



# **Housing discrimination, spatial segregation, and children in street situations**

*A joint submission to the Special Rapporteur on the Right to Housing, for the preparation of reports on the topics of Housing Discrimination and Spatial Segregation*

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Submitted by the Consortium for Street Children, and Save Street Children Uganda

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## 1. Introduction

This is a joint submission prepared by the Consortium for Street Children and Save Street Children Uganda.

The **Consortium for Street Children** (CSC) is a global network of almost 200 organisations in over 130 countries, that raises street children's voices, promotes their rights and improves their lives:

[www.streetchildren.org](http://www.streetchildren.org)

**Save Street Children Uganda** (SASCU) is a national not for profit, non-governmental organisation operating in Uganda to promote and protect the rights of children in street situations and other vulnerable children: [www.sascu.org](http://www.sascu.org)

This submission has been prepared to draw attention to the specific ways in which both housing discrimination and spatial segregation impact upon the rights of children in street situations. Children in street situations' right to housing is routinely violated, frequently as a result of housing discrimination. This discrimination often consequently results in spatial segregation, which further perpetuates rights violations against children in street situations.

Much of the information provided by SASCU in this report was generated by the children in street situations they support in Uganda during consultations held ahead of International Day for Street Children 2021, whose theme this year was 'Access to Services'. Children were consulted in at national level and in different districts across the country.

This submission also draws upon evidence gathered by CSC throughout the COVID-19 pandemic, where it relates to the topics of housing discrimination and spatial segregation, which have intensified for children in street situations during the pandemic.

This submission is grounded in the UN Convention on the Rights of the Child, and the UN Committee on the Rights of the Child's General Comment no. 21 on children in street situations, notably paragraph 50 which addresses the issue of adequate housing. In this submission, in line with UN Committee on the Rights of the Child's General Comment No. 21, we use the term "children in street situations" or "street children" to describe children who: a) depend on the streets to live and/or work, either on their own, or with other children or family members; and b) have a strong connection to public spaces (e.g. streets, markets, parks, bus or train stations) and for whom the street plays a vital role in their everyday lives and identities. This wider group includes children who do not live or work on the street but regularly accompany other children or family members in the streets.

## 2. Housing discrimination against children in street situations

Violations of the right to non-discrimination for children in street situations are frequent and widespread, and commonly include discrimination in accessing their right to housing. Discrimination and street-connectedness significantly intersect: discrimination can cause the homelessness that results in children becoming street-connected, and those who are street-connected frequently then face increased discrimination, including in accessing housing. **Social stigma** is encountered by children in street situations around the world, and heavily impacts their access to housing. This stigma can lead to children being criminalised for their relationship with the street, rather than supported to access housing. This is the case in Uganda, where many children who SASCU work with encounter discrimination based on the fact that they live and/or work on the streets. These children

are commonly assumed to be thieves, causing them to be criminalized and sometimes arrested, rather than enabling them to access their fundamental rights.

## 2.1 Discriminatory impacts of governments' COVID-19 responses on access to housing

Measures taken by governments to address the spread of the Coronavirus have had a disproportionate impact upon children in street situations, as highlighted in several reports and submissions produced by CSC.<sup>1</sup> As many children in street situations do not have a home to go to, they are unable to conform to government regulations about staying indoors, and in some cases are being harshly punished for this instead of supported by their government.

**Discrimination, including housing discrimination, has worsened in many cases**, with street-connected children being stigmatized as 'dirty' and as potential carriers of the virus. Because of their perceived 'dirtiness', CSC network members have noted an increase in children being moved away from shelter or sanitation facilities.<sup>2</sup>

The pandemic, and government responses to it, have made it increasingly difficult for children in street situations to access even the limited shelter and accommodation that was previously available to them. Severe overcrowding of facilities has been reported by numerous members of CSC's network, with a range of consequences.

The **overcrowding of shelters**, combined with precautions necessary to minimize the spread of COVID-19, has left many children with no access to accommodation. In Cameroon, a partner of CSC network member Apprentis d'Auteuil, who wish to remain anonymous, became unable to house any new children due to overcrowding. They stated, "Basically, we are constantly trying to work out what to do with these children who are coming every day to knock on our door. We no longer even have any beds available."

In Mali, Caritas Segou reported a similar dramatic increase in the number of children being accommodated in shelters, and an associated lack of space for any new children. They reported some cases of children in Segou running away to another city, Bamako, in search for a bed in a shelter.

