GENERAL COMMENT LANGUAGE ON GENDER

Key Observations extracted from the UN General Comment pertaining to gender include:

6. “Children in street situations are not a homogenous group. Characteristics are diverse in terms of age, sex, ethnicity, indigenous identity, nationality, disability, sexual orientation and gender identity/expression, among others. This diversity implies different experiences, risks and needs.”

8. “Causes, prevalence and experiences of children in street situations differ within and between States. Inequalities based on economic status, race and gender are among the structural causes of the emergence and exclusion of children in street situations.”

14. “States should (...) abolish where appropriate offences that criminalize and disproportionately affect children in street situations, such as begging, breach of curfews, loitering, vagrancy and running away from home; and abolish offences that criminalize children for being a victim of commercial sexual exploitation, and so-called moral offences, such as sex outside of marriage.”

28. “Authorities and decision makers need to take into account the different kinds and degrees of vulnerability of each child, as each child is unique and each situation must be assessed according to the child’s uniqueness. (...) Children in street situations are particularly vulnerable to sexual violence and exploitation, and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography is particularly relevant for them. Gender-sensitive responses should be made by professionals who are trained in understanding the specific circumstances of children in street situations.”

DRAFT STRATEGIES FOR IMPLEMENTATION

The breakout group having analyzed the General Comment through the lens of gender, and factors underlying girls’ development of street connections, recommend that:

- States develop comprehensive prevention and welfare policies, including where relevant provisions for cash transfers or other mechanisms acting as safety nets, to fulfill their obligation to help parents or caregivers to secure, within their abilities and financial capacities and with respect for the evolving capacities of the child, the living conditions necessary for the child’s optimal development (arts. 5, 18 and 27). Special attention should be paid to harmful traditional or cultural norms affecting negatively gender roles, which in many countries cause girls to be discriminated against boys in respect to their right to education, health and protection within the same household.

- States should also support civil society, as complementary actors, in providing personalized, specialist services for children in street situations the basis of a child rights approach, including training on the specific needs and experiences of girls and gender sensitive responses throughout the continuum of care. This should include ensuring that services falling under early prevention, response and long-term family reintegration, education, health and economic empowerment measures all offer appropriate consideration for the needs of girls, including considering age specific needs and other factors of intersectionality included but not limited to disability, motherhood, HIV status, minority status...etc.

- Considering the heightened exposure of girls in street situations to violence and abuse, including at the hands of frontline workers or service providers meant to protect them, States should ensure adequate training, monitoring and safeguarding mechanisms to prevent the occurrence of gender-
based violence, and other degrading treatments and violations of girls’ rights, such as sextortion by government officials or abuse whilst in detention.

- States should take action to secure the ability of girls in street situations to gain access to basic services such as health and education, and to justice, culture, sport and information. Targeted efforts should be made to develop services that respect girls’ dignity and confidentiality, and do not intentionally or unintentionally discriminate against girls and their particular circumstances, which could deter girls from accessing services in the future. Careful attention should be paid to developing inclusive, gender sensitive services throughout the continuum of care, and compounding barriers faced by girls at the intersection of multiple factors of exclusion. This should include quality training for frontline workers and adequate staffing, including gender champions and female staff available to girls in street situations.

- States should, with immediate effect, remove provisions that directly or indirectly discriminate on the grounds of the street situation of girls or their parents or family; as well as abolish where appropriate offences that criminalize and disproportionately affect girls in street situations, such as breach of curfews, attempted suicide, loitering, vagrancy and running away from home; and abolish offences that criminalize girls for being a victim of commercial sexual exploitation, in addition to so-called moral offences, such as sex outside of marriage or under age even under consent (also described as ‘child to child sex’). We call all States to abolish the criminalization of welfare needs where States have failed to fulfill their obligations to protect and realize girls’ right to protection, justice, life and survival. This should include abolishing repressive sexual and reproductive health policies, such as the criminalization of abortion or denial of justice where girls have suffered physical, emotional or sexual violence.

