ISSUE 4: EDUCATION AND EMPLOYMENT:
How can the law empower street involved youth through quality education and employment?

CASE STUDY NARRATIVES:

Special needs of children with disabilities in educational settings.

The following case study identifies a teacher and learning support assistant (LSA) who have been trained by Chance for Childhood’s Education, Equality and Empowerment (EEE) programme to enhance inclusive education for children with disabilities in Northern Rwanda.

A teacher, Odette (photo left), teaches at Muko Primary School, Nyagahondo Village, Gyivugiza cell, Muko Sector, Musanze. She has been trained by the EEE project. As a result, in her spare time she goes out into the community and visits families to encourage them to allow their disabled children to go to school.

It was at this school that the uniform recently changed, leaving many children supported in old uniforms or without one. The children are pictured above. Jacob in the pink sweater was really eloquent (it was generally difficult to get disabled children to speak about their experiences due to apparent shyness). He is 12 years old and has
stunted growth and an eye problem. He explained, “I used to go to school before, but I sat at the back and could not see the black board. I could not even sit on a bench next to someone (because of stigma). They could not be friends with me. But since I have been helped by the LSA I have moved forward in the class so I can see what is going on and I now have friends.” The LSA explained to pupils that Jacob are children just like any other, the children understood.

Daniel aged 8 (second from right), is left handed, but the teacher forced him to use his right hand even though it was physically impaired (there are entrenched attitudes that the right hand is correct for writing and left hand writers are stigmatised). As a result of the LSA, he is allowed to write with his left hand. The LSA also helped Daniel look after himself, for example, regarding personal hygiene, so Daniel now asks his parents for advice and is more involved in family life.

Jean Claude, 13 (front left) has a problem with his back, and Innocent, also 13 (back left) has a hearing and speech impairment. They have similar stories of social exclusion and the building of confidence through the support from an LSA. Learning Support Assistants have proven a valuable tool in empowering children with disabilities to access education and break down community stigma and this model need to be rolled out in many other communities to increase access to education.

Focus on Prevention of Children coming to the street

Retrak’s records showed that a significant proportion of children met in Addis Ababa came from Ethiopia’s southern region particularly from the town of Hossana and the surrounding area. As a result, a plan was developed to address some of the key push factors that were leading many children to come to the city. Amongst these were extreme poverty, violation of children’s right to safe family, lack of access to education and to various forms of physical and emotional abuse.

Retrak established a project to improve the wellbeing, support and protection of vulnerable children and increase the knowledge, abilities and wellbeing of household caregivers and community members. In doing this, the project is in the process of changing attitudes and behaviours, reducing stigma, and responding to and preventing further
abuse and exploitation of children in target communities. The project was implemented through a range of activities covering outreach and service provision to children already on the street; a program to reintegrate children home to family and support caregivers; the formation of Self Help Groups (SHG) to improve family’s economic security and to strengthen parenting skills; the establishment of child-led Child Welfare Clubs (CWCs) in local schools with a focus on child protection issues; and Community education to promote child protection.

Results
In the first two years of the project 471 children have been contacted on the streets, 447 have received services at drop-in centers in Addis Ababa and Hossana, including education and life skills, and 160 have been reintegrated with their families. As a result, the wellbeing of children has improved dramatically, with an almost complete elimination of risk. Children’s wellbeing also improved overall when they are placed back in to the care of their families.

Community based activities have seen 18 SHGs formed with an average of 20 members each; 11 Child Welfare Groups involving over 2,000 children; and 500 community members have received education through 17 workshops. As well, awareness raising activities focused on child trafficking, and specifically targeting bus station workers and police, has led to over 90 children being served.

Stories from the (mainly) women involved in the SHGs revealed that there has been an impact on parenting skills, empowerment and overcoming discrimination or lack of self-worth. The women are more aware of the risks children face on the streets or through child labour and there is an increased desire to get their children home. The women show great determination to succeed and avoid past mistakes once a new option is open to them.

Improvement in savings, loans and work is important since economic activity is limited in the area. Whilst the SHG households have a cash income of around 530birr ($27) per month on average, this mainly comes from the sale of goods. Agricultural land and livestock ownership is below the national average, and child labour is common with 92% of 12-14 years involved in household work, and nearly 10% undertaking paid work outside the household.
Child protection issues have also been addressed through the CWCs which have used peer-to-peer activities to raise awareness of issues including: street life, child trafficking, education and work. Anecdotal evidence, which needs to be explored further, suggests this is improving children’s attendance at school and reducing drop outs.

The community sees child labour as one of the top child protection risks in the community, along with physical abuse and female genital mutilation (FGM). Other sources of harm for children in these communities are parental lack of awareness of healthy parenting, child abuses, child protection and parents' death or divorce. Based on direct reports, program staff members believe that girls are more abused than boys, with some unique sources of harm for girls including early marriage and FGM. These child protection issues are addressed either through the traditional or government systems.

Although the traditional structures may be what the **CWC members** preferred initially, the punishments imposed are perceived to be lenient. The decisions made by the government legal structure can be more satisfactory, but the process takes a long time to conclude. Not all child protection incidents are reported because of lack of awareness on child protection issues and on the available structures through which they can be addressed. Further work needs to be done to build capacity to aid implementation of child protection policies.
A story gathered as part of this review tells of the experience of one of the SHG members. She is mother to 9, her husband has no job and she supports the family by selling ‘injira’ (local food). Through the SHG she has been able to save and take a loan to improve her business. She has also learnt new parenting skills through the group.

“I raised my children far from what has been taught to me here since the first day of our lesson. I used to punish my children by hitting them hard, accuse them for all mistakes, curse and insult them unceasingly, chase them with an axe, tied them using rope and hit them, used my teeth to bite them. But I never thought this could harm them or that I could be wrong in the eye of the law.”

One day her 14 year old daughter made a mistake and was so afraid of the punishment that she left home and was too afraid to return. Through the SHG meeting her mother realised: “my children are not the one who made the mistake. It is me who made the mistake. Had it been I continued with this way, all my children could have left home and gone to the street.” She then left the meeting, and invited her daughter to come home.

There has been a significant improvement in the way she is treating her children, and they are becoming less aggressive and happier. Her daughter testifies to this change: “My mother has changed a lot. She still gets annoyed but she becomes calm quicker. She has stopped her former way of hitting us all. I have also decided to continue my education next year. My mother has become kind to me.”

**Recommendations for future projects**
The success of the project lends itself to replication and scale up, both within Ethiopia and beyond. A multi-pronged, community based approach that encompasses service provision for children already on the street, reintegration of children home to family and caregiver support and follow-up. Self Help Groups to strengthen households – both economically and with parenting skills, Child Welfare Clubs in local schools that focus on child protection, and Community Education based on child rights and protection, all implemented simultaneously, can have a significant impact for the protection of children, strengthening of families and ultimately the prevention of more children moving to a life on the street.
Retrak is now planning to roll out similar programmes in Uganda and Malawi as a way of community changing attitudes and behaviours, reducing stigma, and responding to and preventing further abuse and exploitation of children in target communities.

_CWC peer education session_
“Realising Rights” through street contact points - A journey through the eyes of Poonam

Life in the street is associated with child-specific physical and emotional challenges that call for specialized and early programmatic interventions. CHETNA focuses on street children as resources—not just as victims or threats to society. It also important to connect with the realm of street children, their vulnerabilities, unsafe environment, challenges, disconnect with families and communities and the entire struggle of individuals and groups to mainstream them.

CHETNA’s “Realising Rights” is a participatory model of contact point approach, which steers community attention towards the dire need for social development and poverty reduction policies and program to improve the situation in the community at large. Our primary goal is to prevent more young people from becoming marginalized. While preventive interventions are essential, those children already facing the hardships of street life need immediate opportunities for human development via special protection programs. This cases study distills the main lessons learned from CHETNA’s wide experience that have attempted to meet the special needs of street children specially education in its program areas.

Pinky’s Journey:
CHETNA started it work in Agra, a city in the northern state of Uttar Pradesh, India. The heritage city is not unaware and untouched of the vulnerability of street and working children. According to census 2011, it is the 20th most populous city of India and has a population of 3.6 million. It is an industrial area and being a tourist place children run away from neighbouring districts. These children are vulnerable to child labour and begging.

CHETNA has been running multiple contact points under its “Realising Rights” model in Agra. Through this model, CHETNA staff members
identify street and working children, build rapport and counsel them to join learning sessions.

