GENERAL COMMENT LANGUAGE

Introduction

1. Children in street situations consulted for the present general comment spoke strongly about the need for respect, dignity and rights. In expressing their feelings, they said, inter alia: “Respect us as human beings”; “I would like for people who have never lived on the streets to see us as persons with pride, like normal people”; “It’s not about getting us off the streets and into shelters. It’s about giving us a status”; “Governments should not say we should not be on the streets. They should not harass us if on the streets. We should be accepted”; “Living on the street does not mean that we cannot have rights”; “The street leaves its mark: either you get out or you don’t”; “We don’t want help, charity, pity. Governments should work with the community to give us rights. We’re not asking for charity. I want to become someone to fend for myself”; “[People] should give us a chance to use our gifts and talents to achieve our dreams”; “Give us the opportunity to change our story”.

Articles 13 on freedom of expression and 17 on access to information

42. The right of children in street situations to have access to, seek and impart information about their rights is crucial if those rights are to be understood and realized in practice. Context-specific, accessible child rights education will help to overcome barriers to participation so their voices can be heard. Children in street situations need to have access through accessible and appropriate channels to accurate, high-quality and child-friendly information.

DRAFT STRATEGIES FOR IMPLEMENTATION

- States should ensure that their laws uphold the dignity and inherent, legally-established human rights of street-connected children.
- States should ensure that their laws do not hinder the ability of street-connected children to achieve no matter how impoverished, impaired or how dire a life circumstance.
- States should ensure that their laws do not hinder access to education and ability to attain economic, civic and social fulfillment of street-connected children.
- States should ensure that their laws concerning the rights of street-connected children are accessible and available in a child-friendly format.
- States should ensure that street-connected children can access, seek and impart information and be educated about their rights.
- States should ensure that their laws require training of adults serving street-connected children to ensure their rights are understood and realized in practice.
- States should ensure that their policies do not hinder street-connected children from collaborating in the drafting and implementation of new laws and policies.
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? What training can be implemented to prepare street-connected children to effectively collaborate in the drafting and implementation of any new laws or policies.

- Laws should be updated to ensure that youth are not criminalized because they sit or sleep in public places, or engage in other actions that are necessitated by their lack of safe and secure housing. Likewise, no youth should be arrested or brought into the justice system solely to enable the provision of services to address their housing needs.
- Access to housing shall not be used as a prerequisite or qualification to receiving public services that young people experiencing homelessness would otherwise qualify for.
- With respect to access to education, we recommend laws similar to the United States’ McKinney-Vento Education for Homeless Children and Youth Act, which implements the following “Statement of Policy”:
  - (1) Each State educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.
  - (2) In any State that has a compulsory residency requirement as a component of the State’s compulsory school attendance laws or other laws, regulations, practices, or policies that may act as a barrier to the enrollment, attendance, or success in school of homeless children and youths, the State will review and undertake steps to revise such laws, regulations, practices, or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.
  - (3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.
  - (4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.
- When compensation for participation in informing, drafting and implementing laws and policies is provided, young people should receive compensation for their participation that is at least equal to that provided to adults (including travel, per diem and compensation for any lost wages).