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**Family reunification and the**

**Rights of Children in Street Situations**

**in Uganda and the Gambia**

A joint submission to the Office of the United Nations High Commissioner for Human Rights for the preparation of the report on *the Rights of the child and family reunification,* to be presented at the Human Rights Council Annual Discussion on the Rights of the Child in March 2022

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Submitted by:

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**1. Introduction**

This is a joint submission prepared by the Consortium for Street Children, Child and Environmental Development Association (The Gambia), Initiative for Community Concern (Uganda), Save Street Children Uganda (Uganda) and Support And Love Via Education International (Uganda).

We believe that we have an important perspective on the issue of family reunification and children’s rights: family reunification is a crucial and complex issue for children in street situations.[[1]](#footnote-1) As a group, many of these children have been separated from their families. Family separation can occur for a range of reasons, including children choosing to leave their families, being forced to leave by their families, or being separated by forces out of their control such as the detention of family members. Children may choose to leave their families for various reasons, including violence in the home, family breakdown, substance dependency issues among caregivers, and poverty. As recognised in paragraph 48 of the UN Committee on the Rights of the Child’s General Comment No.21 on children in street situations (hereafter ‘General Comment No. 21’): “Support for parents and legal guardians is essential to prevent children ending up in street situations, and to strengthen family reunification programmes for children already in street situations.”[[2]](#footnote-2) While reunification is frequently the preferred outcome, it is important to remember that for some children in street situations, “family reunification is not relevant or appropriate”, as is stated in paragraph 17 of General Comment No. 21. A nuanced and individualised approach must therefore be prioritised when examining the issue of family reunification for children in street situations.

**1.1 Methodology**

Conscious of this nuance, CSC issued a call to its network members to gather information on their experiences and work in relation to the rights of children and family reunification. Though the call was issued globally, responses came from three organisations in Uganda, and one in the Gambia. Much of this report will therefore focus upon the specific situation in these countries, though many of the key issues and learnings may be extrapolated. Where relevant, other information already available to CSC has been included: further information can be provided to the Office as required. The report has been compiled from information submitted by the above-named organisations and is structured around a selection of the questions posed by the OHCHR in their call for input, along with some more specialised questions focused on the specific context of children in street situations.

**1.2 Contributions**

The following organisations contributed to this submission:

* **Child and Environmental Development Association, The Gambia (CEDAG)** promotes and implements activities that support and protect children, young people and women. CEDAG also facilitates the identification, family tracing, assessment and reunification of children with their families in The Gambia.
* **Consortium for Street Children (CSC)** is a global network of almost 200 organisations, researchers and practitioners in over 135 countries that empowers street children’s voices, promotes their rights and improves their lives. For more information, see: [www.streetchildren.org](http://www.streetchildren.org). CSC were heavily involved in the development of the UN Committee on the Rights of the Child’s General Comment no. 21 on children in street situations.
* **Initiative for Community Concern** is an organisation based in Uganda which uses education as a means of reducing poverty and improving quality of life for their program participants, with a particular focus on women and girls. For more information, see: <https://www.ccuginitiative.org/>
* **Save Street Children Uganda (SASCU)** works to promote and protect the rights of children in street situations and other vulnerable children in Uganda. For more information, see: <https://www.sascu.org/>
* **Support And Love Via Education International (S.A.L.V.E International)** is a UK and Ugandan partnership charity supporting children to stop living on the streets in Uganda. They do this through support, love, family reunification and education. For more information, see <https://www.salveinternational.org/>

**2. Human rights concerns affecting children separated from their families**

There are a vast array of human rights concerns affecting children in street situations separated from their families, which go beyond the scope of this brief submission. Children’s separation from their families and life on the streets can lead to them becoming extremely vulnerable to a range of human rights violations. The Committee on the Rights of the Child’s [General Comment no. 21](https://www.streetchildren.org/wp-content/uploads/gravity_forms/1-07fc61ac163e50acc82d83eee9ebb5c2/2017/09/UN-General-Comment-Glossy-plus-Annex.pdf)[[3]](#footnote-3) provides an excellent overview of the rights issues affecting children in street situations broadly, and we recommend that the Office reviews this document in preparing its report. This section will therefore aim to highlight some of the key issues which specifically affect children in street situations who are separated from their families, and a brief overview of their implications.

