parents, caregivers and children*

**49.** In accordance with article 27 (3), States should ensure that all children have a standard of living adequate for their physical, mental, spiritual and moral development, to prevent them ending up in street situations and to fulfil the rights of children already in street situations. States shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. Those prescriptions leave no leeway for the discretion of States. The implementation of the above in accordance with national conditions and within the means of States parties should be

<sup>39</sup> See CCPR/CO/83/KEN, para. 22, and CCPR/C/BGR/CO/3, para. 24.

<sup>40</sup> See general comment No. 13, paras. 33 and 35.

<sup>41</sup> See general comments No. 12, para. 54; No. 6, para. 40; and No. 7, para. 36 (b).

<sup>42</sup> See general comment No. 3, para. 35.

<sup>43</sup> *Guidelines for the Alternative Care of Children*, GA resolution 64/142, annex.

<sup>44</sup> See general comment No. 14, para. 62.

<sup>45</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 7.



interpreted in conjunction with article 4, that is, to the maximum extent of States parties' available resources and, where needed, within the framework of international cooperation, with particular regard to the obligations of States to fulfil the minimum core obligation for social, economic and cultural rights. In terms of material assistance, children in street situations prioritize the need for a safe place to live, food and free and accessible medical care and education, through State support to parents and caregivers, particularly in relation to subsidized, adequate housing and income generation. The interpretation of article 27 (3) is not limited to measures to assist parents and others responsible for the child. The obligation to provide material assistance and support programmes in case of need should be interpreted as also meaning assistance provided directly to children. This is particularly relevant for children in street situations with non-existent or abusive family connections. Direct material assistance to children in the form of services may be provided either by the State or via State support to civil society organizations. For single-parent and reconstructed families, States' measures to secure maintenance for the child are particularly important (see article 27 (4)).

### *Adequate housing*

**50.** The right to housing is an important component of article 27 that is particularly relevant for children in street situations. It has been interpreted broadly by the Committee on Economic, Social and Cultural Rights as the right to live somewhere in security, peace and dignity,<sup>45</sup> which clarifies that the concept of "adequacy" in relation to housing requires attention to: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy<sup>46</sup>. Children are among those who suffer disproportionately from the practice of forced eviction<sup>47</sup>. Forced evictions, including through demolition of informal or illegal housing, can make life more precarious for children, forcing them to sleep on the streets and exposing them to further rights violations. A predominant theme of consultations with children in street situations is the inadequacy and inappropriateness of some State-run "shelters", and

their high levels of violence and insecurity, such that children prefer to be on the streets.

### *Implementation measures*

**51.** States should take measures to address the structural causes of poverty and income inequalities to reduce pressure on and strengthen precarious families, as a means of offering better protection for children and reducing the likelihood of children ending up in street situations. Such measures include: introducing tax and expenditure policies that reduce economic inequalities; expanding fair-wage employment and other opportunities for income generation; introducing pro-poor policies for rural and urban development; eliminating corruption; introducing child-focused policies and budgeting; strengthening child-centred poverty alleviation programmes in areas known for high levels of migration; and offering adequate social security and social protection. Specific examples include child benefit programmes used in European and North American countries, and cash transfer programmes introduced in Latin American countries and widely applied in Asian and African countries. States should make efforts so that such programmes reach the most marginalized families who may not have bank accounts. Material support should be made available to parents and caregivers and also directly to children in street situations, and such mechanisms and services should be designed and implemented on the basis of a child rights approach. With regard to housing, security of tenure is essential for preventing children from coming into street situations. This includes access to adequate housing that is safe, with access to safe drinking water, sanitation and hygiene facilities. Children, including those living in informal or illegal housing, should not be subject to forced evictions prior to the provision of adequate alternative accommodation: States are required to make appropriate provisions for affected children. Child and human rights impact assessments should be a prerequisite for development and infrastructure projects to minimize the negative impacts of displacement.

## **E. DISABILITY AND HEALTH**

### **Article 23 on children with disabilities**

**52.** Children with disabilities end up in street situations for various reasons, including economic and social factors, and are sometimes exploited for begging. States should take all actions necessary to prevent and to explicitly criminalize such exploitation and to bring perpetrators to justice<sup>48</sup>. Children in street situations may be at risk of developing disabilities owing to the negative impact of aspects of street life, such as violence, exploitation and substance abuse. Intellectual and psychosocial disabilities can render children in street situations particularly vulnerable to exploitation and abuse. States should adopt special protection measures, including identifying and removing barriers that prevent children with disabilities from gaining access to services, including inclusive education.

### **Articles 24 on health<sup>49</sup> and 33 on drugs and substance abuse**

**53.** The street environment can increase vulnerability regarding physical and mental health issues<sup>50</sup>. Challenges include disproportionately high rates of substance abuse, HIV<sup>51</sup> and other sexually transmitted infections, pregnancy, violence (including by peers), suicidal thoughts and suicide, self-medicating with unregulated medicines and exposure to infectious diseases, pollution and traffic accidents. The Committee emphasizes the need for health education and services, including on sexual and reproductive health, tailored to the specific needs of children in street situations. Such education and services should be friendly and supportive, comprehensive, accessible, free, confidential, non-judgmental, non-discriminatory, respectful of autonomous decision by the children, and without the requirement for parental consent<sup>52</sup>. Health services should be made accessible regardless of physical location or social status. Children in street situations should have access to free basic health-care services through universal health coverage and social protection schemes.

States should increase the availability of prevention, treatment and rehabilitation services for substance abuse, including harm-reduction services, and trauma therapy and mental health services for children in street situations. These services should be staffed by professionals trained on child rights and the particular circumstances of children in street situations. States can promote properly supported peer education that can be especially effective in combating substance abuse, sexually transmitted infections and HIV. Particular attention is needed to protect children in street situations from involvement in the drug trade.

## **F. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Article 28 on education**

**54.** Accessible, free, safe, relevant and quality education is crucial to preventing children from ending up in street situations and fulfilling the rights of children already in street situations. For many children, education represents the last connection point with wider societies. States should make adequate provision, including support to parents, caregivers and families, to ensure that children in street situations can stay in school and that their right to quality education is fully protected. A range of education options is necessary, including "second-chance education", catch-up classes, mobile schools, vocational training linked to market research and followed up with long-term support for income generation, and pathways into formal education, through partnerships with civil society. Teachers should be trained on child rights and children in street situations, and child-centred, participatory teaching methodologies.

### **Article 29 on the aims of education<sup>53</sup>**

**55.** The aims of education for children in street situations should comply with article 29 and include literacy, numeracy, digital literacy, life skills, child rights education, tolerance for diversity, and citizenship education. Such education is vitally important for the fulfilment of children's rights to

<sup>46</sup> Ibid., para. 8.

<sup>47</sup> See Committee on Economic, Social and Cultural Rights, general comment No. 7 (1997) on forced evictions, para. 10.

<sup>48</sup> See general comment No. 9, para. 76.

<sup>49</sup> General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health.

<sup>50</sup> See general comment No. 4, para. 34.

