

South Asian Children's Consultation for the UN Committee on the Rights of the Child's Forthcoming General Comment on Children in Street Situations

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Introduction

This report brings together critical insights of street-connected children, the main participants of the three-day South Asian Children's Consultation titled '*Towards A Brighter Future*', held in New Delhi from 4-6 April 2016. Their views are meant to inform the first forthcoming General Comment on Children in Street Situations by the UN Committee on the Rights of the Child (UNCRC) and enhance its impact.

Refinements in the inputs to the General Comments were attempted by co-opting 38 street-active children, from India, Nepal and Bangladesh, as informants and co-contributors to this step-up process. Of these, 19 boys were from India and two were from Nepal. Gender balance was ensured through the inclusion of 17 girls from India. Eight children from Bangladesh, with a reassuring gender symmetry of four boys and four girls, participated on Skype.

While the ages of children varied between 10 and 22, the majority were between 12 and 16 years. The children in India were drawn from the states of Maharashtra, Delhi, Karnataka, Uttar Pradesh, West Bengal, and Andhra Pradesh. A total of eight languages were spoken by the children. Translators helped children follow proceedings, which were in English and Hindi, and some facilitators were former street-active children.

The processes that were street-centric, child-friendly and inclusive validated street-involved children as knowledgeable and dynamic agents in their own learning, and competent to find solutions to problems in their lives.

The joining in of two elected members of the UNCRC was opportune. By their admission, the interactions sharpened their understandings of street-active children's life experiences, their expectations of their governments and of the UNCRC, especially the General Comment, and gather evidence-to-date on children's issues and concerns. This personalised interface could perhaps also play a germinal role in changing the shape and direction of existing national programmes and policies in these countries for defined outcomes.

Direct dealings with the members also allowed children to learn of the General Comment's processes and timelines, what is possible and to what extent and of its potential to favourably transform the lives of tens of thousands of street-connected children in South Asia living with severe socio-economic disadvantages.

The consultation was jointly organised by: **Plan India** that works to improve the lives of children by providing access to protection, basic education, healthcare, a healthy environment, livelihood opportunities and participation in decisions which affect their lives, and the **Consortium of Street Children (CSC)** which is a global network that gives street children a voice, promotes their rights and improves their lives through the use of advocacy, research and development.

It was co-facilitated by **The Concerned for Working Children (CWC)** which focuses on working children and child rights (particularly self-determination) and the **Centre for Health, Education, Training and Nutrition Awareness (CHETNA)** that works to establish an equitable society by empowering children, youth and women from marginalised communities using a life-cycle approach.

The sponsors were Baker & McKenzie and Cargill, who also provided background information for the report.

488 words

Background

This section critically appraises whether the governments of Bangladesh, India and Nepal adhere to the four UNCRC's legally-binding articles spotlighted by this consultation. The legal research has been undertaken by Cargill and Baker & McKenzie.

Right to freedom of association and assembly - CRC Article 15

Bangladesh: Bangladesh ratified the UNCRC in August 1990 but this right can be exercised with far more effect under the Constitution, Children's Act 2013 (Act) and the National Children's Policy 2011 (NCP). The formation of Children's Parliament and promotion of children's rights by several organisations are perceptible signs of progress.

But there is cause for concern. The rights of street-involved children fall through because of: a lack of awareness and implementation of the laws, increased criminalisation of behaviours of street-involved children and their arbitrary detention in 'safe custody' (that are unstable and insanitary). The Vagrant and Homeless People (Rehabilitation) Act of 2011 gives police extensive powers to arrest these children and the Act gives the Court and the police similar powers.

There also is poor administration of juvenile justice (1,029 children are in 65 jails across the country, says a human rights organisation). Revelations of 12.8% children in the 5-14 age group being in the workforce (despite the Labour Law 2006 banning employment of children below 14) and the dearth of trade unions for children do not bode well for their rights. It is recommended that children be kept away from pre-trial detentions, formal and informal public spaces be created for them to assemble and their rights to trade union rights be enforced.

India: Good practices include 'Public Interest Litigation' (it enables children and those interested in protecting children challenge in courts any laws or government actions which violate children's rights), and forums established by NGOs for children (to express their views and to protect their collective rights and interests).

Yet street children's circumstances and lack of awareness prevent them from accessing these rights and groups and exercising their right to peaceful assembly. They are also fettered by: not knowing who can support them to exercise these rights, the harassment of NGOs who help them exercise rights, falling prey to drug, prostitution and crime cartels, and restrictive laws that prevent them from spending time on the street or engaging in survival behaviours.

The increasing criminalisation of children's activities (as the Juvenile Justice (Care and Protection of Children) Act 2015 gives the Juvenile Justice Board and the Children's Court the discretion to try children between 16 and 18 as adults for 'heinous offences') is a cause for worry. Policies focused on rehabilitating children engaged in survival behaviours in public spaces and awareness-raising campaigns highlighting the rights of street children's rights will help.

Nepal: The Constitution Bill of Nepal, the Children's Act, the Child Labour Act and the Child Policy and Plan of Action with respect to the CRC (2012) protect this right and attempt to implement it through schools, children's associations and the socio-cultural environment. But street-involved children are typically excluded from schools and associations, and socio-cultural attitudes discriminate against them. There is need to ensure street children's right to education, participation in associations and end their socio-cultural exclusion.

Right to special protection and assistance for children deprived of a family environment - CRC Article 20

Bangladesh: The Constitution (under 'Protection Rights') and the Act have provisions for alternative care of children. The Act prioritises reintegration of children with parents, or, if this is not possible, with the extended family. Institutionalisation is the last option. Ground realities however show that reintegration is problematic and alternate care facilities are riddled with poor conditions, violence against children and a lack of complaint mechanisms.

