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**Follow-up to the World Summit for Social Development and
the twenty-fourth special session of the General Assembly:
priority Theme: Affordable housing and social protection
systems for all to address homelessness**

Statement submitted by Consortium for Street Children, non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.



Statement

The Consortium for Street Children is a non-governmental organization with special consultative status with the Economic and Social Council. Our purpose is to protect and promote the rights of children in street situations. We lead a global network of over 100 organizations, researchers and practitioners working across 135 countries.

We use the term ‘street children’ or ‘children in street situations’ to describe children who depend on the streets to live and / or work, either on their own, or with other children or family members, as well as children who have a strong connection to public spaces (e.g. streets, markets, parks, train stations) and for whom the street plays a vital role in their everyday lives and identities.

Most street children are homeless – but not all. They may work, play or spend their time on the street, but may go back to sleep with their family or parents. Conversely, not all children who are homeless end up living on the street. Many end up sleeping in inappropriate but out of sight places – on the floors of friends’ or strangers’ homes or sleeping in temporary accommodation like hostels.

Unfortunately, homelessness continues to be a reality for children around the world and is most visible when children find themselves living in the street. Therefore, the Consortium for Street Children prepared this submission to emphasize States’ obligations regarding housing, particularly in relation to children; highlight key issues on street children and housing; and put forward recommendations that the Commission for Social Development should address to States.

States’ obligations

States have the obligation to provide access to adequate, safe and affordable housing for all, not only as part of the Agenda 2030 to meet the Target 11.1, but also under numerous international human rights instruments, including the Universal Declaration of Human Rights (Article 25) and the International Covenant on Economic, Social and Cultural Rights (Article 11). In its General Comment No. 4 on the right to adequate housing, the Committee on Economic, Social and Cultural Rights highlighted that disadvantaged groups, such as children, should be accorded prioritization in terms of housing. It also clarifies the concept of “adequacy” in relation to housing, requiring attention to: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.

The Convention on the Rights of the Child contains a specific provision on the right of every child to a standard of living adequate for the child’s development (Article 27). In the General Comment No. 21 (2017) on Children in Street Situations, the Committee on the Rights of the Child emphasized that the right to housing is an important component of Article 27. It calls on States Parties to take appropriate measures to assist in the implementation of this right and to provide material support for parents, caregivers and also directly to children in street situations. It notes that security of tenure is essential for preventing children from coming into street situations, and this includes access to adequate housing that is safe, with access to safe drinking water, sanitation and hygiene facilities.

Key issues

Despite a strong international legal framework through which virtually all States committed to respecting, protecting and fulfilling children’s right to adequate housing, many children continue to live on the streets, in informal settlements, in

inappropriate housing and in shelters. Unaffordable housing and ineffective social protection policies can be a cause of the presence of street children, as children may find themselves living on the streets as a result of their family being unable to afford housing, forced eviction or because of poor conditions in the family home, such as overcrowding, among other reasons. Affordable housing and social protection systems therefore have the potential to address some of the structural causes pushing children to the streets.

Once on the street, street children are at risk of being left behind from governments' housing and social protection strategies, as they largely remain excluded from data collection exercises. Most official data collection takes place through household surveys or uses sampling methods not suitable for adequately identifying and including children outside of traditional households. As a result, housing and social protection strategies may not accurately address the needs of street children.

The Consortium for Street Children would like to stress that the right to adequate housing is of utmost importance to children in street situations. It is a pathway to the enjoyment of other rights, such as the right to survival and development, the right to education and the right to the highest attainable standard of health. Conversely, as a consequence of the violation of their right to adequate housing, street children frequently cannot access education and health care services, among others, and are more likely to be victims of abuse, violence, economic and sexual exploitation, as well as inhuman or degrading treatment.

However, children living on the streets should never be forcibly removed from the streets. Their forced removal very rarely secures their right to adequate housing, and more often than not, violates their rights further. Furthermore, in many countries, homelessness and activities associated with being homeless are still criminalized. So-called 'status offences' including vagrancy, loitering and begging, disproportionately criminalize street children. In England and Wales, homeless people, including children over ten years of age, can be criminalized under the Vagrancy Act 1824 for begging or sleeping on the street. Under cantonal-level laws in Switzerland, including in Zurich and Geneva, children aged 10 can be criminalized for both active and passive begging (simply sitting on the street). In Kenya, despite the Children Act (No. 8 of 2001) treating vagrancy, loitering and truancy by children as an indicator of their need for care and protection, children in street situations are routinely exposed to police harassment and detention for vagrancy, loitering and truancy. Recent reports suggested that almost 200 street children were removed from the streets in Nairobi and taken into custody in August 2019.

As a result of being rounded up and removed from the streets, children may find themselves either pushed into the criminal justice system or institutionalized in state-run children's homes. However, in consultations with street children for the preparation of the General Comment No. 21, street children repeatedly spoke of inadequate and inappropriate conditions in these institutions, which are often characterized by violence, abuse, insecurity and neglect. The initial findings of the United Nations Global Study of children Deprived of Liberty point to institutions being inherently harmful to children, with their conditions in some instances amounting to inhuman and degrading treatment. Some street children express a preference for living on the street as opposed to institutions, such is their inadequacy.

Recommendations

The Consortium for Street Children calls upon the Commission for Social Development to urge States to:

1. Design and implement affordable housing and social protection schemes, in order to prevent children from turning to the streets and experiencing further violations of their right to adequate housing;
 2. Repeal any laws criminalizing children for begging, loitering, vagrancy or truancy or similar activities associated with being homeless and adopt a law prohibiting police round-ups of street children;
 3. Ensure that children cannot be forcibly placed in inappropriate and unsafe shelters;
 4. Comply with their obligations under Article 27 of the Convention on the Rights of the Child and provide assistance directly to street children where necessary to secure their right to adequate housing;
 5. Design data collection methods that account for children living outside of traditional households, such as children in street situations, in order to include them in housing and social protection strategies;
 6. Adopt a human rights-based approach to housing strategies, recognizing homeless children and street children as rights holders, and empowering them to participate in the design of policies and programmes that affect them.
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