CHETNA staff members met Pinky on the street of Agra during routine outreach efforts. She was an undernourished 13 year old girl who is very shy and quiet. Pinky and her family were compelled to live a harsh life on the street after her father’s fatal accident. Her mother makes and sells cow dung cakes for the survival of eight members of the family. Pinky also supports her family by stitching shoes. Her work earns her Rupees 2 for each pair of shoe. Pinky had been bullied by other children and adults for her undernourished face and stature. No one in her family and neighbourhood called her by her given name. This continuous bullying dropped her confidence and she never came out to interact with people. (She heard her real name for the first time from CHETNA staff.) Pinky never attended school.

Chetna staff tried to convince her to attend the learning sessions at a nearby contact point, but she lacked confidence to explore it. Her parents were also advised to send her and other siblings to the contact point. After a month’s continuous counseling, Pinky appeared at a contact point. She started learning basic language and mathematics. CHETNA has a tailor made curriculum for teaching such children who have never gone to school.

The Right to Education Act 2007, India, provides free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right and guarantees free and compulsory education till completion of elementary education in a neighborhood school. It makes provisions for a non-admitted child to be admitted to an age appropriate class. There are many parents who are not aware of the law. Further, other parents do not encourage school attendance so that their children can work to support their family.

Another challenge exists for children who may gain admission to mainstream school but then drop out. Children drop out due to experiences with bullying, discrimination, harassment or their failure to cope with the curriculum. Hence, it is important to give children special sessions so that they can prepare for classroom admissions and cope up with mainstream education system reducing their drop outs in future. Exposure, practice, and connection to supportive staff and peers can lead to successful admission to mainstream educational courses. CHETNA employs outreach techniques and special curriculums at contact points to help divert children from the streets and restore their self-esteem and self-confidence.
Besides educational sessions at contact point, Pinky engaged in number of positive child development and skill building activities including: recreational activities, life skill trainings, and exposure visits. During her participation at contact point activities, Pinky stopped consuming tobacco. Initially Poonam was very much scared of police personals. She did not enter a police station during an interface meeting. But after some time she interacted with all the police personals, talked to them and shared problems of street and working children. She now does not fear of police personals.

After spending a year at contact point, Pinky was enrolled in a nearby government school. The field staff faced some deterrence from school authorities but the school officials eventually supported her enormously. She was enrolled in the fourth grade. With the help of CHETNA staff Pinky performed exceptional in her studies and soon got promoted to the fifth grade.

Despite her prior lack of school attendance and the fact that her first exposure to the alphabet was at the contact point session, Pinky scored highest in her school and ranked number 1 in her class. Pinky also joined a Street and Working children federation – Badthe Kadam. At present she is in class 7th and also the district president of S&W children federation.

“I am lucky and thanks CHETNA for approaching me and enrolling me in contact point. I always saw children going to school but never dreamt that I will be one amongst them one day” - Pinky
IICRD’s Approach to Policy Strengthening: Bottom Up – Top Down Innovation in Support of Street Children - A Ugandan Case Study

Philip Cook, IICRD, Executive Director

An example of IICRD’s work to advance the rights of street children to education, involves support for one of the world’s most vulnerable populations - girls involved in commercial sexual exploitation. IICRD has been working, in partnership with World Vision East African Regional Office, with young girls aged 11-18 in Busowa, a mid-sized town in Eastern Uganda.

These are frequently children who originally hail from surrounding small, traditional villages, a short drive from Busowa. They often work the night shift selling their bodies to the many truckers who pass through this town, which sits on a significant trading corridor. Many are orphans, whose parents likely died of HIV/AIDS leaving them bereft, frequently having experienced abuse from their adoptive relatives before fleeing to the larger town of Busowa. Many of the girls have all been working the streets since they were eleven. Most nights they are “had” by five to ten men for 3,000-5,000 shillings per client (between 1-3 USD).

The girls frequently work seven nights a week, seldom taking a break. Busowa has an HIV infection rate of approximately 30%, three times the national average, and as these girls rarely have the control to ask their clients to use a condom it is highly likely that many are HIV positive. Besides, most of the men pay extra for a condom free experience with these young girls who they perceive to be “clean or pure”. It is hard to imagine how a man could sleep with these little girls and not be reminded of a daughter, younger sister, or niece. The callousness of these clients is reinforced when, in the research, we hear how they are doubly exploited, often not paid, sometimes have to endure sex non-stop for six hours with one man, are injured by the
rough sex of much older men, and have their few personal possessions such as toiletries stolen by their customers.

At the end of each evening they must still pay for the rent of the room behind the bar where they meet their customers and are often on the fine line between survival and destitution. In our action research with these girls, many share their dreams of leaving their life on the street. When asked if they would be interested in joining the local children’s club, “Sarah”\(^1\) (aged 14) declines saying she can’t mix with her peers anymore because of her shame, but “Rose” and “Colette” express an interest in reuniting with their old village friends. As for the option of returning to school, again Sarah declines preferring to have skills training or something more practical that would help her enter a trade where she can make money more readily, but the two younger girls express a desire to finish their education and become professionals.

Extensive research with these girls has resulted in a number of “bottom up” solutions to support the rights of these street children. First, on the prevention side, World Vision has worked with surrounding local communities, where many of the girls come from, to introduce district level “by laws”, that reinforce Ugandan domestic child protection law (Chapter 59 of the Children’s Act) as well as education laws, making it illegal for girls not to go to school. This has resulted in higher rates of school admission for girls and lower rates of school drop-out.

For especially vulnerable girls like Sarah, for whom regular school is not an option, World Vision has developed training in local trades, for which there is a market need such as tailoring, combined with market research tools using cell phone sharing of information on the demand for dresses and other clothes in local trading and market towns in and around Busowa. For girls like Rose and Colette, who would like to return to school, World Vision is working with the local Departments of Health, Education and Social Services to provide free, confidential HIV screening; provision of free anti-retroviral medicines; transitional educational training to re-enter school and small grants to assist with purchasing of school materials and uniforms. Finally, and perhaps most significantly World Vision has engaged local child protection committees in the home communities to reconnect with extended families and friends to assist with the socially challenging task of reintegrating these girls and rebuild a sense of trust and social cohesion with caring peers and adults. The latter goal is neither easy nor short term in nature, but initial results have been promising, and

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\(^1\) For child protection purposes the names of the children have been changed for this report
ongoing advocacy is being applied to “ratchet up” positive practices to higher levels of governance and accountability.
International Summit on the Legal Needs of Street Youth

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ISSUE BRIEF:

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1. Findings regarding the deprivation of educational support and employment for street involved children and youth

   a. Findings related to poverty, familial custody, social isolation, and geographic disparities.

Street involved children are global citizens that experience the duality of grave deprivation of basic needs and involvement in street culture and economies. The children’s ‘street connectedness’ does not necessarily divest them from on-going relationships or interactions with parents, kin, or support networks. Like all humans, children and youth who are involved with street culture still require trusting, caring relationships in order to build skills and sustain their daily existence. Interpersonal relationships and systemic barriers or resources will
impact personal change, such as educational advancement or access to employment. Any advancement in regard to education or employment/income must incorporate strategies that restore children’s legal human rights.

Education and employment/income is a fundamental human right of children and a critical solution to ending child/youth homelessness and the deprivation of basic needs. Research has consistently shown that deep poverty is a significant causal factor to children becoming street involved. (Consortium for Street Children, State of the World’s Street Children, 2013; UNCHS, 2000; and Evans, 2002 Tanzania). Informal feedback from community members gained during family reintegration home visits by Chance for Childhood’s local partner indicates that the lack of access to credit was a leading factor of household poverty. In the past 3 years, over 60% of the former street children enrolled in Chance for Childhood’s programme originally left home because of factors relating to poverty and hunger, which highlights the need for an increased focus on interventions which serve to enhance household income security.

However, other causal factors contributing to children becoming enmeshed in street cultures include natural disasters, parental deaths, abuse or violence. Social isolation, stigma, and discrimination against children who experience life on the streets, amplify their risk for exploitation. Street children are subjected to physical violence, sexual exploitation, financial exploitation, and slavery. In Kisumu, Kenya, girls with street connections are most commonly found in rented rooms, prostituting themselves to buy food and clothing; their clients include police, school teachers and other frontline workers from the systems also designed specifically for the protection of vulnerable children.