State assistance can come through: allocation of adequate human, technical and financial resources to improve child protection services; setting up fair processes to regulate admission to alternative care facilities and regulating their living conditions; extending staff trainings to raise understanding and application of children's rights; ensuring that children can express views and participate in decision making processes affecting them; establishing strong complaints mechanisms; and attempting to transform these institutions into family/community type environments.

India: The existing institutions and programmes for child protection in India primarily stem from the provisions of the Juvenile Justice Act and National Plan of Action for Children (NPAC) 2005. The Constitution, Indian Penal Code, Protection of Children from Sexual Offences Act 2012, the Prohibition of Child Marriage Act 2006, and schemes like the Integrated Child Protection Scheme (ICPS), Integrated Programme for Street Children (IPSC) and Integrated Programme for Juvenile Justice along with Childline Services strengthen these rights.

The recent amendments to the Juvenile Justice Act have been undertaken to specifically address the increasing incidents of abuse of children in institutions, the poor quality of care and rehabilitation measures in homes for children, and the inadequate mechanisms to deal with increasing crime

committed by children between the ages of 16 and 18. Under this, each State Government is required to establish at least one Child Welfare Committee and one Child Protection Society for the state, and a Child Protection Unit in every district. Each police station must have one police officer of certain rank, designated as the child welfare police officer and who deals exclusively with children

Despite legislation, 40% of child marriages worldwide take place in India. Practices like *sati*, dowry and female infanticide still exist. Ineffective law enforcement, conflicting ideologies and the general unwillingness of society to reform their social customs that deny children their rights hamper children, particularly those marginalised, from realising their full potential.

Nepal: The National Plan of Action (2004) for children is focused on promoting healthy lives; providing quality education; protecting against abuse, exploitation and violence; and combating HIV/AIDS whereas the National Child Policy 2012 attempts to fulfill government's obligations of realising the full potential of children. Article 20 of the CRC has been incorporated into the Children's Act 1992 in that it makes provision for temporary rehabilitation for children who are deprived of their family environment. Both the government and NGOs have in addition established rehabilitation centres, orphanages and transit homes. And, NGOs are also active in providing socialisation, counselling and social reintegration of street children.

But despite such safeguards, inadequate coordination between organisations hinders this right. There is an urgent need to ensure proper checks for individuals seeking custody of children without families and increase association for children through schools and unions.

Right to an adequate standard of living - CRC Article 23

Bangladesh: The key legislation in this area is the Act. Functionaries have a host of responsibilities under this: creation of rules to govern 'disadvantaged children' (including orphans and homeless children) and ensuring special protection, care and development of such children; establishment of Child Welfare Boards; developing family-based alternative care; regulating and supervising the conditions of admission and the living conditions in alternative care facilities; and reintegrating children separated from their parents.

Under the Act, government officials are also meant to ensure safe drinking water and environmental sanitation for children and families who are particularly vulnerable to poverty.

Foregrounding the priorities of safe drinking water and environmental sanitation for children and families who are particularly vulnerable to poverty, setting up of an Office of the Children's Commissioner (Ombudsman), improving living conditions at alternative care centres and Child Development Centres, as well as an increasing their numbers are urgent priorities for the government.

India: A comprehensive national framework of laws and policies has been envisioned to protect this right and it includes the National Policy for Children 2013, the NPAC, IPSC and the Integrated Child Development Services (ICDS). Despite this integrated approach several lacunae exist: the National Commission for Protection of Child Rights (NCPCR) is to still to undertake a nationwide census of street children and the ICPS targets only 0-3 and 4-6 year old children. The government amendments to the

Child Labour Bill are causing controversy as they propose to ban the employment of children below 14 years of age in all occupations except family enterprises and the audio-visual entertainment industry (on condition that such work does not interfere with their education). This allows room to child rights.

To prevent continued systemic violations in children's rights, significant changes are needed, particularly at the local level, to encourage and ensure enforcement of various legislative and policy provisions. The draft NPAC 2016 will benefit from clear target setting, agreed methods of measurement, and the requirement that regional and local agencies produce their own detailed implementation plans.

Nepal: While legislations talk of alternate care to improve street children's living conditions the truth is that Juvenile Reform Homes fail in rehabilitation and education. Malfunctioning is also widespread in Children Welfare Homes (reflected, for instance, in the unconditional obligation to return the child upon a request of the biological parent) and family reunification, which is promoted as the best choice for children, is not always the perfect option to safeguard a child's standard of living.

There is a need to address forced evictions of children from their squats, and issues of child labour and malnutrition. Also required are: proper codification of laws, reduction in discrepancies between Nepalese legislation and the CRC, consolidation of existing social protection schemes, elaboration of new ones that are child-focused, child-sensitive, child-accessible, and the establishment of a *de-minimis* threshold for street youth's standard of living.

Developing long term, rights-based strategies

Bangladesh: This can materialise through proper implementation of the 'Act', capacity building of those who work with children, sensitisation of parents and communities on children's rights, addressing physical violence as an accepted component of raising a child, changing community attitudes towards rehabilitation and punishment of children (so that they view children as requiring help not punishment) and using community-based mechanisms to promote child protection.

The two key drivers that push children to develop street connections: poverty and domestic violence must be addressed using legislative, educational and cultural reforms.

Under legislative reforms, strengthening the child protection infrastructure and administrative machinery; increasing the age of children's criminal responsibility from nine to 12; assisting children without legal documentation in proving their age; facilitating birth registrations; establishment of proper protection services for children that are separate from adults; maintaining minimum care standards; implementing programmes on education for street children; and ensuring children's access to justice are key.

Sensitisation of officers at shelters, police, courts and communities about not criminalising children on streets is important. Institutionalising or imprisoning children is seen by the police and judiciary as the only way of rehabilitating or correcting children. This can be addressed through education and training.

India: The government's comprehensive programmes need to address the root causes of the street children phenomenon (socio-economic, cultural, religious, linguistic and geographical) as well as mitigate the existing challenges.

