

Discrimination of Street Children's Rights to Development and Sustainable Development Goals 2030 (SDG 2030)

By

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Abstract

Background: The phenomenon of street children remains a global issue and is estimated to keep increasing in default of any effective method implemented. This article aims to explain street children's legal rights to development with reference to the Sustainable Development Goals 2030 (SDG 2030) and highlight the position of these vulnerable children in Malaysia that suffer from human rights discrimination.

Methods: This article is pure legal research using a qualitative approach. Data were collected through library studies and analyzed critically using the content analysis method.

Results: This article finds the nonexistence of comprehensive figures, detailed demographic analysis, and a conclusive definition of the term street children as a yardstick of their abandonment in Malaysia. Furthermore, the provisions of the state laws are too general; drafted without considering the specific circumstances encountered by the street children causing them to be explicitly marginalized in terms of development. Therefore, this article concludes that the implementation of street children's development rights is not executed accordingly, which amounts to discrimination as it is contrary to international and national laws and policies.

Conclusions: Ultimately, this article suggests that Malaysia should embark on every effort and energy to achieve the essential aspirations outlined in the declaration of the SDGs 2030. In that respect, our country shall carry out proactive measures to fulfill the responsibility of protecting the rights of all children.

Keywords: Discrimination, human rights, law and policy, street children, Sustainable Development Goals 2030.

Introduction

Children working and being homeless or 'street children have been introduced to writings around the 18th century, whereby the group emergence is believed in the tandem of Industrial Revolution development. It started with the social movement toward big cities such as the United Kingdom for better life prospects of economic aspects (Klingenberg & Antunes, 2017) However, the massive influx of the human population of the developed countries

ultimately leads to low wages payment which eventually forces children to leave their homes and do labour jobs at industrial factories to support their families financially (Fanette, 2015) Typical works that involved child labour are chimney cleaning, working at cotton farms or mines and other house chores. Earlier writings on child labour only focused on health and safety issues instead of fundamental human rights. It is neither prevented nor prohibited but regulated under special rules to protect children's welfare at work (Fanette, 2015) Efforts to maintain health are a very important initiative (Mohd Zahir et al., 2021). Generally, everyone has autonomy with respect to aspects of health (Mohd Zahir et al., 2021; M. Zahir et al., 2019; M. Z. M. Zahir et al., 2019). When discussing health matters, it is important to study the relationship between health and humankind. Health issues related to human beings are very significant and their rights to it also very crucial (Mohd Zahir et al., 2021).

Further, according to Bhukuth and Ballet (2015), the existence of street children in Russia is led by other aspects. First, the number of street children in Russia runs into millions due to various forms of warfare in the country, such as World War I and II, the October Revolution, the Russian Civil War, Russian Famine (1922-1923) (1932-1933) and Battle of Stalingrad. Children were separated from their family members or became orphaned due to warfare, famine deaths, health issues and various political strategies, including forced migration. Finally, these vulnerable children started to form groups and lived in alleys, used diversified life survival methods and possibly involved crimes such as robbery, prostitution, drugs and others. Thereby, the evolvement of street children is said to be affected by unavoidable circumstances, for instance, rapid economic growth, poverty, war and political agendas. The mentioned situations jeopardize the children from losing supervision of their parents, guardians or society due to work, self-handling life pressure and parting with family members. This phenomenon of street children is also being triggered in other countries worldwide facing similar environments, making it a long-drawn-out issue until today.

In 1989, the estimated number of street children had reached 100 million worldwide. Paradoxically, the United Nations Children's Fund (UNICEF) reported the exact figures five years later The estimation seems inexplicable as the total number is still unchanged in parallel to world population growth year after year, especially with no real solutions found to date. In Malaysia, it is reported that there are approximately 75,000 street children without any legal identification Inadequate statistics and demography of street children do not imply that Malaysia is free of the affair; in fact, it is a solid parameter to show the lack of attention and protection towards them. Thus, the data collection is crucial to finding the critical solution to the street children issue in Malaysia. Besides that, the absence of credible information about these children and studies on their legal rights complicate ways to channel assistance. (Malaysia, 2012) Hence the writing aims to identify street children's legal rights in terms of development with reference to the world's newest agenda, SDG 2030 and highlight the position of these vulnerable children that suffer from human rights discrimination, specifically rights to development. The significance of the research lies in fulfilling the knowledge gaps about this abandoned group of children, as it will create awareness and opportunities to improve legal protection for them.

