A. India

By N. Paul Sunder Singh, Karunalaya, India

Case study 1

Name: Kandhan (not his real name)
Age: 16

Kandhan is 16 years old. His father is a farmer by profession and his mother works as coolie in their village near Vaniyambadi. He is the eldest son and he has one younger sister and one younger brother. His father has two wives and he used to stay in his second wife's home and he visited Kandhan's family once a week. So, he never cared about the family and the children. Kandhan was irregular to school and he used to bunk classes. His parents came to know about his irregularity to school they severely punished him. After few days he started to commit the same mistake. He started to wander by trains to different places like Ambur, Katpadi (other districts), Bangalore (neighbouring state), Arakonam and also to Andhra Pradesh (another neighbouring state) without ticket and was caught by police many times. He finally came from Kadpadi to Chennai Central by train. He was detained by police for nearly eight hours without any enquiry and beat him without any reason. Police did not accept any of his problems at home and asked him to sit at the platform. He was not allowed even to go to the toilet. No food and water was given to him. He lost his patience and escaped from them and came out of central.

He worked as a Porter at the railway station to earn money for survival. He faced many problems and was caught by police again. He slept at the railway station and platforms. When he was staying on the streets some sex workers used to call him for sex. When he refused, they accused him falsely to the public as though he did some mischief. He was beaten by the public at five occasions due to the sex workers. The police always chased him when he worked as a porter and penalized the passenger who offered to take his service. So he ran away to Bangalore. He was caught by a Train Ticket Examiner (TTE) for ticketless travel. He asked him to clean the A/C coach in the train to set him free. After he cleaned the coach the TTE handed him to the police at the next railway station. A railway canteen worker helped him to come out of the police station. He came to Chennai central railway station and some unknown person informed to police and they referred him to Shelter home. He now stays at the Shelter Home of Karunalaya and he likes to be there. He has identified his talents in sports and cultural dances. He likes to learn computer and undergoing vocational training.

Case study 2

Name: Gopal
Age: 16

Gopal was born in Salem (district in Tamil Nadu State). He has a younger brother, an elder brother and a younger sister. He is interested in pursuing studies. He studied till third standard at his home town after which he could not continue education due to some family problem. He grew up with his grandmother. His father deserted before when he was 3 years old and married another woman. His mother left married another man.

After that he was sent to a hostel to study in Chennai. He completed 5th standard in that hostel and then he did not like the hostel so he ran away from Chennai to Kallakuruchi. He walked along the railway station leading towards Salem. He could not tell exactly the distance he walked. At last he worked in a field. The owner of the field planned to sell the child to a trafficker. The child could sense the situation and escaped from that place and went to a place called Chinna Salem (little salem). There he worked in a shop for daily wage and received Rs.20 ($ 30cents) as wage per day. He worked for 4 days
and saved Rs.80 and then he bought biscuits for rupees 80 and from there he walked along the railway track about 80 kms. On the way he met three ladies and they enquired about the boy. The boy told his story to them. They took pity on him and gave rupees 220 and also helped the boy to board a bus towards Salem.

Then the boy went to his native place. His grandmother was in search of this boy. The child saw his father for the first time. His father was happy after finding his son. After isolating from his father the child’s mother could not cope with the grandmother. They had frequent fights with each other and that affected Gopal psychologically. At one stage he and his grandmother went to a relative’s house in Salem and sought their help. He travelled 30 kms daily to pursue his education. With plenty of hardships he completed his 6th standard.

Before coming to Chennai His grandmother scold him to leave the house. He went to Kerala (neighbouring state). There he was caught by police and sent him to juvenile home. He was locked, from there he escaped and came back to Salem. He was physically and mentally abused. They gave him much work. For some time he worked in a rice mill there they did not pay him for more than 6 months. He went to different places like Madurai, Dindigal, Tirunelvelli, Tiruchandur by train. Only in Tiruchandur he stays in Temple for a night. When he was travelling he used to sleep in the train and in the platform. He spent 2 to 3 days in every place and he will return to home. He travelled alone to every place.

After that he worked in Salem market for 6 months. There he was physically abused. For some time he lived with his aunt. His aunt physically & mentally abused him. His uncle used to beat him after drinking. He was afraid to be there and came back to Chennai. After reaching Chennai he worked in a makeshift photo studio at the marina beach and earned rupees 50 per day. He would stay there and eat there. He had to shout and call the beach visitors to take photographs at the makeshift photo studio from morning till evening. He worked for six days after that he planned to run away from that place. While he was wandering in central railway station he was rescued by Social Workers. He is admitted in formal school. He is very sincere in attending school and playing football as a goalkeeper.

**Case study 3**

Name: Aziz (name changed)

Habib: 14 years

Aziz is 14 years old boy. He is from Maharastra. He ran away from his home at the age of six. Aziz’s father is his step father. Due to quarrels his biological father got separated and his mother married his stepfather.

Aziz’s step father did not like him and he abused him physically and verbally. He assumed that the child was a burden and disliked him. Without any reason he beat him with belt and sometimes he may lock him inside the room so he was mentally upset and did not like to be at home. He was not enrolled into school. His mother was speechless because she could not speak for her son.

After thinking for a long time he boarded a train from Maharastra with his friends and went to Delhi to escape from the clutches of his abusive step father. He was not familiar of Delhi. There he wandered in the city and slept at the station. In Delhi he used to journey whole day in the train, sang songs and begged for money and food. He and his friend used to eat rat and squirrels and food thrown in the dustbin. The boy used to sleep in the train and platform. After that he came to Chennai through train. In Chennai also he struggled for food and begged in trains. He had food in marriage parties and sometimes took the waste food from dustbin. Once when he was eating near the dustbin, he was rescued by Social Workers. He first said that his name is Babu.

He is in the shelter home of Karunalaya. His family was traced at Thane by the staff of Karunalaya. His mother requested Karunalaya to keep Aziz until the situation improved in her family as
the family situation was not safe for Aziz. Aziz joined school and he is now studying 8th standard and involves in all extracurricular activities happily.

B. Tanzania

By Sabas Masawe, Tanzania Child Rights Forum

Case study 4

Introduction: Jonas (a street child) and the Old Man in the following case study come from different faith backgrounds. Human needs in the story are the following: food, education, shelter, respect, dignity, recognition, to be heard/listened to, forgiveness, …}

For some days Jonas (not his true name) can hardly hold his hunger.

He watches keenly people around him. They are eating gathered around

Mama Ntilie (a woman food vendor). They are laughing and chatting and the sound he hears is his rumbling tummy. He feels dizzy as he watches an Mzee (an old man) put food in his mouth, chew and swallow.

He swallows too,

He swallows back his tears,

He swallows back his anger,

He swallows back his envy.

Then he spies a nice brass water tap off the side of the house of the old man.

