

The Impact of COVID-19 on Children in Street Situations

Submission
to the
African Committee of Experts on the Rights and Welfare of the Child

Submitted on 10th November 2020 by the
Consortium for Street Children

in cooperation with CSC Network Members operating in Africa, including:



List of Abbreviations

ACERWC - African Committee of Experts on the Rights and Welfare of the Child

ACHPR - African Charter on Human and Peoples' Rights or African Commission on Human and Peoples' Rights

ACRWC - African Charter on the Rights and Welfare of the Child

AU - African Union

CESCR - International Covenant on Economic, Social and Cultural Rights

CRC - United Nations Convention on the Rights of the Child

CSC - Consortium for Street Children

CSO - Civil Society Organisation

ICCPR - International Covenant on Civil and Political Rights

NGO - Non-governmental Organisation

About the Consortium for Street Children

The Consortium for Street Children (CSC or 'The Consortium') is a non-governmental organisation based in London, United Kingdom with a network of 175+ members organisations across 150+ countries working to defend the rights of street-connected children worldwide. Over 60 of our member organisations operate in Africa.

The Consortium cooperated with the United Nations Committee on the Rights of the Child to develop General Comment No. 21 (2017) on Children in Street Situations. Directly shaped by international consultations with over 1,000 street children from Africa, Central and South America, Asia and Europe, this document helps us in our work supporting our network members in demanding that governments protect the rights of street-connected children. We work on the implementation of the General Comment No. 21 through research, advocacy and projects in different countries.

For more information, please visit www.streetchildren.org.

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Executive Summary

In light of article 42 (a) (iii) of the African Charter on the Rights and Welfare of the Child ('the Charter' or 'the ACRWC') regarding cooperation between the African Committee of Experts on the Rights and Welfare of the Child ('the Committee' or 'the ACERWC') and organisations concerned with the promotion and protection of the rights and welfare of the child, the Consortium for Street Children respectfully submits this report to the Committee as a means of sharing important information about the rights of street-connected children at the present time,

This submission assesses the situation of street-connected children on the African continent during the COVID-19 emergency against the minimum standards set by the African Charter on the Rights and Welfare of the Child. In view of the complementarity of the ACRWC with the UN Convention on the Rights of the Child ('the CRC'), it also uses the CRC and the UN CRC General Comment No. 21 on children in street situations as a benchmark.

This submission is based on evidence from network organisations working with street-connected children based in Africa gathered by CSC between March and August 2020. In March 2020, CSC developed and shared a questionnaire with its member organisations to facilitate information-sharing across the network on the pandemic emergency and State responses to it, collecting information from over 22 organisations in total, of which 9 were based in Africa. Between April and May 2020, CSC organised calls with regional network members to encourage the continuation of information sharing during the pandemic, including with members in West Africa and Eastern, Central and Southern Africa. Additional information was received between March and August 2020 via email and telephone. In June 2020, CSC compiled this information into a report submitted to the UN Committee on the Rights of the Child.

Building upon the evidence provided by Africa-based members, CSC then circulated a draft report specifically regarding the situation on the African continent and invited members to participate in the drafting of this submission. Over 9 organisations joined the initiative. The reporting process involved the direct participation of children in the care of network members. For this reason, some organisations have preferred to remain anonymous for safeguarding and protection concerns.

Sections 1 to 6 of this submission review the status of rights violations experienced by street-connected children, Section 7 looks at the extent to which there has been cooperation by States Parties with non-governmental actors, how services designed to support street-connected children have been affected by the present emergency, and the responses that organisations are taking to mitigate these effects. Each section concludes with the main recommendations we urge the Committee to make to States Parties to the ACERWC in order to protect the rights of street-connected children during this pandemic and beyond.

In its Guiding Note on Children's Rights dated 8th April 2020, the African Committee of Experts on the Rights and Welfare of the Child expressed its concern for the rights and welfare of children in Africa during the COVID-19 emergency, and called upon Member States of the African Union to tailor their responses to the specific needs of vulnerable groups of children, including street-

connected children.¹ The present submission indicates that, in practice, street children, already vulnerable before the onset of the pandemic, have largely been forgotten in emergency preparedness and response to the pandemic and as a result, have faced devastating direct and indirect consequences.

The Consortium would like to bring the following key learnings and recommendations to the Committee's attention:

- 1. Non-discrimination** - The pandemic has generated an increase in discrimination against street-connected children, having reinforced the social misconception that these children are a risk to the community due to their mobile lifestyle. It is imperative that governments **end and prohibit any form of discrimination against street children** resulting from the adoption and enforcement of COVID-19 related responses and instead **promote equal access of street children to essential services** (see Section 1.1).
- 2. Best interests of the child** – The best interests of street-connected children have largely been overlooked by local and national governments across the African continent in their response to the pandemic, with a few welcome exceptions. Governments should **ensure that the best interests of street-connected children are the primary consideration** in policy planning for the duration of the emergency and recovery stage, also allowing the participation of street children in decision-making that affects them (see Section 1.2).
- 3. Survival and development of the child** - The economic and social disruption caused by the pandemic, especially in terms of financial and food security, has endangered the life of street-connected children, raising serious concerns for their survival. Governments should take all appropriate steps **to minimise the impact of the pandemic on the survival and development of street children** (see Section 1.3).
- 4. Legal identity and nationality** - Although many governments have put in place measures to provide emergency relief to groups most at risk, in many cases access to such resources has depended on requirements such as registration with government schemes, proof of address, or identity documentation, which most street-connected children have not been able to provide. Governments should **immediately remove all requirements to prove identity**, have a permanent address or registration with public services, **that prevent street children from accessing essential services** (see Section 2.1).
- 5. Information** - Due to public health restrictions, many organisations have had to stop their outreach activities with street-connected children including awareness-raising campaigns about the health situation and measures. This has prevented street-connected children from accessing vital information about health education. Governments should always **provide street-connected children with accurate, accessible and adequate information and health education** that is appropriate to the age, language and educational background of every child (see Sections 2.2 and 3).
- 6. Association and peaceful assembly** – Due to their special relationship with the street, street-connected children have been disproportionately affected by lockdown, curfew and self-isolation orders. Instead of receiving support and protection from governments

¹ African Committee of Experts on the Rights and Welfare of the Child, Guiding Note on Children's Rights during COVID-19, Published on 8th April 2020, Recommendation VI. Available at: <https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covid-19/>, recommendation vi.

through the provision of safe spaces in which to isolate, children have often been unjustly criminalised for breaking the lockdown, curfews and other measures. Governments should **immediately lift and prohibit any restrictions to street children's freedom of association and peaceful assembly** that are unlawful and/or unnecessary, discriminatory, or disproportionate (see Section 2.3).

7. **Torture and abuse of children** - Violence against street-connected children has increased over the pandemic, with some serious cases involving incidents of sexual and physical abuse, in some cases perpetrated by law enforcement officials. It is imperative that governments **end and prohibit the abuse and torture of street children**, especially resulting from punishment for violating emergency laws. **Perpetrators must be held to account** (see Section 4).
8. **Health** - Despite being at risk of contracting the virus and other serious illnesses due to their poor living conditions and already compromised immune systems, most street-connected children continue to be deprived of access to healthcare due to lack of capacity in the national systems. Another key concern relates to the impact of the pandemic on street-connected children's mental health, with a potential risk of more children turning to substance use to cope with stress and anxiety. Ensure that street children and their families have **access to all necessary medical assistance, including essential medicines, hospital care, and available vaccination programmes and psychological support** (see Section 5.1.1).
9. **Water and Sanitation** - Access to water and sanitation has been a crucial issue for street-connected children, mostly because of the lack of public planning to aid such vulnerable populations during the emergency; some network members have reported cases in which children were deliberately denied access to sanitation facilities by community members due to social stigma. It is important to remind States to **promote equal access to safe drinking water and sanitation** services for street children, ensuring that this is available and accessible to every child in order to help prevent disease (see Section 5.1.2).
10. **Food and Nutrition** - There has been an increase in street-connected children experiencing hunger and malnutrition, mainly due to the loss of income from informal and occasional work, but also due to the closure of schools, drop-in centres and residential institutions which previously provided free meals. The situation has been exacerbated by the unequal distribution of State emergency relief packages, which in many cases remains out of reach of unregistered/undocumented populations. Governments should prioritise, in their emergency policies, food and economic interventions to **relieve street children from hunger and realise their right to adequate nutrition** (see Section 5.2.1).
11. **Housing** – Many organisations have struggled to secure a safe space for children to self-isolate over the pandemic due to the high mobility of the children and the limited capacity of drop-in centres and shelters, aggravated by some cases of discrimination within the community against homeless children for fear of infection. While in some isolated cases governments have intervened to provide safe accommodations to street-connected children, these initiatives have been limited in scale and duration due to the lack of resources. It is important to ensure that governments take urgent action to **stop forced evictions of poor households and provide safe spaces for street children** with access to water and sanitation facilities to realise the right to adequate housing (see Section 5.2.2).

- 12. Family environment and care** – Despite the increase in demand for care and assistance, many children without a family environment have been left unattended because of the cessation of outreach services resulting from the lockdown and the limited capacity for drop-in centres and shelters to admit new children due to the enforcement of social distancing. Family reunification operations have also completely halted in many settings due to restrictions on travelling. Governments should take into account the essential role played by civil societies in the provision of care for children deprived of a family environment and cooperate with civil society organisations **to support street children who are deprived of a family environment to reunite with their family or voluntarily reintegrate with foster families** (see Section 6).
- 13. Cooperation with civil society organisations and other non-State actors** – While some organisations report that cooperation with local authorities has been crucial to secure safe spaces for street-connected children during the pandemic, most organisations have received little or no support from local and national governments to ensure the continuation of outreach activities with children, provide safe housing solutions and facilitate family reunification processes during the lockdown. **Empower civil society organisations to support street children during the pandemic**, including by affording outreach workers the status of essential workers (see Section 7).

Definition of street-connected children

Street-connected children is a term to describe all groups of children and youth who have a meaningful relationship with the street: some live on the street; some work on the street, some maintain relationships with their family, whereas others break all contact; some are on the streets currently and some are off the streets but could be easily drawn back there. All of them have a strong connection on the street. The Consortium for Street Children typically uses the term ‘street-connected children’.

In General Comment No. 21 (2017) on Children in Street Situations, the UN Committee on the Rights of the Child uses the phrase “children in street situations”, which it defines as:²

- Children who depend on the streets to live and/or work, whether alone, with peers or with family; and
- Children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.

Finally, many organisations use the term ‘street children’ as it is easily understood and often translates into other languages better.

The terms ‘street-connected children’, ‘children in street situations’ and ‘street children’ are used interchangeably throughout this submission.

² UN Committee on the Rights of the Child (CRC), *General comment No. 21 (2017) on Children in Street Situations*, 21 June 2017, CRC/C/GC/21, para 4.

General principles

The COVID-19 emergency is affecting street-connected children in many ways. The general principles of the African Charter (Articles 3 and 26, 4 and 5) are violated as a result of States' responses to the pandemic, particularly regarding the right to non-discrimination of street-connected children, their right to life, survival and development, as well as their right to be heard.

1.1. The principle of non-discrimination (Articles 3 and 26)

The principle of non-discrimination (Articles 3 and 26 of the ACRWC and Article 2 CRC) requires governments to respect and ensure the rights recognised by the Charter for every child within their jurisdiction without discrimination. In its General Comment No. 21 (2017), the UN Committee on the Rights of the Child has clarified that the principle of non-discrimination extends to all cases of discrimination against a child on the grounds of the street situation of the child or of their family members, as a form of discrimination based on "other status",³ and as such this is prohibited both by the African Charter and the CRC. Moreover, in its General Comment No. 5 (2018) on States Parties' Obligations, the African Committee has underlined that the principle of non-discrimination also requires States to actively eliminate inequalities suffered by children in the enjoyment of all rights,⁴ and to prioritize interventions that address the needs of the most vulnerable children, a category that, following the Committee's previous remarks, also includes street children.⁵

Notwithstanding the efforts that governments have made over the years to align with the above principles, evidence collected from across the CSC network shows that the systemic discrimination of which street-connected children are victims in normal circumstances is causing much more harm during the present emergency resulting from the COVID-19 outbreak.

