

## The Impact of COVID-19 on Children in Street Situations

to the **Committee on the Rights of the Child**

Submitted on 24<sup>th</sup> June 2020 by the  
**Consortium for Street Children**

in cooperation with CSC Network Members, including:



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## **1. Introduction**

The Consortium for Street Children (CSC) is a non-governmental organisation working with 148+ member organisations operating in 150+ countries to defend the rights of children in street situations. CSC has cooperated with the Committee on the Rights of the Child ('CRC' or 'the Committee') to develop the General Comment No. 21 (2017) on Children in Street Situations. Directly shaped by international consultations with over 1,000 street children from Africa, Central and South America, Asia and Europe, this document gives us the authority to support our network members to demand that governments protect the rights of children in street situations. We work on the implementation of the General Comment No. 21 through research, advocacy and projects in different countries.

The COVID-19 pandemic and responses to it have brought new risks to children in street situations unlike any we have ever seen before. This population, already vulnerable before the onset of the pandemic, has largely been forgotten in emergency preparedness and response. As a result, children in street situations face devastating direct and indirect consequences of this pandemic. Directly, these children are at increased risk of contracting the virus due to their limited ability to take preventative measures, and of developing complications if they contract the virus due to underlying health conditions and compromised immune systems.

Indirectly, with support services being shut down in many countries and children being persecuted and criminalised or otherwise punished for not having a home in which to isolate themselves, they are put at increased risk of harm by the very measures governments have put in place to keep people safe. Pushed to the margins and with no means at all to make any money to provide for themselves as the rest of the community stays at home, children in street situations are at increased risk of hunger and exploitation by adults.

The present submission presents evidence gathered from CSC Network Members on rights violations faced by children in street situations in the context of the COVID-19 emergency. Sections 2 to 7 review the status of rights violations experienced by children in street situations against the standards set by the Convention on the Rights of the Child and General Comment No. 21, while Section 8 looks at cooperation for States Parties with non-governmental actors, and how the services designed to support children in street situations are being affected by the present emergency, and the responses that organisations are taking to mitigate these effects. Each section concludes with the main recommendations we urge the Committee to make to States Parties in order for them to fulfil their obligations under the Convention on the Rights of the Child ('the Convention') to protect the rights of children in street situations during this pandemic and beyond.

## **2. General principles**

The COVID-19 emergency is affecting children in street situations in many ways. General principles of the Convention appear to be often violated by States' responses, particularly

regarding the right to non-discrimination of children in street situations, their right to life, survival and development, as well as their right to be heard.

## **2.1. Non-discrimination (Article 2)**

The principle of non-discrimination (Article 2) requires governments to respect and ensure the rights recognised by the Convention for every child within their jurisdiction without discrimination. In its General Comment No. 21 (2017), the Committee has clarified that the principle of non-discrimination extends to all cases of discrimination against a child on the grounds of the street situation of the child or of his or her family members, as a form of discrimination based on “other status” prohibited under article 2.<sup>1</sup>

Notwithstanding the efforts that governments have put over the years to align with the above principle, evidence collected from across the CSC network shows that the systemic discrimination of which children in street situations are victims in normal circumstances is causing much more harm during the present emergency resulting from the COVID-19 outbreak.

Violations of the right to non-discrimination of children in street situations take many forms. Social stigmatisation continues to be a major issue, with children being moved away from washing stations because of their ‘dirtiness’ (See Section 6.1.2) and children being denied assistance after experiencing sexual violence for fear of being infected (Section 4.2.1). Where social stigma is not an obstacle, children face other kinds of discrimination, for instance in accessing essential services due to inequalities related to their inability to prove their identity, lack of a permanent address or absence of a legal status in the country where they reside (Section 3.1). This can result in their exclusion from relief programmes that the governments have put in place for vulnerable groups (6.2.1).

CSC is also particularly concerned about discriminatory practices that result from restrictions on public spaces. Many children in street situations are being a collective target of policing interventions simply on the grounds of their connection with the streets. More often these measures are unnecessary and disproportionate, other than discriminatory. Cases of mass repatriations of Almajiri children to their States of origin across Nigeria for public health reasons have been reported by the local newspapers over the past weeks.<sup>2</sup> CSC has also collected evidence of violence and punishment of children by the police simply for “being on the streets” (See Section 3.3).

### *Recommendations*

CSC asks the Committee to urge States Parties to comply with the principle of non-discrimination by taking the following measures:

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<sup>1</sup> UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 25.

<sup>2</sup> Toromade, S., 16 almajiris deported from Kano test positive for coronavirus in Kaduna, 30 April 2020, <https://www.pulse.ng/news/local/coronavirus-16-almajiris-from-kano-test-positive-in-kaduna/wjwxwqc>; Ariole, V., Nigeria: Almajiri Children Beg for Justice, 24 May 2020, <https://allafrica.com/stories/202005270333.html>

1. Review and repeal laws and policies that directly or indirectly discriminate against children in street situations.
2. Prohibit any form of discrimination against children in street situations that may prevent them from enjoying access to essential services, including food, water and sanitation, housing or health care.

## 2.2. The best interests of the child (Article 3(1))

The principle of the best interests of the child (Article 3 (1)) is of paramount importance when it comes to evaluating the impact of the responses to the pandemic implemented by governments on children in street situations. In line with the Committee's interpretation, the principle of the child's best interests is, *inter alia*, a procedural rule which must guide any level of decision-making that affects the interests of children, whether as individuals or as a group. Thus, in establishing their emergency policies, States Parties have a core obligation to clearly address and define what the best interests of children in street situations are, and how those are met and safeguarded.<sup>3</sup> For example, measures determining the closure of institutional houses should be accompanied by alternative housing policies. Such policies should also include mechanisms for assessing the child's best interest on a case-by-case basis, given that every child has specific needs and vulnerabilities. For example, forcing children to reunite with their families may not be in the best interest of every child, and even harmful to those children without safe family connections.

In analysing the impact of the COVID-19 emergency on children in street situations, it is also important to remark that the principle of the best interests of the child is complementary to the right to be heard (Article 12, see section 2.4).<sup>4</sup> Such correlation is particularly relevant to the case of children in street situations, regarding whom the Committee has recognised a "specific" situation of vulnerability, but also of resilience and self-reliance compared to other groups of children.<sup>5</sup> States Parties should ensure to seek after and give due weight to the views of children in street situations to assess what solutions, for example regarding housing or family reunification, can be adopted in their best interests.<sup>6,7</sup>

CSC has collected evidence of how the best interests of children in street situations are not a primary consideration of governments during the emergency. For example, The Concerned for Working Children, a CSC member operating in India, urged the government of Karnataka to immediately implement a programme to rehouse children who were dismissed in mass from institutional care due to the lockdown. Another member in Serbia has reported that the government has not yet provided a plan to support children and families living in informal

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<sup>3</sup> UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Para. 6.

<sup>4</sup> UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para. 70-74.

<sup>5</sup> *Ibid.*, Para. 28.

<sup>6</sup> UN Committee on the Rights of the Child, General Comment No. 14 (2013) on The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Para. 15 (g).

<sup>7</sup> UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 51.

settlements. Other examples relate to the needs for food, housing and other essential services and will be explored in detail in the following sections.

Another strand of examples concerns the abuse and misuse of the principle of the best interest of the child to justify violent, harmful and discriminatory practices against children in street situations, such as police roundups, and mass detention of children aggravated by the suspension of the judicial proceedings (See sections 3 and 4).

### *Recommendations*

CSC asks the Committee to demand States Parties to fulfil their obligations under Article 3 (1), to consider the best interests of children in street situations in all responses to the COVID-19 pandemic:

1. Appropriately integrate and consistently apply the best interests of the child in all legislative, administrative and judicial measures and procedures adopted in response to the pandemic directly or indirectly affecting children in street situations. This includes the provision of necessary training for all professionals involved, including judicial and police officers, on the obligations under article 3 (1) and allowing space to the relevant child-focused civil society organisations who provide essential services to children in street situations
2. Ensure that the views of children in street situations are taken into due consideration in the designing and implementation of COVID-19 responses (see section 2.4 on the right to be heard).
3. Review or repeal laws and policies that may directly or indirectly violate the best interests of children in street situations.

