



***Promoting and protecting the rights of children working and/or living on the street¹:
An inclusive roundtable discussion in South East Asia***

Lien Centre for Social Innovation
Singapore Management University

Singapore, 10-11 December 2013

Concept note

I. Background

On 9 March 2011 the Human Rights Council held its annual day of discussion on the rights of children working and/or living on the street. The discussion led to a fruitful consideration of this subject by the Council and to the final adoption of resolution 16/12 entitled “A holistic approach to the protection and promotion of the rights of children working and/or living on the street”².

In resolution 16/12 the Council expressed its **profound concern that the situation of children in many parts of the world remains critical and has been negatively affected by the world financial and economic crisis** and called on States to give priority attention to the prevention of the phenomenon of children working and/or living on the street by addressing its diverse causes through economic, social, educational and empowerment strategies. The resolution also invites regional organizations, **the private sector**, employers’ and workers organizations, civil society organizations, including child-led organizations and any other actors, **to accelerate action against child labour**, especially its worst forms, in line with international obligations and declared commitments. During the annual day discussion some participants recommended **to involve the private sector and utilize corporate social responsibility strategies to enhance programme design and policy interventions on children working and/or living on the street**³.

¹ The terminology around ‘street children’ is complex. The title of the roundtable reflects the title of UN Human Rights Council Resolution 16/12 (2011), as well as the UN Office of the High Commissioner for Human Rights’ report on the Protection and promotion of the rights of children working and/or living on the street’ (19/35). The report recognises that the UN Committee on the Rights of the Child refers to ‘children in street situations’, whilst some NGOs use the term ‘street-connected children’.

² [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/92/PDF/G1112692.pdf?OpenElement)

[ny.un.org/doc/RESOLUTION/GEN/G11/126/92/PDF/G1112692.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G11/126/92/PDF/G1112692.pdf?OpenElement)

³ See OHCHR summary report of the annual day discussion (A/HRC/17/46)

II. OHCHR report on children working and/or living on the street

At the request of the Human Rights Council (resolution 16/12), OHCHR prepared a study on challenges, lessons learnt and best practices in a holistic, child rights and gender-based approach to protect and promote the rights of children working and/or living on the street. The report, prepared by OHCHR through a unique cross-sectoral partnership with Consortium for Street Children (CSC), Aviva and UNICEF concludes that the actual number of children who depend on the streets for their survival and development is not known and that the number fluctuates according to socio-economic, political and cultural conditions, including growing inequalities and patterns of urbanization. The report analyses the causes that lead children to the street and the challenges they face in their everyday lives. It recognizes that before reaching the street, children have experienced multiple deprivations and violations of their rights. It further elaborated on the definition of a ‘street child’, and understood these as those for whom the street is a central reference point, one which plays a significant part in his/hers identity and everyday life – a ‘street-connected child’.

OHCHR and partner organisations intend for the report **to serve as a platform for future work at national, regional and local level**, as investing in children is an essential ingredient to building a society which respects human dignity and human rights.

The report makes a number of substantive recommendations to States, including the decriminalization of survival behaviors such as begging, loitering, vagrancy, and running away and ensuring that street children are not treated like criminals or delinquents for survival activities. It also recommends that States ensure the prevention and prohibition of all forms of violence against children and address stigmatization and discrimination of children in the streets including through public sensitization campaigns to the experiences and rights of street-connected children.

It further recommended **to foster a collaborative approach in which the interests, inter-connections and expertise of non-State actors – children and families, civil society, academia, the private sector, human rights institutions and intergovernmental organizations – are recognized and brought together in partnerships that ensure children are afforded effective protection.**

It recommends that States guarantee operational budgets for specialized interventions and funding for research to assess their cost-effectiveness. In cases where States are unable, in the short-term, to provide the necessary resources, **the private sector and/or international community might be approached to engage as partners**, to ensure that specialized interventions, by delegated duty bearers, have the means and capacity to fulfil the rights of children who have developed connections to the street. In particular, States should propose and lead, in partnership with the United Nations, civil society and **the private sector**, national, sub-regional and regional multi-stakeholder forums that include children, youth and local community representatives to discuss and agree criteria for good practices.

III. June 2012 follow up meeting between OHCHR-AVIVA-CSC and other key stakeholders to the report on children working and/or living on the street

A follow up meeting between OHCHR-CSC-AVIVA was held in June 2012 to consider the main recommendations of the report and discuss possible follow up to ensure their implementation. Participants considered, in accordance with one of the recommendations of the OHCHR report, organising regional multi-stakeholder forums, with a particular focus on the role of business and children rights. Aviva suggested a first pilot meeting in Singapore for the ASEAN region. Aviva is a member of the CSR Asia Community Investment Roundtable as well as a participant in the UN Global Compact.

