

# **SOUTH ASIAN CONSULTATION OF EXPERTS FOR THE UN COMMITTEE ON THE RIGHTS OF THE CHILD'S FORTHCOMING GENERAL COMMENT ON CHILDREN IN STREET SITUATIONS**

**New Delhi April 7-8, 2016**

**A report drafted by Plan India with support from Consortium for Street Children**

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## ➤ Introduction

This report is a synthesis of two-day consultative discussions by representatives of children's institutions, child rights activists, policy makers and researchers from 35 organisations across South Asia, titled '*Towards A Brighter Future*', held in New Delhi on 7-8 April 2016.

Regional experts used evidence-to-date (on the scale and severity of the problems confronting street-active children) and fresh insights gained at the convention to feed into and enrich the first forthcoming UN Convention on the Rights of the Child's (UNCRC's) General Comment (GC) on Children in Street Situations, to be published in 2017.

This conference was preceded by a three-day South Asian children's consultation held in New Delhi from 4-6 April 2016 where similar refinements in the inputs to the GC were attempted. Here, the endeavour was to co-opt 38 street-active children, from India, Nepal and Bangladesh, as informants and co-contributors to this step-up process.

- A conference of many firsts

This is a conference of many firsts.

- ✓ The forthcoming UN GC on Children in Street Situations, the focus of this conference, is the first piece of international law to assimilate the rights of street-active children into global programming and implementation.
- ✓ This conference is the first South Asian attempt by experts to mould the GC on Children in Street Situations in order to create new futures for street-involved children and effectively transform their rights in the region as well as across the globe.
- ✓ It is also a progression of the first ever global children's consultation. A determined first time bid was made by street-connected children from over 25 countries to lead seven pioneering consultation events to ensure their voices and experiences count in the GC. This conference was a step-forward from the children's consultation held in New Delhi just prior to this consultation.

- Objectives

The primary objective of this conference was to bring together an impressive range of technical experts from civil society organisations from across South Asia to decipher the intricacies of framing the GC in the best interests of children and to interpret their role in enabling this.

It was expected that they understand the nuances from two members of the UNCRC Committee and Advisory Board (present at the conference) while also grasping the challenges these members face in negotiating with other 16 members in the Committee.

The more specific objectives of this collaborative and consensus-building consultation were to enable these experts present to the members of the Committee their:

- understanding of the here-and-now realities of the lives of street children within each of their countries, and
- strategic suggestions to enhance the impact of the GC (based on their long experience of working on the field and discernments derived both from discussions with the members of the Committee and the children's consultation)

The idea was also to spearhead the idea of the institutional development of a 'South Asian Consortium for Street Children', an advocacy platform to enhance development co-operation between South Asian countries on street-active children, in collaboration with South Asian regional and national bodies.

- GC on Children in Street Situations

As the two elected members of the UNCRC Committee and Advisory Board (who were present here) will be instrumental in reaching the messages of the children and experts to the other members of the Committee, it is hoped that the soon-to-be formulated GC (as an authoritative interpretation of the UNCRC in relation to Children in Street Situations) will help tens of thousands of street-connected children by:

- bringing their concerns into sharp public, programme and policy attention
- altering their lives by addressing their specific concerns, and allowing them to climb over lives rife with socio-economic disadvantages and discrimination
- advancing international jurisprudence with clear stipulations of what is expected of governments to fulfil their rights
- actively guiding governments move towards an improved world for them, using the lived realities and experiences of children's and considered opinions of technical experts, and
- enabling other stakeholders (be it the civil society or others) to support governments in this endeavour and to hold them to account

- **Organisers and sponsors**

As technical experts, the Consortium for Street Children (CSC) was appointed Coordinator of the UNCRC Advisory Group.

Plan India partnered with CSC to enrich the GC with the contributions of practitioners across South Asia, whose inputs would not only be thorough, insightful but backed with foresight.

And, the conferences sponsors were Baker & McKenzie and Cargill.

➤ **Preliminary sessions: setting out to meet the scale of the GC challenge**

At its core, the wide ranging discussions of plenary one sought to understand how the forthcoming GC could revitalise the somber realities of street-active children and how experts could aid in this regeneration.

The opening sessions stimulated broad-scoped reflections on critical issues related to street-connected children, assessed the relevance of GC in renewing their lives, put the roles of experts in perspective and set the tone and tenor of the consultation.

The panel of experts included: Bhayashri Dengle, Executive Director, Plan India; Stuti Kakkar, Chairperson, National Commission for Protection of Child Rights (NCPCR), Surina Narula, Patron Plan India and Chair of the Consortium of Street Children (CSC), Elinor Milne, Advocacy Manager, CSC, Gehad Madi, Member, UNCRC Committee and Advisory Board, Yasmine Shariff, Member, UNCRC Committee and Advisory Board and Tushar Anchal, Technical Advisor, Child Protection, Plan India.

- **Key observations and recommendations prior to the making of the UN GC for Children in Street Situations**

Street-involved children's realities vastly differ from that of other categories of children. Yet their concerns remain undistinguished and invisible to South Asian policy planners and government programmers. Both lack commitment towards them, and even though current frameworks allow them to tackle an expansive range of issues (say of child labour, marriage, violence and trafficking, to name a few) there is little exertion.

As a first measure, the GC should address the root causes of 'why' children are on the street and address systemic failures. It should then progress to tackle barriers to attainment – reasons that hamper children from realising their competencies and full potential.

Experts called for clarity on the legal definition of street children in the forthcoming GC as they vary from country to country. So far, children in street situations have not been officially recognised as a vulnerable group in the human rights law and there is no mention of street children in any human rights convention.

There is hence a need to use this as the starting point of all interventions in the GC by delineating them a group, recognising the categories of street children, and understanding all the complexities inherent to their situation.