Research Methods

The methodology used for this legal article was qualitative in nature. Therefore, research methodologies of library research and critical analysis were used in analyzing publicly available materials and data. This article has also collected relevant information on street

children and rights to development in general. These were critically assessed and analyzed by way of library research. Besides, a critical analysis was also performed on all materials collected pertaining to street children in Malaysia such as journals, legal provisions, newspapers, and others.

Analysis And Discussion

Defining Street Children

There are various attempts to define 'street children; however, none is considered accurate as there are different descriptions of characters, phenomena, problems, and many others. The general definition by the United Nations Center of Human Settlements (UNCHS) is the girls or boys that have made the street a place of residence or a source of life (Hai, 2014) They are not adequately protected, supervised, or appropriately directed by responsible adults. However, various parties commonly apply the United Nations (UN) definition that divides street children into two groups. The first group is the children involved in economic activities during the daytime and return to their families at night. Meanwhile, the other group is the children without a place to live and occupies the street as their home (Ferguson, 2007) The broader meaning includes forms of a group of people on the roads such as homeless, beggars, refugees, and others.

In Malaysia, various terms are used to refer to street children, such as 'homeless', 'street beggars', 'street friends' and many others (Ab Rahman & Basir, 2020) However, no specific definition is ever used to describe street children living in the country (Idris & Ramli, 2018) Nonetheless, there are elements to identify the group by different characteristics, including non-fixed sources of income and lack of shelter for living. Analytically, foreign researchers describe the term as more complex as they touch on each part of the aspects and possibilities that caused the children to fall under the street children category. Street children consist of the, among other things, neglected children, orphaned, unregistered births, separated by critical illness, beggars and even foreigners seeking refuge. However, it is impracticable to accurately identify street children as there is no definitive meaning in Malaysia. Moreover, it required arduous work for data collection but given insignificant outcomes in the end. But for the purpose of this research, the term 'street children' refers to children on the street for economic activities only or literally living there permanently.

Safeguard of Street Children's Rights to Development

Basic Rights of Street Children

Even though the idea of children's rights spread around the 17th century, the global community only recognized it during the implementation of the Convention on the Rights of Child (CRC) in 1989. It means that the rights of a human were awarded to children late compared to the adult. According to Article 1, the term 'children' in the CRC context is 'every human being below the age of 18 years unless, under the law applicable to the child, the age of majority is attained earlier (Article 1 of CRC). The definition solely relies on age elements and does not differentiate children with any external factors such as thinking capacity, maturity, religion, race, or others. The Convention outlined four core parts of children's rights: non-discrimination, children's best interests, rights to live, survival, and the development and rights to participate. All human rights are equally important and interrelated, but the utmost

fundamental is the right to live, survive and develop. It is a pre-requirement before the other rights mentioned can be fulfilled (Sutherland, 2015)

Every human should own the opportunity and freedom to live and sustain life as long as possible. However, besides living and surviving, one is free to advance and develop their potential to achieve betterment in life. Adults have been exercising their development rights since the beginning of human existence by continuously endeavouring to enhance life quality from different perspectives, particularly in social, economic, health, and technology. For centuries, those endless human obsessions and fascinations towards development have caused multiple destructions to the environment, such as the world financial crises and global wars. Such events have led to the expansion of the development concept towards a sustainable one. Sustainable development is "a development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (Hair et al., 2015; Osment, 2014) This occurrence has indirectly proved that development rights belong to all human beings, including children and youth, which need to be preserved in any circumstances. Therefore, any hindrance for adults or children to relish their rights can be considered a violation of human rights. In contrast, selecting certain social groups to enjoy human rights is regarded as favouritism. Both will cause discrimination towards specific groups of people, leaving them far behind in the development of social, economic, and environmental aspects. As a result, the societal gap will become more prominent, leading to an unstable world's development and the failure of SDG 2030.

Street Children's Rights to Development

The substance of human development does not remain static and has evolved from time to time. Human development primarily refers to economic growth at the earlier phase of its emergence, which constantly focuses on national income. Development is later described as progressive social, political, and economic changes in developing countries. The scope of development is affiliated with preventing poverty and bridging the gap between developed and developing countries (Fluke et al., 2012).