### **2.3. The right to life, survival and development (Article 6)**

The right to life, survival and development of the child (Article 6) requires governments to ensure to the maximum extent possible, that, beyond mere survival, every child enjoys the minimum conditions for a life with dignity.<sup>8</sup> In its General Comment No. 21 (2017), the Committee has highlighted that children in street situations are among the most at risk in this regard, due to poverty and continued exposure to violence, exploitation and precarious health and living conditions.<sup>9</sup> Because of its strong correlation with the concept of dignity, the right to life is strongly correlated to the right to the highest attainable standard of health, including the right to water and sanitation (Article 24), and the right to an adequate standard of living which includes the right to adequate food and the right to adequate housing (Article 27).

Evidence gathered from CSC Network Members shows how, in the context of the present pandemic, the right to life, survival, and development of children in street situations is threatened under several aspects. The cases below demonstrate how poor health and living conditions

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<sup>8</sup> Ibid., Para. 29.

<sup>9</sup> Ibid., Para. 29.

expose children to an increased vulnerability to the infection and its most tragic consequences (See Sections 6.1 and 6.2). In other examples, it is clear how loss of livelihoods is forcing many children to engage in survival behaviours that puts them at increased risk, such as going out in search of food and instead being violently persecuted by the police (See Section 4.3) or getting involved in violent riots (See 3.3).

### *Recommendations*

In the present situation, it is important to remind governments that the right to life, interpreted in its broadest sense, includes the right to live with dignity, and generates positive obligations on governments, in addition to the negative obligation to refrain from killing. In particular, CSC asks the Committee to urge States Parties to:

1. Protect and respect the life of children in street situations by refraining from and prohibiting use of force and all violence against children. States Parties should ensure that mechanisms of accountability are implemented and continued during the pandemic.
2. To ensure to the maximum extent of their resources that children in street situations enjoy at the very least the minimum conditions for a life with dignity, with specific attention to the implementation of their core obligations under the right to health (See section 6.1) and to the right to an adequate standard of living, including housing and food (See section 6.2).
3. To respect the dignity of children in street situations and their right to life, survival and development by refraining from any form of punishment against children and decriminalising survival behaviours and status offences.<sup>10</sup>

#### **2.4. The right to be heard (Article 12)**

The right to be heard is pivotal to, and should always guide governments through, the implementation of all other rights recognised by the Convention.<sup>11</sup> Yet the Committee has recognised that children in street situations face particular barriers in being heard.<sup>12</sup> Putting emphasis on the collective dimension of the right to be heard,<sup>13</sup> it is worth emphasising what the Committee has expressed regarding emergency situations, namely that this right does not cease to exist during emergencies, and that the views of children as a group can make a significant contribution to shaping effective policies in response to emergencies.<sup>14</sup> In the context of the current pandemic, States Parties should be encouraged to seek the views of children in street situations when decisions affecting them are being taken.

CSC partners are reporting active participation of children in street situations in responding to the pandemic. For instance, local organisations partnering with CSC Members Apprentis d’Auteuil

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<sup>10</sup> Ibid., Para. 32.

<sup>11</sup> UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para 17.

<sup>12</sup> UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 33.

<sup>13</sup> UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para. 9.

<sup>14</sup> Ibid., Para. 125.

and Fondation Apprentis d'Auteuil International (FAAI) are working with children in street situations who have taken leadership in preparing and supporting one another with meaningful initiatives. For example, children of Centre NRJ in Madagascar have organised COVID-19-themed presentations, theatre plays and workshops to share their understanding and feelings about the pandemic with drawings and letters, and discuss the governmental policy reports together with their peers. Similarly, in the Democratic Republic of Congo, REEJER has organised drawing and writing activities for children to increase their understanding of the COVID-19 disease and of the necessary preventive hygiene measures. In Cameroon, La Chaîne des Foyers Saint-Nicodème has trained ten “Covid Youth Ambassadors” to help children understand and comply with protection measures, and ensure that water and soap is made available to all young people.

In Kolkata, India, before the lockdown began, children and youth trained as Street Champions (youth advocates and researchers) by CSC Network Members Child In Need Institute (CINI) and StreetInvest proactively found a solution to help keep their friends and families safe. While adhering to distancing measures, and wearing gloves and masks, they took it upon themselves to inform their communities (including families and children on the streets) about prevention measures and to keep their documents with them in case they were stopped by police. As one Street Champion reported: *“People do not know what to do right now, which makes them anxious and stressed, increasing their panic instead of preparing them for safety. If we can inform them about how to be safe and provide authentic information about the disease, there will be less panic and more preparedness.”* Since the lockdown, the Street Champions have maintained contact with their peers via social media, phone, and occasional visits to the street during permitted shopping hours (accompanied by street workers), allowing them to identify issues and report on the situation in real time. As well as helping to tackle loneliness, their efforts have led to authorities intervening to support their peers. In ward 36, the Street Champions identified families unable to buy food within their area, after which the police arranged for cooked food and raw food grains to reach some of those families. In wards 46 and 47, a list of vulnerable pregnant women and girls living on the streets and slums was gathered by a Street Champion and shared with a health worker of the Municipal Corporation, who will now be tracking the pregnancies during the period of lockdown and offering additional health support.

Children in street situations in Tanzania have also been showing resilience and a proactive response to the pandemic, as reported by CSC partners. They have replaced their sense of hopelessness with a sense of solidarity, supporting one another by collecting and sharing information about the disease, as well as directly seeking for medical help or reporting to social workers in case their peers show symptoms.

### *Recommendations*

The Committee should encourage States Parties to take measures allowing and supporting children in street situations to be meaningfully heard. In particular, the Committee should recommend to States Parties:

1. To set up consultations with children in street situations to hear the views of children in street situations and their concerns about the pandemic to inform government responses.
2. To ensure children in street situations have access to appropriate information in a language and format they understand to form their views, make informed decisions and



effectively participate in the design, implementation and monitoring of the pandemic response.

3. To ensure that children in street situations have access to child-friendly procedures for complaints, remedies and redress in case their rights are violated due to the pandemic.
4. To produce guidelines on children's right to be heard for all professionals who may be in contact with children in street situations, including police officers, judicial authorities, medical staff and social workers, to make sure that the views of children are respected and considered throughout the proceedings.

### **3. Violations of civil rights and freedoms**

#### **3.1. The right to birth registration and the right to identity (Articles 7 and 8)**

The fact that children in street situations face barriers to access essential health and social services based on the lack of proof of identity and birth registration is a well-known issue that the Committee has acknowledged.<sup>15</sup> The current situation, however, sheds new light on the devastating impact that a failure to implement children's rights to birth registration (Article 7) and identity (Article 8) can have on the lives of children.

Many children in street situations are unregistered or do not have access to their own identity documents such as birth certificates and national identification cards. As well as being routinely denied access to services including health care and education, during the pandemic this means that some children in street situations are not able to access support being provided by their government. For example, in Pakistan, CSC Network Member Cities for Children reports that the government social protection programme, Ehsaas, is distributing and tracking relief based on information related to national identity cards. This excludes children in street situations who do not have these documents, as well as unregistered refugees and stateless communities.

According to a CSC Network Member operating in Uganda, in Uganda's capital city, Kampala, the government distributed relief food to households in vulnerable communities affected by the COVID-19 pandemic. However, due to lack of identification documents, a sizable number of children in street situations outside the quarantine centres missed out.

Similarly, a CSC member in India has explained that the government has been providing financial support to children of families that are already enrolled in the government's social scheme through the provision of ration cards to buy food. Yet, many of these children are not able to provide a national identity card (Aadhaar) or bank details, which are required to receive these kinds of benefits.

Also, in absence of data on the actual amount of the street population, it is hard for governments to identify the beneficiaries and determine the resources to allocate for their needs. For example,

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<sup>15</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 41.

a CSC member in Sotar, Indonesia has reported that because the government does not have verifiable data on the exact number of people to prioritise, the donations that it has made available are only sufficient to address the needs of about half the population in need, leaving the others behind. This is a challenge to organisations who face the hard task to distribute these limited resources only to a part of the community in need.

### *Recommendations*

We urge the Committee to renew the recommendations to States Parties put forward in its General Comment 21 concerning the rights of children in street situations to birth registration and identity. In particular, we encourage the Committee to urge States Parties to:

1. Immediately remove any requirements to prove identity, registration or a permanent address to access essential services, in particular in relation to the access of emergency services during the pandemic.
2. Proactively support children in street situations to obtain legal identity documents.
3. Allow for innovative and flexible solutions that enable children to access social benefits and economic and food relief without the need to provide identity documents, bank accounts, or addresses. Following the Committee's recommendations,<sup>16</sup> such solutions could include the provision to children of informal identity cards linked to the civil society organisations' address or personnel.

