

# Adult pawns

## Children forced into crime

Child crime is a growing problem in South Africa. **Jacqueline Gallinetti** and **Maria Djordjevic** highlight that children are often used by adults to commit crime. They discuss recent research in this area and steps being taken to address this coercive form of labour.

**Dina paid us to kill Baby Jordan – teenager’** – *The Star*, 13 February 2007.

**‘Boy of 8 caught for dealing in drugs’** – *Daily Voice (SA)*, 15 July 2007.

**‘Kids used by copper thieves’** – *Sunday Argus (SA)*, 12 August 2007.

**‘More juveniles involved in crime to pay for drugs’** – *Cape Argus (SA)*, 8 October 2007.

**A**s a society, do these headlines shock us or do we no longer notice?

Children often commit crimes in South Africa but they are frequently victims because they are used by adults. These are often family members and friends they know and trust.

This is known as Children Used by Adults to Commit Crime (Cubac) and it is one of the worst forms of child labour according to the International Labour Organization Convention on the Elimination of the Worst Forms of Child Labour. As a signatory to the Convention, South Africa has a duty to stamp out Cubac.

### WORST FORMS OF CHILD LABOUR

What’s wrong with a child working to help out? We all did work as kids and nothing’s wrong with us.

The problem lies in the extent and

type of work that the child is forced to do as well as the child’s age. Cubac and commercial sexploitation, alongside with child trafficking, fall into the Worst Forms of Child Labour. They have severe negative effects on the child’s physical, intellectual and spiritual development and well-being.

South Africa’s Constitution and the Basic Conditions of Employment Act (BCEA) stipulate that every child has the right to be protected from exploitative labour practices and the right not to perform work that is inappropriate for the child’s age or places the child’s well-being at risk. The BCEA prohibits child labour under 15 years.

In addition, the recent Children’s Act makes it an offence for an adult to use a child to commit crime.

### WHAT CHILDREN SAY

Policy makers, social workers, police and justice officials have begun to respond to the adult problem that lies behind many child offenders.

Officials are recognising that children may be perpetrators and victims. The justice system is using diversion from normal criminal justice procedures, alternative sentences where appropriate, and is taking the reintegration of child

offenders into society more seriously. This work was pioneered by the Programme Towards the Elimination of Worst Forms of Child Labour (TECL) together with the Children’s Rights Project of the Community Law Centre at the University of the Western Cape. It involved cooperation across a number of government departments.

Research on Cubac focused on two high crime areas, Mitchell’s Plain in Cape Town and Mamelodi in Tshwane, Gauteng. It was based on group discussions with children from care centres and schools, and explored responses to these themes:

- Children’s engagement in economic activity and use of the money earned.
- How children get into crime.
- How adults are involved when children commit crime and who these adults are.
- Are children coerced or do they commit crime willingly?
- Do children need help and what help is needed?

The study showed that children from poor backgrounds are especially vulnerable to Cubac. They often come from single-parent homes struggling with joblessness. Twenty of 41 interview groups raised this as an issue saying, “Children come from a



Children from poor homes are vulnerable to adults using them in crime

hard environment, they have a poor family”; “Parents stop giving you money. You have to help yourself”; “Maybe you don’t get any food and then you steal.”

Basic needs aren’t the only reason. Children have a need for adult approval and an emotional reward. Older family members often know about the crimes, but do not stop the child because it helps the family cope financially. In return the child feels appreciated and worthy of the family’s praise.

There is also an aspirational dimension. Children say that crime helps them get what their parents cannot give such as clothes, jewellery and branded sports shoes. And drugs. Peer pressure and a desire for a sense of security and belonging make unlawful behaviour acceptable, particularly around alcohol and drugs.

Substance abuse was identified by the study as a way that adults use children in crime. Children said, “Tik plays with your mind.”; “You smoke mandrax and tik and start going with the wrong friends – you become ‘skelm’ (naughty).”; “When you start taking drugs, then you have to go out and do robbery.”; “Drugs and tik make you crazy. Once you start, you must have more.”

This is where the adult hand comes into child crime. Adults coerce, advise and equip children to commit crime, and drugs and alcohol play a part in making young minds pliable. Drugs are used as rewards, together with punishment, including violence. The result is that children do adults’ work: housebreaking, shoplifting, selling drugs, robbery, murder, car hi-jacking, rape and

prostitution. In return, children get money, drugs, clothes, guns, alcohol, fun, reputation and girls.

Sometimes adults give tacit approval. Adults don’t ask, and the children don’t tell where the goods come from. Both enjoy them. However, where adults benefit from the proceeds of child crime, they are guilty of exploitation.

Most children in the study believed that Cubac is a problem. They agreed less on the type of help they should receive and from whom, but they cited education and skills training, counselling, sports, social rehabilitation as well as prosecution and imprisonment of adults involved in Cubac as useful ways to address the problem.

#### WHAT IS BEING DONE?

The Department of Labour is championing a multi-sectoral response to child labour that includes the Safety and Security, Justice and Social Welfare departments.

Deputy Minister of Safety and Security, Susan Shabangu said during her budget speech that the SA Police Service took part in the Cubac research. Based on this it had rolled out a national strategy to be implemented in all provinces. The minister called for “funding to be utilised to protect the country’s most valuable assets, children, at all costs. The inter-departmental cooperation is vital...”

Because they are vulnerable, children involved in Cubac need protection and special judicial procedures. This is being discussed in draft Child Justice Bill now in parliament, which will provide

procedures and systems to deal with children who commit crime. Such minors will still be held accountable for their actions, but they should be diverted from usual criminal justice procedures and helped to get away from adults using them.

South Africa must take urgent and coordinated action to eliminate the worst forms of child labour and ensure that children are better off afterwards. Global experience shows that this is achievable. Several child, human rights and justice groups are working on this.

Police, probation officers and justice officials can help eliminate Cubac by bringing adult perpetrators to book and by dealing with every child according to individual circumstances. Members of the community including parents, teachers, social workers, lawyers, neighbours, bus and taxi drivers, business and community organisations have an important role to play by spotting children at risk and contacting the police and social welfare. These are some ways that Cubac can be identified:

- Was an older co-accused involved in the same crime?
- Is the child a gang member?
- Is the child living on the streets?
- Has the child avenues to dispose of stolen goods?

Certain offences committed by children also often involve adults:

- drug dealing or possession
- house breaking and theft
- Illegally dealing in liquor or guns.

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