A few caveats are however necessary. One, there is need for the GC to move beyond the narrow focus on the street as there is more to the lives of street-active children than categorisations based on physical location, social neglect, and economic activity. Two, while a classification of street-involved children is useful, caution must be exercised by the GC to understand that these categories are not watertight or monolithic and that they may not align with children's own views about their lives. Three, it is vital to keep in mind that a specific identity should not preclude the child's enjoyment of rights linked to other identities. Perhaps a good way of defining street-children would be to arrive at an umbrella definition and add on interpretations (based on children's perceptions).

Determining numbers of street-involved children (perhaps alongside elaborate national census exercises) through reliable and accurate means and methods of informed consent and confidentiality (keeping assessment information confidential unless there is consent of the street-involved child to give information to others) is an urgent priority and the GC must make this clear.

In the lack of reliable evidence on numbers to guide policy and project planning, this evidence-gathering would be an important first step for effective assistance to children – to ensure that the right services are targeted to the right children. And, to serve as a baseline to assess the impact of interventions and enable learning about the quality and appropriateness of interventions.

Guesstimates in the past have led to suppressive measures by governments who have criminalised the existence of children on the streets and pushed them into subliminal existences. This is another reason why the definition of street-involved children should be clear and workable in the GC, enumerators can then accurately discern which children are actually to be counted.

Children on the streets are a hard-to-reach group as they do not stay in one place. NGOs (with their sound understanding of street child culture and locations) are perhaps best placed to provide insights into their daily lives, which can inform the design and implementation of data collection. This process could also aid in developing definitions and identifying children in line with this definition.

Street-connected children have finally been seen and their voices are being heard on an unprecedented scale in this GC. Yet it must be ascertained whether they are being listened to correctly and that their issues are being viewed not through the adult-prism but with the use child-lens. Their needs for schooling may not coincide with formal schooling and they may want to stay on the streets with friends rather than homes, for instance. Are people listening?

Other questions that need to be asked are: is gender equality being ensured (as street-involved girls suffer far more marginalisation than boys), and are disabled children's needs and those with alternate sexualities being dealt with sensitivity. Many experts underlined the need to hold consultations where children live so that their lived realities are reflected in the GC.

Being one of the most vulnerable, deprived and discriminated against groups of children, there was both expectation and anxiety about shaping of the GC in relation to Children in Street Situations. Although the GC is well intentioned and could have a powerful impact, it alone is not enough to improve the lives of children. Many experts also expressed fears of specificities being disregarded in the forthcoming GC

in favour of general and tailor made solutions. They recommended that States roll out specialised interventions based on GC guidelines for true impact.

As the GC intends to carry CRC principles forward by confronting discrimination street children face every day (Article 2.1, UNCRC); demanding children's rights be guaranteed in the streets as well private (they should not be rounded up, criminalised for 'begging', 'loitering' 'vagrancy' (Article 15.1); providing protection to those who lack a family environment (Article 20.1), government programmes and policy must begin to attune themselves to the necessary shifts to move immediately in the direction of the impending GC.

This is important as there is enough evidence to show that earlier GCs have altered the contours of policy and programmes in countries and have had a huge impact on the ground. The case of banning corporal punishment for children is one such instance. Experts however warned that this GC must not be viewed as the linchpin that will extend all rights to all street-involved children but its efficacy must be tested in combination with all other GCs within this ambit and with the implementation of its guidelines.

Improving the situation of street-active children requires collective effort. The GC should make clear advantages of a collaborative pursuits and how a variety of people should be involved, such as government officials, policy makers, NGOs working with street children, skilled professionals, service providers, religious groups and other interested community members and, of course, street children themselves.

There is also need to widen of circle of stakeholders to involve corporate businesses and the media as the civil society is overburdened with responsibilities. New and unexpected partnerships like the current one with Baker & McKenzie and Cargill must be explored.

Once the GC is formulated, each one of these stakeholders have a responsibility to disseminate its interpretations (using seminars, meetings, publications, advocacy tools, social media, school curricula, and through child-friendly, braille and translated versions), assess its implementation on the ground and evaluate its efficacy.

Civil society organisations (CSOs) along with children must be part of the alternate reporting mechanisms to the GC. Counter views to the State can help in identifying gaps and foregrounding priorities. They must also be part of the input process for the GC Children in Street Situations (deadline 12 April 2106). CSOs must not view their role solely as critics or judges of the State. While they must hold them accountable, they must also dialogue and work with them to strengthen implementation mechanisms as well as sensitise many officials working at the grassroots on child rights.

Children's sense of being abandoned by the community is strong. It must be stressed in the GC that street-involved children's problems are the responsibility of each one of us and help must be forthcoming from each individual to help children break through socio-cultural barriers.

The GC approaches to deal with children must move beyond rescue and rehabilitation to reintegration. The role of families and societies, that have been neglected so far, must be examined closely as family reintegration is possible in many cases (and perhaps not so much in others). Reuniting children with

their families must take into account the families' capabilities and determination to protect and care for the children, as well as the children's wish to return home. In many cases, families are ready to reunite with their children if social support is provided. The role of community protection mechanisms must be underlined.

Good practices across the world that have placed street-children at the centre of its activities, have had a positive impact on huge numbers of them, and are guided by a vision must feed into the GC and act as an adaptation guide to implement effective programmes. Piggy backing on them would help save money, time and minimise risks in new programmes.

## ➤ Plenary two: Tackling specificities to strengthen the GC

- Definitive expectations from the forthcoming UN GC for Children in Street Situations

Chaired by Surina Narula, Patron Plan India and Chair of the CSC, the other panelists in this session included Bharti Sharma, Child Protection Expert and Ex-Chairperson, Child Welfare Committee (CWC), Dr. Rinchen Chopel, Director General, South Asia Initiative to End Violence Against Children (SAIEVAC), Shireen Khan, Senior Specialist International Labor Organization (ILO), Raša Sekulović Regional Adviser, Child Rights and Protection, Plan International Asia Regional Office and Asif Mohammad, Director Programmes, Plan India.

