



**THE PROTECTION AND PROMOTION  
OF HUMAN RIGHTS FOR STREET-  
CONNECTED CHILDREN:  
LEGAL, POLICY AND PRACTICAL  
STRATEGIES FOR CHANGE**



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In 2017 the UN Committee on the Rights of the Child will publish a General Comment on Children in Street Situations. This is a monumental human rights development that will clarify States' legal obligations to street-connected children and provide much-needed guidance to support governments to implement national legal and policy change to respect the rights and meet the needs of street-connected children. In advance of this General Comment, the Consortium for Street Children's (CSC) briefing paper considers children's rights and how they apply to street-connected children, placing particular emphasis on how rights can be used to create concrete change for street-connected children. This paper follows the CSC 2016 Research Conference: *Is it time for rights-based change or changing rights? Legal, social and practical strategies for street-connected children*. The Conference brought together global experts from academia and practice to consider this important question, bridging research, advocacy and practice and concluding that human rights and their mechanisms for accountability are the most useful tool for civil society to create concrete change for street-connected children.

This paper outlines legal, policy and practical strategies to protect, support and fulfil the rights of street-connected children in several ways. Section 1 provides an overview of children's rights as they apply specifically to street-connected children. Section 2 provides information:

- For advocates on how to use the law to push for rights-based legal change (Section 2.1) through litigation and UN human rights accountability mechanisms;
- For advocates and practitioners on how to influence policy and change government responses to street-connected children (Section 2.2) through challenging policies, submitting evidence to policy-makers and utilising the power of networks and campaigning; and
- For practitioners to create rights-based programmes for street-connected children (Section 2.3) using the UN Convention on the Rights of the Child as a tool.

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# 1. WHAT ARE HUMAN RIGHTS AND WHY ARE THEY IMPORTANT FOR STREET-CONNECTED CHILDREN?

## 1.1 WHAT ARE HUMAN RIGHTS?

- **UNIVERSAL:** apply to everyone
- **INDIVISIBLE:** equally important
- **INALIENABLE:** cannot be taken away

Human rights are legal guarantees of the fundamental conditions necessary for every human being to lead a minimally good life.<sup>1</sup> Human rights are grounded in moral and ethical theories of the inherent value and worth of all human beings. The Universal Declaration of Human Rights 1948 codified this contemporary idea of rights as universally applicable to all human beings, indivisible from one another and inalienable. The UN Office of the High Commissioner for Human Rights defines human rights as 'inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status.'<sup>2</sup>

In practice, human rights are legally guaranteed by States when they sign up to international laws (treaties and conventions) defining their obligations to people under its jurisdiction (and in some cases extending to people outside its borders). State obligations are either positive – the right to some benefit – or negative – the right to protection or freedom from some harm. The Universal Declaration has led the development of human rights law since 1948. There are currently nine core human rights treaties, dating from 1965-2014.<sup>3</sup> All States have signed up to and ratified (shown their willingness to be legally bound by) at least one of the core nine treaties and 80% of States have ratified four or more.<sup>4</sup>

Two of the first human rights treaties categorised human rights into either civil and political rights or economic, social and cultural rights: the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966). This distinction is less apparent in later international treaties that bring together civil, political, social, economic and cultural rights in one law, emphasising the interrelated and interdependent nature of human rights. The UN Convention on the Rights of the Child 1989 (CRC) does this and much of its power is attributable to this characteristic.

## 1.2 WHAT ARE CHILDREN'S HUMAN RIGHTS?

### 1.2.1 The conceptual shift: from needs to rights

The idea of children's rights is a relatively recent development. Broadly, in Western countries until the mid-19th century, children were considered to be their parent's property.<sup>5</sup> Over the course of the late 19th and early 20th centuries, however, children were increasingly seen as 'a special and vulnerable class in need of paternalistic

State protection'.<sup>6</sup> This understanding of childhood is predominantly Western but childhood is constructed very differently around the world.<sup>7</sup> For instance, in many countries there is no strict linear division between childhood and adulthood and children are considered, expected and do contribute in similar ways as adults to their family and communities.<sup>8</sup> In the latter half of the 20th century, however, a fundamental shift in Western understanding of children occurred; children were no longer seen as dependants, but as autonomous subjects, participants and agents in their own lives.<sup>9</sup> This conceptual shift reflects a long-term transformational process brought about by both child-centred practice and research. Sociological approaches to children and childhood, influenced by poststructuralism, gradually emphasised the individuality of every child and the various cultural, social, economic and political circumstances that affect their experiences.<sup>10</sup> As individuals, children are not the property of their parents but are independent human beings and rights-holders in the same way as adults.

In the drafting of the CRC there was international agreement at State level about what constituted childhood with near unanimous signature and ratification of the Convention. This coalesced around Western interpretations of childhood prominent during 1979-1989 (the drafting period of the treaty) and has since come to affect international and national approaches to children's rights.

### 1.2.2 UN Convention on the Rights of the Child 1989

Despite the different regional and cultural perspectives on childhood and rights, States reached a level of consensus in developing international law on children's rights – a phenomenal breakthrough considering the cultural, social, political and economic differences between States. The UN Convention on the Rights of the Child 1989 (CRC) is the key international law that defines children's rights. The CRC is comprised of 54 Articles which set out the civil, political, economic, social and cultural rights of every child. The CRC recognises children as rights-holders, taking into consideration their specific needs and interests. Whilst it makes no explicit reference to street-connected children, all the CRC's provisions apply to them since it is universally applicable to all human beings under the age of 18.

<sup>1</sup> Brian Orend, *Human Rights: Concept and Context* (Broadview Press 2002) 121; James W. Nickle, *Making Sense of Human Rights: Philosophical Reflections on the Universal* (Wiley-Blackwell 2004) 51

<sup>2</sup> UN OHCHR, 'What are human rights?' <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

<sup>3</sup> UN OHCHR, 'The core human rights instruments and their monitoring bodies' <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

<sup>4</sup> UN OHCHR n3

<sup>5</sup> David Archard, *Children: Rights and Childhood* (2nd edn, Routledge 2004)

<sup>6</sup> Robert Brian Howe and Katherine Covell, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press 2005)

<sup>7</sup> Nicola Ansell, 'From Objects to Subjects? Children and Youth in Development' in Jean Grugel and Daniel Hammett (eds), *Handbook of International Development* (Palgrave 2016) 487-511

<sup>8</sup> Tatek Abebe and Tamirat Tefera, 'Earning Rights – Discourses on Children's Rights and Proper Childhood in Ethiopia' in Afua Twum-Danso Imoh and Nicola Ansell (eds), *Children's Lives in an Era of Children's Rights: The Progress of the Convention on the Rights of the Child in Africa* (Routledge 2014)

<sup>9</sup> R. Panelli, S. Punch, and E. and Robson, (eds), *Global perspectives on rural childhood and youth: young rural lives* (Routledge 2007)

<sup>10</sup> Allison James and Alan Prout (eds), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (3rd edn, Routledge 2014)

Children's rights are also present within other human rights treaties as they apply to all human beings, irrespective of age. The CRC however specifically addresses issues pertaining to children.

By signing and ratifying the CRC, 192 States have legally and publicly committed themselves to protecting and guaranteeing children's rights and assumed the role of duty-bearer.<sup>11</sup> Implementation of the CRC is monitored by the UN Committee on the Rights of the Child (CRC Committee) – a forum of independent experts. The CRC Committee is the main body that interprets international children's rights law and as such is the key body that develops children's rights jurisprudence. This mostly happens through the State reporting process whereby States' implementation of the CRC is reviewed by the CRC Committee. The CRC Committee can also issue General Comments providing guidance to States on how to interpret the CRC and under Optional Protocol 3 can hear children's complaints of rights violations.

The Articles in the CRC can be categorised into groups of rights on **protection, provision** and **participation**.<sup>12</sup> Equal emphasis is placed on the importance of these categories. Protection rights focus on preventing harm from occurring or reoccurring to children, provision rights make social services available to children and participation rights ensure that children are involved in their communities and societies and can influence decisions that affect their lives. CRC rights have been clustered differently in some regions. For instance, in East and South East Asia, CRC rights have been conceived as Survival, Development, Protection and Participation rights. This has affected how rights are applied with survival and development being prioritised in some cases.

