

**Street children and violence in juvenile justice systems
Submission to the NGO Council on Violence Against Children – April 2013**

Introduction

The Consortium for Street Children (CSC)¹ is the leading international network dedicated to realising the rights of street children. We are committed to creating a better and sustainable future for some of the most disadvantaged and stigmatised children by working together to inform and inspire research and action that influences policy and best practice worldwide.

Street children

Definition of street children

There are various definitions of street children. The label, street child, is increasingly recognised by sociologists and anthropologists to be a socially constructed category that in reality does not form a clearly defined, homogeneous population or phenomenon. Research and practice have surfaced an enormous variation in children's experiences and considerable overlap between different groups: for example some children live on the streets all the time, others only occasionally or seasonally, while others move between home, the street and welfare shelters. Some retain strong links with their families; others have broken or lost all contact. 'Runaways' in rich countries, such as the UK and USA, include children sometimes described as 'detached' who in poorer countries would be considered street children. A recent definition to encompass the variety of experiences children have with the street focuses on the connections children make to the street and relationships formed there: a street-connected child is a child for whom the street is a central reference point – one which plays a significant role in his/her everyday life and identity.²

Numbers of street children

Estimating numbers of street children is fraught with difficulties. In 1989, UNICEF estimated 100 million children were growing up on urban streets around the world. Fourteen years later UNICEF reported: 'The latest estimates put the numbers of these children as high as 100 million'. Even more recently: 'The exact number of street children is impossible to quantify, but the figure almost certainly runs into tens of millions across the world. It is likely that the numbers are increasing'. The UN Office of the High Commissioner for Human Rights' (OHCHR) study on *The protection and promotion of the rights of children working and/or living on the street*³ highlights the difficulties in determining numbers of street children and advocates for greater combined efforts to collect data of street children.

¹ For more information on CSC, please visit, www.streetchildren.org.uk. We currently have around 80 members operating in over 130 countries.

² This definition is drawn from Sarah Thomas de Benitez's Global Research Paper on street children which informed the UN OHCHR study on *The protection and promotion of the rights of children working and/or living on the street*, available here: http://www.streetchildren.org.uk/uploads/publications/OHCHR_Brochure_Street_Children_low.pdf

³ CSC was appointed as lead consultant for the study, the final report of which can be accessed here: <http://www.ohchr.org/EN/Issues/Children/Study/Pages/childrenonthestreet.aspx>

Street children, violence and juvenile justice systems

One of the biggest challenges that street children face is persistent exposure to and direct experiences of violence, be it physical, sexual and/or psychological in nature. Indeed, a 'push' factor causing children to connect with the street is home-based violence. Whilst on the street, children experience violence in their communities, including from state authorities, most notably the police.

Status Offences

The violence that street children experience often stems from negative perceptions of street children as 'delinquents'. Street children are frequently labelled in pejorative terms; in Egypt street children are called 'sewas' which is the word for a small insect that destroys crops and in Rwanda, the label 'mayibobos' implies 'filth', 'criminality' and 'aggressive behaviour'.⁴ These labels exemplify the negative connotations associated with street children. Children perceived as delinquents are more likely to be feared, excluded and subjected to random and state-led violence and hence are more likely to end up in the juvenile justice system.⁵ These negative perceptions exacerbate the stigmatisation and discrimination that street children face and induce police action to 'remove' children from the street.

This desire to 'remove' children from the street implies that they are criminalised for 'being' street children; and their behaviour is commonly associated with criminality, despite it often reflecting a survival tactic. For example, begging and prostitution are ways in which street children earn money to survive and yet in the juvenile justice system they are treated as crimes needing penal prosecution. It is not only actions by street children that are criminalised, but street children's transient lifestyle itself; their vagrancy and loitering is a frequent cause of arrest. For example, in Tanzania the Townships (Removal of Undesirable Persons) Ordinance 1944 legitimised such removal.⁶ As such, street children are particularly at risk of coming into contact with the law.

Police Violence

Much of the violence that street children experience in the street stems from the police. Street children commonly report round-ups, extortion, threats, beatings, rape and even murder at the hands of police brutality.⁷ Despite this widespread abuse, police violence against street children is rarely investigated and impunity is commonplace.

Across the world, street children face forcible round-ups whereby they are 'picked-up' from the street, taken into police custody and either 'dropped-off' outside the city or placed into a remand centre. Physical violence permeates throughout the round-up process – from when the children are removed from the street and throughout their incarceration in prison. This practice has been criticised internationally; for instance,

⁴ Sarah Thomas de Benitez, *State of the World's Street Children: Violence*, CSC: London (2007), p.38, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/state-of-the-world-violence.pdf>

⁵ Wernham, (2006) in Sarah Thomas de Benitez, (2012) *Research Paper on the Promotion and Protection of the Rights of Children Working and/or Living on the Streets*, p.16, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/GlobalResearchPaperbySarahThomasdeBenitez.pdf>

⁶ Arusha Caucus for Children's Rights, (2005) *Police round-ups of street children in Arusha are unjust, inhumane and unconstitutional*, p.1, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/police-roundups-arusha.pdf>

⁷ Sarah Thomas de Benitez, *State of the World's Street Children: Violence*, CSC: London (2007), p.31, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/state-of-the-world-violence.pdf>

the UN Committee on the Rights of the Child has expressed concern at ‘street cleaning’ campaigns conducted by the police in Cambodia in 2008.⁸

Round-ups often occur in the lead up to big, international events where a spotlight is placed on one country. For instance, ahead of the FIFA World Cup in 2010, street children in South Africa were repeatedly subjected to round-ups.⁹ Similarly, there is concern at the Brazilian government’s preparations for the World Cup in 2014 and Olympic Games in 2016. Brazil has initiated an ‘Order Shock’ operation that targets the street population; people, including children, living on the street have been evicted from the places where they sleep and their belongings have been confiscated.¹⁰

This concept of removing street children from the street extends to extrajudicial killings of street children. The most famous instance is of the Candelaria Massacre in Brazil in 1993 – six children were shot dead by police, some of these children were sleeping on the steps of the Candelaria Church. A member of the Military Police was convicted for his part in this massacre. In 2001, the Inter-American Court on Human Rights ordered that the State of Guatemala pay compensation to the families of five street children who were tortured and killed by policemen in 1990.¹¹ There have not been any convictions for police brutality against street children since then. Unfortunately, such killings are widespread; instances are known from countries as diverse as Colombia, India and the Philippines.