<sup>51</sup> See general comment No. 3, para. 30.

<sup>52</sup> Ibid., paras.20-21; general comments No.4, paras.11 and 26; and No. 15, particularly paras. 8, 11 and 28.

<sup>53</sup> General comment No. 1 (2001) on the aims of education.





protection, development and participation, including strengthening their autonomy and empowering them to better negotiate situations of risk, to prevent children from ending up in street situations and for those who are in street situations. States should take measures to provide good quality, free child rights education and life skills universally to all children, through the school curriculum and through non-formal and street education, to reach out-of-school children.

## Article 31 on rest, play and leisure

**56.** The Committee highlights the right to rest, play, leisure and participation in artistic and cultural activities. Children in street situations apply their own creativity to utilize the informal setting of the streets for play opportunities.<sup>54</sup> States should ensure they are not excluded in a discriminatory way from parks and playgrounds, for example, in relation to dress codes,<sup>55</sup> and adopt measures to assist them in developing their creativity and practising sport, including with mobile recreation and sports facilities.

## G. VIOLENCE AGAINST CHILDREN AND SPECIAL PROTECTION MEASURES

### Articles 19 and 39 on freedom from all forms of violence<sup>56</sup>

**57.** Violence in all its forms — emotional, physical or sexual — is a fundamental cause and a consequence of children ending up in street situations. Violence of all kinds permeates the lives of children in street situations on a vast scale and it is a primary concern highlighted by children themselves. Specific, immediate and urgent measures need to be taken to protect children in street situations. In conjunction with all the recommendations in general comment No. 13, such measures include: prohibiting all forms of violence, including corporal punishment; mechanisms for reaching out to vulnerable children in the process of disconnecting from family and community; mechanisms for reporting violence, discrimination and other forms of rights violations; and mechanisms for holding perpetrators of violence to account, whether State or non-State, individuals or groups. Special

mechanisms might have to be established to deal with individuals reported by these children as threats to their well-being, such as some members of the police and those involved in organized crime and drug trafficking.

### Articles 34-36 on sexual abuse, sexual exploitation, trafficking and other exploitation

**58.** Children in street situations are particularly vulnerable to sexual violence and exploitation, and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography is particularly relevant for them. Gender-sensitive responses should be made by professionals who are trained in understanding the specific circumstances of children in street situations. Children may have ended up in street situations through trafficking for sexual or labour exploitation, and/or may be vulnerable to such trafficking, as well as trafficking for body parts, and other forms of exploitation, once they are on the streets.

## Article 32 on child labour

**59.** The Committee urges States to implement the provisions of article 32 (2) of the Convention, and the International Labour Organization Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182), to protect children in street situations from economic exploitation and the worst forms of child labour. Action against child labour should comprise comprehensive measures, including the provision of support enabling children to transition into education and guaranteeing an adequate standard of living for them and their families. Such measures should be developed in collaboration with children in street situations and other key stakeholders to reflect children's best interests and to ensure they do not have any inadvertent negative impact on children's survival or development. The criminalization of begging or unlicensed trading can result in worse forms of survival behaviours, such as commercial sexual exploitation. Savings schemes to develop budgeting skills and safeguard earnings for children in street situations are beneficial.

## Articles 37 and 40 on juvenile justice

**60.** Children in street situations are more likely to be targeted, criminalized and end up in the juvenile or adult justice system and less likely to benefit from diversion, alternatives to detention or restorative practices as they are unable to afford bail and may have no responsible adults to vouch for them. Police misconduct, such as harassment (including stealing children's money and possessions, rounding them up or arbitrarily moving children on, often on the orders of their superiors and/or politicians), corruption, extortion (for money or sex) and physical, psychological or sexual violence are common rights violations that States should criminalize as a matter of urgency. The Committee is concerned about the application of “zero tolerance” policies criminalizing children in street situations and resulting in forced institutionalization. States should support community policing, with an emphasis on protection rather than punishment of children in street situations, and adopt a multicultural police service. States should guarantee all rights to all children, including those in street situations, in the context of a restorative rather than punitive juvenile justice system<sup>57</sup>.

## Article 38 on armed conflict

**61.** The Optional Protocol to the Convention on the involvement of children in armed conflict is relevant as children in street situations are vulnerable to recruitment into armed forces or armed groups. Conflicts may lead to children ending up in street situations through the disruption of social networks, family separation, displacement from communities or rejection of demobilized child combatants from communities. In relation to prevention, child rights education, including peace education, and anti-recruitment initiatives need to reach children in street situations. Interventions to minimize the impact of armed conflict need to mitigate proactively the separation of children from families, and family tracing programmes should be prioritized. Disarmament, demobilization and reintegration programmes for children should take into account the dynamics of street-connectedness as a cause and a consequence of children's involvement in armed conflict.

## VI. Dissemination and cooperation

### Dissemination

**62.** The Committee recommends that States widely disseminate the present general comment within government, legal and administrative structures, to children in street situations, parents and caregivers, professional organizations, communities, the private sector and civil society. All channels of dissemination, including print media, the Internet, and children's own communication means, such as storytelling and peer education, should be used. This will necessitate translating it into relevant languages, including sign languages, Braille and easy-to-understand formats for children with disabilities and limited literacy levels. It also requires making culturally appropriate and child-friendly versions and pictorial rather than text-based versions available, holding workshops and seminars, implementing age- and disability-specific support to discuss its implications and how best to implement it, and incorporating it into the training of all professionals working for and with children in street situations. States are also encouraged to include information on children in street situations in their reports to the Committee.

### International cooperation

**63.** The Committee calls upon States to strengthen international commitment, cooperation and mutual assistance in preventing children from ending up in street situations and protecting children already in street situations. This includes identifying and sharing rights-based practices that have been shown to be effective, research, policies, monitoring and capacity-building. Cooperation requires the involvement of States, United Nations bodies and agencies, regional organizations, civil society organizations (including child-led organizations and academics), children, the private sector and professional groups. The Committee encourages those actors to foster continuous, high-level policy dialogues and research in relation to quality, evidence-based interventions for prevention and response. This includes dialogues at the international, national, regional and local levels. Such cooperation may need to address the protection of children crossing borders as migrants, refugees and asylum seekers and as victims/survivors of cross-border trafficking.

<sup>54</sup> General comment No.17.

<sup>55</sup> Ibid., para.49.

<sup>56</sup> See general comments No.3, paras.19 and 36-37; No.4, paras.2 and 23; No.8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment; and No.13.

<sup>57</sup> See general comments No. 6, para. 61; and No. 10, paras. 6, 8-9 and 16.





# Annex

## Global consultations with children in street situations

### I. Introduction

The UN Committee on the Rights of the Child's General Comment No. 21 on Children in Street Situations was developed in a unique way – by speaking directly to the children involved. More than 1,000 current and former children in street situations were consulted in person on what their lives were like, what their needs were, what violations were being committed against them, and what their hopes and dreams were for the future. This is the greatest number of children ever to be consulted in person on the development of a UN General Comment.

