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Marginalised Groups and Access to Education: A Case Study of Street Children in Mandalay, Myanmar

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ABSTRACT

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Street children in Myanmar have been a long-term concern and a complicated issue, especially in cities like Yangon and Mandalay. Some street children, who live on their own, survive on the streets without adequate shelter, supportive guardians or parental figures. Others work to support their family. They do not have access to health care, food, education or adequate assistance. Trafficking, exploitation and drug addiction are some of the serious risks street children face. Most street children are out not in school and some have never been to school. This article builds on a case study of street children in Mandalay, including interviews with children, parents, social workers, teachers and government officials. The article examines the difficulties faced by street children to access education and analyses the main issues at stake in relation to the international and domestic human rights framework on right to education and the specific situation of street children. Based on this combination of legal sources, literature, observations and interviews, the article makes several recommendations to ensure the protection of the right to education of street children in Myanmar. They all point in the direction of securing funds to support a flexible and multi-partnered approach to ensure street children's right to access school and their right to education.

Introduction

Every child has the right to education, and this right begins at birth. The Universal Declaration of Human Rights (UDHR) and other international human rights instruments proclaim that

everyone has the right to education, and that education should promote understanding, tolerance, peace and friendly relations between nations and all racial or religious groups. Education is both a human right in itself and an indispensable means of realising other human rights (United Nations Economic and Social Council, 1999b). Street children however largely lack access to education. Many of them have no legal status or identity and live in harmful environments where they can become victims of violence, trafficking, drug addiction and sexual violence. They are often excluded from basic or formal educational programmes because of family, personal, financial and economic problems. Under Myanmar's Child Rights Law (2019), street children are considered children in need of protection and can therefore, if not returned to the custody of their parents or guardians, be placed in corrective institutions, such as training schools run by the state. Street children are not a new phenomenon in Myanmar. The highest numbers of street children can be seen in the streets of big cities in Myanmar like Yangon and Mandalay, the second largest city in Myanmar with a population of 1.22 million in 2014 (Ministry of Immigration and Population, 2016).

Myanmar educational laws provide for free and compulsory primary education, but many children do not attend school. The 2014 Census data shows that there are 5.09 million children between ages 5-18 who are out of school in Myanmar (Ministry of Immigration and Population, 2015). There is no sustainable programme to support street children's education, although the Myanmar National Education Law provides for non-formal education, defined as "an education outside the formal school system, based on a curriculum for upgrading learners' education and which organises and instructs learners through flexible methods" (Section 2 (k)). The government has established programmes targeting street children, such as the '100-day plan' to provide education and vocational training in cooperation with other stakeholders such as World Vision Myanmar, Kinnected Myanmar, TDHL and UNICEF.

The purpose of this article is to understand better and document through a case-study the current situation regarding access to education for street children in Myanmar. The article analyses the main issues at stake in relation to the international and domestic human rights framework on the right to education and the specific situation of street children in the country. The article builds on a review of legal sources, a literature review and a qualitative case study.

The author proposes a new understanding of the issue as well as recommendations to ensure street children's access to school and their right to education. Primary data was collected through semi-structured interviews, which included five types of stakeholder: three experts on education and child's rights (represented as E-1 -3), four staff in relevant government departments (G-1 -4), five social workers (SW-1 - 5), Ten street children (SC-1 - 10), and their parents or guardians (P/G-1 - 7)). Altogether twenty-nine respondents participated in the study (See Annexe) This study used purposive sampling by relying on the researcher's own judgment and prior knowledge to approach eligible interviewees.

Approaching street children is not easy and the COVID-19 pandemic added a heavy constraint on the fieldwork as the day care centres run by NGOs and public schools, where I was planning to observe and interview children, were closed. I resorted to interviewing children that I knew from previous experience, and social workers in other locations, such as railway stations, crossroads, and bridges. I also interviewed children placed in training schools, with the permission of the principal and talked with headmasters and relevant government departments. Social workers from NGOs working with street children were also interviewed. The interviews took place in Mandalay between April and June 2020. Consent of interviewees was secured through informing them about the nature of the study and what would happen with the data. The researcher also informed interviewees about confidentiality, including that the information would be used only for this study and that the data would be stored confidentially. Data from interviews were transcribed and subject to content analysis, analysing the presence, meanings and relationships of certain concepts and empirical elements.

The article is also based on a review of legal and other documents and studies, academic publications, as well as articles from newspapers or media and government documents, including from the Ministry of Education (MOE) and the Ministry of Social Welfare, Relief and Resettlement (MSWRR), and from NGOs, including Second Tap Root and Consortium for Street Children. Also considered were international standards and treaties relating to the right to education of children as well as Myanmar laws and regulations in the field of education.