The CRC has been reinforced by three **Optional Protocols**. These are treaties, like the CRC, and States choose whether to be legally bound by them by signing up to them. The Optional Protocols to the CRC complement and further develop international human rights law for children:

- **OP1** (entered into force in 2002): Children involved in armed conflict;<sup>13</sup>
- **OP2** (entered into force in 2002): Prohibition of sale of children, child prostitution and child pornography;<sup>14</sup> and
- **OP3** (entered into force in 2014): Communications procedure enabling children whose rights have been violated to submit complaints directly to the CRC Committee.<sup>15</sup>

The CRC sees individual children as agents of change in their own lives through explicitly recognising participation rights. Rights to protection and provision appear in the previous international declarations on children in 1924 and 1959, but the CRC marks the first time children's participation was recognised in law and is a significant step. Practically, however, a child's capacity to claim or realise their rights is limited. Children are considered to need adult and State protection until they reach adulthood at age 18<sup>16</sup> and as such the exercise of their



rights is more complex than for adults.<sup>17</sup> The idea of children's evolving capacity within the CRC enables flexibility in how protection, provision and participation rights interact in practice since it accounts for the different stages of biological development for every individual child. 'Evolving capacity' can also, however, reinforce dominant understandings of childhood as a time of inherent vulnerability and justify adults taking control over children's lives, rather than nurturing their participation.

As such, children are recognised as rights-holders but their rights alone do not enable them to exercise agency.<sup>18</sup> Agency is an individual's ability to make and enact decisions.<sup>19</sup> Street-connected children's choices are constrained<sup>20</sup> by their severe marginalisation and ambiguous<sup>21</sup> because their lifestyle contradicts dominant views of childhood. In the street, children may work gaining some level of economic independence. But this work will most likely be in the informal economy and result in limited earnings and as such limited power within their wider society. Street connections in this instance structure a child's ability to exercise agency.<sup>22</sup>

It is in understanding rights and agency as interrelated, however, that rights can be thought of as living rights – meaningful as they are experienced by individual children themselves. It is through the exercise of agency that different understandings and meanings of rights are developed and where social change is possible.<sup>23</sup>

<sup>11</sup> The United States of America is the only State not to have ratified the CRC, although President Bill Clinton signed the CRC in 1995

<sup>12</sup> Bob Franklin (ed), *The Handbook of Children's Rights: Comparative Policy and Practice* (Routledge 1995) 16

<sup>13</sup> UN OHCHR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

<sup>14</sup> UN OHCHR, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx>

<sup>15</sup> UN OHCHR, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A/RES/66/138&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A/RES/66/138&Lang=en)

<sup>16</sup> Kristen E. Cheney, 'Conflicting Protectionist and Participation Models of Children's Rights' in Afua Twum-Danso and Nicola Ansell (eds), *Children's Lives in an Era of Children's Rights: The Progress of the Convention on the Rights of the Child in Africa* (Routledge 2014) 27

<sup>17</sup> Claire Breen, *Age Discrimination and Children's Rights: Ensuring Equality and Accessing Difference* (International Studies in Human Rights, Martinus Nijhoff Publishers 2005)

<sup>18</sup> Ansell n7 487

<sup>19</sup> E. Robson, S.A Bell, and N. Klocker, Conceptualising agency in the lives and actions of rural young people in R. Panelli, S. Punch and E. Robson (eds), *Global perspectives on rural childhood and youth: young rural lives* (Routledge 2007) 135-148

<sup>20</sup> S. A. Bell, (2012) 'Young people and sexual agency in rural Uganda, Culture, Health & Sexuality: An International Journal for Research, Intervention and Care, 14:3, 283-296

<sup>21</sup> Payne, R. E. D. (2012) 'Extraordinary survivors' or 'ordinary lives'? Embracing 'everyday agency' in policy and practice with child-headed households in Zambia. *Children's Geographies*, 10 (4) 365-372

<sup>22</sup> P Mizen and Y Ofosu-Kusi (2013) 'Agency as vulnerability: accounting for children's movement to the streets of Accra' *Sociological Review* 61(2) 363-382

<sup>23</sup> Daniel Stoelcklin, presentation at CSC 2016 Research Conference and Anthony Giddens, *The Constitution of Society* (University of California Press 1986)

# "I'VE GOT RIGHTS!"



SOS CHILDREN'S VILLAGES

## UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD In Youth-Friendly Language

**1** Everyone under 18 has these rights.

**2** ALL CHILDREN have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor.



**3** When adults make decisions, they should think about how their decisions will affect children.

**4** The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

**5** Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

**6** You have the right to be alive.

**7** You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

**8** You have the right to an identity – an official record of who you are. No one should take this away from you.



**9** You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a **FAMILY** that cares for you.

**10** If you live in a different country than your parents do, you have the right to be together in the same place.

**11** You have the right to be protected from kidnapping.



**12** You have the right to give your opinion, and for adults to listen and take it seriously.

**13** You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

**14** You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

**15** You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

**16** You have the right to privacy.

**17** You have the right to get information that is important to your well-being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

**18** You have the right to be raised by your parent(s) if possible.

**19** You have the right to be protected from being hurt and mistreated, in body or mind.

**20** You have the right to special care and help if you cannot live with your parents.



**21** You have the right to care and protection if you are adopted or in foster care.

**22** You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

**23** You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.



**24** You have the right to the best **HEALTH** care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

**25** If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.



**26** You have the right to **HELP** from the government if you are poor or in need.

**27** You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

**28** You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.



**29** Your **EDUCATION** should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

**30** You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

**31** You have the right to play and rest.



**32** You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

**33** You have the right to protection from harmful drugs and from the drug trade.

**34** You have the right to be free from sexual abuse.

**35** No one is allowed to kidnap or sell you.

**36** You have the right to protection from any kind of exploitation (being taken advantage of).

**37** No one is allowed to punish you in a cruel or harmful way.

**38** You have the right to **PROTECTION** and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

**39** You have the right to help if you've been hurt, neglected or badly treated.

**40** You have the right to legal help and fair treatment in the justice system that respects your rights.

**41** If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply.



**42** You have the right to know your rights! Adults should know about these rights and help you learn about them, too.



**43 to 54** These articles explain how governments and international organizations like SOS Children's Villages and UNICEF will work to ensure children are protected.

SOS Children's Villages thanks UNICEF for kindly permitting the use of their youth-friendly text for this educational poster.



For more information visit  
[www.sos-childrensvillages.org](http://www.sos-childrensvillages.org)



SOS CHILDREN'S VILLAGES

## 1.3 WHY ARE HUMAN RIGHTS IMPORTANT FOR STREET-CONNECTED CHILDREN?

### 1.3.1 Why understand street-connected children through a rights framework?

Human rights are a politically powerful tool, underpinned and upheld by law, and are a means by which to hold duty-bearers to account. Street-connected children, some of the most marginalised and invisible children in the world,<sup>24</sup> need more support and attention from States to redress their marginalisation. As the international framework for social justice, human rights can be used to hold States accountable for the deprivations street-connected children face.

When thinking of how to structure services or advocacy for street-connected children, the framework that is adopted will determine the impact on children themselves. Frameworks that only focus on children's needs or wellbeing are apolitical, focusing on beneficial health and psychosocial outcomes for individual children, but not on broader political processes to challenge marginalisation and achieve social change.<sup>25</sup> Human rights, as a framework, include this emphasis on processes needed to challenge marginalisation.<sup>26</sup> Two of the four guiding principles of the CRC explicitly refer to process: determining the best interests of the child and ensuring children participate in decisions about their lives. For street-connected children, who hold very little power in society, these guiding principles enable them to speak out and determine their own best interests. This participation in their own lives ensures that they are not treated as objects. Rights respect an individual child's agency and autonomy: adults work with street children and not for them.<sup>27</sup> This disrupts the adult-centric world view where children are not seen as agents in their own lives but only as they relate to adults.<sup>28</sup> Street children are not 'objects of concern, but people. They are vulnerable but not incapable. They need respect, not pity'.<sup>29</sup> This can be understood as the relational nature of rights, where rights are determined by children themselves and influenced by their interactions with others, for instance, an NGO or their employer.<sup>30</sup>

States, on signing and ratifying the CRC, commit to realise what is contained within the CRC – that children within their jurisdiction will have freedom, peace and justice. Ultimately it is States who are responsible for ensuring that children can access their rights and that these rights are not violated. This extends to ensuring that there is State resource available 'to the maximum extent possible' (including financial and human resource) to realise rights. Human rights frameworks are used by a variety of actors however: inter-governmental organisations (such as the UN, EU and World Bank) and international/non-governmental organisations (I/NGOs) also use rights-based approaches in programming and policy-making nationally and internationally. Such policies and programmes immediately prioritise ideals of justice and State accountability for wrongdoing or deprivations. This indicates the significance of human rights and their currency today.