Some of the key observations and recommendations for the framing of the GC in this session, that tackled specific concerns, were:

Children in street situations need to be lifted out of poverty and deprivation and eventually removed from the streets and other dangerous locations. This should be the path to progress rather than making them invisible to policy and programme. Yet there is a huge disconnect between what happens in Geneva where the GC is formulated and the implementation of policies and programmes at the level of the State. While governments work hard on the reporting mechanisms of the CRC and work towards submission deadlines, there are no proactive responses beyond that most times. And, though implementation of GC principles can bring dramatic turnarounds they are rarely heeded to. The implementation of this GC's mandate must be pushed forward.

There is a need to bridge this divide as much as there is need to subdue the chasm between workings of the government and civil society within South Asian countries. As these two work in two unrelated domains, there is a need to consolidate efforts and sustain investments as well as create accountability systems to hold both stakeholders to their responsibilities. This will enable the implementation of the GC principles.

While it is admirable CSOs wrest spaces for themselves and work in self-sustaining environments, there is need for broader partnerships to deliver improvements in the lives of street-involved children. The CSC has managed to create this through a consortium model and has worked in a sustained, collective manner towards ensuring a GC for Children in Street Situations. The potential of these shared grounds must be harnessed further to ensure long term structural, implementation, advocacy and policy outcomes.

As the numbers of street-involved children are large in South Asia, there is need to consider Article 32 of the CRC seriously and weave its essential principles into the forthcoming GC. There is for instance a need to fix the minimum age for employment for children; work towards abolition of child labour; take a holistic approach to harmful street situations; adopt a life cycle approach to handle the challenges of street-involved children; establish mechanisms to report on issues; ensure stronger co-relation between reporting and implementation; facilitate inter-ministerial coordination; and address issues of poverty and migration, unemployment that force children to take to a life on the streets.

The forthcoming GC could propel countries to shape a national policy, establish a nodal agency and also ensure separate budgetary allocations for street-active children. It could also facilitate the launch of regional collaborations through the setting up of regional secretariats that take cognisance of the regional priorities and shared concerns.

The nature of children's lives on the streets poses challenges for enumeration. Many children lead elusive lives and fear approaching or dealing with government officials and even NGOs as they are scared of being sent away to rehabilitation homes. Migration also makes numbers difficult to arrive. Experts were of the opinion that the solution perhaps lies in arriving at 'comprehensible' numbers by adopting universally recommended methods to count children.

Children in street situations are deprived of citizenship rights and are socially excluded, an exclusion that is characterised by the lack of access to birth certificates and registration documents, lack of stability of residence, proper education and healthcare. The forthcoming GC should feature lobbying for inclusion of children's rights at the national and international level by ensuring processes that secure them their identity papers.

Special provisions are needed to reintegrate street-involved children into society. The GC must ensure culturally sensitive understandings of the risks and protective factors that shape children's lives and pay special attention to strengthening the family and the community as the two powerful forces to draw children back into the fold of society. The model of child centered community development can work wonders. The GC should encourage CSOs to work together with street-involved children, their families, communities, organisations and local governments to effectively tackle the root causes of poverty and inequality and the range of complexities inherent to their situation.

The GC must make efforts to institutionalise unconventional processes that are creative and aid street-involved children learn and grow. Informal schooling systems that train them with vocational skills, tap into their core strengths and ease their entry into formal schools is one example. Harnessing the survival skills that street-involved children pick up (and demonstrate their creativity and resilience) is another.

The GC must also recognise that street children are a heterogeneous group and personalised approaches may be required in some instances to cater to their needs based on age, gender, ethnicity, and structural constraints they encounter. Their vulnerabilities as well as capabilities, and resilience must be kept in mind.

It must also be made clear that CSOs and law enforcement agencies should not make decisions for street-active children and send them to rehabilitation homes. The GC must emphasise the agency of the child, his or her right to decide the future course of their lives.

## ➤ Outcomes and recommendations of the South Asian Children's Consultation to the UNCRC's forthcoming GC on Children in Street Situations

Given below are children's analyses of their daily realities and challenges, as well solutions to their seemingly intractable problems – as spelt out in the South Asian Children's Consultation for the UNCRC's forthcoming GC on Children in Street Situations, held from 4-6 April 2016. Their observations relate to the four questions posed to them by the UNCRC.

### **1. Your right to choose their friends and be on the streets with them**

Street-connected children called friends their life support systems. While they negotiated other relationships, the basis of their friendship was abiding steadfastness. As a general insensitivity prevails on understanding the reasons behind their choice of living with friends on streets, children said they wrested this right in every way they could.

The government and society can help foster equal and respectful relationships among street-involved friends by:

- understanding the essence of their friendship and showing empathy
- working around the challenges of child labour to allow children form natural social bonds through play and schooling
- encouraging children to form associations and transform themselves into leaders and role models
- ascertaining culturally sensitive understanding of the protective and risk factors for children
- changing societal attitudes to accept street-involved children as citizens and allowing them access to informal and formal street spaces
- addressing problems of violence against children by peers, and
- looking into the lack of choices, opportunities and safe spaces for girls

### **2. Your right to special care and help if you cannot live with your parents**

In the absence of parental support and caring homes (as a result of circumstances or choice), street-involved children asked for the best options of living and surviving (especially if re-integration with families was not an option).

They wanted shelters Centres run by NGOs that were child-accessible and safe (with all the attending entitlements) and where the staff apply child rights principles and give them a voice.



