



**KidsRights**

**KidsReport**

# **Street Children Have Rights Too!**

*Problems faced by street children globally and in the Philippines,  
and why their rights need protection*

September 2012



Universiteit Leiden

THE INTERNATIONAL  
**CHILDREN'S**  
PEACE PRIZE



# Preface

I grew up in a dumpsite where nothing is clean. My family picks garbage to sell, garbage to use and garbage to eat. I used to drink the water from a pothole in the street and even from sewage canals when I was little, because I did not know it was harmful to me. Brushing teeth was nothing I knew of, until I was rescued from the streets. Allowing flies to feast on my open wounds and pus was normal to me and my friends. Today, many children still suffer poor health and because of lack of sanitation, they are close to danger and death. This is why I started and continue to lead street children to better health by teaching, demonstrating and spreading basic hygiene practice. I teach the children how to wash hands properly, brush teeth daily, and bathe regularly. And I believe that some of these street children we save will pay the act forward to help champion their own communities.

The day I suffered the burns on my body was like my baptism of fire. It was so painful that night at the dumpsite, the hospital and also the days that followed. I cried out of pain. On the other hand, that was also the day I was rescued. And now, I have tears of joy. Because since then, up to this day, I know I am loved. Looking back, the fire that burned my skin and flesh is the same fire that started a flame in my soul. A flame that would warm cold hearts, a flame that would shed light to the path of the lost, a flame that would spark hope, lighting an entire sea of darkness and desperation. Mr. Harnin, the father I look up to, taught me these principles and keeps on reminding me daily by his own life's example.

Now, I stand before you, as an advocate of better health for street kids and as a herald of children's rights. Yes, I am young but I have a firm purpose to help make things better for generations to come. One is never too young to do something to help and meet a need. The simple ways of sharing a meal, a toy, a pair of slippers or a smile, will bring joy. To plant a fruit tree, vegetables, sharing your simple knowledge of hand washing and



brushing teeth will lead a street child to better health. These are the simple acts of change that me and my team at Championing Community Children do to change hearts and the world.

My message to all children here and around the globe is; our health is our wealth! Being healthy will enable you to play, to think clearly, to get up and go to school and love the people around you in so many ways. Brush your teeth 3 times a day, wash your hands before and after eating, and take a good bath daily.

To everyone in this hall and to the rest of the world; please remember that every day, 6,000 children die from diseases associated with poor sanitation, poor hygiene, and WE CAN DO SOMETHING ABOUT IT! Please join me in helping street children achieve better health and better lives. Let us join our properly washed hands and open our hearts to the homeless and the hopeless. Have a healthy life everyone. Thank you for paying attention. MABUHAY!

*Excerpt of the acceptance speech of Kesz,  
Winner of the International Children's Peace Prize 2012  
19 September 2012*

# Executive Summary

Today, tens of millions of children are living or working on the world's streets. Their numbers keep growing due to population growth, intensifying urbanisation and migration, particularly in the developing world, amongst others. Children are pushed into living and working on the street by many factors, such as poverty, domestic abuse, or even the ideal of 'freedom' that is thought to be found on the streets. However, once on the streets many other threats await these children. Some of the most pressing challenges street children face include difficulties in maintaining basic health and accessing health services, violence and abuse, and dangerous working conditions.

The United Nations Convention on the Rights of the Child (1989) and the guiding principles of the Convention are relevant to all children, and as such apply to street children as well. The Convention, ratified by 193 countries, imposes obligations on States Parties to the Convention, meaning that governments are obliged to provide certain protections to children and to refrain from undertaking actions which breach children's rights. However, street children are often left without proper protection of their fundamental rights.

In the Philippines, it is estimated there are 246,011 street children (dated in the year 2000). Today, the total number is estimated to be much higher with 150,000 children living without family in metro Manila alone. The main challenges facing street children in the Philippines are access to health care and services, dangerous working conditions (in places such as dump sites), violence and abuse from both civilians and government officials, and accessing an adequate standard of living.

Rescue operations undertaken by law enforcement officials, whereby they randomly swoop children off the streets to place them in (temporary) homes, in many cases harm rather than help Filipino street children.

The government of the Philippines has instated different national and local units and departments that are responsible for the protection of the rights of street children and their care. Yet, despite some efforts being undertaken by the government of the Philippines to address the needs of street children and to improve their situation, the UN Committee on the Rights of the Child has repeatedly expressed concern about the large number of street children in the Philippines and the protection and fulfilment of their rights.

Work is undertaken by many NGOs and other organizations to improve the situation of street children in the Philippines and around the world. A number of initiatives have implemented the important factor of child participation in helping street children. By empowering street children, they are given ownership over their lives and the chance to help improve the lives of others. Effective partnerships between the government, NGOs and children should be able to bring progress in countering the growing numbers of street children.

For now, street children's rights remain threatened and undermined in many cases. Much more must be done to counter the root causes that lead children to live and work on the streets, and to guarantee respect and full realisation of the rights in the Convention on the Rights of the Child.

# Introduction

The problems faced by street children, and the identification of street children as an at-risk group in need of human rights protection gained prominence in the 1990s. However, more than 20 years later, street children still languish in many cities and towns around the world. In late 2011, the United Nations Human Rights Council adopted a resolution entitled *Rights of the child: A holistic approach to the protection and promotion of the rights of children working and/or living on the street* (UN Human Rights Council, 2011). In this resolution, the Human Rights Council strongly condemned

*the violations and abuses of the rights of children living and/or working on the street, including discrimination and stigmatisation and lack of access to basic services, including education and basic health care, and all forms of violence, abuse, maltreatment, neglect or negligent treatment experienced by them, such as exploitation, gender-based violence, trafficking, forced begging and hazardous work, forced recruitment by armed forces and armed groups, forced disappearances and extrajudicial killings* (UN Human Rights Council, 2011).

This report shines a light on the situation of street children. It begins with a discussion of street children; most recent estimates show that globally, this group of children numbers in the tens of millions and is likely to be growing. Many factors contribute to children seeking

a life on the streets, yet once they are living or working on the streets, the challenges and risks they face are likely to present more difficulties than they have ever contended with before. Some common areas which present some of the most serious challenges to street children are discussed: a lack of access to health care and an adequate standard of health; violence and abuse on the streets; and working on the streets to make a living for themselves or their families.

This report then highlights the most important rights for street children under the United Nations Convention on the Rights of the Child, identifying the rights which are most at risk for children living or working on the streets, and the responsibilities of states parties. Finally, the report discusses the situation of street children in the Philippines, where it is estimated that over 245,000 street children live. Problems particular to Filipino street children are discussed: health and a hygienic lifestyle; dangerous working conditions; violence and abuse; and issues associated with inadequate living standards. The report concludes by highlighting work being done in the Philippines to help street children, including efforts aiming to ensure their participation in improving their situation, and discusses what more needs to be done, to ensure the rights of street children are realised and fulfilled.

# Section 1: Who are street children?

## Defining street children as a group

Most people will have heard the term ‘street children’ before. However, many people might not know or understand who street children are or what the situation of street children is like. ‘Street children’ is a term which has been used now for many years to describe a group of particularly vulnerable children who are marginalised and often socially excluded from the community in which they live. The term is used at both the global and local level, and has been defined in a number of ways by various groups working with this group of vulnerable children. However, it is important to note that there is no internationally agreed definition of the term. The definition of ‘street children’ which has been most frequently used is that of boys and girls aged under 18 for whom ‘the street’ (including unoccupied dwellings and wasteland) has become home and/or their source of livelihood, and who are inadequately protected or supervised (Black, 1993, UNICEF).