The Human Development Index (HDI) also defined 'development' from a different standpoint. It no longer concentrates on economic progress but comprises other indicators, viz., life expectancy, literacy and resources used to experience a better life (Thatcher, 2014). The objective of development is to help humans enhance their abilities to enjoy a decent standard of living and enlarge people's options. Other than that, many authors use more holistic approaches in defining the term with non-economic value to improve human life, such as political freedom, guaranteed human rights, gender equality, safe environment, the rule of law and others. Years later, Amartya Sen, a Nobel Laureate of 1998, brought the idea of development as one of the human rights. He viewed development as a progressive expansion of individual freedom, including eliminating economic deprivation that requires individual participation in political development in the decision-making process. In other words, both human rights and development are interconnected .

According to Article 1 (1) in the United Nations Declaration of the Right to Development 1986, development is an indisputable human right. Every human is entitled to participate in and contribute to economic, social, cultural, and political development. The first recognition of the development right was during the African Charter on Human and People's Rights 1981 was incorporated into the global human rights framework by the adoption of the Declaration on the Rights to Development 1986. Then, reaffirmed by several legal documents;

videlicet Rio Declaration on Environment and Development, Vienna Declaration 1993, Durban Declaration 2000, Declaration on the Rights of Indigenous Peoples 2007, and many others.

Besides that, development rights are also a vital essence of the sustainable development plan executed at the international level such as MDG 2015 and SDG 2030. Based on the 2030 agenda, the world is encouraged to unite all efforts in fulfilling every target set up in 17 goals covering the facets of life, mainly social, economic, and environmental (Thatcher, 2014). Optimizing and balancing the three pillars is challenging, but the accomplishment will bring humans to the ideal development concept. None should suffer from underdevelopment, especially the vulnerable children, due to poverty, war, or illness. In fact, both children and the vulnerable are two groups that made the center of SDG 2030's establishment. Therefore, our environment also needs to be in the best state providing clean air and water to every life on earth to support human's maximum growth. Ultimately, the economic gap between human groups should be minimized as much as possible. It ensures fair distribution of development's benefits among society for example implementation of healthcare rights, education rights and gender egalitarianism.

Street Children's Rights to Development

The SDG 2030 is principally an international document on sustainable development, and one of its purposes is to provide medium support for children for their maximum growth and life development. All 17 goals embedded in the World Agenda 2030 aim at all children. Still, some focus on specific groups such as disabled children, poor children, girls, children involved in forced labour or human trafficking, child soldiers, etc. Thus, some of SDG 2030's goals are moulded to resolve specific conflicts these groups of children face. Goal 1.2, for example, aims to reduce children living in poverty and Goal 2.2 is to eradicate childhood malnutrition issues. Besides that, Goal 3.2 means preventing the death of children and supporting children, as stated in Goal 4.1. and many others. Satisfying the targets will indirectly bring the world one step closer to developing children's rights (Du Pisani, 2006).

Furthermore, it is essential to highlight the principle of inclusivity or equality of development in SDG 2030. In SDG 2030, the proclamation of 'no one will be left behind' is mentioned five times. For example, the Preamble said that:-

"All countries and all stakeholders, acting in collaborative partnership, will implement this plan. We are resolved to free the human race from the tyranny of poverty and want and to heal and secure our planet. We are determined to take the bold and transformative steps which are urgently needed to shift the world on to a sustainable and resilient path. As we embark on this collective journey, we pledge that no one will be left behind."

Countries in the mission pledged that throughout the 15 years journey of the SDG 2030, there would be none of the vulnerable people groups and undeveloped countries that would be left aside and discriminated against. Despite their background or life status, every human is entitled to receive the benefits of sustainable development, especially children. One of the SDG 2030 purposes is to preserve and sustain the opportunity for the next generations to live at a certain standard. It is also proven with the role of 'agent of change' entrusted to children in the big mission of sustainability through SDG 2030 (Al Rousan et al., 2020; Lunenburg, 2010). In summary, children will be called to contribute and participate in decision making to matters related to or will impact their lives. Upon any decision made, children must first be occupied with knowledge and essential data before their personal opinions and experiences can be considered by adults. This practice is not limited to providing growing and developing

opportunities for them, but it shows one of the many efforts of the SDG 2030 not to leave anybody behind again (Burns, 2016).

