

## HRC38 Side Event: “Girls With No Name: The Price of being Girls on the Street: Best practices for the Reintegration of Girls in Street Situations”

22 June 2018, 13.30-15.00, Palais des Nations, Room XXIII

– TALKING POINTS –

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- Thank you to the Istituto Internazionale Maria Ausiliatrice and all of the sponsors for organizing this important event to discuss the situation of a population of rights-holders who are too often ignored or forgotten, and an especial thanks to the young women who have come here today to share their experiences with us.
- I am very pleased to have the chance to be here today representing the **Special Procedures Branch of the United Nations Office of the High Commissioner for Human Rights (OHCHR)**. I must admit that Special Procedures mandate holders could be doing more to call attention to the particular risks faced by girls in street situations, but still, several have offered recommendations that may be useful for fulfilling the human rights of these girls or ensuring their effective reintegration.<sup>1</sup>
- Worldwide, women and girls are more likely to live in extreme poverty, and thus are more likely to experience homelessness or life on the street. Austerity measures and cuts to social services around the world are likely to aggravate these problems.
- The Committee for the Convention on the Elimination of Discrimination Against Women (CEDAW) has observed that ethnic minority women, elderly, disabled and migrant women, women in prisons and women and girls on the street are particularly vulnerable to disadvantage and discrimination (CEDAW Committee, Concluding Observations: Turkey; CEDAW Committee, Concluding Observations: Canada; CEDAW Committee, Concluding Observations: Kenya).<sup>2</sup>
- Girls are also particularly vulnerable to domestic violence and abuse, which may drive them out of their homes and onto the street.
- Inequalities in property and inheritance laws in many countries also play a role in increasing housing vulnerability for women and girls.

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<sup>1</sup> The Committee on the Rights of the Child, the body of experts in charge of monitoring the implementation of the Convention, regularly raises the issue of children in street situations in its dialogue with State parties, and refers specifically to their situation in several of its general comments, in particular No. 13 (2011) on the right of the child to freedom from all forms of violence, No. 12 (2009) on the right of the child to be heard and No. 10 (2007) on children’s rights in juvenile justice. Other treaty bodies have also referred to the situation of children, both boys and girls, living and working in the street, and have made recommendations in this regard. See <https://www.ohchr.org/Documents/Issues/Children/Study/OHCHRBrochureStreetChildren.pdf>

<sup>2</sup> <http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.15%20Khattab.pdf>

- Further, girls who come from marginalized groups and face multiple and intersecting forms of discrimination may be particularly likely to end up in street situations, and to lack access to the services that would get them off of the street.
- As highlighted in the **report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street**<sup>3</sup>, a related challenge in the street is managing relationships – whether abusive, exploitative and/ or supportive – with family and friends, government officials, including the police, NGO workers, the local business community, employers, gang leaders and members, and the public. Children’s relationships can help them survive on the streets and/or perpetuate conditions of violent abuse of their rights. The nature and intensity of on-street relationships are mediated in part by the socio-cultural context, and in part by characteristics such as gender and age (for example, younger children and girls may need to adopt submissive roles in gangs to obtain some degree of protection).<sup>4</sup>
- Street-involved girls in many countries are particularly stigmatized. A street-living girl is popularly viewed as a shameful, fallen woman, and is seldom accepted back into the family. In some contexts, life is so difficult for girls on the streets that they are barely visible, coming out onto the streets only at night. Some girls disguise themselves as boys to avoid trouble. Often, work on the streets is separated into occupations reserved for boys and those undertaken by girls. Many girls are forced to engage in commercial sex work for their survival. Due to their stigmatization, the future for street involved girls is very bleak. In many cultures families will not accept them back, and the prospects of marriage are not good. Girls experience high levels of violence

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<sup>3</sup> Report of the United Nations High Commissioner for Human Rights on the protection and promotion of the rights of children working and/or living on the street (A/HRC/19/35); Publication on the protection and promotion of the rights of children working and/or living on the street <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/100/74/PDF/G1210074.pdf?OpenElement>. In its resolution 16/12 adopted on 24 March 2011 the Human Rights Council invites the OHCHR to conduct a study on challenges, lessons learnt and best practices in a holistic, child rights and gender-based 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. The resolution requests that the study be conducted 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 organizations, civil society, national human rights institutions and children themselves and to present it to the March 2012 session of the Human Rights Council. See also [Follow up meeting in Singapore: Promoting and protecting the rights of children working and/or living on the street: An inclusive roundtable discussion in South East Asia: Human Rights Council resolution 16/12 - Rights of the child: a holistic approach to the protection and promotion of the rights of children working and/or living on the street; Summary of the full-day meeting on the rights of the child: Report of the United Nations High Commissioner for Human Rights \(A/HRC/17/46 of 12 May 2011\)](#)