Violations of the right to non-discrimination of street-connected children take many forms: social stigmatisation continues to be a major issue, with children in Tanzania being moved away from washing stations because of their 'dirtiness' (See Section 5.1.1) and children in Tanzania, Uganda and the Democratic Republic of Congo being denied assistance after experiencing sexual violence out of fear that the children were a source of infection (see Section 4). Children also face other kinds of discrimination, for instance in accessing essential services due to inequalities related to their inability to prove their identity, lack of a permanent address or absence of a legal status in the country where they reside, as reported by members in Cameroon and Uganda (see Section 2.1). This can result in their exclusion from relief programmes that governments have put in place for vulnerable groups (see Section 5).

CSC is particularly concerned about discriminatory practices that result from restrictions on children being in public spaces. Many street-connected children have become a collective target of policing interventions simply on the grounds of their connection with the streets. These

³ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 25.

⁴ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.5 on the General Comment no 5 on "State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection (2018), Section IV, Para 4.1.

⁵ African Committee of Experts on the Rights and Welfare of the Child, Message of the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child on the occasion of the 21st edition of the day of the African Child (2011), Theme: All Together for Urgent Action in favour of Street Children, https://au.int/sites/default/files/newsevents/workingdocuments/26469-wd-speech_e_englais_final.pdf.

measures are often unnecessary and disproportionate, as well as discriminatory. For example, cases of mass repatriations of Almajiri children to their States of origin across Nigeria for public health reasons have been reported by the local newspapers throughout the pandemic.⁶ CSC has also collected evidence of violence and punishment of children by the police simply for “being on the streets” (See Section 4).

Recommendations

CSC asks the Committee to urge States Parties to comply with the principle of non-discrimination by taking the following measures:

1. Review and repeal laws and policies that directly or indirectly discriminate against street-connected children.
2. Prohibit any form of discrimination against street-connected children that may prevent them from enjoying access to essential services, including food, water and sanitation, housing or health care.

1.2. The best interests of the child (Article 4)

1.2.1. The principle of the child’s best interests (Article 4(1))

Pursuant to Article 4(1) of the African Charter, the principle of the best interests of the child should be *the* primary consideration in all actions concerning children. The coronavirus emergency does not exempt States Parties, nor other relevant actors, from the application of this principle which, as remarked by the African Committee, extends to all domains of private and public life.⁷ As further specified by the African Committee, the principle should inform, at the very minimum, all decisions regarding “public budgeting policies and processes, family and home settings, education and health settings; alternative care settings; work places settings and in community settings”.⁸ As such, during the emergency, States Parties should adopt responses that align with, affirm and actively pursue the best interests of children in general, and vulnerable groups of children in particular. Following the UN Committee on the Rights of the Child, the child’s best interests constitute a procedural rule that informs all levels of decision-making regarding children, whether it affects them as individuals or as a group.⁹

⁶ Toromade, S., 16 almajiris deported from Kano test positive for coronavirus in Kaduna, 30 April 2020, <https://www.pulse.ng/news/local/coronavirus-16-almajiris-from-kano-test-positive-in-kaduna/wjwxwqc>; Ariole, V., Nigeria: Almajiri Children Beg for Justice, 24 May 2020, <https://allafrica.com/stories/202005270333.html>.

⁷ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.5 on “State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection (2018), Section IV, Para 4.2.

⁸ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.5 on “State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection (2018), Section IV, Para 4.2.

⁹ UN Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Para. 6.

Thus, in establishing their emergency policies, States Parties have a core obligation to clearly define and address what the best interests of street-connected children are, and how those are met and safeguarded. For example, measures determining the closure of residential institutions should be accompanied by provision of alternative housing. Housing policies should also include mechanisms for assessing the child's best interest on a case-by-case basis, given that every child has specific needs and vulnerabilities. For example, forcing children to reunite with their families may not be in the best interest of every child, and even be harmful to those children without safe family connections.

In analysing the impact of the COVID-19 emergency on street-connected children, it is also important to remark that pursuant to Article 4(2) of the Charter, the realisation of the child's best interests also requires due consideration of the child's right to be heard (see Section 1.2.2).¹⁰ As will be further discussed in the Section below, States Parties should acknowledge the expertise of street children in the issues affecting their communities and allow their participation in policy decision-making, to successfully address and overcome the challenges posed by the pandemic with measures that reflect not only the best interests of children, but also those of the community as a whole.

CSC has collected evidence of how the best interests of street-connected children have not always been appropriately considered by governments during the emergency. In some cases, governments have not ignored, but rather misinterpreted the principle of the child's best interests. For example, there are media reports that in Malawi, in an effort to protect street-connected children from contracting COVID-19, the Minister of Gender, Disability and Social Welfare announced that she would remove all children off the streets and rehome them to their families by 31 August, and disapproved the suggestion of providing children with masks fearing that this could encourage children to remain on the streets.¹¹ While it is commendable that the Minister was willing to address the situation of these children, such a blanket approach is unlikely to be in their best interests and does not reflect the challenges of housing and lack of family care. The best interests of the child are also abused in the course of violent, harmful and discriminatory practices against street-connected children, such as police roundups, and mass detention of children aggravated by the suspension of judicial proceedings (See Section 2.3).

It is imperative that the principle of the best interests of the child be considered along with part 2 of Article 4 of the Charter, recognising the child's expertise in their situation, and preventing the principle of the best interests of the child from being overlooked in governments' responses.

Recommendations

CSC asks the Committee to demand States Parties to fulfil their obligations under Article 4 (1), to consider the best interests of street-connected children in all responses to the COVID-19 pandemic:

¹⁰ UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para. 70-74.

¹¹ <https://www.manoonline.gov.mw/index.php/component/k2/item/14572-street-connected-children-to-be-evacuated-in-streets>.

1. Appropriately integrate and consistently apply the best interests of the child in all legislative, administrative and judicial measures and procedures adopted in response to the pandemic directly or indirectly affecting street-connected children. This includes the provision of necessary training for all professionals involved, including judicial and police officers, on the obligations under Article 4 (1) and allowing space to operate to the relevant child-focused civil society organisations who provide essential services to street-connected children.
2. Ensure that the views of street-connected children are taken into due consideration in the design and implementation of COVID-19 responses (see Section 1.2.2 on the right to be heard).
3. Review or repeal laws and policies that may directly or indirectly violate the best interests of street-connected children.

1.2.2. The child's right to participate (Article 4(2))

The principle of child participation (Articles 4(2) and 7 of the ACRWC and Article 12 of the CRC) is pivotal to, and should always guide governments through, the implementation of all other rights recognised by the Charter.¹² The importance of child participation for the implementation of a children's rights legal framework in Africa is further emphasised by the structure of the Charter which places the principle under Article 4 and thus, recognises it as an inherent part of the system of protection of the best interests of the child (Article 4(1)). The connection between the two principles is particularly relevant to the case of street-connected children, regarding whom the Committee¹³ and the UN Committee¹⁴ have recognised a "specific" situation of vulnerability, but also of resilience and self-reliance compared to other groups of children.¹⁵ Putting emphasis on the collective dimension of the right to be heard,¹⁶ it is worth emphasising this right does not cease to exist during emergencies, and that the views of children as a group can make a significant contribution to shaping effective policies in response to emergencies.¹⁷ To fulfil their obligations States parties should acknowledge the role of street children as experts on their own lives¹⁸, proactively seek and give due weight to their views,¹⁹ and so better inform policy-making that affects their interests.²⁰ Such an approach would enable decision-makers to account for the

¹² UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para 17.

¹³ African Committee of Experts on the Rights and Welfare of the Child, Message of the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child on the occasion of the 21st edition of the Day of the African Child (2011), Theme: All Together for Urgent Action in favour of - Street Children, https://au.int/sites/default/files/newsevents/workingdocuments/26469-wd-speech_e_englais_final.pdf

¹⁴ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 28.

¹⁵ Ibid., Para. 28.

¹⁶ UN Committee on the Rights of the Child, General Comment No. 12 (2009) on the right of the child to be heard, Para. 9.

¹⁷ Ibid., Para. 125.

¹⁸ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 28, Para. 12.

¹⁹ UN Committee on the Rights of the Child, General Comment No. 14 (2013) on The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), Para. 15 (g).

²⁰ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 28, Para. 33.

different needs of individual children²¹ and ensure that an appropriate range of solutions is adopted to reflect the best interests of every street-connected child.

CSC partners have reported examples of the active participation of street-connected children in responding to the pandemic. Local organisations partnering with CSC Members Apprentis d'Auteuil²² and Fondation Apprentis d'Auteuil International (FAAI)²³ are working with street-connected children who have taken leadership in preparing and supporting one another with meaningful initiatives. For example, children of Centre NRJ in Madagascar have organised COVID-19-themed presentations, theatre plays and workshops to share their understanding and feelings about the pandemic with drawings and letters and have discussed the governmental policy reports together with their peers. Similarly, in the Democratic Republic of Congo, REEJER²⁴ has organised drawing and writing activities for children to increase their understanding of the COVID-19 disease and of the necessary preventive hygiene measures. In Cameroon, La Chaîne des Foyers Saint-Nicodème²⁵ has trained ten "Covid Youth Ambassadors" to help children understand and comply with protection measures and ensure that water and soap are made available to all young people.

Street-connected children in Tanzania have also been showing resilience and a proactive response to the pandemic, as reported by CSC partners. A network member, who prefers to stay anonymous, reports that children have replaced their sense of hopelessness with a sense of solidarity, supporting one another by collecting and sharing information about the disease, as well as directly seeking for medical help or reporting to social workers in case their peers show symptoms.

Recommendations

The Committee should encourage States Parties to take measures allowing and supporting street-connected children to be meaningfully heard. In particular, the Committee should recommend to States Parties:

1. To set up consultations with street-connected children to hear the views of street-connected children and their concerns about the pandemic to inform government responses.
2. To ensure street-connected children have access to appropriate information in a language and format they understand to form their views, make informed decisions and effectively participate in the design, implementation and monitoring of the pandemic response.
3. To ensure that street-connected children have access to child-friendly procedures for complaints, remedies and redress in case their rights are violated due to the pandemic.
4. To produce guidelines on children's right to be heard for all professionals who may be in contact with street-connected children, including police officers, judicial authorities, medical staff and social workers, to make sure that the views of children are respected and considered throughout the proceedings.

²¹ Ibid., Para. 28.

²² <https://www.apprentis-auteuil.org/>

²³ <http://faai.ch/>

²⁴ <https://fondationgloriamundi.org/en/realisations/reejer-rdc-congo/>

²⁵ <https://www.saintnicodeme.org/>

1.3. The right to survival, protection and development (Article 5)

The right to life, survival and development of the child (Article 5 ACRWC and 6 CRC) requires governments to ensure to the maximum extent possible, that, beyond mere survival, every child and especially particularly vulnerable children enjoy the minimum conditions for a life with dignity.^{26, 27} As highlighted by the African Commission on Human and Peoples' Rights, the right to life generates a positive obligation to prevent and protect individuals and groups from immediate threats of any kind, including infectious diseases, but also entails a positive duty to address chronic and permanent risks to life, by implementing health systems and eliminating inequalities that may exist in accessing healthcare.²⁸ In its General Comment No. 21 (2017), the UN Committee on the Rights of the Child has highlighted that street-connected children are among the most at risk in this regard, due to poverty and continued exposure to violence, exploitation and precarious health and living conditions.²⁹ Because of its strong correlation with the concept of dignity, the right to life strongly relates to the economic, social and cultural rights of children, particularly the right to the highest attainable standard of health (Article 14 ACRWC), which also includes the right to water and sanitation, the right to an adequate nutrition and the right to adequate housing.