### **3.2. The right to freedom of expression and access to information (Articles 13 and 17)**

The Committee already acknowledged that the right of children in street situations to have access to information is crucial.<sup>17</sup> This right includes access to information aimed at the protection of the health of the child. The right to the highest attainable standard of health (Article 24) also includes access to preventative measures and appropriate information.

In the context of the COVID-19 emergency, children in street situations are at increased risk due to the lack of information or the inadequacy of the information made available to them on the existence of the virus, how to protect themselves and what to do if they start to have symptoms. Where governments are sharing such information publicly, it may remain inaccessible to children in street situations due to lack of access to the necessary technology, inability to read or a lack of understanding of the language used. Research conducted in the wake of the H1N1 influenza pandemic demonstrates that greater access to information, including media coverage and government communications, is linked to increased uptake of health protective behaviours.<sup>18</sup>

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<sup>16</sup> Ibid., para. 41.

<sup>17</sup> Ibid. para. 42.

<sup>18</sup> Rubin, GJ, HWW Potts, and S Michie. 2010. "The Impact Of Communications About Swine Flu (Influenza A H1n1v) On Public Responses To The Outbreak: Results From 36 National Telephone Surveys In The UK.". *Health Technology Assessment* 14 (34). doi:10.3310/hta14340-03.

Official information-sharing channels are not prepared to reach children in street situations. In Mali, Caritas Ségou, a partner of CSC Network Members Apprentis d'Auteuil and Fondation Apprentis d'Auteuil International (FAAI), reports that social workers who normally spread information to children in street situations directly during outreach work have currently had to stop their activities, leaving children dependent on watching television in shops to access information about the pandemic and how to protect themselves. However, after many shops had to close due to the lockdown measures in several countries, the already limited access to such sources of information has been further restricted.

Caritas Ségou has also warned about the psychological impact that such lack of information is having on children in street situations. A child previously on the streets in Mali, and now hosted in one of the organisation's shelters testified: *"The first day I heard about COVID-19, especially the way it kills, I had the idea to run away to my parents' home in Burkina Faso. But when I heard that it's already killing there, I was anxious. [...]."*

CSC Network Members are responding by developing their own means of sharing information amongst children. For example, Safe Society in India is planning to record MP3 files which can be shared on Whatsapp and social media and listened to on mobile phones. Other network members in South and South East Asia have created information posters and leaflets which can be distributed by staff. In Sierra Leone and Uganda, two network members are planning to use public address systems to get information to children in street situations.

### *Recommendations*

Due to the increased risks faced by children in street situations in the context of the COVID-19 pandemic, the Committee should urge States to:

1. Take immediate steps to provide accurate, accessible and adequate information specifically and proactively to street-connected children, in a language they understand, appropriate to their age and cultural context, and that takes into account their educational and literacy levels.

### **3.3. The right to freedom of association and peaceful assembly (Article 15)**

The right to peaceful assembly can be restricted during an officially proclaimed state of emergency, including on grounds of public health. However, even in times of the pandemic, governments should comply with the general requirements set out by Article 4 the International Covenant on Civil and Political Rights, including the respect of absolute rights, such as freedom from torture, the rule of law and the principle of legality.<sup>19</sup> Following the interpretation given by the Committee in relation to article 15 of the Convention, governments should also ensure that restrictions on the rights to peaceful assembly and association are necessary and proportionate, in the sense that they represent the least intrusive option, and that they are non-discriminatory

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<sup>19</sup> UN Committee on the Civil and Political Rights (CCPR), General Comment No. 29 (2001) on Article 4: Derogations during a State of Emergency.

against children in street situations.<sup>20</sup> The principle of non-discrimination particularly entails that the current emergency cannot be used as an excuse for collective criminalisation of children in street situations in the form of harassment, violence, roundups, or street sweeps.<sup>21</sup> Following the Committee's recommendations, governments should emphasise protection rather than punishment of children in street situations in coordinating their community response to the virus.<sup>22</sup>

The imposition of curfews, lockdowns, quarantines and isolation comes at a high cost to children in street situations. The Committee has recognised that in the majority of cases, these children end up in street situations because they lack adequate, safe housing, and that to many of these children, gathering together in public spaces is an essential feature of their life.<sup>23</sup> However, in most States, due to the COVID-19 emergency, children in street situations can be more than ever criminalised simply for being on the streets, although they often have nowhere else to go. Law enforcement practices used in the enforcement of curfews or containment measures, such as street 'sweeps', are criminalising and marginalising people experiencing homelessness.<sup>24</sup> As well as the violent enforcement of lockdowns and curfews by police and security forces in some areas (see Section 4 on Violence), CSC Network Members have reported an increase in round-ups and arrests of children in street situations in several countries.

In Uganda, CSC Network Member SASCU reported that over 200 individuals, including many children in street situations, have been arrested for violating the curfew measures introduced by the national government to contain the outbreak. Since normal judicial proceedings were suspended, they will be in remand custody for the foreseeable future.<sup>25</sup> Partners across Tanzania have also recorded an increase in police round-ups although data on the exact number of children arrested is not available yet. Likewise, in Guatemala, a CSC Network Member reported that people who are found in the streets after the nightly curfew begins are being detained in centres where few measures are taken to prevent the spread of the virus.

In some instances, when children are not being arrested or detained, they are being forcibly removed from streets and public spaces. A network member explained that in Bangladesh, children who live in the street are being confronted by police and told to return to homes they do not have. In India, another network member reported that police have been clearing children from places they normally reside or work in, such as bus stands.

### *Recommendations*

Therefore, the Committee should urge governments to act immediately to protect children in street situations from disproportionate, unlawful and discriminatory restrictions of their right to peaceful assembly. Main recommendations that should be made to States include:

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<sup>20</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 36 and 39.

<sup>21</sup> Ibid., para. 39.

<sup>22</sup> Ibid., para. 60.

<sup>23</sup> Ibid., para. 38.

<sup>24</sup> UN Special Rapporteur on the Right to Housing. 2020. "COVID-19 Guidance Note". [http://www.unhousingrapp.org/user/pages/07.pressroom/Guidance%20Note%20Homelessness%20Actual%20Final%202%20April%202020\[2\].pdf](http://www.unhousingrapp.org/user/pages/07.pressroom/Guidance%20Note%20Homelessness%20Actual%20Final%202%20April%202020[2].pdf).

<sup>25</sup> Yiga, S., 200 remanded for defying COVID-19 curfew, in New Vision, 4 April 2020, <https://www.newvision.co.ug/news/1517508/200-remanded-defying-covid-19-curfew>.

1. Lift immediately any restrictions that are not lawfully adopted or do not meet the principles of necessity, proportionality and non-discrimination.
2. Prohibit the arrest and detention of children solely based on the fact that they were found on the streets, and immediately release any children held in detention centres for this reason.
3. Provide children in street situations who have no access to housing or shelter with adequate, safe accommodation that meets their basic needs, such as water and sanitation, health care and food.
4. Monitor the conduct of police, and hold any perpetrators of rights violations against children in street situations accountable.

#### **4. Violence against children in street situations**

##### **4.1. Freedom from all forms of violence (Articles 19 and 39)**

In accordance with the provisions contained in the Convention and its optional protocols, governments should ensure that at any point, every child is free from any form of violence. The Committee has acknowledged that while physical, emotional and sexual violence has a devastating long-term impact on the life of any child,<sup>26</sup> children in street situations are particularly vulnerable to it: as a fundamental cause and consequence of their connection with the street, violence is a permanent feature of a street child's life.<sup>27</sup> Due to their specific vulnerability, children in street situations are entitled to special protection measures, which should proactively reach out and support these children in the process of reporting violence, and include mechanisms for holding perpetrators accountable.<sup>28</sup>

However, as a result of the COVID-19 outbreak, as concerns about the exposure of children in street situations to violence increase, so does the level of urgency at which governments should intervene. On one side, children are more exposed to violence because of the pandemic: if forced to self-isolate or take similar measures, their possibility to escape from violence is dramatically reduced; on the streets, they may fall victims to police enforcement of said measures; and finally they may face neglect and refusal from their families and communities because of fear of infection. In many cases, children returning to family homes are seen to be at risk of violence. On the other hand, children are harder to reach, provided that in most countries containment measures do not provide exceptions for outreach and home-visiting by social workers. This entails that the opportunities for children to report violence, and for social workers and authorities to identify, monitor and intervene on violence are also reduced.