<sup>4</sup> Para 23, A/HRC/19/35

on the streets, including verbal abuse and physical and sexual assaults by other street involved children and youth, the public, the police and their customers. Due to high levels of violent and unprotected sex, unwanted pregnancies are common. Girls find it difficult to get the reproductive health care they need, and many are obliged to give birth and raise babies on the streets.<sup>5</sup>

- According to a **2011 UNICEF report on HIV among adolescents in Ukraine**, children working and/or living on the streets were found to be disproportionately vulnerable to HIV due to several behavioral factors: 22 per cent had experience injecting drugs; 65 per cent of girls provided commercial sex services or “sex for reward”; 7 per cent of boys reported having had sex with men; and only 13 per cent always used condoms with casual sexual partners.<sup>6</sup>
- The links between child domestic work and street involvement are being increasingly recognized. Girls who have migrated or been trafficked into domestic work are often dismissed when they reach puberty, or run away due to bad treatment. If they have lost their links with their families they may be forced into life on the streets. Of a group of adolescent commercial sex workers in Ethiopia, around 50% were found to have previously worked as domestic servants.<sup>7</sup>
- Within the context of her country visits experience, in her 2008 **report on the official visit to Ghana, the Special Rapporteur on violence against women, its causes and consequences**, Yakin Ertürk, had the opportunity to analyse the issue of *Kayaye* street girls in the country. She noted that they migrated on their own from impoverished areas in the north to the big urban centres in the south, where they work in the markets and streets as head load carriers (*kayaye*), informal petty traders or in other menial jobs. Most of the girls were only 10-14 years old when they first migrate and some are even younger. The girls, an estimated 90 per cent of whom are illiterate, typically migrate to escape extreme poverty and a lack of opportunities. Many girls also see the *kayaye* experience as an opportunity to acquire the items they will need in order to get married later on in life. Within the report the Rapporteur highlighted that family problems, including exploitation and abuse, are often additional factors pushing girls to leave their homes. In accordance with local culture, some children are sent to live with paternal or maternal relatives, who were traditionally meant to foster family solidarity and kinship ties. However, with the erosion of social convention, today these children are often exploited and abused by their relatives. The girls seem mostly to migrate on their own, encouraged by their peers and often with the knowledge of their family. Some reports indicate that organized networks increasingly approach

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<sup>5</sup> “Still in the streets-still shorts of rights” report P, 17, para 3.6 on the particular situation of girls in the streets [https://www.ohchr.org/Documents/Issues/Children/Study/survey\\_report\\_2011\\_web2.pdf](https://www.ohchr.org/Documents/Issues/Children/Study/survey_report_2011_web2.pdf).

<sup>6</sup> Para 24, A/HRC/19/35

<sup>7</sup> “Still in the streets-still shorts of rights report” Page 13, para 2.8

impoverished families to recruit girls. Once they arrive in the urban centres, the *kayaye* work and live under dangerous and miserable conditions. They usually live on the streets, having to pay owners of wooden market stalls for a place with a roof to spend the night. Being vulnerable to exploitation and abuse, they often have to seek the “protection” of older street boys in exchange for sex. As a result many end up getting pregnant outside marriage and are often ostracized when they return to the north as single mothers. Some girls occasionally prostitute themselves to add to their earnings, which increases the prejudices they encounter once they return home. Some girls abandon *kayaye* work altogether and are fully drawn into Ghana’s growing child prostitution sector, which increasingly also seems to cater to foreign child sex tourists. Girls have reportedly also been trafficked and subjected to commercial sexual exploitation in other West African countries and Western Europe.<sup>8</sup> Similar consideration have been highlighted in her country visit report to Tajikistan (A/HRC/11/6/Add.2).<sup>9</sup>

- As reiterated by **Special Rapporteurs on the sale of children and trafficking**, situations of humanitarian crisis aggravate vulnerabilities of children, rendering them more likely to end up on the street, be trafficked, or find themselves in situations of sexual or other exploitation.
- Further, crisis situations lead to increased impunity, making it less likely that those who seek to exploit children on the street will be able to escape detection or prosecution.
- Once in street situations, girls may face a number of human rights abuses. They may lack access to adequate water and sanitation facilities, which negatively impacts their health and puts them at greater risk of experiencing sexual violence.
- They are also particularly vulnerable to trafficking and exploitation, as well as threats to their health and life.
- And children in street situations are more likely to face criminalization and deprivation of their liberty through institutionalization.
- In this regard I would like to emphasize the importance of the ongoing **Global Study on Children Deprived of Liberty**, coordinated by OHCHR, which represents an important opportunity to get a picture of which children end up in situations of incarceration and institutionalization, and how. I would also note that within the Special Procedures, the Working Group on discrimination against women will be reporting next year on women and girls deprived of liberty, and will look at the root causes of this deprivation including drug use, criminalization of poverty and homelessness, and criminalization of sex work.
- **Turning now to some solutions and good practices:**