They must also address a medley of inter-connected issues that include: perceived 'victimisation' or 'delinquency' associated with street children; marginalisation of street youth (so that over time, street children do not run the risk of becoming desensitised to their environment and elect to remain on the streets); and tailored approaches to the nature of children's street connections (children 'on' the street who return home to families at night and 'of' the street who live and sleep on streets).

Attempts must be made to increase the number of homes; strengthen data on street children; perform systematic and comparative policy reviews; deepen understanding of street children's experiences making sure it impacts the policies; deepen investments in programme implementation; and improve coordination between various stakeholders.

Nepal: None of the laws specifically look at a long term vision for street children. There is need in particular for a new statutory framework that looks at housing, health and education for children and implements public awareness campaigns for street children to gain acceptance for them in society.

1,946 words

Children's views

1. Your right to choose their friends and be on the streets with them

- **Is this right respected or is it difficult for you to be on the streets with your friends? If it is difficult, why?**

Children spoke with deliberation of the pivotal role of friends in their lives. During creative pursuits, diversionary exercises and conversations at the consultation, they used phrases like 'solidarity', 'deep kinship', a 'sense of family' and 'sense of belonging' to describe their friends and the feelings they evoked.

They argued that while they had to negotiate and renew other relationships, daily affirmations came from friends. "If we are in any trouble, we have noticed that if we tell our parents, or elders, or even raise an alarm we are not helped. It is our friends who come to our rescue. This is why we work as a team and guard one another," declared a 13-year-old boy from Delhi. "Our friends are our lifeline, we live and eat together as a family and look after each other," explained another 16-year-old boy from New Delhi.

Many children admitted to a preference to gang up with friends on the streets rather than live in homes. They were deterred by a lack of family cohesion, penury, a lack of space and privacy and violence towards them. Being forced to work was another disincentive. A significant number however did retain affectionate ties with their families even as they spent considerable time with friends. An 11-year-old boy from Kolkata pointed to managing a complex balance between the two domains.

Did they have the freedom to make friends easily? One child pointed to the street-involved children's lack of self-determination in general: "We are never asked what we would like to eat daily or what colour walls the walls of our habitations should be." Children's opinions on the issue of choosing their friends were as evocative – it was never sought. While the majority was not clear whether this was a right or who could support them to exercise these rights, they said they liberated themselves from restrictions (by parents, law enforcers and the community) and fought to retain their friends and the spatial freedom of the streets.

A small band of children nevertheless did know of this right. Children from Udipi (Karnataka) spoke with infinite optimism of how they have formed associations and transformed themselves as a powerful force – as leaders and role models – in their communities, positively impacting the lives of other children. They have united under the *Bhima Sangha* – the first working children's union in India, formed in 1990 – to fight collectively for children's rights and the off-shoots of this union, *Makkala Panchayats* (Children's Councils) and *Makkala Grama Sabhas* (Children's Village Meetings), have penetrated deep within the community fabric.

Two children in Delhi were proud of being reporters of *Balaknama* (Children's Voice), a newspaper they themselves publish as part of their collective called *Badte Kadam* (Steps to Progress) to raise concerns specific to children of their kind. The editor of this paper, a 16-year-old girl, said her title was her 'identity', one that gave her 'supreme confidence and a purpose in life'. She was keen to be part of the team that went to Geneva to meet with the UNCRC team.

Children from West Bengal similarly narrated the activities of the Children's Parliament in Kolkata. While a peer educator from Bangladesh talked of how he influences his friends to adopt healthy behaviours and attend school, a girl who called herself a media advocate described how she raises community awareness on issues of child marriage and trafficking, substance abuse, and the lack of healthcare and recreational facilities for children.

Despite these happy testimonies, the voices of children who felt deprived of forging friendships with other children were louder.

Does play (the first step in children's lives to socialise, engage fully with one other and evolve into their own personhood) bind young street-involved children and give them the right to grow up in an environment of social bonding? Sadly no. All the children, irrespective of age and gender, said they yearned to play together like normal children but were given no time or toys. Many of them said they worked or lived in areas (encampments, railways stations or the streets) whose conditions precluded play. Two boys in particular, one 14 years of age from Delhi and a 12-year-old from Nepal, said their playgrounds were encroached upon. A 16-year old girl from Delhi divulged how metal from swings and other play equipment were sold off by caretakers.

Many street-active children said the NGO-run Centres they stay in (that double up as informal schools) enable deep friendships. Yet other children from India and Bangladesh and India dwelt on the severing of friendships due to the closure of Centres (for a variety of reasons). Children from Nepal deeply rued their lack identification papers as it blocked entry into schools and chances of forming friendships.

“We feel a deep sense of injustice and this draws us together as a group,” explained a 17-year-old boy from Hyderabad. Most children talked of harsh discrimination within the community, of being forced to work, and of being beaten within homes and schools. They said they could be picked up by the police if they were found to have run away from home, indulging in rag-picking or begging, or simply for being on the street. Children fretted time and again over the criminalisation of their survival behaviours and arbitrary detentions in ‘safe custody’ (that are unstable, insanitary and rough).

An equal number of children were anguished at being subject to violence by their peer group. They held this rite of passage as ‘hugely difficult’ and said their resilience to cope with this was low as compared to handling parent and police violence. They said it led to a declining sense of self-efficacy.

They spoke in detail of peer beatings and sexual abuse, and of how they were made to work and induced into substance abuse, gambling and a life of crime. Some related how they were made to peddle drugs by the older boys and hand over earnings. The youngest member of the consultation (10 years of age) had a grim story to narrate: “An older boy used to make me wash his clothes, dry them and return it to him folded.”

- **What do you think would help make sure your right to choose your friends and be with them on the street is respected?**

“They look through the glass windows of their cars but really don’t see us.” This was a common refrain of street-involved children about people in the community and the government. They were clear that the starting point of giving them their right to make friends – and live with them where and how they choose – should be the understanding of each child’s unique experiences and circumstances.

