

**Homeless street-connected children and human rights**

**Response to the Special Rapporteur on the right to adequate housing’s questionnaire, October 2015**

*Consortium for Street Children is grateful for the opportunity to contribute to the Special Rapporteur’s forthcoming report on homelessness and the right to adequate housing. We have provided a response to the questionnaire below. We would be pleased to provide more information on any aspect of our responses and look forward to participating in the consultation on the issue in Buenos Aires in November.*

**1. Please explain how your organisation or institution defines homelessness in various contexts, for example, when measuring the extent of homelessness or conducting research about it, or preparing proposals and advocacy projects. Please explain why the definition was chosen.**

Consortium for Street Children (CSC) advocates use of the term “street-connected children” to describe children who depend on the streets for their survival and development.

Nearly all children (and adults) have some connections to the street – for example, for play, socialization, leisure and consumption. For most children, these street connections are not problematic, as they have stronger connections with their families, schools and communities. A problem emerges when children are forced to depend on their street connections to survive. CSC understands street-connected children to be those for whom the street forms a central reference point in their lives. Some children live on the street, others work there and others spend much of their time there. Some children do all three. All street-connected children are marginalized and experience constant and multiple violations of their rights.

CSC uses the concept “street-connected” as, building on other terms which have been used to describe this group of children, it is best suited to position these children as individuals and rights holders. Terminology has developed from “street children” (developed in the 1990s, still commonly used, and of some use for public engagement, but now widely recognized as a label with negative connotations) to “children living and/or working on the street” (which describes some but not all children’s situations) to “children in street situations” (which usefully moves attention from the child to the situation in which they find themselves).

The idea of street connections is broader than, and builds, on “street situations”. “Street-connected children” covers a wider set of children than “children in street situations” as it includes children who are not in a street situation at a given moment in time, such as those in a shelter, but who still have street connections. It places focus on children’s agency, drawing attention to choices children make in developing relationships on the street and recognising that street connections can become vital to children’s everyday survival, coping strategies and identity development. In recognising children as active agents in their own lives, it promotes recognition of the fact that interventions for these children must take account of their street-connections, encouraging recognition of them as individuals and promoting a rights-based approach to them. In emphasising everyone’s connections with the street, the term “street connected” highlights the right of all children to be in public spaces, promoting a view of children as citizens which runs counter to traditional views of them as belonging to the private sphere, “possessions” of their families and therefore “out of place” in the streets. The term “street-connected” is part of an emancipatory approach to these children and their rights.

Homeless street children are a category within the broader category of street-connected children. Street-connected children may move in and out of homelessness – for example, they may spend time in a shelter, during which they are not street living, but retain their street connections. Street connections debilitate other children’s connections to their families, communities and schools, meaning that all children with street connections are at risk of becoming street living even if they do not currently live on the streets. For this reason, CSC’s response to this questionnaire focusses on street-connected children generally as well as street-living children specifically.

**2. What population groups are most affected by homelessness in your country/ in your organization’s area of work? Please provide any information you have about the extent or experiences of homelessness among particular groups such as children and youth, women, indigenous peoples, persons with disabilities, and others. If relevant studies exist please indicate or share a link, a reference or a copy.**

No reliable estimates of numbers of street children worldwide exist. An estimate that there are 100 million street children in the world is often quoted. However, this figure, initially dating from a UNICEF report in 1989, has no basis in research, and has been quoted for more than 25 years during which the global population has grown and the number of street children has been said to be rising.[[1]](#footnote-1) Statements that this very large number of street children exist are problematic because:

* Use of a figure which is likely to be incorrect does not assist in planning suitable interventions for street children
* The huge number creates a sense of inability to address the problem
* “The numbers game” has provoked violent and repressive responses to street children, as governments seek to tackle the perceived scale of the issue by forcibly removing children from the streets
* Large and frightening estimates are likely to push decision-makers towards support for programmes which set out to reduce large numbers of street children and away from individualised rights-based approaches which cater to the differing needs of these children

Numbers of street children should not in themselves be a major focus for international concern – rather, concern should be about the persistence of appalling conditions that force any number of children to choose to move onto urban streets. However, determining numbers of street children is useful for designing policies and programmes to meet their needs. As yet, there is no agreement across the sector on how to count street children, and definitional inconsistency as outlined above makes counting challenging. However, several methods have been developed. In 2014, CSC’s annual Research Conference focussed on counting street children. The Briefing Paper produced following the conference describes these methods, highlighting that observational headcounts are the method most favoured by CSC members.[[2]](#footnote-2) In a headcount, the counters visit a pre-determined location and count the number of street children they see.