### 1.3.2 Practical or situation-based challenges to realising street-connected children's rights

Street-connected children commonly experience multiple deprivations and violations of their rights, before they connect with the streets and during their time on the streets.<sup>31</sup> Street-connected children are more vulnerable to rights-violations, particularly violence and discrimination, and the impact of these violations can be long-lasting because of the practical realities of their street connections:

- The mobile and transient nature of street-connected children's lives<sup>32</sup> makes it difficult to ensure effective provision of social services such as healthcare or education. Their movement between home, the street and welfare centres means that they often have no fixed address and are unable to access services;
- In many countries street-connected children do not have legal identification documents to prove that they are entitled to access services;
- Street-connected children will often work to provide food, clothing, shelter and other requirements for themselves, family and friends. This can often interfere with the provision of formal education, often deemed irrelevant by street-connected children to their lives and immediate needs;<sup>33</sup>
- Street-connected children may have limited interaction with adult guardians who can support them. In addition many street-connected children come from poor families and communities where there is limited financial means of support;
- Trusting adults is difficult because of the severity of violations street-connected children experience at the hands of adults. This is often a barrier to children forming supportive relationships with social workers and NGOs on the streets and accessing support;<sup>34</sup>
- In the international child rights and international development sectors, very few organisations work with street-connected children and there is limited support and resources for them globally; and
- There is a limited political lobby for street-connected children's rights at international and national levels and as such they are less represented in policy and legal fora than other groups of children or marginalised populations.<sup>35</sup>

<sup>24</sup> M Poretii, K Hanson, F Darbellay and A Berchtold, (2013) 'The Rise and Fall of Icons of "Stolen Childhood" since the Adoption of the UN Convention on the Rights of the Child' 0(0) *Childhood*

<sup>25</sup> E. Kay, M. Tisdall, (2015) 'Children's Rights and Children's Wellbeing: Equivalent Policy Concepts?' *Journal of Social Policy* 44(4) 807

<sup>26</sup> Human rights have also been used to reinforce existing power imbalances. See Neil Stammers, *Human Rights and Social Movements* (Pluto Press 2009)

<sup>27</sup> Catherine Panter-Brick, (2002) 'Street Children, Human Rights, and Public Health: A Critique and Future Directions' *Annual Review of Anthropology* Vol. 31, 156

<sup>28</sup> Jenny Kitzinger, 'Children, Power and the Struggle Against Sexual Abuse' in James and Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (Falmer Press 1990)

<sup>29</sup> Judith Ennew, *Street and Working Children: A Guide to Planning* (Save the Children 1994) 35

<sup>30</sup> Vicky Johnson, presentation at Research Conference

<sup>31</sup> UN OHCHR, *Protection and Promotion of the Rights of Children Working and/or Living on the Streets*, A/ HRC/19/35 (UN OHCHR 2012)

<sup>32</sup> Lorraine van Blerk, 'Negotiating Spatial Identities: Mobile Perspectives of Street Life in Uganda' (2005) 3(1) *Children's Geographies*

<sup>33</sup> See UN General Comment on street children consultations: [www.streetchildrenresources.org](http://www.streetchildrenresources.org)

<sup>34</sup> Anne Louise Meincke, 'Children's Voices Paper: "Nothing About Us Without Us"', Annex to UN OHCHR n31 30-31

<sup>35</sup> Poretii n24

### 1.3.3 Perception or status-based challenges to realising street-connected children's rights

Street-connected children embody the tensions within the CRC between protection, provision and participation rights because they demonstrate maturity, capability and independence through earning a living and caring for themselves and others on the streets. These capabilities offend notions of the 'ideal childhood' where children are protected and provided for by adults.<sup>36</sup>

This is reinforced by dominant understandings of public space as inherently dangerous for children without the supervision of adults, emphasising street-connected children as 'out-of-place'.<sup>37</sup> And yet, the street is a meaningful place for many children. Children in countries all around the world from varied backgrounds play with friends, take risks and work in the streets. In one study, conducted in Switzerland, children play with friends and build relationships in the street. Some children reported wanting to be away from the gaze of adults and liked being in the streets or parks rather than at home while others reported spending lots of time on the streets because their parents worked long hours. One named his secret hide-out, demonstrating the meaningful status public space can have in a child's life.<sup>38</sup> In this study, the intersection between class and race/immigration status in Western Europe revealed street-connections and these were not negative. Policy and programmatic responses that ignore the multiple ways children connect with the streets, developing and building relationships there, are more likely to focus on removing children from public space.

The 'out-of-place' status of street-connected children underpins the severe discrimination they face. This status has also led to simplistic categorisations of street-connected children as 'victims' or 'delinquents',<sup>39</sup> ignoring the complex identities of street-connected children, their capabilities, resilience and how they manage different situations and relationships.<sup>40</sup> When the victim/delinquent categories frame State, I/NGO or other responses to street-connected children they result in 'rescue' or repressive responses and services that are not designed to help them, but to control and even harm them, for example, removing children from the street.

Perceived as 'victims', street-connected children are more likely to be treated as passive objects in receipt of aid rather than as active rights-holders:

- **Autonomy:** The CRC determines the rights of individual children and recognises that blanket approaches will not be appropriate for all children in every situation. Street-connected children often display a level of autonomy not typically associated with other children of the same age. They work and provide for one another and sometimes also their families, often without the support of adult caregivers. Their autonomy is one factor contributing to the high drop-out rates of street-connected children in formal education programmes and their resistance to stay in residential or welfare shelters. Generally, children are considered to develop autonomy as they progress towards adulthood, achieving rationality and the ability to make decisions themselves at age 18. This understanding, however,

ignores street-connected children's experiences, maturity, capabilities and independence.

- **Family environment:** Street-connected children can be victimised for having no family. Often however, they do have family but might not live with them. Some return to their family homes at night and some live on the streets with their families. Support from families under stress – whether from poverty, illness, disruption or all three – may be sporadic, insufficient or non-existent, with family problems cited as one of the main push factors behind children connecting with the street. There is a tendency to classify street-connected children as 'coming from an abnormal family and constructed, through the language used, as deficient (having a need), weak (being needy), and a subject of charity'.<sup>41</sup> This approach ignores pressures on families, the lack of access adults have to their own economic, social and cultural rights and also devalues the importance of ties made on the street, undermining the reasons why children might build strong connections in or with the street. It often encourages removing children from the street, putting them in welfare shelters or juvenile detention centres. This does not protect their status as rights-holders. Interventions focused on 'rescuing' children from the street, particularly where this is done without the child's participation in the decision, have not provided lasting solutions because they 'ignore children's own views and all that they have already accomplished for themselves'.<sup>42</sup> Street-connected children repeatedly report running away from residential homes and institutions because they do not meet their needs and are often cited by children as violent and upsetting places.<sup>43</sup>

Perceived as 'delinquents' street-connected children are more likely to experience violence, encounter criminal justice systems and be placed in jail or juvenile detention.<sup>44</sup> Being arrested, rounded-up and detained can be the first course of action by authorities who are unclear what their responsibilities towards street-connected children are. Once in the criminal justice system, street-connected children are subjected to increasing levels of violence within jail or detention.

- **Status offences:** In many countries it is illegal to be on the streets – to sleep on the street, to work on the street or to be in the street, for example in some States in the USA, it is illegal to share food in public space.<sup>45</sup> Status offences criminalise street-connected children in essence for being street-connected.<sup>46</sup> Removing status offences from law can often be one of the most powerful ways to remove the threat of criminalising social and survival behaviours by street-connected children and the subsequent detention of children.

<sup>36</sup> Judith Ennew, 'Outside childhood: street children's rights' in Bob Franklin, *The Handbook of Children's Rights* (Routledge 1995); Benno Glauser, 'Street children: Deconstructing a Construct' in James and Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (Falmer Press 1990)

<sup>37</sup> Glauser n36

<sup>38</sup> Michele Poretti, *Enfances Urbaines et Politiques Publiques: Regards croisés d'enfants de différents quartiers de la ville Sion* (Centre Interfacultaire en Droits de l'Enfant, Université de Genève 2016)

<sup>39</sup> UN OHCHR n31

<sup>40</sup> Consortium for Street Children, *I move, therefore I am not: exploring different conceptualisations of street children's identities* (CSC 2016)

<sup>41</sup> Moss et al 2000 245

<sup>42</sup> Panter-Brick n27 156

<sup>43</sup> CSC, *Africa Consultation Report for UN General Comment on Children in Street Situations* (2016)

<sup>44</sup> UN OHCHR n31

<sup>45</sup> Michael Stoops (ed), *Share No More: The Criminalization of Efforts to Feed People in Need* (National Coalition for the Homeless 2014)

<sup>46</sup> CRIN, *Global Report on Status Offences* (CRIN 2009) 15-18

- **Survival behaviours:** Street-connected children adopt tactics to survive that are sometimes understood as evidence of delinquency, for example, begging or using drugs. A closer examination, however, can reveal that acts of survival are evidence of resilience to the violations and deprivations they face on the street. When children

steal it is often for survival necessities such as clothes or food, risking the harsh realities of beatings and arrest from the police. Children navigate these difficult environments but criminal justice responses reinforce their marginalised status.

