

Human Rights Council

Sixteenth session

Agenda item 3

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

16/..

Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street

The Human Rights Council,

Emphasizing that the Convention on the Rights of the Child constitutes the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols thereto, as well as other human rights instruments,

Reaffirming all previous resolutions on the rights of the child of the Commission on Human Rights, the Human Rights Council and the General Assembly, the most recent being Assembly resolution A/RES/65/197 of 21 December 2010 and Council resolution A/HRC/13/20 of 19 March 2010,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, and *recalling* the outcome document contained in resolution 65/1¹ of 22 September 2010, in particular the provisions referring to children,

Reaffirming that it is essential for people living in poverty and vulnerable groups, including children working and/or living on the street, to be empowered to organize themselves and to participate in all aspects of political, economic, social and cultural life, in particular in the planning and implementation of policies that affect them,

Also *reaffirming* that it is essential for States to take all appropriate measures to ensure the meaningful participation of children, including children working and/or living on the street, in all matters and decisions affecting their lives through the expression of their views, and that those views are given due weight in accordance with their age and maturity,

Reaffirming that the child, for the full and harmonious development of his or her personality, should grow up in a family environment while the best interests of the child shall be the guiding principle of those responsible for his or her nurture and protection and that families' and caregivers' capacities to provide the child with care and safe environment should be promoted,

Recalling the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No. 138), and welcoming the commitments by States to accelerate action against child labour, including the confirmed goal of eliminating the worst forms of child labour by 2016,

¹ 65/1 Keeping the promise : united to achieve the Millennium Development Goals

Welcoming the joint report by the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative to the Secretary-General on Violence against Children on effective and child-sensitive counseling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation (A/HRC/16/56),

Also welcoming the reports of the Special Representative of the Secretary-General for Children and Armed Conflict (A/HRC/15/58), the Special Representative of the Secretary-General on Violence against children (A/HRC/16/54) and the Special Rapporteur on the sale of children, child prostitution and child pornography,

Welcoming the work of the Committee on the Rights of the Child,

Welcoming the constructive dialogue on “a holistic approach to the protection and promotion of the rights of children working and/or living on the street”, on the occasion of the full-day annual meeting on the rights of the child, held on 9th March 2011, and the renewed commitment to the implementation of the Convention expressed on this occasion by States Parties,

Profoundly concerned that the situation of children in many parts of the world remains critical and has been negatively impacted by the world financial and economic crisis,

Deeply concerned about the situation of girls and boys working and/or living on the street worldwide and the negative impact that this has on the full enjoyment of their rights and their development,

Recognising the need for States and the international community to create an environment in which the well-being of the child is ensured, including by strengthening international cooperation in this field,

Also deeply concerned about the multiple discrimination and stigmatisation children living and/or working on the street often face because of factors such as race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, immigration status or other status,

Also deeply concerned about children, including adolescent girls, working and/or living on the street facing violence, including sexual exploitation, HIV infection and other serious health problems, substance use and early pregnancies, and about the situation of children born on the street,

Bearing in mind the diverse causes of the emergence and marginalisation of children working and/or living on the street, such as poverty, migration, including rural-to-urban migration, trafficking, violence, abuse at home or in care institutions, broken families, lack of access to basic services, including free education, HIV and AIDS and child relinquishment, substance abuse and mental health issues, intolerance, discrimination, armed conflict and displacement, and that such causes are often aggravated and their solution made more difficult by serious socio-economic and other difficulties,

Recognising the lack and desirability of more reliable and in depth systematic disaggregated data collection and research on children, including children living and/or working on the street,

Recalling Council resolutions 5/1 on institution-building of the United Nations Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council, of 18 June 2007, and stressing that the mandate-holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* 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, extrajudicial killings;
2. *Urges States to* ensure a holistic child rights and gender-based response to the phenomenon of children working and/or living on the street, within the context of comprehensive domestic child protection strategies, with realistic and time-bound targets and sufficient financial and human resources for their implementation, including arrangements for the monitoring and regular review of action taken;
3. *Calls on* States to give priority attention to the prevention of the phenomenon of children working and/or living on the street by addressing its diverse causes through economic, social and educational strategies, including through:
 - a) Ensuring birth registration of all children immediately after birth through universal, free, accessible, simple, expeditious and effective registration procedures; raising awareness of the importance of birth registration at the national, regional and local levels; facilitating late registration of birth; and ensuring that children who have not been registered have access without discrimination to health care, protection, education, safe drinking water and sanitation, and basic services;
 - b) Strengthening efforts at all levels to eradicate poverty so as to help ensure the realization of the right of all children and members of their families to the enjoyment of the highest attainable standard of health and to an adequate standard of living;
 - c) Ensuring the full enjoyment of their right to education on the basis of equal opportunity and non-discrimination, by making primary education compulsory and available and free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education and ensuring school attendance, in particular for girls and children from low-income families and children living and/or working on the street, including, where appropriate, through the implementation of incentives related to school attendance in the context of social policies;
 - d) Upholding children's rights to protection and their access to services by establishing child friendly, accessible and effective counselling, complaint and reporting mechanisms;
 - e) Supporting and assisting families' and caregivers capacities, including with regard to child development, to enable them to provide children with care in a safe environment;

4. *Further urges* States:

