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MANDATE OF THE SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING

Questionnaire for National Human Rights Institutions, UN agencies and civil society organisations in general – Safe Child Africa response – October 2015

Safe Child Africa is a UK-registered charity (Number 1112476) which exists so all children in Africa can live happy and safe lives and grow up without fear of violence, abuse or neglect. Our work focuses on two related priorities:

1: Supporting Children in Crisis: We work with local partners to meet the immediate needs of children who have experienced or who are at risk of abuse.

2: Preventing/Reducing the Abuse of Children's Rights: We work with local communities to: raise awareness of children's rights; encourage positive behaviour change; and reduce abuse. We engage with governments to: promote children's rights; support best practice; challenge current practice and priorities; and hold them to account.

Our responses to this questionnaire are based on ten years' experience of working with street children in the Niger Delta region of Nigeria. The information provided therefore discusses homelessness as it relates to street children.

1. Please explain how your organisation or institution defines homelessness in various contexts, for example, when measuring the extent of homelessness or conducting research about it, or preparing proposals and advocacy projects. Please explain why the definition was chosen. Do these definitions differ from those used by your government? Please provide any available data on the extent of homelessness in general and among particular groups in your country and identify any limitations to this data.

With regard to street children, we use the definition 'street-connected children'. This is a broad definition which recognises the varied experiences of 'street children' – some are on the street long-term, some for isolated or repeated shorter periods of time, and some work on the streets but return to a 'home' at night. We consider that when addressing 'homelessness' in relation to street children it would be of value to consider these varied experiences and the child's own perceptions.

For example, a street child may have access to some form of shelter or 'home', but this may be an abandoned building with no power or sanitation facilities where they are at a significant risk of physical abuse, therefore not fulfilling their right to adequate housing. Also, street children who are perceived as 'homeless' may be rounded up and forced into a 'home', but would themselves define the street as their actual 'home'.

2. What population groups are most affected by homelessness in your country/ in your organization's area of work? Please provide any information you have about the extent or experiences of homelessness among particular groups such as children and youth, women, indigenous peoples, persons with disabilities, and others. If relevant studies exist please indicate or share a link, a reference or a copy.

Safe Child Africa only works with children in Niger Delta region, and we therefore can only comment on this group. There are a large number of street-connected children across the Niger Delta, primarily in urban locations. We are not aware of any robust studies on the exact numbers of street-connected children in Nigeria; however, anecdotal evidence has suggested that there are three new children on the streets of Port Harcourt every day.

In our experience, there are no significant gender differences in the numbers of children on the streets. Both boys and girls experience violations of various rights as a consequence of their street-connected status. These include the rights to food, water and shelter, the right to education, freedom from economic and/or social exploitation, freedom from violence, including sexual violence, and the right to participation. Our work with street children indicates that street boys frequently become involved with 'cult' gangs, whether they are encouraged or often forced to engage in criminal activities including drug dealing, violence and sometimes murder. Street girls are frequently involved in prostitution. Both girls and boys experience particular vulnerability to trafficking (both internal and external). As street children face significant discrimination and social exclusion, their right to participate in matters that affect them is also rarely realised. Finally, they often face abuse of their rights from statutory agencies including police violence.

3. In your organization's view, what are the primary systemic and structural causes of homelessness? How is your organization addressing these and how should these be addressed by Governments?

In our experience, the primary reasons for children ending up on the street are as follows:

- Many children living in poverty leave their homes in rural areas due to the perception that they will be able to gain work in larger cities. When this proves not to be the case, the child ends up on the streets.
- Poor rural children are often sent to relatives or contacts in cities by their parents, with the expectation that in return for carrying out domestic work they will be cared for and sent to school. However many such children face significant ill-treatment and run away to the streets.
- As noted above, children who face abuse in their home environment see the streets as a better option. Such abuse includes physical violence, including violent discipline, neglect, sexual abuse and psychological abuse.
- In certain areas including Lagos and Port Harcourt children and their families are evicted in order to make way for urban development.
- Family breakdown, including divorce, a new step-parent or the death of one or both parents means that children either have no-one to care for them or face abuse in the home environment and therefore leave home for the streets.

- In Cross River State and Akwa Ibom State in particular, many children are on the streets following witchcraft accusations and resultant abuse.
- Government support mechanisms, especially the provision of safe alternative accommodation for children, are extremely poor. We have documented cases of children who have been taken off the streets and placed in government-run homes being subjected to significant abuse within these homes. This then results in the child running away back to the street.

The main ways in which we are addressing these issues are through community education and awareness-raising about why and how children end up on the streets, targeted at children and parents, in order to try and reduce the numbers of children affected. We also conduct advocacy with relevant government and international agencies in order to make them aware of the policy changes needed.

We consider that the main actions that government should take to address these issues are:

1/ Ensure that both government-run and private care homes for children are of an appropriate standard, including the required level of child protection mechanisms and training for staff, and that these are regularly monitored. This will give children in abusive situations a safe alternative to the streets.

2/ Significantly increased initiatives to improve understandings of children's rights and how all children, including street children, should be treated, including among key agencies such as the police, judiciary and social services, as well as among communities. This will reduce the levels of abuse experienced by street-connected children.

3/ Improved enforcement of existing child rights laws, including through publicising the law, specifically training police and judiciary in how to enforce the law in a child-friendly manner, and properly resourcing law enforcement agencies whilst also acting to reduce corruption. This will promote the observance of child rights principles, and increase children's confidence in seeking support if their rights are violated.

4. Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels and describe any initiatives being taken or proposed to address this problem.

There is significant stigmatisation and discrimination against street children, as they are perceived as deviants and criminals, whose situation is their own fault. As noted, they are frequently targets of violence and it is extremely rare for any action, such as prosecutions, to be taken as a result. They are socially excluded; for example, children are not permitted to attend school without a home address, and are frequently denied medical treatment. Street children are often rounded up by the authorities and either forced into poorly-run large institutions, or taken to a neighbouring state and left there. State officials are open about using these techniques to 'solve the problem' of street children and appear to believe that they represent good practice and are in the children's best interests.

5. Please indicate if you know whether homelessness has been recognized as a human rights violation by courts, by national human rights institutions in your country/ in the area of your expertise, and if so, on the basis of which human rights (for example: right to adequate housing,

right to life, etc) Provide information on any initiatives being taken by your organization or others to address homelessness using an explicit human rights framework.

We are not aware of the judicial system recognising ill-treatment of street children as a human rights violation. We believe the NHRC to be aware of this issue but not of any specific action they have taken to address it.

All of our work takes a rights-based approach centralising the UNCRC and the Nigerian Child Rights Act as the basis for encouraging positive behaviour change in relation to street children. For example, we hold events to mark the International Day for Street Children each year which involve street children having the opportunity to campaign for better protection of their rights.

6. Please provide information on how your organization has used or intends to use administrative procedures to challenge homelessness as a violation of human rights?

N/A

7. Please provide information about any proposed or existing strategies or legislation that your organisation or institution might be familiar with aimed at reducing or eliminating homelessness. Explain any goals or timelines that have been adopted for this purpose, describe how progress has been monitored, describe how those affected by homelessness have been involved and provide information on results to date. Does your institution/organization have any suggestions for how existing or proposed strategies could be improved?

We are not aware of any specific strategies, policies or legislation relating to street children in Nigeria, although they are mentioned briefly in some policies relating to OVCs. We recommend that specific national and state-level policies on supporting street connected-children are developed, with participation from the children themselves, in order to understand their needs and the best ways to meet these.