Evidence gathered from CSC Network Members shows how, in the context of the present pandemic, the right to life, survival, and development of street-connected children is threatened in several ways. The cases below demonstrate how poor health and living conditions expose children to an increased vulnerability to the infection and its most tragic consequences (See Section 5). In other examples, mainly provided by members in Cameroon, the Democratic Republic of Congo, Ghana, Nigeria, Tanzania and Uganda it is clear how loss of livelihoods is forcing many children to engage in survival behaviours that put them at increased risk, such as going out in search of food and instead being violently persecuted by the police or getting involved in violent riots (See Sections 2.3 and 4).

Recommendations

In the present situation, it is important to remind governments that the right to life, interpreted in its broadest sense, includes the right to live with dignity, and generates positive obligations on governments. CSC asks the Committee to urge States Parties to:

1. Protect and respect the life of street-connected children by refraining from and prohibiting use of force and all violence against children. States Parties should ensure that mechanisms of accountability are implemented and continued during the pandemic.
2. To ensure to the maximum extent of their resources that street-connected children enjoy at the very least the minimum conditions for a life with dignity, with specific attention to the

²⁶ African Commission on Human and Peoples' Rights, General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (2015), Section A, Para. 11, and Section I, Para. 41.

²⁷ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 29.

²⁸ African Commission on Human and Peoples' Rights, General Comment No. 3 on the African Charter on Human and Peoples' Rights: The Right to Life (2015), Section I, Para. 41 - 43.

²⁹ UN Committee on the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, Para. 29.

implementation of their core obligations under the right to health (see Section 5.1) and to the right to an adequate standard of living, including housing and food (see Section 5.2).

3. To respect the dignity of street-connected children and their right to life, survival and development by refraining from any form of punishment against children and decriminalising survival behaviours and status offences.³⁰

2. Violations of civil rights and freedoms

2.1. The right to name and nationality (Article 6)

As observed by the Committee, the realisation of a child's right to identity in all its key components - name, nationality and birth registration - is pivotal to ensuring their development and protection.³¹ Especially in times of pandemic emergency, strong civil registration systems which are able to capture births (and deaths) occurring in informal settlements are essential components of the protection of the rights of street-connected children, including their right to health, reflecting the inherent interconnectedness and indivisibility of children's rights.³² However, the lack of functional and universal civil registration systems in several States Parties to the Charter contributes to the phenomenon of statelessness in Africa,³³ exposes children to harmful practices such as enrolment in armed forces, sexual exploitation, child labour, human trafficking, early marriage and illicit adoption, and cuts them off from essential social and health services, such as vaccination and medicines and cash transfers programmes.³⁴ That street children are among the most vulnerable in this regard, and at the same time the worst protected against such forms of harm for reasons associated to the lack of identity, is a well-known problem which has been acknowledged by the CRC Committee.³⁵ The current situation, however, sheds new light on the devastating impact that a failure to implement street children's rights to birth registration, name and nationality (Article 6 ACRWC) can have on their lives.

Many street-connected children are unregistered or do not have access to their own identity documents such as birth certificates and national identification cards. As well as being routinely denied access to services including health care and education, during the pandemic this means that some street-connected children are not able to access support being provided by their government.

³⁰ Ibid., Para. 32.

³¹ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.2 on Article 6 of the African Charter on the rights and welfare of the child: "Right to birth registration, name and nationality" (2014), Para. 3, 17 and 23.

³² Ibid., Para. 17 and 20.

³³ Manby, Bronwen. "Citizenship Law in Africa: A Comparative Study, African Minds, Open Society Foundation. (2016). See also Institute on Statelessness and Inclusion, The World's Stateless Children Report, Chapter 2, Wolf Legal Publishers (2017), available at: <https://files.institutesi.org/worldsstateless17.pdf>.

³⁴ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.2 on Article 6 of the African Charter on the rights and welfare of the child: "Right to birth registration, name and nationality" (2014), Para. 3, 7, 18, 32.

³⁵ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 41.

CSC Network Member Dwelling Places,³⁶ working with children in Uganda, underlines the fact that street-connected children are not registered with the government, as registration requires so much information that they do not have. As such, they are unable to benefit from any kind of support as they are considered non-existent by their government. Another Network Member in Uganda, who prefers to stay anonymous, reports that in Uganda's capital city, Kampala, the government has distributed relief food to households in vulnerable communities affected by the COVID-19 pandemic. However, due to lack of identification documents, a sizable number of street-connected children outside the quarantine centres missed out. The concentration of food aid in the capital also created serious shortages for those who relied upon it in other parts of the country, where it was insufficient.

In Cameroon, a partner of CSC Network Members Apprentis d'Auteuil and FAAL reports that although in theory there is no need for street-connected children to present identity documents or to give an address to access government emergency schemes, law enforcement officers often put pressure on these children to provide identity information. According to the association, children therefore tend to move away from governmental emergency programmes for this reason, and cannot access the services they provide.

Recommendations

We urge the Committee to renew the recommendations to States Parties put forward in its General Comment 2 in relation to the rights of children to birth registration and identity. We encourage the Committee to urge States Parties to:

1. Immediately remove any requirements to prove identity, registration or a permanent address to access essential services, particularly in relation to the access of emergency services during the pandemic.
2. Proactively support street-connected children to obtain legal identity documents.
3. Allow for innovative and flexible solutions that enable children to access social benefits and economic and food relief without the need to provide identity documents, bank accounts, or addresses. Following the UN Committee on the rights of the Child's recommendations,³⁷ such solutions could include the provision to children of informal identity cards linked to the civil society organisations' address or personnel.

2.2. The right to access to information and health education (Articles 7, 11 and 14(h))

Article 11(h) of the African Charter guarantees the 'promotion of the child's understanding of primary healthcare' as a core component of their right to education and in its COVID-19 appeal, the Committee has reminded States of their obligations to promote COVID-19-related information appropriate to the age, maturity, language, gender and culture of every child.³⁸ As a population

³⁶ <http://www.dwellingplaces.org/>

³⁷ *Ibid.*, para. 41.

³⁸ African Committee of Experts on the Rights of the Child, Guiding Note on Child Protection during COVID-19 (2020), Recommendation I, https://www.acerwc.africa/wp-content/uploads/2020/04/Guiding-Note-on-Child-Protection-during-COVID-19_English.pdf

traditionally excluded from digital and traditional means of communication due to economic, cultural and educational boundaries, street-connected children are particularly affected by a lack of information.³⁹ In line with the ACHPR Declaration of Principles on Freedom of Expression in Africa, States Parties should promote information that is pluralistic, diverse and inclusive of marginalised groups, linguistic and cultural minorities, poor and rural communities, also through the use of local and African languages, content and voices in media and public affairs.⁴⁰

In the context of the COVID-19 emergency, street-connected children are at increased risk due to the lack of information or the inadequacy of the information made available to them on the existence of the virus, how to protect themselves and what to do if they start to have symptoms. Where governments are sharing such information publicly, it may remain inaccessible to street-connected children due to lack of access to the necessary technology, inability to read or a lack of understanding of the language used. Studies on the Ebola epidemic in West Africa demonstrate that greater access to information and health education, is linked to increased uptake of health protective behaviours.⁴¹

Official information-sharing channels are often not equipped to reach street-connected children. In Democratic Republic of Congo, REEJER, a partner of Apprentis d'Auteuil and FAAL, members of CSC Network, reported that street-connected children access information mainly thanks to awareness-raising campaigns organised by social workers: *"All these kids have no access to radio or TV. How can they get the information? We went to the centres, we raised awareness among social workers [...] And it's the same work that we are trying to do in the streets (among street-connected children) [...]"*⁴²

However, due to lockdown measures, awareness-raising campaigns carried out by social workers have also been limited. In Mali, Caritas Mali (Diocese of Ségou),⁴³ a partner of CSC Network Members Apprentis d'Auteuil and FAAL reported that social workers who normally spread information to street-connected children directly during outreach work have currently had to stop

³⁹ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 42.

⁴⁰ African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019), Principle 11.

⁴¹ See, for example:

- Funk, Sebastian, et al. "The impact of control strategies and behavioural changes on the elimination of Ebola from Lofa County, Liberia." *Philosophical Transactions of the Royal Society B: Biological Sciences* 372.1721 (2017): 20160302, <https://europepmc.org/backend/ptpmcrender.fcgi?accid=PMC5394640&blobtype=pdf>;

- Fallah M, Dahn B, Nyenswah TG, Massaquoi M, Skrip LA, Yamin D, Mbah MN, Joe N, Freeman S, Harris T, Benson Z, Galvani AP. Interrupting Ebola Transmission in Liberia Through Community-Based Initiatives. *Ann Intern Med.* 2016 Mar 1;164(5):367-9. doi: 10.7326/M15-1464. Epub 2016 Jan 5. PMID: 26746879;

- Gillespie AM, Obregon R, El Asawi R, et al. Social Mobilization and Community Engagement Central to the Ebola Response in West Africa: Lessons for Future Public Health Emergencies. *Glob Health Sci Pract.* 2016;4(4):626-646. Published 2016 Dec 28. doi:10.9745/GHSP-D-16-00226;

- Danielle Pedi, Amaya Gillespie, Jamie Bedson, Mohamed F. Jalloh, Mohammad B. Jalloh, Alusine Kamara, Kathryn Bertram, Katharine Owen, Mohamed A. Jalloh & Lansana Conte (2017) The Development of Standard Operating Procedures for Social Mobilization and Community Engagement in Sierra Leone During the West Africa Ebola Outbreak of 2014–2015, *Journal of Health Communication*, 22:sup1, 39-50, doi: 10.1080/10810730.2016.1212130.

⁴² Quote provided by Apprentis d'Auteuil on behalf of REEJER and FAAL.

⁴³ <https://www.caritasmali.org/>

their activities, leaving children dependent on watching television in shops to access information about the pandemic and how to protect themselves. However, after many shops had to close due to the lockdown measures in several countries, the already limited access to such sources of information has been further restricted.

Caritas Mali (Diocese of Ségou) has also warned about the psychological impact that such lack of information is having on street-connected children. A child previously on the streets in Mali, and now hosted in one of the organisation's shelters testified: *"The first day I heard about COVID-19, especially the way it kills, I had the idea to run away to my parents' home in Burkina Faso. But when I heard that it's already killing there, I was anxious. [...]."*

CSC Network Members are responding by developing their own means of sharing information amongst children. For example, in Sierra Leone and Uganda, two network members are planning to use public address systems to get information to street-connected children.

Recommendations

Due to the increased risks faced by street-connected children in the context of the COVID-19 pandemic, the Committee should urge States to:

1. Take immediate steps to provide accurate, accessible and adequate information specifically and proactively to street-connected children, in a language they understand, appropriate to their age and cultural context, and that takes into account their educational and literacy levels.

2.3. The right to freedom of association and peaceful assembly (Article 8)

The rights to freedom of association and peaceful assembly (Article 8 ACRWC and 15 CRC) can be restricted during an officially proclaimed state of emergency, including on grounds of public health. However, even in times of the pandemic, governments should comply with the standards established by the international and regional human rights frameworks,⁴⁴ and in particular, the respect of absolute rights, such as freedom from torture, the rule of law and the principle of legality as required by Article 4 of the International Covenant on Civil and Political Rights.^{45,46} The principle of non-discrimination entails that the current emergency cannot be used as an excuse for collective criminalisation of street-connected children in the form of harassment, violence, roundups, or street sweeps.⁴⁷ According to these recommendations, governments should emphasise protection rather than punishment of street-connected children in coordinating their community response to the virus.⁴⁸

⁴⁴ African Commission on Human and Peoples' Rights, Guidelines on Freedom of Association and Assembly in Africa, Fundamental Principles IV and X; Para. 24 and 85.

