



General Assembly

Distr.: General
1 March 2011

English only

Human Rights Council

Sixteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by SOS Kinderdorf International, the Foundation ECPAT International (End Child Prostitution, Child Pornography and Trafficking in Children for Sexual Purposes), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Alternative care and the social reintegration of streetchildren

Background

Global estimates indicate that as many as 120 million children worldwide may be living and working on the streets. Deprived of their family, denied an education, living in uncertain, precarious and often dangerous circumstances they can experience violence, exploitation or abuse. These denials and violations of child rights and constant infringements to their well-being are exacerbated by prejudicial social attitudes, a lack of social services and adequate legal protection. Furthermore, access by streetchildren to any available services can also be denied as a result of widespread discrimination and stigmatisation of streetchildren.

Streetchildren are, all too often, viewed as little more than delinquent troublemakers, and widely regarded as being entirely responsible for the circumstances in which they are forced to live. Such views sit in contradiction to the evidence which indicates that streetchildren are living on the streets due, for example, to sexual exploitation, violence in the home, family breakdown, endemic poverty, or are orphaned.

Streetchildren however remain children and are subjects of all the rights enshrined in the United Nations Convention on the Rights of the Child (CRC). In particular they are fully entitled, and require, the special assistance and protection¹ due from the State when living outside the family environment. Such support is due irrespective of the circumstances of that separation or loss and must also extend to cover transitions to independent living. Where appropriate and in their best interests streetchildren also retain the right to know and be cared for by their parents².

To ensure implementation of the CRC, and in line with the expert guidance provided by the United Nations Guidelines for the Alternative Care of Children (the Guidelines), we call on States to review, reform, or introduce relevant legislation on the appropriate use and conditions of alternative care for streetchildren. In particular such legislation should guarantee individualised responses:

- to secure appropriate care and protection in alternative care,
- to reintegrate children with their family when in their best interests,
- to ensure physical and psychological recovery as required, and
- to plan, prepare and support young people to transition to life after care.

Appropriate alternative care – individualised responses

It is a particular concern that, in many national contexts, the alternative care system continues to rely on large-scale orphanages and institutions as a first, or even only, alternative care option. In the absence of quality standards such care settings are typified by a lack of individualised care, dormitory-style living, often poorly qualified and underpaid carers, shift-work, and limited access to education or healthcare.

What is often lacking is a range of alternative care options that can provide more appropriate care. For example, depending on the specific circumstances of the child an

¹ United Nations Convention on the Rights of the Child (CRC) – Article 20.1

² CRC, Art.7.1

alternative care placement should be in family-based care, for example foster care, or in out-of-home care such as small group care or semi-independent living³. Efforts to develop the care system and limit the use and availability of institutions are required.

To guarantee more appropriate care choices legislation should stipulate that alternative care decision-making processes operate on a strict case-by-case basis ensuring the best interests of the child in each case. Professional multi-disciplinary processes, in full consultation with the child, are required to determine the most appropriate option in each case⁴. Structural mechanisms to facilitate child participation and consultation are also required to be mainstreamed within State systems and services.

Appropriate individualised responses to the care needs of streetchildren must also take account of other rights of the child, *inter alia*,

- relevant educational provision - formal and vocational,
- physical health & well-being, ensuring delivery of relevant services,
- providing adequate nutrition,
- respect for personal identity – religion, ethnicity etc.,
- the right to privacy, and confidentiality of personal information,
- adequate living conditions, sanitary and hygiene standards
- preventing and responding to violence, abuse/exploitation or other threats
- to family contact and, where possible, family reintegration

Family tracing and reintegration

Placement in alternative care, as an initial response to secure the care and protection of streetchildren, need not be a permanent solution. Law and policy are required to guarantee the tracing of family and, where appropriate, a gradual and planned reintegration of the child with their family⁵. When appropriate, reintegration with the family therefore requires responsible social work/welfare agencies to ensure specific planning, support and monitoring for that family⁶.

