Principle: Right to family (re-connection to family)

Guiding document: UN General Comment No 21 on Children in Street Situations. The UN Comment can be found here: http://po.st/RyfIHd

Family environment and alternative care

Article 20 on the right to special protection and assistance for children deprived of a family environment

DRAFT STRATEGIES FOR IMPLEMENTATION

Introduction

Under International Conventions and Instruments, all persons are entitled to the basic needs of shelter, food, education and healthcare and have the right to live their life free from violence so that they can develop to their full potential as human beings. A child has these same rights independently of adults under the Convention on the Rights of the Child (CRC) and as African children under the African Charter on the Rights and Welfare of the Child (ACRWC). While many children are in receipt of a safe family environment that provides for all their basic needs, many children fall through the support nets in particular street connected children.

Governments as the main duty bearer are responsible and are required to ensure that the rights of the child are protected. Unfortunately, there are limited resources available to meet all the competing demands made upon the exchequer, as a result aid from foreign governments, INGOs and NGOs remains essential in order to meet those responsibilities. In tackling any situation successfully, there must be both long term and short-term strategies in place that will alleviate the most urgent needs while at the same time tackling the underlying causes.

To implement the UN General comment No 21 on children in street situations specifically Article 20 on the right to special protection and assistance for children deprived of a family environment. The following considerations need to be made in regards to the stipulated sub-sections.

1. Type of care

The best interest of a child must be paramount in case management and service delivery for children in street situations. This includes in deciding the type of care for the child while in the streets. It is important that street workers/outreach workers develop good enough relationship with the children through spending time with them on the
streets, and applying a non-judgmental attitude. This will enable the children to develop trust for the outreach workers and see them as adults they can trust and rely on for support. In addition, it is important for street workers to be consistent and to try and create a predictable environment for the children. This means same person and same time.

In line with providing care and protection for children as stipulated in Section 16 of the Law of the Child Act¹(LCT) social welfare officers and project workers should not lose sight of section 11 of the LCA which asserts the right of a child to have an opinion to right of care that they receive.

The presence of outreach workers in the streets aids in relationship building and service delivery for children in street situations. The outreach workers could be civil society or government staff.

At Railway Children Africa we have ensured that street workers receive training in street work methodology. This training equips them with the attitudes, principles, skills and knowledge in supporting children in street situations.

It is also important to establish an effective referral mechanism for children in street situations. The Social Welfare officer needs to provide authorization for children in street situations.

2. Applying a child rights approach

A child has a right to choose the type of service to be provided and by whom. Children thrive when they feel listened to and service is provided in response to their need and not perceived need.

Children need to be supported to make informed choices this can be done if children know what to expect. For example, exposure visits can be arranged for children that have expressed interest in leaving the streets for alternative care. For the child to understand what to expect an exposure visit to a centre can be organized. For the child to see what happens at the centre and maybe interact with other children that could be at the centre. This applies to other alternatives that a child is provided with. There is a need to prepare the child as well as to prepare the receiving institution. If the centre is informed in advance of receiving the child they can prepare a warm welcome for the child and this will form part of his first impression of the new place that the child is going to.

Re-unification with family/guardian is a process that starts while the child is still in the streets. The process starts when a child expresses the willingness to leave the streets and be reintegrated with the family.

¹TheLawoftheChildAct2009Tz.pdf
In some cases, a child may choose to be reunified not with his/her biological parent but with a relative. This is fine as long as it is in line with what the child wants and is in their best interest.

It is important to ensure that preparation is two ways that is the child is prepared and the parent/caregiver is prepared to receive the child. The preparation includes providing psychological support to the child to process the negative/traumatic experiences that they have had before joining the streets and in the streets. The caregivers are also provided for support to ensure that they are willing and able to receive the child.

After reunification follow-up visits need to be provided to ensure the building of positive relationships within the family and to build good enough attachment that will ensure the child remains at home and does not fall back onto the streets.

Railway Children Africa provides training to project workers in Family therapeutic methodologies that aims to create an understanding on the impact of trauma on children and family’s life and promote principles in working with children in street situations and their families.