This definition serves as a valuable starting point, but it should be recognised that in the years since this definition was formulated in the early nineties, the task of defining street children has undergone various stages of evolution. For example, street children have since been said to be either those who are ‘of the streets’, meaning that they live on the streets as ‘street-living children’, or ‘on the streets’, meaning that they work on the streets by day, but return elsewhere (for example to a family environment) at night and are therefore ‘street working children’ (See for example Szanton Blanc, 1996). However, perhaps the most useful definition of street children is that put together by the World Health Organization. It draws together previous definitions, and provides further helpful descriptions. It says that a street child may be:

- A ‘child of the streets’, having no home but the streets. The family may have abandoned him or her or may have no family members left alive. Such a child

has to struggle for survival and might move from friend to friend, or live in shelters such as abandoned buildings (or sleep in alleyways or on the pavement).

- A child ‘on the street’, visiting his or her family regularly. The child might even return every night to sleep at home, but spends most days and some nights on the street because of poverty, overcrowding, sexual or physical abuse at home.
- Part of a street family. Some children live on the sidewalks or city squares with the rest of their families. Families displaced due to poverty, natural disasters or wars may be forced to live on the streets. They move their possessions from place to place when necessary. Often the children in these ‘street families’ work on the streets with other members of their families.
- In institutionalised care, having come from a situation of homelessness and at risk of returning to a homeless existence (WHO, 2002: 5).

Therefore some street children are on their own on the streets, whilst others are with their adult guardians or family members, and even if they live or work on the streets alone, some children will maintain ties to family members who don’t live on the streets. It is also important that when thinking about street children the following observation is kept in mind:

*In reality, street children are not a clearly defined, homogenous population. The use of the street by any one child is fluid, depending on his or her age, gender and experience. (Ray et al, 2011: 8).*

Bearing this in mind, it is fair to say that unlike other children, “street children live - work, eat, play and sleep - their private/public lives in the glaringly public venue of the byways of society.” (Hartjen and Priyadarsini, 2012: 57). Living such a life has a huge impact on what it means to be a child, and on the experience of childhood



that these children have. Street children, like all other children under the age of 18 years have a range of specific rights under the United Nations Convention on the Rights of the Child. These rights provide minimum standards of protection for children, however, by virtue of the situations they live and work in, street children are at risk of many of their rights being violated or not fully realised, leaving them vulnerable. Section 2 discusses this further.

### **How many street children are there in the world and where are they located?**

It is difficult to ascertain an accurate statistical picture of the numbers of children who should be understood as 'street children'. An exact global statistic of the number of children who can be understood to be street children does not exist and is "impossible to quantify" (UNICEF, 2006: 40-41). However, it is estimated that tens of millions of children live or work on the streets of the world's towns and cities (UNICEF 2012: 32), and that this number is growing due to global factors such as migration, increasing urbanisation and global population growth (UNICEF 2012: 32). The following observation is insightful regarding the difficulties of establishing accurate statistics on street children:

*Conducting an accurate census of the number of street children is challenging due to the difficulties of definition, and to the fluidity of children's circumstances. Due to the dangers of street living, some children, particularly girls, keep out of sight to protect themselves, and may be underestimated in surveys. This is compounded by the fact that the children, due to their general distrust of authority may not give accurate information. Conducting a precise census of street children is also costly in terms of human and financial resources. (Ray et al, 2011: 8).*

As this observation makes clear, establishing more specific and accurate global numbers of street children is not as simple as doing a headcount of the children visibly living or working on the streets, or using numbers of street children who are using non-governmental or

social services aimed at street children, given that street children may elude these kinds of counts.

Regarding the location of street children throughout the world, it is similarly difficult to say precisely in which countries the largest numbers of street children are located. Whilst street children are not only a phenomenon in the developing world, it is in the developing world that street children are more densely located. For example, in Asia, countries such as the Philippines, India, Pakistan, Bangladesh, Cambodia and Vietnam have large and visible street children populations, and in China, the number of street children is said to be growing. Parts of Latin America have large groups of street children (for example in Brazil and Peru), as do a number of countries in Africa (for example Uganda, Democratic Republic of the Congo, Ethiopia, Egypt). Some countries in Europe, such as Russia and Romania, also have visible street children populations (See Consortium for Street Children, 2009). Again though, to identify specific numbers of street children on a per country basis is difficult for similar reasons as those mentioned above regarding the difficulties in establishing global numbers, and street children populations at city level are often contested, making it difficult to establish overall national numbers (Consortium for Street Children, 2009: 2).

### **Why do street children live and work on the streets?**

There are many reasons why some children become street children, either living on the streets or working on the streets and therefore spending the majority of their time on the streets. The World Health Organization notes that every street child has a reason for being on the streets, and "While some children are lured by the promise of excitement and freedom, the majority are pushed onto the street by desperation and a realisation that they have nowhere else to go." (WHO, 2002:1) Living as a street child is often a situation that children resort to because they are in desperate or difficult situations in their lives, and living or working on the street might seem like the only option left. Studies

have shown that often factors such as the experience of violence or abuse at home in a family setting or in the neighbourhood they have lived in, drive some children to become street children, or living in a situation of poverty and social exclusion which they are trying to escape from, turning to the streets to earn a living. (UNICEF, 2012; 32). Moreover, recent studies across a number of countries show that “in all parts of the world, most street children have experienced intra-family violence, and come from fragile families located in income poor neighbourhoods.” (Thomas de Benitez, 2007: 61).

As noted in a recent study on street children,

*The involvement of children with the streets is seldom due to one event, but often to a spiral of increasing family and childhood vulnerability. The arrival of a child on the streets may represent an active decision on the part of the child, often in response to situations of serious violations at home. [...] The process of street involvement may take place gradually over a period of time, ultimately leading to street living for some children. It is now thought that the experience of violence is one of the key triggers that precipitates some children from poor and disadvantaged families, and not others, to separate from their families and move onto the streets. (Ray et al, 2011: 14).*

Other factors which may lead to children living and working on the streets include, but are not limited to, urbanisation, migration, economic crisis, conflict and war, the death of parents or caregivers, abandonment by adults who previously cared for the child or family breakdown, disability, natural disasters, climate change, and a lack of access to housing or shelter. Some children may even be sent to the street by their parents to seek survival through working or begging, or taken along with their parents to do so alongside them, on the streets. (Many of these are discussed in Ray et al, 2011: 11-14).

A combination of these factors may work together to lead a child to living or working on the streets. It is also important to note that whilst these are factors that

might push some children to become street children, very similar kinds of factors may likely end up having negative impacts on street children once they live and work on the streets, thereby causing them to continue to be confronted with many difficult challenges in their day-to-day lives.

### **Why are street children vulnerable and marginalised, and what are the main challenges they face?**

As discussed above, it is hard to pin down exact numbers and the locations where street children are dispersed on a global scale. It is also difficult to sum up what the characteristics of a typical street child might be, and it is probably not constructive to do so (Ennew and Swart-Kruger, 2003). There are many reasons why street children are vulnerable, and the challenges that they face are varied. When it comes to discussing the reasons why street children are vulnerable and the nature of the associated challenges they face, it is possible to identify commonalities which face these children as a group, which in turn can help us gain a better understanding of street children. This report now aims to highlight three of the main reasons why street children are vulnerable, and briefly discusses some of the most serious challenges associated with each of these reasons.