**2.1 Right to the highest attainable standard of health[[4]](#footnote-4)**

Health concerns, especially mental health, reproductive health, and substance abuse are both a cause and a consequence of children finding themselves separated from their families and in street situations. In Uganda, both S.A.L.V.E. International and Initiative for Community Concern note that children separated from their families lack easy access to healthcare. Children in street situations are particularly vulnerable to physical and mental health issues: “[there are] disproportionately high rates of substance abuse, HIV, pregnancy, violence (including by peers), suicidal thoughts and suicide, self-medicating with unregulated medicines and exposure to infectious diseases, pollution and traffic accidents.”[[5]](#footnote-5) Despite this, as explained in paragraph 26 of General Comment No.21, street-connected children may face direct discrimination from health care professionals, as well as indirect discrimination for example as a result of not having identity documents. Legislation which requires the presence of parents to apply for identity documentation perpetuates this discrimination, by removing children’s ability to obtain these documents when they are separated from their families. This is particularly significant as violations of the right to health often affect the fulfilment of other rights, such as the right to education.[[6]](#footnote-6)

**2.2. Right to education**

The right to education is a key concern for street-connected children in Uganda who are separated from their family. Children in street situations face “unique barriers in accessing education” due to their inability to enroll in formal education (as they may not have legal identification, a permanent address or guardian).[[7]](#footnote-7) In addition, the stigmatisation and lack of support which children may face during their education can further exacerbate the psychological harm which vulnerable street children experience through physical and sexual abuse, exploitation and neglect.[[8]](#footnote-8) Accordingly, as noted in paragraph 54 of General Comment No.21, “accessible, free, safe, relevant and quality education is crucial to preventing children from ending up in street situations and fulfilling the rights of children already in street situations.” We commend efforts being made to provide no-formal education, bridging routes into mainstream education, and to ensure inclusion is a key consideration in arrangements for mainstream education.

**2.3 Violence**

Very significantly, as SASCU highlight, many of the reasons which force children to leave their home will still be present when attempting to reunify children with their families; this makes it challenging to reunify children, particularly where the reason was related to violence. Many children experience particular violence or rejection by family members as a result of factors including sexual orientation, health or pregnancy, or life choices. Additionally, in other instances, families or caregivers may not wish to be associated with the children and refuse to welcome them back, leaving children forced to return to the streets. Children in street situations to often turn to the streets to flee violence in the home, only to met by further violence during their lives on the streets.

**3. Effectively upholding the best interests of street-connected children who are the separated from their families without discrimination**

Developing rights-based, child-centred, and individualised responses to children who are separated from their families is essential in ensuring that the best interests of children are upheld without discrimination.

For children in street situations who are separated from their families, upholding their best interests often includes reintegration into life off the streets. Where this is the case, family reunification is for many children at the heart of the reintegration process. As SASCU note, “This [family reunification] also helps in the process of conflict resolution - thereby enabling the child to reintegrate into a warmly welcoming environment and not get victimised or blamed for past events.” Organisations undertake different practices to facilitate the reunification of children with their families: what unites these approaches, as highlighted by CEDAG, is the concept that upholding the best interests of children in street situations involves ensuring that children are in happy and loving environments.

As S.A.L.V.E. International explains, this can be achieved by

1. building relationships with the communities that children are from and facilitating communication between communities and families,
2. training and supporting social workers,
3. supporting families and caregivers by providing support and intervention strategies, and ensuring families are consistent in using the skills acquired,
4. monitoring children’s progress in their homes and communities, and
5. helping schools to understand the needs of children with mental health challenges.