⁴⁵ UN Committee on the Civil and Political Rights (CCPR), General Comment No. 29 (2001) on Article 4: Derogations during a State of Emergency.

⁴⁶ See also UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 36 and 39.

⁴⁷ Ibid., para. 39.

⁴⁸ Ibid., para. 60.

The imposition of curfews, lockdowns, quarantines and isolation comes at a high cost to street-connected children. In the majority of cases, these children end up in street situations because they lack adequate, safe housing, and to many of these children, gathering together in public spaces is an essential feature of their life.⁴⁹ However, in most States, due to the COVID-19 emergency, street-connected children are more than ever criminalised simply for being on the streets, although they often have nowhere else to go. Law enforcement practices used in the enforcement of curfews or containment measures, such as street ‘sweeps’, are criminalising and marginalising people experiencing homelessness.⁵⁰ As well as the violent enforcement of lockdowns and curfews by police and security forces in some areas (see Section 4), CSC Network Members have reported an increase in round-ups and arrests of street-connected children in several countries.

In Uganda, as CSC Network member Dwelling Places reports, the law not only permits the police to arrest anyone for being idle and disorderly,⁵¹ but street children are also automatically assumed to be criminals and treated as such, without considering their rights and needs as a group of children in a situation of particular vulnerability. Also, in Uganda, Network Member SASCU⁵² reported that over 200 individuals, including many street-connected children, have been arrested for violating the curfew measures introduced by the national government to contain the outbreak. Since normal judicial proceedings have been suspended, they will be in remand custody for the foreseeable future.⁵³ Another Ugandan organisation, who prefers to remain anonymous, warned that children have ended up in more risky situations such as sleeping in drains to avoid being arrested, and yet the services they can normally bathe at are closed, which clearly puts them at higher risk of water-borne diseases. Partners across Tanzania have also recorded an increase in police roundups although data on the exact number of children arrested is not available yet.

Recommendations

The Committee should urge governments to act immediately to protect street-connected children from disproportionate, unlawful and discriminatory restrictions of their right to peaceful assembly. Main recommendations that should be made to States include:

1. Immediately lift any restrictions that are not lawfully adopted or do not meet the principles of necessity, proportionality and non-discrimination.
2. Prohibit the arrest and detention of children solely because they were found on the streets, and immediately release any children held in detention centres for this reason.

⁴⁹ Ibid., para. 38.

⁵⁰ UN Special Rapporteur on the Right to Housing. 2020. "COVID-19 Guidance Note". <http://www.unhousingrapp.org/user/pages/07.pressroom/Guidance%20Note%20Homelessness%20Actual%20Final%202%20April%202020> [2].pdf.

⁵¹ Article 167 of the Penal Code Act of Uganda. For more information on Status offences, see Legal Atlas for Street Children, <https://www.streetchildren.org/legal-atlas/map/uganda/status-offences/are-children-criminalised-for-vagrancy-loitering-truancy-or-similar-activities>.

⁵² <https://www.sascu.org/>

⁵³ Yiga, S., 200 remanded for defying COVID-19 curfew, in New Vision, 4 April 2020, <https://www.newvision.co.ug/news/1517508/200-remanded-defying-covid-19-curfew>.

3. Provide street-connected children who have no access to housing or shelter with adequate, safe accommodation that meets their basic needs, such as water and sanitation, health care and food.
4. Monitor the conduct of police and hold any perpetrators of rights violations against street-connected children accountable.
5. Provide law enforcement officers with trainings and awareness-raising workshops on the rights of street-connected children.

3. Education (Article 11)

The African Charter provides a robust and thorough protection of all children's right to education. As a core component of the right to education under Article 11, accessibility is a feature of relevance to street-connected children during the pandemic. Many street-connected children still lack the opportunity to access basic education, and there is also concern about those children who were enrolled in educational programmes prior to the outbreak whose schooling has subsequently been interrupted. There is concern that these children may permanently drop out of school, even after the public health measures have been lifted, due to the impact of the economic recession on their livelihoods. This would additionally put them at ongoing risk of malnutrition, as they would drop out of school feeding programmes, as well as increasing their vulnerability to abuse, domestic work, and harmful practices.⁵⁴

The Committee has stressed the importance of access to free, available and safe education to reduce the risk of school dropouts,⁵⁵ which contributes to the phenomenon of street-connected children.⁵⁶ Physical accessibility does not only refer to the fact that educational facilities should be within reasonable reach for every child, but also to the possibility for children to access education through alternative means, namely digital technologies.⁵⁷ In this sense, the pandemic emergency constitutes a challenge for States Parties who have imposed school closures for public health reasons and implemented distance learning programmes to ensure that the majority of children continue accessing education, but may have not taken measures to mitigate the additional barrier in accessing education that digital exclusion presents to some groups of children, such as street-connected children. This will likely further exacerbate already existing inequalities, leaving the most vulnerable even further behind.

It is important to stress that while recognising that the right to education for every child is subject to progressive realisation, Article 11 generates an immediate, continuous and specific obligation to ensure that the implementation of this right is as expeditious and effective as possible.⁵⁸

⁵⁴ African Committee of Experts on the Rights and Welfare of the Child, Guiding Note on Children's Rights during COVID-19, Published on 8th April 2020, Recommendation IV, <https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covid-19/>.

⁵⁵ African Committee of Experts on the Rights and Welfare of the Child, General Comment No. 5 (2018) on State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection, 5.3.3.

⁵⁶ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 8 and 54.

⁵⁷ UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 6.

⁵⁸ UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 43 and 44.

Equally, the obligation to eliminate all forms of discrimination in access to education, with special attention to vulnerable groups, is also immediate, and cannot be subject to derogation.⁵⁹

In times of a pandemic, it is also worth noting that despite the possibility to limit the right to education for reasons of public interest, including public health, States Parties should ensure continuity of learning and take steps to minimise the impact of school closure on street-connected children's education, particularly by enforcing mechanisms to reduce the risk of permanent dropouts.⁶⁰ While distance learning may be the way forward in some contexts, street-connected children are unlikely to be benefitting from it. In fact, a complete digitalisation of education may result in a complete exclusion of these children and youth from education, the majority of whom do not have access to technologies such as a computer, mobile phone or tablet, nor regular access to the internet.

In this regard, governments should adopt a broader and more inclusive notion of distance learning, ensuring the broadcasting and delivery of educational activities also through more traditional technologies, for example radio or televisions. Even in the latter case, it will still be necessary to ensure that children who cannot access distance learning continue receiving their education. In this sense, governments should cooperate with non-governmental organisations by setting up or equipping shelters and drop-in centres with the adequate facilities and professional capacity to host educational and training activities for children. Finally, States Parties should always provide justifications for limiting the access of children to education which reflect the requirements of Article 4 of the ICESCR: legality, compatibility with the nature of the right, and alignment with the purpose of general welfare in a democratic society.⁶¹

With country-wide school closures imposed by virtually all governments around the world to contain the spread of the virus, many children who would normally be in school are now at home or, for street-connected children, spending more time on the streets. On 20th April 2020, UNESCO estimated that 91% of all of the world's students (pre-primary to university levels) were then affected.⁶² While some States have provided online or televised classes, such as in Morocco,⁶³ many children are missing out due to a lack of equipment or infrastructure to access these resources. As well as losing access to education, street-connected children may be particularly affected because, as CSC partners in Tanzania warn, children and families in street situations lose their main access to free daily meals, which may push them back onto the streets to find sources of income and food. Many CSC partners, including in Malawi, have also had to shut down their non-formal education programmes that support out-of-school children and youths in street situations.

⁵⁹ UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para. 31 and 43.

⁶⁰ African Committee of Experts on the Rights and Welfare of the Child, Guiding Note on Children's Rights during COVID-19, Published on 8th April 2020, Recommendation IV, <https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covid-19/>.

⁶¹ UN Committee on the Economic, Social and Cultural Rights, General Comment No. 13 (1999) on Article 13: The right to education, Para 42.

⁶² See: <https://en.unesco.org/covid19/educationresponse>.

⁶³ Human Rights Watch, Submission to ACERWC - Impact of Covid-19 on Children's Education in Africa, 26 August 2020, https://www.hrw.org/sites/default/files/media_2020/08/Discussion%20Paper%20-%20Covid%20for%20ACERWC.pdf.

When schools and educational facilities close, this can have a serious effect on the children who use them. While responses to the COVID-19 pandemic have often been focussed on meeting immediate needs, such as the provision of food, some CSC Network Members have identified the disruptions to education as a potential long-term issue with potentially intergenerational consequences. Persistent disruptions here could exacerbate issues caused by economic stresses, leading to increased rates of child labour and child marriage.

Recommendations

The Committee should encourage States to respect, protect and fulfil the right to education of street-connected children by taking the following measures:

1. Provide material support to street-connected children who depend on school feeding programs, with the provision of cash transfers or food relief.
2. Cooperate with NGOs to ensure that street-connected children who may not be able to access mainstream online learning programmes have access to alternative forms of education and learning that is suitable to their needs and abilities.

4. Abuse and torture of street-connected children (Article 16)

In accordance with the provisions contained in the Charter and the CRC, governments should ensure that every child is always free from violence (Article 16 ACRWC, Articles 19 and 39 CRC). The Committee has noted that because the purpose of Article 16 of the Charter is to provide the widest possible protection to a child's dignity, bodily and mental integrity, States Parties must take positive measures to prevent, monitor and support children at risk of physical, mental and sexual abuse or torture, including neglect, maltreatment or corporal punishment, but also to effectively intervene when abuse or torture occurs.^{64,65}

The Committee has highlighted that it falls within the scope of a government's obligation under Article 16(2) to "*identify vulnerable groups prone to child abuse and neglect and take special measures to prevent them from such kind of abuse*".⁶⁶ In this regard, the UN Committee on the rights of the Child has acknowledged that while physical, emotional and sexual violence has a devastating long-term impact on the life of any child,⁶⁷ street-connected children are particularly vulnerable: as a fundamental cause and consequence of their connection with the street, violence

⁶⁴ African Committee of Experts on the Rights and Welfare of the Child, Decision No. 003/2017 on *Minority Rights Group International and SOS- Esclaves on behalf of Said Ould Salem and Yarg Ould Salem V. The Republic of Mauritania* (Communication No. 007/Com/003/2015), Para. 85-86.

⁶⁵ African Committee of Experts on the Rights and Welfare of the Child, Decision No. 001/2018 on *Institute for Human Right and Development in Africa and Finders Group Initiative on Behalf of TFA (a minor) V. The Government of Republic Of Cameroon* (Communication No. 006/Com/002/2015), Para 68, 71-73.

⁶⁶ African Committee of Experts on the Rights and Welfare of the Child, Decision No. 001/2018 on *Institute for Human Right and Development in Africa and Finders Group Initiative on Behalf of TFA (a minor) V. The Government of Republic Of Cameroon* (Communication No. 006/Com/002/2015), Para 75.

⁶⁷ UN Committee on the Rights of the Child (CRC), General Comment No. 13 (2011) on The right of the child to freedom from all forms of violence, para. 15.

is a permanent feature of a street child's life.⁶⁸ Due to their specific vulnerability, street-connected children are entitled to special protection measures, which should proactively reach out and support these children in the process of reporting violence, and include mechanisms for holding perpetrators accountable.⁶⁹

As a result of the COVID-19 outbreak, as concerns about the exposure of street-connected children to violence increase, so does the level of urgency at which governments should intervene. Children are more exposed to violence because of the pandemic: if forced to self-isolate or take similar measures, their possibility to escape from domestic violence is dramatically reduced; on the streets, they may fall victims to police enforcement of said measures; they may face neglect and refusal from their families and communities because of fear of infection; and finally, the climate of insecurity caused by the disease may increase violence among children themselves. In many cases, children returning to family homes are seen to be at risk of violence. On the other hand, children are harder to reach as a result of the pandemic, provided that in most countries, containment measures do not provide exceptions for outreach and home-visiting by social workers. This means that the opportunities for children to report violence, and for social workers and authorities to identify, monitor and intervene on violence are also reduced.