## 2. HOW CAN HUMAN RIGHTS BE USED TO CHANGE LAW, POLICY AND PROGRAMMES TO BETTER SUPPORT STREET-CONNECTED CHILDREN?

**Human rights are a powerful tool to support street-connected children. As legal obligations human rights can be used to hold States accountable and ensure adherence to human rights standards and to frame services for street-connected children that are more respectful and responsive to their complex needs.**

### 2.1 USING LAW TO HOLD STATES TO ACCOUNT

Human rights are fundamentally legal guarantees of justice from a State to people within its jurisdiction. In the CRC, States have agreed to implement and abide by international standards to which children are entitled to ensure they live a life of freedom, peace and justice.

Law determines what is acceptable or not within a jurisdiction and applies to individuals and governments. The CRC determines what children's rights are and is applicable internationally. The jurisdiction of the CRC covers the territories of all States that have ratified the CRC. Whilst law is fixed and static, there are mechanisms within all legal systems to ensure they develop and change over time as social norms change. One way to achieve legal change is to lobby Governments and Parliaments for that change, whether that is the introduction of rights-based legislation: in Colombia budgets for children's services were enshrined in law; or repealing repressive legislation: in Malawi anti-vagrancy laws criminalising street-connected children were repealed in 2016. The tactics used to influence legislative change are similar to those within Section 2.2 below (Influencing Policy) and not considered in detail here. A different, but key legal mechanism is the interpretive function of courts. In common law systems, courts, or judicial-type bodies, have authority to interpret law, and these interpretations can adapt and change the understanding of law over time.<sup>47</sup>

#### 2.1.1 Strategic litigation and the case of "Street Children" (Villagran-Morales et al.) v. Guatemala<sup>48</sup>

Strategic litigation is a direct way of holding States to account. Litigation is when issues are debated in court and the judgement passed by the court becomes legally binding for the case being heard and all future cases. NGOs and lobby groups use strategic litigation to push for interpretations of human rights that force policy and legal changes that better protect their beneficiaries and positively impact future populations.

There has only been one international court case concerning street-connected children taken to the Inter-American Court of Human Rights in 1999, "Street Children" (Villagran-Morales et al.) v. Guatemala. The case was brought to court by Casa Alianza, an NGO working with street-connected children in Guatemala, and the Centre for Justice and International Law (CEJIL), an organisation of human rights defenders working through the Inter-American regional human rights system to strengthen human rights. In this case five street-connected children were tortured and killed by police officers. The court found that the right to life includes a right to live with dignity, expanding the traditional strict legal interpretation of the right to life. Despite this judgement, killings of street-connected children by State forces and other actors have continued in Guatemala and Central America.

As a strategy for social change, the opportunities and limitations of litigation should be weighed up as with the use of any other tactic. Litigation is costly and as such many NGOs are prohibited from bringing cases. Litigation is also confrontational and can adversely affect an NGO or population's relationship with government. The impact on individuals bringing the case should also be assessed – bringing cases to court can take years. There is no individual criminal responsibility for human rights violations and only monetary compensation can be ordered for victims. There is limited State compliance with judgements and when States lack the resources to implement judgements there is no means to sanction them for not assigning budget. Further, there are no international sanctions on States when they do not comply with court judgements.<sup>49</sup> Strategic litigation is more successful when embedded within broader advocacy strategies and civil society use and disseminate the judgement<sup>50</sup> (see Section 2.2.2).

#### 2.1.2 OP3: The Optional Protocol to the CRC on a Communications Procedure

OP3 provides a mechanism by which children themselves can bring complaints of rights violations directly to the UN Committee on the Rights of the Child (CRC Committee). This is a significant development for

<sup>47</sup> In civil law systems, courts apply law but there is no binding precedent system.

<sup>48</sup> IACHR, Merits, Judgement of 19.11.1999 Ser.C No.63

<sup>49</sup> Uche U. Ewelukwa, (2006), 'Litigating the Rights of Street Children in Regional or International Fora: Trends, Options, Barriers and Breakthroughs' *Yale Human Rights and Development Journal* Vol.9(1), Article 3

<sup>50</sup> Save the Children, *Advancing Change for Children through Law Reform*

children, providing the first international quasi-judicial mechanism for children's rights and enabling children to access justice at an international level. OP3 can only be used where States have not provided adequate recourse to justice nationally.

OP3 is relatively new - it came into force in 2014 and has not been used yet. OP3 enables the CRC Committee to adopt a quasi-judicial function, but it can only be used against those States that have ratified OP3.<sup>51</sup>

### OP3 AT A GLANCE

#### Who can submit a complaint?

Individuals, or groups of individuals, may bring a complaint to the CRC Committee themselves or through a representative. States are also able to file complaints against other States who have violated their obligations to uphold and protect children's rights.

#### How?

Complaints are submitted in writing to the CRC Committee and within one year of the rights violation.

#### Actions the CRC Committee can take:

The CRC Committee reviews the communication and brings it to the attention of the State concerned. The State then has to respond within six months. The CRC Committee works to ensure a friendly settlement between the children and State concerned and also makes recommendations to the State. The CRC Committee can also conduct inquiries into grave or systemic violations of children's rights.

### 2.1.3 UN Committee on the Rights of the Child General Comment on Children in Street Situations<sup>52</sup>

In 2017 the CRC Committee will issue its General Comment on Children in Street Situations. The General Comment on street children is a monumental development that will provide much-needed guidance to States on how they can implement the CRC specifically for the promotion and protection of street-connected children's rights.<sup>53</sup> Once issued, the General Comment will be useful to States in designing services and policies for street-connected children. Practitioners and advocates will be able to use it to inform their own programmes and services for street-connected children but also to provide technical assistance to States and advocate for better social services for street-connected children. The General Comment will also inform future legal interpretations of the CRC, for instance in the CRC State reporting process, in OP3 and in court cases.

The Consortium for Street Children Chaired the Advisory Group to the CRC Committee's working group on development of this General Comment. In this capacity, the Consortium for Street Children led the most participatory General Comment process to date, making sure that over 1,000 street-connected children and youth from 40 countries contributed to its development.



Image courtesy of Marcus Lyon

<sup>51</sup> OP3 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICRC.aspx>

<sup>52</sup> Once the General Comment is issued, this section of the Briefing Paper will be updated to reflect the content of the General Comment

<sup>53</sup> Consortium for Street Children, *Easy Guide to the UN Committee on the Rights of the Child's General Comment on Children in Street Situations*

## 2.2 INFLUENCING POLICY

Tactics for influencing policy that impacts on the human rights of street-connected children need to be tailored for the State being targeted and the human right being addressed as State compliance with human rights standards varies.<sup>54</sup> There is evidence to suggest that publicly shaming States at national or international levels can increase compliance.<sup>55</sup> Some States however respond very negatively to public pressure and it can have the opposite effect. Public pressure can sometimes lead to harsher or more repressive State responses against those whom human rights are intended to protect.

Some States however do look to civil society to support them to implement human rights and welcome

constructive challenge. In these moments of opportunity, influencing policy developments can have a huge impact in leading to social change.

Policy analyses have revealed four key approaches to street-connected children: repressive, rehabilitative, human rights and preventive. The preventive approach tends to be focused on by NGOs and the first three are generally direct policy initiatives taken by States.<sup>56</sup>

Human rights can be used by NGOs and other key actors to influence policy development in three key ways: opposing repressive policy, shifting policy away from protectionist understandings and creating new policy.

### POLICY RESPONSES TO STREET-CONNECTED CHILDREN

	<b>CORRECTIONAL/ REACTIVE/ REPRESSION- ORIENTED MODEL</b>	<b>REHABILITATIVE/ PROTECTION- ORIENTED MODEL</b>	<b>HUMAN RIGHTS- BASED/OUTREACH STRATEGIES</b>	<b>PREVENTIVE APPROACH</b>
<b>View of Street Children</b>	Deviants, public nuisance, threat to public order, deficient	Victims, deficient, rights to food, shelter, education and health violated	Oppressed, citizens whose rights have been violated, discriminated against	On streets because of social and economic forces
<b>Objective</b>	Protect public and deter children from life of crime	Rehabilitation to enter mainstream society	Empowerment based on Paulo Freire's model of education	Ameliorate the situations that lead children to the streets
<b>Method</b>	Juvenile justice and detention in jail/institutions	Human programmes of drug detoxification, education and provision of family-like environment	Outreach education including practical and political skills provided to children on the streets; support groups	No simple solutions. Target unemployment, poor housing etc. and campaign for children's rights
<b>Actors</b>	Government, police	Churches, NGOs	Street teachers and support groups funded by NGOs and church groups	NGOs, coalitions of street children lobbying government

Table taken from: Nicola Ansell, *Children Youth and Development* (2nd edn Routledge 2017) 174. Sources based on Rizzini and Lusk (1995) and Thomas de Benitez (2011).