Street children and access to education

There is no common definition of the term ‘street children’ which has been debated for years. As a starting point, we can take the definition proposed by an inter-NGO programme on street children and youth developed in Switzerland in 1983 and quoted by Glaser: street children are “any girl or boy who has not reached adulthood, for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become her or his habitual abode and/or sources of livelihood, and who is inadequately protected, supervised or directed by responsible adults” (Glasser, 1994). In 2003, West argued that as the United Nations Convention on the Rights of the Child (CRC) is clear that children should be with their family, the term of children ‘out of place’ (outside the family) gives rise to a broad spectrum of meaning that better expresses the vulnerable circumstances of street children and the risks to which they are exposed (West, 2003). It should be noted that in some countries, the term ‘street children’ carries negative connotations because it focuses more on the harmful aspects of street life than on those who live such a life (Wargan & Dersham, 2009).

The international human rights framework uses several terms of relevance. A 1984 UNICEF report refers to three categories of street children: ‘children of the street’, meaning those who are homeless and who live and sleep on the street, ‘children on the street’, which means those living with families but who spend most of their time on the street and ‘children at risk’. In 2011, the UN Human Rights Council mentions children working and/or living on the street (United Nations General Assembly, 2011), whereas the Committee on the Rights of the Child has adopted the term “children in street situations” (United Nations Convention on the Rights of the Child, 2017). In 2012 OHCHR used the term “children with street connections” (United Nations Office of the High Commissioner for Human Rights, 2012).

This study acknowledges that there are a variety of terms and definitions to cover the reality of street children all over the world. In Myanmar, ‘Lan Pyaw Kalay’ is the traditional term for street children: it means ‘children who are happy on the streets’. Section 57 (d) of the Child Rights Law (2019) uses the term ‘Lan Paw Nay Kalay’ which covers children who are living or working on the streets. In this context, the term ‘street children’ is used to refer to

children who work and/or live on the streets within the scope of the term 'Lan Paw Nay Kalay'.

Studies have been conducted in various contexts to understand the situation of street children and causes and consequences of the phenomenon. All studies agree that street children live a tough life, exposed to multiple threats, including poor health, physical and sexual assault and other violence. Studies show that street children's access to education can improve the quality of their life and awareness about their role in society, as well as their basic human rights and responsibilities, self-respect and respect for others (Alam & Wajidi, 2014). Salokangas (2010) points out that street children can become more useful and responsible in a society where they receive an education. In practice, however, street children are limited in their opportunities to grow and develop through education due to a range of barriers. Several scholars have shown that socio-economic factors, such as poverty and family problems as well as the lack of parental attention to the importance of education are some of the main factors that explain why street children stop attending schools (Jamiludin et al., 2018; Kisirkoi & Mse, 2016). In addition, prejudice and discrimination at school also push street children to drop out (Haxhiymeri & Hazizaj, 2011). UNICEF's Education for All (EFA) goals (United Nations Children's Fund [UNICEF], 2005), to be realised by 2015, emphasise the need to provide access to education for traditionally marginalised groups. This includes making free primary school education available for every child. In practice, studies show that street children are still left out of school. For example, a 2005 report addressing Nepal found that the EFA policy was failing to get street children into school because of weak implementation, poor monitoring and evaluation of school practices, and due to competing centralised development priorities (Gurung, 2004). Alam and Wajidi (2014) point out that educating street children is not an easy task and formal education may be impracticable. They emphasize non-formal education (out-of-school establishments in which children can access basic literacy or vocational training) which must be friendly and simple for street children (ibid.).

In Myanmar, the issue of street children is not a new phenomenon. The government has been addressing this issue since 1993 when the former Child Law, replaced by the Child Rights Law (2019), was promulgated. In addition, the UN Committee on the Rights of the Child

has expressed its concern over the multiple forms of discrimination against street children, lack of reliable information on the number of street children, limited acknowledgement of them by the government and limited efforts to improve their situation (United Nations Convention on the Rights of the Child, 2012, para87). Various media channels have exposed the situation of street children and shown that they are victims of violence, malnutrition and exploitation, and involved in criminal activity and in substance abuse (Kyaw, 2016). Previous studies have addressed child labour and considered institutional centred interventions in Mandalay (Second Tap Root, 2016; 2018; Myanmar Survey Research, 2011). However, little attention has been given to street children in Myanmar and this article proposes to make a case-study based contribution to this field.

International Legal Framework on Street Children's Right to Education

This article is concerned with both the right to education and the rights of the child. Article 26 of the Universal Declaration of Human Rights (UDHR) and other human rights instruments, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), have recognized the importance of the right to education to the full development of the human personality and to the strengthening of the respect for human rights and fundamental freedoms. According to the ICESCR, the right to education epitomises the indivisibility and interdependence of all human rights because of its centrality to the full realisation of economic, social, cultural, civil and political rights (United Nations Economic and Social Council, 1999a). Like all human rights, there are three types of obligation on States relating to education: to respect, protect and fulfil the right to education (United Nations Economic and Social Council, 1999b).

