



Children Used by Adults to Commit Crime

# Children's Perceptions of their Use by Adults in the Commission of Offences

Children Used by Adults to Commit Crime:  
**Childrens' Perceptions of their Use by Adults  
in the Commission of Offences**

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**For:**

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Justice College

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National Prosecuting Authority

Office of the Rights of the Child

South African Police Service

This publication forms part of a series addressing Children Used by Adults to Commit Crime (CUBAC). Such use of children is considered a worst form of child labour in terms of the Worst Forms of Child Labour Convention of the International Labour Organisation. The initial series includes the following publications:

- Situation Analysis and Pilot Design
- Prevention Programme Manual
- Childrens' Perceptions of their Use by Adults in the Commission of Offences
- Diversion Programme Manual
- Guidelines for Role-players in the Criminal Justice System

Copies of these publications can be obtained from: The Children's Rights Project, Community Law Centre, University of the Western Cape, Private Bag X17, Bellville 7535. Tel: +27 21 959 2950 • Fax: +27 21 959 2411 • Email: jgallinetti@uwc.ac.za

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The series relates to a set of pilot projects addressing CUBAC, which was designed by consultants contracted by the programme *Towards the Elimination of the worst forms of Child Labour* (TECL). Regarding its programme in South Africa, TECL is an executing agency for key elements of the Child Labour Programme of Action, as a partner of relevant government departments, regarding their obligations. Funding for the pilot projects and for the publications was obtained from the US Department of Labour, through the International Labour Organisation.

The views expressed in this publication are in all cases those of the writers concerned and do not necessarily reflect the views of the Department of Labour, the ILO, TECL, or any other organisation.

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# Foreword

A democracy is marked by the extent to which its citizenry participates in decision making in public and political life. If a country wants an actively participatory populace, it has been argued that such practice should be inculcated in persons at a very young age. Despite this argument, decisions are often made at a political level without an understanding of the needs and issues affecting children and how these decisions will impact on their daily lives. The Committee on the Rights of the Child has highlighted four general principles in the Convention on the Rights of the Child: non-discrimination (Article 2), the best interests of the child (Article 3), the right to life, survival and development (Article 6) and respect for views of the child (Article 12). Therefore, there is an obligation on countries that have ratified the Convention to ensure that children's voices are heard and this includes involvement in policy and law making, being heard in official proceedings, playing an active part in community and school decisions, and having a voice within the family.

We welcome all efforts to ensure that this principle is given effect to and this publication represents a study that was designed to ensure that the experiences of children affected by a worst form of child labour inform and shape policy decisions across a number of different government departments.

The study provides a valuable insight into the causes, extent and consequences of the instrumental use of children in illicit activities and how this affects their lives.



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# Chapter 1

# Introduction and background

This publication contains the findings of a child consultation study that was undertaken to explore the issue of children being used by adults to commit crime.

The draft South African Child Labour Programme of Action (CLPA) was provisionally approved by representatives from various government departments on 4 September 2003, subject to certain amendments, and was submitted to Cabinet for noting in July 2005. CLPA's final adoption is subject to the finalisation of a costing exercise of the various recommended actions to be implemented by the key government departments.

The CLPA executive summary notes that the South African government has been involved in a long process of adopting appropriate policies and a national Child Labour Programme of Action to combat child labour. This process involved extensive consultation with the South African public and key stakeholders from government and civil society, as well as with children. This process has followed from South Africa's ratification of the ILO Minimum Age for Admission to Employment Convention 1973 and the Worst Forms of Child Labour Convention (Convention 182) of 1999, as well as the inclusion of a clause in the South African Constitution giving children the right not to be subject to exploitative labour<sup>1</sup>.

In drafting CLPA, certain principles were adhered to. These included the prioritisation and identification of the worst forms of child labour in South Africa, an examination of best practices elsewhere, provision for sustainability and the avoidance of duplication.<sup>2</sup> CLPA has identified a wide range of activities that fall under the mandate of various government departments and agencies, some of which are already contained in existing policy and others that are new.