The employment of street involved children can vary considerably due to local contexts. Research in Bamako (Muslim) found that begging was the main economic activity for children, but in Accra (predominantly Christian) the two most common forms of work were street vendors and porters. (Hatloy and Huser; 2005). The diversity of situations, community factors, and culture, requires advocates to appreciate and consider lived experiences. Each child and each family present unique circumstances that must be appreciated when designing interventions or applying prevention services. However, one universal characteristic for all street children is their social isolation from mainstream economic, educational, political, and community systems. Social stigma, discrimination, and social isolation lead to disenfranchisement from social and economic protections afforded to persons accepted or nurtured by mainstream communities. Street children are often not recognized by state laws, or indeed, are
recognized as criminals, not prioritized in state educational settings, and survive at the deepest levels of societal poverty.

b. Cultural Barriers and Lack of Capacity and Resources in low-income Communities

Children may become connected to street cultures and economies due to cultural barriers or discrimination of marginalised groups. In contexts where households prioritise the education of many children, girls and children with disabilities are the last to realise their right to education. Households prefer to prioritise education for children who they consider to be able and likely to have a high capacity for future income generation. “In poor households, sons’ education is at times supported at the expense of their sisters’ education, because of a perception that boys will contribute to the future wealth of the family” (Onyango; 2013: Population Reference Bureau, PRB’s 2012-2013 Policy Communication Fellows Program). Residence and family income, along with gender, are strong determinants of whether a Kenyan child is in or out of school (World Bank, World Development Report; 2012: Gender Equality and Development (Washington, DC: World Bank, 2012). It is true that on a national level in many East African countries, the disparity between the enrolment of boy and girls and primary level is negligible, but these figures mask huge disparities in some regions and the enrolment rate of girls into secondary school remains far below boys.

Cultural norms in tribes such as the Maasai prevent girls accessing education because education is known to build confidence and independence which may give rise to insubordination. “Typically, Maasai girls are circumcised between the ages of 11 to 13 and soon afterwards married to a man chosen by her father in exchange for cattle and cash” (Maasai Girls Education Fund; 2014: The life of a Maasai woman).

However, it is clear that in most cities, states, and nations, there is a lack of public investments and/or government funding in support of programs that offer street children access to education, educational support services, employment, or vocational training. Low-income communities struggle to secure adequate financial support and public investments to establish or maintain critical intervention and services that could offer street children meaningful opportunities to advance their knowledge, skills, positive development or personal income.

2. Identifying Barriers to Access to Education and Vocational Training
a. **Barriers to educational systems and services**

Basic education is fundamental to economic development. Countries rarely sustain economic growth without achieving near universal primary education. Policy advocates often site quality education as the means to: reduced poverty and inequity, sound governance, civic participation, and strong institutions. It also equips people with the knowledge, skills, and self-reliance needed to increase income and expand opportunities for employment. Yet, there are a plethora of barriers to education in many developing country where extreme poverty, cultural norms, and decentralised education systems with inadequate budgets all have a role to play in preventing access to good quality education for children at primary and secondary levels. Where these barriers exist they are exacerbated and often multiplied for marginalised groups such as girls, children with disabilities (CwD), children with street connections and children in conflict with the law. According to the Global Monitoring Report, in 2008 there were approximately 67,000,000 children of primary school age and 74,000,000 adolescents of lower secondary school age who were not in school.

For example, in Kenya, Chance for Childhood has identified the main barriers to educational advancement (one, many or all may apply to each street child):

- Most street children have felt pushed to leave their rural homes where income is low and insecure making access to education for these families almost impossible.
- Inflexibility of the education system makes it difficult for students to catch up with their peers or prohibit enrollment at any other times besides the beginning or end of semesters or terms;
- Children may face cultural barriers related to sex discrimination or experience abuse or sexual assaults in schools; and
- Many children with street connections also have special educations needs which are unmet by poor teaching practices, large class sizes, and failure to ensure standards of child protection.

Additionally, there are ‘supply-side’ barriers for street children in accessing an education.

Household poverty is one of the greatest barriers to education where families are unable to meet the associated costs of schooling, even in countries where universal free primary education is offered by the state. Extreme poverty affects a households’ ability to meet the costs of
education for some or all of their children. In contexts where governments have passed bills to offer free state primary schooling such as in Kenya and Rwanda, there remain significant associated costs (enrollment fees, uniforms, and meals), which poor families cannot meet.

Further barriers to access include rural locations where physical access to the nearest school can be a challenge and it is often in these rural dwellings that cultural norms have the greatest impact on girls’ access to education, as it is contrary to their obligation of early–marriage and domestic duties.

Unfortunately, despite a household’s ability to overcome these demand side barriers to education, there remain supply side barriers outside of a household’s control, which prevent the delivery of high quality, inclusive education. Such barriers include poor teaching standards and lack of inclusive education for children with special learning needs. In the context of both Rwanda and Kenya, teaching standard are compromised by few opportunities for professional development and relatively low standards of pay, driving motivated teachers towards the private sector. The teacher to pupil ratio further hinders opportunities for children with special educational needs (SEN) leading to high repetition and dropout rates. Free Primary Education (FPE) has increased enrolment, but many students’ learning remains inadequate. A recent nationwide survey in Kenya comprising over a 100,000 students aged between 3 and 16 in over 2,000 schools, found that only 33% of children in class 2 can read a paragraph at their level. A survey further found that a third cannot read a word and 25% of class 5 students cannot read a class 2 paragraph (Uwezo; 2010). (Glennerster et al; 2011: Access and Quality in the Kenyan Education System; A review of progress, challenges and solutions, prepared for Officer of the Prime Minister of Kenya.)

All children, but especially girls, also face exposure to sexual violence at school due to poor standards of child protection resulting in drop outs due to intimidation, pressure of sexual favours from teachers or peers, and, in many cases, teenage pregnancy. (CfC)

Furthermore, the broader inflexibility of the school system creates further barriers to education, particularly for marginalised groups. The reintegration of children outside the school system is a priority for programmes supporting children with street connections, girls and CwD, yet the rigidity of school systems in many countries prevent reintegration of children unless it is at the start of the school year, causing children to miss out on up to 12 months education – which is in additional to that which they may already have missed. Physical
infrastructure of schools prevents access by physically impaired children and poor sanitary facilities for girls further create supply-side barriers for this group which may have already fought a battle to attend school in the first place.

b. Barriers to education or employment related to children with disabilities.

Special Educational Needs (SEN) can arise as a result of impairments e.g. a hearing impairment, physical or communication disability; activity limitations e.g. dyslexia or ability to understand things; and participation restrictions e.g. Attention Deficit Hyperactivity Disorder or an emotional or behavioural disorder (EBD). Identifying SEN can be extremely difficult. Given the vast range of disabilities, specialist input is integral in order to provide an appropriately tailored response to a child’s needs in educational settings. The context in which a child is assessed for SEN can often provide clues and insight to the root cause of their disability. Impairments, activity limitations, and participation restrictions can be congenial (from birth), or as a result of external environmental factors such as illness or trauma. Poor access to maternal and child health and basic sanitation in developing countries can impact all of these causal factors. Furthermore, the marginalisation, living conditions and exposure to trauma by children with street connections make them a particularly vulnerable group. Greater attention is required to recognise the symbiotic relationship of special educational needs and street connections. Children with SEN become vulnerable to street connections in developing country contexts due to their associated high school drop-out rates and social stigma: two key push factors to the streets.

Since 2013, Chance for Childhood has worked with local leaders and district level government to map the CwD across three districts in Northern Rwanda. The main barriers to education identified for children with disabilities in Northern Rwanda are:

- Absence of inclusive education within mainstream schools;
- Lack of special units to cater for children with hearing impairment or severe intellectual disabilities;
- Stigma and discrimination towards children with disabilities by self, parents, peers and teachers; and
- Physical access and poor school infrastructure to cater for children with physical impairments.

Whilst, in Western Kenya, the greatest barriers facing street connected children include the inability of the state school system to cater for their educational needs. Specifically:
- Large class sizes (of over 100 pupils) threaten meaningful learning environment and leads to the neglect of students requiring additional attention, resulting in high dropout rates among street-connected children;
- The Special Learning Needs of street-connected children prevent meaningful participation and learning in a classroom environment which does not offer inclusive learning approaches or additional teaching assistance;
- Lack of understanding amongst teachers results in children being labeled “slow learners” and stigmatised, fuelling bullying and peer pressure further causing exclusion and dropout;
- 100% of 15 street connected children recently assessed by our Speech and Language therapist and EARC required additional assistance to cope with trauma-induced learning difficulties; and
- “Hidden” disabilities such as communication disability remain low priority for NGO and governments in developing countries, largely due to the complete lack of specialists available to carry out the research required to advocate for these needs. This lack of visibility has instigated communication disability to be a key focus areas for Chance for Childhood.

In Rwanda Chance for Childhood also witnessed a huge barrier to access to schools amongst children with disabilities where ‘the enrolment rates have been historically high; at 90 percent, the challenge is to identify and help the last 10 percent of the school-age children that is yet to be enrolled in primary school.’ (WB (World Bank), Education in Rwanda. Rebalancing Resources to Accelerate Post-Conflict Development and Poverty Reduction, A World Bank Country Study, Washington, DC, USA, 2004.) A recent community mapping study in Gakenke district of Northern Rwanda, found 53% of CwD did not have access to school and 24% of parents with children with disabilities did not consider their local school to meet their child’s needs. When we asked for the main reason why their child does not attend school 19% of parents did not respond which led us to believe that factors such as embarrassment and stigma were influential.