He knows if he can just unscrew the water tap he can take it and sell it for maybe a bit of food. Jonas looks all around and does not see anyone; No one is looking as he quickly unscrews the water tap. He tucks it quickly under his shirt and runs off to the guy he knows who buys scrap metal. He succeeds to sell the water tap and rushes to the vendor who cooks chips and eggs.

Jonas can hardly wait for the chips and eggs to land on his tongue. Njaa kinoma (a deep hunger) will be wiped away. He throws the food into his mouth as if to prevent someone from taking the food from him.

He sits now feeling secure he will live another day. He remembers his anger.

He knows the cause of his anger as he remembers well the stories told about him in his village in Mwanza, Tanzania. He is the son of a man who slept with his own daughter. A child of incest is he. Jonas remembers the gossip about his father and mother. No one wanted to have him in the family. He was less than human. What mistake did he make to get born?

A short time, later he is sitting with a group of street boys gathered around their teacher for their classes under the tree. Suddenly out of nowhere the old man appears holding aloft his holy book. He is shouting at his teacher telling her terrible things. Asking her how can she teach thieves? How can she associate with such vermin of the street? She must be teaching them how to steal! He quoted a phrase from that holy book that says such people should be destroyed. His anger was so great when telling
them they are the ones who stole his water tap and they should be punished according to the laws of that holy book. The old man was clearly angry at the loss of his water tap.

The teacher put her finger to her lips letting the boys know that they should remain quiet. The old man stormed off leaving them in fear. Then the Teacher asked them who stole the water tap? Jonas said he had stolen it because of njaa kinoma (a deep hunger). He shared that he had bought chips and eggs.

The next day the Teacher known as Esther went back to the home of the old man with Jonas in hand. She told him to hide himself a short distance away. Then afraid of what the reaction of the old man might be she slowly approached him as he was sitting outside his house. The Teacher told the old man that indeed one of her students had stolen his water tap and that he had come to say he was sorry and to ask for forgiveness. The old man demanded to know why this boy would steal his water tap? The Teacher shared the story of Jonas and why he came to live on the streets.

The old man listened intently, and agreed to see the boy. Jonas came from his hiding place and stood in fear before the old man knowing he might hit him. Instead the old man asked Jonas why he had stolen his water tap and Jonas told him that he had njaa kinoma and before the old man might do something like hit him Jonas quickly asked for forgiveness for stealing his water tap. The old man was touched by the boys’ story and he forgave him immediately. He remembered the words from his holy book that says do not punish children who because of hunger go to someone else’s vineyard to eat fruits to reduce their hunger, even if they do not have permission, they go unpunished.

The old man then not only forgave Jonas for stealing his water tap he invited Jonas and his fellow street boys to sleep on the verandah of his home so they could be secure in the night. As well he offered several of the boys, jobs to sweep the yard around his house so they could earn some money for their food.

Now when the old man sees the Teacher with the Street Boys gathered for their lessons in the valley below he waves to them warmly from his home on the hillside.

C. Brazil

By Professor Irene Rizzini, Professor, Pontifical Catholic University of Rio de Janeiro and Director, International Center for Research and Policy on Childhood, Brazil.

Case study 5

For many years I have listened to young people tell me the stories of their lives on the streets. I have also interviewed many other people connected to their worlds, like their relatives and street workers. The best accounts, however, the best accounts about their needs came from the street children’s own testimonies. Raí is one the kids who told me about his years on the streets and what happened before he was labelled a ‘street kid’. I met him at an institution for temporary shelter when he was 15. He told me he was hiding. He felt his life was in constant danger.

Raí was born like any other child, full of the will to live and grow. For him to develop fully he needed an environment, even if simple or poor, where affection, food, health and security were present. But he did not have these in his life, rather he recounted a series of episodes marked by adversity and violence making me wonder how he managed to reach adolescence.
His life-story illustrates the trajectories of many others; stories marked by ruptures and a constant, almost desperate, search for a place in the world. Raí volunteered his story and slowly reconstructed in his memory facts and emotions that marked his life trajectory since his early years. He asked me to tell his story to many others in the hope that other children would not have to go through all the suffering he experienced.

**Raí tells his life-story**

“Ah, my life was... was bad”. This is how Rai sums up. His trajectory is full of loss. The first bad memory occurs when he was two years old. His mother and father fought a lot. He says that during one of these fights, after being beaten up again, his mother ran away from home. She abandons her children (Raí, his four year old sister and his seven year old brother) at "some woman’s” house, as he remembers it. Raí recalls that his mother had tried to run away from her partner many times before. Her departure provokes an immense sadness in Raí:

My dad beat her up, and it was me and my sister who got the blame. She abandoned me. Left me at the home of some woman and did not return. I know where she is, but I don’t have contact with her. I hate her. Nothing will change what I feel for my mum. All I want is that she lives her life on one side and me on the other.

Raí says that he and his siblings were beaten up a lot in the house where they were left. His older brother managed to escape. He and his sister tried to escape. They sought an aunt on their father’s side who then took them back to the house. They tried again to run away. This second time this aunt took them to an 'orphanage'. “It was the orphanage who raised me” - says Raí. This aunt then returned when he was ten years old. He did not want to leave the institution where he appeared to be happy. He recalls how there were many trips there - to waterfalls, the beach. He cried a lot and asked to stay but to no avail and was taken to his maternal grandmother’s house. His sister returned to live with his mother where she is to this day – "only because she has nowhere to go" asserts Raí. These days he stays in touch with his sister by phone.

Raí could not adapt to his grandparent’s house. He felt confined. He says he was forced to go to church, to school, and could hardly go out to play. Even though he liked his grandmother he stayed there for just over a month. These days he goes to visit her, but only on weekends, “to spend the afternoon”, as he says.

During this time he lived with his grandparents, Raí’s father, who had been in prison for the past seven years, was released from jail and came to see him:

He came at night and I was already asleep. My grandma woke me up to say my dad was there. I could not believe it was my dad because I hardly knew him. So then my grandma explained that he had been in jail. In my head my dad was already dead. So it was like this that I got to know him.

It was December and they spent Christmas together. This happiness, however, was short lived. Shortly before New Year Rai’s dad was murdered by the police during a shoot-out between the police and local drug dealers. For Rai this was the worst thing that has happened in his life as his father was for him the most important person in the world.

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1 This piece is based on research done in Brazil involving the life trajectories of 70 children and youth who spent most of their time in the streets of Rio de Janeiro. The interviews were done in 2002. The book was published in 2003 and the English edition in 2007. Rizzini, Irene; Butler, Udi M.; Stoecklin, Daniel (editors). Life on the streets. Children and adolescents on the streets: inevitable trajectories? Sion, Switzerland: Institut International des Droits de L’enfant, 2007.
When he was alive, Raí’s father took him to meet his friends who were part of the drug trafficking gangs. Afterwards Raí also joined the gang. “I already knew how it was because I saw many people doing it, so I learnt. It was just a matter of selling the drugs on the hill [the shanty town] and passing on the money to the boss. I earned $100 a week, more or less.” He sold marijuana and cocaine, keeping half the money for him and giving the other half to the drug boss. Whilst in the gang he walked around armed and engaged in shoot-outs with the police. He was wounded once by a bullet in his thigh when he was eleven.