The following have been identified as the three worst forms of child labour in South Africa:

- commercial sexual exploitation of children, and child trafficking
- the fetching of water by children of households situated far from safe sources of water
- children used by adults in the commission of crime (CUBAC).

In order to facilitate the action needed to combat these worst forms of child labour, the project named Towards the Elimination of the worst forms of Child Labour (TECL) - a technical assistance project to the Department of Labour - commissioned the design of three pilot project projects aimed at addressing the identified worst forms of child labour in South Africa as specified above.

The design of the pilot project for CUBAC included a situation analysis of the situation of children used for crime by adults and other older children in South Africa, which was followed by a baseline study in four sites to determine the nature, extent and consequences of CUBAC and determine the suitability of different sites for the pilot project programmes. This research process has been summarized and has been produced as a separate publication.<sup>3</sup>

The research included a specific study aimed at consulting with children on the nature, extent and consequences of CUBAC. The present publication presents the central findings of the study, followed by a discussion of the key issues emerging from them, and the identification of risk factors suggested by them.

1 Section 28 (1)(e) and (f).

2 CLPA, p. 3.

3 Community Law Centre, Children used by Adults to Commit Crime: Situation Analysis and Pilot Design, ILO, 2006.

# Chapter 2

# Methodology

In order to explore the overlapping issues of child justice and child labour, the study sought to include children who were in conflict with the law and those who were not. It was therefore decided that participants for the study would be selected both from secure care facilities (SCFs) and from schools. However, children from the two sources should not be seen strictly as distinct groups, as it was not possible to gauge to what extent children in the school groups had come into conflict with the law. It should be noted also that the children in SCFs were awaiting trial, and had not been found guilty of offences.

Because the broader CUBAC research was being undertaken at four sites i.e. Mitchell's Plain, Khayelitsha, Westbury and Pretoria, fieldwork sites were selected based on where researchers could gain access to children from these areas. The fieldwork sites that were ultimately used depended on the willingness of local institutions to participate in the study, and the extent to which these centres were able to co-operate with the researchers in organising the intensive programme of focus group discussions that had to take place. This created some limitations for the study. The first of these was that it was not possible to include girls awaiting trial in the study. Secondly, it was not possible to involve children from a school in the Western Cape.

From 18 to 29 July 2005 a total of 41 focus group discussions (FGDs) involving 541 young people in five SCFs and one government school were conducted. Two of the SCFs are in the Western Cape and three in Gauteng. The school is also in Gauteng, south of Johannesburg.

Each focus group discussion included between six and 16 participants, with an average of 14. The duration of discussions was on average 55 minutes.

Focus groups were predetermined as the primary means of data collection for the study. Because the intention of the research was child consultation, the question schedule that was developed focused on obtaining the opinions and views of children, rather than the facts of individual experiences. Focus group discussions did, however, include the collection of some individualised data relating to the children. This was primarily biographical information relating to each child (i.e. age, gender, educational level) collected in order to enable researchers to create a clear profile of the children included in the study. Individual data was also collected relating to the nature of the charge being faced and whether children were co-accused with adults (relating to children in SCFs), as well as children's engagement in economic activity, and their use of the money earned.

Children from the SCFs were selected for the focus groups by (1) accessing them within their class groups (in SCFs where teachers were able to give up class time for the research i.e. Leseding, Horizons and Bonnytoun) and (2) where they were not engaged in classroom or workshop activities and generally engaged in leisure activities (at Mogale SCF). In terms of both sets of circumstances, conditions were determined by the time of day, and the selection was facilitated by SCF staff. The selected school was requested to allow the researchers to engage 120 children between Grades 8 and 11 in discussions and it selected the entire Grade 9 group for this purpose.