Formal recognition needs to be given to the fact that disability has a profoundly more negative effect on girls than boys in a learning environment. This is mainly due to lower self-esteem which affects girls’ confidence at a very basic level, even with support. “They have the double stigma of being a girl and disabled”. Additional support is needed to overcome this and allow them to fulfil their potential.

Chance for Childhood operates many programmes in East Africa to promote inclusive education for children with SEN in line with Article 24
of the UN Convention on the Rights of Persons with Disabilities. They specifically respond to communication disabilities, promoting a model which builds the capacity of existing state educational infrastructure. Many target groups include children with street connections and this paper serves to highlight examples from our programme experience in Kenya, addressing how current policy is translating into practice and the opportunities for the law to better support access to education for children with SEN, specifically for those with street connections.

The link between street connected children and SEN has been poorly researched and this has exacerbated the failure of education interventionists to incorporate adequate support for children with SEN when designing and implementing programmes of school reintegration for street children. “Interventions are generally focused on bringing the children into education systems. However, the children have often been exposed to a range of factors likely to impair cognitive development, such as trauma and substance abuse, potentially limiting the efficacy of education programmes.” (Pluck, G; 2013: Cognitive abilities of ‘street children’: A systematic review. Chuo Journal of Policy Sciences and Cultural Studies, 21 pp. 121-133.) Pluck’s small study of cognitive abilities of street children revealed “a pattern of below normal general intellectual function and neuropsychological impairments.” (Ibid.)

Additionally, children with street connections often engage in highly risky behaviours (often out of necessity) which effect their access to education and employment. For example, over 90% of boys living and working on the streets of Kisumu, Kenya, have participated in active substance abuse, specifically glue sniffing. (KUAP street children survey 2012.) This addiction arises as a coping strategy but can soon escalate to generate longer term consequences, severely impacting their ability to re-join structured education. A group of researchers has published two overlapping studies of glue-sniffers, the boys appeared to have language processing problems, poor problem solving, motor coordination problems and attention, concentration and memory difficulties. Pluck, G; 2013: Cognitive abilities of ‘street children’: A systematic review. Chuo Journal of Policy Sciences and Cultural Studies, 21 pp. 121-133.) “The neurotoxic effects of prolonged inhalant abuse (can cause) cognitive abnormalities (ranging) from mild impairment to severe dementia” (National Institute on Drug Abuse; 2012: U.S. Department of Health and Human Services | National Institutes of Health, NIH Publication Number 12-3818.)

There is an abundance of evidence linking trauma related experiences to learning difficulties. Domestic violence (physical and or emotional) is a significant push factor towards street connection. There is much
evidence to link emotional abuse to cognitive brain function. The stress experienced early in life has detrimental consequences on brain development, including brain regions involved in cognitive function, while further research articles highlight “exposure to traumatic events during childhood is often associated with the development of psychiatric disorders, cognitive impairment, and poor functioning in adulthood.” (Bucker et al; 2012: Cognitive impairment in school-aged children with early trauma, Comprehensive psychiatry (Impact Factor: 2.08). 01/2012; 53(6):758-64)

A study on reintegration of street children in Burundi highlighted the frequent, and in some cases continuous, exposure to violence by street children which leads to a substantial risk of developing trauma-related mental disorders. (Crombach, Bambonye and Elbert (2014), Frontiers in Psychology, 16 December 2014 | doi: 10.3389/fpsyg.2014.01441)

The effects of trauma experienced by street children not only dramatically hinders the ability of the state and NGOs to reintegrate these children into school, but it also contributes to high drop-out rates for street connected children who may already be in school. We must not forget that the extent of a child’s street connections can vary dramatically to living and working on the street away from their family environment, to being actively encouraged by their families to work on the street by day or night to generate income or collect food scraps. Recent studies suggest that exposure to community violence, i.e., witnessing or experiencing potentially traumatic incidences, or even peer victimization, strongly impairs academic success in school by amplifying symptoms of depression and PTSD. (Crombach, Bambonye and Elbert; 2014): Frontiers in Psychology, 16 December 2014 | doi: 10.3389/fpsyg.2014.01441)

Education retention is a known strategy to present street connections amongst children but if the needs of a child are not met within mainstream school, continuous repetition and low self-esteem increase the threat of dropping out; “researchers posit, learning disabilities may indirectly lead to substance abuse by generating the types of behaviour that typically lead to substance abuse.” (American Psychological Association; 2001: Substance abuse linked to learning disabilities and behavioral disorders, June 2001, Volume 32, No. 6)

Children with disabilities may also be victim to social stigma at household and community level depending upon how evidence and visible their impairment of behaviour. Households living in poverty are often forced to prioritise the education of their children leading them to often encourage their male children or those performing better at school. Those children with SEN can be forced to stay at home to
support household chores or income generation, which thus can lead to street connections. Girls with SNE can be particularly vulnerable whereby they are prostituted to generate income for their families. “A study (EI, 1998) carried out in Nyanza province found that Kisumu city had 300 male and female child prostitutes as young as 8 years old.” (Ottolini; 2012: p.22)

c. Abuse and Sexual Assaults as Barriers to education - the role for child protection services:

Even when children access educational services or schools, their progress and enrollment is threatened when they face physical abuse or sexual assaults at schools or education settings.

“The Kenya education system is based on the ideals of the human capital theory, in that more education and higher education attainment leads to higher economic returns. The focus on the acquisition of the values, attitudes, and skills fundamental to Inclusive Education is therefore often neglected.” (Williams; 2014: Education Perspectives: Is Kenya Achieving Inclusive Education? Center for Education Innovations) The same can be said for child protection standards. The results driven emphasis on teaching performance negates adequate monitoring of child protection and the child friendly school environment which can be a huge barrier to access for vulnerable groups, especially girls and children with disabilities.

An alarming level of sexual abuse is prevalent in both Kenyan and Rwandan schools. In Kenya a 2009/2010 government report showed that at least 1,000 teachers had been dismissed from duty in that period for sexually abusing children. A separate study conducted between 2003 and 2009 revealed that 12,660 girls were sexually abused by their teachers, yet only 633 teachers were charged with sexual offences (MIGORI; 2001: IRIN, NAIROBI, 30 May 2011). While a BBC report highlighted the same problem in Rwanda, “a report revealed that 43% of surveyed students were aware of other school children being raped.” (BBC Africa; 2013)

The implications of rape or assault for communication impaired girls, who are a) more likely to be subjected to sexual assault than a non-disabled girl and who b) have little recourse to justice due to not being able to identify the perpetrator or bear witness to the crime is significant. Without closer monitoring and intervention by child protective services in formal educational settings or systems, children will be denied the opportunity to remain in school.
d. The barrier of inadequate public investment or appropriations:

Translating policy into practice is not always successful at the local level. National policies addressing barriers to educational access are not by any means weak, it is the translation of these policies into practice which fails to respond to the needs of this marginalised group: “It is now more than ten years since charges for state primary schools in east Africa’s biggest economy were abolished by law. Yet it is an open secret that education is not truly free. In fact, fees are rising.” (The Economist; 2014: Education in Kenya, Classroom divisions, Feb 22nd 2014 | NAIROBI | From the print edition)

While the government also promotes inclusive education, this is not backed by the necessary infrastructure and resources at school level to support effective inclusion of persons with disabilities in the mainstream education system. The legal framework is elaborate but enforcement of standards is weak. Budgetary ceilings for special needs education are flouted while at school level, the basic requirements for infrastructures such as ramps, and sign language is not enforced. In Kenya, SEN has from FY 2010/11 to FY 2012/13, received only 0.33% of the entire Ministry of Education and Sports Budget. This proportion is not anywhere close to a minimum of 10% of total education budget as stipulated in the Disability Act (2006). Of this, only 70% is finally released to the department.

During a meeting between Chance for Childhood and a UNICEF Field officer in 2014, we discussed the lack of focus on general childhood development and the problem of education quality where child protection and child rights training are the biggest gaps. In March 2014, we learned that UNICEF has successfully lobbied the government to introduce a new quality standard in ‘child friendly schools’ that allows schools to be ranked according to their accessibility and childhood development programme instead of purely on academic grounds. Advocates have yet to see the implementation of this framework.

e. The lack of community-based agencies and NGOs with capacity to support street children and children with disabilities in schools.