Elsewhere, the serious overcrowding has had devastating consequences: in Guatemala, CSC network member CONACMI report "In a home [...] 80 children were kept in a space meant for 40. Girls were locked in and tried to break the windows to get out. A fire started and 56 girls died."

The lack of accommodation available, and severe overcrowding elsewhere, constitutes a housing crisis for children in street situations during the pandemic, and reflects a failure by governments to provide sufficient, suitable accommodation for all children.

Additionally, **discrimination in government responses** has had a high cost for children in street situations. While the introduction of lockdown measures, such as curfews, do not in themselves

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<sup>1</sup> Consortium for Street Children, 'The impact of COVID-19 on children in street situations' (report submitted to the UN Committee on the Rights of the Child), 24 June 2020, , <https://www.streetchildren.org/wp-content/uploads/2020/07/CSC-submission-to-UN-CRC-rights-of-children-in-street-situations-durin...4717.pdf>  
Consortium for Street Children, 'The impact of COVID-19 on children in street situations in Africa' (report submitted to the African Committee of Experts on the Rights and Welfare of the Child), 10 November 2020, <https://www.streetchildren.org/wp-content/uploads/2020/12/CSC-submission-to-ACERWC-on-street-connected-children-during-COVID-19.pdf>

<sup>2</sup> Consortium for Street Children, 'The impact of COVID-19 on children in street situations in Africa' (report submitted to the African Committee of Experts on the Rights and Welfare of the Child), 10 November 2020, p. 30, <https://www.streetchildren.org/wp-content/uploads/2020/12/CSC-submission-to-ACERWC-on-street-connected-children-during-COVID-19.pdf>

constitute discrimination, the persecution and harassment of children in street situations that we have witnessed as a result of these measures constitutes direct discrimination. We know that in the majority of cases, children end up in street situations because they lack adequate, safe housing, and that gathering together in public spaces is an essential feature of their life. Therefore, the enforcement of pandemic restrictions such as curfews, containment measures, and 'street sweeps', criminalise and further marginalise children in street situations and others experiencing homelessness.<sup>3</sup> As well as the violent enforcement of lockdowns and curfews by police and security forces in some areas, CSC Network Members have reported an increase in round-ups and arrests of children in street situations in several countries.

In Uganda, SASCU note that several hundred individuals were arrested and detained for long periods of time for violating curfew measures. SASCU also conducted a rapid needs assessment in Lira City, which revealed that lack of shelter is a major problem faced by children in street situations in the wake of COVID-19. Children commented that "there are no beds for us to sleep on" and stated that "at times, police arrest us when they find us sleeping in the Mayor's Garden". Other children noted that "we do not have anywhere to sleep because the streets where we used to stay are full of soldiers after 7:00pm when the curfew starts.

These measures may in turn further push children in street situations into more vulnerable situations, as they are likely to turn to more hidden, underground spaces, without the support of civil society or other actors, or to return to unsafe home situations.

In some instances, when children are not being arrested or detained, they are being forcibly removed from streets and public spaces. A network member explained that in Bangladesh, children who live in the street are being confronted by police and told to return to homes they do not have. In India, another network member reported that police have been clearing children from places they normally reside or work in, such as bus stands.

**Other COVID-19 responses measures have also resulted in indirect discrimination against children in street situations in relation to their right to housing.** The closure of public spaces, such as markets, in some countries has left children in street situations without their usual facilities. In some cases, including in Kinshasa in the Democratic Republic of Congo, this has led to children moving or migrating to other public spaces in search of shelter, water, food, and other essential services.<sup>4</sup> This movement has in some places caused an atmosphere of panic and insecurity, and led to increased conflict between children, especially where resources are scarce.

This increased housing insecurity has also been observed by CSC network member StreetInvest in Kolkata, who report that street-connected families with COVID-19 symptoms who have been supported to self-isolate in school buildings are returning to the street for fear of losing their 'patch' on the pavement, and being pushed out of their communities in their absence and thus losing their homes and livelihoods in the long term.<sup>5</sup> We thus note that even where alternative shelters are provided, there can be negative consequences for children in street situations, and authorities must ensure that solutions are developed in consultation with children wherever possible. We also note a deterioration of the situation in Tanzania during the COVID-19 pandemic, with children being denied

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<sup>3</sup> UN Special Rapporteur on the Right to Housing. 2020. "COVID-19 Guidance Note". [http://www.unhousingrapp.org/user/pages/07.pressroom/Guidance%20Note%20Homelessness%20Actual%20Final%202020April%202020\[2\].pdf](http://www.unhousingrapp.org/user/pages/07.pressroom/Guidance%20Note%20Homelessness%20Actual%20Final%202020April%202020[2].pdf)

<sup>4</sup> Ibid., p. 21.