Table 1: Facilities visited, number of children involved and focus group discussions

Facility	No. of Participants	% of total	No. of Focus Groups
Mogale SCF	78	14.6	7
Leseding SCF	80	14.8	6
Jabulani SCF	32	5.9	2
Bonnytoun SCF	104	19.2	8
Horizon SCF	126	23.2	10
School	121	22.3	8
Total	541	100	41

# Chapter 3

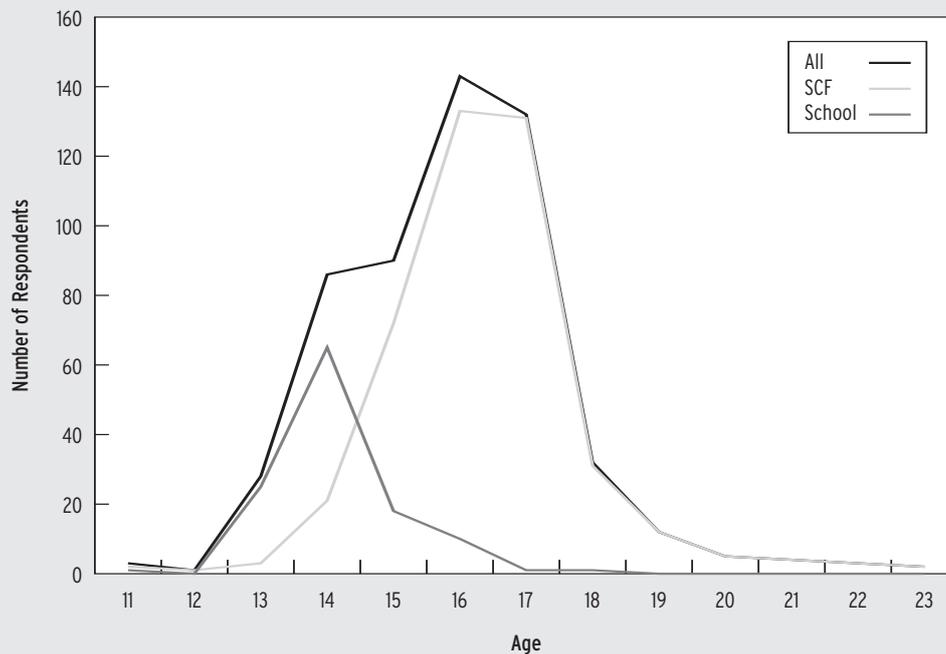
## Profile of children in the study

### Age Profile

Figure 1 shows the age profile of the participants, represented as the total group (n = 541), the school group (n = 121) and the group from the SCF (n = 420). The median age of the total group is 16 years. The school group, however, shows a younger profile, with the median age of 14 years, compared to the SCF group with a median age of 16 years.

It should also be noted that a total of 57 respondents (13.5% of the sample, and all from the SCFs) admitted in the focus groups to be older than 18 years of age. This means that these young people had lied about their ages to authorities (which is usually done in order to be placed in an awaiting-trial facility for children rather than in an adult prison).

Figure 1: Age profile of child participants in the study



### Gender

A total of 492 males (91%) participated in the focus group discussions and 49 females (9%). The females were all from the school group, as it was not possible to include females from SCFs.

## Living arrangements

Participants were asked with whom they lived prior to coming to the SCF, or in the case of the school group, with whom they were currently living. Based on this, a profile on living arrangements was generated and is presented below.

**Table 2: Profile of living arrangements of participants (percentages)**

Description	All (N = 541)	School (N = 121)	SCF (N = 420)
Both parents	29.0	47.1	23.8
Mother	38.3	31.4	40.2
Father	4.6	0.8	5.7
Uncle/aunt	7.8	6.6	8.1
Grandparent	10.4	11.6	10.0
Non-relative	2.2	0.0	2.9
On own	3.1	0.0	4.0
Street	0.4	0.0	0.5
Sibling	4.1	1.7	4.8
Guardian	0.2	0.8	0.0
Total	100	100	100

From the table it may be seen that less than a third of the respondents were living with both parents at the time of the research. Less than one quarter of the children in the SCFs were living with both parents prior to their incarceration. Living with one's mother was the most frequently cited arrangement, with just over 38% of the total group selecting this. Staying with grandparents as well as staying with an aunt or uncle was also cited with significant frequency.