Child-sensitive provisions on the street (if they choose to live there) was another demand.

They asked the government to deal with the challenges of child labour and work towards ending it; they were willing to consider a work-education balance as a start to the abolition.

Children felt the lack of education keenly and demanded informal, context-specific, participatory learning methods be used to firm up their competencies in reading, writing and numeracy as also vocational skills so that their transition to formal schooling is possible.

They made a bid for social inclusion and identity in addition to forums to voice their concerns, as also actions to prevent and end all manner of violence against them.

### **3. Your right to food, clothing, a safe place to live and to have your basic needs met**

In order to successfully transition out of poverty and homelessness, children asked for child-focused and safe shelters that address their physical, emotional and sexual safety issues, fulfill their needs of food, nutrition, education and basic services (drinking water, toilets, electricity, healthcare and playgrounds for recreation) and safeguard their legal and human rights (through child-sensitive handling by staff and a say in its functioning).

They wanted 'livable' conditions on the streets as it continues to be home to many children.

Drawing attention to the fact that many children eat out of dustbins and ingest substances to kill hunger, they asked the governments to ensure that every street-connected child has nutritious food on a daily basis.

They also asked for clean surroundings so that they don't fall prey to infectious diseases with lifelong consequences.

Children viewed rehabilitation of their parents as vital to their own growth and fulfillment of aspirations.

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

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

They asked for their right to be protected, in particular from neglect, exploitation and abuse, by highlighting the perilous lives of children living on streets and railway stations.

Children saw formal schooling as a formidable hurdle but expressed the need to be part of full-term, informal schooling systems that trained them with vocational skills, tapped into their core strengths and eased their entry into formal schools.

They stressed the need for freedom from rag picking, begging and the beginning of initiatives to ease them out of daily work.

They demanded citizenship through valid identity papers and registration documents, a nationwide census on children, the right to choose their friends, their settings of stay (be it at home or with friends on the street) and a voice in homes, schools, care Centres, urban planning and government programmes meant for them.

They wanted major shifts in societal attitudes (that discriminate against them, render them invisible and view punishment as a valid approach to deal with them).

They wanted an end to all manner of violence against them: within homes by parents (through sensitisation drives to deter them from using physical violence in raising children), by police and law enforcement officials (through restorative approaches that treat them as children in need of help rather than punishment), sexual violence by peers (by ensuring stringent punishment) and violence against girls (by ending child marriage, child trafficking, discrimination against girls in determining their life choices and sexual violence).

They insisted on parent rehabilitation programmes (that focus on building reciprocal bonds between parent-child and improving parent education and social skills in order to co-opt them into problem-solving.)

And, they wanted prevention programmes to recover from drug use and petty crime (to transition into adulthood with their selfhood intact minus the stigma).

### ➤ **Thematic presentations: facts on the ground and ways to alter ground realities**

The presenters in this session who analysed facts on the ground and ways to alter ground realities included Roshini Nuggerhalli, Director YUVA, Mumbai, Dr. Onkar Nath Tiwari, Professor, St. Andrews College and Bidisha Pillai, Director, Advocacy, Campaigns and Communications, Save the Children India. The views of Govind Beniwal, Former Member, Rajasthan State Commission for Protection of Child Rights (SCPCR), have been included here.

- **Key observations to be heeded to change ground realities before the formulation of the GC**

The current developmental models view street-connected children as ‘fallouts’, the result of which is diminishing social protection for them. Evictions and criminalisation of their survival behaviours (which negates their citizenship) are standard approaches to deal with them. Yet YUVA projects in Maharashtra have shown that it is possible to provide them with security nets within and outside of family through

community protection mechanisms, create safe spaces, provide non formal education, appropriate livelihood support, link child rights committees to existing structures, strengthen local systems' support and response and promote consortia building for scalability and sustainability. The GC could perhaps look into similar empowering enterprises to position its guidelines.

Another case study detailing efforts of the Integrated Child Protection Scheme in Rajasthan, India, highlighted the emergence of effective ways to tackle challenges of street-active children when governments work differently. The state government's efforts to determine the number of street children, link these children to NGOs and local administrators, address the concerns of children living in railway stations, organise sensitisation workshops to end discrimination against street-active children by the community and law enforcers, and grapple with children's increasing substance abuse have yielded spectacular results. Yet in the face of multiple dynamics, many implementation challenges remain. The GC guidelines can suggest ways to strengthen government frameworks and overcome restraining factors.

No literal definition exists of street children in India and there is no reliable data on the numbers (the UNICEF figure of 11 million is still the accepted figure). While there is an exhaustive framework of international legal standards and a policy framework for India (with domestic legislation, Constitutional safeguards, and criminal, employment, personal and special laws, the Juvenile Justice Act, stipulations on the children in need of care and protection, POSCO Act 2012 (that protects children from sexual offences) and the NCPCR Act 2012) there is no specific law dealing with street child. This is a grave omission that the GC should take into account.

A very recent situational analysis of street children in five cities of India (Hyderabad, Kolkata, Patna, Lucknow and Mughalsarai) showed that there are 85,000 street-involved children in these locations, 63% of who are boys and a quarter below six years of age. Of these 63% are illiterate; 68% out of schools, 79% have no form of identity and 75% are involved in hazardous work. A majority of these children are from socially disadvantaged classes, lack basic civic amenities, a fourth of them complained of skipping one meal a day and succumbing to illnesses, while 19.4% said they fell prey to sexual violence. The GC must insist on national studies in South Asia to determine the magnitude of the problem.