<sup>54</sup> Michele Poretti, *Politiques Locales de l'Enfance et de la Jeunesse en Suisse Romande: État des Lieux et Enjeux* (Centre Interfacultaire en Droits de l'Enfant, Université de Genève 2015)

<sup>55</sup> Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press 1998)

<sup>56</sup> Sarah Thomas de Benitez, (2003) 'Reactive, Protective and Rights-based Approaches in Work with Homeless Street Youth' in *Children, Youth and Environments* 13(1)



Image courtesy of CINI

## USING RIGHTS TO OPPOSE REPRESSIVE POLICY:

### → CASE STUDY

#### **Campaigning to end round-ups in South Africa, Amos Trust and Umthombo (NGOs)**

The common view in Durban, South Africa, about street-connected children was that they were naughty, run-away criminals, who - as a sign in Durban's Metro Municipal Police station said - 'Need to be removed with dogs and litter'. Amos Trust has been working on promoting the rights of South Africa's street-connected children since the mid-1990s. In 2010, a seven-year campaign to end police round-ups and policies that brutalised children - led by former street-connected children of Amos Trust's partners Umthombo Street Children - resulted in the Durban Municipal Manager pledging to end this practice.

Umthombo had campaigned for seven years to change public perceptions of street-connected children enabling the public to understand why children came to the streets and what their experiences were like when they got there. Umthombo had lobbied the South African Police force to end round-ups, arguing that it was highly ineffective and that it violated these children's rights. At the same time Umthombo's surf programme changed the surfing community's view on street-connected children and beach-front businesses.

Over the course of 2008-9 however the Municipality's Metro Police increased round-ups of street-connected children as they cleared the streets for the 2010 South African FIFA World Cup. Umthombo's campaign garnered famous endorsements, the support of many in South Africa who wanted to see change but did not know how to bring it about and extensive media coverage, at the heart of which were the children involved.

To raise awareness of street-connected children the NGO Street Children United was formed with the

first Street Child World Cup tournament launched in 2010. When the eight teams came out in their national stripes and sang their National Anthems the impact was immediate. The assembled media wanted to hear their stories: Why had they been on the streets? What was it like? What were their dreams? What change did they want to see? As they spoke, they became individuals - the media outlets were reminded that these children were just like their children, their siblings, their nephews and nieces and they thought about how would they want them treated.

The senior partner of Deloitte in Durban (the Street Child World Cup sponsor) called on the municipal authorities to promote child-friendly policies. Midway through the tournament, the Metro police were filmed rounding-up children and holding them in a van, and the Municipal manager called on Deloitte to shut down the football event. Deloitte as the sponsor held their ground, and refused. Instead they insisted that the municipal authorities met with Umthombo and Amos Trust, which resulted in police commitment to ending round-ups.

For long-lasting impact, this local campaign had to be backed-up with effective legislative and policy changes. The South Africa Street Child Forum, which Umthombo was involved in, advocated to ensure that street-connected children became an acknowledged priority group in the 2010 Children's Act revisions. This meant that they would directly benefit from the Act, from which they had previously been excluded.

The street-connected children population in Durban has reduced and in place of round-ups, Umthombo now regularly receives referrals from the Metro police for their highly effective reintegration programmes. Ensuring these children's rights are realised however is a constant struggle. In 2016, Amos Trust received reports that Cape Town authorities are encouraged by their own social development department to resume round-ups as a cheap, effective way to clear the streets.

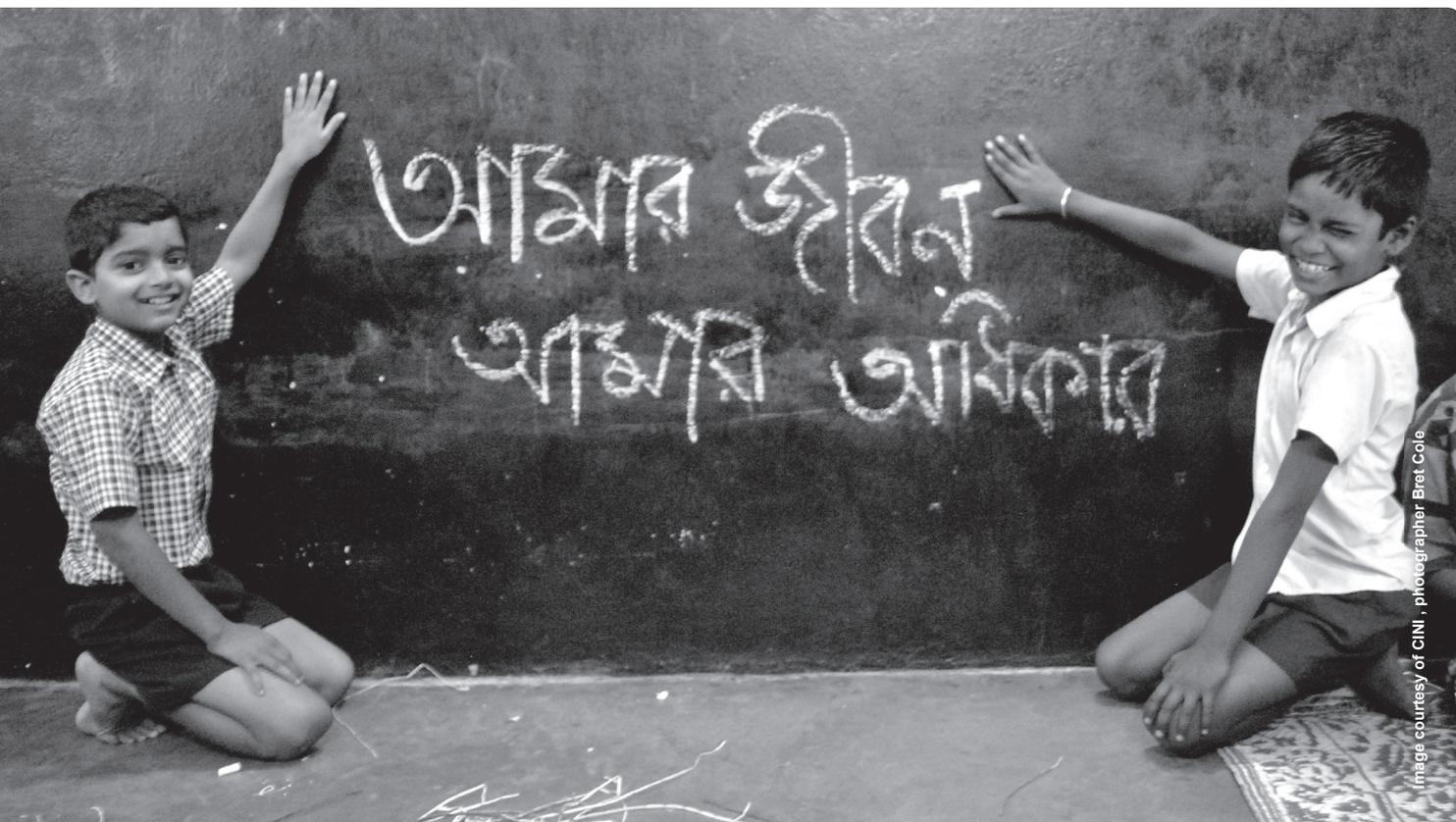


Image courtesy of CIN, photographer Bret Cole

## CHANGING POLICY FROM PROTECTIONIST TO RIGHTS-BASED:

### ➔ CASE STUDY

#### Children’s councils in India, Concerned for Working Children (NGO)

The Concerned for Working Children (CWC) is an NGO supporting working children in Karnataka, India. CWC supports children to form their own organisations based on their ‘needs, commonality of issues, concerns and comfort’.<sup>57</sup> One key way that children have structured themselves is by engaging with the Gram Panchayats (local councils) in their communities. Children have formed their own Panchayats, coming together to discuss the issues they face and devise plans as to how to respond to change the situation.

For example, in the village of Nandrolli alcoholism was a major problem in the village. In the Makkala Panchayat (children’s council) children raised the problem and identified it as a community problem. They collected case studies as evidence of the impact alcoholism had on them at home – lack of money for food, study and extra expenditure on medicines – and presented them to the Gram Panchayat. Their presentation was deemed insufficient and so

the children went away and collected quantitative data to further prove their point. For a week they cleaned the village by collecting empty sachets of arrack (alcohol). They calculated that in one month Rs.90,000 INR (approximately £1,100 GBP) is spent on alcohol – an excessive amount for a small village. The children presented this information to the Gram Panchayat and in other public fora so that others in the village (teachers, families etc.) also saw it as problematic. There was such shock at the amount spent on alcohol that others also put pressure on the authorities to take action. The Gram Panchayat submitted an order to the local authorities that the alcohol shops in the village be closed.<sup>58</sup>

CWC have documented other examples where children’s organisations have led change in their communities. Overall, increased children’s participation in political structures has led to attitudinal change towards children. Children have gained greater respect and are seen as contributors to their communities. Ultimately, the State is accountable through children’s participation in political structures, leading to benefits for the whole community.<sup>59</sup> Adults share power with children and as such, policies are less protectionist, responding to and including children who also contribute to shaping the policies.

