NGO Shadow Report for the
United Nations Committee on the Rights of the Child
56th Session: Afghanistan
Prepared by the Consortium for Street Children, in collaboration with War Child
August/September 2010

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THE CONSORTIUM FOR STREET CHILDREN
The Consortium for Street Children (CSC) is the leading international member-based network dedicated to advocating, promoting and campaigning for the rights of street-involved children. We are committed to creating a better and sustainable future for some of the most disadvantaged and stigmatised children by working together to inform and inspire research and action that influences police and best practice worldwide. For more information go to www.streetchildren.org.uk

WAR CHILD
War Child’s mission is to support and strengthen the protective environment for children who, as a result of conflict, live with a combination of insecurity, poverty and exclusion. For more information go to www.Warchild.org.uk

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1. **INTRODUCTION**

### 1.1. WHO IS A ‘STREET CHILD’?

There is no international agreement on the definition of ‘street children’, and the label of ‘street children’ is increasingly recognized by sociologists and anthropologists to be a socially constructed category that in reality does not form a clearly defined, homogeneous population or phenomenon. The earliest definitions and categories of street children:

- Children ‘of the street’ (street-living children), who sleep in public spaces, without their families;
- Children ‘on the street’ (street-working children), who work on the streets during the day and return to their family home to sleep;
- ‘Street-family children’ who live with their family on the streets.

But research and practice have surfaced an enormous variation in children’s experiences and considerable overlap between these three groups: for example some children live on the streets all the time, others only occasionally or seasonally, while others move between home, street and welfare shelters. Some retain strong links with their families; others have broken or lost all contact.

2. **SITUATION IN AFGHANISTAN**

### 2.1. BRIEF CONTEXT

War Child reports that 70% of the Afghan population live in poverty and that 60% of families rely on children for the household income,\(^1\) at times to support the parents’ drug addiction\(^2\). Although some children are orphans, most of them spend their day on the street but return home in the evening\(^3\). Having been given the role of breadwinners of the family, children become beggars, street vendors, foragers for waste and often recur to petty crime. It is estimated that street children earn on average $2 a day\(^4\).

There are no accurate socio-economic and demographic data in Afghanistan and in particular there are no records on the number of street children in Afghanistan, although the estimates show that the number of children in the streets has increased dramatically in recent years\(^5\). Herat, for example, has 5,000\(^6\) to 10,000\(^7\) street children. Estimates in Kandahar range from 7000 street working children\(^8\) to 32,000 street children\(^9\). In Kabul the estimates on street children raised from 37,500 in 2003\(^10\) to 50,000 in 2007\(^11\) and then sharply increased in 2008 to 70,000\(^12\). Aschiana Foundation estimates the number of street children in Afghanistan is 600,000\(^13\). The State Party reports that “Children working on the streets are predominantly boys between the ages of 11 to 14 years”\(^14\).

### 2.2. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (Art. 3, 19, 20, 27, 37)

Other than economic reasons, children are forced to leave their family homes following incidents of “honour crimes” (including children being victim of rape) or refusal of an arranged marriage\(^15\). Young children are also at risk of being taken to the street and therefore early years work is essential. With the lack of a strong social work structure, family rehabilitation is often left to NGOs\(^16\).
The United Nations Assistance Mission in Afghanistan (UNAMA) has recently announced that 20 social workers are being mobilized, in an effort to reduce the number of children on the street. Social workers will be working with the families towards reuniting the family and preventing the exit of children to the street. They will also work towards improving the lives of those children already on the street, by working with other agencies in contact with these children, including health and judicial services. Street children live outside the State Party’s infra-structures, so these professionals will be essential to liaise and coordinate the access to essential services.

There have also been reports that street children are being “looked after” in juvenile rehabilitation centers, in the absence of appropriate institutions to accommodate them. This is a concern as street children become criminalized as a consequence of the lack of social care institutions that will be able to address their needs.

2.3 Basic Health and Welfare (Art. 24, 33, 34)

Health infra-structures were also destroyed over the last decades. Street children are particularly vulnerable as they are exposed to risks such as the weather, exploitation and poor nutrition. UNICEF has reported that experts on HIV have raised concerns about the rising of HIV cases in Afghanistan, especially among street children. The use of drugs by street children, in particular intravenous drugs, increases the risks of spreading of HIV cases. The Afghanistan Independent Human Rights Commission (AIHR) reports that 2000 streets children in Herat are addicted to drugs. There has also been reports that 10% of the over 1 million drug addicts in Afghanistan are children, mainly street children.

Street children are also often forced into making a living on sex work. Not having attended formal education, this group of children is unaware of safe sex practices and become very vulnerable to sexually transmitted infections. Street education on sexual health should therefore be prioritised by the State Party.

2.4 Education and Labour (Art. 28, 29, 32)

Forced to provide for their families by going to the streets, children are not integrated in formal education, causing a vicious cycle of further poverty in future generations. Although it is acknowledged that the State Party has made efforts to improve education structures in the country, in particular to integrate girls in formal education, harder to reach groups such as street children are not prioritized.

Often the education of street children is left to NGOs, who offer flexible programmes of informal education and vocational training. War Child, for example, has offered programmes of peer education, focusing on safety and health. Such programmes are essential to make the lives of children on the street safer.

