



General Assembly

Distr.: General
22 February 2011

English and French 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 the AVSI Foundation, a non-governmental organization in general consultative status, the International Catholic Child Bureau, the Association Points Coeur, the Associazione Comunità Papa Giovanni XXIII, the Consortium for Street Children, the Defence for Children International, the **Dominicans for Justice and Peace, the International Association of Charities, the International Federation of ACAT (Action by Christians for the Abolition of Torture), the International Organization for the Right to Education and Freedom of Education (OIDEI), the International Volunteerism Organization for Women, the Education and Development - VIDES, the Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, the Mouvement International d'Apostolat des Milieux Sociaux Indépendants, Pax Christi International, the Teresian Association, the International Federation Terre Des Hommes, the Vie Montante International (VMI), the Women's World Summit Foundation, the World Union of Catholic Women's Organizations, non-governmental organizations in special consultative status, the World Catholic Association for Communication, a non-governmental organization on the roster**

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

[9 February 2011]

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

The right to education of children living and/or working on the street**

Despite it is hard to determine the exact number of children working and/or living on the street worldwide, according to UNICEF estimation, they represent around 100 million children, whose fundamental rights are constantly violated. In particular, they are quite systematically denied the right to education though, up to now, the issue has not raised much awareness among society nor relevant intervention from public authorities.

Obstacles to the realisation of the right to education

Children living and/or working in the street, on their own or with families or communities, temporarily or permanently, are all likely to get bullied, discriminated against, unfairly punished or even severely ill-treated.

Such practices obviously damage the fulfilment of those children's right to education in terms of accessibility, as well as adaptability and quality. Issues related to accessibility may include expensive school fees, difficulty to reach schools located far from the places those children "live in", lack of communication or explanation to the families living in the street about the registration procedures....

Issues related to adaptability may include lack of relevant training and monitoring for teachers, children unable to behave or attend school properly due to their unusual conditions of life and then quite unfairly punished by school representatives, teaching methods ignoring children's own particular experiences and knowledge...

Issues related to quality may include carelessness or even discrimination against those children in schools, bringing suspicion on them among their classmates...

Such situations blatantly infringe the International Covenant on Economic, Social and Cultural Rights, article 13 especially that states that one of the objectives of education is to "enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship".

Moreover the multiple abuses against street children in schools have been rarely investigated nor have they led to compensatory measures for the children. Public authorities often prove indifferent if not openly inimical to abused street children and thus pave the way for more violations and impunity. This usually causes the children to fail or even drop school while nothing is done to change the situation. This violates article 28 of the Convention on the Rights of the Child, which states that all State parties must "take measures to encourage regular attendance at schools and the reduction of drop-out rates". Following the principle of non-discrimination, street children are obviously targeted by such provision.

** NGOs without consultative status that also share the views expressed in this statement: Action Développement – Togo, Apprentis d'Auteuil, Comissió de la Infancia de Justicia i Pau, Spain, Dynamo International, Edmund Rice International, Fondation Marianiste, Foundation for Marist Solidarity International, General Council of the Brothers of the Christian Schools, Lassalian International Children's Fund, Marianist International, Secoli – Servizio per la Cooperazione internazionale lasalliana, Università cattolica del Sacro Cuore di Milano, Italy

Recognition of the skills of street children

Due to the numerous violations of their right to education, street children are made particularly vulnerable to the violation of all their other rights, and are thus deprived of the means to improve their conditions of life. For instance, they will lack formal qualifications and then have fewer chances to find a formal job and are therefore more likely to turn to informal activities and be stuck in a circle of poverty and/or illegality. Yet following articles 32 and 33 of the CRC, all States parties are explicitly compelled to take all measures so as to ensure the protection of all children against such situations.

Even though they lack formal qualifications, fail at school or are even excluded from official examinations, current and former street children should never be considered as unskilled people. They have often proved quite resourceful in an unfriendly environment, which enabled them to become fast learners and develop strong resilience and high proficiency in different fields such as handcraft, arts, or business activities.

As put forward in the Jomtien Declaration on the Education for All (1990) twenty years ago, we must “shape the vision” of education and “focus on learning” which means the “incorpora[tion] of useful knowledge, reasoning ability, skills and values” and includes “participatory approaches [for] learners to reach their fullest potential.”

The skills of street children should therefore be adequately acknowledged, officially recognised and efficiently developed. In diverse regions, education systems are still only focusing on formal education, which is time and space limited, and neglecting learning as a lifelong process that can be realised in any setting.

Moreover formal education systems often reproduce social inequalities by setting up standards of knowledge and monitoring methods that are out of reach for street children. Those children are therefore unfairly considered as inept and marginalised. Such systems should not be regarded as truly educational for they foster exclusion and inequalities instead of social cohesion and upgrading.

Recommendations

The signatories NGOs call for a genuine conceptual revolution about street children and about the objectives of education. When children live and/or work in the street this should only be considered as a phase in their lives, and not as a permanent state. We would like to underline that it should be taken and tackled as a situation and not regarded as an identity, and those at stake are still “children” and neither “criminals” nor “beggars”.

It is therefore our responsibility to promptly take common action and further collaborate so that those children eventually enjoy their rights and dignity.

States and the international community are notably responsible for developing means and elaborating relevant strategies to enhance the fight against social exclusion and inequalities, human rights education, and education to citizenship values.

As for education in itself, it is meant to be universal, compulsory, free and inclusive. It should neither be restricted to formal education nor be composed of irrelevant curricula that take no consideration of the concerned learners. Following article 29 of the CRC, education should be provided without discrimination to all children with the means to fulfil their potential in society, to become positive social actors while also developing their own resources and abilities. States are the ones primarily responsible for ensuring that all education professionals (teachers, social workers...) are truly made aware of the issue of street children, and efficiently trained to work among those children and take notice of their specific needs. It is also of utmost importance to strengthen the collaboration of those

professionals with the communities of origin of those children. In light of this, we believe that a scientific analysis of the meaningful practices and their related methodology should be conducted in view of adapting the educational system to the needs of street children.

Considering that many children living and/or working on the street generally come from extremely poor families and/or ethnic, religious or social minorities, we call upon States to set up or enhance programmes to support, monitor and train parents to be real educators. We also call upon public authorities to elaborate strategic programmes for particularly fragile families as well as for children without parental care. Those programmes should be elaborated according to a psychosocial approach so as to develop a family environment that would help the child to enjoy harmonious fulfilment of life and prevent the child from ending up in the street.

We also call for concrete and long-lasting measures by States to increase means and skills of professionals working among street children, in education, psychosocial and medical fields especially.

When involved in a reintegration process, former street children should be first treated with respect. The process should embrace the whole life of the child in his/her cultural, social as well as spiritual dimensions.

We also recommend that the UN Committee on the Rights of the Child elaborate a General Comment on the “Rights of children living and/or working in the street” so as to deepen the reflection on the issue, and define the different causes and consequences of the phenomenon, in a right to education-oriented perspective.
