



CSO Joint Statement: Enhancing Access to Essential Services for Children in Street Situations in Uganda

Introduction

There are 800,000 homeless people in Uganda's major towns who mirror the country's population in street situations (UHRC, 2018¹). This includes significant numbers of Children in Street Situation (CSS) who live in deplorable and desperate conditions. This has been accentuated by the COVID – 19 pandemic that is disproportionately affecting CSS.² The UN Committee on Economic, Social and Cultural Rights has expressed concern on Uganda's increasing number of Children in Street Situations (CSS) and widespread violence against children.³ According to UNICEF, Uganda experienced a 70 per cent increase in children living on the streets between 1993 and 2014⁴. *The Enumeration of Children on the Streets in 4 Towns in Uganda* highlighted 15,500 children aged 7-17 years live and / or work on the streets of just four towns in Kampala, Jinja, Iganga and Mbale (Retrak et al, 2018⁵). Spot checks randomly conducted during a Situation Analysis on Children in Street Situations across 20 Districts in Uganda (SASCU, 2019) identified children living and working on the streets in several districts including Masaka, Mbale, Iganga, Jinja, Wakiso, Kampala, Mbarara, Luwero, Kabale, Moroto, Kasese, Mukono, Kabarole, Lira, Tororo, Busia, and Soroti among others. Most CSS (79.9%) are aged 12 -17 years, those aged 6 – 11 constitute 18.5% while those below six (6) years are 1.6% (SASCU, 2019). 49.9% CSS are either single or double orphaned (SASCU, 2019). Many CSS were produced by displaced children and by those who had lost a sense of social belonging during armed insurgencies (UHRC, 2018). Homeless groups include vulnerable CSS and youths who sleep on streets and in substandard informal settlements where they lack many essential components with limited access to social services (UHRC, 2018).

Background

The phenomenon of CSS is caused by “pull” and “push” factors including violence against children, family breakdown, peer pressure, displacement and high incidences of poverty among vulnerable families and communities. CSS say poverty, family instability, violence and difficulties in accessing education are major causes (Retrak et al, 2018). State and CSO service providers (SASCU, 2019) highlighted domestic violence, family breakdown, poverty, child neglect, peer pressure, war and natural calamities as key causes. Some CSS say they do not like anything on the streets, implying some of them are forced by factors beyond their control to live and / or work on the streets while some are fugitives i.e ran away from home after committing crimes (SASCU, 2019). CSS also noted that the existence of opportunities to work, adventure, make friends, get food, the availability of NGO services and opportunities to take drugs also attracts them to the streets (SASCU, 2019).

CSS in Uganda face various problems. They are generally poor, experience deprivation, are excluded, susceptible to various risks, and are confronted by multifaceted circumstances that create enduring bottlenecks that affect their basic rights, psychological, intellectual and physical development. CSS lack financial capacity, they beg, look for handouts for sustenance but also snatch people's property and are notable sources of insecurity (UHRC, 2018). According to Human Rights Watch (2014⁶, 2019⁷); CSS encounter violence, sexual abuse, and child labor arising from peers, communities, police and local authorities which has continued over the years. Some CSS suffer brutality and exploitation committed by older children and homeless adults on the streets; they regularly lack access to food, clean water, medical care, accommodation, and education (Human Rights Watch, 2014).

1 <http://www.uhrc.org/wp-content/uploads/2019/06/UHRC-21st-Annual-Report.pdf>

2 <https://www.panafrican-med-journal.com/content/series/35/2/56/full/>

3 https://www.upr-info.org/sites/default/files/document/uganda/session_26_-_november_2016/a_hrc_wg.6_33_uga_1_e.pdf

4 <https://www.unicef.org/uganda/what-we-do/child-protection-systems>

5 <http://hopeforjustice.org/wp-content/uploads/2020/05/Enumeration-of-Children-on-the-Streets-in-Uganda-across-Four-Locations-Retrak-part-of-the-Hope-for-Justice-family-.pdf>

6 https://reliefweb.int/sites/reliefweb.int/files/resources/uganda0714_forinsert_ForUpload.pdf

7 <https://www.hrw.org/news/2019/08/05/street-children-rounded-kampala>

Diversion of cases involving offending CSS is limited and many end up being treated as adults yet MGLSD lacks capacity to support them, resulting in prolonged detention, unfair trials and delayed investigations (UHRC, 2017)⁸. Livelihoods of vulnerable groups including CSS and their families with low incomes are at stake yet systemic inequalities and other structural rigidities prevent them from accessing government intervention programmes.

Adolescent girls and boys are predisposed to various risky livelihood options and behavioral practices that compel many of them to assume adult roles within their environments; some end up working or marrying at the expense of their education. Most CSS work, including collecting and selling scrap and bottles; engaging in casual labour; hawking; commercial sex work but also pickpocket; beg and deal in drugs.

To reduce the prevalence and predicament of CSS there is need to holistically address pull and push factors. Addressing high levels of poverty in vulnerable households that incapacitate their abilities to provide basic needs and high levels of violence against children all of which “push” children to the streets and also gravely impacts upon them while they are on the streets; are critical. Other supervening factors that exacerbate the prevalence, discrimination and inability of CSS to access essential services need to be addressed using the systems approach at community, policy and institutional levels.