<sup>57</sup> N Reddy and K Ratna (eds) *A Journey in Children’s Participation* (Concerned for Working Children 2002) 10  
<sup>58</sup> *Ibid* 13  
<sup>59</sup> *Ibid* 26

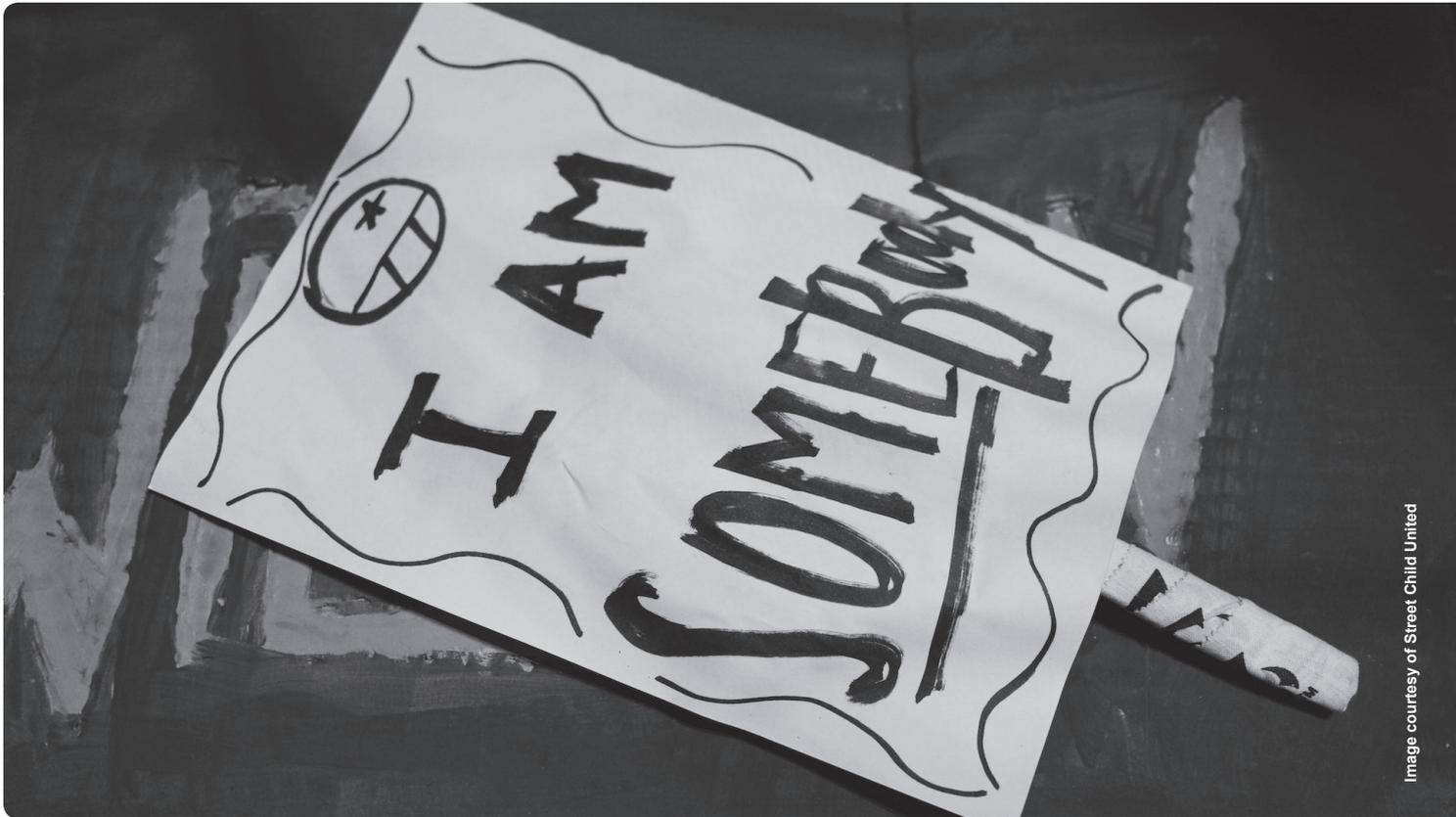


Image courtesy of Street Child United

## CREATING RIGHTS-BASED POLICY:

### ➔ CASE STUDY

#### Legal registration in Guatemala, Toybox (NGO)

Birth Registration is a universal human right in the CRC (article 7.1), which the Guatemalan Government ratified and embedded into national legislation in 1990. In Guatemala, registration of children is free up to 60 days after birth, yet it is estimated that around 1.5 million people (10% of the population) are unregistered.<sup>60</sup> Part of the reason for this is the fine for those who exceed the 60-day limit is prohibitively expensive, at more than a day's wage for a quarter of the population. Toybox staff often hear, "We eat, or we register our child."

Many families across generations are unregistered. In such cases registration of all family members can be a long and costly process involving DNA tests. This is also the case for children without parents, being required to take a test verifying their age, at Q.5000 GTQ or \$677.60 USD – nearly double the minimum wage with 80% of the population earning less annually.

The impacts of being unregistered are severe and include: lack of access to basic services such as health and education, leading to a cycle of social exclusion; in later life being unable to marry or vote; and at death being consigned to a pauper's grave.

Essentially, without registration, a child is invisible to the State.

Toybox, in collaboration with partner Viva Guatemala, has registered 2,310 street-connected children since 2014 (1065 boys and 1245 girls). In rolling this programme out in Guatemala City, Viva Guatemala engaged with RENAP (the Government Department tasked with ensuring registration) to support and build their capacity to register people. This engagement has led to formal collaboration with RENAP and the Ministry of Health and Social Development. Collaboratively Viva Guatemala and RENAP have raised public awareness, identified unregistered children and provided support for them and their families through the process. Viva Guatemala has also trained midwives to register babies and provided mobile and static registration centres to ensure there are no children in State care left unregistered.

This extensive support to government has led to Viva Guatemala now holding a seat on the national committee overseeing the increase in child registration, influencing policy at the highest level. This State capacity-building has also earned Viva Guatemala the ability to register children late without incurring any fees. Toybox acknowledges that the State is the duty-bearer to ensure registration and through its work has enabled civil society organisations to support the State to deliver this duty.

<sup>60</sup> National Plan for eradicating the under-registration in Guatemala, Guatemala National Register (RENAP), 2013

## 2.2.1 Submitting evidence to policy fora

At international and national levels there are opportunities to participate in reviewing and creating policy for children. At the international level this happens through the CRC Committee's State reporting process. There are other UN human rights committees that may also be relevant for street-connected children – for instance, the Human Rights Committee which monitors implementation of the International Covenant on Civil and Political Rights and the ESCR Committee which monitors implementation of the International Covenant on Economic, Social and Cultural Rights.

The CRC Committee is the authoritative body on the CRC. The CRC Committee monitors implementation of the CRC through its periodic reporting process on how States are implementing the CRC in their country; issuing General Comments that provide detail on aspects of the CRC; and arranging days of discussion on children's rights.

The **State reporting process** is one key way that NGOs can engage in promoting street-connected children's rights. The CRC Committee receives State reports and alternative reports from NGOs on how the State is implementing children's rights in its territory. The CRC Committee then holds a meeting with State representatives (and NGOs can be invited to participate) where the CRC Committee asks questions of the State and seeks clarification on issues that have arisen during the submission of State and alternative reports. The CRC Committee then issues concluding observations on that State. These serve as the basis of the State's next report to the CRC Committee. Concluding observations may also include interpretations of the CRC. The concluding observations provide a useful tool for advocates at national level to engage with the State on key issues of concern. The CRC itself can be used as an auditing tool in this engagement and in assessing whether domestic legislation and policy meets the standards of the CRC.<sup>61</sup>

### POLICY AND POLITICS IN RIO DE JANEIRO, BRAZIL: RESOLUTION 20

#### ➔ CASE STUDY

**Policy and politics in Rio de Janeiro, Brazil: Resolution 20, The International Center for Research and Policy on Childhood (CIESPI) at the Catholic University of Rio de Janeiro (PUC-Rio)**

In 2014, a major public hearing on violence against street-connected children took place in Rio de Janeiro. The city council's Special Commission on the Street Population subsequently established a working group to debate strategies to implement policies on street-connected children.<sup>62</sup> This working group had a formal status as an official body advising the Special Commission. CIESPI played a major role in co-ordinating part of the activities of this working group.