Several international human rights treaties proclaim that primary education must be free and compulsory. As early as 1960, Article 4 of the UNESCO Convention against Discrimination in Education provided for State Parties to make primary education free and compulsory and encourage, by appropriate methods, the education of persons who have not received any primary education or who have not completed the entire primary curriculum,

and the continuation of their education based on their individual capacity. ICESCR Article 13 recognizes every person's right to education and sets out the aims of education as the development of human personality and sense of dignity. The ICESCR Committee has pointed out that, as an empowering right, education is the primary vehicle by which economically and socially marginalised adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities (United Nations Economic and Social Council, 1999b). The 1989 Convention on the Rights of the Child is the main international legal instrument for the promotion and protection of children's rights. The Convention applies to all children in all circumstances. It recognizes all children as right holders and reaffirms that all children have the same rights and are entitled to the same protection by the state. The Committee on the Rights of Children considers education "an indispensable tool for each child's efforts to achieve in the course of his or her life a balanced, human rights-friendly response to the challenges that accompany a period of fundamental change driven by globalization, new technologies and related phenomenon" (United Nations Office of the High Commissioner for Human Rights, 2001).

The CRC adopted a general comment on how to uphold the rights of street children in the Convention on the Rights of the Child in 2017. It provides authoritative guidance to States on developing comprehensive, long-term national strategies on children in street situations using a holistic, child rights approach and addressing both prevention and response in line with the Convention on the Rights of the Child. While the Convention does not explicitly reference children in street situations, the Committee states "all of its provisions are applicable to children in street situations" (United Nations Convention on the Rights of the Child, 2017).

Article 28 of the CRC recognises the right to basic, compulsory and free education for all children. The Committee considers that accessible, free, safe, relevant and quality education is crucial to preventing children from ending up in street situations. A range of education options is necessary, including 'second chance education', catch-up classes, mobile schools, vocational training linked to the job market and followed up with long-term support for income generation, and pathways into formal education, through partnerships with civil society. Teachers should be trained in child rights and about children in street situations, and

child-centred, participatory teaching methodologies (United Nations Convention on the Rights of the Child, 2017). Article 29 adds that the education of the child shall be directed towards the development of the child's personality, talents, mental and physical abilities to their fullest potential. In its General Comment no. 21, the CRC clarifies the obligations of States to take measures to provide good quality, free child rights education and life skills universally to all children, through the school curriculum and through non-formal and street education, to reach out-of-school children (United Nations Convention on the Rights of the Child, 2017).

Concerning Myanmar, the CRC concluding observations on Myanmar in the most recent periodic report expressed concern at an increasing number of, and lack of reliable information on, street children, and recommended that the authorities of Myanmar provide children in street situations with the necessary protection, health-care services, education and other social services (United Nations Convention on the Rights of the Child, 2012, par.88).

In addition to international human rights treaties, three international frameworks on education goals also aim to promote the right to education: The Education for All (EFA) goals, the Millennium Development goals and Sustainable Development Goal (SDG) 4 (United Nations Educational, Scientific and Cultural Organization [UNESCO], 2015). According to these policy frameworks, the right to access education comprises three elements: the provision of education throughout all stages of childhood and beyond, consistent with the Education of All goals; the provision of sufficient, accessible school places or learning opportunities; and equality of opportunity (UNICEF & UNESCO, 2007). Access to early learning is recognised as a specific child right and a key target. SDG 4 introduces universal primary and secondary education by ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes (Target 4.1).

While global school enrolment rates reached 82% in 2017 (UNESCO, 2017), street children are being left behind because education systems and interventions are not tailored to their needs (Consortium for Street Children, 2019). Barriers to access and discrimination in schools cause children in street situations to be left behind, inhibiting their development, limiting their employment prospects and perpetuating the cycle of poverty and rights violations (Turgut, 2017). To meet the SDG goal, the Consortium for Street Children suggests a

range of solutions and good practices for improving access to education for children in street situations, including (Consortium for Street Children, 2019):

- Mobile schools, wheeled carts with extendable blackboards that can be used on pavements, in parks, or other areas where street children gather;
- informal classes at locations where children commonly work;
- vocational skills training which links to the local job market and long-term support for income generation;
- capacity building of teachers who can support street children with their needs and deliver discipline in a manner that respects their human dignity.

Street children's lack of access to education is therefore considered a violation of fundamental human rights since education is an indispensable means of realising other human rights. States should ensure street children's access to education through the promotion of educational values in international documents.