- a) To adopt, strengthen and implement legislative and other measures, cross-sectoral strategies and plans of action to eliminate, as a matter of priority, all forms of violence and discrimination against children working and/or living on the street and to end impunity of all perpetrators of these violations and the criminalisation of children living and/or working on the street;
- b) To prosecute and provide effective, proportionate and dissuasive sanctions for sale, trafficking and all forms of exploitation of children working and/or living on the street, and to ensure protection, assistance and support to child victims of these practices;
- c) To ensure, in accordance with their legal systems, that laws on survival behaviours, such as begging, loitering, vagrancy, truancy, running away and other acts constitute no obstacle to effective assistance, support and protection of children working and/or living on the street;
- d) To ensure that children working and/or living on the street who are involved in judicial proceedings have effective access to child friendly justice systems and, where they are party to proceedings, to legal representation, and are enabled to actively participate in the proceedings and are informed about their rights in a way understandable to them;
- e) To ensure that all interventions directed at children working and/or living on the street take into account the best interests and the views of the child in question, in accordance with their age and maturity, and are undertaken by adequately trained professionals, in order to prevent further victimisation;

5. *Encourages* States to take measures to address stigmatisation and discrimination of children working and/or living on the street, including through awareness raising campaigns and sensitisation to the situation of these children;

6. *Calls upon* States to ensure that children working and/or living on the street enjoy fully and equally all human rights and that they have access without discrimination to health care, education, safe drinking water and sanitation, social and other basic services;

7. *Also calls upon* States to address the vulnerabilities of children working and/or living on the street to multiple health risks, including HIV infection, through social protection and primary health care services that would build relationships of trust with these children and ensure their access to information on risky behaviours, counselling and testing and adequate protection against health risks, including HIV;

8. *Calls on* States to ensure appropriate care and protection of children that work and/or live on the street without any parental contact or supervision, including through measures to support their sustainable reintegration within their family and, when family reintegration is not possible or appropriate, a case by case approach to provide an alternative care that is appropriate and in the best interest of the child;

9. *Encourages* States to develop, strengthen and implement, as appropriate, national systems for collecting, monitoring and evaluating disaggregated national data on child rights protection, including in relation to children working and/or living on the street;

10. *Calls upon* all States to strengthen international commitment, cooperation and mutual assistance in preventing and protecting children working and/or living on the street, including against all forms of violence and in improving their situation, including through sharing good practices, research, policies, monitoring and capacity building;
11. *Encourages* States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to take into account this issue and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of children living and/or working on the street, in accordance with article 45 of the Convention;
12. *Urges* States to protect children affected by armed conflict, including internally displaced children, and create conditions for a durable solution to their displacement while taking into account the best interest of a child in order to prevent these children from working and/or living on the street;
13. *Calls upon* all States, *requests* relevant United Nations bodies and agencies and *invites* regional organizations, the private sector, employers' and workers' organizations, civil society organizations, including child led organizations and any other actors, to accelerate action against child labour, especially its worst forms, in line with international obligations and declared commitments;
14. *Calls upon* all States and *invites* United Nations entities and agencies, regional organizations and civil society, including non-governmental organizations, to cooperate with the Special Representative of the Secretary-General on Violence against Children in promoting further implementation of the recommendations of the United Nations study on violence against children and *encourages* States to provide support, including financial support, for the effective and independent performance of her mandate, as set out in resolution A/RES/62/141, while promoting and ensuring country ownership and national plans and programmes in this regard, and *calls upon* States and institutions concerned, and *invites* the private sector, to provide voluntary contributions for that purpose;
15. *Urges* all States that have not yet become States parties to the Convention on the Rights of the Child and the Optional Protocols thereto to do so as a matter of priority;
16. *Urges* all States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto;
17. *Also urges* all States that have not yet ratified both the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 182) and the ILO Convention concerning Minimum Age for Admission to Employment, 1973 (No.138) to consider doing so as a matter of priority;
18. *Requests* the United Nations High Commissioner for Human Rights to prepare a summary of the full day meeting on the rights of the child, as a follow up to paragraph 7 of the Council resolution 7/29 of 28 March 2008 before the 17th Session of the Human Rights Council;
19. *Invites* the Office of the United Nations High Commissioner for Human Rights to conduct a study on challenges, lessons learnt and best practices in a holistic, child rights

and gender-based approach to protect and promote the rights of children working and/or living on the street, including practices in the collection of disaggregated data and experiences on access to child friendly counselling, complaint and reporting mechanisms to protect the rights of children living and/or working on the streets in close collaboration with relevant stakeholders, including States, UNICEF and other United Nations bodies and agencies, the Special Representative of the Secretary-General on Violence against children, the Special Representative of the Secretary-General for children and armed conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and other relevant special procedures mandate holders, regional organisations, civil society, national human rights institutions and children themselves and to present it to the March 2012 session of the Human Rights Council;

20. *Decides* to continue its consideration of the question of the rights of the child in accordance with its programme of work and its resolution 7/29, and to focus its next full-day meeting on children and the administration of justice;
21. *Welcomes* the work and contributions of the Special Rapporteur on the sale of children, child prostitution and child pornography, and *decides* to extend for a period of three years the mandate of the Special Rapporteur, in accordance with the Human Rights Council resolution 7/13 of 27 March 2008.