Our network members in Sri Lanka reported that their staff are having difficulties in reaching out to children in their homes and assessing their safety and wellbeing. This is also the case for a

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<sup>26</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 13 (2011) on The right of the child to freedom from all forms of violence, para. 15.

<sup>27</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 57-59.

<sup>28</sup>

CSC Network Member working in Uganda. While they have received phone calls from children who have been reunited with their families reporting domestic violence at home under lockdown, the organisation is unable to intervene beyond making phone calls with the family and local leaders as staff were not allowed to move around the country. Safe Society reports that according to Childline Foundation India, the volume of calls to the national childline soared by 50% between the 25th and 31st of March, of which 30% were related to abuse and violence. Similarly, a CSC Network Member in Sri Lanka reported that there has been a sharp increase in cases of violence against children, as confirmed by the National Child Protection Authority.

Sexual violence and abuse of children in street situations is also an on-going concern, and the pandemic is making it more difficult to intervene to protect children reporting incidents. For example, according to a CSC Network Member in Mwanza, Tanzania, a boy reporting sexual abuse was refused acceptance in a foster care type placement for fear that the child might have contracted COVID-19. Several network members in South Asia told us that COVID-19 is increasing the risk of children experiencing sexual abuse and human trafficking. One member in Bangladesh said that this was likely to further increase as economic stresses intensified, with push factors for human trafficking and child marriages both predicted to increase in the future.

### *Recommendations*

Drawing on the Committee's recommendations to protect children in street situations from violence,<sup>29</sup> States Parties should be urged to immediately take the following measures:

1. Prohibit any form of violence against children as a form of punishment for violations of public health restrictions (e.g. lockdowns, curfew or self-isolation orders).
2. Design and implement mechanisms for monitoring and reporting violence against or exploitation of children, whether perpetrated by governmental or non-governmental actors, and hold perpetrators accountable.
3. Ensure that child-friendly mechanisms of reporting violence, discrimination and other forms of rights violations against children in street situation are continued during this time of emergency, and accessible to children in street situations.
4. Support the continued operation and increase the capacity of child helpline services during and beyond the pandemic.
5. Recognise civil society organisations working with children in street situations as essential workers, and support them in continuing their outreach and care activities even during times of lockdown and curfews.

## **4.2 Torture or other cruel, inhuman or degrading treatment (Article 37)**

Some of CSC's Network Members have reported increases in violence against children in street situations during the pandemic. Many cases are due to the violent enforcement of lockdown policies, and some include acts that could be qualified as cruel, inhuman or degrading treatment.

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<sup>29</sup> Ibid., para. 57.

A CSC Network Member in Nigeria reported that during the strictest phase of the lockdowns in Lagos, Abuja and Ogun States, children were being chased in the street by paramilitary officers prior to the pandemic and this situation has worsened since the pandemic began. CSC Network Members based in India reported that children in street situations are being persecuted and tortured by the police because of the lockdown. Children cannot access state shelters because the police are beating them.<sup>30</sup> In Ghana, a network member reported that children are being beaten by military and police when they go out onto the streets to find food. Likewise, a CSC Network Member in Uganda reports that the Uganda People's Defence Forces and Local Defence Units are enforcing distancing policies by using physical force such as beatings, including against children in street situations. To date there is no quantifiable data on the total number of victims of such abuses, however CSC partner Dwelling Places has reported that five boys walked over 20 kilometres to seek protection and assistance at their centre. Local media also point to the police brutality that has in some cases resulted in the killing of children in street situations, which compelled children themselves to publicly protest to seek justice.<sup>31</sup>

CSC is also particularly concerned by the situation of children in street situations in the Philippines. In January 2020, we already informed the Committee of serious violations of the rights of children in street situations in this country in a report submitted with one network member in the Philippines. Since the COVID-19 outbreak and measures adopted by the government to contain the spread of the virus, numerous new concerns can be reported. Some children violating the curfew in the Philippines have been locked in a coffin or confined in dog cages<sup>32</sup> or have been forced to sit in the midday sun. We consider that these acts amount to inhuman and degrading treatment. President Duterte also ordered that protestors and people causing 'trouble' should be shot dead, which gives good reasons to believe that the lives of children in street situations are at increased risk.<sup>33</sup>

### *Recommendations*

Therefore, the Committee should remind States that even in time of emergency, everyone including children in street situations has the right to freedom from torture and other cruel, inhuman or degrading treatment. States should be encouraged to:

1. Issue clear guidance to police to refrain from any acts that could amount to torture and other cruel, inhuman or degrading treatment in the enforcement of the lockdown and prosecute those responsible for such acts.

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<sup>30</sup> See, among others, the following news article: <https://www.hrw.org/news/2020/03/27/india-covid-19lockdown-puts-poor-risk>

<sup>31</sup> NBS, Mbarara street kids protest colleague's death, see: <https://youtu.be/EK3Gk7449Rg>.

<sup>32</sup> Wurth, M., Conde, C.H., Philippine Children Face Abuse for Violating COVID-19 Curfew, in Human Rights Watch, 3 April 2020, see: <https://www.hrw.org/news/2020/04/03/philippine-children-face-abuse-violating-covid-19-curfew>.

<sup>33</sup> Philippines: President Duterte gives "shoot to kill" order amid pandemic response, in Amnesty International, 2 April 2020: <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/>.

## 5. Family environment and alternative care

### 5.1. Children deprived of a family environment and standards of alternative care (Articles 20 and 3)

Article 20 of the Convention of the Right of the Child establishes that children deprived of a family environment are entitled to special protection. Yet, evidence below suggests that some governments are failing to deliver on their duties to provide special protection and assistance to children in street situations. Instead, many of these children are being neglected at best, and abused at worst. As outlined by the Committee in General Comment No. 21, the State is the de facto caregiver for children without parents or caregivers and as such, is obligated to provide these children with alternative care solutions that are supportive and respectful of the child's best interests, rather than coercive and restrictive of his or her liberty.<sup>34</sup>

The current pandemic raises concerns in terms of protecting children in street situations deprived of their family environment. CSC Network Members reveal that while many governments worldwide have ordered the closure of care institutions and residential homes as a measure of public health protection, they have not adequately planned for the rehoming of children residing in these facilities. For example, Maya Vakfi, a member assisting mainly Syrian children refugees in Turkey, reported to have been obligated to close the children and youth centre in Istanbul since the 16th of April, with a possibility to reopen in June. Similarly, various organisations worldwide, including Search for Justice in Pakistan and Safe Society in India, the Samaritan Trust in Malawi and the Volunteer for Vulnerable Children in Zimbabwe, the Center for Youth Integration in Serbia, have alerted CSC that they had been forced to close their drop-in centres and residential houses, with a significant impact on their ability to reach out to children.

While many drop-in centres have been forced to close, others have seen a large increase in demand. For instance, in Cameroon, a partner of CSC Network Members Apprentis d'Auteuil and FAAI said their centre is full to capacity: *"We're still looking for what to do with these children who come knocking on our door every day. We don't even have any more beds available."* Caritas Ségou, another partner of Apprentis d'Auteuil and FAAI in Mali, has reported that because there are fewer shelters operating in Ségou, some children have run away to Bamako in search of accommodation - a distance of about 230 kilometres. One child told them: *"Two of my friends and I have not had the chance to be hosted in a shelter for the moment. To avoid police blunders, at night we took refuge in the mosques that are located in the bus station, but we were chased away from there. Now it is under the slabs of the gutters that we hide to sleep at night. In order to comply with hygiene measures, we used to wash our hands with soap in front of restaurants and big shops, but we were also chased away from these places. Often I want to go back to my family but I am afraid of the violence there. I don't know where to go anymore, I am lost."*

Some drop-in centres in Mwanza, Tanzania, had to put in place distancing measures, thus having to reduce the number of admissions despite an increase in demand, leaving more children vulnerable on the streets.

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<sup>34</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 44.



Other shelters are operating their own lockdown policies, with no one able to come in or out, in order to ensure the safety of the children and staff already inside. This limits the activities that are able to take place, and the people that children are able to interact with. Conscious of the effect this can have on children's mental well-being, some centres and shelters are working to devise new activities for children to combat their feelings of stress and isolation.