<sup>5</sup> Consortium for Street Children, 'The impact of COVID-19 on children in street situations', 24 June 2020, p. 24, <https://www.streetchildren.org/wp-content/uploads/2020/07/CSC-submission-to-UN-CRC-rights-of-children-in-street-situations-durin...4717.pdf>

access to their usual sleeping spots due to fear in the community that children may be infected with the virus. Many organisations have struggled to secure a safe space for children to self-isolate over the pandemic due to the high mobility of the children and the limited capacity of drop-in centres and shelters, aggravated by some cases of discrimination within the community against homeless children for fear of infection. While in some isolated cases governments have intervened to provide safe accommodations to street-connected children, these initiatives have been limited in scale and duration due to the lack of resources.

### 3. Forced evictions and associated spatial segregation

UNCRC General Comment no. 21 notes that “Children are among those who suffer disproportionately from the practice of forced eviction. 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.”<sup>6</sup>

As noted by the UN Committee on the Rights of the Child in General Comment no. 21, “security of tenure is essential for preventing children from coming into street situations...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.”<sup>7</sup> Despite this, the experiences of our network demonstrate that in practice, it remains common for children to be forcibly evicted without the provision of suitable alternative accommodation.

The link between forced evictions and spatial segregation is well-acknowledged: <sup>8</sup> in the case of children in street situations, **forced evictions are often a cause of children becoming street connected. Once on the streets, children frequently reside in areas of extreme poverty**, where they are unable to access essential services. This is the case in Uganda, where SASCU noted that children in street situations are commonly found living and working in slum dwellings and the outcasts of the busy streets of Kampala in slum areas such as Kisenyi, Bwaise, Katanga, Kifumbira, and Railway (the name given by the community to a street intersected by the railway), among others, where the biggest population live below the poverty line and many are homeless and are forced to live on the street, even with their families. This is also the trend in other major towns and cities in the country including Jinja, Mbale, Mbarara, Gulu, Lira and Masaka, among others.

In recent research undertaken with children in street situations in Barisal, Bangladesh, by CSC network member Grambangla Unnuyan Committee, 11.7% of children surveyed had experienced forced eviction, either alone or with their families. 86% of the children reported that no alternative accommodation had been provided to them. Just over 42% of children surveyed reported living in slum communities at night-time. Other common responses included a range of public spaces without access to even the most basic elements of adequate housing, including Ferry Launch Terminals (14%), footpaths/pavements (13.5%), and bus or train stations (10.8%). We note that these venues are likely to provide children with proximity to income sources, and/or other children in street situations. The above examples, and the broader experiences of CSC’s network, demonstrate a pattern of children in street situations congregating in certain locations, which typically tend to be slum-type communities,

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<sup>6</sup> United Nations Committee on the Rights of the Child, General Comment no. 21 on children in street situations (2017), CRC/C/GC/21, Para. 50.

<sup>7</sup> Ibid. para. 51.

<sup>8</sup> <https://www.lincolnst.edu/publications/articles/urban-spatial-segregation>

or public spaces without accommodation of any kind, which evidently constitutes spatial segregation and is in clear violation of their right to adequate housing.

Many of these children do not have access to even the rudimentary and inadequate shelter provided by slum accommodation: children living in locations such as the pavements and transport venues detailed above continue to lack access to the most fundamental elements of the right to adequate housing.

We wish to note that **during the COVID-19 pandemic, forced evictions and demolitions affecting children in street situations have continued**, despite the many associated dangers and rights abuses this entails, which are only heightened during the pandemic. In Uganda, when the COVID-19 pandemic was announced in March 2020, schools were closed. Child focused CSOs in conjunction with relevant government officials used this as an opportunity to use school premises such as Nakivubo Blue Primary School in Kampala and Namakwekwe Primary school in Mbale as temporary shelters for children in street situations and homeless youth. However, when schools were partially opened, the children were forced to leave the school premises. While some children were admitted in children's homes, the majority were forced to return to the streets due to the limited capacity of the children's homes to support all the children.