Raí’s older brother also worked for the drug gangs, and does so to this day. This was his brother’s path after having run away from the house where his mother left him. He lives with his wife in a house that Raí claims was bought by their father. Raí lived with them for a while but did not get on with his brother’s wife.

In any case, today Raí is banished from his community on account of a debt incurred with the local drug gang. He owes them about $500 and can only return once he has the money. Raí tells how this debt came about, how he was caught by the police with a bag of marijuana and a gun. The judge gave him a sentence of a year and three months inside a closed institution. “That was the worst prison I went through” Raí claims. “Jail” is how he (and many others) refers to the government’s ‘socio-educational’ institutions for children and adolescents. Once his sentence was over Raí went back to the streets to try to get the money for the drug gang – which he owes to this day. From this point on his life entails a constant circulation between the street and institutions that care for children and adolescents. He even sought out a judge to claim his right to being accepted in a shelter that did not want to accept him: “Shelters were made to accept minors”, he said. Raí returned to shelters every time the street becomes unbearable: “When we are going through bad times on the street, when we can’t stay anymore, I go”.

Raí discovered that the street is not as he imagined it. “On the street we suffer a lot, life is a lot worse” he says. Instead of going round well-dressed, of getting things easily, as he thought, he experiences hunger and violence from the police and other boys, as well as other kinds of abuse and discrimination: “Some people walked by and swore at us, told us to get a job. How?! Even for those with schooling it is hard to find work!”

Raí claims to have had six years of primary education through all the institutions that he circulated, but he has difficulty writing simple phrases. He concluded then, that what was left for him is to just steal despite the consequences. Raí has been in ‘jail’ nine times. He claims to have spent three of his fifteen years in ‘jail’. With the money that he got from stealing, he bought glue, which he learnt to use on the street, and marijuana, which he began to use while still living in his community. He said that he uses drugs to forget the things that have already happened to him, to forget the death of his father who he liked very much and whom he constantly remembers.

He does not forget the violent episodes perpetrated by the police. He said that he was in the shelter at present because he received a death threat from the police. This threat was made as a result of him throwing stones at the police in response to them confiscating his glue. In this episode, Raí was told by the police that they would kill him if they caught him on the street again.

Raí’s institutional life was extensive. He recalled thirteen places including shelters, homes, socio-educational institutions and day-centers through which he passed. The precise chronological sequence of these passages is impossible to ascertain with precision. Each memory was filled with emotion, he

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2 Legally speaking the introduction of the Children and Adolescent Statute in 1990, was supposed to have heralded a radical change in how the state dealt with juveniles who broke the law overhauling the abusive regime of incarceration, which dated back from Brazil’s military dictatorship, towards institutional arrangements concerned with ‘socio-educational’ concerns of children and adolescents in conflict with the law. Yet, as we see here, the provisions of ECA are yet to be fully implemented and youngsters report many cases of abuse within these institutions and conditions that appear to have changed little from before 1990.
was always running away. Underpinning the memories was a feeling of a lack of care and affection, of not being listened to. He asked people to talk to him. He remembered lovingly two workers who treated him with affection. One of them he regarded as a mother, even though they are not in touch any more. It seems that the few ties which he managed to build through his life – the two workers, his sister, grandmother all of whom he spoke of lovingly – were not enough for him to break this constant process of escape. All the while Raí said that he did not like to stay in one place for too long. Things became boring and he needed to get away. This difficulty in adapting wherever he maybe left the impression that Raí constantly felt out of place in the world.

Raí said that he asked God for the courage to change his life. He said that he did not have the courage to get a job, to ask for employment. The only time he worked (outside the drug gangs), he managed to stay with it for four or five months. “I used the photocopy machine, took the cases”, he summarized, at the General District Attorney’s office. He liked the work.

“Raising a family” also appeared to be important for Raí. His fondest memory is of a photograph, which his aunt mounted in a frame, in which he stands next to his mother and father as a little boy.

He was not sure about his future. He wanted to be a parachutist, but he remembered the many ‘prisons’, and feared not being able to join the military. Then he said he wanted to be a football player. He ended up admitting that it all depended, in the end, on him: “The only one who can help me is me. Only I can really change my life”.

Final comments

A range of human needs emerge from Rai’s account of his life. His story has elements of many others who experience life on the streets: fear; the need to be in constant movement, often escaping from violence by adults and peers (often police harassment and abuse, including sexual abuse; exploitation of various forms and drug selling and consumption); physical human needs such as hunger, cold, various forms of health problems; and feeling unloved, unwanted and unprotected.

Several aspects are relevant for us to reflect about policy provisions to protect these children and youth. The most important concern is appropriate early action for children and youth who are in danger of gravitating to the streets. It is also important to note that it is not enough to have international, or even local, law and policy guidelines and measures. It is also necessary to establish a combination of procedures to guarantee implementation and monitoring of such provisions.

1. Between the home and the streets

It is crucial to identify children in situations that might lead them to homelessness. Measures include reaching out for the kid and family members before he/she really engages in street life. Rai was only 2 when the situation of abuse in the family forced the mother to leave the home. An appropriate early action could have changed his life.

2. In a street situation

Research done with street connected kids have shown us that once young people get used to life on the streets it is much harder to reach out for them. Street life do have attractions for them, particularly when life in the family is too complicated and they find a group they bond with that give them a sense of belonging they lacked at home or in the neighborhood they lived in.

a. What policy could be enforced to increase the chance to reach out to young people and their and family in the first days of connection to life on the streets? At this point ties to family and community are still present in various degrees, even if complicated. Remember that the movement to a 24 hour a day life on the streets is often gradual and the vast majority of young people who spend their days hustling
on the streets live in other places including the homes of parents, other relatives, friends and neighbors and various types of shelter.

b. Once they are already bonded to the streets, what can be done to protect them against the most common forms of rights violation and the support they need to move to a healthy independence?

3. Implementing legal and policy structures

While the situation of street children and youth require laws, regulation, and policies at a variety of levels, making things happen at the street level will not follow automatically from a better legal and administrative context and will need in addition local involvement and monitoring. This is because street children are at the bottom of the social heap and an easy target for very powerful local opinion. That local involvement will need a variety of actors including neighborhood and local activists. Any legal structure should recognize that reality.
A. Statement of issue

Children and young people who live and work on the street share the same core human needs as all other children, but, for many ‘street youth’, fulfilment of these needs is persistently threatened, or even outright denied by legal and social systems that create obstacles and produce gaps in fulfilment of needs.

This briefing note examines the core human needs that are most at risk for street youth and considers how these needs interact with legal issues and structures in different country contexts, with a view to laying the foundations for discussion of principles to support enjoyment of the human needs of street youth.