Myanmar's obligations and commitments to street children's right to education

In implementing the right to education, states, as the primary duty bearers, have to respect, protect and fulfil the right to education by making education available, accessible, acceptable and adaptable (Tomaševski, 2001). States have the duty to provide free primary education, at minimum. Myanmar has signed and ratified various international human rights instruments, including the CRC and the ICESCR, and has thereby legally committed to implementing and making the right to education for all a reality. The 2008 Constitution provides the foundation of the national legal framework for the education sector in Myanmar. According to its Section 366, the state is committed to implement free, compulsory primary education. Section 28 of the 2008 Constitution stipulates that the Union shall (Constitution of the Republic of the Union of Myanmar, 2008):

- a. earnestly strive to improve education and health of the people;
- b. enact the necessary law to enable National people to participate in matters of their education and health;
- c. implement free, compulsory primary education system;
- d. implement a modern education system that will promote all-around correct thinking and a good moral character contributing towards the building of the Nation.

Section 46 of the new Child Rights Law promulgated in 2019 recognises that every child has the right to education without discrimination and has access to free education in accordance with Union education policy. The National Education Law (2014) provides that education is free and compulsory at primary level and this will gradually be extended to higher grades (Section 17). The Basic Education Law (2019) reaffirms the policy of inclusive education for all vulnerable children, such as orphans, street children and other disadvantaged children, by providing non-formal education and free and compulsory primary school (Section 4). Section 2 (k) of the National Education Law defines non-formal education as “education outside the formal school system, based on a curriculum for upgrading learners’ education and which organizes and instructs learners through flexible methods” (National Education Law, 2014). In implementing the national education system, the government utilises formal education, non-formal education and personal education (National Education Law, 2014, Section 11). The national education system comprises: (a) Government schools; (b) Government supported schools; (c) Schools owned by regional organisations; (d) Private or Independent schools; (e) Monastery schools; (f) Charity schools; (g) Special education programme schools; (h) Mobile and emergency schools; (i) Schools designated from time to time by the Ministry of Education or other relevant Ministries (National Education Law, 2014, Section 34; Basic Education Law, 2019, Section 7). The current basic education system, under Section 5 of the 2019 Basic Education Law, consists of six years of primary education (Grade 1 to Grade 6), three years of lower secondary and three years of upper secondary education. The majority of these schools are managed by the Department of Basic Education within the

Ministry of Education (MOE). In addition, a significant percentage of students access basic education through monastic, private, community and other types of schools (Ministry of Education [MOE], 2016).

Whereas Myanmar ensures the right to education in its legal framework, in practice, the education system does not meet the needs of all learners. Many children face significant barriers to access quality education, including supply-side barriers such as poor quality teaching or learning and limited access, and demand-side barriers such as poverty, gender, disability, language and conflict (MOE, 2016). To address these barriers, a new department for Alternative Education has been established to carry out non-formal education and lifelong learning. It provides access to education through a Non-formal Primary Education Equivalency Programme (NFPE EP) for out-of-school children, over-aged and poor children, and a Summer Basic Literacy Programme for adults (Rika, 2017). Under the NFE Equivalency programme, students are allowed to transfer from non-formal education to formal or technical-vocational education. The duration of NFPEEP is two years (MOE, 2016).

The main purpose of NFPE EP is to offer a second chance of education to out-of-school children who missed the opportunity of completing primary education or who never attended school. The Myanmar Literacy Resource Centre (MLRC) provides technical expertise. Learners who graduate from the NFPE EP will be issued with an MOE recognized completion certificate to continue the next higher level of AE programmes (MOE, 2016). However, creating opportunities for NFPE EP learners to join formal education and pursuing street children into school remain challenges.

The situation of the street children in Mandalay

Street children in Mandalay are called variously ‘Lan Pyaw Kalay’ (literally, children who are happy on the streets) or ‘Lay Lwint Kalay’ (tramps) or ‘Tuu Taung Sar’ (beggars). They can mostly be seen at the railway station, bus station, at pagodas, under overhead bridges, at city shops and markets and at crossroads in the city. According to the observations and interviews, street children in Mandalay can be classified in three groups:

- (1) Children born to a street family and living with their parents on the streets;
- (2) Children working on the streets due to their condition (e.g. their family are squatters);
- (3) Children with no parents or guardians and abandoned children.

Interviews show that the main reasons children are on the streets involve violence in the home, family problems, poverty, a lack of job opportunities for parents and being orphaned or abandoned, due to internal conflict (interviews with SC-1 /10.6.2020, SC-3 and SC-4 /31.5.2020). Where street children have family they tend to be very poor. Some have migrated to urban areas because of problems of access to land, internal conflict or environmental degradation compromising their survival. Their households often contain many family members. They usually rent houses or live in squatter houses along the Ayeyarwady River. As they have no work, the main family income is that made by the children (interview with SW-2 /29.5.2020). Street children can be seen selling garlands in public areas, such as at traffic lights. They pick up empty plastic cans, water bottles and rubbish at the railway station and beg for food and money for survival. Some street children sniff glue and take drugs to numb hunger pangs and become victims of drug addiction (interview SC-10/14.6.2020). In addition, they also face a high risk of exposure to various forms of violence, including trafficking, harassment, exploitation by criminals or other street children.

