EDUCATION PRINCIPLES

GENERAL COMMENT LANGUAGE
Article 28 on education
Accessible, free, safe, relevant and quality education is crucial to preventing children from ending up in street situations and fulfilling the rights of children already in street situations. For many children, education represents the last connection point with wider societies. States should make adequate provision, including support to parents, caregivers and families, to ensure that children in street situations can stay in school and that their right to quality education is fully protected. A range of education options is necessary, including “second-chance education”, catch-up classes, mobile schools, vocational training linked to market research and followed up with long-term support for income generation, and pathways into formal education, through partnerships with civil society. Teachers should be trained on child rights and children in street situations, and child-centred, participatory teaching methodologies.

Article 29 on the aims of education
The aims of education for children in street situations should comply with article 29 and include literacy, numeracy, digital literacy, life skills, child rights education, tolerance for diversity, and citizenship education. Such education is vitally important for the fulfilment of children’s rights to protection, development and participation, including strengthening their autonomy and empowering them to better negotiate situations of risk, to prevent children from ending up in street situations and for those who are in street situations. States should take measures to provide good quality, free child rights education and life skills universally to all children, through the school curriculum and through non-formal and street education, to reach out-of-school children.

DRAFT STRATEGIES FOR IMPLEMENTATION
Include in this section bullet points on laws and policies that states can and should implement to reflect the recommendations of the UN Comment as well as laws and policies that might need to be repealed due to conflict with the UN Comment. For example, bullet points might begin with language as follows: “States should assure that their laws...” and/or “States must abolish any provisions that...”

- States must ensure children and youth in street situations have equal access to free, uniform, safe, relevant, appropriate, high quality education.
- States must guarantee school stability according to the street child’s or youth’s best interest.
- States must review and revise laws, regulations, practices, or policies that may act as a barrier to the identification of, or the enrollment, attendance, or success in school of, children and youth in street situations.
- States must ensure children and youth in street situations are not discriminated or segregated from their peers in schools for their lack of housing.
- States must review and revise or abolish laws, regulations, practices, or policies that criminalise children and youth in street situations both inside and outside the classroom that will allow them an opportunity to participate in formal education systems.
- States must ensure that children and youth in street situations have access to education and related services needed to provide them with an opportunity to meet the State’s academic standards to which all students are held.

1 General comment No. 1 (2001) on the aims of education.
- States must adequately and appropriately fund and provide resources to the educational system to ensure that the educational needs of children and youth in street situations are met.
- States must provide adequate oversight and hold educational systems accountable for providing education to children and youth in street situations.
- States must implement trauma-informed, culturally and developmentally appropriate strategies in addressing the educational needs of street-connected children and youth.

SAMPLE STATUTORY AND POLICY LANGUAGE
Sample statutory and policy language can be included here to give states examples of potential laws to assist in implementing the UN Comment. Examples can be included here of good laws or policies that have already been adopted by a state.

Topics to consider for inclusion in this section are as follows. The final decision on what to include here is yours:

- Implementation: What policies need to be in place to ensure implementation of laws in this area?
- Justice: What should justice systems that interact with children and youth in street situations look like? What due process should be in place? How does a state ensure that children and youth have access to justice?
  - “If a dispute arises over eligibility, or school selection or enrollment in a school,” the youth “shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals.” Source: United States, 42 U.S.C. § 11432(g)(3)(E).
- Enrollment and attendance: There should be special provision regarding school enrollment of children and youth in street situations.
- School stability: How does the state ensure street youth receive a continuous and stable education? Presumption under McKinney-Vento and best-interest.
  - “In determining the best interest of the ... youth, the local educational agency shall presume that keeping the ... youth in the school of origin is in the ... youth’s best interest, except when doing so is contrary to the request of the ... youth’s parent or guardian, or (in the case of an unaccompanied youth) the youth.” Source: United States, 42 U.S.C. § 11432(g)(3)(B).
  - In determining school placement and enrollment, the school is to “consider student-centered factors related to the ... youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless ... youth, giving priority to the request of the ... youth’s parent or guardian or (in the case of an unaccompanied youth) the youth.” Source: United States, 42 U.S.C. § 11432(g)(3)(B)(ii).
  - (In Tanzania we don’t expect a child/youth from street situation to be participating in education while on the street ... in the first place). In the whole country we only have one centre that is run by the government for both street children, youth and orphans.....these are the only ones who have access to an education.
- Legal Definitions: What legal definitions should be used within statutes and policies? Should there be age restrictions?
  - A broad definition that encompasses all street-connected children and youth is necessary. Consider the term “unaccompanied youth” which includes a homeless child or youth not in the physical custody of a parent or guardian and the term “homeless” which is defined as a child or youth who lack a fixed, regular, and adequate nighttime residence. Source: United States, 42 U.S.C. § 11434A(2).
Monitor: How should states monitor and keep track of their progress on this particular topic?
  ○ In Tanzania, CSOs have a better chance of keeping track on this issue. Children and youth in street situations are well recognized in the Law of Child Act of 2009 but implementation of what is said inside about them is far from what exists?