## Charges: children in secure care facilities

The charges for which the respondents were being detained at the SCFs are presented in Table 3 below. It should be noted that the information relates only to what was reported by the children themselves, and was not verified against other records. The data indicates that nearly 60% of the respondents were charged with only three types of offences, namely housebreaking (as well as housebreaking and theft), robbery (common and aggravated), and murder (including attempted).

Table 3: Profile of charges of participants from secure care facilities

Charge	Frequency	Percentage
Housebreaking <sup>4</sup>	105	25.0
Robbery	100	23.8
Murder and attempted murder	49	11.7
Rape	37	8.8
Theft	24	5.7
Possession of firearm	14	3.3
Theft from motor vehicle	13	3.1
Hi-jacking of vehicle	12	2.9
Assault (common)	10	2.4
Drug possession	10	2.4
Shoplifting	10	2.4
Assault - GBH <sup>5</sup>	5	1.2
Unknown	4	1.0
Malicious damage to property	3	0.7
Possession of stolen goods	3	0.7
Sodomy	3	0.
Indecent assault	3	0.7
Kidnapping	3	0.7
Arson	2	0.5
Dealing in drugs	2	0.5
Attempted rape	2	0.5
Theft of motor vehicle	2	0.5
Intimidation	2	0.5
Pointing of a firearm	1	0.2
Driving without a license	1	0.2
Total	420	100

### Children co-accused with adults

Of those respondents in the SCF group for whom the information was available through self-reporting (N=389), a total of 182 (46.7%) reported being co-accused with adults, and 207 (53.2%) reported being charged on their own.

4 It should be noted that respondents did not differentiate between charges of housebreaking, and those relating to housebreaking and theft.

5 Assault with intent to cause grievous bodily harm.

### Formal education completed

The focus group participants were asked to state the last school grade that they had completed. Due to a fieldwork problem, this information was not available for 44 participants, and therefore, the total used for this analysis is 497. The data indicated that the vast majority of children from the SCFs had completed formal studies between Grades 7 and 9. 29% of the SCF respondents reported completing school between Grades 10-12. It should be noted that the concentration of the school group in Grades 7 - 9 is a result of the sample used.

**Table 4: Profile of last school grade completed**

Grade	All (N= 497)	School (N = 121)	SCF (N= 376)
None	0.6	0.0	0.8
Grade R - 3	2.0	0.0	2.7
Grade 4 - 6	8.0	0.0	10.7
Grade 7 - 9	58.9	100.0	45.7
Grade 10-12	29.0	0.0	38.4
Other	1.2	0.0	1.6

# Chapter 4

# Findings

The responses of the children to the questions addressed to them during the study are described below. They are grouped according to themes, namely:

- Children's engagement in economic activity and use of money earned
- How children get involved in 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, if so, what help is needed?

Below, each question is presented, followed in some cases by a table that lists, in order of frequency, the key responses provided by the focus groups. The quantification of the responses in terms of the number of groups that provided the response is done in order to provide an idea of the relative weight of opinion from the children on that issue.

## 4.1. Children's engagement in economic activity and use of money earned

The respondents were asked whether they had ever done anything to earn money, and if so to describe what the activity. The data was categorised into three broad categories, namely 'Not economically active', 'Legal activities', and 'Illegal activities'. This is presented in the table below.