The professionals interviewed expressed concern about the dangerous situation of street children (interviews with E-1 /1.4.2020 and SW-1 /10.6.2020). For instance, street girls beg for money in places like restaurants or bars, which are unsafe environments for them, as they risk becoming victims of sexual violence, trafficking and prostitution (interview with SW-1/10.6.2020). One interviewee argued that the situation is more dangerous for boys. If they grow up without getting education, they tend to be more violent and easily become involved criminal activities (interview with SW-3/10.6.2020). Some street children create their own families on the street, creating their own little community, away from their family. On their own, they beg on the street which is described as having a negative effect on their characters

(interview with G-2 /7.4.2020). Some prefer to beg than work and they think attending school is a waste of time (interview with SC-9/14.6.2020).

Interventions to support the right to education of street children

Local government intervention

Street children suffer from physical and mental problems and need understanding, love and recognition from society. The Ministry of Social Welfare, Relief and Resettlement cooperates with the Mandalay Region Government and NGOs, such as World Vision, to reduce the number of street children - by providing health education and social protection (Zaw, 2018). According to Section 57 of the Child Rights Law, street children and child beggars are among those who need protection and care and the Department of Social Welfare (DSW) has created training schools and care centres for such children. The government of Mandalay region is conducting street child programmes in cooperation with the DSW, the municipalities and the police. As reported by a civil servant from Mandalay Municipality: “the main stakeholder regarding street children is the Ministry of Social Welfare, Relief and Resettlement, especially the DSW. Our job is to clean the city. In collaboration with them, we pick up street children and send them to the DSW” (interview with G-2 /7.4.2020).

Children found in the streets by the authorities are returned to their parents or guardians. Street children without parents or guardians are placed in training schools and care centres put in place by the street children programmes. Street children returned to their families keep coming back to the street as they are forced by their parents to beg or work to support the family (interview with G-1 /3.4.2020). Children arrested for committing offences in the street, such as stealing, are also placed in these training schools, whether they are orphaned or not. In Mandalay, girls under 10 years old are sent to all-girl training schools, while older girls are sent to vocational training schools for girls or other charity schools. There is only one training school for boys for Upper Myanmar, which includes Kachin, Kayar, Shan, Chin, Sagaing and Magway Regions. This training school gets custody of vulnerable children under 18 consisting of orphans, children in conflict with the law, children in armed conflict

areas and abused, neglected and exploited children, as well as street children under the street children project. At the time of research, there were a total of 420 children under the age of 18 in the training school (interview with G-3 /31.5.2020).

Interviews pointed to a variety of difficulties at the training school: insufficient staff, inadequate housing for children and insufficient funding. This situation causes some level of child-on-child violence and children being exposed to and learning abusive behavior. (This was apparent through observation at the boys' training school and through interviews, G-3 / 31.5.2020). As a result, the insecurity of the school environment seems to be pushing some children to run away from the school and return to the streets. One of the children interviewed explained that children run away from the training school because they are not happy there because of the strict discipline or child-on-child violence. The interviewee remains in the training school, as he does not want to go back to the streets (interview with SC-4 /31.5.2020). At the training schools, children who want to attend regular school may go to government schools or can choose vocational training. For non-formal education, teachers from NGOs come and teach at the training school (interviews with G-3 /31.5.2020, G-4 /31.5.2020 and SW-3 /10.6.2020). It was noted that, among other resource constraints, training schools do not possess adequate libraries to support children's learning (interviews with G-3 /31.5.2020 and SW-3 /10.6.2020).

Non-formal education is offered by voluntary primary night schools opened by the DSW for children who cannot attend formal schools, including street children. These schools try to improve parental awareness and provide non-formal education for children in the form of basic literacy training but do not provide vocational training (interview with E-2 /12.6.2020). The DSW allocates funds for voluntary teachers, furniture and other materials. However, street children are not enthusiastic users of such schools: they come for a short time and then do not return. It is mostly children working in shops, tea shops or restaurants who attend these night schools.

In summary, there remain challenges to implementing street children's right to education. A long-term and effective strategy is required, using a holistic, rights-based approach and looking at the wider contents of children's family situation and broader needs. In the case of children who have family, although family reunification is the expected result of a

programme, it takes into consideration the parent's capabilities to protect their child in considering the best interests of the child. Follow-up activities after reintegration are also necessary as part of the process.