Accountability: How should states be held accountable?
  ○ Perhaps States should be required to write reports back to the UNCRC or some other bodies just as they do for the CRC? But in this case should be specifically for children and youth in street situation?

Research: Might there be a benefit to research within your particular topic? If so, what research might be helpful? States need to research on how many children and youth are in street situation and are not in education systems? How many have been in this situation and are now in school systems? What happened to them or enabled them to join the formal system?
  ○ Consider collecting and making publicly available data necessary to assess the educational needs of street-connected children and youths within the State. Source: United States, 42 U.S.C. § 11432(f)(1).

Services: What services should street-connected children and youth have access to within this particular substantive area? What should these services look like?
  ○ “Each homeless ... youth to be assisted ... shall be provided services comparable to services offered to other students in the school selected” including transportation services, educational services for which the youth meets the eligibility criteria, programs in career and technical education, programs for gifted and talented students, and school nutrition programs. Source: United States, 42 U.S.C. § 11432 (g)(4).
  ○ “Homeless families and homeless children and youths [are to] receive referrals to health care services, dental services, mental health and substance abuse services, housing services, and other appropriate services.” Source: United States, 42 U.S.C. § 11432(g)(6)(A)(iv).
  ○ “[Temporary accommodation] should be suitable, i.e. near college or school, work, etc and safe.” Source: United Kingdom,
  ○ “It is the duty of the local government to safeguard and promote the welfare of the child within its area of jurisdiction... provide assistance and accommodation for any child who appears to the authority to require such assistance as a result of having been lost or abandoned or seeking refuge...” Tanzania Law of Child Act 2009, art 94. There are challenges in the implementation of this provision.

Stakeholder collaboration: What stakeholders should be engaged and involved to ensure that the rights of street-connected children and youth are protected? In what ways do state and local governments need to work together to implement these rights?
  ○ CSOs, parents, guardians, and other service providers and stakeholders need to coordinate and collaborate in upholding the rights of street-connected youth and children.

Criminalization: How should the state address the criminalization of street-connected children and youth?

Funding and resources: How should the state adequately fund resources for street youth?
  ○ States should not consider this group under the commonly known “children in difficult circumstances” because it is too broad and does not capture the particular and unique needs of street-connected children and youth.
  ○ Perhaps States need to have a specific department or section that deals specifically with this category of children/youth and the department or section should be well funded.

Discrimination: How should the state address discrimination of street youth in education settings?
“Homelessness is not sufficient reason to separate students from the mainstream school environment.” Source: United States, 42 U.S.C. § 11431(3).

“No State receiving funds ... shall segregate ... youth in a separate school, or in a separate program within a school, based on such ... youth’s status as homeless.” Source: United States, 42 U.S.C. § 11432(e)(3).

States should have in their respective policies an identification of children/youths in street connected background with respect to education. When there is no mention then they are nowhere to be seen and consequently they follow all criteria as any other child.

- Systems: What systems should be in place to ensure that the rights of street-connected children and youth are protected? What should states consider when designing any new system?
  - Multiple stakeholder engagement, including street-connected children and youth themselves are necessary.
  - Curriculum of education systems at all levels should include rights of street-connected youth and children.

- Capacity-building & Training: Should any training be implemented for stakeholders to ensure the protection of rights? What should that training look like or what topics should be covered?
  - All training and capacity building should be community based if we want them to have an impact on street connected youth
  - Educational systems must have the capacity and appropriate training to address the educational needs of street-connected children and youth.

- Funding
  - Funding element should be included. “Catch up classes” were introduced in Tanzania in 2000 under the term “Complementary Basic Education in Tanzania – COBET” but it was not fully funded by the government and consequently it died out immediately after donors pulled out. COBET included children in street situation but the project is non existent in practice but still on paper!

- Accessibility: What must states do to make educational systems accessible to street-connected children and youth and their families?
  - Consider having the state design an educational system that is responsive to the inquiries of street-connected children and youth and their families.
  - Consider informing parents and/or guardians of street-connected children and youth of the education and related opportunities available to such children and youth.
  - Consider providing parents and/or guardians of street-connected children and youth with meaningful opportunities to participate in the education of their children.

- Youth voice: How should street-connected children and youth be collaborators in the drafting and implementation of any new laws or policies? What are examples of ways that they can and should be involved?
  - “[T]he local authority should consult young people to see what their wishes and feelings are about where they want to be accommodated and how they are accommodated.” Source: United Kingdom, s.20(6) of the Children Act of 1989.
  - “The best interest of a child shall be the primary consideration in actions concerning a child whether undertaken by public or private social welfare institutions, courts or administrative bodies” (Tanzania LCA of 2009, art 4(2). One cannot attain this without direct involvement of the said children.