Appropriate and professionally planned interventions to support the family, developed with the full participation of the child, and the family are necessary. Interventions, for example, such as parenting training, financial or material support, or counselling, may all be relevant. In each case tailored responses that empower the family, address the root causes of vulnerability, and mitigate the negative impacts on parenting capacity, are required⁷.

Physical and psychological recovery

Whether living in alternative care or reintegrated with the family streetchildren may also have particular therapeutic needs.

³ Guidelines, para.29.c

⁴ Guidelines, para.57

⁵ Guidelines, para.52

⁶ Guidelines, para.51

⁷ Guidelines, para.34 & 41

In their families of origin, as causal factor to their living on the street, or whilst living on the street, children may have been subjected to physical violence, sexual abuse/exploitation verbal abuse, intimidation or threats. The effects of such abuse have far reaching implications for psycho-social and physical well-being of streetchildren. In such circumstances streetchildren retain specific rights, and full entitlement without discrimination, to physical and psychological recovery⁸.

Care-planning for streetchildren in alternative care, or reintegrated into the family, requires an early, professional, and multi-disciplinary assessment of psychological and physical health and well-being. Based on such assessments referrals, and access to, relevant counselling, medical, or other therapeutic services should be guaranteed.

Planned and supported transitions to independent living

When reintegration with the family is not appropriate and alternative care is considered the best possible option then specific attention is required to the preparation of young people for life after care. To guarantee adequate preparation the fundamental starting point is a clear and well-timed leaving care plan⁹, based on the specific needs, abilities, and aspirations of the young person leaving care.

The leaving care plan, prepared in full consultation with a young person should be targeted at encouraging them towards self-reliance and full integration as young adults into the life of the community. The plan should build on an understanding of the local environment to facilitate the establishment of and linkage to social and peer support networks and resources. Streetchildren will have, in many cases, been denied their right to education. Planning during care and for leaving care should take full account of educational opportunities for formal schooling or relevant vocational training to address these gaps.

After leaving care, young people should also be supported. Supported to, for example, integrate in the community, to access suitable accommodation, employment, vocational and educational opportunities, and necessary health, counseling, or social welfare services¹⁰. The plan to prepare a young person for leaving care requires dedicated resources, and in particular, an allocated support worker¹¹.

Recommendations

Law, policy and practice reforms are required to ensure the non-discriminatory implementation of the CRC and the Guidelines to secure the rights of streetchildren. Co-ordinated interagency responses, including, law enforcement, social work/welfare authorities, education, and health authorities are required to plan appropriate responses to the care and protection requirements of streetchildren.

We recommend States to review and reform social welfare/protection, social work and other relevant legislation with respect to streetchildren in light of their obligations under CRC and the implementation guidance contained in the Guidelines. In particular legislation should, through the implementation of relevant policy, guarantee:

⁸ CRC, Art.39

⁹ Guidelines, para.133

¹⁰ Guidelines, para.135

¹¹ Guidelines, para.132

- the reform, development and adequate funding of care systems to offer a range of appropriate alternative care and longer term reintegration options;
 - co-ordinated interagency and multi-disciplinary cooperation in assessments and decision-making regarding the care and protection of streetchildren;
 - the full participation of streetchildren and, where appropriate, their parents and family, in determining the most appropriate course of action;
 - case-by-case decision-making processes and tailored responses in each case with full respect for the best interests of the child;
 - empowering support and strengthening measures for vulnerable families to facilitate family reintegration when this is in the best interest of the child;
 - streetchildren have access to necessary therapeutic assessments and services to address any concerns for physical and psychological well-being;
 - leaving care planning is tailored to the individual child empowering them through, e.g. formal or vocational education, life skills training, and job placement;
 - effective planning and dedicated support, such as leaving care support worker, during the transition out of alternative care and for the period after care;
 - that after care support facilitates access to necessary services and guarantees the rights to, e.g., education, employment, housing, or service.
-