It is not an easy task to capture the true meaning of the ‘human needs’ that street youth are entitled to and experience, and, therefore, to reflect accurately the true impact when these needs are not met. The following excerpt from a case study from Tanzania goes some way to introducing several needs, as experienced by a street-connected young person in Tanzania.

For some days Jonas (not his true name) can hardly hold his hunger. He watches keenly people around him. They are eating gathered around Mama Ntilie (a woman food vendor). They are laughing and chatting and the sound he hears is his rumbling tummy. He feels dizzy as he watches an Mzee (an old man) put food in his mouth, chew and swallow.

He swallows too,

He swallows back his tears,
He swallows back his anger,
He swallows back his envy.

Then he spies a nice brass water tap off the side of the house of the old man.

He knows if he can just unscrew the water tap he can take it and sell it for maybe a bit of food. Jonas looks all around and does not see anyone; No one is looking as he quickly unscrews the water tap. He tucks it quickly under his shirt and runs off to the guy he knows who buys scrap metal. He succeeds to sell the water tap and rushes to the vendor who cooks chips and eggs.

Jonas can hardly wait for the chips and eggs to land on his tongue. Njaa kinoma (a deep hunger) will be wiped away. He throws the food into his mouth as if to prevent someone from taking it from him.

He sits now feeling secure he will live another day. He remembers his anger.

B. Needs and rights

The ‘human needs’ experienced by street youth are inherently valuable. Their fulfilment must be promoted and protected by State laws, policies and practices. In order to support the development of such laws, policies and practices, the companion document to this issue brief seeks to translate the human needs of street youth into standards that States should adopt to protect and promote the needs of street youth, and to prevent children from experiencing rights violations and restricted enjoyment of needs.

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1 Please refer to the summit’s definition of Street Youth, which will be used throughout this document.
2 Case study drafted and provided by Sabas Masawe, Director, Tanzania Child Rights Forum.
There is a detailed body of academic research into the concept of ‘human needs’. However, for simplicity, this briefing note has adopted several aspects of the Maslow’s theory, without imposing a hierarchy on the importance of the needs, in order to arrive at a broad understanding of human needs.

This section of the briefing note uses a rights based perspective to connect street youth’s human needs and legal rights, exploring how legal rights reflect these needs.

i. Personal freedoms and needs: identity, privacy, association, property, and business rights

The need for self-esteem, including acknowledgement and respect by others (and oneself) is a core human need. Children and young people who are living and working on the street may find this right is heavily limited by their interactions with society, the law, and the State. Children in street situations may find themselves ‘anonymised’ without the legal documents that prove their identity, including, for example, birth certificates and identity cards. Where access is linked to proof of identity, this can mean street children are prevented from enjoying services and fulfilling needs.

Identity is a complex and important issue that affects different street youth in different ways. For example, transgender youth may not have identification at all or may have identification that does not match their gender presentation, which can lead to increased discrimination and victimization but may also limit (or end) their ability to avail themselves of state support. Other street youth may come from marginalised ethnic groups, or may have irregular immigration status, even internal immigration causes problems in obtaining identity documents especially when it comes to getting some papers from the local government authority that knows where you leave which can cause problems in obtaining identity documents, or may lead to stigmatisation or victimisation if they choose to use identity documents.

Street youth may lack privacy in all aspects of their lives. They may not be able to access privacy when they wish to, for example when conducting relationships, or when changing clothes, going to the toilet, or simply because they would like to have a moment to themselves.

Excerpt from Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India

We don’t have proper toilet therefore most of the people using the roadside as toilet so there are a lot of diseases spread by mosquito and majority of the people using their kitchen in roadside only. Particularly after the 8pm public toilets are closed so everyone struggles to use the toilets so they are using roadside defecation.

Some of these challenges are directly linked to poor mental and physical health. This is also linked to the issue of identity - children who are living and working on the street may being ‘anonymised’ through lack of a formal legal identity, but this does not afford privacy.

Love, companionship, friendship and belonging are other basic, particularly strong, human needs. These manifest through forms of association, which are closely linked to identity as a human need.

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3 For a clear explanation of these, please see Em Griffin, ‘A first look at communication history’, http://www.afirstlook.com/docs/hierarchy.pdf


6 For a comprehensive exploration of street youth and the construction of identity in Mexico, see Herrera, Elsa and Jones, Gareth A. and Thomas de Benitez, Sarah, Bodies on the line: identity markers among Mexican street youth, Children’s geographies, 17 (1). pp. 67-81. (2009).

7 Materials provided by Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India in relation to International Street Children Day 2015.

and can afford comfort, protection and support. The right to association is particularly important due to the compelling human need for relationships and connections. Street youth’s need for and right to association can be affected in many ways, including, for example, that the lack of a postal address leads to isolation: “We don’t have a proper address if anybody asks our address will feel too shy. And still we won’t get any postal services or our mails delivered.”

In terms of property and business opportunities, children who are living and working on the street can face difficulties in accessing formal business opportunities (i.e. gainful employment). These opportunities are linked to what have been identified as key needs in relation to ‘safety’ and ‘self-esteem’. In addition, if they are engaged in the informal business sector, their business and earnings can be vulnerable. Street youth may be denied inheritance and property rights both because they may have no permanent, safe place to keep their belongings, and because they may be unable to access justice processes in order to claim property rights. Where States fail to recognise legality of the child’s existence on the streets, other rights, including property and business rights have no context in which to exist or be fulfilled.

ii. Environmental needs: housing, nutrition, health care and leisure

Almost by definition, street youth have extremely limited access to housing or accommodation, which fulfil the basic human need for safety and security and physiological needs. Even where a child who is living or working on the street has access to some form of accommodation, this may be inadequate for a number of reasons: including lack of safety, inadequate weather-proofing, or uncertainty or instability in the housing arrangement. The consequences of the lack of adequate housing can be wide-reaching; a lack of shelter, affects most other rights and needs, and can have many negative effects including, for example, increased physical and mental health problems, exposure to abuse and exploitation, and a lack of personal property. In the most extreme cases, children without adequate shelter may lose their lives.

Limited access to food of any form, let alone food of good nutritional value is another common concern for street youth with serious implications for their physiological human needs. This can hamper development in all areas; may lead to an increase in suffering of physical and mental illnesses; can lead to situations of exploitation in return for food; and may result in street youth resorting to theft in order to feed themselves, bringing them into conflict with the law, as was seen in the case study presented at the beginning of this briefing note.

Street youth may suffer from additional health care needs, including physical and mental health needs, but may find accessing health services particularly difficult for a number of reasons. For example, they may be too expensive, or may simply not be available to those who do not have identity cards, or fixed accommodation. In some States, one of the foremost health concerns facing street youth is drug addiction, which can of course lead to poor health, but also to exploitation and abuse.