Another challenge in translating policies into practice is the exclusion of marginalised children with street connections from education. These conditions threaten Kenya’s achievement of MDG 2: Universal Access to Education, as well as the post-2015 SDG agenda to ensure inclusive and equitable quality education for all. The National Special Needs Education Policy Framework in Kenya was last updated in 2009. In
describing the status of Special Needs Education in Kenya, the policy includes reference to learners with many different disabilities alongside vulnerable groups including children who are abused and living in the street. Of course, as the definition of children with special educational needs grow, so does the demand to ensure that a wide range of needs are met within the education system. SNE policy in Kenya recognises the need for inclusive education in a mainstream setting as well as special units for children whose educational needs cannot be met in a mainstream classroom. The Persons with Disabilities Act (2003) further provides a comprehensive legal framework which outlaws all forms of discriminative treatment of persons with special needs and disabilities. This includes access to education and training.

Kenya’s Task force on the realignment of the education sector recognises the important role of NGOs in addressing the education needs of children unable to attend formal schools due to various social and economic reasons. However, an analysis of child focused interventions in the urban slum community of Nyalenda found no community based programme to meet the education needs of marginalised children with street connections. Out of 27 organizations identified, only 5 provide non-formal education, and those that do, do so only for children living in the street, away from any parental care with no provision to reintegrate children with SNE into mainstream school.

There is no simple solution to resolving the inequalities in access, as they incorporate a combination of barriers, especially for marginalised groups. However, four key needs are evident:

- Enhancing the focus on childhood development over exam results,
- Promoting inclusive education to ensure access to quality education 'for all,'
- Investing in infrastructure which better cater for girls and children with disabilities, and
- Ensuring that primary education is truly “free.”

The implementation of such an agenda is largely dependent upon investment and regulation. Some policy reform is needed at national level to change the way that schools and teachers are assessed. However, the most important action would be to better translate existing national policy to local education officers, providing them with the knowledge and resources to improve education at a local level.

3. Models of Prevention Approaches - Preventing Street Entrenchment of Children.
Prevention from poverty, familial separation, social isolation, and homelessness:

In most states and nations, there are more programs and interventions that target children already on the streets than those that aim to prevent children from moving to the streets. Successful initiatives in both SOS Children’s Villages in Egypt and Retrak in Ethiopia focuses on prevention and deals with the root causes of the issue, namely difficult socio-economic, cultural, and health factors. These programs have a comprehensive approach that targets:

- **Children**: by providing them with basic needs, e.g., nutrition, health care, education. Children also participate in extra curricular activities such as counseling, life-skills lessons, catch-up learning, dancing, poetry, pantomime, etc.
- **Parents and guardians**: building their intellectual, cultural, psychological, social, and economic capacities e.g. Parenting awareness programs, life skills programs, and income-generating programs.
- **NGOs**: building their capacities to provide more effective support to parents whose children are in danger of going into the streets. This is provided through technical assistance involving planning, implementation, monitoring, communication, and financial assistance for small projects to ensure sustainability.
- **Governmental agencies**: promoting their role in child protection through a network of governmental and non-governmental stakeholders that help to mobilize resources and increases impact. Example: Support vulnerable children and parents with provision of health services and providing school club activities to raise awareness of children of the dangers of street life.

The prevention program has three key approaches:

- **Conditional services**: in return for all services provided by the program, parents commit to educating their children and monitoring them in schools. This could mean that parents themselves learn to read and write. In addition, parents are asked to attend courses on parenting skills, healthy nutrition, child rights, managing adolescence, etc.
• **Development through art and participation**: through group activities that help in transmitting knowledge, skills, attitudes while producing an artistic product.

• **The rights based approach**: the program seeks to instill the rights based approach into all children’s activities. Children are taught how to protect themselves through a series of training courses.

• **Local human resources**: the program depends on community workers.

### 4. Promising Practices to Ensure Access to Education and Employment for Street Involved Children & Youth

#### a. The Child Bank: Enhancing employment opportunities through savings and reinvestment in vocational opportunities.

One existing practice that enhances employment opportunities to street children is the ‘Child Bank.’ Even though children living on the streets make money from begging, doing menial work, etc., they tend to spend almost all of the money they make. This is because they do not trust that they will get back their savings if they deposit the money with an adult, as it may be stolen, or they may spend it on food, drugs, and other items.

For this reason, “Future Eve,” an NGO based in the South of Egypt, introduced the concept of the Child Bank. The Child Bank started with seed money from the NGO, donations from the private sector, and voluntary contributions by street children. Children were elected to become board members (3 children – 2 boys and one girl in addition to 2 staff from the NGO who facilitate the process). The children are 15-18 years of age, able to read and write, and receive a small stipend as board members.

The bank board meets monthly to set the criteria for offering loans to children and their families; follow up on loans repayment; review applications for new loans; and discuss project proposals. The money in the bank is used for a variety of activities that include:

- Training street children and their families on conducting simple feasibility studies for small projects;
• Granting small loans/credits to children 15 and above and/or their families with minimum collaterals. Some of the loans were used by the street children to start their own businesses (plumbing, carpentry, car mechanics), and for this they received a tool kit from the NGO; and
• Offering vocational training scholarships to children and youth.

The Bank is a promising and good practice that could be replicated in other countries. As board members, street children acquire managerial and leadership skills. Children fully participated in developing the Bank policies, guidelines, and bylaws with assistance from a legal expert. Further, the Bank is managed as a cooperative, democratically managed with regular meetings of all board members and members of the various committees (management committee, loans committee, etc.). Finally, the Bank instills in children the value of saving money.

b. Expanding state funded services and social infrastructure.

State services and social infrastructure play a substantial role in offering social protection and preventing street connections. The disconnect between health and education systems in supporting CwD is evident in Kenya and other country. By distinguishing disability policy, health providers become disengaged and a holistic approach to meeting educational needs is neglected.

The judiciary and law enforcement also have a role to play in protecting vulnerable street children and recognising their special educational needs, especially in cases of diverting and rehabilitating children in conflict with the law. As discussed above, girls with street connections, and especially those with SEN, are vulnerable to sexual violence and forced prostitution. A lack of understanding or skills by law enforcement officers can dramatically hinder protection for girls in this context.

Law enforcement also has a role to play in preventing education drop outs by recognising and reporting out of school children present on the street during school hours. Unfortunately, in many urban centers with high incidences of street children, law enforcement has a difficult time in recognizing new cases.

c. Income support to families as a means toward school integration for street children

Even when education is free, local communities may impose fees or require uniforms that stymie full integration by children connected to street environments. One example of this barrier comes out of Kenya. Consultations in Nyalenda, the largest slum community in Kisumu,
Western Kenya, found that over 80% of community members were positive about state schooling with the exception of the costs of uniforms, and initial enrolment fees and lunches that are not provided by the government (KUAP; 2012: Community consultations on household income security and education). The escalating rate of poverty in the slums of Nyalenda poses a real barrier to meeting these costs, suggesting that the long term success rate of any school integration programme would be enhanced by the provision of a comprehensive programme of household income support, specifically offering access to credit. Lessons can be drawn from Brazil’s Bolsa Familia programme, the world’s largest conditional cash programme to illustrate the impact of such a programme on school attainment and in the Brazilian case medical vaccines. Evidence has suggested that families who receive this support are 10% more likely to be in school. The mechanism of small cash assistance to families as an incentive to improve school participation and enrollment is worthy of investments in many countries.

d. Training and skill building for teachers

Developing countries face great challenges in translating SEN policy into practice and may turn to NGOs to meet the gap in education provision for children with disabilities. Through partnership and training, NGOs can build the capacity of state schools to identify and accommodate the needs of children with SEN including those vulnerable to street connections and children with disabilities.

One solution is to enhance training to teachers to build competency and skills in assisting children with disabilities. NGOs may provide inclusive education training to state school teachers. In one example, Chance for Childhood trained over 60% of primary and secondary schools across three Northern Rwandan districts. For the majority of teachers, this is the first opportunity they have had for expanding their knowledge and professional development. Although both Kenya and Rwandan governments provide incentives for their teachers to complete professional training, the training offered by the majority of NGOs is not approved by the Ministry of Education, disqualifying participating teachers from receiving any government salary incentives.

Additionally, for the past year, Chance for Childhood has been working with Yellow House Children’s Services (YHCS), to provide expert specialist training in inclusive teaching methodologies for state school teachers and learning support assistants to maximize enrollment and retention of children with special needs in mainstream school. Their intervention utilizes the government’s local Education Assessment Resource Centre (EARC) in Kisumu. Their integral role provides
support in identifying, assessing and referring children with disabilities across their established network of schools in the city to ensure that children are integrated into schools with the most appropriate infrastructure and support for their special learning needs.

e. Creating infrastructure and expanding capacity to address systemic/societal barriers.