- **Recommendations that could assist in the framing of a GC that breaks new ground**

The applicability of best practices in case of interventions for street-active children can be determined by its responsiveness to the best interests and participation of the child; following of the principles of non-discrimination, accountability and sustainability (so that children continue to enjoy their rights beyond childhood into youth and adulthood); ensuring of easy availability and accessibility of services as well as safety quality and flexibility; amenability to monitoring and evaluation processes; and its ability to undertake improvements suggested therein against specifically established criteria. GC directives must attempt to guide programme design and implementation by highlighting methods that work, high level drivers and innovations. As also attempt to instill learnings from misadventures on the field.

The GC must also pay attention to the three issues outlined below.

One, to a clutch of factors that include: coordination between various government departments; mapping the numbers of street children (perhaps through the use of technology so that their movement between cities can be tracked); well formulated social protection networks' and long term shelters; sensitisation of duty bearers so that they are mindful of children's needs and rights; and informal educational frameworks that equip them with life skills.

Two, collection of information on local street-active children. This is important because the characteristics and situations of street children are different in every country, city and neighbourhood. Such assessments also help in formulating workable strategies to respond to the needs and problems of street children. The GC must lay stress on both these components, as it must on the dissemination of the results from the assessments to create awareness about the causes of street children's problems and their relationship with other issues.

Three, in view of the uneven legal landscape to aid street-involved children, there is need for a comprehensive legal framework that details the safeguards and rights of children.

### ➤ **Plenary three: Improving care and protection services for street-active children and ensuring accountability of the community and local governments**

How can the GC enable the process of improving care and protection services for street-involved children and hold the community and local governance systems accountable for its delivery?

This was the focal point of discussions in this session. Expert participants included Bilal Ahmed, Programme Director, Society for Promotion of Youth and Masses (SPYM), Dr. Jeremy Southon, Country Representative, Kidasha, Nepal, Rabin Nepali, SOS, Nepal, Chiranjeeb Kakoty, Chairperson, National Action and Coordinating Group Against Violence Against Children (NACG), India, Biplaw Singh, Child Welfare Committee and Dr. Rajib Haldhar, Director, Child in Need Institute (CINI).

- A summary of findings, observations and recommendations to invigourate the GC

When parents are unable to serve as primary care-givers and provide for basic needs (in the absence of livelihood alternatives), children are forced into the streets which puts them at great risk of abuse and exploitation. As street-active children are left with no identity, rights to citizenship or agency how can communities and institutions that are meant to care and protect them be held accountable and serve their best interests? How can the GC help in ensuring that these systemic weaknesses, both informal and formal, are sorted out?

Experts illustrated how parent-less street-involved children are arbitrarily sent to rehabilitation homes by law enforcement authorities and NGOs, and they are not attended to at healthcare centres if they go unaccompanied by a social worker or guardian. They argued that if street-active children are socially isolated in this manner and have no laws to protect them (as they are currently not defined in policy or

programme as a separate category), then it is incumbent on the community and local bodies to offer care and protection to the children.

The informal network of the community that is community members, including neighbours, friends and community associations, contribute to household support systems. The GC can highlight ways that strengthen the ability of families to protect and care for their children, and also methods to install safety nets for vulnerable children and their families within the community (to address the causes that push them on to the streets be it poverty, migration, homelessness or domestic violence or negative child/caregiver relationships).

Preventing children getting on the streets is better for the child than trying to rehabilitate the children later. But the starting point should be a clear understanding of who street children are. The GC needs to make clear that this category should include children surviving on the street, working on the street and children on the brink of entering a life on the street. Its guidelines should aid communities define street-children in locally relevant ways so as to help these children better.

The GC could also help highlight indigenous community-based protection structures and protective factors for children (say religious or community institutions), explain how to develop community-based organisations and linkages between them and facilitate the embedding of a receptive environment for child protection within the community (by identifying the knowledge, attitudes, and behaviours that work to replace a culture of violence and abuse).

It can also underline the need for societal behaviour change campaigns to address key child protection issues, such as violence against children, safe migration, birth registration and protection/diversion of children in conflict with the law.

And, if family integration is not possible, the GC can spell out how community support mechanisms can support children's rights and their choices "on the street". It is important to ensure that these children get access to healthcare and social services and protection without discrimination, and these services are available even if children do not possess identity papers or do not meet other requirements, such as the presence of legal guardians.

The formal structures of local governments can also have a more real and sustainable impact on improving the standards of child protection. Local administrators must develop comprehensive, integrated, context-specific, child-centered protection systems. This should comprise relevant laws, policies, regulations and services across all social sectors, especially social welfare and protection, education, and health. They must set apart budgets for street-active children, work within the parameters of a rights-based approach and help support the formation of child rights groups and child welfare committees.

Experts felt that the GC must be explicit in detailing the roles and responsibilities of the local administration as well as the fact that all children should have access to all of these services in all

circumstances so that street children are not denied the services in the lack of accompanying guardians or social workers.

The GC can also highlight successful models at the local level to boost coverage of support, care and protection for vulnerable children and their families, and explain how local governments can involve communities to work with all stakeholders to evolve an inclusive approach to child protection in the locality. The GC needs to emphasise that these local governance systems must have means to hear, accommodate and respect the views of street-connected children.

The local governments should also ensure that street-involved children are protected against abuse and violence in all settings be it home, school, and on the streets by law enforcement authorities, social workers or members of the community.

The GC can outline how they can meaningfully implement their child protection systems and how to ensure authorities in child protection at the local level have the means, support and sensitisation training to adequately focus on ending the stigma associated with street children and the violence against them. It can also talk of how services can be personalised, and how counselling can be used to address not just past violence but help protect children from future violence.

Experts also mooted the idea of the GC pushing for transition homes where children can live and be counselled before they enter full time rehabilitation homes. These homes should provide shelter, food, care, basic amenities and counselling so that the child can in collaboration with the staff explore the best future options – be it a rehabilitation home or back to the community or even the street. These homes must work to strengthen children's resiliency, autonomy and ways of coping so that it becomes possible for them to adapt to circumstances and take independent decisions. The GC must also address how children after the age of 18 are expected to survive if they are no longer eligible for accommodation in rehabilitation homes.