NGOs and charity intervention

NGOs and charity-based organisations support street children by providing shelter, education and healthcare. They do this work on their own or in cooperation with the government. The organisations present in Mandalay include World Vision, Good Shepherd Foundation and the Don Bosco Temporary Shelter for Street Children and they mostly conduct community-based street children's education and health education programmes. The education programmes run by NGOs for street children are non-formal education programmes (NFE) through day-care centres or drop-in centres running basic learning programmes that include Myanmar language, English, Mathematics, Arts and Health education (interviews with SW-2 /29.5.2020 and SW-4 & 5 /9.6.2020). These organisations also support children's physical and mental health, personal hygiene, safety, through providing assistance and comfort on these matters on the streets. The advantage of street education is that children can be accommodated on the street where they live or work without having to come to their care centre (interviews with SW-2 /29.5.2020, SW-4 & 5 /9.6.2020). As one provider reported:

It is more effective to educate children in their living areas and at places where they can be seen than at the training school or at the centre. We develop a friendly relationship to gain children's trust. We keep flexible school hours which do not affect their working hours. It is convenient for them (interview with SW-2 /29.5.2020).

The centre also provide for children's basic needs such as food, shelter, life skills and vocational training, such as motorcycle repair, hairdressing, dressmaking, car detailing etc. The purpose of this is to help children create job opportunities for themselves and find work in the future (interviews with SW-4 & 5 /9.6.2020). The NGOs also help children to meet their

parents or guardians and help plan family reunification, as they consider it best for children to be taken care of by their parents or guardians (interview with E-3/20.6.2020). NGOs, civil society and non-profit organisations are however facing administrative barriers in their work. One social worker said: "We need government permission and support to deal with this child issue. But restrictions or old procedures for permission appear to have limited the effectiveness of our work" (interview with SW-2 / 29.5.2020). The interviews show that different approaches for handling street children are needed. The NGOs and charity organisations' street-centred approach, such as outreach programmes, seem to be more effective in dealing with street children. The street, the children's main habitat, should be the main setting of such programmes and street facilitators can build a rapport and mutual trust with the children within their own environment (United Nations Centre for Human Settlements (Habitat), 2000). Effective strategies for better cooperation between NGOs and government also need to be developed.

Difficulties faced by street children to exercise their right to education

Guaranteeing the right to education depends on the availability of education and the conditions of access to it. In discussing access to education, geographical conditions, cost, language, getting teaching and learning resources, and discrimination must be considered (Smith, 2007). Street children face various difficulties, such as economic and social barriers which other children do not face to attend school.

Lack of official papers and permanent residence

Although school enrolment is free, it demands submission of documents, such as birth certificate, address, and household census, among others (interview with SW-2 /29.5.2020). The first difficulty faced by street children is that they do not have official identity documents required for school enrolment. In addition, children without permanent residence cannot attend public school. A seven-year old street girl stated:

I live with my father who is disabled, at the railway station and I get

around everywhere with him by taking a train. And I beg for food and money with him at the station. It is not convenient for me to attend school. (interview with SC-6 /29.5.2020).

Although the Child Rights Law provides the fundamental and unconditional right to register a child at birth, the application process is limited to parents or guardians of the children. Therefore, children whose parents are unknown or homeless children face difficulties in acquiring such birth registrations (Child Rights Law, 2019, Section 21). According to the CRC, “States should ensure that free, accessible, simple and expeditious birth registration is available to all children at all ages. The CRC committee proposes temporary and innovative solutions, such as “providing informal identity cards, linked to civil society personnel/ addresses, allowing children in the meantime to gain access to basic services” (United Nations Convention on the Rights of the Child, 2017, par. 41).

Poverty

Population growth and urban migration lead children to the street. Some families have moved to urban areas because of problems linked to access to land, civil wars or job opportunities in the hope of gaining a better standard of living (interview with SW-2/29.5.2020). They live as squatters in slum areas or near rubbish dumps with a poor living standard, but pay high prices for living, such as rents (interview with P/G-1/30.5.2020). Most children must work in the street to support their family. Attending school reduces their working hours which in turn means an insufficient income for the family. Even though some parents are aware of the importance of getting an education, they cannot let all their children attend school. Often parents choose to send one child to school while the others have to work in the street (interviews with P/G-1 & 5 /30.5.2020). In rare cases, very poor parents can see that if their child is placed in a training school, he or she will be able to eat and have access to school. One parent said:

I want my child to be educated. But we are poor and we don't have enough meals in the day. In the end, I let my child steal. He was sent to

training school for a long time. He was able to attend school at the training school.” (interview with P/G-2 /30.5.2020).

In addition, for children living in very poor households, interviews show that the lack of electricity in the home creates obstacles to studying and learning (interview with SW-3/10.6.2020).

These case studies demonstrate that some parents are aware of the importance of education and have dreams of a good future for their children. Creating job opportunities and funding to set up businesses for parents could have a significant bearing on access to education for their children. In line with article 27 (3) of the CRC, states have the duty to provide children a standard of living adequate for their physical, mental, spiritual and moral development, to prevent them ending up in street situations. States shall take appropriate measures to assist parents in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing (United Nations Convention on the Rights of the Child, 2017, par. 49).