#### **Marginalisation through life on the streets and associated challenges**

Although many street children turn to a life on the streets to try to leave behind a life of poverty and social exclusion, living life as a street child makes children vulnerable to increased social marginalisation due to a number of associated challenges. As a result of the way in which street children are marginalised through spending the majority of their time either working or living in often harsh urban environments (and in many cases without families who care for and protect them), they often face difficulties in maintaining their basic health, and in accessing healthcare. It has been stated that

*Being poor is itself a health hazard; worse, however, is*



*being urban and poor. Much worse is being poor, urban and a child. But worst of all is being a street child in an urban environment.”(de la Barra, 1998: 46).*

Street children may be malnourished or find it difficult to access basic nutrition, and be particularly susceptible to cuts and wounds due to a lack of shoes or protective clothing, as well as injuries and physical pain associated with work or walking long distances. Because of a lack of washing facilities, street children might be particularly vulnerable to skin infections and diseases. Where diseases such as dysentery, hepatitis, malaria, scabies, polio and tuberculosis are present, street children may suffer from these (Behura and Mohanty, 2008: 78). Due to constant exposure to weather conditions, the health of street children is open to the detrimental effects of weather extremes. In instances where street children are sexually active, they may have unprotected sex which heightens susceptibility contracting sexually transmitted diseases, including HIV and AIDs. For girls, unprotected sex may result in unwanted pregnancies which may in turn lead to unsafe abortions. Similarly, exposure to drugs can lead street children to rely on substance abuse which can have serious and damaging effects on health. Exposure to unclean and unhygienic living conditions and activities (for example, through pollution, unsanitary environments) can lead street children to be susceptible to diarrhoea and vomiting and other illnesses (Behura and Mohanty, 2008: 80).

Access to healthcare will often present a challenge for street children, given they may find it difficult to access this in its various forms. Street children may simply lack the knowledge of what public health care is available, or they may face difficulties in being permitted to use public healthcare, for example unless they are accompanied by a parent, social worker or an NGO representative. They may not be able to reach public healthcare institutions, or know where they are located, or the opening hours of specific health care services might clash with the times during which some street children are working to earn a living on the streets. Sexual health clinics and support

services, and drug and substance abuse rehabilitation healthcare are unlikely to be easily accessible to street children, unless these services are brought to street children by proactive health care providers or NGOs working to improve the healthcare situation of street children.

Moreover, street children may be fearful of accessing health care systems, due to a perception that they will not be treated with respect and that they will be prevented from receiving the care or treatment that they need. Street children may feel that they cannot trust adults to ask them for help (OHCHR, 2012: 19). It is worth noting there that arguably this lack of trust is not only related to health care issues, but is much broader (for example street children may also not feel they can trust adults to ask them for help in relation to violence they experience). Street children might also not recognise when they are seriously sick, and they may lack knowledge about what they need to do in order to maintain a healthy and hygienic lifestyle. Such difficulties in access to healthcare in turn may lead to an on-going spiral of bad health for a street child, and may lead to street children living with long-term detrimental effects on their personal health.

#### **Risks of living on the streets and associated challenges**

Another way in which street children are particularly vulnerable is the fact that they are exposed to a number of risks through spending so much of their time on the streets. One of the risks that is most concerning is the way in which the safety of street children is threatened and undermined through violence and abuse. As already mentioned above, violence is now identified as one of the main push factors leading many street children to end up living or working on the streets. Unfortunately though, street children often find that their lives on the streets are not free of violence and abuse which they may have sought refuge from on the streets in the first place. Living on the streets, this violence and abuse may come from new sources, as street children become exposed to different threats and situations. For

example, violence and abuse of street children might come from any number of people that street children come into contact with on the streets, such as adults who work alongside street children on the streets or in street-based organised crime, other street children, the general public and law enforcement officials. (Ray et al, 2011: 16). Case studies of street children in countries throughout the world such as Bangladesh, Cambodia, Egypt, Kyrgyzstan, and Tanzania, show that

*When living on the streets, children experience violence of public places, from public stigmatization, through being shunned by basic services and abused by adults who commercially or sexually exploit them, to appalling abuse by police. Contact with criminal justice systems and even welfare shelters can add fresh experiences with violence from staff and inmates, in spaces ostensibly designed to protect them. Across the world, policies and their respective budgets for street children are grossly inadequate, seriously underestimating children's accumulated experiences of violence and the support they and their families need to develop resilience, healthy coping strategies and capabilities to participate in mainstream society (Thomas de Benitez, 2007: 61).*

It is also important to note that although street children may be victims of violence and abuse, situations of violence and abuse perpetrated against street children are not always dealt with in a manner which actively protects street children and their welfare, rights and wellbeing. For example, street children sometimes become the victims of government crackdowns or security responses in situations of unrest or uprising, ending up blamed for things that they took no active part in (Hartjen and Priyadarsini, 2012: 69). Violence and mistreatment by police and against children by other adults too, when they come into contact with the criminal justice system, is a topic that is repeatedly highlighted as being one that challenges street children globally:

*Living on the street exposes children to violence, yet crimes*

*against them are rarely investigated, and few people are prepared to act in their defence. On the contrary, in the many countries and cities where vagrancy and running away from home are outlawed, children living or working on the street are often the primary victims of such criminalization. Researchers, national bodies and international human rights groups have reported that police and security forces have abused children on the streets of cities all over the world (UNICEF, 2012: 33).*

This sort of abuse can manifest, at the worst end of the scale, in physical abuse which has the potential for long-lasting detrimental impact on children. For example, in a study of 430 street children in the Philippines who were 'rescued' by police and security forces (essentially picked up off the streets and taken to reception facilities), 35 per cent of the children studied said they had been hurt by the police and security forces, 42 per cent said they had been chased, and 13 per cent of the children studied said police and security forces had used some kind of physical force against them. (Bahay Tuluyhan, 2009: 59-61). The study found that the street children interviewed who had endured this kind of abuse ended up feeling nervous, scared, angry or confused. (Bahay Tuluyhan, 2009: 61).

### **Livelihood on the streets and associated challenges**

It is important to briefly mention that for most street children, outside of the usual structures of childhood such as schooling and education, creating a livelihood on the streets is a very central part of their daily lives and may be necessary for their survival. The involvement of street children in child labour in various forms raises many human rights issues (indeed, far too many to cover in the scope of this report). In many cases, street children will work on the streets to survive and to earn a living, either to financially support themselves or their families. Although work is something that some street children actually enjoy and find to be an important and even enriching part of their lives and which is a source of individual pride and worth (OHCHR, 2012: 19), street children are vulnerable when they work because

they are unlikely to be protected from economic exploitation (Ennew, 2002: 393). The work that street children do may be dangerous or damaging to their health and lives. Street children who work may be exposed to occupational hazards due to the nature of the work activities they undertake, and they may work unreasonably long hours, deprived of leisure and play time. The wage that street children are paid may not be fair or they may not be paid on a regular basis. Street children are likely to work without legal protection and due to their location on the streets, their work environment is unlikely to be safe and may be unclean. Some street children may also juggle a number of jobs during different times of the day, or through the different seasons. (Thomas de Benitez, 2011:29).

Therefore, given that many street children have to work to survive, they are susceptible to being exposed to many potential risks posed by the work and labour that they are engaged in. However, each street child's work experiences will be very different, and as has been observed, for street children,

*Work then can be understood as an experience which carries different meanings – as forced labour, survival, coping strategy, opportunity and 'career' – to individual children depending on variables such as age and sex, their street situations, local conditions and individual aspirations (Thomas de Benitez, 2011: 30).*

# Section 2: What rights of street children are most at risk?

## Highlighting some of the most important rights for street children provided by the United Nations Convention on the Rights of the Child

All children, up until the age of 18, have specific rights which are set out in the United Nations Convention on the Rights of the Child (the CRC). The CRC is the most significant document in international human rights law which sets out the core minimum standards for how children should be treated, and the rights that they are entitled to. Taken together, the rights set out in the CRC emphasise that children have rights falling under three main areas: survival and development rights, protection rights and participation rights. (UNICEF: 2005). In addition, some of the rights in the CRC can be considered as guiding principles of the Convention, such as Articles 2, 3, 4, 6 and 12 to some extent. Whilst these are individual rights under the CRC, they are also relevant to and should underpin the implementation of children's rights where the CRC specifies rights and/or obligations for the state to fulfil.