Children talked of overwhelming powerlessness, anger, fear and physical and psychosocial struggles while dealing with street life. A majority of them said it was their friends who saw them through unmanageable situations. Children wanted everyone to accept their camaraderie as ‘real’ and ‘vital’ and their demand was of space and support systems, both formal and informal on the street to sustain friendships. They articulated a need for different approaches to children ‘on’ the street (who return home to families at night) and ‘of’ the street (who live together and sleep on streets).

An adult facilitator translated the children’s point of view: “The societies, government and families don’t understand how friends can replace families in our lives, but they do. These people will have to learn to empathise with this truth and help us. Only this will make our lives and those of our friends bearable.”

Almost all the children expressed a desire to go to school and be part of a larger children and friend fraternity. Many children confided they were denied this right and forced to work or beg by their parents. Other children said that while some children did get a chance to go to school they were abruptly pulled out after class eight. But they were all clear that they did not want education ‘where they were beaten and humiliated’, instead they wanted to learn creatively and joyfully, and together.

A group of older children were pragmatic. They understood that formal schooling systems were not an option for them (in the absence of identity papers and missing out on early development and learning processes). They felt that being part of day care Centres of NGOs would help them learn informally along with their friends, gain vocational competencies and harness their individual strengths. Children

from Udupi and Kolkata asked for an increase in the numbers of such Centres, and children from Bangladesh were very keen to expand their livelihood options.

Children's sense of being 'abandoned', 'humiliated', and 'unloved' by the community was strong. They said the barring of their entry into playgrounds and many public spaces (often through physical force by law enforcement authorities) excluded them as citizens. They wanted support from the government and NGOs to break through these socio-cultural barriers, claim these spaces, and sensitise people to the fact that they should not be punished for being born into street life.

Children were keen to foster relationships amongst themselves that were drug, crime and violence free. They blamed the police for encouraging their peers to smuggle, trade and indulge in substances and for widening the circle of influence by inducting younger boys into addiction. They described a crime nexus between the police and older children where profits were split in a 70:30 ratio (a figure disclosed by a 13-year-old boy from Delhi). In the dire absence of de-addiction Centre for girls that looks at treatment, rehabilitation and reformation, the lives of many girls are being ruined, said another boy from Delhi.

Speaking about sexual violence did not come easily to the children but they opened up to ask for a culture of safety and mutual respect among their friends. This could help encourage equal relationships mindful of each other's dignity and bodily integrity. They hoped that the older boys could be sensitised to the fact that perpetrating sexual violence on younger boys and girls is unacceptable.

A few boys were sensitive to the unequal situations in the lives of their female friends. A 16-year-old from the capital talked emotively about how his friend who was just 14 became a mother but was abandoned by her partner who was two years older than her. While the boy roams free, she suffers from social stigmatisation and the burden of fending for herself and her baby. He wondered what kind of justice, if any, there was for his friend.

- **Do you have examples of times when you think street children should or shouldn't be able to choose their friends and be on the streets with them?**

Children laid great store on the indispensability of their friends 'to enhance survivability'. They explained that while normal children learn life and social skills through play, creative pursuits and schooling processes, street-involved children who are deemed out of place in society have to get past their heightened level of unskilled-ness and lack of self-worth through other means.

Friends, they argued, teach them street-surviving coping mechanisms that help them live, take decisions, handle pressures of everyday life, earn money and channelise their insecurities and mistrust into opportunities. This makes their reciprocal bonds essential. They said that when they help friends they recompense them in one way or another.

A 13-year-old boy from Delhi narrated how he helped a very young street-involved child recover from substance abuse. "I repeatedly talked to him and he resisted for a very long time. But I persisted and today the child has kicked the habit and is healthy." A 16-year-old boy from Kolkata said he helped save the life of an abandoned infant at the Sealdah railway station by getting in touch with a local NGO. He also directs hungry, homeless children to shelters where they can be fed and takes injured children to hospitals with the help of adults. And a 17-year-old boy from Kolkata was eloquent of his friend's

passion for football. “But he is unable to participate in any formal tournament because he has no proof of identity – no birth certificate or *Aadhar* card (the unique identification number). I am determined to do something about this.”

The recognition of their needs and the inclination to fulfill them is what has brought many street-connected girls together as a team. For these girls inequalities are a lived reality. They all uniformly said that despite not actually living on the streets (their camp sites are normally on the edge of the streets) but with parents, they were constantly hemmed in by social norms, more so than the boys. The fear of these norms, they explained, was enough to keep them confined and crush their personhoods. They were all aware that this has locked them further into poverty, poor health and education, early marriage and childbirth, low aspirations, limited career options.

In the dire absence of opportunities and choices, as well as safe spaces to meet and develop social skills, they admitted to forming deep bonds amongst themselves and acting as support systems for each other, whenever possible. They were all concerned about each other’s lack of rights: of being stopped from studying, fed less, discouraged from playing and moving out of the house, forced to learn household chores, disallowed from choosing their life partners, coerced to marry young and bear several children, and also denied a chance to decide the course of their lives or flourish. The girls said they encourage each other as they understand that one story of success, one girl’s ability to find her way out of the imposed social and economic boundaries could help many others do the same. Even at the consultation girls banded together as a group.

On the other hand, what cast doubts about the nature of their friendship was peer groups’ addiction to substances and their coercing youngsters into usage. The children’s distress was evident: “our older friends taught us to sniff glue to kill hunger”, “sometimes older street boys introduce new entrants to ‘*nasha*’ (intoxication) so that they can build their networks and support groups,” (14-year-old boy from Delhi), “children are not born drug-abusers, they are tutored into it and sometimes there is no escape from it,” (13-year-old boy from Delhi) and “girls are also engulfed in the drug-vortex and it leads to an abrupt end of their childhood.” (16-year-old girl from Delhi). Children were especially disturbed by the fact that the very young, even those who were six years of age and under, were being lured into using drugs.