Another type of concern relates to the difficulties that network organisations facilitating the reunification of children in street situations are facing due to the pandemic. Two CSC Network Members in Nigeria and Sierra Leone have reported to CSC that due to the lockdown, they have not been able to approach children in person, which would be crucial to encourage them to return to their homes. Even where organisations are able to support children in reuniting with their families, many organisations are struggling to continue family reunification processes, as family visits are often not safe or allowed, and virtual meetings with families often not possible in the contexts these organisations work. As a result, there is a risk that children return to unsafe environments if they choose to reunite with their families while the necessary support is not in place.

Finally, some CSC Network Members worry that children in street situations deprived of a family environment are being neglected, or even abused, during the pandemic. In Tanzania, one Network Member and their partners have reported that 'fit persons' - a form of foster carers - have refused to take in children due to fears that the children may be carrying the virus. An organisation in Sierra Leone is also worried about the safety of homeless children who may be forced to spend the lockdown period in overcrowded facilities ("quarantine facilities") set up by the government authorities for homeless population groups, with an increased exposure to violence and risk of contracting the disease.

### *Recommendations*

The Consortium asks the Committee to urge States Parties to uphold their obligations under the right to special protection and assistance of children in street situations temporarily and permanently deprived of their family environments, and in particular:

1. Provide access to safe shelter for children in street situations without a home in collaboration with NGOs already offering shelter and alternative accommodation for children in street situations.
2. Support civil society organisations in reuniting children in street situations with their family members, if this is deemed to be, in consultation with the child, in his or her best interest. Support may take the form of financial assistance and permission to continue operating family reunification activities even if a lockdown is in place.
3. Cooperate with civil society organisations to design and implement strategies for facilitating the reintegration of children permanently deprived of a family environment to foster families. This could include the initiation or implementation of host voluntary families (HVF) programmes, to allow children entering foster care in a safe family environment.
4. Refrain from forcibly removing children off the street into alternative care. Decisions where a child should live, must be made with the involvement and consent of the child.

5. Recognise civil society organisations working with children in street situations as essential workers, and support them in continuing their outreach and care activities even during times of lockdown and curfews.

## 6. Health and welfare

### 6.1. The right to the highest attainable standard of health (Article 24)

While the right to the highest attainable standard of health mainly generates long-term obligations on States Parties, requiring them to employ their maximum available resources for its progressive realisation, the obligation to make quality primary healthcare available, accessible and affordable to every child, is a core obligation that States must immediately uphold.<sup>35,36</sup> In the General Comment No. 21, the Committee emphasised the need to provide children in street situations with access to health education and services which are tailored to their specific needs.<sup>37</sup>

The pandemic has brought to light stark inequalities in the extent to which people enjoy their right to health. Due to their extreme poverty and the circumstances in which they live, children in street situations are vulnerable to COVID-19, despite their young age. They are among the most exposed to the risk of contagion due to their living conditions including the difficulty to respect distancing and self-isolation measures and the absence of handwashing facilities available to them (see Section 6.1.1 on Water and Sanitation). This problem is compounded by the fact that children in street situations often do not have adequate access to information, making it more difficult for them to know how to protect themselves and what to do if they develop symptoms (see Section 3.2 on Access to Information).

Children in street situations are also at increased risk of developing more severe symptoms if infected due to a higher prevalence of respiratory infections, such as pneumonia, and of pre-existing conditions, such as asthma and HIV/AIDS, that make them more vulnerable than other children.<sup>38,39,40,41</sup> Problems in accessing healthcare also increases the risks of serious health complications unrelated to COVID-19, and CSC Network Members in India and Pakistan have

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<sup>35</sup> UN Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, Para. 72-73.

<sup>36</sup> UN Committee on Economic, Social and Cultural Rights, General Comment 4 (2000) on the right to Health, Para. 30.

<sup>37</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, Para. 53.

<sup>38</sup> Cumber, Samuel Nambile, and Joyce Mahlako Tsoka-Gwegweni. "The Health Profile of Street Children in Africa: A Literature Review." *Journal of Public Health in Africa* 6, no. 566 (August 2015): 85–90. <https://doi.org/10.4081/jphia.2015.566>.

<sup>39</sup> National Institution for Health Care and Guidance. "COVID-19 rapid guideline: severe asthma." NICE guideline NG166. April 2020. <https://www.nice.org.uk/guidance/ng166/chapter/1Communicating-with-patients-and-minimising-risk>

<sup>40</sup> Sakai-Bizmark, Rie, Ruey-Kang R. Chang, Laurie A. Mena, Eliza J. Webber, Emily H. Marr, and Kenny Y. Kwong. "Asthma Hospitalizations Among Homeless Children in New York State." *Pediatrics* 144, no. 2 (August 2019): e20182769. <https://doi.org/10.1542/peds.2018-2769>.

<sup>41</sup> Storey, A. "Slopes and cliffs in health inequalities: comparative morbidity of housed and homeless people". *The Lancet* 382, no. S93. (November 2013). [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)62518-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)62518-0/fulltext)

told of their fears for children who are unable to access medical facilities and receive treatment in the event of illness.

### *Recommendations*

CSC asks the Committee to urge States Parties to immediately ensure that children in street situations have access to quality health care, and in particular:

1. Take all available measures to ensure that poverty is not a barrier to receiving medical assistance, including essential medicines, and hospital care, especially during a pandemic.
2. Remove any requirements to provide legal identity documents or have an adult caregiver present in order for children in street situations to access health care services.
3. Recognise outreach workers as “essential workers” and assist them where appropriate in sourcing and distributing essential medicines to children and their families, as well as connecting children to adequate medical staff, services and facilities.
4. Provide children in street situations with equal access to health-related education and information (See Section 3.2 on the right to access to information) to increase their knowledge and understanding of the disease and the appropriate measures of protection and prevention.
5. Ensure that children in street situations and their family have free access to COVID-19 testing, monitoring and control programmes available. This also includes access to vaccination programmes as soon as these will become available.
6. Ensure that preventable disease vaccination programmes are continued during this pandemic, and that children in street situations are able to access these programmes.

#### **6.1.1. Access to water and sanitation (Article 24.2 (c) and 27)**

Children’s right to water is a human right which is recognised as part of the right to health and implicitly included in the right to an adequate standard of living.<sup>42, 43</sup> Regarding children in street situations, the Committee has recognised that access to safe drinking water, sanitation and hygiene facilities is a key element of the realisation of the right to adequate housing, also recognised by Article 27 of the Convention.<sup>44</sup> Although this right is also subject to progressive realization, non-discrimination in the right to access to water is a core obligation which should be realised immediately and States have to give priority to the most vulnerable groups. Access to sufficient, safe, acceptable, physically accessible and affordable water and sanitation should be provided as the minimum requirements for the fulfilment of the right to water.

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<sup>42</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2003) on the right to water, Para. 3.

<sup>43</sup> UN Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, Para. 48.

<sup>44</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 51.

However, the right to water and sanitation of children in street situations is often violated. Because of their circumstances, children in street situations often cannot afford to buy soap, access clean water to drink, shower, or wash their hands and clothes. Despite washing hands with soap and water being the first line of defence, and main advice to protect oneself from COVID-19, this essential practice remains out of reach for many children in street situations who do not have regular access to basic water and hygiene facilities, and this has been exacerbated by measures taken to stem the spread of the virus.

CPCS, a CSC Network Member in Nepal, reported that children in street situations are finding it increasingly hard to find water because all shops are closed. In India, the Concerned for Working Children reports that children in street situations and their families in Karnataka are at a breaking point because they are losing access to drinking water. "What we really need, it's support in terms of food and water", a street-connected child said to Glad's House workers in Kenya.

Some cases of discrimination have also been reported. According to one of our network members in Tanzania, in Mwanza, children on the street are being denied access to hygiene facilities placed by the government at markets and bus stands. They are told that they do not need to wash their hands because they are 'used to dirtiness'.

The lack of access to water can have dangerous repercussions on the health of children in street situations: it makes them more vulnerable to both being infected with the virus causing COVID-19 and contracting other diseases such as chronic asthma and diarrhoea that are connected to a lack of access to clean and safe water.

### *Recommendations*

CSC urges the Committee to recommend States Parties to ensure that children in street situations have equal and non-discriminatory access to water as an indispensable feature of their rights to health and to an adequate standard of living, by taking the following steps:

1. Recognise the right to access to safe water, ensuring that this is available in sufficient quantity to every child for personal and domestic use to prevent disease;
2. Offer, maintain and implement facilities or services that provide sufficient, safe and regular water and sanitation, that are physically and financially accessible to children in street situations and their families, including in the context of restrictive measures adopted to respond to the COVID-19 outbreak.
3. Implement social protection measures that alleviate the financial burdens on children and families in street situations in accessing and utilising safe water and sanitation services.