Police Violence

In Cameroon, a partner of Apprentis d'Auteuil and FAAl, members of CSC Network, reports an increase in the violence faced by street-connected children from law enforcement officers, due to a rise in the number of police interventions during the lockdown. The association specifies that this violence mainly occurs when children refuse to give identity information, within the framework of the governmental emergency schemes. The association also reports that some children who refused to give identity details have been brought to the police station. Some law enforcement officers have also contacted local associations to try to obtain this information, putting them in an uncomfortable situation regarding the trust children place in them. The Cameroonian association reports that, because of violence, children have dispersed in different places, often isolating themselves from the other children in order to escape from emergency programme officers. They are now more difficult to reach, in comparison with the situation before Covid-19, when children used to spend their time together, in well-known public sites.

Some of CSC's Network Members have reported an increase in violence against street-connected children due to the violent enforcement of lockdown policies, and some include acts that could be qualified as cruel, inhuman or degrading treatment. A CSC Network Member in Nigeria who prefers to remain anonymous reported that during the strictest phase of the lockdowns in Lagos, Abuja and Ogun States, children were being chased in the street by paramilitary officers prior to the pandemic and this situation has worsened since the pandemic began. In Ghana, a network member preferring to remain anonymous, reported that children are being beaten by military and police when they go out onto the streets to find food. Likewise, a CSC Network Member in Uganda, who prefers to remain anonymous, reports that the Uganda People's Defence Forces and Local Defence Units are enforcing distancing policies by using physical force such as

⁶⁸ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 57-59.

⁶⁹ Ibid., para. 57-59.

beatings, including against street-connected children. To date there is no quantifiable data on the total number of victims of such abuses, however CSC partner Dwelling Places has reported that five boys walked over 20 kilometres to seek protection and assistance at their centre. Local media also point to the police brutality that has in some cases resulted in the killing of street-connected children, which compelled children themselves to publicly protest to seek justice.⁷⁰

Community Violence

In addition to the increase in police violence, the crisis has led to an increase in violence among children and from residents towards street-connected children. Another partner of Apprentis d'Auteuil and FAAI, REEJER, in Democratic Republic of Congo, reported that the COVID-19 crisis has led to an increase in violence among children themselves. According to the organisation, this is mainly due to: the economic crisis, which has worsened the living conditions of street connected children; the interruption or the reduction of follow up activities; overcrowded households; prolonged parental or caregiver absence; lack of occupation of children; and the economic exploitation by older children who engage younger ones in prostitution. The Cameroonian partner of Apprentis d'Auteuil and FAAI reported the same observation, mainly for food, money or work opportunity reasons. Moreover, the organisation observed violence committed against children by residents, who reportedly fear infection from street children due to their mobile lifestyle.

In Uganda, a few children have reached out to CSC Network Member Dwelling Places requesting support and protection as a result of increased violence on the streets. Another member of CSC's network in Uganda reported that their staff are having difficulties in reaching out to children in their homes and assessing their safety and wellbeing. While they have received phone calls from children who have been reunited with their families reporting domestic violence at home under lockdown, the organisation is unable to intervene beyond making phone calls with the family and local leaders as staff were not allowed to move around the country. Even now that the lockdown measures have eased slightly, another CSC Network Member in Uganda who chose to remain anonymous warns that this is still the case for border areas.

Sexual violence

Sexual violence and abuse of street-connected children is also an on-going concern. Despite rape being defined by the Committee as "the worst form of sexual abuse" and a type of inhuman or degrading treatment for its devastating long-term impact on a child's well-being,⁷¹ the pandemic is making it more difficult to intervene to protect children reporting incidents. For example, according to a CSC Network Member in Mwanza, Tanzania, a boy reporting sexual abuse was refused acceptance in a foster care type placement for fear that the child might have contracted COVID-19. A similar situation has been reported in Uganda, where one boy in a street situation reported to Dwelling Places that his female friends were being forced out of desperation to sell their bodies in exchange for very small amounts of money to buy food. Dwelling Places' ability to respond has also been restricted due to the impact of the COVID 19 pandemic.

⁷⁰ NBS, Mbarara street kids protest colleague's death, see: <https://youtu.be/EK3Gk7449Rg>.

⁷¹ African Committee of Experts on the Rights and Welfare of the Child, Decision No. 001/2018 on *Institute for Human Right and Development in Africa and Finders Group Initiative on Behalf of TFA (a minor) V. The Government of Republic of Cameroon* (Communication No. 006/Com/002/2015), Para 71.

Likewise, Women Concern,⁷² a CSC Network Member in the Democratic Republic of Congo reported a new case of a teenage girl who fled her home to the streets because of the sexual violence she suffered from her biological father. Upon being advised to return to her family, the girl disclosed that she was pregnant by her father and wished to leave the home. The girl then suffered further abuse from the police, to whom she turned for assistance, at a time when she had no family or friends to aid her. The organisation also warns that the Democratic Republic of Congo's multisectoral humanitarian plan specific to the COVID-19 response contains no mention of the protection of street children, despite their situation of urgent need, demonstrating the extent to which these children are overlooked and further marginalised.

Recommendations

Considering the alarming situation affecting street-connected children, States Parties should be urged to immediately take the following measures:

1. Prohibit any form of violence against children as a form of punishment for violations of public health restrictions (e.g. lockdowns, curfew or self-isolation orders).
2. Design and implement mechanisms for monitoring and reporting violence against or exploitation of children, whether perpetrated by governmental or non-governmental actors, and hold perpetrators accountable.
3. Ensure that child-friendly mechanisms of reporting violence, discrimination and other forms of rights violations against children in street situation are continued during this time of emergency, and accessible to street-connected children.
4. Support the continued operation and increase the capacity of child helpline services during and beyond the pandemic.
5. Recognise civil society organisations working with street-connected children as essential workers and support them in continuing their outreach and care activities even during times of lockdown and curfews.
6. Issue clear guidance to police to refrain from any acts that could amount to torture and other cruel, inhuman or degrading treatment in the enforcement of the lockdown and prosecute those responsible for such acts.

5. Health and welfare

5.1. The right to the highest attainable standard of health (Article 14)

While the right to the highest attainable standard of health mainly generates long-term obligations on States Parties, requiring them to employ their maximum available resources for its progressive realisation, the obligation to make quality primary healthcare available and accessible, ideally

⁷² <http://www.women-co.org/index.php>

free,⁷³ to every child, is a core obligation that States must immediately uphold.^{74,75} As stated by the African Committee in its General Comment No. 5, the ever-changing nature of health issues requires that States constantly review their laws and policies so to ensure that, at any point, the healthcare systems provide maximum protection to children.⁷⁶ In line with Article 11(h) of the Charter, in its General Comment No. 21, the UN Committee on the Rights of the Child emphasised the need to provide street-connected children with access to health education and services which are tailored to their specific needs.⁷⁷

The pandemic has brought to light stark inequalities in the extent to which people enjoy their right to health. Due to their extreme poverty and the circumstances in which they live, street-connected children are vulnerable to COVID-19, despite their young age. They are among the most exposed to the risk of contagion due to their living conditions including the difficulty to respect distancing and self-isolation measures and the absence of handwashing facilities available to them (see Section 5.1.1 on Water and Sanitation). This problem is compounded by the fact that street-connected children often do not have adequate access to information, making it more difficult for them to know how to protect themselves and what to do if they develop symptoms (see Section 2.2 on Access to Information).

In the Republic of the Congo, REIPER, a partner of Apprentis d’Auteuil and FAAL, members of CSC Network, reported that although according to Congolese law access to health care is free for all children in State-subsidized hospitals, in reality, none of them offer free health care. REIPER also reported that COVID-19 awareness-raising activities have been implemented by the government and civil society actors. However, these campaigns do not reach all localities and sections of the population, precisely because health workers, who do not have the necessary equipment to protect themselves against the disease, fear being infected. Except for those put in place by local organisations, existing public campaigns do not reach children in street-situations who do not have a parental supervision.

According to Home and Street Kids Welfare Initiative (HSKi),⁷⁸ a CSC partner organisation based in Kwara State, Nigeria, despite the efforts of the national government to respond to the risk of disinformation with awareness-raising campaigns on and off line,⁷⁹ these have not reached street-connected children. *“Regarding children having access to hospitals, medicines, vaccines and other health-related services during this period, I beg to decline”*, a staff member of HSKi reports, *“the health sector is presently struggling in serving the nation, not to mention street children who*

⁷³ African Committee of Experts on the Rights of the Child, General Comment No. 5 on “State Party Obligations under the African Charter on the rights and welfare of the child (article 1) and systems strengthening for child protection, para. 5.3.4

⁷⁴ UN Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, Para. 72-73.

⁷⁵ UN Committee on Economic, Social and Cultural Rights, General Comment 4 (2000) on the right to Health, Para. 30.

⁷⁶ African Committee of Experts on the Rights of the Child, General Comment No. 5 on “State Party Obligations under the African Charter on the rights and welfare of the child (article 1) and systems strengthening for child protection, para. 5.3.4

⁷⁷ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, Para. 53.

⁷⁸ <https://hskinitiative.org/>

⁷⁹ <https://www.unocha.org/story/aid-agencies-ramp-awareness-messaging-amid-growing-threat-covid-19-north-east-nigeria>

are at the end of the ladder.” Aside from providing palliatives to families to one of the communities HSKi works with, our partner reports receiving next to nothing from the government since the inception of this pandemic.

Street-connected children are also at increased risk of developing more severe symptoms if infected due to a higher prevalence of respiratory infections, such as pneumonia, and of pre-existing conditions, such as asthma and HIV/AIDS, that make them more vulnerable than other children.^{80,81,82,83}

Recommendations

CSC asks the Committee to urge States Parties to immediately ensure that street-connected children have access to quality health care, and in particular:

1. Take all available measures to ensure that poverty is not a barrier to receiving medical assistance, including essential medicines, and hospital care, especially during a pandemic.
2. Remove any requirements to provide legal identity documents or have an adult caregiver present for street-connected children to access health care services.
3. Recognise outreach workers as “essential workers” and assist them where appropriate in sourcing and distributing essential medicines to children and their families, as well as connecting children to adequate medical staff, services and facilities.
4. Provide street-connected children with equal access to health-related education and information (See Section 2.2 on the right to access to information) to increase their knowledge and understanding of the disease and the appropriate measures of protection and prevention.
5. Ensure that street-connected children and their family have free access to COVID-19 testing, monitoring and control programmes available. This also includes access to vaccination programmes as soon as these will become available.
6. Ensure that preventable disease vaccination programmes are continued during this pandemic, and that street-connected children can access these programmes.

⁸⁰ Cumber, Samuel Nambile, and Joyce Mahlako Tsoka-Gwegweni. “The Health Profile of Street Children in Africa: A Literature Review.” *Journal of Public Health in Africa* 6, no. 566 (August 2015): 85–90. <https://doi.org/10.4081/jphia.2015.566>.

⁸¹ National Institution for Health Care and Guidance. “COVID-19 rapid guideline: severe asthma.” NICE guideline NG166. April 2020. <https://www.nice.org.uk/guidance/ng166/chapter/1Communicating-with-patients-and-minimising-risk>.

⁸² Sakai-Bizmark, Rie, Ruey-Kang R. Chang, Laurie A. Mena, Eliza J. Webber, Emily H. Marr, and Kenny Y. Kwong. “Asthma Hospitalizations Among Homeless Children in New York State.” *Pediatrics* 144, no. 2 (August 2019): e20182769. <https://doi.org/10.1542/peds.2018-2769>.

⁸³ Storey, A. “Slopes and cliffs in health inequalities: comparative morbidity of housed and homeless people”. *The Lancet* 382, no. S93. (November 2013). [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(13\)62518-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)62518-0/fulltext).