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10 Excerpt from Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India.
15 See e.g. Maritt Kirst and Patricia Erickson, ‘Substance Use and Mental Health Problems among Street-involved Youth: the need for a harm reduction approach’, in Stephen Gaetz, Bill O’Grady, Kristy Buccieri, Jeff Karabanow, Allyson Marsolais, Youth Homelessness in Canada: Implications for Policy and Practice, pp. 185-198 (2013).
Street youth also have a right and basic human need to engage in **leisure** activities,\(^{16}\) which can be limited by circumstance, or by state actions (for example prohibitions of games in public places), but are a key component of childhood development. As street youth participating in a consultation in relation to the International Day on Street Children said: "Nearby our area there is a children’s park, pavement dwelling children are not allowed to play. Upper class and middle class people only are allowed. We want a proper play ground especially for the street/pavement dwelling children."\(^{17}\) Where street children spend their days trying to meet their basic human needs, leisure may fall by the way side.

### iii. Safety needs: abuse and exploitation

Street youth may be at a particular risk of abuse, including emotional, physical and sexual **abuse**, and neglect, and all forms of **exploitation**. Those who are living and working on the street may be especially vulnerable to abuse and exploitation simply because they have nowhere safe to seek refuge, but also because the fact that they lack access to services and human needs such as housing and nutrition can make them more likely to be exploited in return for fulfilment of these needs.

The way in which street youth can be viewed by state actors can also have an impact upon exploitation and abuse. Girls who live on the streets can, for example, be seen as sexually active, ‘streetwise’ and savvy young people who are able and willing to consent to sexual activity, rather than children who are highly vulnerable to exploitation and abuse.\(^{18}\)

### iv. Cross cutting issues

Children who are living and working on the street can face insurmountable challenges in accessing **services**\(^{19}\) such as education, physical and mental health services, drug abuse support, leisure activities, housing, and other services that support their development and enjoyment of their human needs. This can be a particular problem where the services are accessed through channels that require proof of identity (see above), through parents/guardians or facilities that are difficult for street youth to access due to discrimination, environmental concerns or infrastructure challenges. In many contexts, services are normally accessed through a family set up that a street youth would not have, by definition. Further, States seem inclined to put children/youth living and working on the street under the category of "vulnerable children" and consequently they get lost and not captured by any approaches that are geared towards vulnerable youths.

Where street children do have some form of access to services, the quality of such access can be affected. The following was expressed at a Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India "we can’t focus on our studies because we are studying under street light so we need a proper house." At the same event, the group of street achievers noted: "The Government announced a free education for children but some government schools are collecting donations from weaker children. And they did not allowing for examinations...Even some schools did not give a free seat under right to education act quota because we are pavement dwellers... We are not allowed for educational tours in school because we

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\(^{16}\) The ‘right to play’ is enshrined in Article 31 of the Convention on the Rights of the Child. CRC Committee, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), CRC/C/GC/17, para 49.

\(^{17}\) Excerpt from Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India.

\(^{18}\) See, for example, the comments noted in a recent report into child sexual exploitation in the UK, including of girls who are considered ‘homeless’. The Office of the Children’s Commissioner’s Inquiry into Child Sexual Exploitation In Gangs and Groups, ‘I thought I was the only one. The only one in the world’, (2012) p. 47.

\(^{19}\) Resolution 16/12 (A/HRC/RES/16/12) of 2011 states: “[The Human Rights Council] Strongly condemns the violations and abuses of the rights of children living and/or working on the street, including discrimination and stigmatization and lack of access to basic services, including education and basic health care...” (para 1).
are pavement dwellers and shelter home children. The unpaid computer classes are also charging for pavement children.\textsuperscript{20}

A number of \textbf{vulnerable groups} of street youth are particularly at risk of non-fulfilment of their needs, and violation of their rights, including girls, children with disabilities, LGBTIQ children, children who have irregular immigration status, and children from ethnic minority groups. Such street youth may suffer additional hardship due to direct discrimination, such as policies that make expression of same-sex relationships illegal, or indirect discrimination, such as laws that prevent congregation in all but areas that are inaccessible to those with mobility impairment. Further, children from particularly vulnerable groups require additional support and protection from the State to protect their rights. For example, girls who are living and working on the street may be at a heightened risk of abuse and exploitation, and may face additional health concerns (for example during pregnancy or their menstrual cycles), while children with health-related disabilities may need medical care provided to them.

\textbf{v. Underpinning principles: non-discrimination, best interests, right to life, survival and development and participation}

The underpinning principles or guiding principles of the Convention on the Rights of the Child are so-called because they act as the foundation to the fulfilment and enjoyment of all other rights. These underpinning principles reflect core human needs of children and young people, including those living and working on the streets. The \textbf{right to life, survival and development} is undoubtedly at the core of states’ obligations towards street youth and is implicated and affected by all other rights touched upon in this issue brief, with street youth facing particular threats to life, survival and development if their other rights are neglected or denied.

\textbf{Discrimination} can take a number of forms, including harassment, by police and other state actors, or by private actors; round-ups or arrests for status offences; or clear prohibition to access services without a permanent residence. Stigmatisation, and the way in which street youth are treated by others is a serious concern, as set out by the Office of the UNHCHR:

\begin{quote}
"The most complex challenge faced by children in the streets is dealing with the perceptions of those around them and the treatment they are consequently afforded. It should be borne in mind that the majority of these children have already experienced multiple violations of their rights before spending time on the streets, whether at home or in care, including in institutions such as orphanages, detention centres, rehabilitation centres and juvenile justice institutions."
\end{quote}

According to international standards, the \textbf{best interests of the child} shall be a primary consideration in all decision affecting children (note, under the ACRWC, the standard is that the best interests of the child must be ‘the’ primary consideration). However, is it likely that decisions relating to street youth rarely take into account their best interests.

Further, street youth may face undue restrictions upon their \textbf{right to be heard} (including clothing, speech, and other forms of expression), because States may ‘crack down’ upon or show discriminatory ‘mistrust’ of street youth, or because street youth, may not be consulted over decisions affecting them (for example, relating to services, or relating to children in the jurisdiction in general), because they are not present in locations where children are commonly consulted (schools, for example) or due to active discrimination.

In the following excerpt from a case study from Brazil, Professor Irene Rizzini reflects on the life-story of a child named Rai:

\begin{flushright}
\textbf{Excerpt from Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India.}
\end{flushright}

\textsuperscript{20} Excerpt from Consultation of Street Achievers – Minutes of the Panel discussion held on 11th April 2015, Chennai, India.

\textsuperscript{21} Office of the UN High Commissioner for Human Rights, Protection and promotion of the rights of children working and/or living on the street, para 20.
A range of human needs emerge from Rai’s account of his life. His story has elements of many others who experience life on the streets: fear; the need to be in constant movement, often escaping from violence by adults and peers (often police harassment and abuse, including sexual abuse; exploitation of various forms and drug selling and consumption); physical human needs such as hunger, cold, various forms of health problems; and feeling unloved, unwanted and unprotected.