There is need to address the following critical aspects;

A. Prioritize Registration of CSS by ensuring obstacles hindering access to identification & other essential documents are removed to enhance access to essential services.

The Issues - Legal identity documents including birth certificates and identification cards, are required to gain access to some basic services like education, justice and welfare support. For CSS, there are barriers in obtaining relevant legal identification documents due to associated fees, ignorance of relevant application procedures, inability to prove parentage, indifference or discrimination of CSS by relevant authorities. This contravenes the UNCRC that grants all children the rights to birth registration (Article 7) and identity (Article 8). Teenage CSS without relevant documentation are sometimes treated like adults by justice system actors resulting to harsh and unfair punishments. They also end up getting married before attaining the appropriate legal age. They cannot access government social protection, financial or material support programs as was the case during the food distribution in Wakiso and Kampala in the wake of the COVID

– 19 pandemic. This has not been helped by the absence of updated data on the actual CSS’s population. The UN General Comment No.21 on Children in Street Situations authoritatively notes that:

As a minimum, States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages. Children in street situations should be supported proactively to obtain legal identity documents. As a temporary solution, States and local governments should allow innovative and flexible solutions, such as providing informal identity cards, linked to civil society personnel/addresses, allowing children in the meantime to gain access to basic services and protection in the justice system

There is therefore need for NIRA and MGLSD in conjunction with relevant CSOs to;

Proactively support CSS to obtain legal identity documents. This will require devising measures that will enable CSS overcome insurmountable requirements of proving identity or registration particularly for those children born by other CSS outside health facilities as well as for those who were abandoned on the streets and do not know their parents.

Adopt innovative and flexible solutions that will enable CSS to access essential services. Consider solutions like providing children with informal or temporary identification cards that are linked to civil society organisations’ that support these children.

B. Prioritise and Emphasize Child Friendly Protection rather than punishment of CSS

The Issues - Many children end up in street situations due to lack of adequate and safe life alternatives. Thus, government should recognise that to many of these children, gathering together in open and relatively safe public spaces is not a choice but an essential aspect of their lives.

Criminalisation, forcefully removing, arresting and / or brutalising children in street situations for occupying streets and other safe spaces and the manner in which these acts are committed by law enforcement agencies during curfew hours or "street round up" operations need to be revisited.

Violence is a permanent feature of most CSSs and is both a fundamental cause and consequence of their being on the street. Sexual violence of CSSs remains an ongoing concern. There is need to provide these children with special protection that will for instance ensure they are adequately supported to report abuse and ensure perpetrators are brought to book.

The Police and other law enforcement agencies;

Need to refrain from detaining CSS and ensure they are protected from disproportionate, unlawful and discriminatory tendencies meted out on them simply because they were found on the streets.

Need to establish child-friendly mechanisms of reporting and even responding to violence, discrimination and other forms of rights violations against CSSs. There is also need to enhance access and the confidence or trust of CSSs in utilising established reporting and response mechanisms.

C. Other Pertinent Targeted Interventions

- MGLSD should take appropriate steps to ensure CSS acquire safe temporary accommodation where they are provided basics like water, sanitation, health care, food, relevant rehabilitation, empowerment and resettlement services. MGLSD should work and support CSOs offering such services to CSS.
- MGLSD, MOH and other relevant stakeholders should establish mechanisms in public health facilities that enable CSS to access essential health services particularly in the wake of the COVID – 19 pandemic. This necessitates removing requirements that oblige CSS to provide identity documents or to have an adult caregiver present before they are allowed to access essential health care services. Targeted and tailor made health-related information should be availed to CSS.
- Implement social protection measures that alleviate the financial burdens on children and families in street situations. Enhance their capacity and prospects of accessing and utilising ongoing socio - economic support services like "Emyoga". This underscores the need to consciously recognise CSS and their families as relatively more vulnerable groups that require special prioritisation interventions.
- MGLSD and MoES should work with CSOs to ensure CSS access alternative forms of education and learning that is suitable to their needs, situation and abilities.
- MGLSD, MoES, MoH and other relevant stakeholders should adequately program for CSS by ensuring the plans and programs they implement are adequately informed by meaningful consultations. CSS should be given opportunity to meaningfully highlight their views and concerns on different matters that affect them. Government agencies should consider working with CSO working with CSSs to ensure targeted children are adequately mobilised and engaged.
- MoGLSD should take appropriate steps geared towards ensuring Strategy 7 of the National Child Policy (2018) that seeks to remove all CSS from the streets of Kampala and other towns is realised. Constructive discussions with critical CSOs, private sector, religious and cultural actors among others are critical. Adequate resources and mechanisms geared towards realising this strategy should be availed. Adopted measures should ensure pull and push factors perpetuating the CSS's phenomenon are sufficiently addressed. There is also need to recognise and address the fact that approved children's homes run by CSOs that absorb CSS from the streets have limited approved capacity and get full quickly hence leaving many children on the streets. Government needs to establish additional homes across the country and should also increase the number of slots of children that can be absorbed by existing children's homes that have got additional absorption capacity.