It is essential that family reunification is not undertaken for every child without understanding their circumstances. First and foremost, the child must be consulted and have their right to be heard respected regarding reunification. The home and family must then be traced, which requires a high level of trust between the child and the team working with them. As S.A.L.V.E. explain, the suitability of the child to return to their family must then be thoroughly assessed: “[Visiting relatives with the child] also allows us to view the home circumstances ourselves and to see if the factors that led the child to the streets can be resolved or not. We might end up Home Tracing the same child to several different relatives in different parts of the country as part of this process and for this reason we have been able to work with partners like the district officials, partner organizations, local leaders and this has helped strengthen relationships to be involved in helping the children stay home because they have helped in checking on the children and resolving issues at home hence a good impact created.”

Many children in street situations who are separated from their families face a range of additional challenges, which must be addressed in order to facilitate a positive and sustainable return to their family. We have observed that approaches which simply remove children from the streets and send them back to families which they have chosen to leave frequently end in children returning to the streets, or in some cases experiencing further violence. For this reason, S.A.L.V.E.’s family reunification programme includes a drug rehabilitation programme for children experiencing substance misuse or addiction. Similarly, SASCU implement a ‘socio-economic empowerment’ approach which involves reuniting children with their families and simultaneously ensuring that children are granted their right to identity and right to education, amongst other rights.[[9]](#footnote-9) Initiative for Community Concern notes that it is good practice to deliver counselling therapy with the family of the child prior to reunification, and conduct regular assessment with the child post-reunification to find out how they are coping with the transition. Moreover, CEDAG stresses that it is good practice to support both the child and family for a long period of time (ideally for the rest of childhood) to ensure the reunification is successful.

S.A.L.V.E. explain that, as part of their approach, they “meet with relatives, neighbours and local leaders to investigate why the child came to live on the streets and to let us work with the child and their community to plan how best to help them leave the streets for good.” This demonstrates the importance of holistic, rights-based and individualised family reunification approaches, as highlighted in General Comment no. 21: “Strategies should make it clear that a child rights approach needs to apply to each and every context.”

Thorough and responsive rights-based processes of this kind therefore enable the individual child’s best interests to be prioritised in reunification: for many children in street situations, the risk of the same problems which caused them to become separated from their families being repeated upon reunification are significant. It is therefore essential that reunification is undertaken in combination with a range of other supportive interventions, for both the child and their family, in order to mitigate these risks. For some children, as CEDAG notes, the outcome of such processes will sometimes be that it is not in the child’s best interests for them to be reunified with their family. This instance is explored in more detail in the following section.

**4. The challenges of family reunification for street-connected children who do not wish to be reunified with their families**

It is essential for all relevant actors to avoid assuming that it is in the best interests of every child to be reunified with their family. Not only are there a range of reasons why children may not wish to return home, but we also experience many instances where families reject children, or deny their parenthood, and as outlined by Initiative for Community Concern, some children may face stigma, gender-based violence or may be deprived of their basic needs if they were to be reunified.

Furthermore, S.A.L.V.E. International explains that the high expectations that families may have can lead to relapses in children who were prepared and supported for family reintegration. This may be because children struggle with a change in their routine (such as the shift from being able to meet their friends at any time, to moving to an environment where they may be limited in what they can do). Alternatively, children may struggle due to a lack of intensive, personalised support or coping with the stigma of having been away.

It is also important to remember that family members also experience challenges when being reunified with street-connected children who do not wish to return. As noted by S.A.L.V.E. International, families may experience the return of a tense relationship with their community, or the psychological stress of assuming more responsibility for a child’s behaviour and well-being. Furthermore, family members of children with mental health illnesses might also be dealing with their own mental health illness, all of which might be exacerbated by the transition of family reunification.