Several aspects are relevant for us to reflect about policy provisions to protect these children and youth. The most important concern is appropriate early action for children and youth who are in danger of gravitating to the streets. It is also important to note that it is not enough to have international, or even local, law and policy guidelines and measures. It is also necessary to establish a combination of procedures to guarantee implementation and monitoring of such provisions.

1. Between the home and the streets

It is crucial to identify children in situations that might lead them to homelessness. Measures include reaching out for the kid and family members before he/she really engages in street life. Rai was only 2 when the situation of abuse in the family forced the mother to leave the home. An appropriate early action could have changed his life.

2. In a street situation

Research done with street connected kids have shown us that once young people get used to life on the streets it is much harder to reach out for them. Street life do have attractions for them, particularly when life in the family is too complicated and they find a group they bond with that give them a sense of belonging they lacked at home or in the neighborhood they lived in.

a. What policy could be enforced to increase the chance to reach out to young people and their and family in the first days pf connection to life on the streets? At this point ties to family and community are still present in various degrees, even if complicated. Remember that the movement to a 24 hour a day life on the streets is often gradual and the vast majority of young people who spend their days hustling on the streets live in other places including the homes of parents, other relatives, friends and neighbors and various types of shelter.

b. Once they are already bonded to the streets, what can be done to protect them against the most common forms of rights violation and the support they need to move to a healthy independence?

3. Implementing legal and policy structures

While the situation of street children and youth require laws, regulation, and policies at a variety of levels, making things happen at the street level will not follow automatically from a better legal and administrative context and will need in addition local involvement and monitoring. This is because street children are at the bottom of the social heap and an easy target for very powerful local opinion. That local involvement will need a variety of actors including neighborhood and local activists. Any legal structure should recognize that reality.

C. Conclusion

A large number of core human needs are threatened in the most damaging and repressive of ways for those children and young people who are living on the streets, including needs relating to personal freedoms, environmental needs and safety as well as a plethora of cross-cutting issues and, of course, the underpinning principles that form the foundation of children’s rights standards.

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22 Case study provided by Professor Irene Rizzini, Professor, Pontifical Catholic University of Rio de Janeiro and Director, International Center for Research and Policy on Childhood, Brazil.
In this issue brief, the drafters have noted a range of issues and have sought to identify how and in what way these needs are also a reflection of rights, as set out in the international standards and best practices.

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The question remains, of course, how States should/must address these rights and needs through legal systems. This is discussed in the second component of these resource materials, relating to principles and standards.
Annex A – Overlap with other issue areas

Issue 1: Human Needs overlaps with several other issues that are scheduled for discussion during the International Street Youth Summit. The following chart presents the main points of cross-over, noting that almost all issues are overlapping to some extent.

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Annex B – Video Resources

“Street Children in India make an impact in Brazil” – Karunalaya Centre for Street and Working Children

https://www.youtube.com/watch?v=42_Is4WVGUK&feature=youtu.be

“Protecting Street Children in India” – Karunalaya Centre for Street and Working Children

https://www.youtube.com/watch?v=dVLKMcxmo
BACKGROUND

Children and young people who live and work on the street share the same core human needs as all other children, but, for many ‘street youth’\(^1\), fulfilment of these needs is persistently threatened, or even outright denied by legal (and social) systems that create obstacles and fail to support fulfilment of needs. The document Issue 1: Issue Brief, which accompanies this document, sets out the full range of basic human needs that are most at risk for street youth, separating these into personal freedoms, environmental needs and safety needs, and identifying cross-cutting issues including access to services, and the human needs of especially vulnerable groups. This present text sets out standards that it is proposed States adopt in order to protect street youth and provide for the fulfilment of their rights.

In the ‘Issue Brief’ document, the connection between needs and rights was explored, and a rights based approach to the issue of human needs was adopted. This approach is continued within the standards below, which translate these rights into legal and policy standards. It is important to note that the issue of ‘human needs’ crosses over with all other of the Issues for discussion in the Street Youth Summit (child welfare, cross border issues, education and employment and criminalisation). Notes on the cross-over areas were included as Annex A to the Issue Brief, and are replicated in Annex A of this document. The briefing notes and standards produced for these other issues are expected to be more specific, while the standards below set out overarching provisions to protect the needs and rights of street youth.

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\(^1\) Please refer to the summit’s definition of Street Youth, which will be used throughout this document.
SUBSTANTIVE STANDARDS

I. UNDERPINNING PRINCIPLES: NON-DISCRIMINATION, BEST INTERESTS, RIGHT TO LIFE, SURVIVAL AND DEVELOPMENT AND PARTICIPATION

A. States should ensure that street youth enjoy full realisation of the full range of rights within the UN Convention on the Rights of the Child, including the right to protection from discrimination, the right to have the best interests considered a primary consideration in all decisions affecting the child, the right to life, survival and development and the right to participation.

   i. See: Law of the Child Act (Tanzania) 2009 (which incorporates many provisions of the UNCRC)
      (a) Section 4 (2) The best interest of a child shall be the primary consideration in all actions concerning a child whether undertaken by public or private social welfare institutions, courts or administrative bodies.
      (b) Section 5.- (1) A child shall have a right to live free from any discrimination. (2) A person shall not discriminate against a child on the grounds of gender, race, age, religion, language, political opinion, disability, health status, custom, ethnic origin, rural or urban background, birth, socio-economic status, being a refugee or of other status
      (c) Section 11. A child shall have a right of opinion and no person shall deprive a child capable of forming views the right to express an opinion, to be listened to and to participate in decisions which affect his well-being.

   ii. See: Law on the Protection of the Rights and Interests of Children (Lao PDR) 2006
      (a) Article 3: The Rights of the Child
         Every child shall have the Right
         1. [To have] a safe life and suitable physical and moral development
         2. To be registered at birth, have a first name and family name and to acquire a nationality;
         3. To be recognised and cared for by parents, and not to be separated from parents unless it is necessary to protect the child’s interests
         4. [To have] access to health care, medical treatment and rehabilitation of health when ill;
         5. To obtain education so that they can have good attitudes, knowledge, abilities, talents, professional training, labour skills and employment;
         6. [To have rights to] speech and to the expression of [their] opinions; to socialise and exchange good experiences with other children; to participate in social, artistic, literary, sports and recreational activities that are appropriate for the age of the child;
         7. To have access to and learn information that is suitable for the age and level of development of the child and to be protected from harmful information;
         8. To be protected from all forms of physical and moral abuse;
         9. To receive special protection in legal proceedings;
         10. To obtain other rights as stipulated in the laws.

      b) Article 4: Best Interests of Children

         The best interests of the child shall be the deciding factor in making decisions, in particular about issues relating to child care, appointment of guardians, adoption, education, medical treatment and the conduct of criminal proceedings against [the child].