Discrimination of Street Children

Although discrimination is considered a violation of rights and not permitted, it is unavoidable under certain circumstances. A lot of research and studies, including the previous report on MDG 2015, demonstrated that the vulnerability of human groups is one of the factors triggering discrimination to occur. The vulnerability may involve social status, financial ability, natural disasters, geographical area and others. The World Health Organization (WHO) defines 'vulnerability' as the capability of the population, individual or organization to overcome and restore the effects of an unexpected catastrophe. It is equivalent to the interpretation that describes 'vulnerability' based on the context of protection for any arising from danger. WHO went further by listing the children, pregnant women, senior citizens, disabled people, and patients with acute diseases or weak immune systems among people under vulnerable groups (Yang, 2013). These groups are exposed to harmful threats, and easy targets for manipulation and discrimination upon disaster occurs.

According to few writings, vulnerable children can be either orphan, abandoned, homeless, trafficked, infected by diseases, handicapped, poor, living in various conflicts such as natural disasters or wars and many others (Yoshikawa, Aber, & Beardslee, 2012). The discrimination or manipulation against vulnerable children will make the vulnerability more crucial as children are susceptible, weak, and immature due to the age factor, not to mention the powerless. They constantly need protection and guidance from adults to handle intricate matters in their daily life. Street children are the group endangered by previously mentioned situations, and discrimination makes them one of the most fragile. Depriving of basic needs such as shelter, clothing, proper food, and clean water is extremely tough for children to undergo daily life (Wells, 2021). It would become more challenging if the street children faced those hardships without family or adult supervision. The situations will expose them to violence, sexual exploitation, acute diseases, slavery, forced labour and even crimes. The children also must face rejection by surrounding society due to their inadequacy in many areas such as education, shelter, financial capability and positive perceptions of self-identity. These stigmas will later cause profound emotional struggles that may lead the street children to suicide, mental trauma and many other health problems as they grow up without love and motivational support from family or society (Minujin et al., 2006; Shukla, 2005). In brief, these challenges are ineffectual in providing a medium to support children's development, especially the vulnerable ones like street children.

Discrimination of Street Children's Rights to Development in Malaysia

First and foremost, the discrimination against the street children's in Malaysia revealed the country's incapability to collect data on them. No single piece of data on street children has ever been assembled formally in any study before, making them invisible in the country's development plans. Despite this, the conclusion reached in a few reports and writings on the street children is consistently vague and confusing. Most of the pieces of information provided by private bodies were insufficient, backed by baseless estimation and reported inconsistently by the press. Some journals briefly outlined the street children issues and suggested improvement, but none can be considered a thorough report. Based on those writings, most of the street children lived in big cities alleys such as Kuala Lumpur

and Sabah (Ramli & Dawood, 2017). Consequently, the data inadequacy had caused these children's insufficiently protected socially and legally. Their existence is not visible to the Government and private bodies that are supposed to act to deliver aid (Allerton, 2017; Ghee, 2015).

Secondly, lack of data collection and discrimination towards the street children occurred due to the absence of an absolute definition. Malaysia applies several names to denote the street children, namely 'homeless', 'beggar' and 'street friend', without identifying any particular characteristics to identify a street child (Ab Rahman & Basir, 2020). Each institution and communities define and describe street children differently or uniquely depending on their context of needs and roles. Without an exact definition of street children, it means a failure to protect and secure their rights as no assistance can be appropriately channelled to them. Their existence is noticeable but untraceable; hence no proper strategy can be developed to assist their daily survival or pull them out of street life permanently (Idris & Ramli, 2018) Despite the limitations, reference can be made to a few relevant legal provisions to get a basic idea about the street children's identities or characters. According to Section 2 of the Child Act 2001 (Act 611), 'street children means a person under 18 years old'.

Meanwhile, the Malaysian Children's Home (Rumah Kanak-Kanak) is gazette as a 'Place of Safety' or institution under the care of the Department of Social Welfare of Malaysia (JKM) for children protection by Section 54. Children that are qualified to receive assistance mentioned above must be with parents and guardians who: - (i) have or may abuse them physically, emotionally and sexually; (ii) are unfit to exercise proper supervision; and (iii) neglected or unwilling to provide food, clothing and shelter. In addition, it also includes children who: - (i) has no parent or guardian; (ii) has been abandoned by his parent or guardian; (iii) are engaged in custody; (iv) are engaged in begging or receiving alms, performing and doing business activities; and (vii) is carry-ing out illegal lotteries, gambling and other activities that are detrimental to the welfare and health of the child. The group mentioned above is similar to the group of children categories under Section 17 (1)(k)(i) and (ii), which are the closest to describing the street children. Section 17 (1)(k)(i) and (ii) are as follows: -

"17(1) A child is in need of care and protection if

(k) the child is allowed to be on any street, premises or place for the purposes of-

- (i) begging or receiving alms, whether or not there is any pretence of singing, playing, performing or offering anything for sale; or
- (ii) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to health and welfare of the child."