5.1.1. Access to water and sanitation (Article 14.2(c))

The human right to water and sanitation is implicitly recognised in African human rights legislation as a necessary precondition for the realization of the rights to life, dignity, work, food, health, economic, social and cultural development and to a satisfactory environment,⁸⁴ and is also explicitly recognised as part of every child's right to health under Article 14.2 (c) of the Charter.⁸⁵ ⁸⁶ Regarding street-connected children, the CRC has recognised that access to safe drinking water, sanitation and hygiene facilities is a key element of the realisation of the right to adequate housing, also recognised by Article 27 of the Convention.⁸⁷ Although this right is subject to progressive realization, non-discrimination in the right to access to water is a core obligation which should be realised immediately and States have to give priority to the most vulnerable groups. Access to sufficient, safe, acceptable, physically accessible and affordable water and sanitation should be provided as the minimum requirements for the fulfilment of the right to water.

The right to water and sanitation of street-connected children is often violated. Because of their circumstances, street-connected children often cannot afford to buy soap, access clean water to drink, shower, or wash their hands and clothes. Despite washing hands with soap and water being the first line of defence, and main advice to protect oneself from COVID-19, this essential practice remains out of reach for many street-connected children who do not have regular access to basic water and hygiene facilities, and this has been exacerbated by measures taken to stem the spread of the virus.

"What we really need, it's support in terms of food and water", a street-connected child said to CSC Network Member Glad's House⁸⁸ workers in Kenya.

REEJER, a partner of CSC Network members Apprentis d'Auteuil and FAAL in Democratic Republic of Congo, reported that the government was unable to provide street-connected children and their families with clean water, sanitation or hygiene products and, therefore, children generally lack access to these services. Even though some associations are offering water access points, REEJER reported that this is not enough given the number of street-connected children in need in Kinshasa. REIPER, another partner of Apprentis d'Auteuil and FAAL in the Republic of Congo reports that with the crisis now going on for several months, there is currently no governmental programme that covers the most vulnerable populations' needs to access clean water and food for such a long period of time. The organisation specifies that they are not able to continue their own hygiene products and food distributions due to their lack of financial resources and support.

⁸⁴ African Commission on Human and Peoples' Rights, Principles and guidelines on the implementation of economic, social and cultural rights in the African Charter on Human and Peoples' Rights (2005), Para 87.

⁸⁵ UN Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2003) on the right to water, Para. 3.

⁸⁶ UN Committee on the Rights of the Child, General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, Para. 48.

⁸⁷ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 51.

⁸⁸ <https://gladshouse.com/>

Similarly, CSC member HSKi working with children in Kwara State, Nigeria, reports that street-connected children do not have access to resources of any kind to prevent themselves from contracting the virus. The organisation highlights that, other than what NGOs are doing, little has been done to facilitate children's access to water and sanitation by the government, especially in the area where the organisation operates.

In Cameroon, a partner of network members Apprentis d'Auteuil and FAAL reports that although local associations are providing street-connected children with hygiene products, such as masks or hydroalcoholic gels, they cannot ensure that children use these products and do not sell them in order to use the money for other purposes; essentially, to buy food. The association explains that the lack of awareness-raising activities towards these children about the sanitary situation, and the extreme poverty in which they live, incite them to sell the products instead of using them.

Some cases of discrimination have also been reported. According to one of our network members in Tanzania, in Mwanza, children on the street are being denied access to hygiene facilities placed by the government at markets and bus stands. They are told that they do not need to wash their hands because they are 'used to dirtiness'. Caritas Mali (Diocese of Ségou), a partner of CSC Network Members Apprentis d'Auteuil and FAAL, operating in Mali, reported a similar observation. A street-connected child testified about police actions preventing them from accessing hygiene facilities: *"In order to comply with hygiene measures, it is in front of restaurants and big shops that we wash our hands with soap. But we are also chased out of these places."* In Uganda, Dwelling Places warns that street children are still lacking access to clean water, soap and other hygiene products and services and the government is not seen to be working to provide any support.

The lack of access to water can have dangerous repercussions on the health of street-connected children: it makes them more vulnerable to both being infected with the virus causing COVID-19 and contracting other diseases such as chronic asthma and diarrhoea that are connected to a lack of access to clean and safe water.

Recommendations

CSC urges the Committee to recommend States Parties to ensure that street-connected children have equal and non-discriminatory access to water as an indispensable feature of their rights to health and to an adequate standard of living, by taking the following steps:

1. Recognise the right to access to safe water, ensuring that this is available in sufficient quantity to every child for personal and domestic use to prevent disease;
2. Offer, maintain and implement facilities or services that provide sufficient, safe and regular water and sanitation, that are physically and financially accessible to street-connected children and their families, including in the context of restrictive measures adopted to respond to the COVID-19 outbreak.
3. Implement social protection measures that alleviate the financial burdens on children and families in street situations in accessing and utilising safe water and sanitation services.

5.2. Parental Responsibilities (Article 20)

Although the human right to an adequate standard of living (Article 11 ICESCR and 27 UN CRC) is not explicitly recognised by the African human rights legislation, it is implied by Article 20(2) of the African Charter on parental responsibilities. The provision, which mirrors Article 27(3) of the UN Convention, imposes on States to take, in accordance with their means, all appropriate measures to assist parents and caregivers and provide them with material support when needed, in the upbringing of the child, particularly regarding nutrition, health, education, clothing and housing. In this regard, the African Committee has already called upon States to establish child-friendly quarantine and environment procedures to respond to the specific needs of children and ensure that all children have access to services which are crucial to their survival and development.⁸⁹

In the case of street-connected children, the UN Committee on the Rights of the Child has underlined that any child without safe family connections is entitled under the right to an adequate standard of living to receive direct assistance from the State as his or her *de facto* caregiver Articles.^{90, 91, 92, 93}

The livelihoods of street-connected children and their families are among the most at stake during the pandemic, yet systemic inequalities prevent them from benefiting from intervention programmes that governments may have put in place to protect the vulnerable groups. Street-connected children often rely on their daily income or those of their members. The role of labour in the lives of street-connected children is complex, and children often experience multiple forms of work while on the streets. While many of these forms of labour may be hazardous or exploitative, the effect of the pandemic and responses to it has been to abruptly cut off the means by which many street-connected children afford their daily necessities. Many are dependent on practices that require contact with other people in the streets to survive, such as begging or street vending. Others live with their families who are dependent on daily wages or informal work. With the populations of most of the world's cities confined indoors and those on daily wages unable to work, these children and their families have lost their livelihoods.

A CSC Network Member in Nigeria has expressed concern about the situation of children in Lagos whose livelihoods depend on their occasional work as porters at markets, as conductors on buses or cleaning dishes at large wedding, birthday and funeral receptions. As markets closed, large receptions were prohibited and buses not allowed on the road during lockdown, the activities street-connected children in Lagos relied on to make a living and feed themselves came to a halt. Our Network Member noted with concern: "*These children have no reserves, no savings, nothing,*

⁸⁹ African Committee of Experts on the Rights of the Child, Guiding Note on Child Protection during COVID-19 (2020), Recommendations II and IV, https://www.acerwc.africa/wp-content/uploads/2020/04/Guiding-Note-on-Child-Protection-during-COVID-19_English.pdf.

⁹⁰ UN Committee of the Rights of the Child, General Comment No. 21 (2017) on Children in Street Situations, para. 44.

⁹¹ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4 (1991) on the right to adequate housing (Article 11), para 10-11.

⁹² UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12 (1999) on the right to adequate food (Article 11), para 15.

⁹³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 14 (2000) on the right to the highest attainable standard of health (Article 12), para 36-37.

and often no one to fall back on". In Uganda a CSC Network Member reported that most street-connected children who would normally rely on travellers to receive money or food, or upon restaurants or undertaking small jobs for people such as sweeping or carrying items to market have lost all their income sources, and are not receiving any aid from the government now that their main source of livelihood has ceased. The organisation reports that this has made children more likely to turn to drugs to survive as they are often cheaper than food and mask the feeling of hunger.

Dwelling Places, operating in Uganda, informed CSC that at the very beginning of the lockdown, in mid-March, the Ministry of Gender, Labour and Social Development, along with the Kampala Capital City Authority (KCCA) and partners under the Children at Risk Street Working Group had worked together to provide temporary shelter and basic services to 202 street children self-isolating at Nakivubo Blue Primary School. However, children only received support from authorities during the initial eight weeks of the lockdown, after which they were cared after partner organisations. Since then, no other services have been offered to the street children from national and local authorities. Dwelling Places also reported that, because the government did not include Probation and Social Welfare Officers, who specifically look out for children in communities, in the designated "COVID-19 taskforces", street children have been excluded and marginalised from any planned service provision.

Beyond the fundamental inability to access food, loss of livelihood among the population has triggered anxiety, tensions, and violence. In the Democratic Republic of Congo, CSC Network Members Apprentis d'Auteuil and FAAI's partner REEJER reported that the closure of some public spaces (such as markets) where street-connected children in Kinshasa habitually conduct their livelihood activities, has led to a migratory movement to other public sites or to shelters. By increasing the number of children sharing the same spaces, these migratory movements, added to gang dynamics among children, have caused an atmosphere of panic and insecurity, and increased conflicts between children, thefts and sexual violence.

Recommendations

Considering the present situation, CSC asks the Committee to urge governments to take immediate steps to ensure that street-connected children enjoy, at the very least, the minimum conditions for an adequate standard of living, and in particular:

1. Recognise street-connected children and their families as vulnerable groups and prioritise interventions targeted at emergency relief for these populations.
2. Provide immediately, to the maximum of their resources, the necessary finances and resources to family members and other caregivers, to ensure that street-connected children in their care receive access to adequate and safe housing, nutrition and healthcare during the emergency.
3. Cooperate with civil society organisations to identify, reach out for, and monitor children in need for assistance and protection, and provide them with access to safe and adequate shelter or other accommodation, nutritious food, water and sanitation, and healthcare.

5.2.1. The right to adequate food

In line with children's rights to survival and health, and the right to an adequate standard of living (Articles 5, 14 and 20(2)(b)), States must take measures to ensure the provision of adequate nutrition and to combat disease and malnutrition. Following the recommendations of the African Commission on Human and Peoples' Rights⁹⁴, in situations of protracted crisis, conflicts and natural disasters governments must adopt targeted responses to protect and realise the right to food and nutrition of vulnerable, disadvantaged and marginalised groups including street-connected children. States must always ensure that food is available, accessible and affordable for everyone in enough quality and quantity to survive.⁹⁵

The CSC Network Members have expressed almost unanimously the concern that street-connected children are at particular risk of dying from hunger during the COVID-19 emergency and are in need of urgent attention. CSC Network Members in many different countries report that children are struggling to find food to eat as a result. In Kenya, a boy speaking to CSC Network Member Glad's House described what the curfew means for him: *"Now that we are being told no one will be allowed to roam around the streets from 7pm, does it mean we are going to die of hunger instead of corona?"*

Many street-connected children and their families depend on money earned from activities conducted in the streets daily, meaning their already meagre incomes are reduced to dangerously low levels when most people are indoors. As an example, a partner of CSC Network Members Apprentis d'Auteuil and FAAI, REEJER, in Democratic Republic of Congo, reported that lockdown measures have resulted in the closure of food access points and places where street-connected children used to obtain money and other resources such as markets, restaurants and bars, leaving children unable to afford basic necessities such as food. As a consequence, street-connected children have repeatedly requested help from associations who host children but the latter were, most of the time, unable to host them in existing centres due to the lack of hosting capacity, as well as their meagre financial resources.

During regional calls with CSC Network Members in West Africa, in East, Central and Southern Africa, many organisations raised the same serious concerns about a lack of access to food among the children they are working with. One network member in Ghana described how a lack of adequate provision meant that hunger was in many ways a more pressing concern than COVID-19.