Recognising that these are important things to guarantee to children, who are some of the most vulnerable people in our world, almost all the states of the world have signed up to and ratified the CRC. This means that they have agreed to undertake their obligations under the CRC to ensure that children receive the minimum standards of protection provided through the rights set out in the CRC. Therefore in relation to the CRC, states are the principal duty bearers (because they undertake to comply with a duty to safeguard rights), and children are rights holders (because they are the people who are entitled to the protection of their rights under the CRC). It is important to understand that states parties have both positive and negative obligations under the CRC. This means that some of the articles of the Convention

require specific actions to be undertaken by the state, in order to ensure that particular rights are given effect to and implemented (positive obligations), and some articles of the CRC require states to refrain from doing certain things, again to ensure that particular rights are fulfilled and implemented (negative obligations).

In addition to states, other duty bearers are recognised by the CRC as being important and having duties to children to ensure their rights are upheld – for example, parents, family members, employers, doctors and nurses, social workers, police and prison workers. However, states which have ratified the CRC have the primary responsibility to implement the CRC (as it is a legally binding treaty, which by ratifying they have agreed to implement in their domestic laws, policies and practices). Unfortunately though, states do not always live up to their obligations. Sometimes states simply ignore or do little to fulfil some of the rights under the CRC, leaving children without the minimum standards of protection to which they are entitled. Arguably this amounts to a breach of their Convention obligations. In the case of street children, often it will be evident that states parties to the CRC could do a lot more to implement rights under the Convention so that street children are properly protected and that their rights are fully realised.

The CRC includes many rights which are relevant and apply to street children. In fact, all the CRC rights apply to street children under 18 years of age, by virtue of their status as children. However, below, some selected rights from the CRC are highlighted (including those rights also understood to be the guiding principles of the CRC). The rights highlighted below have been chosen because they are the rights that are likely to be most important to the situation of street children. Often it

will be the rights identified below which are most at risk due to the specific situations that street children might be exposed to through living or working on the streets. Explanations for each of the highlighted CRC rights highlighted below are in the form of a brief summary; the CRC in its entirety can be accessed at <http://www2.ohchr.org/english/law/crc.htm>.

### **Article 2: Non-discrimination**

Article 2 makes it clear that the CRC applies to all children, regardless of race, religion, culture or abilities. Where children live (e.g. on the streets or not), the language they speak, what their parents do, whether they are boys or girls, whether they are disabled, their economic situation – none of these things affect the fact that the CRC applies to all children below the age of 18, and no child should be treated unfairly on any basis. Article 2 can be considered a guiding principle of the CRC, and thus states should pay particular attention to article 2 in the implementation of children's rights at the domestic level.

### **Article 3: Best interests of the child**

Another guiding principle of the CRC, article 3 states that the best interests of children must be a primary concern in all actions concerning children. This applies to actions undertaken by both public and private institutions, such as social welfare institutions, courts of law, administrative authorities or legislative bodies. Article 3 says that states parties have a positive obligation to ensure the child protection and care necessary for his or her well-being, also taking into account the rights and duties of the child's parents or legal guardians, and that states shall take all appropriate legal and administrative measures to give effect to this. Essentially, this means that governments, in ratifying the CRC, have to help families to protect the rights of children to create environments where children can grow and reach their potential.

### **Article 4: Protection of rights**

Article 4 says that governments have the responsibility to

take all available measures to make sure children's rights are respected, protected and fulfilled. Governments are therefore under a positive obligation, once they ratify the CRC, to take all necessary steps to ensure that the minimum standards set out in the CRC are given effect to (article 4 is another guiding principle of the CRC). Such steps might involve policy making, administrative measures, and establishing new laws or amending old laws. Policy making and administrative measures and decisions are likely to be particularly relevant for street children. Article 4 specifies that states will undertake their efforts to implement economic, social and cultural rights within the framework of international cooperation.

### **Article 6: Survival and development**

As stated in Article 6, all children have the right to life and governments should do all they possibly can to ensure that children survive and develop. Given its overarching importance and that the right to survival and development underpins the other rights in the CRC, article 6 is another guiding principle of the CRC. Considering the situation of street children, within the scope of article 6, states should thus pay attention to ensuring that children who live and or work on the streets are able, to the maximum extent possible, survive and develop.

### **Article 7: Registration, name, nationality, care**

Under Article 7, children have the right from birth to a name and to have this registered immediately after birth. Children also have the right to acquire a nationality and to know and as far as possible, to be cared for by their parents.

### **Article 8: Preservation of identity**

Governments agree to respect the right of the child to preserve his or her identity (including nationality, name and family relations as recognised under law) without any unlawful interference. Where a child is illegally deprived of some or part of his or her identity, governments are required to provide assistance and protection to quickly

re-establish the child's identity. Given that some street children live in situations separated from their families, their identity may be made vulnerable, and states should thus ensure that street children's identities are preserved or re-established where necessary.

#### **Article 9: Separation from parents**

Article 9 states that children have the right to live with their parents, unless that is going to be a negative experience for them, and that governments will ensure that children are not separated from their parents against their will (except in cases where this is deemed by relevant authorities to be in the best interests of the child). Where children have parents who do not live together, it is the right of the child that they are able to keep in contact with both parents unless it might hurt the child. Again, given that many street children do not live with their parents, article 9 is likely to be very relevant for the situations of children living and/or working on the streets.

#### **Article 12: Respect for the views of the child**

Article 12 says that governments will ensure that children who are able to form their own views have the right to express those views freely. Children should be able to do this in all matters affecting them, and their views should be given weight in accordance with their individual age and maturity. This is the core of the participation rights under the CRC, and can be considered a guiding principle. In particular, children should be given the opportunity to be heard in any judicial and administrative proceedings which affect them. In such cases, children should be heard either directly or through an appropriate representative.

#### **Article 19: Protection from all forms of violence**

Article 19 makes it clear that children have the right to be protected from both mental and physical violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who is caring for the child. Governments are expected to take

all appropriate measures (legislative, administrative, social and educational) to protect children from all these forms of violence. These measures should include things such as the establishment of social programmes to provide support for children and other prevention, identification, reporting, investigation, treatment and follow up of situations of child maltreatment. Where appropriate, there should be judicial involvement (for example to adjudicate or investigate situations where child maltreatment has been alleged).

#### **Article 20: Children deprived of a family environment**

Under article 20, children who are temporarily or permanently deprived of their family environment are entitled to special protection and assistance provided by the state. This also applies to children who cannot be allowed to remain in their family environment due to this not being in their best interests. Article 20 requires governments to ensure that alternative care is available for these children, for example in foster placement, through adoption, kafalah of Islamic law, or in institutions suitable for the care of children, in accordance with their national laws. The alternative care solutions for a child should take into account the importance of continuity for the child's upbringing, and their ethnic, religious, cultural and linguistic background.

#### **Article 23: Children with disabilities**

Children who are mentally or physically disabled have the right under article 23 to special care and assistance as well as being entitled to the protection standards of all the other CRC rights, in order to enable them to live full and decent lives. Such children should live in conditions which ensure dignity, promote self-reliance and facilitate their active participation in the community. In terms of implementation of article 23, states should provide assistance and special care free of charge whenever possible, and will promote the exchange of information in the field of preventative health care and medical, psychological and function treatment of disabled children. Again, particular account is required to be taken of the needs of developing countries.