In recognition of the importance of accurate information about street children in working to fulfil their rights, the UN Committee on the Rights of the Child has recommended to many states in relation to street children that they develop a data collection system. The 2011 report of the Office of the High Commissioner for Human Rights on [“Protection and promotion of the rights of children working and/or living on the street”](http://www.streetchildrenresources.org/resources/protection-and-promotion-of-the-rights-of-children-working-andor-living-on-the-streets/) (hereinafter “the OHCHR report”), the most significant UN report on street-connected children to date, similarly recommends that states “invest in national data collection and information sharing about children with street connections, in partnership with civil society, the private sector and academia”.[[3]](#footnote-3)

The large scale national level data collection which will be required to monitor the Sustainable Development Goals provides a golden opportunity to collect information on street-connected children. In October 2015, CSC joined with more than 30 other NGOs in a letter calling on the UN Statistical Commission and Inter-Agency Expert Group on SDG Indicators to:

* ensure that children living outside of households and/or without parental care are represented in disaggregated data, and
* improve and expand data collection methodologies to ensure all children are represented.

The letter highlights that children living outside of households and/or without parental care are not covered in current mainstream data collection processes which rely on household-based surveys.[[4]](#footnote-4) This leaves street living children invisible and perpetuates the current lack of knowledge about their numbers and experiences. We hope that the Special Rapporteur may be able to support the calls of the letter.

**3. In your organization’s view, what are the primary systemic and structural causes of homelessness? How is your organization addressing these and how should these be addressed by Governments?**

Inequality between and within societies is a key driver of many of the factors which lead children to develop street connections. For example, the Human Rights Council’s 2011 [resolution](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/92/PDF/G1112692.pdf?OpenElement) on the rights of the child, which focussed on a holistic approach to the protection and promotion of the rights of children working and/or living on the street, notes that the diverse causes of the emergence and marginalization of children working and/or living on the street include “poverty; migration, including rural-to-urban migration; trafficking; violence; abuse and neglect at home or in care institutions; broken families; lack of access to basic services, including free education; HIV/AIDS and child relinquishment; substance abuse; and mental health issues, intolerance, discrimination, armed conflict and displacement, and that such causes are often aggravated and their solution made more difficult by serious socio-economic and other difficulties”.[[5]](#footnote-5) The vast majority of these causes are driven and exacerbated by inequality.

**4. Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels and describe any initiatives being taken or proposed to address this problem.**

The greatest challenge for all street-connected children is being identified and treated as a rights-holder. This challenge arises from the constant stigmatization and discrimination they face from society. Street-connectedness, and especially living on the street, impacts on every aspect of children’s lives. Most or all of the rights in the Convention on the Rights of the Child (CRC) are violated for street-connected children on a daily basis. They experience constant violence; are unable to access education, healthcare and other services, and sometimes even die as a result of their street connections. These appalling violations of children’s rights are made possible by the stigmatization of and discrimination against street children: society tolerates the mistreatment of this group of children because public perceptions dehumanize them, allowing violations of their rights to be ignored and dismissed.

Stigma and discrimination against street children at local and national levels is perpetuated by the invisibility of street children in national and international policy agendas. For example, CSC’s analysis of reports by the Special Rapporteur on adequate housing since the beginning of the mandate found that, despite the relevance of the issue, street children have not been explicitly mentioned since 2005. We hope the Special Rapporteur will explicitly cover street-connected children in her forthcoming report, highlighting the particular challenges they face.

In many countries, street-connected children’s rights to non-discrimination and freedom of association are directly violated through police “round-ups” or “street sweeps”, in which street children are forcibly removed from the streets, often in an attempt to make cities “presentable” before major sporting or other public events. Children are sometimes arbitrarily detained and even killed. Recent high-profile examples have included:

* Rio de Janeiro, Brazil: street “clean-ups” were widely reported prior to the 2014 World Cup and are once again taking place in the run up to the 2016 Olympics. These and other violations of street-connected children’s rights are the subject of numerous recommendations from the Committee on the Rights of the Child in its October 2015 concluding observations on Brazil.[[6]](#footnote-6)
* Nairobi, Kenya: widespread arbitrary detention of street children was reported prior to President Obama’s visit in July 2015.[[7]](#footnote-7)
* Kigali, Rwanda: a recent Human Rights Watch report examines the human rights abuses at the Gikondo Transit Center, an unofficial detention center on the outskirts of Rwanda’s capital, Kigali. Street dwellers are routinely rounded up and sent to Gikondo – where they are detained illegally for up to several months. Until late 2014, street children accounted for a large portion of the detainees at Gikondo and suffered the same rights abuses – lack of food and healthcare facilities, overcrowding, beatings, etc – as the adults.[[8]](#footnote-8)

Legal frameworks which allow for street sweeps, or which criminalize street-connected children for being in public spaces (e.g. loitering, truancy) and particular behaviours within public spaces (e.g. begging, vagrancy, being a victim of sexual exploitation),[[9]](#footnote-9) violate children’s right to freedom of association (CRC article 15) and to undertake behaviours necessary for survival there. CSC hopes that the Special Rapporteur’s report will condemn in the strongest possible terms these egregious violations of children’s rights and will highlight street-connected children’s right to be in public spaces.

