ABA INTERNATIONAL SUMMIT ON THE LEGAL RIGHTS OF STREET-CONNECTED CHILDREN AND YOUTH

Draft Principles on Implementation of General Comment No. 21, Sec. IV B, §17:
Comprehensive Child Protection System

I. Text

When a legislative and policy framework, budgeting for, developing and strengthening holistic child protection systems, on the basis of a child rights approach, forms the basis of the practical measures required for prevention and response strategies. Such national child protection systems need to reach children in street situations and should incorporate fully the specific services they need. The systems need to provide a continuum of care across all relevant contexts, including prevention, early intervention, street outreach, helplines, drop-in centres, temporary residential care, family reunification, foster care, independent living or other short- or long-term care options. However, not all these contexts are relevant for all children in street situations. For example, prevention and early intervention are priorities for children at the early stages of developing strong and harmful street connections, but are not relevant for children born in street situations. Some children may not experience residential placements, while, for others, family reunification is not relevant or appropriate. Strategies should make it clear that a child rights approach needs to apply to each and every context. Administrative burdens and delays in gaining access to child protection systems should be reduced. Information should be made available in child-friendly and accessible formats and children in street situations should be supported to understand and navigate child protection systems.

II. Definitions

A comprehensive child protection system is grounded in a child-rights framework and implemented through an inclusive and integrated set of policies, practices, and programmes at all levels, with adequate financial, physical and human resources, enforcement and accountability, and with the involvement and support of children, families, the community and civil society.

Paragraph 4 of the General Comment outlines the different types of children who are in street situations and all types of children covered there should be considered during the implementation of these principles.

III. Legal and Policy Infrastructure

A. Countries that have not done so should ratify the CRC and Optional Protocols, all of which have direct relevance to children connected to the streets.
B. State parties should adopt comprehensive child protection laws and regulations that explicitly recognize the rights of street-connected children and provide for their protection, provision and participation.

C. State parties should ensure that national, regional and community-level justice policies and practices align with laws protecting and promoting the rights of street-connected children and youth. This should include the involvement of actors in the whole child welfare system as well as those focused on children’s care and protection, such as education, health and justice actors. This process should include updating existing policies that have an impact on street children, such as child labour policies.

IV. National Strategy

A. State parties should develop and adopt a national strategy for implementation of fair, effective, and developmentally-appropriate policies, programmes and practices for street-connected children. This should be based on an up to date research of street children, to enable a full objective understanding of their situations, including context-specific factors, networks of support, and risk and protective factors. This can open-up entry points for assessment of individual children’s needs and potential responses to their situation.

B. The design and implementation of a national strategy should be a participatory process that involves all relevant stakeholders, civil society and the voices of children in street situations.

C. Any strategy should conform to the principles of existing international and regional guidelines and standards. For example, the Guidelines for the Alternative Care of Children welcomed by the UN in 2009, and the Reintegration Guidelines developed in 2017.

D. Essential components of a national strategy should include:

1) A continuum of tailored interventions, including differential and inclusive care strategies and levels of care depending on a child’s individual needs and evolving capacity.

1.1) Prevention strategies: the government and all sectors of society have a fundamental responsibility to develop and implement effective, evidence-based strategies that will prevent all children entering into street situations.

1.2) Early intervention strategies: to intervene as early as possible to respond to situations that place children at risk of entering street situations, as well as those who are at the early stages of developing strong and harmful street connections. Strategies for deflecting street-connected children from the justice system, which should be considered an option of last resort.
1.3) **Response strategies**: all response strategies should be fair, appropriate, proportional and with a goal of returning children to safe family and community living.

1.4) **Strategies that can apply at each stage of intervention**: Identification (including identification documents such as birth certificates and citizenship documents), street outreach, helplines, drop-in centers, day-care centers, child friendly justice mechanisms including advocates / guardians.

2) Adequate and sustainable financing, infrastructure and human resources to support the national strategy.

3) **Strategies for children’s care**: strategies should first prioritize exploring options for reintegration of children into families and communities. Where this is not in children’s best interests, strategies should include a range of high-quality options for children’s care, including temporary residential care (separate from juvenile detention centers, which should have similar standards and be respectful of children’s rights), foster care, independent living or other short- or long-term care options, and where appropriate adoption. Decisions on children’s individual care should be made on a case by case basis, include children’s meaningful participation.

3.1) Provide specialized training for stakeholders on the circumstances and needs of street-connected children and their families. This should target all relevant actors in the child welfare system (such as health, education and justice actors) as well as child care and protection personnel.

4) Access to programmes, services and supports without regard to a child’s status or circumstances.

4.1) Administrative burdens and delays in gaining access to child protection systems should be reduced.

4.2) Information should be made available in child-friendly and accessible formats and children in street situations should be supported to understand and navigate child protection systems.

5) Clear identification of roles, responsibilities and accountability measures for public and private institutions responsible for implementation of the national strategy.

6) Meaningful opportunities for street-connected youth to participate in policy and programme design, operation and evaluation.

7) Ongoing data collection and analysis to evaluate implementation effectiveness.
8) Coordination mechanisms among actors within the child protection system and wider child welfare system including education, health, justice and security sectors.

9) Provision, including social and financial supports, for families and other caregivers to prevent street-connectedness and/or to support reintegration efforts and other permanent care options.