#### **Article 24: Health and health services**

Article 24 states that children have the right to the highest attainable standard of health, and to facilities for the treatment of illness and rehabilitation. Governments who ratify the CRC agree to strive to ensure that no child is deprived of the right to access health care services, and that they shall seek to fully implement this right, taking the appropriate measures (a number of measures are listed, including to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary healthcare, and to combat disease and malnutrition, through providing things like adequate nutritious foods and clean drinking water, and taking into consideration the dangers and risks of environmental pollution). Article 24 explicitly states that developed countries should help developing countries in achieving the realisation of this right (see also article 4 CRC).

#### **Article 27: Adequate standard of living**

Under article 27, every child has the right to a standard of living adequate for their physical, mental, spiritual, moral and social development. Article 27 states that parents or others with primary responsibility for the child have the primary responsibility to secure (within their abilities and financial capacities) the living conditions necessary for the child's development, and governments (in accordance with national conditions and within their means) shall take appropriate measures to assist in the implementation of this right. Article 27 says that in case of need, governments will provide material assistance and support, particularly regarding nutrition, clothing and housing. For street children, an adequate standard of living is likely to be a right particularly relevant to their situation, and therefore states parties to the CRC should pay particular attention to implementation of this right to ensure that the street children, like other children, have a standard of living that is adequate to ensure their full development.

#### **Article 28: Right to education**

Article 28 recognises the child's right to education, and the

right should be achieved progressively by governments and on the basis of equal opportunity. Article 28 specifies some particular things for governments to achieve, such as that governments should make primary education compulsory and free to all, different forms of secondary education should be developed and made available and accessible to every child, and measures should be taken to encourage regular attendance at schools and reduce drop-out rates. Article 28 says that governments shall promote and encourage international cooperation in matters relating to education in particular to contribute to the elimination of ignorance and illiteracy throughout the world, taking particular account of the needs of developing countries (see also article 4 CRC).

#### **Article 29: Goals of education**

Article 29 emphasises that children's education should develop each child's individual personality, talents and abilities to their full potential. It says that education of children should prepare the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality and friendship amongst all peoples and groups. Children's education should also be directed to the development of respect for human rights and fundamental freedoms.

#### **Article 31: Leisure, play and culture**

Article 31 states the child has the right to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts. Governments are required to respect and promote the right of the child to participate fully in cultural and artistic life, encouraging the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### **Article 32: Child labour**

Article 32 provides that children have the right to be protected from economic exploitation and from performing any kind of work that is likely to be hazardous, work which is likely to be harmful to a child's health or physical, mental, physical, moral or

social development, or which is likely to interfere with the child's education. Governments are obliged under this article to take legislative, administrative, social and educational measures to ensure the implementation of this right, and will provide for minimum age restrictions for employment, regulation of hours and conditions of employment, and penalties to ensure effective enforcement of the article 32 right.

#### **Article 33: Drug abuse**

Under article 33, governments agree to take all appropriate measures (including legislative, administrative, social and educational measures) to protect children from the use of harmful drugs and from being used in the drug trade, for example in the production and trafficking of drugs.

#### **Article 34: Sexual exploitation**

Article 34 requires governments to protect children from all forms of sexual exploitation and sexual abuse. Governments will take all appropriate national and international measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; and the exploitative use of children in pornography.

#### **Article 36: Other forms of exploitation**

This article says that governments will take all appropriate national and international measures to prevent the abduction of, the sale of, or traffic in children, for any purpose or in any form. Street children, by virtue of the fact they live and/or work on the streets often without protection of parents or guardians, may be particularly vulnerable to being exploited in these kinds of ways, and therefore their situation should be taken into consideration by states parties when implementing this article.

#### **Article 37: Detention and punishment**

Article 37 states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment

or punishment, and that neither capital punishment or life imprisonment without the possibility of release shall be imposed for offences committed by children. Article 37 also says that no child shall be deprived of their liberty unlawfully or arbitrarily, and arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time. Article 37 further specifies that every child who is deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a way which takes into account the needs of children of his or her age. Children shall be separated from adults unless it is considered in their best not to do so, and children have the right to maintain contact with their family through correspondence and visits except for exceptional circumstances. Finally, article 37 says that every child who is deprived of their liberty shall have the right to prompt access to legal and other appropriate assistance, and the right to challenge the legality of the deprivation of his or her liberty before a court or other authority which is competent, independent and impartial, and to a prompt decision about their situation.

#### **Article 39: Rehabilitation of child victims**

Article 39 says that children who have been the victims of abuse, neglect or exploitation should be provided with special assistance and support to recover, both physically and psychologically, and to socially reintegrate into society. Therefore this is a positive obligation on state parties to the CRC to provide this type of support and care to child victims where abuse, neglect or exploitation does occur (as well as having an obligation to take measures to protect children by preventing violence under article 19), and article 39 specifies that all appropriate measures must be taken to do so. Article 39 says that such recovery and reintegration shall take place in an environment fostering the health, self-respect and dignity of the child. This holistic approach to social reintegration and support of child victims recognises that such measures can contribute to preventing future violence and exploitation.

#### **Article 40: Juvenile justice**

Article 40 makes clear that children accused of engaging in behaviour which is against the law have the right to legal assistance and fair treatment through a justice system which respects their rights as children. Article 40 specifies some particular requirements to ensure that juvenile justice respects the rights of the child, such as that governments set a minimum age of criminal responsibility (meaning that children below a specific age cannot be held criminally responsible), and that wherever appropriate and desirable, alternative measures rather than judicial proceedings should be

used to deal with children in juvenile justice situations (and that such alternatives must be in line with human rights and legal safeguards). For example, counselling, probation, foster care and education programmes are among some of the alternatives to judicial proceedings mentioned in Article 40. Article 40 says that children must be informed promptly and directly of the charges against them, and to have legal or other appropriate assistance available to them in the process of defending themselves against any such charges, and that the child's privacy must be fully respected throughout criminal proceedings.

# Section 3: Street children in the Philippines

## General background on street children in the Philippines

High numbers of street children in the Philippines and the situation faced by these children has been a cause for concern at both the national and international levels since the 1990s. Whilst it is difficult to establish exact statistics in relation to the numbers of street children in the Philippines due to the highly mobile nature of this group and the fact that not all street children are visible, the most recently reported statistics state that there are an estimated 246,011 street children in the Philippines (UNICEF, 2011:84. This figure dates from 2000, the date of the most recent statistics in the Lambarte Study). This figure accounts for three percent of the population aged 0-17 years of age. The same study estimated that of the 246,011 estimated street children, there are 22,556 highly visible children (those considered to be in most urgent need of help) on the streets in 22 major cities throughout the Philippines (UNICEF, 2011: 84). In 2009, the UN Committee on the Rights of the Child stated that

*The Committee remains seriously concerned at the high number of children living in the streets (Nearly 250,000) [...] The Committee also notes with concern the continued lack of a systematic and comprehensive strategy to address the need for the prevention, reduction of the number and protection of children living in the streets. (UN CRC, 2009, 21).*

From the abovementioned total estimate figure of 246,011, in Metro Manila alone there were an estimated 11,346 street children. Manila City itself was said to have 3,266 street children, whilst there were 1,530 street children in Kalookan City, 1,420 in Pasay City and 2,867 in Quezon City (UNICEF, 2011: 84). In Cebu City in 2000, it was estimated that 5,000 street children existed (Pomm, 2005: 33). However some organizations now estimate the numbers of street children in parts of the

Philippines to be much higher, for example some say that there are 150,000 children who live on the streets of Manila without families (Fondation Sanofi Espoir, 2012).