**7. Please provide information about any proposed or existing strategies or legislation that your organisation or institution might be familiar with aimed at reducing or eliminating homelessness. Explain any goals or timelines that have been adopted for this purpose, describe how progress has been monitored, describe how those affected by homelessness have been involved and provide information on results to date. Does your institution/organization have any suggestions for how existing or proposed strategies could be improved?**

The Committee on the Rights of the Child is currently developing a General Comment on children in street situations. CSC is the leading NGO working on this first piece of international law on street children. The General Comment will be ground-breaking, providing advocates the world over with a powerful tool to use to encourage attention to street children’s rights by their governments. We understand that the Special Rapporteur is in consultation with the Committee about the General Comment and stand ready to provide any necessary assistance.

Traditional approaches to street children have viewed them as delinquents (the repressive approach, characterised by criminalization) or as victims (the welfarist approach, characterised by attempts to “rescue” children from the streets). In contrast, CSC advocates a rights-based approach, which views children as individuals and rights holders and involves them in all aspects of work for their rights. As well as being the only approach which is compliant with the CRC, a rights-based approach is also the only approach which is likely to be successful in the long term. Evidence suggests that children who are “rescued” or taken off the streets, rather than supported through a negotiated process of gaining access to services, often return to the streets because underlying challenges have not been resolved. Efforts to end street living must focus on fulfilling children’s right to special care and protection (CRC article 20) by ensuring that alternatives to living on the streets are on offer, and that these alternatives are respectful of children’s rights so that children will choose to access them.

In line with the recommendations of the OHCHR report, CSC believes that to support fulfilment of street-connected children’s rights – including their right to housing – investment in strengthening children’s connections with family, the community and wider society is required. This investment must take into account the unique and complex challenges faced by street-connected children, taking an individualised approach to each child.

Street children need specialised interventions that can respond to and address the complexity of the issues they face. They almost always struggle to integrate into ‘standard’ children’s programmes because they live transient lives and often need to work during times when support services are available. They also struggle with the attendance requirements, routine and discipline of formal education and become frustrated that the topics taught are irrelevant to their lives. They can experience discrimination in class for being behind their peers and having limited family support means that they fail to do homework or be presentable for school. As a result they cannot simply enrol in formal education and benefit from it – the highest numbers of school drop-outs are street children.

Governments must invest in such specialized interventions. This investment should take place in the context of a long-term, holistic, rights-based strategy to address all aspects of street children’s rights. The interconnections between children living on the streets and their other connections there (for example for work and socializing) mean that addressing homelessness requires addressing all children’s other rights, and that in preventing homelessness, attention must be paid to the rights of children who are street-connected but not currently living on the streets.

*The Consortium for Street Children is the leading international network dedicated to realising the rights of street-connected children worldwide. A global network with over 80 members, we exist to give street children a voice, promote their rights and improve their lives. See* [*www.streetchildren.org*](http://www.streetchildren.org) *for more information.*

1. For a full discussion of the “100 million myth”, see Thomas de Benitez, S. (2011), [*State of the World’s Street Children: Research*](http://www.streetchildrenresources.org/resources/state-of-the-worlds-street-children-research/)*,* London: Consortium for Street Children [↑](#footnote-ref-1)
2. Consortium for Street Children (2015), [*Do I count you if you count me? Consortium for Street Children Briefing Paper 2015*](http://www.streetchildrenresources.org/resources/do-i-count-if-you-count-me-cscs-briefing-paper-2015/)*,* London: Consortium for Street Children [↑](#footnote-ref-2)
3. A/HRC/19/35, para. 77(a) [↑](#footnote-ref-3)
4. [*All children count but not all children are counted: an open letter to the UN Statistical Commission and Inter-Agency Expert Group on SDG Indicators*](http://www.streetchildrenresources.org/wp-content/uploads/2015/09/Joint-Letter-SDG-Indicators-Count-All-Children-150921.pdf)*,* 21 September 2015 [↑](#footnote-ref-4)
5. A/HRC/RES/16/12 [↑](#footnote-ref-5)
6. CRC/C/BRA/CO/2-4 [↑](#footnote-ref-6)
7. For example, [*The Insider*](http://www.theinsider.ug/nairobi-cleared-of-street-kids-ahead-of-obama-visit/)*,* 20 July 2015; [*Nairobi News*](http://nairobinews.nation.co.ke/kidero-to-evict-street-children-from-city-centre-during-obamas-visit/)*,* 8 July 2015 [↑](#footnote-ref-7)
8. Human Rights Watch (2015), [*“Why Not Call This Place a Prison?” Unlawful Detention and Ill-Treatment in Rwanda’s Gikondo Transit Center*](http://www.streetchildrenresources.org/resources/why-not-call-this-place-a-prison-unlawful-detention-and-ill-treatment-in-rwandas-gikondo-transit-center/), NY: Human Rights Watch [↑](#footnote-ref-8)
9. CSC plans to research these laws which in a selection of countries and will be pleased to share the results of this research when it is completed [↑](#footnote-ref-9)