Once arrested, street children are subject to violent experiences in prison – including beatings, rape and torture. In Burundi, a street boy aged 14 had a Kalashnikov brandished at him and was threatened to be killed unless he admitted to a theft. At one point, officers put a tire around his neck and threatened to set it alight.¹²

Street children experience a heightened vulnerability in prison; they do not have the same support structures outside of detention that other children might, predominantly found through adult protection. For instance, in Honduras children have not been entitled to call an NGO for support as other children would call a family member.¹³ As such, street children have limited recourse to legal representation and support once in prison and this increases their vulnerability to violence.

What can be done?

Much of the violence that street children face in juvenile justice systems is based on negative perceptions of them. Therefore, training for police and other law enforcement officials that focuses on an increased understanding of street children – their lives and reasons for being on the street – is imperative. Indeed, a recommendation from the UN OHCHR report on street children is that States should ensure ‘full training on

⁸ UN Committee on the Rights of the Child, 57th Session, CRC/C/KHM/CO/2, available here:

<http://www2.ohchr.org/english/bodies/crc/crcs57.htm>

⁹ For more information, please visit: <http://www.umthombo.org/website/about/a-voice-from-the-streets/>

¹⁰ Dossiê da Articulação Nacional dos Comitês Populares da Copa. Megaeventos e Violações de Direitos Humanos no Brasil, available here: http://comitepopulario.files.wordpress.com/2011/12/dossie_violacoes_copa_completo.pdf

¹¹ Sarah Thomas de Benitez, *State of the World’s Street Children: Violence*, CSC: London (2007), p.31, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/state-of-the-world-violence.pdf>

¹² Amnesty International, *Burundi: Poverty, isolation and ill-treatment. Juvenile justice in Burundi (2002)*, p.27, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/juvenile-justice-burundi.pdf>

¹³ Rachael Harvey, *From Paper to Practice: An Analysis of the Juvenile Justice System in Honduras*, (2005), p.26, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/analysis-of-juvenile-justice-honduras.pdf>

*non-violent engagement and respect for the right of children in street situations to freedom from violence for, inter alia, law enforcement officers; judges and all staff in the justice and penal systems’.*¹⁴

In Ethiopia, CSC partnered with Ethiopia’s Police University College and UNICEF to conduct training of police officers on child rights and child protection. This training has since been delivered to 36,000 police officers throughout the country.¹⁵ In Kazakhstan, the Kazakhstan International Bureau for Human Rights and Rule of Law has developed ‘street law’ guidance for police that explains both the basic rights of suspects and the potential psychological impact of police interaction with street children.¹⁶

The UN Committee on the Rights of the Child has called for such interventions by States. In 2000, the UN Committee on the Rights of the Child’s annual discussion day was on State violence against children. Recommendations from the discussion emphasised the need for review of national legislation to ensure that children, who are in need of protection, are not considered offenders (including legislation dealing with abandonment, vagrancy, prostitution, migrant status, ‘truancy’ and runaways) but are dealt with under child protection mechanisms. This should also apply to emergency and/or security legislation to ensure that it is not used inappropriately to target children; for example, as threats to public order or in response to children living and/or working on the streets.¹⁷

The police can (and sometimes do) play a positive role in supporting street children. They are a primary point of contact and support for them where other adults are not. However, street children have reported that ‘they [do] not trust the police’.¹⁸ Thus, guidance on ways to interact with street children that is in their best interests is very important to counter the high levels of violence they currently experience within juvenile justice systems.

CSC has developed a police training manual and in the forthcoming year is developing a violence toolkit that will bring together good practice of working with street children affected by violence. Both resources are/will be freely available on www.streetchildrenresources.org.

For more information on the content of this submission please contact Natalie Turgut, Advocacy Officer at the Consortium for Street Children: Natalie@streetchildren.org.uk

¹⁴ UN OHCHR study on *The protection and promotion of the rights of children working and/or living on the street*, paragraph 72(a), available here:

http://www.streetchildren.org.uk/uploads/publications/OHCHR_Brochure_Street_Children_low.pdf

¹⁵ Sarah Thomas de Benitez, *Research Paper on the Promotion and Protection of the Rights of Children Working and/or Living on the Streets*, (2012) p.38, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/GlobalResearchPaperbySarahThomasdeBenitez.pdf>

¹⁶ Danish Centre for Human Rights and UNICEF, *Assessment 2000: Juvenile Justice in Kazakhstan*, (2001) p.54, available here: <http://www.streetchildrenresources.org/wp-content/uploads/2013/02/juvenile-justice-kazakhstan.pdf>

¹⁷ For more information on the UN Committee on the Rights of the Child’s discussion day on State violence against children go to: <http://www2.ohchr.org/english/bodies/crc/discussion.htm>

¹⁸ Louise Meincke, *Children’s Voices Paper: Nothing about us, without us*, part of the UN OHCHR study on *The protection and promotion of the rights of children working and/or living on the street*, p.31, available here: http://www.streetchildren.org.uk/uploads/publications/OHCHR_Brochure_Street_Children_low.pdf