It is important to remember the nuances and challenges that family reunification brings, particularly when a street-connected child does not wish to be reunified with their family or when it is not in their best interests. This is particularly pertinent because, as highlighted by CEDAG, there is sometimes a lack of resources to support other family-based alternative care solutions, which can result in limited safe options for children.

**6. Conclusions**

We wish to draw the following conclusions from the information examined in this report:

* Children in street situations face numerous human rights concerns when they are separated from their families. This includes a lack of access to healthcare and education, psychological distress, and significant stigma, amongst other concerns.
* While family reunification is often the preferred option, it is not in the best interests of every child to be reunited with their family: governments, organisations and other stakeholders should not implement ‘blanket’ family reunification for children in street situations.
* In order to effectively uphold the rights of children in street situations who are separated from their families, individualised approaches must be taken which respond to the particular needs and situation of the child in question. Children’s right to be heard and the principle of the best interests of the child must at the heart this decision-making process.
* In order to prevent the separation of children from their families, as outline in General Comment no. 21, thorough programmes of support to families in vulnerable situations should be insured, including provision of social protection.[[10]](#footnote-10)
* When it is found to be in the best interests of the children to be reunited with their families, a broad support system should be put in place to maximise the chance of successful reunification taking place, including the provision of relevant and sustainable support to families.
* Addressing family reunification, like all issues relating to children in street situations requires a holistic approach which encompasses all relevant actors, and additionally enables easy monitoring and evaluation by both national and international bodies. In-line with General Comment no. 21, governments should consider developing national strategies on children in street situations to streamline responses and ensure the protection of their rights.

It is clear that the issue of family reunification, and how it relates to the rights of children, is an area that would benefit from additional, focused research. CSC is therefore pleased that this topic will be the theme for the next Annual Discussion on the Rights of the Child, and is eagerly looking forward to the discussion.

1. This submission uses the term “children in street situations” or “street children” to describe children who a) depend on the streets to live or work, either on their own, or with other children or family members; and b) have a strong connection to public spaces (e.g. streets, markets, parks, bus or train stations) and for whom the street plays a vital role in their everyday lives and identities. This wider group includes children who do not live or work on the street but regularly accompany other children or family members in the streets. [↑](#footnote-ref-1)
2. General Comment No.21 (2017) on Children in Street Situations <https://www.streetchildren.org/wp-content/uploads/gravity_forms/1-07fc61ac163e50acc82d83eee9ebb5c2/2017/07/General-Comment-No.-21-2017-on-children-in-street-situations.pdf> [↑](#footnote-ref-2)
3. CSC, ‘Rights of Children in Street Situations: General Comment No.21 (2017) on children in Street Situations’ <https://www.streetchildren.org/wp-content/uploads/gravity_forms/1-07fc61ac163e50acc82d83eee9ebb5c2/2017/09/UN-General-Comment-Glossy-plus-Annex.pdf> [↑](#footnote-ref-3)
4. General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art.24), <https://www.icj.org/wp-content/uploads/2014/10/General-Comment-CRC-15-Right-to-health-art-24-2013-eng.pdf> [↑](#footnote-ref-4)
5. Paragraph 53, General Comment No.21 [↑](#footnote-ref-5)
6. For the link between the right to health and other human rights, see page 10, <https://www.ohchr.org/documents/publications/factsheet31.pdf> [↑](#footnote-ref-6)
7. CSC, ‘Realising street children’s right to education’, 2019, <https://www.streetchildren.org/news-and-updates/realising-street-childrens-right-to-education/> [↑](#footnote-ref-7)
8. Sarah Thomas de Benítez, ‘State of the World’s Street Children: Violence’ (London: Consortium for Street Children, 2007). [↑](#footnote-ref-8)
9. For more information on SASCU’s work, please see <https://www.sascu.org/livelihood.html> [↑](#footnote-ref-9)
10. Paragraph 48, General Comment no. 21. [↑](#footnote-ref-10)