## Some key issues and risks facing street children in the Philippines

All of the issues highlighted earlier in this report as being challenges for street children throughout the world are also problems for street children in the Philippines. However, there are some specific issues facing street children in the context of the Philippines that require specific discussion, in order to better understand the situation of street children in the Philippines. Therefore this section highlights four specific issues which raise particular risks for street children in the Philippines.

### Health and hygienic lifestyle

The health situation of street children in the Philippines, and the access of street children to health services, is of major concern. In 2005 in its Concluding Observations on the Philippines report under the Convention on the Rights of the Child, the United Nations Committee on the Rights of the Child stated that in relation to the Philippines,

*The Committee is concerned about street children's limited access to adequate nutrition, clothing, housing, social and health services and education. Furthermore, the Committee is concerned about health risks faced by street children, including environmental health risks, such as toxic and hazardous wastes and air pollution (CRC, 2005, 21).*

This statement highlights that street children in the Philippines are at risk of not receiving even the most basic of health care. Furthermore, in a 2008 a medical study of 179 street children across seven different locations

in Manila aged 8-17 years of age was undertaken, to better understand the health problems and social, environmental and health behaviour characteristics among this group of street children (Njord et al, 2008). The study concluded that Filipino street children have a high level of infectious disease (Njord et al 2008: 367). The most frequently occurring health problems (in order of frequency from highest to lowest) amongst this group of children were coughing, fever, dyspnea, diarrhoea and blood in the faeces. A small percentage of the children experienced malaria and convulsions, and coughing, dyspnea and fever were all more frequently occurring in female children than in male children (Njord et al, 2008: 369). Diarrhoea was observed to be a particularly common problem, due to approximately 75 percent of the children who were studied being routinely exposed to contaminated water (Njord et al, 2008:372).

With regard to the infectious diseases that the study showed to be present among the street children studied, it was observed that Filipino street children routinely gather together in 'barkada' - tight social groups. The study concluded that this close living situation between the street children explains the high rates of contagious diseases like hepatitis B, pneumonia and ascariasis among the children (Njord et al, 2008:373). The high rates of these diseases could also be attributed to close proximity while the street children are sleeping and living in unsanitary environmental conditions. In addition to the diseases discussed, many of the children were found to be malnourished, with a lack of access to the standard of nutrition needed to maintain a basic level of good health. Other studies have also shown that the health situation of street children in the Philippines is generally "lamentable" (Bacos et al, 2008).

Limitations on accessing basic health care are particularly concerning given the impact that a lack of personal health has on all other facets of a child's life and ability to develop properly. As article 24 of the CRC specifies, children have the right to the highest

attainable standard of health, and they should not be deprived of the right to access health services which will enable them to maintain a healthy and hygienic lifestyle. In the Philippines, programmes exist which educate children about basic health how they can have a healthy and hygienic lifestyle, but these are often primarily promoted and conducted in the school setting, for example the Urbani School Health Kit, used in schools in Davao and Palawan (Bonito et al, 2009: 343). For example, the Urbani School Health Kit educates children on aspects such as:

- Improving personal hygiene
- Improving oral health
- Improving diet and nutrition
- Keeping the environment clean and healthy
- Preventing worm infections
- Saying no to tobacco
- Preventing malaria and dengue (Bonito et al, 2009, 341).

However, the aspects covered in these basic health education programmes are very much needed to be communicated to street children who do not attend school, who are particularly at risk. Other aspects which children and teachers have suggested for inclusion in such programmes are mental health, safety and reproductive health. (Bonito et al, 2009, 347). The comment of one worker with Bahay Tuluyan, an organization working to help street children in the Philippines, further indicates that this kind of health education – in addition to improved access for street children to health care facilities - is much needed. He is quoted as saying that the conditions on the streets for street children are terrible and that he "can't remember seeing one street child that didn't have some skin infection – and they just don't seem to heal." (World Street Children News, 2008) He also highlighted that the inaccessibility of basic health services and facilities means otherwise treatable illnesses go untreated, sometimes becoming fatal for street children. For example, a lack of shoes or adequate footwear for

street children sometimes leads to wounds and injuries which are not treated appropriately, easily leading to infections which could otherwise be easily prevented (Baldo, 2009).

In relation to the CRC, access to health and living a hygienic lifestyle, and the services, education and support which can support children in accessing health are highlighted as being important in many articles of the Convention. Primarily this comes through strongly in article 24, however articles 6, 27, 28 and 29 are also relevant. What these articles of the CRC show is that states are under many positive obligations to ensure that children are able to live healthy lives. In turn, this will contribute to ensuring their maximum survival and development under article 6 of the CRC.

#### **Dangerous working conditions**

Closely associated with the health issues discussed above, children working on the streets in the Philippines are frequently at risk of damage to their health and lives through working in hazardous conditions and places. Perhaps the children working in the worst conditions are those who work and sometimes live on dump sites in the Philippines. For example, approximately 200,000 people are said to live on (and next to) and work on the Payatas dump site in Quezon City (UNICEF Philippines: 2012). Children work, as do adults, scavenging in the solid waste for materials which can be sold in exchange for cash, with the materials then sold on the recycled market. The fact that many street children end up working at these dump sites in the Philippines as a way to earn a living or to find shelter means that they are important to consider with regard to the situation of Filipino street children.

The dangers to children working and living in conditions such as those on the Payatas dump site are immense and many. For example, only a few minutes time is available for scavenging between a load being dumped from one truck, before a bulldozer covers the load on the mountain of rubbish to make way for the next truck

(Morris: online). The people who scavenge through the rubbish, including children, go perilously close to these large trucks and machinery. They sometimes even try to go through the rubbish prior to the truck finishing unloading the rubbish onto the dump site. Children have been run over and killed on the site; their small size means they lack visibility to those driving the vehicles and machinery. The dump site itself is unstable and is therefore prone to collapsing in inclement weather, which places children at risk of being buried under the weight of the rubbish. Indeed, in the year 2000, 300 people died at the dump site when there was a major collapse (Gaillard and Cadag, 2009, 197). Rubbish is often burned on the site, which can put children at risk of inhaling toxic chemicals, exposing them to the risk of respiratory infections, as well as being at risk of other diseases such as pneumonia, tuberculosis.

Due to a lack of running water and proper drainage, as well as the fact that children living on the dump site are constantly in contact with rubbish and refuse without adequate protective clothing or proper equipment for undertaking work in constant exposure to harmful refuse (often on dump sites hazardous waste is not sorted from other waste), the children live in highly unsanitary conditions leading to them smelling (which can result in social stigmatisation) and experiencing health conditions such as diarrhoea.

Working in these kinds of work environments means that the right of children to not work in hazardous conditions under article 32 of the CRC is being violated, along with their right to health under article 24 of the CRC. Arguably the child's right to survival and development under article 6 of the CRC is also endangered through engaging in this kind of work, and being exposed to dangerous and hazardous working conditions.

#### **Violence and abuse**

Children working and living on the streets in the Philippines are highly likely to be, or have been at some point, the victims of physical violence or abuse. Such



violence or abuse is in breach of the child's right to protection from all forms of violence under article 19 of the CRC. The 2008 medical study previously discussed above (see page 18-19) asked the street children who were studied whether they had been kicked, punched or slapped by an adult or a peer. The findings of the study showed that a strong majority of the street children had been subjected to this kind of violence and abuse on the streets, with male children being more likely to be the victims of this kind of treatment than female children (Njord et al, 2008: 369). The study found that 20 percent of the children felt anxious or depressed on a daily basis, and the researchers concluded this could be linked to the experience of being the victim of violence and abuse. This highlights the need for psychosocial support for street children in the Philippines, and that as well as having a physical toll, violence and abuse will often have a mental health dimension which will also require attention and support.