Sexual liaisons between the young street-active youngsters troubled children but they were unsure about whether they should forestall it. Even the youngest child in the consultation was aware of such relationships. “Girls and boys living in stations or on the streets often sleep close to each other, develop affection for one other and decide to stay together,” he said.

Another reason for misgiving was sexual abuse by their peers. Children verbalised painful aspects of sexual abuse of young boys and girls and the regularity of its occurrence. They were articulate about how it physically, emotionally and psychologically devastated children and how exposure to violence in one setting accentuated the violence in another. A 16-year-old boy from Delhi for example made a reference to how abused children were simultaneously in danger of being afflicted by HIV and AIDS. He even read out some statistics from a newspaper. Girls from all the Indian states uniformly talked of how they were sexually harassed by their street friends while on the way to school or work. Many of them

pointed to the lack of safe night shelters for girls. A 16-year-old girl from Agra talked of how girls who got pregnant by their street friends had to abandon their babies in dustbins.

Being pushed into a world of crime by older boys also troubled children. Children from Kolkata and Delhi spoke of how they picked up valuable objects while rag-picking in trains and split these gains with the police. They were aware that these were maladaptive and inappropriate behaviours that interfere with adaptive functioning. But they said do it to abide by street-group rules, though they are disturbed by these acts personally.

2. Your right to special care and help if you cannot live with your parents:

- **What can the government do to care for children who can't live with their parents so that they don't have to go to live, work or spend lots of time on the streets?**

A number of children made plain their disempowerment in the absence of parents and safe, nurturing homes (either due to circumstances or choice). They considered these scaffoldings as integral to their everyday survival, identity and dignity. Their cryptic comment is telling: "People say we have rights of care and protection. We don't know where they are. We have to search for them."

Their despondency also stemmed from the resulting poverty, manifested in the lack of socio-cultural anchors, as well as very little food, clothes, shelter, education, nutrition and health. They defined life on the street as 'insecure', one that was 'reduced to its bare minimum' as the conditions present in society are exacerbated to the maximum in street settings.

In their visual representations and verbal exchanges, they identified child-friendly, safe environments as a pre-requisite for an unattended survival on the streets. Turning down the idea of institutionalisation in government rehabilitation homes (due to their 'poor conditions' and 'faulty accountability mechanisms') they urged for 'safe', 'child-accessible' day care Centres and night shelters run by NGOs where their voices mattered and their decisions in daily functioning's counted. (As most children were part of Centres run by NGOs they said they learnt of poor conditions of state institutions from friends.)

They observed that at the very minimum these Centres should have: 'hygiene and cleanliness within precincts', 'clean and nutritious food', 'safe water and sanitation', 'safety', 'informal education', 'healthcare', a 'sense of community with strong social bonds to feel like home', 'respect for their opinions' 'child-sensitive staff who apply child rights principles in their functioning' and 'complaint mechanisms'. A boy from Bangladesh was categorical that he and friends did not want to depend on erratic NGOs funds to keep their Centre (which ensures all this) afloat; he wanted a permanently functioning shelter so that these entitlements are sustained over time.

Children who had to contend with street lives in the absence of parents (existences well below the social horizon) asked the government to address their rights of survival, safety and shelter through child-friendly provisions on the street itself. A child said, "We don't have parents but don't exploit us by giving us nothing."

A 17-year-old girl from Mumbai talked of how an orphan died at the Kurla railway station due to squalid living conditions and urged the government to put in place complaint mechanisms. A 10-year-old boy

from Delhi narrated the terrors of eviction by the police while children without families slept on the road and of bloody encounters with them. An 18-year-old boy from the city talked of trains zooming in and out of stations while abandoned children lived and worked on precariously on the platforms (picking rags, or selling bottles of water), while another 17-year old boy from Hyderabad talked of his family-less friends being run over by vehicles.

On the question of re-integration with families, children seemed unsure if it was a solution. They felt the lure of return – safe, secure and comfortable homes – was sadly lacking. Though in a heartrending request, one child asked for his parents be found as he had no idea how to trace them.

Of the 38 children, only 11 had some sort of identification. Ensuring social inclusion through citizenship was a persistent demand by children, who felt doubly robbed of an identity in the lack of parents and also birth certificates and unique identification numbers. They said a lack of such papers kept them away from schools and from accessing other services: they talked of being ‘blind to the realities of the world as they could not read or write in the absence of valid papers’. The sense of un-belonging was severe among the children of Nepal who said that if men living on the streets the last 25 years had no identification papers, they as children stood little chance of securing them. Many children insisted on their identities being counted through a census on their numbers, and called for forums to highlight the silenced voices of street-active children.

Children felt the lack of education keenly. Each one of them knew of its importance and how it could equip them with learning, confidence, self-esteem, social benefits, employment, entrepreneurial skills and access to networks. They demanded the government and NGOs reorient their services and work together to better see, hear and work with children. They sought more child-focussed Centres where informal, context-specific, participatory education could be imparted (to firm up children’s competencies in reading, writing and numeracy) as also vocational skills. Children from Bangladesh were especially vocal on this issue. A 14-year-old girl from Agra said as most parents are unable to help street-involved children with their homework and exam pressures there is need to address this predicament.

Many children were ready to accept a balance of work and school as a realistic starting point to their disengagement with work. In their opinion, no child wants to stay on the roads or work. But the absence of parents and circumstances force them to. A young child of 10 from West Bengal said he fished out coins that people threw into the river Ganges. He said the fear of drowning was real but he had to risk it to afford a meal. An 18-year-old boy from Delhi described the hard lives of children who worked in *dhabas* (roadside eateries). Other children validated robbing and begging as legitimate occupations to feed their stomachs. One boy from Delhi who was jailed on 14 occasions (for petty crimes that he committed to fund his addiction) said he felt hopeless as no one was willing to employ him and help him lead an honest life. A girl from Bangladesh said working children who live with her at the night shelter give her graphic accounts of the beatings they receive. All these children pleaded with the government to help them study, and pull them out of difficult work situations by using their collective experiences as a knowledge base for strategies.