The difficulty in accessing food has been made worse by the fact that many non-governmental services are being forced to shut their doors, stop outreach work on the streets, or reduce their hours to comply with restrictions and protect their staff and users⁹⁶. According to Dwelling Places, the government in Uganda initially allocated budget to provide food packages to the most vulnerable families during the total lockdown. However, not many families could benefit from it,

⁹⁴ African Commission on Human and Peoples' Rights, Resolution no. 431 (2019) on the Right to Food and Nutrition in Africa, ACHPR/Res.431(LXV)2019, Recommendation No. 4, <https://www.achpr.org/sessions/resolutions?id=462>.

⁹⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12 (1999) on the right to adequate food (Article 11), para. 8.

⁹⁶Kuhr, E., *Coronavirus pandemic - A perfect storm for LGBTQ homeless youth*, 5 April 2020, available at: <https://www.nbcnews.com/feature/nbc-out/coronavirus-pandemic-perfect-storm-lgbtq-homeless-youth-n1176206>.

as the resources were very limited, and the programme did not last as long as it was expected to. As a result, this measure did not provide a lasting solution to the families in need, including the initial beneficiaries, with all families now suffering extreme food shortages. Other support systems have also been cut off. For example, CSC partners in Tanzania have reported that school closures have determined the temporary suspension of nutrition programmes, on which some street-connected children relied. In some cases, private businesses that previously donated food have abruptly come to a halt.

According to CSC Network Member StreetInvest,⁹⁷ for example, in Mombasa, Kenya, a daily meal service for children on the street, provided by a local business, has been suspended without warning, leaving children hungry and with no other option for food. In Cameroon, a partner of CSC Network Members Apprentis d'Auteuil and FAAL, reported a similar observation: due to their limited budget, the association had to reduce the daily rations provided to each child in order to give food to as many children as possible. Furthermore, the association also reported that during the lockdown, their work was made more complicated due to the restrictions on movement, from which social workers were not guaranteed any exemption in order to undertake their essential work. Some social workers have been arrested and brought to the police station then released without charge while working in the streets.

REEJER, in Democratic Republic of Congo, a partner of Apprentis d'Auteuil and FAAL, reported that some meals were initially distributed in public sites, where street-connected children live, but these distributions had to be suspended as a result of the organisation's lack of financial resources. In addition to the lack of financial resources and, therefore, food, the difficulty in accessing food is also related to the crisis itself. REEJER, in Democratic Republic of Congo reports that the scarcity of essential products coming from within the country or imported from overseas has made poor children and families even more vulnerable.

At the same time, where possible, organisations, at times in collaboration with government authorities, have stepped up provision of food relief.

Elsewhere, problems accessing food could be prevented if cash transfers designed to support the vulnerable reached the poorest people. This indicates a need for government mechanisms to proactively reach out to socially excluded communities and vulnerable sections of society, especially street-connected children, recognising that even in normal circumstances they have no documentation to prove identity or a permanent address, they often are off the formal financial grid, and therefore have little to no access to government welfare and social security measures or emergency relief support.

In practice, in many places emergency relief support is linked to addresses or official identity documents which those living on the streets often do not have, or to enrolment in existing government schemes (see Section 2.1 on the right to legal identity).

Recommendations

CSC asks the Committee to request States Parties to take immediate action to relieve street-connected children from hunger, and in particular:

⁹⁷ <https://streetinvest.org/>

1. Recognise immediately street-connected children and their families as vulnerable groups during the emergency, and consequently prioritise food and economic relief interventions to the maximum available resources that specifically target these populations of children.
2. Remove all obstacles that may prevent children and families in street situations from accessing the existing food emergency programmes, such as proof of address, bank account, or identity documents.
3. Halt immediately the criminalisation, arrest and detention of children who are found on the streets for survival behaviour, such as generating income to access food or begging.
4. Cooperate with civil society organisations to identify population groups most in need of food relief to ensure that they are reached by State intervention.
5. Recognise outreach and humanitarian workers who support street-connected children, homeless youth and their families with food relief as essential workers. Workers could be provided with a certificate to prevent interference from authorities when they are present on the streets and in communities, even during lockdowns.

5.2.2. The right to adequate housing (Article 20)

While it is unquestionable that street-connected children are entitled, under the right to adequate housing (Article 14(2)(c) 20(2)(c)) to enjoy safe, habitable and appropriate housing conditions,^{98,99} they are particularly vulnerable in relation to this right and thus, in most need of support from the government, especially during the current emergency.¹⁰⁰ The Committee on the Rights of the Child has previously expressed the need for governments to take urgent steps to fulfil the right of street-connected children to adequate housing, including the provision of access to facilities, infrastructures, services and materials that are instrumental to their health, security, comfort and nutrition, for example by making sure that such facilities provide access to functioning electricity, sanitation and washing facilities.¹⁰¹

Street-connected children' right to adequate housing is routinely violated. As many street-connected children do not have a home to go to, they are unable to conform to government regulations about staying indoors, and in some cases are being harshly punished for this instead of supported by their government.

Centre NRJ, a partner of Apprentis d'Auteuil and FAAI, members of CSC Network, operating in Madagascar, reports that the mobile lifestyle of street-connected children makes the experience of lockdown within a shelter particularly difficult for them. For instance, Centre NRJ reports that out of the 18 girls hosted in the shelter, 5 left in the first two weeks of the lockdown implemented in Antananarivo. Centre NRJ also explains that they unfortunately cannot let children who have left the centre and shortly after, wish to come back, back in until the lockdown is lifted, due to the risk of infection for other children who have remained in the centre. This is discussed in detail with the youths before they take the decision to leave or stay, and they are aware of the risks, but

⁹⁸ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 50.

⁹⁹ African Commission on the Human and Peoples' Rights, Resolution No. 231 (2012) on the right to adequate housing and protection from forced eviction, ACHPR/Res.231(LII)2012.

¹⁰⁰ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 51.

¹⁰¹ Ibid., para. 50.

sometimes they are too worried for their family and friends who stayed in the streets and prefer to join them.

In Uganda, as reported in the sections above, there were some efforts from the authorities to shield street-connected children during the emergency, with 202 children being rehomed in Nakivubo Blue Primary School in Kampala, but only for the two-weeks duration of the lockdown as Dwelling Places reported.

According to a CSC partner in Tanzania, children are being denied access to their usual sleeping spots due to fear in the community that the children may be infected. Similarly, in Nigeria, while street-connected children were told to leave the street there was no explanation of where they should move to, CSC member HSKi reports,

Even where alternative shelters have been offered, there may be negative repercussions for some street children and homeless youth.

Recommendations

The following recommendations should be made to States Parties to realise as promptly as possible the right to adequate housing for street-connected children:

1. Review and repeal policies and laws that, directly or indirectly, penalise the homeless populations, including street-connected children;
2. Allocate and utilise the maximum available resources to design and implement rights-based, sustainable housing and shelter policies and other relevant measures specifically addressing street-connected children that promote access to adequate housing.
3. Cease and prevent all forced evictions due to payment arrears, by providing direct financial assistance, introducing measures to reduce and defer rental payments, introducing or extending moratoriums and suspending utility costs and surcharges for the duration of the pandemic.

6. Family environment and alternative care (Article 25)

Article 25 of the Charter, in line with Article 20 of the Convention on the Rights of the Child establishes that children deprived of a family environment are entitled to special protection. In this regard, the Committee has noted that during the COVID-19 emergency, governments should tailor their responses to the special needs of these children who face even a higher risk of falling behind.¹⁰² Yet, evidence below suggests that some governments are failing to deliver on their duties to provide special protection and assistance to street-connected children. Instead, many of these children are being neglected at best, and abused at worst. Following the Committee's guidelines, the obligation to directly assist and support street children without family or caregivers also derives from the obligation that governments must uphold to complement the role of the

¹⁰² African Committee of Experts on the Rights and Welfare of the Child, Guiding Note on Children's Rights during COVID-19, Published on 8th April 2020, <https://www.acerwc.africa/guiding-note-on-childrens-rights-during-covid-19/>, recommendations v and vi.

parents under Article 20 of the Charter.¹⁰³ Similarly, in its General Comment No. 21 the UN Committee has clarified that the State is the de facto caregiver for children without parents or caregivers and as such, is obligated to provide these children with alternative care solutions that are supportive and respectful of the child's best interests, rather than coercive and restrictive of his or her liberty.¹⁰⁴

The current pandemic raises concerns in terms of protecting street-connected children deprived of their family environment. CSC Network Members reveal that while many governments worldwide have ordered the closure of care institutions and residential homes as a measure of public health protection, they have not adequately planned for the rehoming of children residing in these facilities. For example, the Samaritan Trust in Malawi and the Volunteer for Vulnerable Children in Zimbabwe alerted CSC that they had been forced to close their drop-in centres and residential houses, with a significant impact on their ability to reach out to children.

While many drop-in centres have been forced to close, others have seen a large increase in demand. For instance, in Cameroon, a partner of CSC Network Members Apprentis d'Auteuil and FAAL said their centre is full to capacity: *"We're still looking for what to do with these children who come knocking on our door every day. We don't even have any more beds available."* Caritas Mali (Diocese of Ségou), another partner of Apprentis d'Auteuil and FAAL in Mali, has reported that because there are fewer shelters operating in Ségou, some children have run away to Bamako in search of accommodation - a distance of about 230 kilometres. One child told them: *"Two of my friends and I have not had the chance to be hosted in a shelter for the moment. To avoid police blunders, at night we took refuge in the mosques that are located in the bus station, but we were chased away from there. Now it is under the slabs of the gutters that we hide to sleep at night. Often, I want to go back to my family but I am afraid of the violence there. I don't know where to go anymore, I am lost."*

Some drop-in centres in Mwanza, Tanzania, had to put in place distancing measures, thus having to reduce the number of admissions despite an increase in demand, leaving more children vulnerable on the streets.

Other shelters are operating their own lockdown policies, with no one able to come in or out, in order to ensure the safety of the children and staff already inside. This limits the activities that can take place, and the people that children are able to interact with. Conscious of the effect this can have on children's mental well-being, some centres and shelters are working to devise new activities for children to combat their feelings of stress and isolation.

Another type of concern relates to the difficulties that network organisations facilitating the reunification of street-connected children are facing due to the pandemic. Two CSC Network Members in Nigeria and Sierra Leone have reported to CSC that due to the lockdown, they have not been able to approach children in person, which would be crucial to encourage them to return

¹⁰³ African Committee of Experts on the Rights and Welfare of the Child, General Comment No.2 on Article 6 of the African Charter on the rights and welfare of the child: "Right to birth registration, name and nationality" (2014), Para. 103.

¹⁰⁴ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 44.

to their homes. Even where organisations are able to support children in reuniting with their families, many organisations are struggling to continue family reunification processes, as family visits are often not safe or allowed, and virtual meetings with families often not possible in the contexts these organisations work. As a result, there is a risk that children return to unsafe environments if they choose to reunite with their families while the necessary support is not in place.

Finally, some CSC Network Members worry that street-connected children deprived of a family environment are being neglected, or even abused, during the pandemic. In Tanzania, one Network Member and their partners have reported that ‘fit persons’ - a form of foster carers - have refused to take in children due to fears that the children may be carrying the virus. An organisation in Sierra Leone is also worried about the safety of homeless children who may be forced to spend the lockdown period in overcrowded facilities (“quarantine facilities”) set up by the government authorities for homeless population groups, with an increased exposure to violence and risk of contracting the disease.