IV. The private sector and children rights

Developed by UNICEF, the UN Global Compact and Save the Children – the **Children’s Rights and Business Principles** (the Principles) are the first comprehensive set of principles to guide companies on a range of actions they can take in the workplace, marketplace and community to respect and support children’s rights. While the business and human rights agenda has evolved significantly in recent years, a child rights perspective has not yet been explicitly addressed.

The Principles build on the **UN Guiding Principles on Business and Human Rights** as well as on existing standards, initiatives and best practices related to business and children, and seek to fill gaps to present a coherent vision for business to maximize the positive impacts and minimize negative impacts on children. In doing so the Principles help to elaborate both expectations of, and opportunities for business in relation to children.

The **Committee on the Rights of the Child** (‘the Committee’) adopted its General Comment Number 16 on "State Obligations regarding the Impact of the Business Sector on Children’s Rights" in February 2013. The General Comment is a pronouncement of the Committee’s interpretation of the framework required by States parties for implementation of the Convention and its Optional Protocols with regard to the business sector. It provides guidance to States on the measures of implementation they are required to take to: prevent and remedy violations of child rights by business actors; to ensure business enterprises carry out their responsibilities in the realisation of the rights of the child; and to encourage business to contribute positively to the realisation of these rights. Such measures include relevant legislation, regulation and policy but also administrative measures as well as awareness-raising and collaboration.

The General Comment recognizes that while there is no legally binding international instrument on the business sector’s responsibilities vis-à-vis human rights, “duties and responsibilities to respect the rights of children extend in practice beyond the State and State-controlled services and institutions and apply to private actors and business enterprises. Therefore all businesses must meet their responsibilities regarding children’s rights and States must ensure they do so.” The General Comment also acknowledges that voluntary actions of corporate responsibility by business enterprises are not a substitute for State action and regulation of businesses or for businesses to comply with their responsibilities to respect children’s rights.

V. AVIVA-OHCHR-CSC roundtable

Aviva has engaged with several companies already through the development of an Insight Report examining the experiences and practices that five businesses from different sectors have established in supporting, protecting and enhancing the rights of children, in particular street-connected and other vulnerable children, in order to extend the conversation to other business globally and to provide a ‘business sector’ insight into the current developments in this space. The companies involved in this paper are Aviva, Adidas, HSBC, The Body Shop, Kuoni and Microsoft – each representing a different business sector. The paper will be presented in Autumn 2013.

At the completion of the Insight Report common themes and areas of concern will be identified to be part of the discussion at the roundtable. This will allow enhanced dialogue with UN agencies, State representatives and civil society in ways to engage business in the promotion and protection of children rights, thus fostering a collaborative approach in which the interests, inter-connections and expertise of all stakeholders are recognized and **brought together in partnerships that ensure children are afforded effective protection.**

The roundtable discussion will:

- a. Discuss the critical issues relating to the protection and promotion of the rights of street-connected and other vulnerable children and address specific concerns using different perspectives from cross-sectoral stakeholders;
- b. Examine and discuss the obligations that the private sector has in relation to street-connected and vulnerable children, within the context of the Children’s Rights and Business Principles.
- c. Reflect on examples of how different stakeholders have been working to promote and protect the rights of street-connected children, in particular through cross-sector partnerships;
- d. Discuss and identify common success factors, barriers and therefore priority areas for further attention and collaboration
- e. Reflect on how the learning and outcomes from this process of cross sector engagement can be shared with UN mechanisms, including the treaty bodies, special procedure mandate holders and the Human Rights Council
- f. Support international, national and local level follow up aimed at accelerating the collaboration to implement the recommendations of the UN OHCHR report, including the development of a General Comment on children in street situations.
- g. Develop a roadmap/blueprint/pathway to implementation that stakeholders can commit to.
- h. Ensure that the views of street and other vulnerable children are considered in the discussions.

The meeting will gather around 20 experts from civil society, UN agencies (OHCHR, UNICEF and ILO), UN human rights mechanisms, including the Special Rapporteur on the sale of children, child prostitution and child pornography and the Committee on the Rights of the Child, a limited number of State representatives and representatives of business sector (Aviva, Adidas, HSBC, Kuoni, Microsoft, The Body Shop). The meeting will be held in English (no translation will be provided).

The meeting is expected to lead to the development of a roadmap for inclusive collaboration to address the issue of street-connected and other vulnerable children. It is the aim that other regional roundtables will follow to ensure the regional and national implementation of OHCHR recommendations.