**Table 5: Profile of participants' economic activities**

Category	All	School	SCF
Not economically active	32.9	60.3	25.0

<b>Legal economic activity</b>	36.8	37.2	36.7
Work at shop	5.5	6.6	5.2
Washing cars/parking	6.7	9.9	5.7
Garden/manual work	12.6	5.8	14.5
Buying and selling on street	10.7	12.4	10.2
Baby-sitting	0.4	1.7	0.0
Modelling	0.2	0.8	0.0
Sing, dance	0.4	0.0	0.5
Taxi guard	0.4	0.0	0.5

**Table 5: Profile of participants' economic activities (continued)**

Category	All	School	SCF
<b>Illegal</b>	30.3	2.5	38.3
Smash and grab, theft, burglary	12.2	0.0	15.7
Playing dice/gambling	1.1	1.7	1.0
Selling drugs	6.1	0.0	7.9
Shoplifting	0.2	0.0	0.2
Robbing people	10.5	0.8	13.3
Hi-jacking cars	0.2	0.0	0.2
Total	100.0	100.0	100.0

The first noteworthy trend is that nearly a third of the total group described themselves as never having done anything for money. In most instances they stated that they received money from their caregivers. This means that of the total group, two-thirds had in the past engaged in some activity that earned them money. The difference between the school group and the SCF group is significant in this regard. Two-thirds of the school group stated that they had never done anything to earn money compared to only 25% of the SCF group.

Roughly 37% in all three categories had engaged in some legal activity to earn money. In terms of illegal activities, just more than 30% of the total group, and 38% of the SCF group, engaged in such activities to earn money. In contrast, only 2.5% of the school group reported that they had engaged in illegal activities to earn money.

**Use of money earned**

Those respondents who reported that they had engaged in some activities to earn money, were asked how they used the money, i.e. what did they spend it on? A maximum of two responses were recorded per respondent and the total number of responses (462) therefore exceeds the number of respondents that provided information on this particular question.

While the respondents noted a range of things on which money was spent (including buying drugs, buying clothes, contributing to household income, buying alcohol, and buying luxury items), 74.7% of the total number of responses related to three kinds of spending, i.e. buying drugs, buying clothes and contributing to household income. The findings show that a significant number of responses in the total group (43.7%) and in the SCF group (48.8%) indicated that money earned was spent on drugs and alcohol. None of the responses from the school group reported spending their money in this way. Buying clothes was also a significant expenditure, with 25.8% of the total group reporting this. The school group showed a slightly higher reporting (26%) than the SCF group (17.5%) of 'contributing to household income'. The other categories received reporting rates of less than 5% in the total group.

**4.2 How children get involved in crime**

The focus group participants were asked how they believe children first become involved in crime. The table below summarises the responses obtained.

**Table 6: How children first get involved in crime**

Responses from Focus Groups	Secure Care Centres		School	Total
	G = 15	WC = 18		
Number of Groups			8	41
Factors at home	11	6	8	33
Peer pressure and the influence of friends	10	12	8	30
To buy drugs and alcohol	11	16	2	29
The need to impress people and gain respect	7	4	4	15
Gangs	1	10	2	13

*(In this and subsequent tables G indicates Gauteng and WC indicates Western Cape.)*

#### 4.2.1 Factors at home

Factors at home that related to economic circumstances, care, and family relationships were raised by 33 of the 41 groups as explaining why children become involved in crime in the first place.

#### Poverty and unemployment

Poverty (and in some cases, unemployment) was noted as being by far the most pervasive of these conditions, described mostly by children as ‘pushing’ children into committing crime, with 20 of the 41 groups raising this as an issue. Children stated:

- They commit crime for food
- Children come from a hard environment, they have a poor family
- Parents stop giving you money. You have to help yourself.
- There is no food at home.
- Maybe you don't get any food and then you steal.
- There are no jobs.
- You don't get money at home and you go out and rob people.

#### Aspiring to expensive items

Some aspects of the problem related to unfulfilled needs, and was described as aspiring to things that one cannot afford, and not merely to meet one's basic needs. This is a theme that emerged throughout the study, and connects very strongly to the discussion below in relation to the need to impress others in order to gain respect and status. Participants noted:

- Your parents can't give you what you want. You want clothes, jewellery and other things.
- Children want the branded clothes.
- Parents are arguing because children want things. They want takkies (branded sports shoes).