By consulting with the children who would be most affected by this General comment, the Committee was in fact putting into practice one of the fundamental basis of the children rights convention; that children are active agents in their own lives, and their voices must be heard when decisions are taken in their name. The consultations were designed to take into account the diversity of experiences children in street situations face around the globe. All in all, consultations were conducted in 28 languages, and in 49 countries.

Children took part in national, regional and multi-country consultation events from February to April 2016. These consultations took place in Brazil, several countries in Africa, Central America, Europe and South Asia. The consultations were organized with member organizations and local NGOs, and supported by corporate partners. Each consultation was unique – designed to reflect local and national contexts. The children took part in games and workshops to share their stories of

life on the street. They discussed the questions set by the UN Committee and put forward their recommendations.

The consultation process was co-ordinated by the Consortium for Street Children (CSC), acting in the capacity of Coordinator of the Advisory Group to the UN Committee's Working Group on the General Comment.

Section II of this annex details the unique design of each consultation and the organisations involved. Section III lists the questions the children discussed during the consultations. Section IV summarizes young people's views and recommendations for the General Comment.

The Consortium for Street Children also produced children-friendly materials and a guide to consulting with children to assist NGOs operating in countries where a face to face consultation was impossible. Organizations around the world used these materials to consult with children they work with and to make submissions summarising their views. Submissions from NGOs, academics and other experts were also received by the CRC, and are available at: [www.ohchr.org/EN/HRBodies/CRC/Pages/ChildrenInStreetSituations.aspx](http://www.ohchr.org/EN/HRBodies/CRC/Pages/ChildrenInStreetSituations.aspx).

**Note:** Throughout the annex, “children” refers to the under 18s who participated in the consultation events. “Young adults” and “youth” refer to the over 18s (mostly aged 18-23) who participated. “Young people” refers to both children and young adults.



Brett Cole for CNI





## II. Setting the scene

### 1. Multi-country consultation – Rio de Janeiro, Brazil, 14-17 March 2016

This was a multi-country consultation event, involving 37 current and former children in street situations aged 11-22. Two workshops were held with young people in street situations from Rio de Janeiro, and two workshops were held with young people from around the world, the majority of whom were former street children. They had travelled from Argentina, Brazil, Burundi, India, Mozambique, Pakistan, the Philippines and the United Kingdom to take part in the Street Child Games and Street Child Congress, which were organized by Street Child United ahead of the 2016 Olympic and Paralympic Games in Rio de Janeiro. The CRC was represented by Wanderlino Nogueira Neto.

The consultation was jointly organized by Consortium for Street Children ([www.streetchildren.org](http://www.streetchildren.org)) and Street Child United ([www.streetchildunited.org](http://www.streetchildunited.org)), and sponsored by Baker McKenzie and Merck Sharp & Dohme Corporation. Additional support was provided by:

- Associação Beneficente São Martinho, Brazil
- Azad Foundation, Pakistan
- Fundacion La Casita, Argentina

Photos from consultation in Brazil



- Fairplay for All Foundation, Philippines
- Islington Independent Futures, UK
- Karunlaya Social Service Society, India
- Meninos de Moçambique, Mozambique
- New Generation, Burundi
- O Pequeno Nazareno, Brazil

### 2. Africa national consultations: - Accra, Ghana, 4-6 March 2016; - Bukavu, DRC, 23-25 February 2016; - Harare, Zimbabwe, 9-11 March 2016

The young people involved were participants of the Growing up on the Streets research project. Growing up on the Streets is a longitudinal, participatory research project that has worked with around 200 children in street situations over a period of three years as they transition from children or teenagers to young adults on the street. All of the participants involved were children in street situations, or if over the age of 18, were adolescents in street situations at the time of the consultations.



Photos from consultation in Mexico

The consultations were jointly organized by Consortium for Street Children ([www.streetchildren.org](http://www.streetchildren.org)) and Growing up on the Streets, supported by StreetInvest ([www.streetinvest.org](http://www.streetinvest.org)), in partnership with University of Dundee, and funded by Comic Relief.

### 3. Central America regional consultation - Mexico City, Mexico, 4-5 April 2016

Twenty-two former and street connected young people aged 7-21 from El Salvador, Mexico, Honduras and Guatemala were consulted, and a further 9 young people from Bolivia, Honduras, Dominican Republic and Mexico, who were unable to travel to the consultation, took part online.

The Chair of the UN Committee on the Rights of the Child's Working Group on the General Comment, Bernard Gastaud, and José Ángel Gutiérrez Rodríguez, a member of the Working Group, took part in the consultation.

The consultation was jointly organized by Consortium for Street Children ([www.streetchildren.org](http://www.streetchildren.org)) and the

Network for Children's Rights in Mexico (REDIM – [www.derechosinfancia.org.mx](http://www.derechosinfancia.org.mx)). It was sponsored by Baker McKenzie and partner Regeneron Pharmaceuticals, Inc. Further support was provided by:

- Acción Callejera, Santo Domingo, Dominican Republic
- Canica A.C., Oaxaca City, Mexico
- Casa Alianza Honduras, Tegucigalpa, Honduras
- CIDES I.A.P., Cuauhtémoc, Mexico
- CODENI A.C., Guadalajara, Mexico
- EDNICA I.A.P., Coyoacán, Mexico
- El Caracol A.C., Venustiano Carranza, Mexico
- Fundación Alalay, La Paz, Santa Cruz, Oruro and Cochabamba, Bolivia
- Fundación Mi Arca, Guatemala City, Guatemala
- IPODERAC A.C., Atlitico, Mexico
- JUCONI, Puebla, Mexico
- Programa Niños de la Calle I.A.P., Cuauhtémoc, Mexico
- Viva, Juntos por la Niñez, San Salvador, El Salvador
- Yolia I.A.P. Mexico, Tlalpan, Mexico







Photos from consultation in Europe

#### 4. Europe regional consultation - Brussels, Belgium, 18-19 April 2016

Twenty-seven children and young adults in street situations aged 13-20 from across Europe took part in the Europe regional consultation. Participants spoke 14 different languages, and came from: Albania, Austria, Belgium, Czech Republic, France, Greece, Italy, Norway, Poland, Romania, Spain, the United Kingdom, Slovakia and Switzerland. Chair of the UN Committee on the Rights of the Child's Working Group on the General Comment, Bernard Gastaud, took part in the consultation. The consultation was jointly organized by Consortium for Street Children ([www.streetchildren.org](http://www.streetchildren.org)) and Dynamo International ([www.travailderue.org](http://www.travailderue.org)), sponsored by Baker McKenzie and partner Salesforce, and hosted by Google. Further support was provided by:

- Apprentis d'Auteuil, France.
- ARSIS, Albania
- ARSIS Association for the Social Support of Youth, Greece
- ASBL Lutte contre l'exclusion sociale à Molenbeek, Belgium
- Asociación ENBAT, Spain
- Espace Prévention, Switzerland
- Fundatia PARADA, Romania
- GPAS Praga/OSOS Network, Poland
- IPčko, Slovakia
- Jugendstreetwork Graz/CARITAS, Austria
- LOSU, Norway
- Naděje, Czech Republic
- Opengroup, Italy
- Point Accueil Ecoute Jeune, France
- Programa Construyendo mi Futuro de Zamora, Spain
- Tiers societal, Switzerland
- YMCA North Tyneside, UK

