



INTERNATIONAL LABOUR ORGANIZATION

Human Rights Council

Annual full-day meeting on the rights of the child: Children and the administration of justice

8 March 2012, Geneva 15:00 – 18:00

Panel discussion: Children deprived of liberty and children of incarcerated parents: protection and realization of their rights

Statement by the International Labour Office

The International Labour Office (ILO) is grateful for this opportunity to shed light on today's theme from the angle of child labour, and especially of its worst forms. The ILO Worst Forms of Child Labour Convention (No. 182) explicitly defines the use of a child (under the age of 18 years) in illicit activities, including production and trafficking of drugs and other crimes, as one of the worst forms of child labour, and urges the ratifying States to prohibit it and to take immediate and effective action for its elimination.

In the context of this afternoon's session, the ILO would be particularly interested in the panellists' views and suggestions concerning three points: first, the measures to prosecute and punish those (adults) who use children in crime; second, the measures to assist, rehabilitate and socially reintegrate the children involved as victims of exploitation, so as to avoid their re-victimization; and third, the wider economic and social measures to address the root causes of this phenomenon and the vulnerability of those children. We consider this last point as particularly relevant to the debate on human rights mainstreaming.

These three questions are, in fact, what we ask ourselves, as they are inevitably linked to the successful implementation of Convention No.182. In terms of Convention No. 182, those children who are used in crime and subject to juvenile justice, require necessary consideration and comprehensive measures of assistance for their rehabilitation, as they are often vulnerable victims of exploitation. These may include for instance, access to free basic education or vocational training as appropriate; action against poverty, social exclusion and discrimination, and wider economic and social protection measures, similar to action against other forms of child labour.

There is a close link between the protection against the worst forms of child labour, the protection from violence against children and the issues discussed in this afternoon's panel. Children used in drug trading or other crimes such as petty theft are exposed to violence in those activities but also in the process of law enforcement in juvenile justice. The criminal justice system is not a substitute for adequate care and protection of children. It is important to highlight that a change in the perspective of rehabilitation and assistance would help

change the currently prevalent attitude of seeing children as perpetrators, rather than victims.

ILO through its International Programme on the Elimination of Child Labour (IPEC) has been offering assistance to our constituents to address child labour and the issue of children involved in illicit activities.

First of all, what is the size of the problem? Reliable data on the number of children involved are, however, difficult to come by. In 2002, the ILO estimated that about 600,000 children worldwide were engaged in illicit activities. The available data mostly related to drug production and trafficking, and no particular age group seemed prevalent. This figure is a minimum estimate based on a conservative calculation. It may appear small compared to the overall estimation of child labour (currently estimated at 215 million worldwide) and that for children in designated hazardous work (115 million worldwide). However, a smaller number does not signify easier elimination. More applied research is needed on the topic of the use of children in crimes, such as drug trading or production, as well as other illicit activities.

Our support has been extended also to gather information on the nature and features of illicit forms of child labour. Along with data, this descriptive information is crucial to develop the most informed recommendations and policies to tackle this unacceptable violation of children's rights. In this context, I would like to mention Rapid Assessments. This is a methodology developed jointly by the ILO and UNICEF, to find out more about the worst forms of child labour, including illicit activities. This is a method of quickly gathering descriptive information on hidden or illicit forms of child labour in a limited geographical area. It is often used at the first stage of programme planning.

Another example of ILO-IPEC's work is a national project in South Africa on 'children used by adults in committing crimes' (CUBAC), concentrating more on focused interventions for children who have been involved in crimes, alongside action on investigating and prosecuting adults. The CUBAC project placed a strong emphasis on the integration of the issue into criminal justice policies and practice. The executing agency of the project sought collaboration with a wide range of South African government departments, such as those responsible for justice, social development, labour, education, safety and security and local government. The objectives of the project included not only the direct provision of services to children who have been used (withdrawal) or are at risk (prevention) but also the strengthening of key institutions for delivering services for CUBAC, awareness raising among stakeholders in child justice and amongst the larger community, and increased knowledge about the nature, extent and cause of CUBAC. Thus, one cannot overemphasize the importance of training of judges, and judiciary staff along with law enforcement personnel, and promoting "child friendly courts".

Although many projects and interventions have been carried out in developing countries, it should be recalled that building and strengthening the capacity of national institutions, social partners and civil society organizations is relevant to any country in the world, irrespective of the level of economic development. The 2002 Global Report "A future without child labour" remarked that 'countries facing serious problems with the drugs trade, from Colombia to Cambodia and the United States to the Russian Federation, know all too well that children, including very young children, can be swept up in such activity'.

In all these types of interventions, the ILO-IPEC has invested heavily in promoting gender equality. Gender aspects should never be overlooked in any action against child labour,

since girls and boys are not always affected in the same way. This is absolutely true also in the use of children in crimes. Numerous good examples exist of practices illustrating how to ensure gender mainstreaming in actions against child labour. The publication “Good practices: Gender mainstreaming in actions against child labour” is available in several languages and is relevant also in the specific domain of this afternoon’s panel.

Convention No.182 has so far been ratified by 174 States – only 9 signatures short of universal ratification. It forms part of the fundamental international standards concerning the elimination of child labour, together with almost universally ratified Convention on the Rights of the Child and the ILO Minimum Age Convention (No. 138) – ratified by 161 States. Given this remarkable formal commitment, there seems to be a huge potential to use Convention No. 182 to raise awareness and also to link the issue of criminal justice with a wider approach to tackle its root causes.

The use of children in illicit activities, as one of the worst forms of child labour (WFCL), is not only an issue of criminal or juvenile justice, but must also be tackled from different angles, in line with a holistic human and child rights approach. The problem cannot be solved solely by strengthening law enforcement against offenders who use children in illicit activities, and even less so by only punishing those children for the act itself. Convention No. 182 places the use of children in crimes on the same level as other forms and situations of exploitation where children should be regarded as victims. It is imperative to ensure collaboration among all the stakeholders, national and international.

I would like to conclude by drawing the Council’s attention to this year’s World Day against Child Labour, on 12 June 2012, which will focus on Human Rights and Social Justice in connection with child labour. This year the ILO will provide a spotlight on the right of all children to be protected from child labour and from other violations of fundamental human rights. This will underline the importance of the elimination of child labour as one of the fundamental principles and rights at work – among the pillars for realizing social justice in the face of globalization. We hope and expect to continue our collaboration with the Council.

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