



Briefing: UN Human Rights Council Resolution on Street Children

Adopted without a vote (unanimously agreed) on 25th March 2011

The UN Human Rights Council (UNHRC) is an inter-governmental body within the UN system made up of 47 (rotating) States responsible for strengthening the promotion and protection of human rights around the globe.

Previously the UN Human Rights Council addressed the issue of child rights in general sessions. Every three years the UN Human Rights Council adopted an 'omnibus' resolution on the rights of the child, however this overarching approach to children's rights has recently changed.

In 2009 it was agreed: "to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges in the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child in its work, beginning in 2009". It was agreed that the 2011 discussion day should focus on "A holistic approach to the protection and promotion of the rights of children working and/or living on the street".

The previously street children specific Resolutions was in the early 1990s. See appendix for a breakdown of these.

Breakdown of the March 2011 Resolution:

- The Resolution is not a legally binding document – it is seen as a statement of intent;
- The first thing apparent on the text of the Resolution is the list of countries, some with an asterisk. This refers to the countries which have chosen to 'co-sponsor' the Resolution. The countries on the list with the asterisk are countries which are currently not a member of the UNHRC. The countries on the list with no asterisk are current members of the UNHRC;
- By choosing to 'co-sponsor' the Resolution countries specifically endorse it. Countries in the UNHRC can also choose to not specifically 'co-sponsor' the Resolution but still support it, by choosing not to ask for a vote on the Resolution in the Council, which is what happened;
- This Resolution has so far been co-sponsored by 43 countries outside of the UNHRC, and by 20 members of the UNHRC. States are still able to co-sponsor, and this final version of the Resolution has not been updated and uploaded on the UN's website yet. Interestingly, the USA is said to have co-sponsored the Resolution, which is ground-breaking. They have only co-sponsored one other child rights focused Resolution (late 2010), as they have not ratified the UN Convention on the Rights of the Child. The UK is also a co-sponsor;
- The layout of the Resolution contains the preamble (in which they take note of other relevant Resolutions (using words such as reaffirming, recalling and welcoming), and

operational paragraphs (using words such as concerned, recognising, condemning, calling on and urges), and the follow up (request, invites, decides);

- The Resolution draws attention to the gender aspect between boys and girls on the street, and the issue of early pregnancies and 2nd generation street children;
- It highlights the issue of HIV/AIDS, prostitution, and the importance of building relationships of trust and empowerment, and participation (unusual language for a UN Resolution);
- Urges states to ensure street children's rights through integrated national child protection strategies with realistic and time bound targets and sufficient financial and human resources for their implementation;
- It uses groundbreaking language when calling on States to ensure universal and free birth registration (in previous resolutions there has always been a reference to 'minimum cost');
- Recognise the importance of supporting families and other caregiver's capacities;
- Calls for an end to impunity for violators of street children's rights and the criminalisation and stigmatisation of street children. Survival strategies should be dealt with as child protection issues, and not constitute an obstacle to effective assistance and support;
- As opposed to previous Resolutions on street children it does not attempt to put a number on street children or claim that the issue is 'growing'. Instead, it recognises the lack, and desirability, of more data and research on street children, and encourages states to collect, monitor and evaluate data on street children;
- It recognises that street children are a global phenomenon, existing in every region of the world, and therefore calls upon states to strengthen international cooperation, commitment and mutual assistance, by sharing good practices, research, policies, monitoring and capacity building, as well as encouraging States to conduct awareness raising campaigns and sensitisation of the situation of street children;
- As a specific follow up the Resolution invites (note it does not request, which would have been stronger, but less likely to be adopted unanimously) the Office of the High Commissioner for Human Rights (OHCHR) to conduct a study on challenges, lessons learned and best practices in promoting and protecting the rights of street children, including data collection.
- It is the first time that the UNHRC has asked for a thematic report on children, and it is also the first time that the OHCHR is undertaking a report on children. The report has to be completed by 10th December 2011, to be presented at the UNHRC's 19th session. It will be written in English and translated into the other 5 official UN languages. CSC is currently in discussions with the OHCHR to discuss the ToR of this study and how to take it forward.

Appendix: Previous resolutions and thematic debates relating to street children

From 1992-1994 the UN system recognised the issue of street children, through the adoption of several resolutions, specifically about street children. The concerns were initially spurred by reports of targeted state and vigilante killings of street children, mainly in Latin America, which is reflected in the resolutions. However, since the late-90s the issue fell largely of the UN and international agenda, or was incorporated into other concerns and broader issues.

The below examples sets out the resolutions and debates specifically or of most importance to street children, but is not encompassing of all the resolutions and debates which has taken place at UN level (including the recent UN Guidelines on Alternative Care and the UN Study on Violence Against Children). Since 1994, there has been no street children specific resolutions, rather they were incorporated as a matter of concern within the overarching 'omnibus' resolutions.

1. UN General Assembly Resolution A/RES/47/126, 92nd plenary meeting 18 Dec 1992 – The Plight of Street Children
 - Recognise that street children deserve special attention
 - Profoundly concerned about killings of street children
 - Concern about growing numbers
 - Law enforcement
 - Media and NGO involvement
 - Importance of international cooperation and responsibility of government
 - For governments when reporting to the UNCRC to indicate need for support
 - Invites UNCRC to consider General Comment on Street Children
 - Calls upon Special Representatives and Rapporteurs et al to pay particular attention to street children
 - Commits to examining issue again at 48th session.
2. UN Commission on Human Rights Resolution 1993/81, 67th meeting, 10 March 1993 - The Plight of Street Children
 - As above
 - Commits to examining issue again at 50th session
3. General Assembly Resolution A/RES/48/136, 85th session, 20th December 1993 - The Plight of Street Children
 - As above
 - Alarmed at continuing serious offences of this nature (*i.e killings and violence*)
 - Commits to examining issue further at 49th session
4. UN Commission on Human Rights Resolution 1994/93, 66th meeting, 9 March 1994 - The Plight of Street Children
 - As above
 - Commends the UNCRC for considering street children in state recommendations, and invites again to consider general comment
 - Commits to examine issue in its 51st session

5. UN General Assembly Resolution A/RES/49/212, 94th plenary meeting, 23rd December 1994 – The Plight of Street Children
 - As above
 - Commits to examining issue further again at 50th session.

6. UN Committee on the Rights of the Child, CRC/C/97, 25th session 22nd September 2000 – Day of General Discussion: State Violence Against Children
 - Violence against street children under ‘law and public order’ consent: Street children particularly vulnerable to violence, from state or at least with their consent.
 - Failure of the state to offer protection to those children whose rights are already under attack.
 - UNCRC encourages the OHCHR to set up special workshop for all relevant treaty bodies, special procedures, UN bodies and agencies to ensure violence against street children adequately addressed.
 - Recommends to state parties to review emergency/national security legislation
 - Recommends special training to police

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