3. Article 9 on separation from parents

In Tanzania the National Costed Plan of Action for MVC II (NCPA II) was introduced to support the MVC and families. The Plan also supports family reunification wherever possible instead of institutional care. Objective 6 of the NCPA II sets out a number of desired outcomes in regard to children deprived of family as follows;

"Minimise family separation. Wherever possible separated children are effectively and sustainably reunified. Provide family-based alternative care for those who cannot immediately be reunified or access to short-term emergency institutional care. Promote adoption as an option for orphaned children".2

It is important that we minimize separation of children with their parents, even if the parents are in the streets. Instead options to support the family as a whole should be explored and parents should be supported to support their children. To support the young children living with their mothers on the streets we have to be able to respond to the needs of the mother, and support her to be able to care for her children. This ensures the children are not further traumatized by being separating from their mother. The support includes and not limited to livelihood support that will

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help in supporting families to transition from living in the streets to having a safe place to stay.

RCA has been working in the area of protection for street connected children and family reintegration since 2006 in Tanzania. RCA’s strategy and work with street connected children and their families mirrors the Government strategies and policies in regard to the provision of psychosocial support to street connected children and reintegration with families where it is in the best interests of the child and utilizing institutional care as a last resort. RCA supports families under its programme through economic strengthening, returning children to education, training the caregiver in business and agriculture, providing food support and school uniforms and shoes where necessary and providing continuous and dedicated psychosocial support through our trained social workers. We also assist children and families to access healthcare and social welfare supports such as TASAF. Through our outreach work on the streets we provide support to children and youth by offering informal education, life-skills training, sexual health and HIV awareness workshops and vocational training opportunities. In addition, we also provide micro loans to families and youth that request them in order to scale-up their income generation. Our work not only addresses the issue of reaching vulnerable children on the street and supporting them but it also reaches families through our reintegration work thus enabling some of the root causes to be addressed that forced a child onto the street in the first place. Our psychosocial work with families aims to end the inter-generational cycle of abuse and violence where these have been push factors. Our work contributes to the welfare and development of children allowing them hopefully to reach their full potential and not be caught in a cycle of poverty and trauma or find themselves back on the street.

Laws and Policies that need to be in place to support the implementation of the UN General comment 21

The Government of Tanzania has signed up to the African Charter on the Rights and Welfare of the Child 1999 (ACRWC) since March 2003 and the UN Convention on the Rights of the Child 1989 (CRC) which it ratified in 1991 and the two Optional Protocols to that Convention in 2003 and 2004 respectively. It has domesticated the CRC in the Law of the Child Act 2009 (LCA) and has amended a number of Acts in order to comply with international instruments. The Law of the Child Act (LCA) has repealed and replaced the following laws: the Affiliation Act; the Adoption Act; the Day Care Centres Act; the Children and Young Persons Act; and the Children Home (Regulation) Act and amended a number of laws touching on child issues.
The State should adopt the alternative care guidelines for children\(^3\). The alternative care guidelines support the implementation of the UN General Comment No 21 on children in street situations and the Law of The Child Act 2009 (Tanzania) (LCA) for the protection and well-being of children deprived of parental care or who are at risk of being so. The alternative care guidelines aim to-:

(a) To support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and kafala of Islamic law; (b) To ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child’s full and harmonious development; (c) To assist and encourage Governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and (d) To guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and the private sectors, including civil society\(^4\)

The State should prioritize the registration, certification and licensing of alternative care centers as per section 133 & 147 of the Law of the Child Act.

The State should abolish ‘round-ups’ of children in street situations by police. Article 15 of the CRC provides for freedom of association and peaceful assembly. This right is particularly important for children in street situations who gather together in public spaces. The State recognizes the fact that children have the right to freedom of association and peaceful assembly and has guaranteed this right under Article 20 of the Constitution.

The State should have National Costed Plan of Action (NCPA) for Most Vulnerable Children in which children in street situations included. The Tanzanian Government has put in place NCPA to serve as a reference tool for government and stakeholders in their efforts to improve the lives of MVC and promote the rights of children. The plan aims to develop and implement safety net systems that will deliver multifaceted care and support for vulnerable children. It defines the responsibilities of the various stakeholders.


The state should domesticate the international guidelines on children’s reintegration\textsuperscript{5}. These guidelines are intended to improve the reintegration of children detached from their families.