Children providing for their parents and lack of interest or knowledge about education and school

Interviews show that parents sometimes lack knowledge about education and some of them have never been educated themselves. As a result, children show little interest in education: they are following the same occupational path as their parents did from an early age. They think that attending school is a waste of time, while working can help them provide for their family. The parents themselves know that letting their children sell flowers and beg for food and money will bring more money to the family than their own work (interviews with SW-4 & 5 /9.6.2020). The lack of knowledge of children’s rights and the tradition that children must take care of their parents are important barriers for children to get an education (interviews with SW-1 & 3 /10.6.2020). Article 26 (3) of the UDHR refers to the ‘prior right’ of parents to choose the kind of education to be given to their child. When dealing with the education of street children, it can be challenging to balance the rights of parents with those of children. When the local government or NGOs try to send street children to school, there are often disputes with parents or guardians. They do not like the fact that the child is going to school because the child is

supporting them financially and their survival depends on the child's income:

When the government or NGOs arrange for them to attend non-formal education like night schools, the parents or guardians often take their children out of school. When parents or guardians are not able to guarantee children's education, the government or an NGO has no power to force street children into classrooms (interviews with SW-4 / 9.6.2020 & E-2 /12.6.2020).

This case points out the importance of parental education and awareness of child's rights in dealing with street children's access to education. The government should ensure the rights of children under the commitments of its Child Rights Law. Moreover, parental education should be integrated into child outreach programmes and financial support enabled to set up businesses or create job opportunities for parents as a part of the solution.

Cost of education

Enrolment in public schools is free in Myanmar and government also provides free school uniforms and textbooks. However, going to school implies several hidden expenses, such as costs for school materials as well as for school activities, that children need to pay for. In addition, attending private paying classes taught by the regular school teacher is well-rooted in Myanmar's education system (interview with SW-2 /29.5.2020): teachers provide extra private classes for which the children need to pay tuition. In fact, typically teachers concentrate on their private paying classes and neglect their regular classes. This practice is discriminatory for street children who cannot afford to pay for classes. As a consequence, they cannot follow what is going on in school and do not learn what they need to learn. Some of them leave school because they cannot afford these extra paying classes. One interviewee said that some street children who attend school regularly need to study further at some of the voluntary night schools (interview with SW-4 /9.6.2020). Street children also face discrimination in the classroom, which is pushing them away from regular school. Street children often face marginalisation and discrimination from their teachers as they cannot afford to attend teachers' private classes. They are also marginalised by other children because of their appearance: other children do not want to make

friends with them because they are seen as vagrants (interview with P/G-7 /4.6.2020).

Children's interest in education also depends on the form of teaching and the learning systems. Traditional teaching methods at formal school make it less attractive for street children. One social worker reported that the syllabus and curricula at the training schools, as well as teaching methods, are not the same as those in regular public schools. Teaching methods are designed to fit street children's learning needs and are based on the children's learning experiences (interviews with SW-4 & 5 /9.6.2020).

Although there is a legal framework guaranteeing accessibility of education to everyone, especially the most vulnerable, in law and fact, without discrimination, mechanisms to control its implementation are absent. The legal and institutional practice in providing education and other services to the street children are weak.

Mental illness

Some street children, especially those who have no parents or guardians, are glue-sniffers and drug users. Such children have often never attended school and live in groups or gangs, surviving by begging for food and money. Such children have a greater risk of experiencing mental health problems, such as depression and disruptive behavior disorders. Street children in Mandalay, mostly boys, use drugs: they sniff glue, smoke cigarettes and engage in criminal activities (based on observation and G-1/3.4.2020). Many need urgent treatment for mental health conditions. According to one interviewee:

They mostly beg. Unlike other children, they do not sell flowers and do not pick up rubbish. And then, they sniff glue and take drugs. They tease people walking on the streets and steal others' possessions. It is impossible for them to be given education. Moreover, they do not like being talked to while their using drugs. (interview with SW-2 /29.5.2020)

According to the CRC, states should ensure alternative care for a child temporarily or permanently deprived of his or her family environment. Types of care are based on practical and moral support to street children without requiring or coercing children to renounce their street connections. The Committee emphasizes the need for health education and services, including

on sexual and reproductive health, tailored to the specific needs of children in street situations. Such education and services should be friendly and supportive, comprehensive, accessible, free, confidential, non-judgmental, non-discriminatory, respectful of autonomous decision by the children (United Nations Convention on the Rights of the Child, 2017, par.53).