## **6.2. The right to an adequate standard of living (Article 27)**

The right to an adequate standard of living (Articles 11 ICESCR and 27 CRC) requires that governments take all appropriate measures to ensure that children in street situations enjoy, at the very least, the sufficient conditions for a life with dignity especially in terms of housing, nutrition and clothing. Following the interpretation of the Committee, States are obligated under the

combined provisions of Articles 4 and 27(3) to employ their maximum available resources to provide assistance to parents or others responsible for the child or *directly to those children* who lack safe family connections.<sup>45</sup> In the context of an emergency, it is also important to emphasise that, as with other economic, social and cultural rights, the right to an adequate standard of living compels governments to *prioritise* interventions targeting the needs of the most marginalised and vulnerable groups.<sup>46,47,48</sup>

The livelihoods of children in street situations and their families are among the most at stake during the pandemic, yet systemic inequalities prevent them from benefiting from intervention programmes that governments may have put in place to protect the vulnerable groups. Children in street situations often rely on their daily income or those of their members. The role of labour in the lives of children in street situations is complex, and children often experience multiple forms of work while on the streets. While many of these forms of labour may be hazardous or exploitative, the effect of the pandemic and responses to it has been to abruptly cut off the means by which many children in street situations afford their daily necessities. Many are dependent on practices that require contact with other people in the streets to survive, such as begging or street vending. Others live with their families who are dependent on daily wages or informal work. With the populations of most of the world's cities confined indoors and those on daily wages unable to work, these children and their families have lost their livelihoods.

A CSC Network Member in Nigeria has expressed concern about the situation of children in Lagos whose livelihoods depend on their occasional work as porters at markets, as conductors on buses or cleaning dishes at large wedding, birthday and funeral receptions. As markets closed, large receptions were prohibited and buses not allowed on the road during lockdown, the activities children in street situations in Lagos relied on to make a living and feed themselves came to a halt. Our Network Member noted with concern: *“These children have no reserves, no savings, nothing, and often no one to fall back on”*. In Uganda a CSC Network Member reported that most children in street situations who would normally rely on travellers to receive money or food, are not receiving any aid from the government now that their main source of livelihood has ceased.

Beyond the fundamental inability to access food, loss of livelihood among the population has triggering anxiety, tensions, and violence. In the Democratic Republic of Congo, CSC Network Members Apprentis d'Auteuil and FAAL's partner REEJER reported that the closure of some public spaces (such as markets) where children in street situations in Kinshasa habitually conduct their livelihood activities, has led to a migratory movement to other public sites or to shelters. By increasing the number of children sharing the same spaces, these migratory movements, added to gang dynamics among children, have caused an atmosphere of panic and insecurity, and increased conflicts between children, thefts and sexual violence.

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<sup>45</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12 (1999) on the right to adequate food (Article 11), para. 49.

<sup>46</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4 (1991) on the right to adequate housing (Article 11), para 10-11.

<sup>47</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12 (1999) on the right to adequate food (Article 11), para 15.

<sup>48</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14 (2000) on the right to the highest attainable standard of health (Article 12), para 36-37.

## *Recommendations*

In light of the present situation, CSC asks the Committee to urge governments to take immediate steps to ensure that children in street situations enjoy, at the very least, the minimum conditions for an adequate standard of living, and in particular:

1. Recognise children in street situations and their families as vulnerable groups and prioritise interventions targeted at emergency relief for these populations.
2. Provide immediately, to the maximum of their resources, the necessary finances and resources to family members and other caregivers, to ensure that children in street situations in their care receive access to adequate and safe housing, nutrition and healthcare during the emergency.
3. Cooperate with civil society organisations to identify, reach out for, and monitor children in need for assistance and protection, and provide them with access to safe and adequate shelter or other accommodation, nutritious food, water and sanitation, and healthcare.

### **6.2.1. The right to adequate food**

Following the recommendations of the Committee on Economic, Social and Cultural Rights on the right to food (Article 11.1 ICESCR), and in line with children's right to life, the right to health and the right to an adequate standard of living (Articles 6, 24, 27(3)), governments have a core obligation to protect every child from hunger, including children in street situations. In particular, States must always ensure that food is available, accessible and affordable for everyone in enough quality and quantity to survive.<sup>49</sup>

The CSC Network has expressed almost unanimously the concern that children in street situations are at particular risk of dying from hunger during the COVID-19 emergency and thus, in need of urgent attention. CSC Network Members in many different countries report that children are struggling to find food to eat as a result. For example, Safe Society in India reports that not only are the food stocks of families dependent on daily wages running out, food prices are also rising rapidly pushing food even further out of reach. In Kenya, a boy speaking to CSC Network Member Glad's House described what the curfew means for him: "Now that we are being told no one will be allowed to roam around the streets from 7pm, does it mean we are going to die of hunger instead of corona?"

Many children in street situations and their families depend on money earned from activities conducted in the streets on a daily basis, meaning their already meagre incomes are reduced to dangerously low levels when most people are indoors. As an example, CSC Network Member Grambangla Unnayan Committee drew attention to the situation of children who live at the water transport terminal in Barisal, Bangladesh. These children are dependent on selling tap water to passengers for their income, supplemented by food donated by the travellers. With no one moving through the terminal, these sources of food and income to buy food were completely shut off.

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<sup>49</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12 (1999) on the right to adequate food (Article 11), para. 8.

During regional calls with CSC Network Members in West Africa, in East, Central and Southern Africa, in South and South East Asia, many organisations raised the same serious concerns about a lack of access to food among the children they are working with. One network member in Ghana described how a lack of adequate provision meant that hunger was in many ways a more pressing concern than COVID-19.

The difficulty in accessing food has been made worse by the fact that many non-governmental services are being forced to shut their doors, stop outreach work on the streets, or reduce their hours to comply with restrictions and protect their staff and users<sup>50</sup>. Other support systems have also been cut off. For example, CSC partners in Tanzania have reported that school closures have determined the temporary suspension of nutrition programmes, on which some children in street situations relied. In some cases, private businesses that previously donated food have abruptly come to a halt. According to CSC Network Member StreetInvest, for example, in Mombasa, a daily meal service for children on the street, provided by a local business, has been suspended without warning, leaving children hungry and with no other option for food.

At the same time, where possible, organisations, at times in collaboration with government authorities, have stepped up provision of food relief. However, even where food aid is being provided, it may not be reaching families quickly enough, or in large enough quantities, according to the Virlanie Foundation in the Philippines. They pointed out that the 2 - 3kg packages of rice that are being distributed will only feed a family with several children for a few days. Problems accessing food and emergency relief interventions are further exacerbated by other challenges of living in precarious situations. In Manila, Virlanie Foundation distributed food to struggling families living in informal housing before two fires swept through the area in the space of a week, destroying their homes as well as the food supplies.

A CSC Network Member in Delhi, India, reported that the government there is distributing food, but is unable to access the interior of the slums, meaning many of the most vulnerable people are being left behind. Elsewhere, problems accessing food could be prevented if cash transfers designed to support the vulnerable reached the poorest people. This indicates a need for government mechanisms to proactively reach out to socially excluded communities and vulnerable sections of society, especially children in street situations, recognising that even in normal circumstances they have no documentation to prove identity or a permanent address, they often are off the formal financial grid, and therefore have little to no access to government welfare and social security measures or emergency relief support.

In practice, in many places emergency relief support is linked to addresses or official identity documents which those living on the streets often do not have, or to enrolment in existing government schemes (see Section 3.1 on the right to Legal Identity).

### *Recommendations*

CSC asks the Committee to request States Parties to take immediate action to relieve children in street situations from hunger, and in particular:

1. Recognise immediately children in street situations and their families as vulnerable groups during the emergency, and consequently prioritise food and economic relief interventions to the maximum available resources that specifically target these populations of children.

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<sup>50</sup>Kuhr, E., *Coronavirus pandemic - A perfect storm for LGBTQ homeless youth*, 5 April 2020, available at: <https://www.nbcnews.com/feature/nbc-out/coronavirus-pandemic-perfect-storm-lgbtq-homeless-youth-n1176206>

2. Remove all obstacles that may prevent children and families in street situations from accessing the existing food emergency programmes, such as proof of address, bank account, or identity documents.
3. Halt immediately the criminalisation, arrest and detention of children who are found on the streets for survival behaviour, such as generating income to access food or begging.
4. Cooperate with civil society organisations to identify population groups most in need of food relief to ensure that they are reached by State intervention.
5. Recognise outreach and humanitarian workers who support children in street situations, homeless youth and their families with food relief as essential workers. Workers could be provided with a certificate to prevent interference from authorities when they are present on the streets and in communities, even during lockdowns.