Resolution 20 (Resolução 20), was passed by Mayoral Executive Order, and suspended key civil rights for minority youth. Youth could be arrested without cause or evidence if they were on buses headed to the Southern Zone of Rio. The resolution also stipulated that the police, not the social service agencies, would monitor conditions in shelters where youth were taken.

CIESPI with partners brought together key public and NGO actors to engage with the working group on this issue. Its members included representatives from the city council, the state Public Prosecutor's Office, the state Public Defender's Office, the Children's Rights Council, key civil society coalitions and CIESPI. This resulted in CIESPI co-ordinating the working group to partner with the Ministry of Social Development to

formally review Resolution 20. The review led to the introduction of Resolution 64 – a rights-based policy response to street-connected children.

Resolution 64:

1. Deletes the compulsory placement of street-connected children in shelter;
2. Instead of only receiving health care in institutions, street-connected children must receive care in regular health networks;
3. Deletes the prohibition of street-connected children being on the streets at night; and
4. The social support system must not be confused with the public safety system and the social support system is not required to take the initiative in the detainment of street-connected children.

Resolution 64 was signed by the Secretary of Social Development, who is also Vice Governor of Rio de Janeiro, on 13th April 2016. By directly engaging with political structures, CIESPI and the working group successfully challenged repressive policy and provided a solid foundation to ensure that the city council was monitored and held accountable through the formal working group.

This important result is even more impressive when one considers the acute economic and political crisis in Brazil at the time – the most severe since the end of political dictatorship in the early 1980s. One major success was to distinguish between the protection mandate of government social services and the security mandate of the government police forces.

<sup>61</sup> Ursula Kilkelly and Laura Lundy, (2006), 'Using the UN Convention on the Rights of the Child as an Auditing Tool', *Child and Family Law Quarterly* Vol 18(3)

<sup>62</sup> CIESPI documented the Public Hearing event (10th April 2014) at the Municipal Council: <http://www.ciespi.org.br/eventos-e-noticias/635-nota-sobre-o-debate-publico-violencia-sistemica-contra-criancas-e-adolescentes-desdobramentos-do-debate-publico-do-dia-10-de-abril>

Nationally, in many State legislatures around the world there are ad hoc inquiries or panels that consider issues related to children. In the UK Parliament, there are committees made up of Members of Parliament that conduct inquiries and hold the government to account. They will receive written evidence from civil society and sometimes invite oral evidence too. Some States have Children's Commissioners, independent experts who advise them on how to best support children. These Commissioners may also hold inquiries and collect evidence from civil society.

### 2.2.2 The power of networks and campaigns

Popular and mobilised civil society and public support is key to achieving social change. It must be consistent and sustained. Without it, legal and policy change is rarely successful long-term.<sup>63</sup>

**Networks** play a key role in sustaining momentum on an issue. International networks can co-ordinate

activity and exert pressure at international or regional levels which then impact a State's reputation amongst other States.<sup>64</sup> National networks and coalitions can also work together to provide a coherent message to policy-makers and key stakeholders at a national level. Working at the two levels, networks can increase the presence of an issue in the public sphere which can lead to greater awareness and encourage a willingness to act on the part of policy-makers.

Collaboration through networks raises the visibility of an issue and increases understanding of its importance. Public campaigns and representation of street-connected children in the media can help to construct a narrative that promotes street-connected children as rights-holders rather than prioritising welfare and protectionist responses that see children as victims. The International Day for Street Children was launched with this in mind.

## INTERNATIONAL DAY FOR STREET CHILDREN:

### ➔ CASE STUDY

#### Consortium for Street Children

Street-connected children are a difficult group to address at policy-levels because of their severe marginalisation, complex identities and out-of-place status. They are frequently ignored and too often discredited in the public eye.

CSC launched the International Day for Street Children in 2011 to create one focal point each year where street-connected children and civil society around the world can raise awareness of the issues street-connected children face and create open and public space for their issues to be discussed.

Engagement with the public is key to influencing change. To date, CSC's petition calling for a UN day for street children has attracted nearly 10,000

signatories from around the world. This level of engagement demonstrates the widespread public support for promoting street-connected children's rights. Social media engagement has been key to promoting the messages of the Day and in 2016 CSC reached 1.5 million people through Twitter, significantly increasing the presence of street-connected children in the public consciousness.

NGOs have used the Day to challenge local authorities: in Uganda, S.A.L.V.E. International with street-connected children have gone on demonstrations through their local communities raising awareness of the issues they face; in Ecuador, with JUCONI Ecuador, street-connected children have held conferences with government officials to better their understanding of street-connected children; and in Kenya, Glad's House held a friendly boxing match between street-connected children and the police to build greater understanding between them.

<sup>63</sup> Stuart Scheingold, *The Politics of Rights: Lawyers, Public Policy and Political Change* (2nd edn, University of Michigan Press 2004)

<sup>64</sup> Guzman, 'A Compliance-Based Theory of International Law' 2002 90 Cal L Rev 1823, 1830



Image courtesy of S.A.L.V.E International

### 2.3 CHILD RIGHTS PROGRAMMING WITH STREET-CONNECTED CHILDREN

The CRC can be used to support the planning, implementation and monitoring of services with street-connected children. Rights often appear abstract and only operative at international or national legal and policy levels. In using rights to inform programmes however, they become a greater reality for street-connected children.

A child rights programme should enable a constructive and positive relationship to develop between duty-

bearers and rights-holders. This means: (a) empowering rights-holders (children, their families and communities) to understand and realise their rights and (b) supporting duty-bearers (I/NGO staff, State bodies) in achieving their obligations to respect, protect, facilitate and promote people's rights.<sup>65</sup>

The four guiding principles of the CRC are particularly useful in planning, implementing and monitoring a child rights-based programme.

<sup>65</sup> Save the Children, *Getting it Right for Children: A practitioners guide to child rights programming* (Save the Children 2007) 9

### GUIDING PRINCIPLES OF THE CRC WHAT DOES THIS MEAN IN PRACTICE?

#### The right to be heard (Article 12 CRC)

Children's views and opinions should be integrated in all stages of a programme. Involving children throughout challenges power structures and promotes children's position as rights-holders. It also supports children's capacity to influence family, communities and institutions in the future. The other three guiding principles rest on the participation of children.

##### **For street-connected children:**

CSC's Toolkit on using participation in programming design, monitoring and evaluation:

➔ [www.streetchildrenresources.org/resources/a-passport-to-participatory-planning-2](http://www.streetchildrenresources.org/resources/a-passport-to-participatory-planning-2)

The Knowledge Exchange Training Pack, produced by the Growing Up On The Streets research project and StreetInvest, has resources on training street-connected children to become advocates for themselves and their peers:

➔ [www.streetchildrenresources.org/resources/growing-up-on-the-streets-knowledge-exchange-training-pack](http://www.streetchildrenresources.org/resources/growing-up-on-the-streets-knowledge-exchange-training-pack)

Concerned for Working Children have developed different models for children's participation and engagement in local political structures:

➔ [www.concernedforworkingchildren.org](http://www.concernedforworkingchildren.org)

#### Best interests (Article 3 CRC)

The direct impact of any action on behalf of children should be in their best interests. Children's best interests should be a primary consideration in every decision made with them in mind. The interests of other parties such as parents, their community or the State may influence decisions, but should not be the primary concern. This specifically involves consulting with children and hearing their points of view in the decision making process.

##### **For street-connected children:**

Understanding the complexity of street-connected children's lives and what is in their best interests may not be the same as for other children. See CSC's briefing paper, *I Move Therefore I am Not: Exploring Different Conceptualisations of Street-Connected Children's Identities*. This paper examines the diversity of experiences that should be taken into consideration and inform a street-connected child's best interests:

➔ [www.streetchildrenresources.org/resources/i-move-therefore-i-am-not-cscs-briefing-paper-2016](http://www.streetchildrenresources.org/resources/i-move-therefore-i-am-not-cscs-briefing-paper-2016)

#### Non-discrimination (Article 2 CRC)

Non-discrimination is an obligation to ensure equal rights and opportunities for all children. There should be a focus on the most marginalised children and their inclusion in programmes to ensure non-discrimination. This could include increasing diversity awareness within an organisation or programme so that traditionally excluded groups are accounted for.

##### **For street-connected children:**

Developing a child rights programme for street-connected children automatically targets a discriminated and marginalised group. There can be further levels of discrimination however between individual street-connected children and an emphasis on non-discrimination should be a constant feature of programming.