In Bangladesh, despite a 1999 Supreme Court decision which found that eviction is unlawful according to the Constitution unless resettlement options are provided, forced eviction have accelerated during the pandemic.<sup>9</sup> These evictions have placed street-connected children, and other evicted populations and heightened risk of infection and spread of the Coronavirus. In Islamabad, Pakistan, CSC Network Member Cities for Children reported that despite being in lockdown, 75 homes in a slum community were razed by municipal authorities. No suitable accommodation was made available prior to the destruction of property, and residents were only provided with temporary shelter and compensation following public outcry. At the time, the District Commissioner stated that there would be an inquiry into the forced evictions during this time of crisis, but at the time of writing there has been no progress in this regard.<sup>10</sup>

#### **4. The impact of spatial segregation on children's enjoyment of other rights**

As detailed above, children in street situations often reside in communities typified by poverty – including slums – and a lack of access to essential services. While this spatial segregation may not be an intentional practice by governments, its causes are often rooted in government failure to provide alternative accommodation, including prior to forced eviction, and its impacts mean that children in street situations are often less able to access many of their other rights due to the communities and spaces they inhabit.

As detailed above, children in street situations in Uganda are commonly found in slum dwellings, where most people live below the poverty line, or have no shelter whatsoever.

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<sup>9</sup> Red Cross (2017),

[https://www.sheltercluster.org/sites/default/files/docs/draft\\_housing\\_land\\_and\\_property\\_law\\_in\\_bangladesh\\_ifrc\\_2017.pdf](https://www.sheltercluster.org/sites/default/files/docs/draft_housing_land_and_property_law_in_bangladesh_ifrc_2017.pdf)

<sup>10</sup> Consortium for Street Children, 'The impact of COVID-19 on children in street situations', 24 June 2020, p. 24, <https://www.streetchildren.org/wp-content/uploads/2020/07/CSC-submission-to-UN-CRC-rights-of-children-in-street-situations-durin...4717.pdf>

During consultative meetings held by SASCU on access to services with children in street situations in Lira, Mbale, and Kampala, the children highlighted that due to homelessness, they are criminalized and are treated as outcasts and denied access to basic services such as shelter, water and hygiene facilities. For examples, in Lira City, children noted that they do not have access to clean water, and they have to walk miles away from the town to the river to drink water. In this same river, they dispose fecal matter, causing diarrheal diseases and other related illnesses acquired from drinking unsafe water. Also, due to the fact that the children have no shelter, they move from place to place, and migrate from town to town, making it difficult to access other basic services like food, water and sanitation, medical care, education, and a clean and healthy environment.

## 5. Positive practices

SASCU has undertaken a number of holistic, rights-based interventions with children in street situations in Uganda in order to tackle the issues of housing discrimination, and spatial segregation. They are working with District Local Governments in Lira and Mbale to secure land and housing as a medium- to long-term intervention where children in street situations will be rehabilitated, skilled, and thereafter - where it is in their best interest - resettled with their families, caregivers and communities. This will enable the state to sustainably provide children in street situations who have no access to housing or shelter with adequate, safe accommodation that meets their basic needs, such as water and sanitation, health care and food.

During the COVID-19 pandemic, SASCU, supported by CSC, conducted a rapid needs assessment on the rights of children in street situations in Lira City. The findings of this assessment were presented to the local leaders, who constituted a Technical Working Committee composed of the District Leaders, the Private Sector, Police, CSOs as well Cultural and Religious Leaders to ensure comprehensive service provision for children in street situations. The committee has drafted a three-year action plan that will, among others, leverage the national street children management information system to collectively and systemically address factors that pull and push children to live on the streets including discrimination and lack of accommodation. The committee will also address discrimination and accommodation challenges that children living on the streets are grappling with. This demonstrates the importance of authorities consulting directly with child focused CSOs and street-connected children in their decision-making processes.

## 6. Recommendations

Based upon the above information, we make the following recommendations to States, for the consideration of the Special Rapporteur.

1. **Prohibit any form of discrimination against children in street situations** which may prevent them from accessing essential services, including housing.
2. **Review and repeal policies and laws** that, directly or indirectly, **discriminate against and/or penalise homeless populations**, including children in street situations.
3. **Allocate and utilise the maximum available resources** to design and implement **rights based, sustainable housing and shelter policies** and other relevant measures specifically addressing children in street situations that promote equal access to adequate housing.

4. **Cease and prevent all forced evictions** due to payment arrears, by providing direct financial assistance, introducing measures to reduce and defer rental payments, introducing or extending moratoriums and suspending utility costs and surcharges for the duration of the pandemic.
5. Ensure the **provision of suitable alternative accommodation prior to forced eviction** or demolition, in accordance with the best interests of each individual child.
6. To not only ensure the provision of emergency accommodation for homeless populations during the pandemic, but **to develop long-term, sustainable solutions to address homelessness**, especially with and for children.