Experts wanted the issue of increasing substance abuse by children, even the very young, due to the lack of socio-economic moorings, to be highlighted by the GC. This is important as it affects cognitive development and results in mental illnesses. They also called for attention in the GC for children with disabilities and alternate sexualities as these children live lives on the margins.

Social accountability as a mechanism can help remove barriers to service access and quality and extend the opportunities to street-children and families who may otherwise have been excluded. Through social accountability initiatives, children can also monitor the implementation of laws, policies and budgets and generate a demand for improvements in the enabling environment. An accent on this powerful tool by the GC will help.

## ➤ Concluding session: gathering final remarks to strengthen the GC

This session gathered the final remarks of the experts in an open house discussion. The key panelists were: Pradeep Narayanan, Plan India, Neelima Pandey, Senior Manager Programmes, Plan India, Sanjay Gupta, Director, Childhood Enhancement Through Training and Action, Centre for Health, Education, Training and Nutrition Awareness (CHETNA), Kavita Ratna, Director Advocacy, The Concerned for Working Children (CWC) and Debashish Guha, LittleBigHelp.

Experts called this a time of great significance. The build up to the forthcoming GC on Children in Street Situations is a moment of opportunity – to build an identity for street-active children, distinguish mechanisms to strengthen their care, protection, provision, and participation as well as delineate roles and responsibilities of various stakeholders to ensure accountability.

Experts urged stakeholders in this arena to make the necessary shifts in paradigms and perspectives to effectively accomplish these goals. They urged for a critical realignment of vision, and efforts to work with a sharper set of priorities, focus areas and work agendas. By approaching work differently, they said, there will be greater cohesion, sustained impact and the emergence of more effective ways to tackle the underlying causes of why children are on the street. Roles and responsibilities will have been rethought to expand the limits of engagement and new competencies and innovations need to be identified.

Yet the idea is also for effective practices that have had a positive impact on huge numbers of street-active children to be replicated for redoubled impact.

Experts spoke about the need for collaboration between all stakeholders (street-involved children, governments, NGOs, activists, researchers and donors) at this defining moment as the idea was to collectively define the GC with a shared vision and understanding and tackle the challenges of the street-active children strategically and collaboratively.

This, they said, is also a good time to highlight the South Asian perspective on the issue of street-connected children, leverage collective regional leadership to trigger positive social change, and attempt to influence the global worldview on this issue. Other experts talked of exploring consortium settings for South Asia.

While the CRC and GC can offer policy and programme guidelines, solutions and the change in ground realities will have to come from each of the South Asian countries. Formulation of a national policy for street-involved children in each of the country would be a momentous start.

The establishment of a definition of street-involved children with clear legal terms of reference in the GC could kick start the process of improving the lives of street-active children. The wording should be

unambiguous so that it does not go against the children's interests. Determining their numbers should follow.

There is an immediate need to get children off the streets, stop criminalising their survival behaviours, end their isolation, give them their dignity and a voice in all decisions that affect them. The GC needs to raise these issues as much as the need to work towards issues that street-active have identified as priorities (at the recently held children's consultation).

Sustained efforts must be simultaneously made in the GC to improve street-connected children's access to productive resources, services and opportunities, and ensure enabling laws, policies, development structures and institutions. In some cases, experts strongly advocated for context-specific tailored solutions.

The GC must amplify the need for integrated plans (to facilitate inclusive governance through attention to street-connected children's concerns, accountability and citizenship); strengthening systems (to enable fulfillment of their rights and entitlements related to health, education and social protection); enhancing children's capabilities and resilience in multiple spheres (social, emotional, economic), and shifting gender relations and attitudes toward the empowerment of girls on the street.

For girls on the street inequalities are a lived reality. They are hemmed in by social norms, more so than the boys. The fear of these norms are enough keep them confined and crush their personhoods. It also locks them further into poverty, poor health and education, early marriage and childbirth, low aspirations, limited career options. Efforts must be made to address this in the GC.

A collective and visible stand by different sections of the community against violence against street-active children, a popular people's movement to end it and a wide range of local, national and regional alliances to actively address the issue is what the GC needs to spotlight.

The role of the family is often underestimated in addressing the problems of children on the streets. But many families can become part of the problem-solving process if their basic socio-economic requirements are met. Strengthening the ability of families to protect and care for their children, and also putting in place safety nets for vulnerable children and their families within the community are important measures that need attention in the GC.

Experts insisted on the urgency of developing an accountability framework within the GC (that clarifies the concept, mechanisms and instruments of accountability) and also tapping into the potential of social accountability (that can help advance the equal rights of children in development programmes). One expert argued that the argument of insufficient budgets will not hold as there is adequate amount of money for programmes and children must have legal, political, administrative and social accountability.

Reporting mechanisms must be uniform for all stakeholders so that the outcomes of the interventions can be better evaluated. This is something that the GC should advocate. It would make eminent sense to align all reporting to the Sustainable Development Goals (SDGs). Here, each country chooses the



indicators that are best suited to track its own progress towards sustainable development. Yet, the goals also work towards a global agenda. Success will require international coordination and collaboration, which in turn requires accountability and monitoring at global level. In addition, regional monitoring and accountability plays a critical role in fostering regional collaboration and coherence in strategies to pursue the SDGs (and the interests of street-connected children as a result).

Wide dissemination of the GC guidelines widely using a medley of methods was recommended to empower all the intended audiences. It could enable policy frameworks to be strengthened, the government could use it for impactful decisions and to plan strategically based on sound knowledge and vision, and the NGOs could bolster their knowledge, aptitude and skills based on this.