Another mechanism for improving educational outcomes for children connected to the streets is to advocate for improved infrastructure, accountability, and expanded capacity by public systems to address barriers. Rwanda has undergone a great deal of transformation and progress on disability issues in the past few years.

- The appointment of District Disability Officers in 2012;
- A disabled member of parliament, Rusiha Gaston, was elected for the first time in 2012;
- The Rwanda Economic Development and Poverty Reduction Strategy 2013 – 2018 identifies disability and social inclusion as one of six of “the most important foundational and cross cutting issues (CCIs)”, which also include gender and capacity building;
- This same report also states that, “More emphasis will be put on the role of partnerships with the private sector to increase available options for education … Education personnel and teachers with skills in inclusive and special needs education will be increased in number in order to promote social inclusion”;
- A new government policy on inclusive education will be ready in 2015;
- In 2015 the National Council of Persons with Disabilities (NCPD) is due to publish a survey on the categorisation of disabled people in Rwanda e.g. age, cause, need etc.;
- UNICEF is due to conduct an extensive violence against children (VAC) study including a component on perceptions of disability;
- A sign language (right) dictionary is in process after which the government will then assign as the official sign language of Rwanda; and
- UNICEF has sponsored the Ministry of Education to conduct a country-wide assessment of needs of disabled children in education. Results are expected in June, 2015.

The document entitled, “Child friendly schools infrastructure standards and guidelines” seeks to harmonize the country’s understanding for an acceptable school infrastructure.

f. Models of youth supportive housing services that embed educational and employment support services.

In developing countries, unaccompanied homeless youth are often marginalized in the private market for employment. To ensure youth are not exploited on the streets and receive access to vocational and employment services, the provision of supportive housing models have been developed. Supportive housing is affordable housing (the rents are subsidized by federal, state, or local units of government) and each program participant is afforded the opportunity to access social services including case management services. (www.csh.org)

One particularly successful housing model to serve older adolescents or young homeless adults is the Foyer Housing program. The Foyer Housing model is widely adopted in the United Kingdom. This youth housing model provides economically disadvantaged youth who do not have family support with affordable housing linked to services that enable a successful transition to adulthood. To address the unique challenges faced by homeless and at-risk youth, who are typically unattached to education or employment, the Foyer Housing program provides the educational, employment, and mentoring support young adults need to create stable, independent lives, in a residential setting. Affordable housing units (rent subsidized) are coupled with ‘on site’ supportive services and employment opportunities. The focus on employment offers young adults opportunities for part- or full-time employment. (Common Ground, New York, http://www.commonground.org/our-programs/the-foyer-program/#.VThXOM7jEx0)

The Foyer is a leading innovation in the field of homeless youth services. The Foyer offers an integrated living model where young people are housed for a longer period of time than is typically allowed under ‘transitional housing’ models, are provided with independent living skills and access either education or training, or are employed. (The Homeless Hub, Canada, http://www.homelesshub.ca/resource/youth-homelessness-uk-decade-progress)

The Foyer Housing model has an extensive body of evaluative research on the model. Additionally, its physical configuration is varied: some programs are large housing complexes, others are small
residential settings, and still others are ‘scattered site’ models where youth access apartments in multiple areas of an urban center. (The Homeless Hub, Canada; The Foyer Federation, United Kingdom, http://foyer.net)

Similarly, in the United States, the U.S. Department of Health and Human Services has funded youth ‘transitional housing’ (called the Transitional Living Program). This program offers youth ages 16 to 21 years the opportunity to access affordable housing programs that offer case management and social supportive services. The focus of the Transitional Living Program is to end youth homelessness, build positive youth development skills, and increase access to education opportunities and employment. (U.S. Administration for Children and Families, Health and Human Services, United States: http://www.acf.hhs.gov/grants/open/foa/files/HHS-2014-ACF-ACYF-CX-0567_0.pdf)

g. Assisting children and youth engaged in street economies to advance their rights to workplace safety and organize for better salaries and working conditions.

Finally, the appalling work conditions experienced by a multitude of children and youth enmeshed with street economies must be addressed and ameliorated. Too many children and youth lose their health and even their lives due to tortuous and reckless working conditions or through exposure to sexual exploitation. NGOs and advocates must secure individual rights through direct representation or legislative reforms to ensure that the safety and well-being of children and youth are not threatened by dangerous, exploitative, or abusive conditions present through daily labour. Children and youth should be organized to speak on their ownbehalves and for the well-being of their peers. Additionally, advocates and NGOs must design and implement initiatives that help young people organize into unions, cooperatives, or trade associations. Creating capacity, infrastructure, and opportunities to build mutually beneficial communities will improve salaries and working conditions. While organizing may not be the only solution, it is an important part to ending the enslavement and exploitation of children and youth in our global community.

5. Standards and Promising Practices

a. Existing Standards in International Law

The International Labor Organization created a minimum age convention (C138) in 1973. Child labour was defined as any work
performed by children under the age of 12, non-light work done by children aged 12-14, and hazardous work performed by youth ages 15-17. Light work was defined as any work that does not harm a child’s health and development, and that does not interfere with attendance at school. Most countries have ratified this convention.

The United Nations adopted the Convention on the Rights of the Child in 1990. The definition of child includes “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” Additionally, Article 28 requires nations to, “make primary education compulsory and available free to all.” Article 32 of the convention addressed child labor, “Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

Then in 1999, the ILO created the Worst Forms Convention (C182) which established an international law prohibiting the worst forms of child labor, including slavery, slavery-like practices, debt bondage, forced labour, child trafficking, forced recruitment of children into armed conflict. The law also prohibits the use of children for prostitution or the production of pornography, work in the production or trafficking of illicit substances, and in hazardous work.

b. Recommended Standards

- Every child should be entitled to a free, public education from elementary years to age of majority;
- Every child should have the right to see employment and income from work that is safe and does not interfere with their education.
- No child, regardless of race, sex, nationality, religion, economic status, place of residence, or occupation, should be exploited. Exploitative child labor is defined as employment (whether in the formal or informal sector; whether paid or unpaid) that is coerced, forced, bonded, slave, or otherwise known to be unfair in wages, injurious to the health and safety of children, and/or obstructs a child’s access to education or impairs educational attainment. (Source: Child Labor Coalition – www.stopchildlabor.org).
- If children are to stop working, some form of financial empowerment from national or local governments must be found for their vulnerable families, including income generation activities, skill training, saving/loan groups, or cash transfers to parents.
• No minor worker shall be terminated from their current form of employment until an appropriate school programme for the child can be put in place, unless the working conditions are unsafe or exploitive.
• All children and adolescents are entitled to resources and services to accommodate cognitive, mental and physical disabilities to ensure full participation in educational instruction.
International Summit on the Legal Needs of Street Youth

ISSUE 4: EDUCATION AND EMPLOYMENT: How can the law empower street involved youth through quality education and employment?

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I. **Model Legislation: Protection of Children from Economic and Labor Exploitation**

**A. Introduction:**

Policy and legislative reform may include the codification of standards and values, policies that establish promising models of intervention and support, and appropriations or public investment in services and systems of care. Street involved children must be distinguished in any policy/legislative response as a specific sub-culture of a nation’s child population given their unique deprivations and experiences in surviving on the streets. Additionally, given their status as minors or children, policy reforms must prioritize the role that child protective services or legislation plays in offering safety and well-being to children who are abused, abandoned, neglected, or exploited in society; and these policies must be accompanied by clear transparency as to the level of public investment and capacity to offer support to the vast majority of street-involved children.

In other words, a nation cannot adopt a ‘pilot project’ or appropriate a pittance of financial support and claim that they have adopted policies in support of street involved children. Policies/legislation must support local initiatives and culturally appropriate service models, often arranged by non-governmental organizations (NGOs) or local authorities, and these local models must be backed by national legislation and adequate investments in order to successfully serve, protect, and advance the legal human rights of street connected children.

Additionally, long term positive change for street children can only be achieved through strengthening these children’s legislative and policy environment at both local and national levels. Advocates often work with local partners, especially vulnerable children and youth, to shape “top down” local and national policies informed by the U.N. Convention of the Rights of the Child from the “bottom up” community level. This “bottom up” approach applies child centered evidence derived from our action research tools to create and refine policies at the community, district, national and in some cases regional and international levels to supporting children’s protection and well being. Policy reforms or legislative advocacy must include youth voices and opinions, often via new inter-sectoral partnerships, into relevant policy roundtables and
decision-making centres of accountability. Examples of this ‘top down and bottom up’ approach from IICRD includes:

- involving most vulnerable children in designing community systems strengthening mechanisms in East Africa,
- enhancing youth engagement in local governance planning, budgeting, and monitoring in SE Asia,
- partnering with vulnerable mothers of young children in Colombia to strengthen municipal early childhood development policy and planning groups, and
- protecting children from ICT enabled sexual exploitation through the creation of inter-ministerial policy roundtables in Asia and Latin America.