Recommendations

The Consortium asks the Committee to urge States Parties to uphold their obligations under the right to special protection and assistance of street-connected children temporarily and permanently deprived of their family environments, and in particular:

1. Provide access to safe shelter for street-connected children without a home in collaboration with NGOs already offering shelter and alternative accommodation for street-connected children.
2. Support civil society organisations in reuniting street-connected children with their family members, if this is deemed to be, in consultation with the child, in his or her best interest. Support may take the form of financial assistance and permission to continue operating family reunification activities even if a lockdown is in place.
3. Cooperate with civil society organisations to design and implement strategies for facilitating the reintegration of children permanently deprived of a family environment to foster families. This could include the initiation or implementation of host voluntary families (HVF) programmes, to allow children entering foster care in a safe family environment.
4. Refrain from forcibly removing children off the street into alternative care. Decisions where a child should live, must be made with the involvement and consent of the child.
5. Recognise civil society organisations working with street-connected children as essential workers and support them in continuing their outreach and care activities even during times of lockdown and curfews.

7. Cooperation with civil society organisations and other non-State actors: challenges, good practices and community-based responses

The examples above indicate that street-connected children need support more than ever. Government resources are overstretched, and many non-governmental services have been forced to shut their doors or restrict their activities to comply with emergency measures and are

further limited by a widespread lack of funding and supplies including personal protective equipment.^{105,106}

The Committee has remarked that well-functioning systems of child protection “*pay particular attention to developing and fostering cooperation, coordination, and collaboration among all levels of stakeholders, from community level upwards*”.¹⁰⁷ Such cooperation can take place through the identification and sharing of successful right-based practices, research, policies, monitoring and capacity-building among national and international stakeholders.^{108,109} It is important to remind governments that they should cooperate with civil society organisations locally and nationally to protect street-connected children during the COVID-19 emergency.

This section provides an overview of the challenges and opportunities that non-governmental organisations and communities are facing in responding to this health, social and economic crisis, and where collaboration between state and non-state actors is key. The aim is to underline the impact of cooperation - or absence of cooperation - among States and non-state actors on the wellbeing of street-connected children.

7.1. Support on the streets

The essential outreach work that many organisations undertake to find and support children while they are on the street has been particularly affected by measures to curtail the pandemic. For instance, two CSC Network Members in Malawi and Zimbabwe have been forced to restrict outreach activities, while one CSC Network Member in Nigeria, the Education for Purpose Initiative, reports being unable to find children in their usual settings and meeting places. The COVID-19 pandemic is making the work of these organisations more difficult or, in some cases, impossible, leaving many street-connected children at increased risk.

Others are still able to conduct outreach and are trying to increase these services. In Tanzania, partners are working with ‘street champions’ such as small shop owners to provide handwashing stations to children on the streets. CSC Network Members in different countries are also using vans with loudspeakers to make information on services and how to stay safe accessible to street-connected children. Small, frontline NGOs are stepping in to fill the gap, both providing food rations and health supplies directly and distributing government relief provisions to those who would otherwise not be reached through mainstream channels.

¹⁰⁵ See for instance: <https://www.nbcnews.com/feature/nbc-out/coronavirus-pandemic-perfect-storm-lgbtq-homelessyouth-n1176206>.

¹⁰⁶ See for instance: <https://centreport.org.uk/about-us/blog/covid-19-heres-what-the-government-must-do-to-protect-the-homeless/>; <https://womensagenda.com.au/latest/where-can-young-homeless-people-self-isolate-urgent-help-needed-for-homelessness-services-facing-covid-19/>.

¹⁰⁷ African Committee of Experts on the Rights and Welfare of the Child, General Comment No. 5 (2018) on State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection, 6.1.

¹⁰⁸ UN Committee on the Rights of the Child (CRC), General Comment No. 21 (2017) on Children in Street Situations, para. 63.

¹⁰⁹ African Committee of Experts on the Rights and Welfare of the Child, General Comment No. 5 (2018) on State Party Obligations under the African Charter on the Rights and Welfare of the Child (Article 1) and systems strengthening for child protection, 6.3.1.

Pausing outreach activities also means that it is not possible to know exactly how many children remain on the streets, or even knowing whether there is an increase or decrease in numbers. Some NGOs have lost contact with children they usually support which may have lasting repercussions. A partner of Apprentis d'Auteuil and FAAL in Cameroon, for example, reports that children feel 'abandoned' despite the organisation's best attempts to maintain contact while outreach activities are suspended. The organisation worries that it will not be possible to reconnect with these children when activities are resumed. In the absence of a government's intervention, it will be hard to contain the long-term impact that such a disengagement from the activities and services provided by organisations will have on the lives of street-connected children.

In some countries, street outreach workers are recognised as essential workers; for example, in Mombasa, Kenya, CSC Network Member Glad's House has successfully negotiated with local government officials to get authority to continue street outreach work. They have also made recommendations to the local government, sharing information directly gathered from children in street situations themselves on the issues that these children anticipate they will face due to the curfews and the lockdown.

In the Democratic Republic of Congo, REEJER, a partner of CSC Network Members Apprentis d'Auteuil and FAAL, has been drawing on its experiences gained from previous political crises in Kinshasa to put into action a plan to raise awareness and protect children during the lockdown. Community leaders (including religious actors and neighbourhood leaders) were selected for 17 sites where children are located, and during the crisis these leaders have taken up responsibility for raising awareness among their community, alerting relevant stakeholders when a child is in danger and protecting children. Two hundred and seventy street-connected children have been invited by these leaders to join shelters, water points or families. Community leaders are also involved in implementing a door-to-door awareness-raising campaign (respecting distancing measures) within their communities. REEJER also reported that all identified cases of Covid-19, including among street-connected children, were taken in charge thanks to the collaboration between government and local and international health associations.

These examples demonstrate that with collaboration, local governments and organisations can continue to support street-connected children during the pandemic. It is our view that all such street outreach workers should be recognised as 'essential workers' and be protected and assisted to continue working with street-connected children.

7.2. Drop-in centres and shelters

As previously highlighted (see Sections 4 and 5), street-connected children need special support when it comes to the possibility to self-isolate and adhere to distancing measures to keep themselves and other children safe. It is our view that cooperation, in terms of resource allocation, partnerships and capacity building between governments and civil society organisations as well as between civil society organisations themselves, is crucial to ensure access to adequate housing and shelter during and in the recovery from the pandemic.

There are several examples where such cooperation has increased access to shelter for street-connected children. For instance, REIPER, a partner of CSC Network Members Apprentis

d'Auteuil and FAAI, working with street-connected children in Brazzaville, Republic of the Congo, has received support from the government to secure all drop-in centres with food and hand-washing installations for children. The organisation also reported that collaboration between civil society actors and the Ministry of Social Affairs during the pandemic has made it possible to track and monitor children whose rights have been violated, and to rehome these children to existing drop-in centres or shelters. A CSC Network Member who works in Uganda reports that they received permission from the local authorities to open an emergency centre for children who are still on the streets, but the process of providing this urgent service was slowed down by bureaucratic requirements.

In Kampala, Uganda, child-focused civil society organisations connected to the CSC Network have successfully cooperated with city authorities to identify and quarantine some street-connected children to protect them from COVID-19 and facilitate their rehabilitation in their communities. In the quarantine centres, children are engaged to actively participate in self-development programmes designed to enhance their self-esteem and foster meaningful relationships with their peers. The Government of Uganda has also provided relief food to registered children's homes across the country during the lockdown. However, more food is required, and not all shelters providing support to street-connected children are being reached by this relief effort.

In other countries, organisations had to close their centres due to the public health restrictions. For example, according to a CSC Network Member in Nigeria, Lagosian authorities have imposed a total lockdown, including day centres, so not only are street-connected children who are daily wagers left without earnings during the emergency, but they are also without a safe space to find material and emotional support.

Those who have had to close drop-in centres and other temporary accommodation are also concerned about how to re-open shelters safely in the near future. One Network Member in Nigeria expressed concern that when the full lockdown is lifted, the coronavirus crisis will likely not yet be over, so they will have to put comprehensive measures in place to protect children and staff from contagion and transmission. They don't have PPE to keep staff safe and secure appropriate distancing among children in drop-in centres with overwhelming demand has been proven extremely challenging. Governments should identify and engage with organisations facing these and other types of difficulties and provide adequate support to meet their needs.

7.3. Family reunification

One of the greatest challenges that CSC Network Members face during the emergency is to keep ensuring that street-connected children can safely reunite with their families. Public health restrictions on travelling, inability to visit families physically, combined with lack of funding to provide telephones or internet for family workers and children to communicate with their family members all hinder this process. CSC Network Members have expressed their concern that if they are unable to follow-up when children reunite with their families, the problems that resulted in the child leaving the home, such as domestic violence, may persist.

REEJER, partner of CSC Network Members Apprentis d'Auteuil and FAAI in Democratic Republic of Congo, reported that family reunification was slowed down as a result of the COVID-19

pandemic. Physical distancing measures have prevented social workers from pursuing their preliminary investigations, their mediation work or follow-up activities of reunified families, and some of their outreach activities. Consequently, this has compromised the success of ongoing family reunifications and has increased the number of children in need of accommodation. Another partner of Apprentis d'Auteuil and FAAI, REIPER in the Republic of the Congo, made the same observation. Except for a few emergency reunifications initiated by the organisation, the lockdown and the difficulty to obtain authorization to move through the streets have generally prevented social workers from both preparing and undertaking reunifications.

In Cameroon, a partner of Apprentis d'Auteuil reports, the implementation of lockdown measures has obliged many children to return to their family, since they had to leave the streets. However, in such instances, the lack of follow up and mediation activities carried out by associations, also due to the lockdown, has resulted in children soon fleeing their family households, and returning to the streets.

Even where the government has been supportive of CSOs efforts to ensure the continuation of family reunification process, the economic crisis brought about by the pandemic emergency have hindered the process, nonetheless.

Some CSC Network Members have found innovative ways to repurpose funds to continue family support. For instance, partners in Mwanza, Tanzania have repurposed funds normally spent on transportation for family visits to purchase affordable mobile phones to distribute to families to stay in contact with them. If successful, this model will be rolled out across several cities in Tanzania.

It is worth noting that despite the valuable steps taken by some governments to facilitate family reunification and thus reduce the number of street-connected children, an overwhelming majority of street-connected children are homeless, and without safe family connections (See Section 6.2.2 on adequate housing), and face difficulties in finding foster families due to long and complex bureaucratic processes. To this extent, governments should cooperate with local, national and international organisations to design and implement effective policies that facilitate the reintegration of these children within safe and healthy family environments.

Recommendations

CSC asks the Committee to urge States Parties to strengthen collaboration with non-state actors to identify and develop sustainable solutions for the pandemic and beyond. Governments should ensure that homelessness is addressed even outside periods of emergency, ensuring the adoption of rights-based solutions that will continue even after the pandemic. CSC requests the Committee to recommend that States Parties:

1. Allocate and utilise the maximum available resources to design and implement rights-based, sustainable housing and shelter policies and other relevant measures specifically addressing street-connected children.

2. Cooperate with civil society organisations to identify, reach out for, and monitor children in need for assistance and protection, and provide them with access to safe and adequate shelter or other accommodation, nutritious food, water and sanitation, and healthcare.
3. Recognise outreach workers as “essential workers” and assist them where appropriate in sourcing and distributing essential medicines to children and their families, as well as connecting children to adequate medical staff, services and facilities.
4. Support civil society organisations in reuniting street-connected children with their family members, if this is deemed to be, in consultation with the child, in his or her best interest. Support may take the form of financial assistance and permission to continue operating family reunification activities even if a lockdown is in place.
5. Cooperate with civil society organisations to design and implement strategies for facilitating the reintegration of children permanently deprived of a family environment to foster families. This could include the initiation or implementation of host voluntary families (HVF) programmes, to allow children entering foster care in a safe family environment.
6. Set up consultations with street-connected children to hear their view and concerns about the pandemic, in order to inform government responses.
7. Find targeted solutions to tackle the needs of street children during periods of restricted mobility. Partnering with the corporate sector to implement the delivery of food and other emergency supply could help mitigate children’s malnutrition, housing and health emergency and ensure that hard to reach communities are not isolated/left behind.