### 6.2.2. The right to adequate housing

Children in street situations are entitled under the right to adequate housing (Article 27(3)) to enjoy safe, habitable and appropriate housing conditions.<sup>51</sup> As underlined above, these children are particularly vulnerable in relation to their right to adequate housing and thus, in most need of support from the government, especially during the current emergency.<sup>52</sup> Following the Committee's advice, to fulfil the right of children in street situations to adequate housing, governments should urgently take all the appropriate measures to secure access to facilities, infrastructures, services and materials that are instrumental to their health, security, comfort and nutrition, for example by making sure that such facilities provide access to functioning electricity, sanitation and washing facilities.<sup>53</sup>

Yet, as evidence shows, children in street situations' right to adequate housing is routinely violated. As many children in street situations do not have a home to go to, they are unable to conform to government regulations about staying indoors, and in some cases are being harshly punished for this instead of supported by their government.

In Islamabad, Pakistan, CSC Network Member Cities for Children reports that despite being in lockdown, 75 homes in a slum community were razed by municipal authorities. Residents were only provided with temporary shelter and compensation after outcry on social media. The District Commissioner responded saying there would be an inquiry into the forced eviction at this time of crisis, but that "they say it was a den of professional beggars."<sup>54</sup> According to a CSC partner in Tanzania, children are being denied access to their usual sleeping spots due to fear in the community that the children may be infected.

Even where alternative shelters have been offered, there may be negative repercussions for some street children and homeless youth. CSC Network Member StreetInvest reports that in Kolkata, street-dwelling families with COVID-19 symptoms who have been supported to self-isolate in

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<sup>51</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 50.

<sup>52</sup> Ibid., para. 51.

<sup>53</sup> Ibid., para. 50.

<sup>54</sup> For news coverage of the incident, see: <https://www.dawn.com/news/1549770>.



school buildings are returning to the street for fear of losing their ‘patch’ on the pavement and being pushed out of their communities in their absence, losing their homes and their livelihoods in the long term.

### *Recommendations*

The following recommendations should be made to States Parties to realise as promptly as possible the right to adequate housing for children in street situations:

1. Review and repeal policies and laws that, directly or indirectly, penalise the homeless populations, including children in street situations;
2. Allocate and utilise the maximum available resources to design and implement rights-based, sustainable housing and shelter policies and other relevant measures specifically addressing children in street situations that promote access to adequate housing.
3. Cease and prevent all forced evictions due to payment arrears, by providing direct financial assistance, introducing measures to reduce and defer rental payments, introducing or extending moratoriums and suspending utility costs and surcharges for the duration of the pandemic.

## **7. Education (Articles 28 and 29)**

As a core component of the right to education (Article 28), accessibility is a feature of particular relevance to children in street situations during the pandemic. Many of these children still lack the opportunity of accessing basic education, but for those children who were enrolled in educational programmes before the outbreak and consequential school closure, there is a concern that they permanently drop out from schools after the public health measures have been lifted due to the impact of economic recession on their livelihoods.

The Committee has stressed the importance of access to free, available and safe education to prevent and mitigate the phenomenon of children in street situations.<sup>55</sup> Moreover, physical accessibility does not only refer to the fact that educational facilities should be within reasonable reach for every child, but also to the possibility for children to access education through alternative means, namely digital technologies.<sup>56</sup> In this sense, the pandemic contingency constitutes a challenge for States Parties who have imposed school closures for public health reasons and implemented distance learning programmes to ensure that the majority of children continue accessing education but may have not taken measures to avoid that digital exclusion represents a further barrier of access to education for disadvantaged children, such as children in street situations. This will likely further exacerbate already existing inequalities, leaving the most vulnerable further behind.

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<sup>55</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 8 and 54.

<sup>56</sup> UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 6.

It is important to stress that while recognising that the right to education for every child is subject to progressive realisation, Article 28 generates an immediate, continuous and specific obligation to ensure that the implementation of this right is as expeditious and effective as possible.<sup>57</sup> Equally, the obligation to eliminate all forms of discrimination in access to education, with special attention to vulnerable groups, is also immediate, and cannot be subject to derogation.<sup>58</sup> Finally, in times of a pandemic, it is worth noting that despite the possibility to limit the right to education for reasons of public interest, including public health, States Parties should always provide justifications for limiting the access of children to education which reflect the requirements of article 4 of the ICESCR: legality, compatibility with the nature of the right, and alignment with the purpose of general welfare in a democratic society.<sup>59</sup>

With country-wide school closures imposed by virtually all governments around the world to contain the spread of the virus, many children who would normally be in school are now at home or, for children in street situations, spending more time in the streets. As at 20th April 2020, UNESCO estimated that 91% of all of the world's students (pre-primary to university levels) are currently affected.<sup>60</sup> While some States have provided online or televised classes, such as in Mexico, many children are missing out due to a lack of equipment or infrastructure to access these resources. As well as losing access to education, children in street situations may be particularly affected because, as partners in Tanzania warn, children and families in street situations lose their main access to free daily meals, which may push them back onto the streets to find sources of income and food. Many CSC partners, including in Malawi and India, have also had to shut down their non-formal education programmes that support out-of-school children and youths in street situations.

When schools and educational facilities close, this can have a serious effect on the children who use them. While responses to the COVID-19 pandemic have often been focussed on meeting immediate needs, such as the provision of food, some CSC Network Members have identified the disruptions to education as a potential long-term issue with potentially intergenerational consequences. As one network member in Bangladesh highlighted, persistent disruptions here could exacerbate issues caused by economic stresses, leading to increased rates of child labour and child marriages.

### *Recommendations*

The Committee should encourage States to respect, protect and fulfil the right to education of children in street situations by taking the following measures:

1. Provide material support to children in street situations who depend on school feeding programs, with the provision of cash transfers or food relief.

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<sup>57</sup> UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 43 and 44.

<sup>58</sup> UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 31 and 43.

<sup>59</sup> UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para 42.

<sup>60</sup> See <https://en.unesco.org/covid19/educationresponse>

2. Cooperate with NGOs to ensure that children in street situations who may not be able to access mainstream online learning programmes have access to alternative forms of education and learning that is suitable to their needs and abilities.

## **8. Cooperation with non-state actors: civil society organisations and community-based responses**

The examples above indicate that children in street situations need support more than ever. Government resources are overstretched, and many non-governmental services were forced to shut their doors or restrict their activities to comply with emergency measures, and are further limited by a widespread lack of funding and supplies including personal protective equipment.<sup>61,62</sup>

The Committee has emphasised the importance of international cooperation between state and non-state actors in protecting and realising the rights of children in street situations through the identification and sharing of successful right-based practices, research, policies, monitoring and capacity-building.<sup>63</sup> In this sense, more than ever it is important to remind governments that they should cooperate with civil society organisations not just in an international sphere but locally and nationally to protect children in street situations during the COVID-19 emergency with all available means.

This section provides an overview of the challenges and opportunities that non-governmental organisations and communities are facing in responding to this health, social and economic crisis, and where collaboration between state and non-state actors is key. The aim is to underline the impact of cooperation - or absence of cooperation - among states and non-state actors on the wellbeing of children in street situations.

### **8.1. Support on the streets**

The essential outreach work that many organisations undertake to find and support children while they are on the street has been particularly affected by measures to curtail the pandemic. For instance, two CSC Network Members in Malawi and Zimbabwe have been forced to restrict outreach activities, while one CSC Network Member in Nigeria, the Education for Purpose Initiative, reports being unable to find children in their usual settings and meeting places. The COVID-19 pandemic is making the work of these organisations more difficult or, in some cases, impossible, leaving many children in street situations at increased risk.

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<sup>61</sup> See for instance: <https://www.nbcnews.com/feature/nbc-out/coronavirus-pandemic-perfect-storm-lgbtq-homelessyouth-n1176206>

<sup>62</sup> See for instance: <https://centrepoint.org.uk/about-us/blog/covid-19-heres-what-the-government-must-do-to-protect-the-homeless/>; <https://womensagenda.com.au/latest/where-can-young-homeless-people-self-isolate-urgent-help-needed-for-homelessness-services-facing-covid-19/>

<sup>63</sup> UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 63.