2.5 Special Protection Methods (Art. 3, 12, 19, 37, 40)

Children led to the street often enter into conflict with the law. “The lack of a proper welfare and criminal justice system (social workers, properly trained police, little understanding of the law amongst lawyers, judges, reliance on tribal laws and codes of conduct etc) means that children are often treated the same as adults when they come into conflict with the justice system. This means that they often end up in adult jails.” This has been acknowledged as a challenge by the State of Afghanistan in its Initial Report. Addressing this matter should therefore take priority, as essential to safeguard the children.
“Upon release, a strong social stigma results in many of these children being rejected by their families, leaving them without a carer. As a result children often re-offend and pass through the detention centre on a regular basis.” The social problem of street children is therefore very often criminalized. UNICEF reports that “(t)he detention of children often serves as a punitive measure rather than a measure of last resort in Afghanistan despite its harmful consequences for children”. Children are therefore imprisoned but the underlying social root cause of street children is not addressed.

War Child reports that children “remain on the periphery of development programming”, leaving street children particularly vulnerable to many risks and forms of exploitation including “exposure to drugs, violence, sexual abuse, arrest, trafficking and being exploited by armed groups”. UNICEF reports concerns about street children being recruited into armed forces and rebel groups. The Coalition to Stop the Use of Child Soldiers reports that an alarming number of children have been recruited by the Afghan Security Forces to fulfill the increasing demand for soldiers and soldiers, whilst opposition forces recruit children as fighters, guard camps and suicide bombers. With no adult exercising parental responsibility, street children are of an increased vulnerability to forced recruitment and of becoming involved in armed conflict.

The US Department of State reports Afghanistan as a concern for child trafficking, both internally and internationally for forced labour and forced prostitution. The same document also reports that children are often trafficked to enter into organized begging rings, to which many of the current street children in the country will be part of. With no main carer exercising their parental responsibilities, street children are at great risk of trafficking and exploitation by organized crime.

The protection of street children is often left to or even demanded from NGOs working locally. Services provided by these organisations range from education, safeguarding and meeting the basic needs of the children, such as food and clothing. However, resources are scarce and often the needs of this group of children remain unmet. IRIN reports that this is an ongoing concern and that in 2007, for example, Aid NGOs had called for more funds. NGOs and State remain unprepared to respond to street children needs in particular in situations of crisis, such as the cold winter of 2008.

Afghanistan reports that some steps have been given to protect street children, as the creation of the Commission on Banning Beggary with the aim of banning the exploitation of street children in street begging by diverting the children to appropriate social care institutions. However, considering the lack of social resources, concerns remain that children will be accommodated in juvenile rehabilitation centres, which will further criminalise street children. Associated to a recognized lack of defense lawyers for children and absence of the child legal guardian during the court sessions, as well as the lack of knowledge, by justice officials of the relevant legislation and the lack of juvenile primary courts street children live in a situation of increased vulnerability within the judiciary.

The lack of clear estimates of the number of street children leaves the children even more vulnerable as they are virtually invisible to the system. This is aggravated by the non recognition by the State Party of the reality of street children, that considers only the existence of street working children and denies the existence of street children. Invisible to the system and unrecognized by the State, the support for this children is at risk as allocation of funds for the implementation of appropriate programmes for this vulnerable group will not be made available.
3 RECOMMENDATIONS:

- The State Party prioritise the systematic data collection on street children and utilise this information to develop sustainable programmes and to provide for basic services for street children and secure access to adequate nutrition, clothing, housing, health care and educational opportunities.

- That the State Party invests in work with the family to prevent children exiting to the street. Attention should be given to the family’s economic sustainability and social factors, such as education on the nature of abuse and children participation in decisions that affects their lives.

- That the State Party develop reinforced strategies for street education to secure street children are aware of safe practices to improve their lives on the street, including sexual health education, drug awareness and safe practices in use of drugs. Programmes should also invest on informing children where to seek advice and support.

- That the State Party monitors the rising number of HIV infections and other sexually transmitted diseases and invest in outreach sex education programmes and drug use.

- That the State Party deals with street children as a social matter and not a criminal matter. This should be reflected on the implementation of legislation relevant to children and practices of authorities, such as the police and the judiciary.

- That the State Party continues with legislative children’s reforms, in particular those with relevance to street children. Such legislative initiatives should be followed up with rigid implementation and monitoring and evaluation. Particular care should be given to avoid the criminalisation of street children. The State Party should seek the involvement of national and international NGOs on this issue.

- That the State Party develops police training projects in child rights and child protection, with particular emphasis on street children. It is vital to establish continuing positive dialogue between the police, street children and the NGOs working with street children. The State Party is recommended to seek advice from international organizations and NGOs, such as CSC and its members. CSC has particular expertise in this area, having carried out police training in both Ethiopia and Guatemala.

- That the State Party reviews its judiciary system, with the view of securing a strong support to street children, including legal advice and representation and the separation of children and adults in prison.

- That the State Party develops programmes to prevent recruitment, re-recruitment or use of street children in armed conflict, in line with the Guide to the Optional Protocol on the Involvement of Children in Armed Conflict.62
4. REFERENCES


Consideration of reports submitted by States parties under article 44 of the Convention, Initial report of States parties due in 1996 Afghanistan, 28 August 2009, par. 359


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