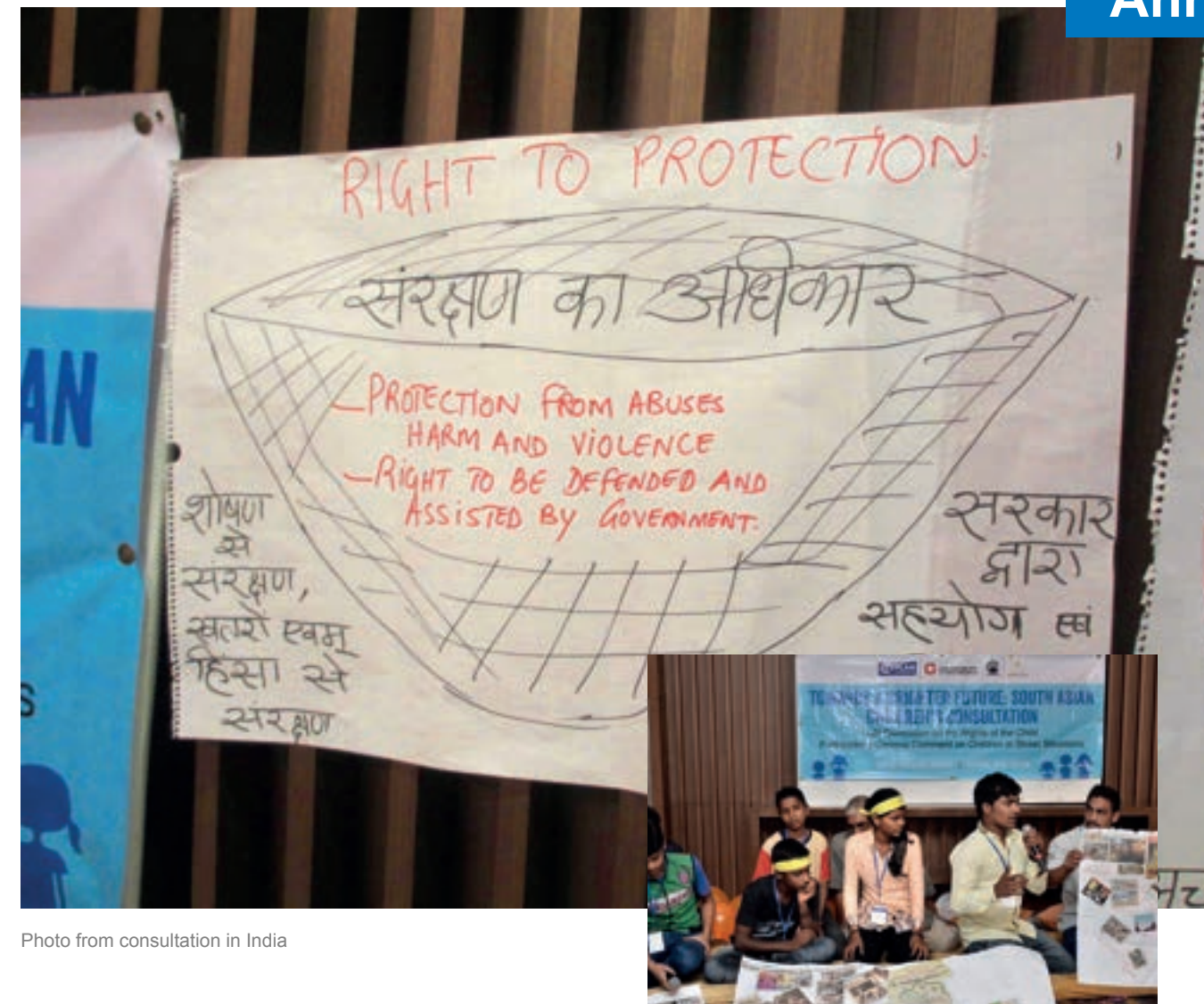


Photo from consultation in India

#### 5. South Asia regional consultation, New Delhi, India, 4-6 April 2016

The South Asia regional consultation was attended by 38 young people in street situations aged 10 - 22 from India and Nepal. A further 8 children from Bangladesh, who had been unable to travel to the consultation, took part online. Participants from India came from the states of Maharashtra, Delhi, Karnataka, Uttar Pradesh, West Bengal, and Andhra Pradesh, speaking a total of eight languages. Two members of the UN Committee on the Rights of the Child's Working Group on the General Comment, Gehad Madi and Yasmeen Shariff, took part in the consultation.

The consultation was jointly organized by Consortium for Street Children ([www.streetchildren.org](http://www.streetchildren.org)) and Plan India ([www.planindia.org](http://www.planindia.org)). It was sponsored by Baker McKenzie and partner Cargill International SA, and co-facilitated by The Concerned for Working Children ([www.concernedforworkingchildren.org](http://www.concernedforworkingchildren.org)) and Childhood

Enhancement through Training and Action (CHETNA – [www.chetnango.org](http://www.chetnango.org)). Further support was provided by:

- APSA, Bengaluru, India
- Badthe Kadam Street Children Federation (supported by CHETNA), Delhi, India
- Bal Prafulla, India
- CASP Plan, Delhi, India
- Child In Need Institute (CINI), Kolkata, India
- Child Workers In Nepal Concerned Centre (CWIN Nepal), Nepal
- Childhood Enhancement through Training and Action (CHETNA), Delhi, India
- LittleBigHelp, Kolkata, India
- Plan Bangladesh, Bangladesh
- The Concerned for Working Children (CWC), Karnataka, India
- Youth for Unity and Voluntary Action (YUVA), Mumbai, India







### III. Consultation questions

The UN Committee on the Rights of the Child released a set of questions it was soliciting answers to in order to create the General Comment. This is known as the official call for submissions. The Consortium for Street Children created a child-friendly version of these questions, which formed the basis of the consultations and discussions with children in street situations.

#### 1. Your right to choose your friends and to be on the streets with them (UN Convention on the Rights of the Child (CRC) article 15):

- Is this right respected or is it difficult for you to be on the streets with your friends? If it is difficult, why?
- What do you think would help to make sure your right to choose your friends and be with them on the streets is respected?
- Do you have examples of times when you think street children should and shouldn't be able to choose their friends and be on the streets with them?

#### 2. Your right to special care and help if you cannot live with your parents (CRC article 20):

- What can governments do to care for children who can't live with their parents so they don't have to go to live, work or spend lots of time on the streets?

#### 3. Your right to food, clothing, a safe place to live and to have your basic needs met (CRC article 27):

- What are the best things governments can do to help make sure street children and children who might go to live, work or spend lots of time on the streets have their basic needs met, including helping their families or other people supporting them?