See CSC's toolkit on working with adolescent street girls for an example of this in relation to gender differences:

➔ <http://sharedlearning.streetchildrenresources.org/resources/nothing-about-us-without-us-for-organisations-who-work-or-want-to-work-with-adolescent-street-connected-girls>

#### Life, survival and development (Article 6 CRC)

All activities should aim to promote children's survival and development. This should be understood in its broadest sense covering physical, mental, cultural, spiritual, moral and social development.

An awareness of children's evolving capacities is needed to ensure activities are relevant for individual children.

##### **For street-connected children:**

Street-connected children have had different experiences to other children and their capacities and abilities will also be different.

For detailed information on the capabilities of street-connected children as they understand them, see the Growing Up On The Streets research project:

➔ [www.streetinvest.org/quotes](http://www.streetinvest.org/quotes)



Image courtesy of CINI, photographer Bret Cole

## WHERE TO GO FOR MORE INFORMATION

This paper has outlined legal, policy and practical strategies to protect, support and fulfil the rights of street-connected children in different ways.

### USING THE LAW FOR CHANGE:

**Child Rights International Network's guide to strategic litigation**

📄 [www.crin.org/en/home/law/strategic-litigation](http://www.crin.org/en/home/law/strategic-litigation)

**Information on how to use Optional Protocol 3 to the CRC**

📄 [www.childrightsconnect.org/connect-with-the-un-2/op3-crc](http://www.childrightsconnect.org/connect-with-the-un-2/op3-crc)

**UN CRC Committee's General Comment on Children in Street Situations is forthcoming. CSC's Easy Guide to the General Comment**

📄 [www.streetchildrenresources.org/resources/easy-guide-to-the-un-committee-on-the-rights-of-the-childs-general-comment-on-children-in-street-situations](http://www.streetchildrenresources.org/resources/easy-guide-to-the-un-committee-on-the-rights-of-the-childs-general-comment-on-children-in-street-situations)

### INFLUENCING LAW AND POLICY DEVELOPMENT:

**UN Committee on the Rights of the Child's State reporting process**

📄 [www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx](http://www.ohchr.org/EN/HRBodies/CRC/Pages/CRCIndex.aspx)

**Universal Periodic Review reporting process**

📄 [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx)

**National human rights mechanisms**

📄 [www.crin.org/en/guides/un-international-system/national-mechanisms](http://www.crin.org/en/guides/un-international-system/national-mechanisms)

**International Day for Street Children**

📄 [www.streetchildrenday.org](http://www.streetchildrenday.org)

### RIGHTS-BASED PROGRAMMING:

**Save the Children's Getting it Right for Children: A Practitioner's Guide to Child Rights Based Programming**

📄 [www.savethechildren.org.uk/resources/online-library/getting-it-right-children-practitioners'-guide-child-rights-programming](http://www.savethechildren.org.uk/resources/online-library/getting-it-right-children-practitioners'-guide-child-rights-programming)

**Section 2.3 for resources for working with street-connected children specifically**

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## REFERENCES

- Abebe T and Tefera T, 'Earning Rights – Discourses on Children's Rights and Proper Childhood in Ethiopia' in Twum-Danso Imoh A and Ansell N (eds), *Children's Lives in an Era of Children's Rights: The Progress of the Convention on the Rights of the Child in Africa* (Routledge 2014)
- Archard D, *Children: Rights and Childhood* (2nd edn, Routledge 2004)
- Ansell N, 'From Objects to Subjects? Children and Youth in Development' in Grugel J and Hammett D (eds), *Handbook of International Development* (Palgrave 2016)
- Bell, S.A. (2012) 'Young people and sexual agency in rural Uganda', *Culture, Health & Sexuality: An International Journal for Research, Intervention and Care*, 14:3, 283-296
- van Blerk L, 'Negotiating Spatial Identities: Mobile Perspectives of Street Life in Uganda' (2005) 3(1) *Children's Geographies*
- Breen C, *Age Discrimination and Children's Rights: Ensuring Equality and Accessing Difference* (International Studies in Human Rights, Martinus Nijhoff Publishers 2005)
- Cheney, K.E. 'Conflicting Protectionist and Participation Models of Children's Rights' in Twum-Danso A and Ansell N (eds), *Children's Lives in an Era of Children's Rights: The Progress of the Convention on the Rights of the Child in Africa* (Routledge 2014)
- Child Rights International Network, *Global Report on Status Offences* (CRIN 2009)
- Consortium for Street Children, *I move, therefore I am not: exploring different conceptualisations of street children's identities* (CSC 2016)
- Ennew J, 'Outside childhood: street children's rights' in Bob Franklin, *The Handbook of Children's Rights* (Routledge 1995)  
– *Street and Working Children: A Guide to Planning* (Save the Children 1994)
- Ewelukwa U. U., (2006), 'Litigating the Rights of Street Children in Regional or International Fora: Trends, Options, Barriers and Breakthroughs' *Yale Human Rights and Development Journal* Vol.9(1), Article 3
- Franklin B (ed), *The Handbook of Children's Rights: Comparative Policy and Practice* (Routledge 1995)
- Giddens A, *The Constitution of Society* (University of California Press 1986)
- Glauser B, 'Street children: Deconstructing a Construct' in James and Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (Falmer Press 1990)
- Guzman, 'A Compliance-Based Theory of International Law' 2002 90 Cal L Rev 1823
- Howe R B and Covell K, *Empowering Children: Children's Rights Education as a Pathway to Citizenship* (University of Toronto Press 2005)
- James A and Prout A (eds), *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (3rd edn, Routledge 2014)
- Keck M and Sikkink K, *Activists Beyond Borders: Advocacy Networks in International Politics* (Cornell University Press 1998)
- Kilkelly U and Lundy L, (2006), 'Using the UN Convention on the Rights of the Child as an Auditing Tool', *Child and Family Law Quarterly* Vol 18(3)
- Kitzinger J, 'Children, Power and the Struggle Against Sexual Abuse' in James and Prout, *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* (Falmer Press 1990)
- Mizen P and Ofofu-Kusi Y (2013) 'Agency as vulnerability: accounting for children's movement to the streets of Accra' *Sociological Review* 61(2) 363-382
- Orend B, *Human Rights: Concept and Context* (Broadview Press 2002)
- Panelli, R., Punch S., and Robson E., (eds.), *Global perspectives on rural childhood and youth: young rural lives* (Routledge 2007)
- Panter-Brick, Catherine (2002), 'Street Children, Human Rights, and Public Health: A Critique and Future Directions' *Annual Review of Anthropology* Vol. 31
- Payne, R. E. D. (2012) 'Extraordinary survivors' or 'ordinary lives'? Embracing 'everyday agency' in policy and practice with child-headed households in Zambia, *Children's Geographies*, 10(4) 365-372
- Poretti M, *Enfances Urbaines et Politiques Publiques: Regards croisés d'enfants de différents quartiers de la ville Sion* (Centre Interfacultaire en Droits de l'Enfant, Université de Genève 2016)  
– (2015) *Politiques Locales de l'Enfance et de la Jeunesse en Suisse Romande: État des Lieux et Enjeux* (Centre Interfacultaire en Droits de l'Enfant, Université de Genève)
- Poretti M, Hanson K, Darbellay F and Berchtold A, (2013) 'The Rise and Fall of Icons of "Stolen Childhood" since the Adoption of the UN Convention on the Rights of the Child' 0(0) *Childhood*
- Reddy N and Ratna K (eds) *A Journey in Children's Participation* (Concerned for Working Children 2002)
- Robson, E., Bell, S.A. and Klocker N, Conceptualising agency in the lives and actions of rural young people in Panelli R, Punch S and Robson E (eds), *Global perspectives on rural childhood and youth: young rural lives* (Routledge 2007)
- Save the Children (2006), *Child Rights Programming: How to Apply Rights-Based Approaches to Programming*, (Save the Children Sweden)  
– (2007), *Getting it Right for Children: A practitioners' guide to child rights programming*, (Save the Children UK)  
– *Advancing Change for Children through Law Reform*
- Scheingold S, *The Politics of Rights: Lawyers, Public Policy and Political Change* (2nd edn, University of Michigan Press 2004)
- Stoops M (ed), *Share No More: The Criminalization of Efforts to Feed People in Need* (National Coalition for the Homeless 2014)
- Thomas de Benitez S, (2003) 'Reactive, Protective and Rights-based Approaches in Work with Homeless Street Youth' in *Children, Youth and Environments* 13(1)
- Tisdall E K M, (2015) 'Children's Rights and Children's Wellbeing: Equivalent Policy Concepts?' *Journal of Social Policy* 44(4)
- UN Office of the High Commissioner for Human Rights (2012), *Protection and promotion of the rights of children working and/or living on the street*, A/HRC/19/35

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**The Consortium for  
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is a global network that  
raises street children's  
voices, promotes their  
rights and improves  
their lives. We do this  
through our focus on  
advocacy, research and  
network development

# LOUDER TOGETHER

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