#### Problems in relation to the care of children

Apart from the more direct financial drivers discussed above, 13 of the 41 groups noted a range of issues relating to the care of children that they believed resulted in children committing crime. These included abuse and neglect by parents, parents' abuse of alcohol and drugs, children having to take care of themselves, and the lack of parental advice and supervision. Situations described by children were as follows:

- You may be looking after yourself
- Your mother may abuse you and you really don't know what to do
- Some have no family to look after them. There is no-one to show them the right way.
- I had problems with my family and they chased me away.
- Parents reject them - they send them out of the house.
- When parents are fighting, you go out and get drugs.
- When parents are drinking, you will not learn to have respect.
- Children have a lack of self-esteem. You are told that you are useless. Children do things to prove a point, to earn respect.
- If you live on the streets, you need to survive.

#### 4.2.2. Peer pressure and the influence of friends

Of the 41 groups, 30 raised the issue of peer pressure and the influence of friends as having an impact on children becoming involved in crime. The influence of peers was characterised by the participants as having many subtle and interesting nuances, rather just the idea of friends pressuring children into criminal behaviour.

##### The active influence of friends

In most cases the influence of peers was described as an active process, where friends directly influenced children into risky situations or directly into committing crime, in the form of drug-taking, theft, going to shebeens, shoplifting, etc. Participants noted for example:

- They tell you it's 'kwaai' (cool) to steal

##### Being drawn into the culture of the peer group

In fewer responses, the nature of influence was described as more subtle, relating to engagement with the peer group and being drawn into its activities. Participants stated:

- You just start hanging around with other people who do bad things. It happens from there.
- You get mixed up with the wrong friends. They teach you how to get the things that you want.
- You want to please friends. You want to be part of everyone.
- My friends invited me, but I took the drugs willingly.

##### Seeing what friends possess and wanting the same

Another level of this was described by children as being influenced by seeing what friends possess and aspiring to own these same items. Participants described this as:

- Friends have nice things.
- They want the nice things that they see.

##### Impressing the peer group

A further level of this influence related to the kinds of things that children start doing specifically to impress their peer group. This was described as being related to gaining respect and recognition in the group and wider social circle.

- You want to impress your friends and wear label clothing.
- They want to impress their friends and show them what they can do.

The issue of gaining respect through impressing people, mostly through material goods, more generally is a theme that recurs through this study.

#### 4.2.3 Drugs and alcohol

The use of drugs and alcohol, and particularly what was characterised as addiction to drugs, emerged as a significant theme throughout this study. This was raised as a reason why children become engaged in crime for the first time by 29 of the 41 groups. It should be noted that 'drugs' were cited by 21 of these groups, and far more frequently than alcohol which was noted by only 5 of the groups. The nature of the influence of drugs especially was characterised in terms of desperation. This was often described by children as the drugs 'making' children commit crime. Children said:

- When you take drugs, you start committing crime to get drugs.
- Drugs. They are no good. You smoke once and you want more.
- When you start taking drugs, then you have to go out and do robbery.
- Drugs and tik<sup>6</sup> make you crazy. Once you start, you must have more.
- Tik plays with your mind.
- You smoke Mandrax<sup>7</sup> and tik and start going with the wrong friends, you become 'skelm' (sneaky).
- You become addicted to drugs like tik and Mandrax, and then start by stealing your mother's things and then you start stealing outside the house, big things.
- Drugs are sweet like honey - it's what you want all the time.

#### 4.2.4. The need to impress people and gain respect

A recurring theme throughout this study was the notion of children committing crime in order to impress others, most often in order to gain respect, or to be seen as different or better. This was raised by 15 of the groups in response to this question, but also emerged in much of the discussion that followed. This was most commonly reflected in behaviour related to the acquisition of things believed by children to offer status and respect. Children said:

- When you need things like clothes, Carvela's (Italian shoes).
- You want to impress your friends with label clothes.