The provisions mentioned the term 'street', as well as some of the activities that are related to them. However, the comparison of various writings and the list of Section 17 explains the most situations encountered by the street children, including being excluded, ignored, defenceless and many more (Ab Rahman & Basir, 2020). Devoid of final definition and reliable statistics affected street children's development rights analysis due to anonymous data to support any statement. Nevertheless, general statistics still suffice to indicate the abandonment of their rights strongly. The types of children listed under Section 17 are qualified to receive Children's Home protection for three years or until 18, along with a court order. There are 13

Children's Homes throughout Malaysia to accommodate up to 1430 children at one time. Besides that, JKM also provides Tunas Harapan Home for children who complete their term at the Children's Home, orphaned or receiving no care from their families. ATIP Protection Home is another care centre that focuses on children involved in trafficking and exploitation issues. These shelters are not specially designed to accommodate street children; thus, facilities provided that are limited in capacity be-comes lesser and diminish to this group. It demonstrates the safeguard towards the street children in Malaysia is not well taken off and is very limited in number (West, 2003).

The economy in Malaysia is considered sturdy, ranked as a middle-income country with earnings of \$3,896.00 to \$12,055 (Bank, 2020) Our country's economy has succeeded in upgrading the status of the citizens' lives since the independent day. But, paradoxically, that success has yet to guarantee the welfare of children in this country. According to a United Nations Children's Fund 2018 Report, malnutrition is one factor in children's stunted growth in this county. The percentage of Malaysian stunted children is worse than Ghana, even though Malaysia's Gross Domestic Product (GDP) per capita is six times higher than that country. Ironically, the same report explained on obesity issue faced by some Malaysian children. These two conflicting circumstances of children's malnutrition and children's obesity happened due to a vast economic gap between societies in this country, whereby some citizens are unable to get basic food supplies; in contrast, others live in luxury .

From 1970, the national poverty rate had dropped to 0.4 per cent in 2016, and during that period urbanization phase happened Villagers migrate to big cities for better living facilities and look for more guaranteed opportunities for self-advancement. Based on the MDG report, the rate of poor children in rural areas generally decreased while the urban population escalates to almost 40 per cent. Diversity of the population backgrounds resulted in massive social disparity, different life statuses, and unfair distribution of development's benefits. If this situation continues, children of the discriminated groups will be affected. They will be lagging in various aspects of development, such as knowledge and skill. Even worse, their survival rights, such as rights to health, food and shelter, are also affected. It is due to a high probability of them staying further away from public facilities such as hospitals, schools and public offices commonly established in central urban areas. In these circumstances, it will be hard for them to access the existing services due to transportation and financial constraints (Ramli & Dawood, 2017).

Moreover, the Government listed the citizen with enough income for minimum basic needs, which is the Urban Vulnerable Group (UVG) as one of the vulnerable groups. In Malaysia, the number of UVG is 1.78 million people, including low and middle-income groups, single parents, young people, indigenous populations, minority groups in Sabah and Sarawak, estate workers and senior citizens. Therefore, if a lower-income earner is considered susceptible, street children with a non-fixed income should be at a much lower level and destitute. A study by UNICEF Malaysia found that people living in low-cost flats felt their homes' surroundings were unhygienic and unsafe because their children are at risk of associating with social problems like smoking, alcohol, drug addiction, stealing and adultery . It is, without a doubt, more challenging for street children who do not have a proper place called home. They have to settle around urban areas such as alleys, bridges, and other public places, making them vulnerable to social problems. Other than that, scarcity of access to clean water, improperly managed waste, and a sanitation system will expose the street children to various infectious diseases such as respiratory and skin problems (Chan, 2013; Chan, 2009) It is an ironic situation as all the countries unanimously agreed about the fundamentality of

healthcare rights. Yet, it is still not distributed effectively to all, especially children living on the street (Jackson, 2003). Healthcare is usually not an issue for economically capable people, but it is challenging for the disadvantaged. Private healthcare service, which requires high-cost fees, is never an option for street children as it is unaffordable.