Conclusion and recommendations

Many street children have the talent, ability and aspirations to make a better future. Without adequate support however, they cannot achieve their dreams. A former homeless street child who was rescued by Don Bosco Temporary Shelter said: “I don’t want to return to the street. Now I have everything I want, like education. When I grow up, I want to take care of street kids like me” (interview with SC-2 /10.6.2020). It is recognized that education is the best way for street children to become good citizens, reintegrated into society and participating in the realisation of other human rights. The study clearly showed that, unlike most children, street children are not receiving a quality education. The main reasons that children leave their homes to live on the streets are domestic violence, a lack of job opportunities for parents, family problems, such as divorced or separated parents, poverty and abandonment, or to support their family. The barriers to accessing education include the following factors: a lack of identity documents and residence papers, poverty, parental ignorance of child rights, cost of education, mental illness, a lack of a permanent residence and parental influence on children. There is a major need for second chance education to support these out of school street children to achieve basic literacy and improve their life.

The state is the primary duty-bearer with respect to providing education services for street children. Although legal framework and government commitments are broadly provided in education settings, street children's access to education remains challenged. Increasing number of street children and the lack of specific mechanisms and resources to address this situation could adversely affect the access to education for street children. Forcibly removing children from the streets and placing them in institutions is not a long-term solution. Effective and comprehensive intervention programmes should be developed based on a consideration of children's rights, their personal needs and family situation. Clearly, the root causes of the

problems of street children should also be identified and addressed. Government, civil society, NGOs, parents, and children are all important stakeholders in this respect. In addition, as the barriers faced by street children are numerous and complex, it calls for tailoring education initiatives to the specific needs of these children. Public schools might not always be the best environment to enhance street children's educational chances; it is important to reflect on creating a good environment in which these children can learn outside school based on their experiences. Finally, rehabilitation programmes must be developed for street children who have no parents or guardian and/or have drug problems, including glue-sniffing.

Based on the findings of the fieldwork and the international and domestic legal and policy framework presented in this article, it is recommended that effective partnership between government, NGOs, and charity organisations should be enhanced in tackling root causes, rehabilitating children and supporting them to access education. The government should fulfil the right to education of street children and ensure the availability and accessibility of education by reducing formal requirements and unnecessary costs for school submission, by providing free, accessible, simple and expeditious birth registration, by raising funds of the government and local government, and by establishing libraries at training schools and mobile libraries to enhance the learning of street children. Concerning the acceptability and adaptability of education for street children, the government should implement special training schools or mobile schools by developing street education programmes, by providing scholarships for street children who show strong educational aspirations, by designing non-formal education with flexible curricula for street children, by improving parental educational and awareness of child's rights in order to meet the learning needs of street children, and by providing counselling for children in need of psychiatric treatment.

Annexe: Overview of the interviews

Number	Occupations or Institutions	Place of Interview	Gender
Teachers and others			
E-1	Member of the National Child's Rights Committee	On Phone	Male
E-2	Senior Assistant Teacher (BEHSNo.22)	Mandalay	Female
E-3	Rule of Law, Centre Manager, Former officer from UNICEF	Mandalay	Male
G-1	Officer from DSW	Mandalay	Male
G-2	Officer from City Municipal of Mandalay	Mandalay	Male
G-3	Officer from Boy Training School	Mandalay	Male
G-4	Officer from Girl's Training School	Mandalay	Female
Social workers			
SW-1	Second Tap Root	Mandalay	Male
SW-2	Good Shepherd Foundation	Mandalay	Female
SW-3	Don Bosco Temporary Shelter for Street Children	Mandalay	Male
SW-4	World Vision	Mandalay	Female
SW-5	World Vision	Mandalay	Female

Number	Occupations or Institutions	Place of Interview	Gender
Parents or Guardians			
(P/G-1)		Mandalay	Female
(P/G-2)		Mandalay	Female
(P/G-3)		Mandalay	Female
(P/G-4)		Mandalay	Female
(P/G-5)		Mandalay	Female
(P/G-6) (father of SC-5)		Mandalay	Male
(P/G-7)		Mandalay	Male
Street children			
	Age and school grade		
(SC-1)	13 (Grade-6)	Mandalay	Male
(SC-2)	14 (Grade-6)	(Don Bosco Temporary Shelter for Street Children)	Male

Number	Occupations or Institutions	Place of Interview	Gender
Street children			
	Age and school grade		
(SC-3)	9 (Grade-6)	Mandalay (Girl's Training School)	Female
(SC-4)	15 (Grade-3)	Mandalay (Boy's Training School)	Male
(SC-5)	6 (No school)	Mandalay	Male
(SC-6)	7 (Grade 3)	Mandalay	Female
(SC-7)	8 (Grade 5)	Mandalay	Female
(SC-8)	9 (Grade 5)	Mandalay	Female
(SC-9)	15 (Grade 4-out of school)	Mandalay	Male
(SC-10)	18 (Grade 5-out of school)	Mandalay	Male

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