The following is a sample Model Act.

**B. MODEL ACT: PROTECTION OF CHILDREN FROM ECONOMIC & LABOR EXPLOITATION**

(The Protection Project, Johns Hopkins University; The Koons Family Institute on International Law & Policy, an institute of the International Centre for Missing & Exploited Children, Best Practices: Protection of Children from Neglect, Abuse, Maltreatment, and Exploitation, January 2013.)

1. **Article 1 - Principles of Children’s Work.**

(1) Children shall have the right to decent work. Children’s work shall not jeopardize any of the rights established in this law, including the right to physical and mental well-being, the right to education, and the right to leisure and play.

(2) Children who are employed in accordance with this law shall have the right to receive adequate and fair remuneration for their work.

(3) The CPCs shall be responsible for monitoring the employment of children to guarantee the decency and safety of their work and working conditions. The HCPA shall advise on the formulation of policies to promote such working conditions for children.

(4) This Chapter shall be applicable to private employment agencies. Private employment agencies as defined by Article 1
of Convention 181 of the International Labor Organization shall be held liable as legal persons for any violation of this law.

(5) Any violation of the provisions of this Chapter shall be established as a punishable offense in accordance with Article 23 of this law. Any employer who has been convicted of violating this Chapter is liable to pay compensation to the child victim in accordance with Article 24 of this law.

(6) Research activities carried out in accordance with Article 7 of this law shall examine - (a) Means to protect children from exploitative work and to prevent harmful, hazardous, and indecent work of children; and (b) Ways to promote children’s right to work without negatively interfering with their right to education and the extent to which children’s work may have beneficial effects on their mental, emotional, and social development.

2. Article 2 - Minimum Age for Employment of Children.

(1) A minimum age for employment shall be established by law taking into consideration the time necessary for children to gain the adequate physical and mental maturity and to complete their basic education. Children below the minimum age for employment shall not engage in any employment relationship, remunerated or not.

(2) A minimum age for an apprenticeship below the age established in accordance with paragraph (1) of this Article may be established by law. This shall apply to work done by children in a program of vocational or technical training or in a comparable training institution serving the purpose of occupational training, education, guidance, or orientation. Such program must be approved by the CPCs. The CPCs established the conditions of the program in cooperation with organizations of employers and workers concerned.

(3) A minimum age for light employment below the age established in accordance with paragraph (2) of this Article may be established by law. The CPCs shall determine the activities that constitute light employment and shall prescribe the conditions in which such employment may be undertaken. Children may engage in light employment if - (a) It does not affect their attendance at school or other vocational training as defined under paragraph (3) and their capacity to benefit there from; and (b) It is not likely to be harmful to their health or development.

(4) The minimum age for employment in a specific sector may depend on the nature of the work. Exceptions for certain areas
of work where a child under the minimum age for employment may be employed shall be established by law in accordance with the principles of Article 1 of this Law.

3. Article 3 - Prohibition of Harmful, Hazardous, and Indecent Work

(1) The employment of children in dangerous occupations or the performance of hazardous processes that are likely to be harmful to the child’s health and physical well-being shall be prohibited. The employment of children in areas of work likely to harm their physical, mental, emotional, or social development shall be prohibited.

(2) The exposure of children to materials and fumes likely to damage their health and the handling of manufacturing of toxic or inflammable substances and explosives shall be prohibited.

(3) The worst forms of child labor shall be prohibited, particularly all forms of slavery or practices similar to slavery. These include but are not limited to forces or compulsory labor, debt bondage, serfdom, prescription into military or armed conflict, the sale and trafficking of children for the purpose of economic exploitation and for the purpose of sexual exploitation.

(4) Article 5 of this law shall be applicable regarding the jurisdiction for offenses committed under paragraph (3).

(5) Child victims who have been subjected to child labor or children’s work not in accordance with this Law shall be provided with medical and psychological assistance, rehabilitation and reintegration measures, legal assistance, and the right to compensation as provided in Chapter ____ of this law.

4. Article 4 - Jurisdiction, Extradition, Liability, and Cooperation

(1) Jurisdiction for domestic courts for the offenses of this Chapter shall include extraterritorial jurisdiction and shall thus be established -
   a. If the offenses are committed in the territory of, or on board a ship or aircraft registered in, this State; or
   b. If the perpetrator or the victim is a national of this State, wheresoever the crime is committed.

(2) In addition to the liability of natural persons, the liability of a legal person for committing any of the offenses under this Chapter shall be established.
(3) The offenses under this Chapter shall be included as an extraditable offence in all extradition treaties by which this State is bound. In cases where the alleged offender cannot be extradited, the domestic court shall have jurisdiction.

(4) Regarding the offenses under this Chapter, any research and training activities conducted by the Highest Child Protection Agency of the State shall include trans-border cooperation between domestic, foreign, and internal law enforcement agencies. Special programs to facilitate investigations, the detection and identification of perpetrators and victims through data exchange and technical cooperation shall be developed and implemented.

(5) Measures of national and international cooperation shall involve the HCPA and the CPCs, academia, experts in the field, and representatives from civil society, and the private sector, specifically the tourism and travel industry, to conduct awareness-raising and other prevention and protective activities.

5. Article 5 - Obligations of the Employer.

(1) The employer, whether an individual or a corporate entity, shall be responsible for assuring the health and safety of the child employee. This includes guaranteeing:
   a. Cleanliness of the workplace and premises;
   b. Availability of adequate nutrition and water;
   c. Non-exposure of child employees to harmful substances;
   d. Security of the machinery, appropriate for the use by the children;
   e. Security of the buildings according to the relevant laws;
   f. Provision of the necessary protective gear and protective equipment; and
   g. Worker’s rights including the child’s freedom of movement and freedom of association.

(2) The employer shall be required to maintain a register identifying all child employees, their date of birth, job description and periods of work to be provided to the CPCs for monitoring purposes.

(3) The employer shall pay fair and equal wages to child employees including their social security benefits.

(4) The employer shall encourage the adoption of rules of corporate social responsibility to prevent the exploitation of child employees and to improve the conditions in which children are working.

(5) The employer shall take the necessary steps to ensure that any sub-contractor, supplier, recruiter, etc., domestic or international,
whom she/he deals with abides by the safeguards and standards that ensure the protection of children.

6. Article 6 - Regulation of Working Hours and Rest Periods.

(1) The maximum number of hours a child may work per day and per week and the maximum number of days a child may work per week shall be prescribed by law and regulation taking into consideration the nature of the work and if applicable, the requirement that work shall not negatively affect the child’s attendance at school or other vocational training and the possibilities to benefit there from. The law and regulations shall provide for adequate rest periods and for time off of work.
(2) Employment of children for night work shall be regulated by a law and regulations.

7. Article 7 - Rights of Child Domestic Workers.

(1) Child domestic workers shall be guaranteed the same rights as children working in a contractual relationship, specifically the requirements on the minimum age for employment, safe and healthy work conditions, work hours, and rest periods, ensuring the respect of their human rights and the safety of their work place.
(2) Child domestic workers who reside in the household shall not be required to remain in the household during periods of rest. Their freedom of movement shall be guaranteed.
(3) Domestic workers shall not infringe on a child’s right to education and opportunity to participate in further vocational training.
(4) Child domestic workers shall be protected from exploitation, specifically from sexual abuse and sexual exploitation.
(5) When formulating the national child protection policy, the Highest Child Protection Agency of the State shall take into consideration measures aimed at substantially decreasing or eliminating the use of children as domestic workers.

8. Article 8 - Medical and Psychological Assistance, Rehabilitation and Reintegration Measures.
(1) A child who has been victimized by a violation of this law shall be provided with free medical assistance in order that the child regain physical and mental health and recover from the physical or mental trauma she/he may have experienced.

(2) Medical assistance shall include the necessary physical emergency treatment and psychological counseling as well as long-term rehabilitative measures.

(3) The child shall receive continued assistance to reintegrate into society. Such reintegration measures shall be tailored to the specific needs of the child and the type of suffering experienced with the goal of enabling a dignified return of the child to her/his family, community, and social life. Such measures shall include medical and psychological care as well as educational and vocational consultation and training. The child shall be afforded continued mentoring and guidance to avoid revictimization and social exclusion.

(4) Measures as described in paragraphs (2) and (3) of this Article shall take place in an environment favorable to the safety, health, and well-being of a child and shall carefully guard the child’s right to privacy. Measures shall include the protection of the child from confrontation with the alleged perpetrator, the accommodation of the child in a place of safety, and the psychological preparation for possible future encounters.