On the other hand, by relying on the Government facility, citizenship becomes the main hurdle for street children in obtaining healthcare assistance (Doroshenko et al., 2012; Yaacob, Mohamad, & Sarnon, 2017). For example, the non-citizens' street children such as refugees, migrants and asylum seekers need to go through some procedures to access free healthcare provided by the country. It is an arduous process, and some may not know its existence. This situation demonstrates the rights to health care in jeopardy for being distributed unfairly. Besides that, healthcare is regarded as a business profit with prerequisites to be fulfilled at some point. Furthermore, it is significant for every individual, including street children, to have a safe and healthy living environment in conjunction with the SDGs 2030's aims to reduce the number of deaths and diseases caused by pollution of air, water, soil and others. As for that, pollution issues in human habitation should be observed because they can be detrimental to human health and life (Ahmad Yani et al., 2016) For example, street children who live under bridges, on streets and in other public places are exposed to hazards of various diseases, extreme weather, polluted areas, lack of clean water supply and more. Therefore, a functional social protection system must be developed to relocate them to a safer place. Moreover, all government bodies and non-governmental organizations should take action to control the pollution level caused by numerous industries in their respective countries. Besides that, enhancing social awareness will support society to urgently restore the environment.

Insufficient health service coverage for incapable people or those living in remote areas is discrimination. Hence, SDG 2030 aims to provide health rights to vulnerable people, including children. Children are still weak physically and antibodies, specifically street children exposed to multiple risks every day of their lives. Thus, vaccination is essential to preserve their lives and maintain their health. Children with immunization will build specific antibodies to prevent certain diseases and indirectly reduce the risk of infectious illness among children (Berad, Momula, & Ravi, 2014) In Malaysia, the Ministry of Health had identified almost 1600 individuals who failed to vaccinate their children in 2016, leading to the emergence of epidemic diseases such as Diphtheria and Measles, 150 times more than in the last decade. Despite the benefits of vaccination proven by WHO statistics, coverage of vaccines in Malaysia is still not exhaustive, as it is not made mandatory. Parents in this country are given options either to allow or not their children to be vaccinated. Despite the free eleven types of vaccines provided to all infants and children, a trend of vaccine prevention diseases at both global and national levels has accelerated over the years. If there is no reassurance for children with parents or guardians to get vaccinated, not to mention the street children. Other factors such as unregistered or undocumented birth and lack of awareness or knowledge worsen this situation. Consequently, the nonexistence of adult assistance will make it impossible and difficult for street children to access this healthcare service. It involves complex procedures such as documentation for registration and verification. It is not only complicated to be managed alone by a child, but the non-subsidized vaccines are unattainable for street children because of financial limitations. It is frightening that most street children are unvaccinated, whereas their lives are highly jeopardized by contagious diseases and hazards from surrounding areas (Sham & Selvaratnam, 2018).

Education is one of the essential aspects of development rights. Knowledge and skills

are vital tools for all children, including those living on the street, to enhance their development in various fields. It is not limited to survival purposes only but seeking to live a more comfortable life. Item 4.1 SDG 2030 has detailed the goal of free primary and secondary education for boys and girls. Before the SDG 2030, Article 28 of CRC drafted the exact target of free education. Nonetheless, Malaysia neither lifted the reservation made under that Article nor took any action to fulfil the aspiration that CRC developed. According to Department of Statistics Malaysia, in 2016, the number of pre-school students increased by 2,171 from 19 8574 students to 20 0745 students. On the other hand, primary and secondary students dropped by 239 students and 42,235 students, respectively. Subsequently, the upper secondary recorded an increase from 781,472 students to 800,575 students within a year. In the same year, statistics of students in private schools of all levels also increased, which are the private kindergartens, private primary schools and private secondary schools. Overall, the number of students going to school is continuously improving and the literacy rates among Malaysian citizens (Sham & Selvaratnam, 2018).

If education-related statistics are scrutinized and analyzed, it is an undeniable fact that a considerable number of Malaysian children are attending school. Though it is a remarkable achievement for the country, it is yet to reach the desired target of the SDGs 2030 and the CRC. Education in Malaysia is charged even though it is listed as one of the state's responsibilities. Malaysia is still unable to give free education to children either in primary or secondary school, even though education is one of the potent factors of development rights. Thus, education needs to be provided without burdensome financial conditions for all children. Economic ability does play a significant role in determining whether a child is able or not to pursue study. Children born in low-income families have higher chances of school dropouts as they are unable to afford school expenses. If they attend school, these children still need to squeeze into financial issues such as buying books, stationaries or learning aids, paying for extra classes, co-curricular activities, etc. Such a stressful situation will disrupt the student's focus and indirectly create social disparities between children in school. The street children will face enormous challenges, especially in financial ability and awareness in terms of education. The street children who initially had insufficient resources must have felt that education is not a priority to pursue, particularly without guidance and support from adults. Street children focus persistently on the survival of everyday life that covers necessary processes like food, shelter and personal safety without future planning. Thus, for the benefit of the young generations, Malaysia should start to strategize its development plans by ensuring that all can access education without any discrimination (Ramli & Dawood, 2017).

