Why have street children disappeared? – The role of international human rights law in protecting vulnerable groups

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1. Introduction

Street children and their appalling human rights situation have become common knowledge worldwide. The media and research in social sciences have provided them with a relative period of fame during the 1980s and 1990s. And yet they have rarely been mentioned in scholarly legal articles. The reason seems to be that street children have not been officially recognised as a vulnerable group in human rights law. Initially, lack of knowledge about them and the late development of the rights of the child explained this omission. Now, general demotivation from those who have worked with and for street children and the lack of interest from decision-makers have made street children disappear from all scenes.

This article describes how initial interest in street children developed alongside the rights of the child, yet how street children were not able fully to benefit from the development of children’s rights and have actually ended up in oblivion. It attempts to show how the special condition and status of street children have not led to special rights that would normally be required for the protection of vulnerable groups. Other groups have benefited from group recognition and have been able to move towards an equal standing point with other people. Although street children should be protected by the principle of non-discrimination, non-discrimination measures cannot lead to de facto equality unless special needs of people are addressed. These are not addressed when people do not belong to a vulnerable group whose special situation is recognised in international law. While programmes addressing street children’s needs exist, these are adopted and carried out on a voluntary basis. They are therefore without guarantees and are often short-lived due to difficulties in funding and monitoring.

Deficient interest in street children can be seen from different angles, ranging from the lack of common understanding of the concept of street
children and the complexity of those children’s lives, to the lack of pressure groups advocating for street children. However, using research on street children as a basis, many of these obstacles could be overcome and street children could be endowed with a vulnerable group status without much complication. The recognition of this status is essential to help them exercise their human rights without discrimination, and only calls for a more effective use of international human rights law. To come to these conclusions, this article first explains why special attention to street children as a vulnerable group is justified, then explores how they have been taken into account in international human rights law, and finally suggests realistic solutions that could be applied to this group, and that could be useful to any groups without specific legal protection.

2. Defining concepts: Street children and vulnerable groups

2.1. Street children: Multiple portrayals, common concerns

The notion of ‘street child’ has different meanings for different people: from cute little things begging on the sidewalk alone or accompanied by siblings, to rude youngsters drinking, smoking and harassing passers-by. Indeed, street children are not all the same, and each child has a different story to tell. Some street children are born in the city they live in, some migrate there with their families, whereas others come on their own looking for a job, either sent by their parents or from their own initiative. In general terms, the street child phenomenon has to do with poverty, rapid urbanisation and industrialisation. Urban poverty and the urban way of life lead to the dilution of social values, to stress within the family and family break-up. Since only a small minority of children living in difficult conditions decide to leave their family, a crucial factor is undoubtedly the perception of the situation by the child, who decides to change his/her life. When referring to their pre-street experiences, street children tend to present themselves as victims of misunderstandings and violence to explain their presence on the street (Visano, 1990). What makes children stay on the street is a combination of factors, possibly including an abusive stepfather or an alcoholic caretaker, the knowledge that parents will send them back to work, the convenience of making their own money and using it on themselves, having time for leisure, having friends who are in a similar situation and who seem to be the only ones not to reject them, getting used to a new way of life – both hard and fun, surviving a day at a time and living by their own rules. Some causal and statistical differences exist in different parts of the world, although no accurate data is available. Developing countries tend to refer to poverty and the weakening of the tradi-