Girls were articulate on bias and violence against them, both in the absence and presence of parents. They highlighted the lack of safe spaces and their social inclusion (their lack of independence, mobility,

equal opportunities, and decision-making abilities). They wanted to reach out to the government through personalised interfaces so that their concerns could be addressed through gender-specific programmes. They laid stress on high impact, mass scale sensitisation programmes and dialogues with communities to bring about widespread attitudinal change, particularly on issues of child marriage and trafficking, violence against girls and on street-active children in general.

Children highlighted the culture of violence that surrounds them and how social, cultural and economic factors combine to leave them vulnerable to community and police violence as well as sexual abuse by peers. They called for an increased level of commitment and action by the government to halt all violence against them as their brutalising consequences are lifelong. One child asked for an increase the salary of policemen so that they stop physically harassing children.

3. Your right to food, clothing, a safe place to live and to have your basic needs met:

- **What are the best things governments can do to help make sure street children and children who might go to live, work or spend lots of time on the streets have their basic needs met, including helping their families or other people supporting them?**

Children constantly emphasised the need for ‘stable’ and ‘safe’ shelters with a wide range of support services to transition successfully out of homelessness and poverty. They were keen the shelters address issues of their physical, emotional and sexual safety, food, nutrition, education, basic services (drinking water, toilets, electricity and playgrounds for recreation), and also safeguard their legal and human rights by giving them a say in its functioning. Many were able to identify each of these components specifically and understood them as their entitlements.

A 20-year-old girl from Udipi was distraught with the lack of such shelters for migrant families such as hers. She said her family had migrated to the city in the aftermath of an agrarian crisis in the village. While she stayed with her parents on a road teeming with vehicles there were other children who lived unattended. “We are not asking for buildings or air conditioned homes, just a safe shelter with water and sanitation that we sadly lack. We have to walk for miles to fetch water and are forced to use the main roads to defecate. As migrants, we are isolated and looked upon as outsiders in our own state. We know that homes bring people back into society and integrate people as a community by nurturing social bonds. We need this urgently from the government.”

Children brought to the fore vulnerabilities they faced on roads to urge for enduring ‘living’ conditions, on streets which were their homes. Many children talked of how the police trespassed on their rights by beating them when they slept on streets, and razed their encampments. A 20-year-old boy from Delhi was upset that girls who were his friends had to bathe and defecate in the open and wanted the government to do something about it. A child from Kolkata gave an account of how children who slept in close proximity were susceptible to a range of infectious diseases. He said their suffering was enormous and long drawn in the absence of healthcare facilities.

A 10-year-old boy gave a piteous account of how children at the Sealdah station struggled to fill up their water bottles from taps that they could barely reach even as the police beat them with their batons.

Two boys from Mumbai, 16 and 18 years of age respectively, added to the pathos when they gave detailed accounts of how homeless rag picking children were arrested by the police and kept in custody. They said this was because police get hauled by their seniors for letting children live on stations and being seen by people.

The impoverishment and grunginess of their surroundings upset many children. A 16-year-old from Mumbai shared stark visuals he created of his squalor-ridden surroundings. He showed a black river body suffused with sludge and contaminants. It was followed by a picture of a child with huge boils on his body as a result of drinking and bathing in this water. Another drawing showed the child in bed, unable to attend school. A 17-year-old girl from Delhi talked of overflowing, non-functional toilets in her locality while another girl pointed to depleting family finances because each member had to pay for the use of toilets. They wanted the government to remedy the situation urgently.

One child raised the issue of children being involved in the planning of urban spaces, especially in places where they live, so land-use decisions could heed to their priorities. An acerbic comment from a 16-year-old boy from Hyderabad summed up the children's disquiet with their homelessness, neglect and un-hygiene: "Our Prime Minister is vigorously promoting the *Swatch Bharat* cleanliness campaign. His people see only dirt, they don't see us."

Food and adequate nutrition were two other priorities for children. The youngest poignantly recalled how many of his malnourished friends eat out of dustbins and leftover plates at railway stations in West Bengal and rag pick to buy themselves a meal. A 10-year-old boy from Delhi talked of how children rob to buy food and ingest substances to kill their pangs of hunger, and another 17-year-old boy from Delhi, elaborated how many boys choose substances over food as it eliminates hunger and also brings a sense of calm. This resonated with the boys from Nepal who shared similar accounts. Children asked that all hungry children be fed and better quality food be served at day care Centres and schools.

Many children brought up the issue of helping their parents out of lives filled with socio-economic disadvantages and exclusion, poor social skills, exploitation, abuse and violence, vulnerability to substance abuse, and susceptibility to serious health risks. They said empowering them to be active in their own development should be the first step. This is felt would encourage responsible parenting, include parents in problem-solving processes and also aid children to reintegrate with them.

4. What plans governments should make to make sure street children's rights are respected and to stop children having to live, work or spend lots of time on the streets:

- **What should governments do to make sure children don't have to live, work or spend lots of time on the streets? What should governments do to make sure street children's rights are respected?**

The government "should listen to us, care for us and support us" but continues to "ignore us", "not listen to us" and "not respond to us."

Children's indignation with government inaction in allowing them dignity – their right to a life free of humiliation – was evident. Their demands on government accountability began with the query: "Can you return our lost childhoods to us?"

Their foremost demands from the government were:

Addressing the root causes of children's migration to streets through programmes and policies that tackle issues of poverty, agrarian reforms, urban-rural divide, migration, homelessness, lack of parental care and domestic violence. Alert to the nuances of the cause-and-effect relationship, children said an egalitarian society, one that keeps children away from streets, is possible if government departments' work in unison.

Ensuring their rights to food, clothing and safe shelter (with its entitlements of nutrition, drinking water, toilets, hygienic/clean surroundings, healthcare, electricity, playgrounds and a voice in its daily functioning, among others) to minimise and eventually end their street-involvedness. Girls said the government has a responsibility to create safe living environments for them.