A proportion in Item 4.5 of the SDGs 2030 is to eliminate misogyny in education fields and ensure equal access to all levels of education and vocational training for vulnerable children. Several Governments' statistics reflect that Malaysia is free from gender disparity in educational access. Our country scored 1.092 in education, encompasses the issue of women and men's access to primary, secondary and tertiary education and a ratio of literacy rates through the Malaysia Gender Gap Index (MGGI). According to MGGI 2016, the overall national score was 0.692, indicating the equality between the two sexes was 69.2 per cent. Malaysia is ranked 75th out of 144 countries listed in the Global Gender Gap Index Report; meanwhile, it scored 9th place in East Asia and the Pacific. Even though gender discrimination does not exist in the education system, discrimination still occurs among certain children: street

children, children with disabilities, those living in remote areas, and non-citizen children. These vulnerable groups of children have unequal opportunities to get primary and limited education causes them to inability to attend school (binti Mohamed et al., 2017; Sham & Selvaratnam, 2018).

Sekolah Bimbingan Jalinan Kasih is the only school for street children in Malaysia established by the Government located in Kuala Lumpur. The school is built on the initiative of the Ministry of Education to provide formal education access to underprivileged children such as the homeless, poor, orphans and victims of social phenomena. However, the school only started the operation in 2013 and can only accommodate 150 students at one time. To date, it has been upgraded with some other equipment, including male and female dormitories to accommodate 200 students (binti Mohamed et al., 2017) This fact proves that there is quite a different treatment given in terms of budget allocation or aid by the Government to SBJK compared to regular schools. The minimal financial budget and limited facilities led to the denial of education rights to some street children. Hence, the unfortunate street children will continue to live by carrying out daily work such as at the car park, car wash, lifting goods, selling newspapers and others. Henceforth, Malaysia needs to revitalize its approach in terms of national education to enable the aspiration of the SDG 2030 to be fulfilled and become the responsible member state that signs the CRC.

Security and justice are the broadest issues in child rights violations. It includes numerous forms of abuse, exploitation, trafficking, and other acts of violence or torture towards children, especially street children. Therefore, the authoritative bodies such as the police, welfare department, court, lawyer, hospital and others must implement adequate protection. However, it is significant to highlight that the exception made by the states to protect unregistered children is the initial factor that contributes to a failure to provide peace and justice to them. In other words, a birth certificate is an official document recognized by the Government before individual rights under the laws can be materialized; hence birth registration is one paramount human right guaranteed under the CRC (Article 7 of CRC). Children's rights to health care or education are compromised if they do not possess birth certificates. They are also exposed to precarious syndicates concerning children, such as marriage, labour, recruits to the armed forces and others.

Unregistered youngsters may be charged, punished and treated as adult offenders for any criminal offences committed because their actual age cannot be determined. The un-certificated street children will continue to face more complicated problems in the future, such as getting a job, possessing property, building a family or being accepted by the surrounding community. In short, an unregistered person is invisible in the eye of the law, and none can be held accountable for anything that happened to him. The worst-case scenario is that children born in this group will repeat the same vicious cycle due to registration problems that lead to the emergence of unidentified populations in the country. The unregistered street children problem in Malaysia is limited to non-citizen individuals such as refugees, migrants and asylum seekers. Still, it includes children born in this country or whose parents are citizens. The latter group usually failed to register their births due to many reasons such as complex registration procedures, logistics issues, illegal children, abandoned children, lack of awareness and others. Moreover, birth certificates can pave the way for children to be protected from physical, mental and emotional abuse that may affect their lives, including abandonment. Although the term 'child' in the Malaysian Child Act does not distinguish whether he must be registered or not, implementation in the real world often isolates children without identification. Children

without citizenship have to struggle to acquire their fundamental rights as if they are not under the state's responsibility. Subsequently, private institutions need to chip in and take over the social protection duties. Nevertheless, services given by private bodies are usually minimal due to a lack of resources (Ab Rahman & Basir, 2020).