Street children in the Philippines may also be the victims of sexual abuse and exploitation. Studies of sexually abused Filipino children have shown that this abuse leads to serious on-going impacts on the children affected, hampering their development and providing them with a negative worldview, with these children often feeling disempowered (Bautista et al, 2001: 20-23). The UN Committee on the Rights of the Child stated in 2005 in relation to street children and their susceptibility to sexual abuse and exploitation in the Philippines:

*The Committee reiterates its grave concern at the high number of children living in the streets and their special vulnerability to various forms of violence and abuse, including sexual abuse and exploitation (Committee on the Rights of the Child, 2005: 21).*

It should be remembered that it is the right of the child not to be sexually abused or exploited under article 34 of the CRC. The Committee recommended that the Philippines government provide street children with adequate recovery and social reintegration for physical

sexual and substance abuse (Committee on the Rights of the Child, 2005: 22). In 2009, the Committee again highlighted with concern the "special vulnerability" of Filipino street children to various forms of violence and abuse, including sexual and economic exploitation (Committee on the Rights of the Child, 2009: 21).

Street children in the Philippines are also at risk of being the victims of organised violence, endangering their right to survival and development under article 6 of the CRC, as well as their article 19 rights. The extrajudicial killings undertaken by groups such as the Davao Death Squad (on the island of Mindanao) have included street children amongst their targeted victims (Human Rights Watch, 2009: 26). Strong concerns have been raised by NGOs and the United Nations about the operation of these groups and that they target street children as victims. The UN Special Rapporteur on Extrajudicial Executions has noted that children are gunned down or knifed in the streets in these attacks (Alston, 2008: 16).

### **Standard of living**

Like other street children around the world, street children in the Philippines generally lack adequate housing and shelter, which means their right to an adequate standard of living under article 27 of the CRC is endangered. However, in the Philippines a particular issue associated with the right to an adequate standard of living has developed for street children. This is the phenomenon of rescue operations which occur in many cities in the Philippines. Such operations involve street children being collected from the streets by the authorities (usually city police) and transported to reception centres for processing and usually a short stay before they return to the streets. A recent study into rescue operations of street children in the cities of Caloocan, Pasay and Quezon explains that

*Rescue is the act of a government agency physically removing a child from the streets for the stated purpose of removing a child from danger (Bahay Tuluyan, 2009: 10).*

The UN Committee on the Rights of the Child has expressed concern at the development of these operations, particularly in the Manila area, which it notes are also referred to as ‘rescue of indigents’, ‘clean-up of street dwellers’ and ‘round-ups’. (UN CRC, 2009: 21). Bahay Tuluyan concluded that in the cases of 430 street children interviewed in the cities studied, rescue operations were indiscriminate, failing to address the individual needs of children; involuntary, as most children did not consent to being rescued (this challenges their participation rights under the CRC, in particular their article 12 right); harmful, because children’s rights were found to have been violated at nearly every stage of the rescue process through violent and abusive actions (including physical and sexual abuse, therefore endangering their article 19 and article 34 rights); and ineffective, as the operations failed to remove children from the street long-term and failed to protect them from harm (Bahay Tuluyan, 2009: 50).

The study found that the rescue operations are ineffective interventions, which actually impact children detrimentally rather than helping them to achieve access to an adequate standard of living. Given the way in which children are collected in rescue operations, based on their status as street children, this arguably breaches the non-discrimination article of the CRC (article 2) through the way in which such rescue operations unlawfully distinguish between groups of children and forcibly remove them from the streets. Although the children who are picked up on such operations are housed in reception centres for a period of time, this is only temporary, and the children often end up returning to their lives on the streets. The operations unnecessarily stigmatise and traumatise the children which are subject to the rescue operations, failing to protect children from abuse and exploitation, in some cases actually exposing them to these things through the way in which they are removed from the streets or detained in reception facilities. (Bahay Tuluyan, 2009: 11). For example, many 27 per cent of the children studied said they were sleeping at the time they were removed

from the streets, and some were washing or bathing at the time they were removed in such operations. (Bahay Tuluyan, 2009: 55). Many children studied said that it was very shocking to be removed from the streets in such a sudden way. (Bahay Tuluyan, 2009: 58).

Vagrancy is a criminal act under article 202 of the Revised Penal Code in the Philippines, however, in 2006, it became illegal to prosecute children for the crime of vagrancy when the Juvenile Justice and Welfare Act (RA 9344) came into effect. Despite this, the use of practices such as these rescue operations, which purport to be undertaken in order to help street children and remove them from exposure to hazards, exploitation, risks and abuse, are in many cases breaching the rights of the child under the CRC. For example, whilst the Filipino authorities conducting such rescue operations may argue that they are essentially discharging their obligation under article 19 to take measures to protect children against violence, if, as the study discussed above indicates, children are actually becoming subjects of violence as a result of these operations, then this should be understood to be a failure to fulfil the article 19 obligation. Clearly, such operations are not in the best interests of the child if they result in outcomes that are in fact detrimental to the child’s physical and mental well-being in ways such as those which have been highlighted in the Bahay Tuluyan study.

### **What is being done to help the situation of street children in the Philippines?**

Clearly, there are many risks and challenges that face street children living and working on the streets in the Philippines, some of the most significant which have been discussed above. However, the government as well as many people and organizations dedicate themselves to trying to help improve the situation of street children in the Philippines.

### **The role of the Government**

Local government units are responsible for implementing services and programmes for street children in the Philippines, at both local city and region levels. According to the government of the Philippines' most recent information provided to the UN Committee on the Rights of the Child in 2009, these services and programmes include providing a focus on areas such as life skills training, counselling, family reintegration, prevention of sexually transmitted diseases, drug and substance abuse, and job placement. (UN CRC Government of the Philippines: 2009, 40). At the national level, the Council for the Welfare of Children (the CWC) is responsible for coordinating issues pertaining to the rights of the child, and is the focal inter-agency institution of the government of the Philippines for children. It has the mandate to coordinate the implementation and enforcement of laws, and to formulate, monitor and evaluate policies and programmes affecting children. The CWC has undertaken workshops in various areas of the Philippines related to protecting violence against children. The CWC also chairs a group called the National Network for Street Children (the NNSC). The NNSC is charged with coordinating various initiatives of government and non-government agencies to implement programmes and services for street children. As part of this role, the NNSC is responsible for coordinating a strategy to address the situation of street children. This includes the three prongs of community based preventative action, centre-based services and street-based interventions. The NNSC held four street children congresses in the Philippines in 2008, where particular issues of concern for street children were discussed in workshops, with the aim being that the NNSC will coordinate future work with agencies to address the issues raised. Another key government agency with responsibilities in relation to children is the Department of Social Welfare and Development (the DSWD). For example, in 2008 the DSWD led the national development of policy guidelines for local government units and NGOs regarding implementation of services and programmes aimed at street children.

Despite some efforts being undertaken by the government of the Philippines to address the needs of street children and to improve their situation, the UN Committee on the Rights of the Child has repeatedly expressed concern about the large number of street children in the Philippines and the protection and fulfilment of their rights. In 2009, in its Concluding Observations (after consideration of the Philippines most recent CRC reports), the Committee made a number of recommendations, and noted with concern the large number of street children, the violence and abuse they experience, the existence of rescue operations, and a "continued lack of a systematic and comprehensive strategy to address the need for the prevention, reduction of the number and protection of children living in the streets." (UNCRC: 2009, 21).