Facilitating their entry into schools – not schools that inflict corporal punishment and humiliate them through discrimination – but full-term, informal schooling systems that also train them with vocational skills. Older children felt the younger children stood a better chance of being inducted to formal schooling systems and these aspirations must be fulfilled.

Securing their right to be protected, from neglect, exploitation and abuse, by taking particular note of the perilous lives of children living on streets and railway stations.

A beginning towards realistic solutions on child labour as a way to children's true independence and self-actualisation.

Establishing their entitlements to citizenship through valid identity papers (a duty that the government can no longer postpone) along with a nationwide census on children (to understand the extent and magnitude of the problem and address it at the scale it deserves).

A voice in homes, schools, day care Centres, urban planning and government programmes meant for them and the right to choose their friends, their place of stay (be it at home or with friends on the street).

Rolling out of prevention programmes to help them find ways out of drug use and petty crime (to transition into adulthood with their selfhood intact minus the stigma).

Ending all manner of violence against them: within their homes by parents (through sensitisation drives to deter them from using physical violence in raising children), by police and law enforcement officials (through restorative approaches that treat them as children in need of help rather than punishment), sexual violence by peers (by ensuring stringent punishment for such acts) and violence against girls (by ending child marriage, child trafficking, discrimination against girls in determining their life choices and

sexual violence). They also wanted redress to increasing suicides among children due to overwhelming hopelessness.

Ascertaining sensitisation campaigns to change societal attitudes (that discriminate against them and render them invisible), ending social and economic deprivation of their parents (if the government is serious about their reintegration with families) and ensuring social assimilation of children with alternate sexualities and disabled children (who live lives of extreme social exclusion).

- **How can you tell when something governments or other organisations do is good for stopping children having to live, work or spend lots of time on the streets? How can you tell when something governments or other organisations do is good for street children?’**

An adult facilitator observed that big social shifts are arriving as quiet, every day revolutions. How so?

A 16-year-old girl from Mumbai talked animatedly of how she has progressed from studying in Urdu to acquiring proficiency in Hindi and Marathi. She said it was a huge revolution in her life to be part of mainstream society, something which would have been impossible without the help of a local NGO.

A 13-year-old boy from Delhi similarly traced his growth from a rag picker to a reporter of *Balaknama* as did a 16-year-old girl. She said her life was made new in pulse and spirit by an NGO. “I used to live on the streets and abuse drugs. But an outreach worker inducted me into her NGO Centre. Today, I am free of my addiction, attend school and my new *avatar* is that of a reporter at *Balaknama*.” The girl editor of *Balaknama* expressed determination to highlight the issues of child labour, another example of how a seed of an idea to get children to lead their own movement is gaining root.

A boy from Kolkata said the transformative spaces of his Centre has allowed him to crossover from being a rag picker to a student of class nine. A girl member of the *Bhima Sangha* from Karnataka talked about how an NGO aided children to organise themselves, identify, and solve, their problems. “To know that we as children can make the change inspires me,” she said, proving that self-determination for children is possible. She added, “I have learnt that it is not enough to articulate just my problems or that of children in our area. There is need to empathise with the needs of other street-active children so that we can speak as a strong united voice.”

Children from Bangladesh spoke with excitement about being peer educators and media advocates, roles that they took very seriously. They talked about their efforts in awareness raising campaigns on substance abuse, violence against children, and child trafficking while highlighting the need for long running efforts in the areas of healthcare, nutrition, safe shelters, recreation, discrimination and violence against children for children.

The consultation also saw former street-involved children as facilitators. In the words of one such adult facilitator, while none of these children used the phrase ‘child-centered community development’, all

these initiatives are about this idea in action. This approach has allowed children to learn, absorb, and evolve into their own personhood. These NGOs have worked with the children's past histories, acknowledged the challenges have faced, created safe spaces for them, build their self-worth, and explored paths of potential recovery with them in a sustained manner.

While children spoke of the change in their lives – from within and without – they gave credit to NGOs but wanted the government to join hands with them so more children can be helped.

- **What are the most important things the Committee should tell governments to do make sure street children's rights are respected?**

Drawing on visual vignettes and narratives of young multilingual street-involved children, the most resounding observation they made was their lack of dignity. They wanted the Committee members to tell the government they felt bereft of acceptance in the society and that though they were afflicted by difficult circumstances it was discrimination and societal segregation that affected them the most. "We are speaking with our hearts and want you to carry our messages."

The removal of all barriers to the attainment of their development is important. Children wanted the root causes of their reasons for being on the street addressed (poverty, homelessness, migration, agrarian crises, lack of parental support and domestic violence).

Their priority was the right to survival on the streets. Their demands were the right to safe, child-focussed shelters (equipped with all the basic amenities due to them and a say in its decisions), food and clothing and safe living spaces for those whose home continues to be the street.

They identified education (be it through informal systems that are attuned to their needs with vocational training being an intrinsic component or through formal schooling) as a key enabler to lift them out of street living and good health to be a critical indicator of the government's seriousness about them. They said the reasons for 'why' these entitlements have been so difficult to provide thus far must be given to children.

Street-connected children must have an identity, a presence and a voice in society. The government must support their existence, not blot it out. They must also not silence them. Extending identification papers, undertaking a census to determine their numbers, legitimising their views while planning for them and incorporating their needs within community development programmes is of utmost urgency.

As street-connected children lead atypical and problematic lives, they must be allowed to choose their friends, have a say in which setting they wish to stay (be it the street or home).

There is need to end all violence against children be it by their parents, the police and law enforcement authorities or sexual violence by their peers. Mechanisms to help children deal with violence in their lives must be ensured.

Juvenile justice services must be tailored to suit the 'best interests' of children and must be restorative rather than punitive.