B. Street youth shall be recognised as a special category of most vulnerable children requiring positive steps for support, and against which any form of discrimination, victimisation or stigmatisation, both by state and non-state actors is strictly prohibited.
i. See: **Law of the Child Act (Tanzania) 2009**
   (a) Section 16. For the purposes of this Act, a child is in need of care and protection if that child - … (f) is wandering and has no home or settled place of abode;

ii. See: **Children Act (England and Wales) 1989**
   (a) Section 17(10) For the purposes of this Part a child shall be taken to be in need if—
   (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
   (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
   (c) he is disabled,
   and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living

   (a) Section 4 (d) “Child at Risk” refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
   …
   (6) being a streetchild;

iv. See: **Law on the Protection of the Rights and Interests of Children (Lao PDR) 2006**
   (a) Article 2.2 Children in need of special protection means those who are half orphaned, orphaned, abandoned, neglected or without parental care; children who are victims of physical abuse, sexual abuse, prostitution, human trafficking; children who work in hazardous conditions seriously affecting their life or health; exploited and displaced children; drug-addicted children; children affected by HIV/AIDS; and children adversely affected by legal proceedings

C. States shall develop laws and/or policies specifically targeted for the protection of street youth.
   i. See: **UN HRC Resolution 16/12: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (2011)**
   (a) Para 2. Urges States to ensure a holistic child rights and gender-based response to the phenomenon of children working and/or living on the street, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets and sufficient financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken

D. Street youth shall have access to full enjoyment of their legal rights under the law without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
   i. See: **Law of the Child Act (Tanzania) 2009**
   (a) 5.- (1) A child shall have a right to live free from any discrimination. (2) A person shall not discriminate against a child on the grounds of gender, race, age, religion, language, political opinion, disability, health status, custom, ethnic origin, rural or urban background, birth, socio-economic status, being a refugee or of other status
ii. **Note/questions:** is it useful to have a separate provision in relation to street youth, or, would street youth have full enjoyment of this right anyway?

E. States shall have a positive obligation to take special measures in order to ensure that all street youth have full enjoyment of their legal rights and entitlements under the law, without discrimination of any kind.

i. See: **UN HRC Resolution 16/12: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (2011)**
   
   a. Para 3: *Calls on* States to give priority attention to the prevention of the phenomenon of children working and/or living on the street by addressing its diverse causes through economic, social, educational and empowerment strategies
   
   b. Para 4 (a): To adopt, strengthen and implement legislative and other measures, cross-sectorial strategies and plans of action to eliminate, as a matter of priority, all forms of violence and discrimination against children working and/or living on the street and to end the impunity of all perpetrators of these violations and abuses and the criminalization of children living and/or working on the street.

ii. **Children’s act 2005, South Africa:**
   
   a. protect the child from unfair discrimination on any ground, including on the grounds of the health status or disability of the child or a family member of the child.

iii. **Notes:** what (if any) preferential treatment would be desirable and acceptable?

F. States shall undertake a review of legislation and policies to ensure that no laws and policies have a negative discriminatory impact upon street youth, shall amend any such policies, and shall ensure that any new laws or policies are reviewed prior to implementation to ensure that they do not have a negative discriminatory impact.

i. See: **UN HRC Resolution 16/12: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (2011)**

   a. Para 2: *Urges* States to ensure a holistic child rights and gender-based response to the phenomenon of children working and/or living on the street, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets and sufficient financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken.

G. States shall ensure that street youth are consulted on matters affecting them, with support of non-governmental organisations as necessary. States shall ensure that any decisions made about street youth shall take their best interests into account as a primary consideration.

i. See: **Childcare Act 2006, UK**

   a. Local authorities should ensure that their early years provision has regard to such information about the views of young children as is available to the local authority and appears to them to be relevant to the discharge of those duties.

ii. See: **Homelessness Act 2002, UK**

   a. When developing a homelessness strategy the local authority should consult with other public or local authorities, voluntary organisations or other persons as they consider appropriate. *(Maybe this can relate to street children?)*

iii. See: **Children Act 2004, UK**

   a. Section 53: in relation to children in need of protection, imposes a duty on local authorities, so far as is reasonably practicable and consistent with the child’s welfare, to ascertain the child’s wishes and feelings and give them due consideration.
iv. See: *Queensland Child Protection Act 1999, Australia*
   (a) Section 5E – Obtaining child’s views: When a giving a child an opportunity to express their views under this Act a) language appropriate to the age, maturity and capacity of the child should be used; and b) communication with the child should be in a way that is appropriate to the child’s circumstances; and c) if the child requires help to express their views, the child should be given help; and d) the child should be given an appropriate explanation of any decision affecting the child, including a decision about the development of a case plan or the effect of the decision or the case plan; and the child should be given an opportunity and any help if needed, to respond to any decision affecting the child.

v. See: *Codigo de la Ninez y Adolescencia, Ecuador*
   (a) Article 60. “Derecho a ser consultados. Los niños, niñas y adolescentes tienen derecho a ser consultados en todos los asuntos que les afecten. Esta opinión se tendrá en cuenta en la medida de su edad y madurez.”

vi. See: *Ecuador 1998 Constitution, Ecuador*
   (a) Article 49: El Estado les asegurará y garantizará el derecho...a la participación social, al respeto su libertad y dignidad, y a ser consultados en los asuntos que les afecten.

vii. See: *Constitution of Finland*
   (a) Section 6: Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

viii. See: *UN HRC Resolution 16/12: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (2011)*
   (a) Para 4 (f): To ensure that all interventions directed at children working and/or living on the street take into account the best interests and the views of the child in question, in accordance with his or her age and maturity, and are undertaken by adequately trained professionals in order to prevent further victimization.

ix. **Notes:** Again, see above – should this be covered within the general provisions relating to participation or do we need a specific right in relation to street children?

II. PERSONAL FREEDOMS: IDENTITY, PRIVACY, ASSOCIATION, PROPERTY, BUSINESS RIGHTS

A. Street youth shall not be required to provide proof of identity in order to access services such as accommodation, education, health care, services providing food and drink, or any other similar such service. Where access to services is contingent upon production of identity documents, States shall ensure that the process for street youth to obtain required identity papers is simple, and that they are supported to do this.

i. See: *UN HRC Resolution 16/12: Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street (2011)*
   (a) Para. 3(a) Ensuring birth registration of all children immediately after birth through universal, free, accessible, simple, expeditious and effective registration procedures; raising awareness of the importance of birth registration at the national, regional and local levels; facilitating late registration of birth; and ensuring that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and basic services;
B. (Street youth shall not be required to provide proof of identity in order to avoid arrest or detention.)
   i. **Notes:** We anticipate that this issue will be addressed in the criminalisation session

C. Street youth shall not be arrested or detained for associating with others, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security or public safety.
   i. See: Human Rights Act (UK) 1998
      (a) Article 11: Freedom of assembly and association

      Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

      No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the state.