#### 4. What plans governments should make to make sure street children's rights are respected and to stop children having to live, work or spend lots of time on the streets:

- What should governments do to make sure children don't have to live, work or spend lots of time on the streets? What should governments do to make sure street children's rights are respected?
- How can you tell when something governments or other organizations do is good for stopping children having to live, work or spend lots of time on the streets? How can you tell when something governments or other organizations do is good for street children?
- What are the most important things the Committee should tell governments to do make sure street children's rights are respected?

## IV. Views and recommendations from children and young adults in street situations for the General Comment

### 1. THE RIGHT TO FREEDOM OF ASSOCIATION AND ASSEMBLY – ARTICLE 15 CRC

Throughout the consultations, children and young adults in street situations told members of the Committee how they were unable to choose their friends and be on the streets with them in peace. They especially encountered sometimes violent opposition from the police. They called for, amongst other things, better training of police forces and improved dialogue between authority figures and young people.

During the **multi-country consultation in Brazil**, children wanted governments, and especially police, to stop harassing children in street situations simply for being present on the streets. They felt discriminated against because of the harassment they face, and one 17-year-old girl from Rio de Janeiro in Brazil told the CRC *"if governments could dispose of us, I think they would"*. It was also noted by participants that many children in street situations are forced to stay in government facilities after they are rounded up by the police, and they requested that governments stop forcing them to stay in such facilities where they view the facilities to be worse than the streets.

The young people in this consultation recommended that police be trained on children in street situations' rights, the realities of their lives and how to engage with them. The young people felt it important that the government understands the complex realities

of association (friendships, groups and gangs) for children in street situations, and not to see all groups of street children as negative. For some, these other children are their family and they should not be separated or dispersed.

During the **Africa national consultations**, similar issues were raised. For instance, participants noted that police and security forces should not discriminate against children and young adults in street situations, by arbitrary arrests and removal from the streets when no crime had been committed. They added that police and security forces use violence against children and young adults in street situations. For instance, a street-connected young person in Harare, Zimbabwe, noted: *"They want to help us but they beat us at the same time"*. Violence from police, security forces and city authorities was reported as one of the major violations suffered on a daily basis by children in street situations in the African countries consulted. Facilitators noted that children and young adults are discriminated against for simply being present on the street, physically beaten on the street and forcibly removed from the street.

Like the participants in Brazil, the participants in the African national consultations urged governments to understand and recognise the realities of children in street situations, especially being able to be present in and work on the street in order to survive and build a better life without harassment and physical violence.

*"If governments could dispose of us, I think they would"*

*17-year-old girl, Rio de Janeiro, Brazil*

*"They want to help us but they beat us at the same time"*

*Street-connected young person in Harare, Zimbabwe*



Similar problems and recommendations were raised by young people during the **Central America regional consultation**. Participants noted that governments should develop mechanisms to report police officers who arrest children in street situations without valid reason, or when police assault children during arrest. They recommended, like children in other consultations, that police should be trained to respect children's rights and prevent abuse. One 7-10-year-old participant noted: *"Police officers chase and beat us while we work cleaning windshields"*. They also noted that police should have an obligation to take them seriously and investigate when they report crimes such as drug dealing. One 11-13-year-old noted: *"People treat us like we're worth nothing; they think we're not old enough to have an opinion"*.

Another issue raised by participants in the Central America regional consultation was the role of the media, and their presence in the media. Both in the age group of 14-17-year-olds and 18-21-year-olds, participants in Central America noted that the media should publish more articles on the situation of persons living on the streets. One 18-21-year-old noted: *"Street persons are never featured on the media"*. The group of 14-17-year-olds also noted that they would like to have a peaceful protest march organised so that they can make themselves known.

Some participants noted that they feel invisible: *"We are not a priority to society; we are invisible"* (14-17-year-old in Central America). They recommended that the government should develop programs to spread information on the situation in the streets, with participation of important people to suggest solutions.

*"People treat us like we're worth nothing; they think we're not old enough to have an opinion"*

11-13-year-old, Central America

*"We are not a priority to society; we are invisible"*

14-17-year-old, Central America

Young people in the **Europe regional consultation** also noted that governments should establish spaces between children and young adults in street situations and authorities. They noted that social workers could facilitate such dialogue. They also emphasised that during a state of emergency such dialogue should continue, and protests should not be banned.

The young people in Europe, like the ones in Central America, noted that the media plays an important role, but in its current reporting contributes to stigmatisation of children in street situations. One 21-year-old male young adult from the UK noted: *"Politicians and the media have stigmatised street children for years, creating a campaign of terror, which has created an atmosphere of fear towards young people"*. The young people, therefore, recommended that governments should implement awareness campaigns through policy and media channels to promote non-stigmatisation of children and young adults in street situations.

European young people also noted harassment by police as one of the challenges to the right to freedom of association and assembly, similar to feedback expressed in other regional consultations. For instance, a 21-year-old female participant from Slovakia stated: *"In Slovakia, the police wait outside popular restaurants which give free meals to people who live on the street, or poor people, just so they can arrest them when they leave"*. The participants recommended, among others, to restore the role of the police to protect rather than repress the public, to establish police training to defend children's rights, and to create local police forces with a close relationship to the public in their geographical area of work. As seen in the other consultations, the European participants also recommended that

mechanisms are put in place to monitor misbehaviour of police officers, particularly regarding instances of violence, racism and discrimination.

With regard to arrests and police custody, European young people recommended governments to make sure that children may call an appropriate person during their arrest, without discrimination, and that a lawyer is provided regardless the age and social status of the accused person. They further recommended government to make social and psychological assistance available to children while in custody for offences that attract a prison sentence.

For children in street situations to enjoy their right to freedom of association and assembly, the young people in Europe also urged governments to change cities as a whole in order to make cities and their streets accessible and pleasant, and encourage a multicultural environment without social segregation. They further recommended governments to open community centres that are available for everyone, where all young people can meet without discrimination, and express their creativity and/or exercise sports.

Finally, the European participants noted that in institutions such as care homes, young people should be free to make and keep their own friends. They

*"In Slovakia, the police wait outside popular restaurants which give free meals to people who live on the street, or poor people, just so they can arrest them when they leave"*

21-years-old female participant from Slovakia

*"Our friends are our lifeline, we live and eat together as a family and look after each other"*

16-year-old boy, Delhi, India

further recommended that in such institutions there should be open dialogue between authority figures and young people, and rules should be made jointly.

Young people in the **South Asia regional consultation** called friends their life support systems. For instance, one 13-year-old boy from Delhi, India, explained: *"If we are in any trouble, we have noticed that if we tell our parents, or elders, or even raise an alarm, we are not helped. It is our friends who come to our rescue. This is why we work as a team and guard one another."* Similarly, a 16-year-old boy from Delhi, India, noted: *"Our friends are our lifeline, we live and eat together as a family and look after each other"*. Young persons in the South Asia regional consultation therefore urged governments to understand the essence of their friendships and show empathy. One participant said: *"The societies, government and families don't understand how friends can replace families in our lives, but they do. These people will have to learn to empathise with this truth and help us. Only this will make our lives and those of our friends bearable."*

Participants in the South Asia regional consultation further recommended that governments should encourage children to form associations and transform themselves into leaders and role models. Facilitators noted that young people would like to see a change in societal attitudes to accept children in street situations as citizens, allowing them to access formal and informal street spaces. Participants further recommended governments to address violence against children, including by peers, and to look into the lack of choices, opportunities and safe spaces for girls.