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<sup>8</sup> A/HRC/7/6/Add.3, [https://digitallibrary.un.org/record/621273/files/A\\_HRC\\_7\\_6\\_Add-3-EN.pdf](https://digitallibrary.un.org/record/621273/files/A_HRC_7_6_Add-3-EN.pdf)

<sup>9</sup> [http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.Add.2\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.6.Add.2_en.pdf)

- In her Report on the protection and promotion of the rights of children working and/or living on the street, **the United Nations High Commissioner for Human Rights, recommended States**,<sup>10</sup> as a matter of priority, to:
- Ensure to ratify the Convention on the Rights of the Child. States that have not yet done so should, as a matter of priority, ratify the Convention and its optional protocols. They should also ratify ILO's Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and Convention No. 138 (1973) concerning Minimum Age for Admission to Employment.
- Develop comprehensive Child Protection Systems, comprising relevant laws, policies, regulations and services across all social sectors, especially social welfare, education, health, security and justice, as an overarching strategy to safeguard all children, and which promotes a holistic, rights-based approach.
- Provide specialized support for children in street situations. To this end, States should promote and support child-centred, tailor-made interventions for children whose connections to family, community and wider society have been weakened and who have developed their own street-based coping mechanisms. In line with a rights-based, holistic approach, specialized interventions should help children to reconnect with family, local community services and wider society. This does not imply that the child should renounce his or her street connections, but rather, such intervention should guarantee that his or her rights are fulfilled.
- Seek to ensure the prevention and prohibition of all forms of violence against children in street situations, and in this regard, implement the recommendations of international mechanisms, including the Secretary-General's Study on Violence against Children, the Special Representative of the Secretary-General on violence against children and the Committee on the Rights of the Child.
- Develop systemic mechanisms to collect data and share information about children in street situations. States should aim to develop a comprehensive and coordinated system of data collection about children, with disaggregated data so as to be able to identify discrimination and/or disparities in the realization of rights, as recommended by the Committee on the Rights of the Child. Such system should enable the identification of children in street situations by circumstances, connections, characteristics and experiences, in order to design strategies, policies and programmes, detect obstacles to and recognize progress in their implementation, through gathering evidence. This means collecting qualitative as well as quantitative data, and ensuring that children, as experts on their own lives, participate in information gathering, analysis and dissemination of research.

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<sup>10</sup> For the full list of recommendations see A/HRC/19/35, p. 14-18

- In her **report on women and the right to housing**, the **Special Rapporteur on the right to housing** identified three key priorities for securing this right for women and girls: public awareness and attention raising, adequate legal frameworks and protection, and adequate allocation of resources to necessary services. All of these elements are key in order to ensure the adequate human rights protection of girls in street situations.
- In her **report on a human rights-based approach to integrated services and protection measures on violence against women with a focus on shelters and protection orders**, the **Special Rapporteur on violence against women** emphasized requirements in the international and regional human rights framework that States provide adequate shelter to women and girls who have experienced gender-based violence.<sup>11</sup>
- In particular, the Special Rapporteur recommended that shelters be secure, confidential, that there be an adequate number of them throughout the State, that they be adequately funded, and that they provide integrated support services to women and girls to enable them to women live independently in long-term, sustainable, adequate housing and to guarantee their rehabilitation and empowerment.
- In the specific context of children who have experienced the sale of children or sexual exploitation, the **Special Rapporteur on the Sale of Children**, has emphasized that children who have been subject to sale or sexual exploitation should not be criminalized, and commended States that take an integrated support approach to identification of children in such situations.
- In their joint report regarding situations of humanitarian crisis referenced above, the **Special Rapporteurs on trafficking and sale of children** also emphasized the need for proactive protection measures based on the best interests of the child, and gender- and child-sensitive protection and assistance services, as well as the provision of necessary health and psychosocial services.
- Above all, however, it is important to recognize that girls on the street, despite living in situations of vulnerability, are not mere victims, but are also rights holders and potential agents of change. Their autonomy and free will must be respected in all situations and they must be able to participate fully in all efforts to create reintegration programmes or provide protective services. This is why I am very glad that some of these girls' voices were incorporated in today's programme, and I encourage us to continue to listen to them.

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<sup>11</sup> A/HRC/35/30, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/162/08/PDF/G1716208.pdf?OpenElement>