The challenge of simultaneously pulling in and executing these efforts is indeed enormous, but the experts were optimistic that it could be done.

### ➤ **Regional perspectives and priorities (with special attention to Nepal and Bhutan)**

The state of children in South Asia is not a happy one. Countries such as Bangladesh, India, Nepal, Pakistan and Sri Lanka are afflicted with high levels of urban poverty and have one of the largest number of children living on the streets— both boys and girls. Rapid structural changes through liberalisation and globalisation policies have contributed to inequities and increased incidence of destitution in many parts of South Asia.

Street-connected children face homelessness, separation from family, being out of school, high incidence of poverty and situations of being forced to work. These issues are linked to vulnerability, exploitation and the risk of coming into conflict with the law.

Consequently a range of problems and difficulties confront street-active children, including endemic poverty, domestic and/or sexual abuse and other forms of violence, hazardous working conditions, exploitative labour, and substance abuse, conflict with the law and juvenile justice, and the HIV/AIDS pandemic. All these challenges bear negatively on children's survival and rights.

Nepal's decade-long conflict has left many families in a state of collapse. Children migrate from the poverty-stricken rural areas to the cities, ending up homeless in the streets. The lack of identity, citizenship, child labour, substance abuse, and physical and sexual exploitation are issues in need of redress. Experts identified the need for advocacy, establishment of rehabilitation and correction centres and transit homes through the Government and NGOs, mobilising homes already established by NGOs, monitoring the implementation of the Children's Act, compulsory birth registration and setting in place suitable coordination mechanisms between the government and NGOs as priorities.

The Gross National Happiness measure has become a template for all social policies and empowered Bhutan to become a model of alternate development. But sadly Bhutan's children are afflicted by issues

of child labour, sexual abuse and exploitation, child marriage, corporal punishment and child trafficking. Bhutan's minimum age for work is inconsistent with international standards. Children have been found in large numbers to be working in fields and as domestic workers. The Royal Government of Bhutan was the first countries to ratify the CRC in 1990, however it is not a member of ILO and thus not a party to any of the conventions on working children. This must be remedied. Also, education is not compulsory, another issue that must be redressed. Joint efforts of the government and the civil society is the only way to resolve the myriad problems of the street-involved children, according to the expert from this country.

### ➤ In the words of experts from across South Asia and beyond

**Bhagyashri Dengle**, Executive Director, Plan India, opened the discussions by drawing attention to “daily gross human rights violations that street-involved children endure. Trying to survive crippling poverty, some are separated from their families and compelled to work in situations that are highly dangerous and exploitative. These difficult circumstances need immediate and effective action.”

**Stuti Kakkar**, Chairperson, NCPCR, took forward this point. Underscoring the deteriorating conditions of street-involved children, she said, “the Commission is firming up a national action plan for them and stepping up synergies with the railways, the departments of education, and the civil society to deepen the impact of efforts aimed at improve their living conditions. The challenge lies in ensuring the Commission’s vision is distilled and followed in spirit.”

**Surina Narula**, Patron Plan India and Chair of the CSC, stressed the need to not plough lonely furrows “but for all stakeholders to work together and in sync and build on good practices for defined outcomes.” She recommended consortium settings as they allow for a platform to reach communities, stakeholders and donors with the right set of competencies; an expansion of domains (as each partner works in a different area and brings that expertise to the project), and a deeper impact (due to a comprehensive set of interventions that work towards economies of scale as opposed to stand alone efforts). It also allows for cross learning and stronger advocacy measures. These advantages translate into outcomes with quality, she added.

**Elinor Milne**, Advocacy Manager, CSC, built on the idea of “value of networks and the strength of its expertise”. She argued CSC has more than 80 members in over 120 countries and “is a strong force and voice for advocacy at UN level.” She traced its consistent work to promote street-involved children’s interests, efforts that have resulted in the GC on Children in Street Situations (one that will have far-reaching impacts on street-connected children and the organisations that support them). She also drew attention to CSC’s prioritising of consulting with children to create better policy. The result of this has been seven consultations with children in 25 countries to feed into the same GC.

**Gehad Madi**, Member, UNCRC Committee and Advisory Board, said this first GC on Children in Street Situations “will assuredly remedy the lack of policy, strategy and data in this area, and unequivocally clarify the roles of the States who have the primary responsibility to address children’s priorities. But there is need for the governments, NGOs and the business community to join forces and implement its

directives if there is to be real change on the ground, especially on the issues of survival, identity, development and protection (which have emerged as key issues that children want redress to as exemplified at their consultation).”

**Yasmine Shariff**, Member, UNCRC Committee and Advisory Board, accentuated “the importance of hearing the voices of children and NGOs in alternate reports to pinpoint the inconsistencies and non-fulfillment of State roles and providing a counterpoint to the country reports submitted to the UNCRC.” On the basis of 18 other GCs formulated so far, she explained at length the processes UNCRC followed to ensure that these voices were heard and their concerns validated.

**Raša Sekulović**, Regional Adviser, Child Rights and Protection Plan International Asia Regional Office, stressed the role of families in the resolution of problems relating to street-active children. “The key to resolving the situation depends on addressing the family’s problems and involving the family actively in the process of identifying solutions – even though it might be quite challenging to involve families.”

**Tushar Anchal**, Technical Advisor, Child Protection, Plan India, reiterated that government plans for street-involved children in the region “have failed so far because they have not taken account of or responded to children’s needs.”

**Kavita Ratna**, Director Advocacy, The Concerned for Working Children (CWC), said the role of the NGOs was not so much to judge or incriminate the government but to aid them in implementation.

**Sanjay Gupta**, Director, Childhood Enhancement through Training and Action, Centre for Health, Education, Training and Nutrition Awareness (CHETNA), said every child has a story. We must all be prepared to listen to it and not silence it. Attitudes, perception and practices with regard to street-active children will not change till societal attitudes are transformed to end bias, discrimination and violence against children. Parents, the community, law enforcers and people who work with children must be prepared to embrace change.