## 2. RIGHT TO SPECIAL PROTECTION AND ASSISTANCE FOR CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT – ARTICLE 20 CRC

While putting children into shelters might seem like an appropriate government response, the children consulted presented a very different view. Across all regions, children and young adults in street situations told of the very different and sometimes low standards of the shelters, and of the abuse that some were exposed to there. They urged governments to improve these shelters, but perhaps most importantly, to include them in decisions about where they will live.

The young people in the **multi-country consultation in Brazil** noted that government shelters or institutions can be unsafe. One 19-year-old young woman from the Philippines voiced the views of many when she said *“It is better to live in the streets than some government institutions”*. Many young people urged governments to make sure there are sufficient shelters available throughout the country, and that they are of adequate standard – in particular to end violations of children’s rights in government shelters. One boy from Rio de Janeiro, Brazil, noted: *“[At the shelter] we always have to walk with our heads down, if we walk with our heads up, they hit our heads”*. The young people further urged governments to ensure that: (1) the shelters are free from violence; (2) facilities should have heating in winter where needed, clean and dry rooms, and toilets; (3) the staff are well trained; (4) children are provided with nutritious food and clean drinking water; (5) children have their privacy respected; (6) children are able to access education, training and health care; and (7) children have time and space for recreation and are free to leave the shelter if they choose. The participants suggested that governments should collaborate with civil society to realise this.

*“I refused to live like cattle, so I ran away from the children’s home”*

*Street-connected person in Harare, Zimbabwe*

The participants in Brazil emphasised that children and young adults in street situations should not be forced to return to their families against their will. They urged governments to provide a range of rights-respecting care options for children in street situations, to “help not just hold” them. They further recommended that children in street situations for whom adoption is the best option should be able to easily access this.

The young people in the **Africa national consultations** noted that children’s homes do not provide adequate care for children and young adults in street situations, and moreover, many do not want to go there. They urged governments not to remove children from the street and place them in a children’s home without first understanding the child’s needs or checking that the home is safe. One young person in Harare narrated: *“I refused to live like cattle, so I ran away from the children’s home”*.

During the **Central America regional consultation**, participants emphasised that children in street situations should not be separated from their families just because their families were judged to be unacceptable, as they live in the streets. One 7-10-year-old participant explained: *“Sometimes they experience even more suffering in shelters than on the streets, because they’re not with their families. Parents are sometimes lied to and their children are taken to shelters.”* Among the young adults, it was noted that judges and authorities responsible for separating parents from their children should analyse each case individually. Many children want to stay with their parents, even if it means living with them on the street. They further noted that families should have access to therapy, especially in cases where parents are struggling with addictions. This will allow them to rehabilitate and take care of their children.

The young people in the Central America regional consultation urged governments to make sure that people who mistreat children in shelters are fired. They added that shelters where children are mistreated should be closed, and shelters where children are treated well should be improved. Similar to other consultations, the young people suggested that persons in charge of shelters should receive training so that they can learn how to deal with problems without resorting to violence. They said children should be treated with respect, because if children receive love, that is the way they will be when they grow up.

Participants in the **Europe regional consultation** emphasised the need for improved coordination between professionals in regular contact with children and professionals in charge of child welfare. To protect and assist children at risk, information should be shared between professionals (e.g. schools, doctors and police). To ensure inclusion and protection of migrant children, such coordination should be realised beyond borders.

The young people wanted governments to recognise that detaining children and young adults because their street activities are criminalised does not constitute adequate care. They recommended that the police should rather play a prevention and protection role and be in close contact with child welfare services.

The young people strongly urged that all responses from authorities should be tailored to children’s individual needs, and that professionals should be trained to identify not only the children’s and young adults’ needs, but also those of their families in order to provide a quality response. In order to include their needs and put the wellbeing of children at the centre, children recommended that they should be involved when plans are being developed.

As in the other consultations, the young people in the Europe regional consultation urged governments to make sure that homes and institutions give children the same standard of living that parents are required to give to their children, allowing for children’s physical, mental, spiritual, moral and social development. This is not always the case. For instance, one participant narrated: *“In the home there were animals and disease, compared to that, the street was clean!”* The participants noted that children’s homes should have friendly staff and more access to sports, cultural activities and hobbies.

The young people in street situations also highlighted that once children are reaching adulthood, protection and assistance should not abruptly stop. One participant said: *“When I arrived in France at 15, I was taken into care by children’s social workers and placed in a host family. Then, I was placed in a children’s home until I was classed as an adult. When I was 18 years old, I had to leave the home but had not yet received my residency papers so I found myself on the street.”* The participants urged governments to support children’s transition into adulthood by proposing programmes aimed at taking



the person through the processes of employment, legal and administrative issues.

Participants in the **South Asia regional consultation** urged governments to ensure children who do not have parental support or access to caring homes (as a result of circumstances or choice), should be provided with the best options for living and surviving (especially if reintegration with families was not an option), including formal and informal education. They requested that shelters run by NGOs are child-accessible and safe, and where staff apply child rights principles and give them a voice, which is not always the case. One child said: *“We are never asked what we would like to eat daily or what colour the wall of our habitations should be”*. The young people consulted generally made a bid for social inclusion and forums to voice their concerns to prevent and end all manner of violence against them. Finally, they noted that if children choose not to live in the shelters, they requested that child-sensitive services such as health, education or social support services should be available on the street.





### 3. THE RIGHT TO AN ADEQUATE STANDARD OF LIVING – ARTICLE 27 CRC

The consultations highlighted the need for governments to ensure children in street situations have access to basic needs for survival and development, such as shelter, food, education and health care, but also to ensure that the environments in which they live are of adequate standards (clean streets, availability of parks and playgrounds, etc).

In the **multi-country consultation in Brazil**, the focus was primarily on governments providing social security, financial assistance and affordable services, to ensure that children in street situations and their families can access: (1) affordable housing – including, if required, through subsidies or government assistance with rent (to reduce the need for children and families to live in the streets); (2) free medical care both in emergencies and day-to-day treatment; (3) access to rights-respecting and adequately paid employment for parents and carers; and (4) healthy and nutritious food, including through supporting and collaborating with civil society organisations working with children in street situations. Children in street situations also pointed out that while governments should support and collaborate with civil society organisations, this should not diminish in any way the government's role as main duty-bearer for the fulfilment of children's rights. The young people also urged governments to monitor and regulate private companies' dealings with children in street situations.

In addition to the provision of basic needs for survival and development, young people in street situations in Brazil also talked about the environment in which they live. For instance, a 14-year-old boy from Rio de Janeiro, Brazil, said: *“The worst thing about the streets is the rats and the dirt... The only good thing about the street is the unity”*.