Changing and stabilising their lives so that they move from the streets to more enabling environments (be they homes, shelters or schools) will happen if mechanisms to enforce change are put in place by the government and there are regular inputs to sustain the process of change.

Children's well-being needs a continuum of care. There is hence need for a long term vision; programmes and policies to end harmful practices against children (be it child labour, child marriage and trafficking, violence against children, substance abuse or discrimination); and critical components like strengthening capacity of NGOs and people, ensuring legal mechanisms and implementation of laws, and strengthening institutional frameworks for administrative competence and transparency.

As the government does not have a 'magic wand' to resolve these daunting challenges on its own, it must work in tandem with NGOs and seek to mobilise a diverse range of individuals, communities and institutions on a significant scale to undertake, promote and sustain change.

6473 words

Conclusion

Children who attended the consultation made it evident that they had many questions. They also expected answers, given their right to information on issues pertaining to them.

They argued while they have 'determination', and 'courage', their 'patience' might not last long. The youngest child said that children may turn fierce if the neglect of street-involved children continues any longer.

Given below are children's analyses of their daily realities and challenges, as well solutions to their seemingly intractable problems:

1. Your right to choose their friends and be on the streets with them

Street-connected children called friends their life support systems. While they negotiated other relationships, the basis of their friendship was abiding steadfastness. As a general insensitivity prevails on understanding the reasons behind their choice of living with friends on streets, children said they wrested this right.

The government and society can help foster equal and respectful relationships among street-involved friends by:

- understanding the essence of their friendship and showing empathy
- working around the challenges of child labour to allow children form natural social bonds through play and schooling
- encouraging children to form associations and transform themselves into leaders and role models
- ascertaining culturally sensitive understanding of the protective and risk factors for children
- changing societal attitudes to accept street-involved children as citizens and allowing them access to informal and formal street spaces

- addressing problems of violence against children by peers, and
- looking into the lack of choices, opportunities and safe spaces for girls

2. Your right to special care and help if you cannot live with your parents

In the absence of parental support and caring homes (as a result of circumstances or choice), street-involved children asked for the best options of living and surviving (especially if re-integration with families was not an option).

They wanted shelters Centres run by NGOs that were child-accessible and safe (with all the attending entitlements) and where the staff apply child rights principles and give them a voice.

Child-sensitive provisions on the street (if they choose to live there) was another demand.

They asked the government to deal with the challenges of child labour and work towards ending it; they were willing to consider a work-education balance as a start to the abolition.

Children felt the lack of education keenly and demanded informal, context-specific, participatory learning methods be used to firm up their competencies in reading, writing and numeracy as also vocational skills so that their transition to formal schooling is possible.

They made a bid for social inclusion and identity in addition to forums to voice their concerns, as also actions to prevent and end all manner of violence against them.

3. Your right to food, clothing, a safe place to live and to have your basic needs met

In order to successfully transition out of poverty and homelessness, children asked for child-focused and safe shelters that address their physical, emotional and sexual safety issues, fulfill their needs of food, nutrition, education and basic services (drinking water, toilets, electricity, healthcare and playgrounds for recreation) and safeguard their legal and human rights (through child-sensitive handling by staff and a say in its functioning).

They wanted 'livable' conditions on the streets as it continues to be home to many children.

Drawing attention to the fact that many children eat out of dustbins and ingest substances to kill hunger, they asked the governments to ensure that every street-connected child has nutritious food on a daily basis.

They also asked for clean surroundings so that they don't fall prey to infectious diseases with lifelong consequences.

Children viewed rehabilitation of their parents as vital to their own growth and fulfillment of aspirations.

4. Demands from the governments to make sure street children's rights are respected and to stop children having to live, work or spend lots of time on the streets:

Their foremost demands from the government included a life free of humiliation, one with dignity; focus on programmes and policies that address reasons for their being on the street (poverty, agrarian reforms, urban-rural divide, homelessness and domestic violence); and rights to food, clothing and safe shelter (with its entitlements of nutrition, safe drinking water, toilets, hygienic surroundings and cleanliness, healthcare, electricity, playgrounds for recreation and a say in its running).

They asked for their right to be protected, in particular from neglect, exploitation and abuse, by highlighting the perilous lives of children living on streets and railway stations.

Children saw formal schooling as a formidable hurdle but expressed the need to be part of full-term, informal schooling systems that trained them with vocational skills, tapped into their core strengths and eased their entry into formal schools.

They stressed the need for freedom from rag picking, begging and the beginning of initiatives to ease them out of daily work.

They demanded citizenship through valid identity papers and registration documents, a nationwide census on children, the right to choose their friends, their settings of stay (be it at home or with friends on the street) and a voice in homes, schools, care Centres, urban planning and government programmes meant for them.

They wanted major shifts in societal attitudes (that discriminate against them, render them invisible and view punishment as a valid approach to deal with them).

They wanted an end to all manner of violence against them: within homes by parents (through sensitisation drives to deter them from using physical violence in raising children), by police and law enforcement officials (through restorative approaches that treat them as children in need of help rather than punishment), sexual violence by peers (by ensuring stringent punishment) and violence against girls (by ending child marriage, child trafficking, discrimination against girls in determining their life choices and sexual violence).

They insisted on parent rehabilitation programmes (that focus on building reciprocal bonds between parent-child and improving parent education and social skills in order to co-opt them into problem-solving.)

And, they wanted prevention programmes to recover from drug use and petty crime (to transition into adulthood with their selfhood intact minus the stigma).

998 words

Annex

- The consultation was facilitated under the four themes of: the right to protection, right to provision, right to association/collective participation and accountability of the governments.
- The co-facilitators explained that the rationale of following the contours of these four propositions (rather the four UNCRC's questions) was that these topics covered the ground of UNCRC's questions while simultaneously allowing for nuanced responses of children.
- The co-facilitators explained that it was not possible to accommodate children from many more states and those with disabilities and alternate sexualities in the absence of valid identification papers for children, necessary for travel.