D. Street youth shall have a right to privacy. States shall not interfere with this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security or public safety. States shall provide safe spaces for street youth to sleep, wash, associate with each other, and engage in daily life.
   i. See: Human Rights Act (UK) 1998
      (a) Article 8: Right to privacy

      Everyone has the right for his private and family life, his home and his correspondence.

      There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

E. States shall respect the legal rights and status of street youth.

F. States shall work with non-governmental organisations to support street youth to access lawful business training and opportunities

G. Street youth shall not be arrested for attempting to earn an income
   i. **Notes:** We anticipate that this issue will be addressed in the criminalisation session

H. Street youth shall have the right to personal possessions. States shall not interfere with street youths’ right to personal possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law
   i. See: Human Rights Act 1998, UK

   i. Part II, Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

   ii. See: Children’s Rights Protection Law, Latvia

   i. Article 14.1: A child has the right to personal property.
III. ENVIRONMENTAL NEEDS: SHELTER, HOUSING, NUTRITION, HEALTH CARE AND LEISURE

A. Street youth shall have equal access to adequate shelter, which shall include safe and secure emergency, temporary and permanent housing. States shall work with non-governmental agencies where necessary to meet this standard.
   i. See: Child Protection Act of 2003, Thailand
      i. Article 32: Children warranting welfare assistance include as follows: 1) Street children
   ii. Notes: within several states, this would fall under provisions relating to child protection;
   iii. See: Children Act (England and Wales) 1989
      (a) Section 17(6) The services provided by a local authority in the exercise of functions conferred on them by this section may include providing accommodation and giving assistance in kind or in cash
   iv. In the UK (with variation between nations), some homeless people are legally entitled to be housed with the assistance of their local authority (known as being 'statutorily homeless'). In 2013/14, 52,270 households who applied were accepted as homeless and in 'priority need' (that is, one of pre-defined groups of people who are prioritized for assistance) Of these, 65 per cent were accepted because they included dependent children. Young people aged 16/17, and care leavers, also qualify for assistance under the legislation. Homelessness is defined as where someone has nowhere suitable to live (including if you have no legal right to the accommodation in which you live, your accommodation is overcrowded, or you are likely to lose your home within the next 28 days). Households also need a local connection to the area and not be classed as intentionally homeless.

B. States shall provide social services in support of an adequate standard of living for street youth, including: housing, nutrition, health care and leisure. Such services shall be targeted towards the unique needs of street youth, ensuring that they are appropriate, available, accessible and of acceptable quality. States shall work with non-governmental agencies where necessary to meet this standard.

IV. SAFETY: ABUSE AND EXPLOITATION

A. States shall protect street youth from all forms of exploitation and abuse.
   (a.) Notes: is this covered under general provisions? How should this be more specific?

B. State actors, including police, border guards and military officials, shall receive training in prevention, identification and response to exploitation and abuse of street youth.
   (a.) See: e.g Anti-Trafficking Law (Myanmar) 2005
      (a) 18. The Central Body shall lay down and carry out the programmes to conduct necessary training courses for persons performing the functions and duties relating to the protection of trafficked victims especially women, children and youth.

C. Street youth shall never be subject to criminal penalties for actions resulting from exploitation and abuse.
      (a) Section 20(C). Exploitation of Children for Commission of Crimes. – Any person who, in the commission of a crime, makes use, takes advantage of, or profits from the use of children, including any person who abuses his/her authority over the child or who, with abuse of confidence, takes advantage of
the vulnerabilities of the child and shall induce, threaten or instigate the commission of the crime, shall be imposed the penalty prescribed by law for the crime committed in its maximum period.

D. States shall ensure that where street youth are victims of exploitation and abuse, they are treated as victims and provided necessary psycho-social support and other services including accommodation and relocation if necessary.

i. See: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
   (a.) Section 21.1: The Regional Health and Social Care Board must … make arrangements to enable a person (an “independent guardian”) to be appointed to assist, represent and support a child to whom this section applies. This section applies if a reference relating to that child has been, or is about to be, made to a competent authority for a determination as to whether there are reasonable grounds to believe that the child is a victim of trafficking in human beings.
   (b.) Section 21.6: The functions of an independent guardian include b) making representation to, and liaising with, bodies or persons responsible for providing care, accommodation, health services, education or translation and interpretation services to or in respect of the child.

E. States shall make the exploitation and abuse of street youth an aggravating criminal factor

i. See: Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015
   (a.) Section 6 - Aggravating Factors: Where a court is considering for the purposes of sentencing the seriousness of an offence under section 1 or 2, the court must treat the following as aggravating factors:
   (b.) d) the offence was committed against a child

ii. See: The Anti-Trafficking in Persons Act 2008, Thailand
    (a.) Section 52 Whoever commits an offence of trafficking in persons shall be liable to the punishment of an imprisonment from four years to ten years and a fine from eighty thousand Baht to two hundred thousand Baht. If the offence under paragraph one is committed against a child whose age exceeds fifteen years but not yet reaching eighteen years, the offender shall be liable to the punishment of an imprisonment from six years to twelve years and a fine from one hundred twenty thousand Baht to two hundred forty thousand Baht. If the offence under paragraph one is committed against a child not over fifteen years of age, the offender shall be liable to the punishment of an imprisonment from eight years to fifteen years and a fine from one hundred sixty thousand Baht to three hundred thousand Baht.

V. CROSS-CUTTING ISSUES: ACCESS TO SERVICES AND VULNERABLE GROUPS

A. Street youth shall be supported by the State and non-governmental agencies to access state and non-governmental support services including: free of charge education, counselling, health care, sexual and reproductive health services, and leisure activities.
   i. See: Law on the Protection of the Rights and Interests of Children (Lao PDR) 2006
      (a) Article 29: Education for Disadvantaged Children
      The State has policies on free learning and providing necessary materials, assistance and exemptions of fees to support disadvantaged children, children in remote areas, and children from poor families. These children shall at least achieve primary education, and shall have access to vocational training.
B. States shall have a positive obligation to ensure that such services are available (and adaptable) to children who are living and working on the street, for example by providing such services in appropriate areas, by providing transportation and ensuring that they are open outside of working hours, so that street youth who are working may enjoy equal access.

C. States shall have a positive obligation to ensure that vulnerable groups, including girls, LGBT street youth, ethnic minority street youth, and others are protected from stigmatisation and discrimination, and that they are able to enjoy equal access to services.

D. States shall ensure that all public service officers are provided with intake and on-going training relating to the rights, needs and protection of street youth.

   i. See: Anti-Trafficking Law (Myanmar) 2005
      (b) 18. The Central Body shall lay down and carry out the programmes to conduct necessary training courses for persons performing the functions and duties relating to the protection of trafficked victims especially women, children and youth.
Annex A – Overlap with other issue areas

**Issue 1: Human Needs** overlaps with several other issues that are scheduled for discussion during the International Street Youth Summit. The following chart presents the main points of cross-over, noting that almost all issues are overlapping to some extent.

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