The **Africa national consultations** each illustrated the daily challenges children and young adults in street situations face in obtaining the basic necessities to live – namely, food, water, clothing and shelter, as well as in accessing services that enable them to be healthy and develop – namely, medical treatment and education or skills training. One young person in Harare noted, for instance: *“When you get ill on the streets there is not much help except from your friends”*. Young people in street situations urged governments to ensure that

*“The worst thing about the streets is the rats and the dirt... The only good thing about the street is the unity”*

*14-year-old boy in Rio de Janeiro, Brazil*

access to health care should be free for children and young adults in street situations.

Some young people in street situations in the Africa national consultations also noted that government actions sometimes worsen their situations. In one example in Accra, Ghana, the government's demolitions of informal settlements forcibly pushed children and families to sleep on the streets. In addition to forced evictions without alternative housing being made available being a human rights violation, these violent actions have an additional impact on children and youth in street situations - they prevent street children and young adults from being able to survive, hindering their access to food and shelter. In a similar vein, young people in street situations want police to stop preventing children and young adults in street situations from eating, sleeping and working on the streets, as this is their primary means of survival.

Young people in street situations in the **Central America regional consultation** spoke of both the need for access to basic necessities as well as having a decent environment to live and work in. For instance, they think that governments should keep the street environment clean by installing more trash cans and paying street cleaning crews more. Governments should also make sure that cars do not pollute and garbage is not burned. They also urged governments to build or fix up playground in parks and abandoned places, and to build more training and leisure centres rather than orphanages.

In order to improve access to basic necessities such as food and clothing, children in street situations suggested that there should be more open soup kitchens and other places where food and clothing is distributed for free.

One 7-10-year-old noted: *“The government won't do anything; they promised they would give away blankets and provide shelter for street children, and all I see are more and more people on the streets every day”*. A 14-17-year-old noted: *“You don't eat well and are malnourished”*.

Many youth also noted the need to make health care more accessible, for instance, by having mobile medical units, more hospitals and making drugs more available. One 7-10-year-old said: *“There are street children who die, while others survive, because they don't have the money to pay for a hospital”*. In addition to improving the accessibility of health care, young people in the Central America regional consultation also noted that the quality of care and service in hospitals should be improved. Participants further noted the need for psychological counselling through a mental health care centre for people living on the streets.

In order to afford basic necessities in life, many of the young people in the Central America regional consultation also emphasised the need to earn an income through decent part-time jobs with

appropriate work schedules. In this light, it was noted that governments should implement a mechanism to report workplaces with excessive working hours. Participants also requested governments not to ban children in street situations from selling products on the streets. For children in street situations who are connected to their families, they said it would be helpful to have workplaces with day-care centres, so that children do not have to be on the streets when their parents or caregivers are at work.

The participants in the **Europe regional consultation** focused on access to social benefits, social services and education. They emphasised that social benefits and services should be based on the real needs of youth and children in street situations. In this light, young people urged governments to ensure that children and young adults in street situations receive a family allowance, and to base their decisions on social benefits on the amount needed for an adequate standard of living, rather than simply on whether a family has a salary. They also recommended that children's descriptions of what their lives are like should be listened to in the provision of social services.



Credit: Marcus Lyons





*“If you want to go to a food bank, you have to get documents from your local council that prove your situation. These documents are difficult to get hold of, so your rights aren’t respected”*

*19-year-old male from the UK*

In accessing social benefits and services, the young people expressed facing enormous administrative challenges, which can block children and young people in street situations from even accessing charity. For instance, a 19-year-old male from the UK explained: *“If you want to go to a food bank, you have to get documents from your local council that prove your situation. These documents are difficult to get hold of, so your rights aren’t respected.”* The young people in street situations therefore recommended governments to make administrative procedures and application processes for social assistance quick and simple. To assist them in navigating the administrative processes, they suggested that governments should offer lessons on using social aid systems in school and ensure that social workers are available to support young people with administrative procedures. They also said clearly that there should be no charge to obtain an identity paper.

Some young people in street situations noted that inaccessibility of social benefits and services may increase criminality. One participant stated: *“If we’re talking about basic needs as fundamental as the need to eat, and you can’t get welfare... then you have to find a plan B, to get by on your own, even if you risk breaking the law.”* Another young person noted: *“The street is a game: do something bad for some money. If someone steals, it’s so they can eat.”*

The final aspect highlighted by the participants in the Europe regional consultation was education. The young people urged governments to provide free education for all up to the age of 18, regardless of

academic achievements. To ensure children’s access to school, they recommended that children be provided with financial support for transport, accommodation, supplies and textbooks, even if children are in difficult family situations, as this may lead to absenteeism. In addition to improving the accessibility, they also noted a need to improve the quality of education. Outside the formal education system, the young people noted the need for governments to train schools and teachers to deliver informal education, which will allow for a common language and understanding with children and young adults in street situations.

Young people who participated in the **South Asia regional consultation** primarily emphasised wanting a clean and safe environment to live where their basic needs for survival are met. They discussed all the issues involved to successfully transition out of poverty and homelessness. The children asked for child-focused and safe shelters that address their physical, emotional and sexual safety issues, fulfil their needs of food, nutrition, education and basic services (drinking water, toilets, electricity, healthcare and playgrounds for recreation), and have well-trained staff who deal with the children sensitively and give them a say in how the shelter operates. One 20-year-old female participant from Udipi, India, explained: *“We are not asking for building or air conditioned homes, just a safe shelter with water and sanitation that we sadly lack. We have to walk for miles to fetch water and are forced to use the main roads to defecate. As migrants, we are isolated and looked upon as outsiders in our own state. We know that homes bring people back into society and integrate people as a community by nurturing social bonds. We need this urgently from the government.”*

In addition to improving shelters, young people in street situations noted that they want ‘liveable’ conditions on the streets, as it continues to be home to many children and young adults. They added that children and young adults on the street should have clean surroundings in order for them not to fall prey to infectious diseases with life-long consequences. Finally, the young people in the consultation noted that many children eat out of dustbins and ingest substances to kill hunger, which led to their recommendation to governments to ensure that all children in street situations have nutritious food on a daily basis.

#### 4. THE NATIONAL PLANS GOVERNMENTS SHOULD MAKE TO PREVENT CHILDREN FROM HAVING TO BE ON THE STREET AND SUPPORT CHILDREN IN STREET SITUATIONS

Young people in street situations across all the different consultations made similar recommendations to governments that their national plans should be rights-based, holistic, and have well thought out long-term strategies to prevent children from having to be on the street, and support children who are already in street situations.

As well as these common threads, the recommendations the young people made also identify points for governments in each region to take into account, due to the specific context of each location.

Young people in the **multi-country consultation in Brazil** recommended that governments should:

- Create laws and policies which specifically address the needs of children in street situations. For instance, one boy from Burundi noted: “Every government should have a special law for street children... give them a chance to use their gifts and talents to achieve their dreams”.
- Create a body within government which is responsible for listening to children in street situations and ensuring their active, rights-respecting participation in the design of policies and programmes concerning them. The premise is that all work with and for children in street situations is based on the idea that they are active agents in their own lives: “give them the opportunity to change their story”.