**SAMPLE STATUTORY AND POLICY LANGUAGE**

Examples of potential laws and policies to assist in implementing the UN Comment. Topics that will be considered during the breakout session include (but are not limited to);

- **Implementation**: due to the complex and multi-faceted nature of the needs and experiences of street-connected girls, and in the absence of national policies dedicated to children in street situations, we recognize that the full implementation of the UN General Comment requires that States ensure specific and adequate provisions for girls to be mainstreamed in all relevant national policies; with particular attention to Orphans and Vulnerable Children policies, Education and/or Inclusive Education Policy, Legal Aid Policy, Adolescent Girls Policy etc. For example, Uganda’s draft National Health Policy, despite not referencing specifically girls in street situations, does recognize that ‘special attention should be given to vulnerable groups, including street children, refugees, children with disabilities etc’. Systematic attention should be given to recognize the unique needs of groups of children and young people at the intersection of multiple factors which may increase their exposure to violence and marginalization, such as gender and adolescent age. When considering factors driving the development of street connections amongst girls, specific attention and support to States should be paid to promote the implementation of robust prevention policies and strategies, including, for example, National Strategies to end Child Marriage and Teenage Pregnancy, National Girls Education Policies to enroll and retain girls into education.

- **Justice**: States have a critical role to play in promulgating, and enforcing laws and strategies decriminalizing statutory offences discriminating girls on the sole basis of their sex and/or age, such as the criminalization of under-age sex or, most commonly, the sanctioning of transactional sex and prostitution. Encouraging examples in this direction include Minnesota’s Safe Harbour Law, decriminalizing for the first time adolescents under 18 engaged in prostitution. Failure to implement such provisions may directly contribute to girls developing or sustaining street connections, and girls already in streets situations see their rights to protection and justice violated. In regards to prevention, States should take all measures to abolish the criminalization of welfare needs, for example through ensuring the
compassionate treatment of girls in street situations who may become in conflict with the law as a coping strategy. This would impart States to ensure adequate consideration for unique circumstances that may drive offending, and recognition of the intrinsic links between victimization and offending amongst girls, where failure to access justice has caused girls to run away from home or abusive relationships.

- Monitoring: to fulfill their obligations pertaining to the effective monitoring, and accountability in relation to realizing the rights of girls in street situations, States must imperatively invest in adequate, consistent and ongoing monitoring of their legislation, policies and services. Intrinsical to all monitoring efforts should be a commitment to data disaggregation, not limited to gender and age, but extending to capture disability, ethnicity, education, minority status...etc. This is an essential condition to capturing the intersectionality of factors driving and/or affecting girls in street situations, which in turn should serve to improve socially inclusive strategies and programming aimed to support and protect them. It is recommended that monitoring strategies should be participatory, and where possible led by girls themselves, thereby empowering girls in street situations to document their lives and experiences, with particular attention to issues that matter to them. Encouraging examples of child-led participatory research or head count have emerged in Kenya, and Zimbabwe, DRC and Ghana. Due to the high degree of transiency of children in street situations, particularly girls most likely to migrate for work, consideration should be given to the use of technology to support good ‘mobile’ governance of services targeting them.

- Services: due to the often invisible nature of girls in street situations, and increased likelihood of becoming excluded from services that should in principle be available to them, due to a combination of factors ranging from discrimination and self-stigma, failure to offer services that are relevant to girls and lack of continuum between agencies operating health, education, and other welfare services, we urge States to provide gender-responsive services throughout prevention, and response programmes targeting children in street situations. Child Soldiers International have documented the systematic failure of Disarmament, Demobilization and Reintegration programmes to cater for girls having been associated with armed groups in DRC, in turn directly contributing to their marginalization and development or sustaining of street connections. An example of training for frontline workers working with girls in street situations has been developed by the Consortium for Street Children, through a toolkit for organisations working or wanting to work with street-connected adolescent girls.

- Youth voice: both the UN General Comment and best practices from women and girl-led advocacy to challenge discriminatory norms and behaviors point to the importance of promoting girls participation in decisions affecting their lives, in particular through providing space and resources for groups to speak with one voice, and leverage attention and support. Examples of initiatives targeting street-connected girls include Ghana-based Women of Dignity Alliance (WODA), organizing female sex workers in a network across 3 slums in Accra. The network also applies participatory and interactive theatre methodologies developed by Theatre for A Change, providing an excellent example of an accessible and participatory approach using the medium of arts and play to empower adolescent girls in street situations.