### **The role of organizations**

A number of international organizations (both non-governmental and inter-governmental) are active currently or have been active in the Philippines, concerned with the plight of street children, such as the International Federation of Red Cross and Red Crescent Societies, Medecins Sans Frontieres, Save the Children, World Vision and UNICEF. Initiatives like the Street Child World Cup and the International Day for Street Children (annually, April 12) also raise the visibility of the plight of street children, aiming to challenge negative perceptions and treatment of street children globally. Other organizations such as Amnesty International and Human Rights Watch are actively engaged with monitoring the human rights situation in the Philippines, with their reports and actions often taking into account the situation of street children.

There are also a number of locally based NGOs actively working on practical and direct ways to improve the situation of street children in the Philippines. A list of some of these can be found at the end of this report. For example, the Virlanie Foundation undertakes work in Manila with street children, running 12 houses, outreach

interventions such as a mobile unit and a day centre for street children, as well as running educational and support programmes (including psychosocial support and legal assistance). ChildHope also runs education on the streets programmes, providing alternative education and psychosocial support for street children, and runs a drop in shelter for street girls who have been sexually abused or worked as prostitutes. One aspect of the work of both local and international NGOs working with street children in the Philippines which can be highlighted as significant, and which should be further encouraged, is the involvement of street children themselves in work to improve the situation of street children.

### **The importance of child participation**

One of the main thrusts of the CRC is that children have participation rights – the right to be involved in and influence what happens to them in their lives as children, and in relation to decisions and actions that affect them. This is emphasised in many of the provisions of the CRC, but article 12 is the core guiding principle for child participation. Article 12 confirms that children are fully-fledged persons possessing the right to express their views in all matters which affect them and for those views to be appropriately taken into account. Part of the child's right to participation is the recognition that children can participate as agents of change. This has been put into practice in a genuine way in the Philippines through street children becoming essential and central agents of change to improve the lives of themselves and other street children. This is evident in a number of initiatives which seek to involve children as change agents in the area of health and healthy living, to take control over their own health and to help to impart important information about health and health education to other street children. For example, the International Federation of Red Cross and Red Crescent

Societies describe street children as “valued partners” (International Federation of Red Cross and Red Crescent Societies, Philippines, 2003). The Philippines Red Cross trains street children who live and work on the streets in Baguio City as junior health workers for street children as part of its Health Action Programme for Street Children, which aims to improve the health and life of street children in the Philippines. The junior health workers use puppets and comics as training tools and an important aspect is that street children teach other street children, therefore being educated in their own language, and with an understanding of their situation and behaviour. Some aspects which are covered by the junior health workers in their education programmes are the importance of basic personal hygiene such as hand washing and teeth brushing (International Federation of Red Cross and Red Crescent Societies, Philippines, 2003).

Bahay Tuluyan is another NGO which runs a similar programme in Malate, called the Junior Educators Programme, which involves former street children who are trained to work as educators of street children. The programme educates street children about basic skills, and aims to improve their overall resiliency. The guiding philosophy of the programme is that children have to make decisions for themselves. The programme heavily emphasises the child's right to participation, with the street children designing and building the programme themselves. This child-to-child learning approach has been found to be valuable and worth emulating (Capras, 1998). One study of the Bahay Tuluyan programme said that some of the most valuable things about the programme were the way in which street children are actively involved, that the bases of learning are the street children's lives in the streets, and that the programme teaches the children resiliency and self-empowerment. (Capras, 1998: 255-256).

# Section 4: What needs to be done to improve the situation of street children globally and in the Philippines?

Whilst there is much valuable work currently being undertaken to improve the situation of street children around the world and in the Philippines, much more needs to be done to address the large numbers of children who live and work on the streets, living lives which do not allow them to realise the rights that they are entitled to under the UN Convention on the Rights of the Child. Much of the work that needs to be done to improve the situation of street children worldwide requires long-term involvement, development and planning. For example, the root causes that lead children to live and work on the streets, such as economic poverty and family or neighbourhood based violence, need to be addressed with effective interventions. More work needs to be done at both the local and global levels to understand the situation and needs of street children better – especially in terms of the numbers of street children which exist in any one country, the specific challenges which they face, and how effective programmes and systems can be put in place to assist them. Systemic mapping of street children throughout the world would be a valuable tool to inform legislation, policy, budget and child protection interventions, yet this remains difficult to achieve. The role of specialist

organizations working with street children and lobbying for improvement of their situations is extremely important in on-going efforts to improve the lives of children working and living on the streets.

In places such as the Philippines, at the local level, effective interventions in basic need areas such as health and access to health services and the provision of adequate housing have the potential to lead to an overall improvement of the lives of street children, as improvements in these areas will have a kick-on effect into positively changing other areas of their lives. The involvement of children as valuable and worthy agents of change, and making sure that work to help street children is child-centred through ensuring that views of street children are sought and taken into consideration appropriately, is very important. Effective partnerships between NGOs and government agencies, also with the involvement of street children, are necessary to address the challenges and risks faced by street children and their families. Such efforts must ensure that street children have the childhood to which they are entitled, where their rights under the Convention on the Rights of the Child are meaningful and realised.

## Improving the situation of street children worldwide requires:

- Long-term involvement, development and planning
- Prevention through interventions in root causes
- Better understanding of the situation and needs of street children
- Systematic mapping of street children
- Specialist organizations

## Improving the situation of street children in the Philippines requires:

- Effective interventions in and better access to basic need areas
- Effective partnerships between NGOs and government agencies
- Involvement and participation of street children



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### Some organizations working locally with street children in the Philippines

- Bahay Tuluyan: <http://www.bahaytuluyan.org/>
- Bantay Bata 163: <http://www.bantaybata163.com/>
- ChildHope Philippines: <http://www.childhope.org.ph/>
- Save the Children Philippines: <http://www.savethechildren.org/site/c.8rKLIXMGlp14F/b.6150549/>
- Street Children Development Center: <http://streetchildren-philippines.org/>
- UNICEF Philippines: <http://www.unicef.org/philippines/>
- Virlanie Foundation: <http://www.virlanie.org/>

### Useful online resources:

- Consortium for Street Children: <http://www.streetchildren.org.uk>
- International Day for Street Children: <http://www.streetchildren.org.uk/international-day/> and <http://www.telegraph.co.uk/sponsored/lifestyle/international-street-children/>
- Plan International: <http://plan-international.org/about-plan/resources/news/street-children-report-launched-at-un/>
- Street Child World Cup: <http://streetchildworldcup.org/>
- United Nations Committee on the Rights of the Child: <http://www2.ohchr.org/english/bodies/crc/>
- United Nations Office of the High Commissioner for Human Rights study on children working and/or living on the streets: <http://www.ohchr.org/EN/Issues/Children/Study/Pages/childrenonthestreet.aspx>
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This report has been prepared by Claire Achmad under the supervision of Prof. Dr. Ton Liefwaard and Prof. Dr. Mariëlle R. Bruning.



The International Children's Peace Prize is presented annually to an exceptional child for his or her dedication to children's rights. The prize is an initiative of KidsRights and was launched during the 2005 Nobel Peace Laureates' Summit by Mikhail Gorbachev. Each year the International Children's Peace Prize Laureate is selected from nominations from all over the world. An Expert Committee assesses the candidates and then selects the winner. The prize money of €100,000 that is attached to the Children's Peace Prize, is spent by KidsRights on projects that are closely connected to the winners' area of work. This report is published in conjunction with the award of the International Children's Peace Prize 2012. [www.childrenspeaceprize.org](http://www.childrenspeaceprize.org)

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