*“Every government should have a special law for street children... give them a chance to use their gifts and talents to achieve their dreams”*  
*Young boy, Burundi*

- Undertake public education and awareness-raising activities to improve awareness and understanding of the issues facing children in street situations and children’s rights in general among the general public, including through the school system and the media.
- Create a budget earmarked specifically to fulfil the rights of children in street situations; ensure that this budget is used entirely for its intended purpose and is not lost through corruption.
- Provide universal quality education (and where relevant vocational training), with a range of engaging activities led by high quality staff, which is accessible to all children including children in street situations. To enhance access to education, provide children in street situations with financial assistance with the costs of public transportation, school uniforms and school supplies.
- Provide protection for children while they are on the streets (and improve the street environment through parks and playgrounds), rather than forcibly removing them. “It’s not about getting them off the streets and into shelters, it’s about giving them a status”, as a 15-year-old male from Brazil noted. For this purpose, governments should also increase the number of well trained social workers working with children in street situations on the street.
- Ensure protection for children in street situation’s rights at work, including ensuring that they are paid adequately and fairly and not exposed to dangerous conditions. Government should also support young people to create their own associations for work and mutual support.
- Reduce inequality across society, as it is one of the main underlying causes of children developing strong street-connections.
- Understand the complex realities of drug and alcohol use for children in street situations and take these realities into account in work to fulfil their rights.
- Prevent violence in the family home and support parents to care for their children.





- Consider the needs of street-connected young people who are over 18 but still in need of support.

The main recommendation that arose in all three cities part of the **Africa national consultations** was clear and unanimous: Government should provide, free of charge, the identity documents and licences that allow children and young adults in street situations access to services and enable them to work without adverse interference from the authorities.

Children in street situations further recommended that governments should:

- Stop police and other authorities from harassing children and young adults who work and/or live in the streets, to allow them to have the freedom to move in the city and work there without forcible removal. A youth from Bukavu, Democratic Republic of Congo, noted: *"If I worked and earned some money and wanted to go to the market... the police prevent me to enter the market. They stop me and snatch my money and let me go my way. When they do that, they also steal as I do."* In a similar vein, a young person from Accra, Ghana, said: *"It is my right to continue to live where I am now; no police or anyone must worry me or [remove] me from the place"*.
- Ensure access to education: *"Education is the key of life; if you do not have education, you are just like nothing"*.
- Provide skills training relevant to the local labour market and economy and create more jobs for children and young adults in street situations.
- Ensure cheaper rental accommodation available for children and young adults in street situations.

Children in street situations in the **Central America regional consultation** recommended that governments should:

- Provide children in street situations with adequate, safe housing so that they do not have to sleep in the street.
- Enhance access to work and educational opportunities for parents, and especially (single) mothers. According to a 14-17-year-old, "there are no good jobs for mothers".
- Improve schools both in rural and urban areas, and

provide vocational training and academic support, including trade workshops.

- Strengthen health care services and health education, particularly with a focus on drug abuse prevention and rehabilitation, sexual and family planning education, and mental health.
- Treat children in street situations and the poor like everybody else. Crime and discrimination against the poor should not exist. Instead, poor people should get help. "Wealth is concentrated in the hands of a few. Wealth should be equal and should not end up in the hands of the Government", as recommended by an 18-21-year-old.
- Allow children and young adults to sell on the streets, because without those jobs they would not be able to eat. As such, people selling candy on the street, for instance, should not get their candy confiscated.
- Strengthen the bond and connections between children in street situations and their families, and support parents in their caregiving roles.

Young people in street situations who participated in the Europe regional consultation recommended that governments should:

- Address stigmatization and discrimination by ensuring the media does not stigmatize poor young people, but instead opens up opportunities for the future, and protecting girls on the streets as they are often victims of violence.
- Establish, at the same level as the UN Committee on the Rights of the Child, a permanent advisory body of children and young adults which would be consulted by the Committee on all matters concerning children's rights.
- Support families with tailor-made solutions, including through financial, social and psychological help for children and parents based on their needs, and universal benefits or a basic income for everyone.
- Strengthen access to justice for children in street situations, by providing lawyers for all children in contact with the justice system and accelerating judicial processes to make sure children are not left in precarious situations waiting for judgements.
- Promote health and reduce health risks like drug

use, including through prevention work by street social workers.

- Promote awareness-raising programmes and education around credit and loans for parents and guardians in financial difficulty, and ban stores from offering consumer credit without knowledge of the customer's financial situation.
- Provide special protection for refugees and immigrants and other vulnerable populations (e.g. Roma population), and end discrimination against persons who have recently obtained citizenship or are in the process of obtaining it.

During the **South Asia regional consultation**, young people's foremost demands from the government included a life free of humiliation, one with dignity; focus on programmes and policies that address reasons for their being on the street (poverty, agrarian reforms, urban-rural divide, homelessness and domestic violence); and rights to food, clothing and safe shelter (with its entitlements of nutrition, safe drinking water, toilets, hygienic surroundings and cleanliness, healthcare, electricity, playgrounds for recreation and a say in its running).

They recommended that governments should:

- Provide protection to children in street situations, in particular from neglect, exploitation and abuse, by highlighting the risks faced by children living on the streets.
- Ensure that children in street situations can be part of full-term, informal schooling systems that equips them with vocational skills, taps into their core strengths and eases their entry into formal schools.
- Ensure access to citizenship through valid identity papers and registration documents.
- Inclusion and involvement of children in street situations in policy- and decision-making.
- Work towards shifting societal attitudes that discriminate against children in street situations, render them invisible and view punishment as a valid approach to dealing with them.
- End all forms of violence against them:
  - within homes by parents: through sensitization drives to deter them from using physical violence in raising children;



- in schools: by prohibiting corporal punishment and preventing peer violence;
- by police and law enforcement officials: through restorative approaches that treat them as children in need of help rather than punishment; and
- sexual violence by peers: by ensuring stringent punishment; and violence against girls: by ending child marriage, child trafficking, discrimination against girls in determining their life choices and sexual violence.
- Develop parent rehabilitation programmes that focus on building shared bonds between parent and child, and improving parent education and social skills in order to co-opt them into problem-solving.
- Develop prevention programmes to recover from drug use and petty crime (to transition into adulthood with an intact sense of self, but without the stigma associated with these activities).
- Establish initiatives that protect children in street situations from child labour (e.g. rag picking and begging).







## Conclusion

General Comment No.21 was created to give States guidance on how to ensure they meet their obligations to children in street situations.

The CRC used the very principle that is a basis for children's rights everywhere - that children must have their voices and views heard on issues that impact their daily lives. By meeting children and young adults in street situations face to face, where they live, members of the CRC were able to craft a General Comment that genuinely reflected the needs of the people governments need to protect.

The resulting General Comment advises States on how to implement their obligations under the Child Rights Convention to transform the lives of children in street situations around the world.

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