Obtaining the birth certificate is a challenge to street children as it encompasses issues related to guidance, documentation, procedures and costs (Bhukuth & Ballet, 2015). These issues are complicated enough to be dealt with in the presence of parents, not to mention for children to proceed with it alone. For instance, birth registration cannot be processed without proper documentation, such as parents' identity cards. In addition, registration must be complete in a specified time frame, or a penalty will be imposed. According to the Malaysian Registry, no fee will be charged if a birth registration is made within stipulated periods. The time frame is 60 days for Peninsular Malaysia, 42 days for Sabah and 14 days for Sarawak. In addressing the issue of identification, the Malaysian government reported in the local newspaper to carry out a step of issuing birth certificates to street children to enable them to attend school. But there is no further implementation of the program ever reported. According to the report, 19 identified street children were issued birth certificates, while 31 are still pending in the documentation process. Based on the figure mentioned, it can be analyzed that the number of birth certificate issuance was way too little as opposed to the estimated total of street children. Thus, it is tough to conclude that the street children's registration issue has been successfully addressed in Malaysia. Consequently, it is an apprehensive fact that street children can easily be smuggled without any trace without a legal identity. Furthermore, they might violate the law for life survival in the most severe circumstances. They are at risk of drug trafficking or other illegal goods, prostitution, gangsterism and more (binti Mohamed et al., 2017).

Malaysia has acknowledged children's rights, including development rights, as a signee of CRC. Since the ratification in 1998, there have been significant improvements in the country for preserving and increasing children's rights, including development rights. Since the launching of the 2030 World Agenda, Malaysia has made a lot of efforts to fulfil the sustainability objectives among the children of Malaysia. Among related legal statutes that were drafted to protect children's rights in Malaysia are the Child Law Act 2001 (Act 611), Sexual Offences against Children Act 2017 (Act 792), Children and Young Persons (Employment) Act 1966 (Act 350) and Evidence of Child Witness Act 2007 (Act 676). However, there is no single specific law explicitly enacted for the benefit of street children. Other than that, several laws that touched on the rights and protection of children are the Education Act 1966 (Act 550), Birth and Deaths Registration Act 1957 (Act 152), Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 (Act A670) and many others. But, above all, the Federal Constitution remains the primary reference that upholds civilian human rights regardless of age, including rights to life, health, movement, expression, education, religion and many others. Furthermore, Malaysia supports the idea of sustainable development, which benefits the country and its citizen by securing children's rights to development. Thus, Malaysia obligates to boost the efforts and forces to accomplish the 17 goals stated in the latest resolution of 2030 sustainable development.

Conclusion

Based on the estimated number of Malaysian street children in previous writings, unofficial reports, and general statistics of children, our country is no longer able to deny the

existence of this group or stay silent on the violations of their rights. Though the analysis is based on limited information, it is a crystal-clear fact that in Malaysia, the street children's fundamental rights are violated, including development rights. As discussed, the absence of definition and complete statistics are the most credible evidence to prove that the street children's protection for rights in Malaysia is minimal. Without any significant information, street children can be categorized as one of the most disadvantaged and weakest children marginalized from development plans at the national and international levels. The discrimination in letting the street children exercise their human rights is solid proof that Malaysia had failed in implementing obligations under the CRC, effecting Child Act, Act 611 and fulfilling the aspirations set by the SDGs 2030. The vulnerable street children have been discriminated against in different aspects of life, such as health, education, participation, living in dignity and others, which are essential for development.

Street children's crisis is not only a national problem but is considered a global issue because it occurs in almost every part of the world and is not yet resolved though it has taken decades. It is more perturbing with various studies anticipated that this phenomenon of street children worldwide will continue to grow in city areas making the economic gap between societies more prominent every day. Henceforth, the SDG 2030 targeted legal revolution can be made worldwide to ensure the involvement of all people in the development processes from various aspects. Every human being, irrespective of their age, must be given equal opportunity to develop themselves at the fullest level. In any development plan drafted, everyone's roles must be considered, thus allowing them to participate and contribute accordingly - the importance for every human, especially the vulnerable such as street children, is to receive the benefits of the development plans. Therefore, Malaysia should strive to increase the protection against rights for vulnerable children such as street children, especially with the current sustainable development plan, SDG 2030. Malaysian laws and policy can be improved by extending the coverage and details to ensure their effectiveness in protecting the rights of all groups of children. The world must guard the young generation against all detrimental factors to ensure the sustainability of human life in the future.

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