**Dr. Rinchen Chopel**, Director General, SAIEVAC, “In South Asia, children face enormous violence. There is need to strengthen regional and national mechanisms, ensure close partnerships with relevant SAARC and NACG mechanisms and roll out global initiatives.”

**Bharti Sharma, Child Protection Expert and Ex-Chairperson, CWC**, “Children are sent to rehabilitation homes as a one-stop solution. Alternatives and children’s opinions are never considered.”

## ➤ **Voices of dissent**

- NGOs in their alternate reports make many concrete, country-specific, precise, realistic and action-orientated recommendations that the governments can implement to better the situation on the ground. But NGOs have no idea whether governments take it seriously, implement them or even disseminate it across the levels of administration.
- There is no recognition of the role and contribution of grassroots workers who address the concerns of children.

- If children's voices are ignored any longer their reactions will turn reactionary.
- The GC has to be framed in 10,000 words. This is hardly sufficient to address the gamut of issues.
- If we wish to address street-active children's concerns with earnestness then our responses must be empathetic rather than sympathetic.
- Most of the States have effective policies, the trouble lies in its implementation and the proper distillation of the central vision.
- We have focused on the vulnerabilities of children on the streets. But what about the adventurousness of their lives, the support groups that sustain them? Why don't we talk of them?
- Most of the funds that are given to improve the lives of street children go in supporting organisational costs and staff salaries.

## ➤ Agenda

April 7, 2016

09:15 to 10:00	<b>Registration and tea</b>
10:00 – 11.15	<b>Inaugural session</b>
	<b>Welcome and Introduction</b> Ms. Bhagyashri Dengle, Executive Director, Plan India
	<b>Objectives and purpose of the conference</b> Tushar Anchal, Technical Advisor, Child Protection, Plan India.
	<b>Lighting of the lamp</b>
	<b>Address by the Chief Guest</b> Ms. Stuti Kacker, Chairperson, National Commission for Protection of Child Rights
11:15 – 11:30	<b>Tea Break</b>
11:30 – 13:00	<b>Plenary I: An introduction to the making of the UN General Comment for Children in Street Situation</b>
	Making of Forthcoming UN General Comment: A Pathway to Change – Ms. Elinor Milne, Advocacy Manager, Consortium for Street Children
	What is there in the UN General Comment for Children in Street Situation? – Mr. Gehad Madi, Member, UNCRC Committee & Advisory Board
	Scope for CSO Participation – Ms. Yasmeen Shariff, Member, UNCRC Committee & Advisory Board
13:00 – 14:00	<b>Lunch</b>
14:00 – 15:45	<b>Plenary II: Expectation from the forthcoming UN General Comment for Children in Street Situation in South Asia chaired by Ms. Surina Narula, Patron, Plan India and President, CSC</b>
	Ms. Bharti Sharma, Child Protection Expert and Ex-Chairperson, Child Welfare Committee
	Dr. Rinchen Chopel, Director General , SAIEVAC
	Ms. Shireen Khan, Senior Specialist, ILO
	Mr. Rasa Sekulovic, Regional Advisor Child Rights, Plan Regional Office (South and South East Asia) Mr. Asif Mohammad, Director – Programmes, Plan India
15:45 – 16:00	<b>Tea Break</b>
16.00 – 17.00	<b>Presentation of Children's Consultation Outcome</b>
	First report from children's consultation – Ms. Kavita Ratna, Director Advocacy, The Concerned for Working Children (CWC)
	Second report from children's consultation – Mr. Sanjay Gupta, Director, Childhood Enhancement Through Training and Action (CHETNA)

April 8, 2016

09:30 – 11.15	<b>Thematic Presentation:</b> Life and challenges of a street children in India – Ms. Roshni Nuggehali, Director, YUVA Mumbai Street connected children and the role of law (Indian and International) – Dr. Onkar Nath Tiwari (Professor, St. Andrews College) Research study on children in street situation in India – Ms. Bidisha Pillai, Director Advocacy, Campaigns and Communications, Save the Children India
11:15 – 11:30	<b>Tea Break</b>
11:30 – 13:00	<b>Plenary III: Situation of street connected children and our view on general comment</b> <ul style="list-style-type: none"><li>▪ Dr. Rajesh Kumar, Director, SPYM - Chair</li><li>▪ Mr. Jeremy Southon, Country Representative, Kidasha Nepal</li><li>▪ Mr. Rabin Nepali, SOS Nepal</li><li>▪ Mr. Chiranjeeb Kakoty, Chairperson, NACG India</li><li>▪ Mr. Biplaw Singh, CWC</li><li>▪ Mr. Rajib Haldhar, Director, Child in Need Institute (CINI)</li></ul>
13:00 – 14:00	<b>Lunch</b>
14:00 – 14:30	Integrated Child Protection Scheme: Rajasthan Experience – Mr. Govind Beniwal, Former Member, Rajasthan SCPCR
14:30 – 15:45	<b>Valedictory Session and Open House Discussion</b> <ul style="list-style-type: none"><li>▪ Mr. Pradeep Narayanan, Plan India</li><li>▪ Ms. Neelima Pandey, Senior Manager Programs, Plan India</li><li>▪ Mr. Sanjay Gupta, Director, Childhood Enhancement Through Training and Action (CHETNA)</li><li>▪ Ms. Kavita Ratna, Director Advocacy, The Concerned for Working Children (CWC)</li><li>▪ Mr. Debashish Guha, Director, Little Big Help</li></ul>
15:45 –16:00	<b>Tea Break</b>
16:00 –16:15	<b>Vote of Thanks</b>