Others are still able to conduct outreach and are trying to increase these services. In Vietnam, a CSC Network Member ramped up their street outreach work in order to find children more quickly if they do come to the city and accommodate them in their centres. In Tanzania, partners are working with 'street champions' such as small shop owners to provide handwashing stations to children on the streets. CSC Network Members in different countries are also using vans with loudspeakers to make information on services and how to stay safe accessible to children in street situations. Others have had to pivot their work to fill the void left as other support services have been stopped (see in particular section 6.2.1 above on the right to food). Small, frontline NGOs are stepping in to fill the gap, both providing food rations and health supplies directly and distributing government relief provisions to those who would otherwise not be reached through mainstream channels.

Pausing outreach activities also means that it is not possible to know exactly how many children remain on the streets, or even knowing whether there is an increase or decrease in numbers. Some NGOs have lost contact with children they usually support which may have lasting repercussions. A partner of Apprentis d'Auteuil in Cameroon, for example, reports that children feel 'abandoned' despite the organisation's best attempts to maintain contact while outreach activities are suspended. The organisation worries that it will not be possible to reconnect with these children when activities are resumed. In the absence of a government's intervention, it will be hard to contain the long-term impact that such a disengagement from the activities and services provided by organisations will have on the lives of children in street situations.

Around the world, there have been calls for governments to support these services with funding and supplies including protective equipment for staff members.<sup>64</sup> Some NGOs have successfully negotiated that street outreach workers are recognised as essential workers. In Mombasa, Kenya, CSC Network Member Glad's House has successfully negotiated with local government officials to get authority to continue street outreach work. They have also made recommendations to the local government, sharing information directly gathered from children and youth in street situations themselves particularly on the issues that these children anticipate they will face due to the curfews and the lockdown. In Nepal, a partner organisation of CSC Network Member Street Child United and connected organisations have received government support to continue working with children in street situations. In Bangladesh, the Dhaka Ahsania Mission is collaborating with the local government to deliver free food and medicines to street children and homeless youth, as well as allowing them access to government facilities.

In the Democratic Republic of Congo, REEJER, a partner of CSC Network Members Apprentis d'Auteuil and FAAI, has been drawing on its experiences gained from previous political crises in Kinshasa to put into action a plan to raise awareness and protect children during the lockdown. Community leaders (including religious actors and neighbourhood leaders) were selected for 17 sites where children are located, and during the crisis these leaders have taken up responsibility for raising awareness among their community, alerting relevant stakeholders when a child is in danger and protecting children. 270 children in street situations have been invited by these leaders to join shelters, water points or families. The community leaders are also involved in

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<sup>64</sup> See <https://centreport.org.uk/about-us/blog/covid-19-heres-what-the-government-must-do-to-protect-the-homeless/>; <https://womensagenda.com.au/latest/where-can-young-homeless-people-self-isolate-urgent-help-needed-for-homelessness-services-facing-covid-19/>

implementing a door-to-door awareness-raising campaign (respecting distancing measures) within their communities.

These examples demonstrate that with collaboration, local governments and organisations can continue to support children in street situations during the pandemic. It is our view that all such street outreach workers should be seen as ‘essential workers’ and be protected and assisted to continue working with children in street situations.

## **8.2. Drop-in centres and shelters**

As previously highlighted (See sections 5 and 6.2.2), children in street situations need special support when it comes to the possibility to self-isolate and adhere to distancing measures to keep themselves and other children safe. It is our view that cooperation, in terms of resource allocation, partnerships and capacity building between governments and civil society organisations as well as between civil society organisations themselves, is crucial to ensure access to adequate housing and shelter during and in the recovery from the pandemic.

There are several examples where such cooperation has increased access to shelter for children in street situations. For instance, REIPER, a partner of CSC Network Members Apprentis d'Auteuil and FAAI, working with children in street situations in Brazzaville, Congo, has received support from the government to secure all drop-in centres with food and hand-washing installations for children. A CSC Network Member who works in Uganda reports that they received permission from the local authorities to open an emergency centre for children who are still on the streets, but the process of providing this urgent service was slowed down by bureaucratic requirements.

In Kampala, Uganda, child-focused civil society organisations connected to the CSC Network have successfully cooperated with city authorities to identify and quarantine some children in street situations in an effort to protect them from COVID-19 and facilitate their rehabilitation in their communities. In the quarantine centres, children are engaged to actively participate in self-development programmes designed to enhance their self-esteem and foster meaningful relationships with their peers. The Government of Uganda has also provided relief food to registered children’s homes across the country during the lockdown. However, more food is required, and not all shelters providing support to children in street situations are being reached by this relief effort.

In other countries, however, organisations had to close their centres due to the public health restrictions. For example, according to a CSC Network Member in Nigeria, Lagosian authorities have imposed a total lockdown, including day centres, so not only are children in street situations who are daily wagers left without earnings during the emergency, but they are also without a safe space to find material and emotional support.

Those who have had to close drop-in centres and other temporary accommodation are also concerned about how to re-open shelters safely in the near future. One Network Member in Nigeria expressed concern that when the full lockdown is lifted, the coronavirus crisis will likely not yet be over, so they will have to put comprehensive measures in place to protect children and staff from contagion and transmission. They don’t have PPE to keep staff safe and secure

appropriate distancing among children in drop-in centres with overwhelming demand has been proven extremely challenging. Governments should identify and engage with organisations facing these and other types of difficulties and provide adequate support to meet their needs.

### **8.3. Family reunification**

One of the greatest challenges that CSC Network Members face during the emergency is to keep ensuring that children in street situations can safely reunite with their families. Public health restrictions on travelling, inability to visit families physically, combined with lack of funding to provide telephones or internet for family workers and children to communicate with their family members all hinder this process. CSC Network Members have expressed their concern that if they are unable to follow-up when children reunite with their families, the problems that resulted in the child leaving the home, such as domestic violence, may persist.

Some CSC Network Members have found innovative ways to repurpose funds to continue family support. For instance, partners in Mwanza, Tanzania have repurposed funds normally spent on transportation for family visits to purchase affordable mobile phones to distribute to families to stay in contact with them. If successful, this model will be rolled out across several cities in Tanzania.

In Nepal, the government has adopted the “Ladder Approach” - a methodology used by Voice of Children, a partner of CSC Network Member Street Child United, to gradually rehabilitate children and reunite them with their families – to cooperate with children in street situations for the design and implementation of a national plan to successfully address the challenge of family reunification.

It is worth noting that despite the valuable steps taken by some governments to facilitate family reunification and thus reduce the number of children in street situations, an overwhelming majority of children in street situations are homeless, and without safe family connections (See Section 6.2.2 on adequate housing), and face difficulties in finding foster families due to long and complex bureaucratic processes. To this extent, governments should cooperate with local, national and international organisations to design and implement effective policies that facilitate the reintegration of these children within safe and healthy family environments.

### ***Recommendations***

CSC asks the Committee to urge States Parties to strengthen collaboration with non-state actors to identify and develop sustainable solutions not only for immediate response to the pandemic but also when moving towards recovery to ensure homelessness isn't only addressed during periods of lockdown but rights-based sustainable solutions are put in place that will continue after the pandemic. CSC in particular requests the Committee to recommend that States Parties:

1. Allocate and utilise the maximum available resources to design and implement rights-based, sustainable housing and shelter policies and other relevant measures specifically addressing children in street situations.

2. Cooperate with civil society organisations to identify, reach out for, and monitor children in need for assistance and protection, and provide them with access to safe and adequate shelter or other accommodation, nutritious food, water and sanitation, and healthcare.
3. Recognise outreach workers as “essential workers” and assist them where appropriate in sourcing and distributing essential medicines to children and their families, as well as connecting children to adequate medical staff, services and facilities.
4. Support civil society organisations in reuniting children in street situations with their family members, if this is deemed to be, in consultation with the child, in his or her best interest. Support may take the form of financial assistance and permission to continue operating family reunification activities even if a lockdown is in place.
5. Cooperate with civil society organisations to design and implement strategies for facilitating the reintegration of children permanently deprived of a family environment to foster families. This could include the initiation or implementation of host voluntary families (HVF) programmes, to allow children entering foster care in a safe family environment.
6. Set up consultations with children in street situations to hear the views of children in street situations and their concerns about the pandemic to inform government responses.