(1) A child who has been victimized by a violation of this law shall be afforded legal assistance for the realization and protection of her/his rights. For the purpose of this law, legal assistance shall include legal representation and advice on the rights of the child and on legal procedures in criminal and civil proceedings.

(2) In order to ensure the child’s access to justice, it shall be provided that:
   a. Professional legal assistance is free-of-charge if the child has no legal representation;
   b. No consent of the parents or guardians is required to obtain such legal representation;
   c. Legal assistance is afforded in a zealous and diligent manner and adheres to the principles of non-discrimination and the best interest of the child, including informing the child about the legal proceedings in a way that the child understands;
   d. Legal advisors operate independently from the child protection system;
e. The privacy of the child is protected and the child’s identity is not released to the public; and

f. Other necessary protective measures for child victims and child witnesses are established in accordance with services, protections, and supports offered by Child Protective Committees.

(3) Children accused of having violated the law shall have their cases heard by special children’s courts and shall receive the required protection and support from Child Protection Committees.

10. Article 10 - Sanctions for Crimes Against Children.

(1) The penalties prescribed for any of the acts that are to be established as punishable offenses according to this law shall be stringent and commensurate with those prescribed for comparably grave offenses.

(2) The attempt to engage in any of the acts prohibited by this law shall render the person so attempting subject to punishment under the law.

(3) Participation in the form of procuring, facilitating, observing, allowing, or otherwise aiding or abetting any of the acts prohibited by this law shall render a person doing the same subject to punishment under the law.

(4) Enhanced penalties shall be applied in cases involving aggravated circumstances, including cases in which:

a. The child suffers severe and/or long-lasting physical injury or psychological trauma as a consequence of the offense;

b. The offense deliberately or by gross negligence endangers the life of the child or causes the death or suicide of the child;

c. The child is especially vulnerable to the offense, such as immigrant children, very young children, or children with disabilities;

d. The offense is committed on a regular basis or by an organized group or by a recidivist;

e. The offense is committed by a person in a position of trust or authority in relation to the child or a person who is legally responsible for the child, such as a parent, guardian, or caregiver;

f. The perpetration of any act prohibited by this Chapter is accomplished by means of threats, violence, other forms
of coercion, or by taking advantage of a situation of necessity or other specific vulnerability of the child;
g. The offense is transnational in nature; and
h. Weapons, drugs, or medication are used in the commission of the offense.

11. Article 11 - Right to Full Compensation

(1) A child who has been victimized by a violation of this law has the right to be fully compensated for any damages suffered. This shall include fair and adequate compensation for:
a. Mortal damages, resulting from physical injury or psychological harm,
b. Material damages, including expended work during the time of exploitation,
c. Lost opportunities of education and vocational training, and
d. Any other costs that the child may incur due to a violation of this law such as for medical, physical, psychological, or psychiatric treatment, including long-term therapy or rehabilitation, for legal services, housing, and transportation.
e. Punitive damages for aggregious and exploitation conducted by corporations or business entities.

(2) A child whose rights have been violated according to this law shall have the direct right to enforce her/his claims for compensation in criminal, civil, or administrative procedures.

(3) The right of the child to full compensation shall not be subject to the statute of limitations when the child seeks compensation for a case involving sexual abuse, sexual exploitation, physical abuse, neglect, or labor exploitation.

(4) A child victim shall be entitled to full compensation irrespective of her/his nationality or immigration status.

(5) A child shall be informed about the right to full compensation in a manner and language that the child can understand.


(1) Anyone who violates a provision of this law shall forfeit all revenues and assets acquired through such acts or omissions. The possibility of forfeiture of revenues and confiscation of any
assets resulting from acts which violate this law shall be
established.

(2) The state shall disburse forfeited assets in a fund to be used for
programs providing for reintegration and rehabilitation measures
for child victims according to Article 15 of this law.

13. Article 13 - Victim Compensation Fund

(1) If compensation is not fully available from the offender and
assets forfeited, the State is responsible for guaranteeing full
compensation for the child victim. For this purpose, a victim
compensation fund shall be established and it shall be
administered by the Highest Child Protection Agency in the
State.

(2) The court shall inform a child victim, her/her parents or guardian,
and her/his lawyer about the procedures for claiming
compensation.

II. MODEL LEGISLATION: Appropriations for
Youth Supportive Housing Programs

A. INTRODUCTION:

Street Children include unaccompanied homeless youth – older
adolescents and young adults who survive in street environments
without access to safe and stable housing. Most homeless young
adults lack sufficient income to access housing and lack skills or
opportunities to obtain employment. Even in wealthy nations, there is
inadequate public funding or investment in local services that afford
youth access to housing and employment services. The following
model act would create a funding mechanism in legislation to establish
youth supportive housing programs. The goal of the youth supportive
housing program is to end homelessness, improve income and
employment, advance education, improve health and well-being,
decrease social isolation, and advance positive youth development.
1. MODEL LAW: MONETARY GRANTS FOR THE ESTABLISHMENT AND MAINTENANCE OF YOUTH SUPPORTIVE HOUSING PROGRAMS


SEC. 100. GRANTS FOR THE ESTABLISHMENT AND MAINTENANCE OF YOUTH SUPPORTIVE HOUSING PROGRAMS.

(a) The Secretary of (the State’s Highest Agency for Housing and Economic Development) shall award grants, on a competitive basis, and using the selection criteria described in section 101, to carry out eligible activities under this subtitle for youth supportive housing projects that meet the program requirements under section 103, by directly awarding funds to community-based organizations or entities. This program shall target older youth and youth adults who lack a safe and stable housing and are deprived basic necessities due to their low-income and poverty.

SEC. 101: SELECTION CRITERIA

(a) The (Highest State Agency for Housing and Economic Development) shall make funding awards using the following selection criteria:

   a. The community agency or entities previous performance and history of working with street children and unaccompanied homeless youth;
   b. The community agency or entities written plan on offering supportive services and housing assistance to street children or unaccompanied homeless youth, including efforts to measure their housing stability, educational advancement, employment, positive youth development, health, and well-being;
   c. The community agency or entities demonstrated ability to manage public funding in support of social services and housing;
   d. The needs and poverty of local communities;
   e. The identified needs of street children and unaccompanied homeless youth;
   f. A consideration of geographic distribution of funding to ensure that urban and rural areas have access to public funding in support of these program;
g. The fair and equitable distribution of funding free from discrimination toward or consideration of the race, color, religion, sex, gender identity, sexual orientation, class, income level, disability, or immigration status of children and youth participants.

SEC. 102: ELIGIBLE ACTIVITIES.

Assistance provided under section 100 may be used for the following activities:

(1) Construction of new housing units to provide youth supportive housing programs.

(2) Acquisition or rehabilitation of a structure to provide youth supportive housing or to provide supportive services.

(3) The renovation, major rehabilitation, or conversion of buildings to be used as youth supportive housing programs.

(4) The provision of essential services related to employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services.

(5) Maintenance, operation, insurance, provision of utilities, and provision of furnishings of youth supportive housing programs.

(6) Provision of rental assistance to provide access to safe and stable housing to homeless youth. Such rental assistance may include tenant-based or project-based rental assistance.

(7) Housing relocation or stabilization services for homeless youth, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at (a) stabilizing youth in their current housing; or (b) quickly moving such youth to other permanent housing.

(8) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing youth supportive housing, or providing supportive services.

(9) Supportive services for homeless youth. Services provided may include, but are not limited to: (a) educational assessment and referrals to educational programs; (b) career planning, employment, work skill
training, and independent living skills training; (c) job placement; (d) budgeting and money management; (e) assistance in securing housing appropriate to needs and income; (f) counseling regarding violence, sexual exploitation, substance abuse, sexually transmitted diseases, and pregnancy; (g) referral for medical services, mental health counseling or treatment, or chemical and alcohol dependency assessment or treatment; (h) parenting skills; (i) self-sufficiency support services or life skill training; (j) aftercare and follow-up services; (k) case management services; and (l) homelessness prevention services and assistance.

(10) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 20 percent of the total funds made available to that project sponsor through this subtitle for such costs.

SECTION 103: YOUTH SUPPORTIVE HOUSING PROGRAM GOALS AND OUTCOMES

Youth supportive housing programs will be established to measure, report, and achieve the following positive outcomes for youth participants: (a) housing stability and ending of homelessness; (b) employment; (c) improvements in vocational training and skills; (d) advancement in education; (e) improved physical and behavioral health, (f) social and emotional well-being; (g) positive youth development; and (h) decreases in social isolation and connection to peers and caring adults.