Six of the groups specifically discussed the role played by the need to impress women or girls. They noted that boys experienced the pressure of having to support and look after girls, and give them the things that they need. It was also noted that boys want to project the kind of image that they believe women to find attractive. The participants noted:

- Boys have to support their girlfriends.
- Boys want girls to like them.
- When you start having sex, then girls want things.
- Girls that you take out want money - they want you to take them out and buy things.

Women want things from you - shoes, clothes, jewellery - they know that the money is coming from stealing and robbery. They want expensive clothes, expensive drinks, want to shop in the Pick and Pay, not in the spaza shop.

<sup>6</sup> Tik, or tik-tik, is the street name for crystal methamphetamine.

<sup>7</sup> The active ingredient of this street drug is Methaqualone.

#### 4.2.5. The influence of gangs

Thirteen of the 41 groups noted gangs as having an influence on children committing crimes for the first time. This was most prominently noted by the groups in the Western Cape, and to some extent in the schools group. The nature of gang influence was described as aspirational, where children observe what gangsters have and how they are perceived by the community, and aspire to the same things.

- Growing up in gangster areas, you get involved. You want to be like them.
- When you are with the gangsters and other friends, you see what they have, like guns - and you want that.
- The gang is attractive with its gold and rings, and there are things that you must do to get that.
- I started smoking in school, started walking around with my friends and I wanted to start my own crew - my uncle and brother are gangsters.

One group also noted the value of the gang for protection. Participants said:

- Maybe you are small and get bullied, but the gang will protect you.
- I want to be a 26 (gangster) because then you don't get robbed when you go to prison.

#### 4.2.6. The influence of adults

The influence of adults was noted by 9 of the 41 groups in relation to this question. In the descriptions listed below, one may note the role of coercion, where children describe being 'forced' to commit crime. One also notes the idea of 'guidance', with adults showing children what to do. Children stated the following:

- Sometimes an adult tells you to do it.
- Fathers of the neighbours tell them to do it.
- Adults pull you into it.
- Older people with a lot of experience guide you about what to do.
- You walk with adults and they use you. Then they see that you can do it.
- Older people force you.

#### 4.2.7. Individual factors

The participants noted a range of factors relating to individuals that they believed resulted in children committing crime for the first time. These kinds of factors were noted in 10 of the 41 focus group discussions. The specific factors noted by children were as follows:

- Crime is fun for kids.
- Greediness.
- Jealousy.
- Some juveniles are just naughty from their birth.
- Some children just don't want to listen.

### 4.3. How are adults involved when children commit crime, and who are these adults?

Children in the focus groups were asked several questions that attempted to find out whether and how adults engage children in crime. These questions elicited responses around a number of major themes. The first of these related to adults' engagement of children in crime. Children described this as being both direct and indirect. Second, children described the means used by adults to engage children in criminal activities, noting coercive means, such as threats and beatings, as well as things like the giving of rewards. Third, children described a range of other factors that mostly related to home and family. These responses are summarised in the table below.

**Table7: Involvement of adults in crime**

	Responses from Focus Groups	Secure Care Centres		School	Total
	Number of Groups	G = 15	WC = 18	= 8	41
1.	Adults involving children in crime				
	Indirect means	13	13	6	32
	Direct means	10	16	4	30
2.	Means used by adults to involve children in crime				
2.1.	Offering rewards	15	18	8	41
2.2.	Physical violence, threats of violence	7	12	8	27
2.3.	Other behaviour - less direct home and family factors	11	8	5	24

Through their responses, all 41 focus groups provided information that indicated that children being used by adults to commit crime is a common phenomenon. All 41 focus groups provided clear and direct examples of how adults are involved when children commit crime. A range of different kinds of influences were described by the groups and these are discussed in some detail below.

#### 4.3.1 Adults actively involving children in crime: direct and indirect means

When asked about the role of adults when children commit crime, one child responded 'Hulle is diep daarin gekoppel' (They are deeply connected). This was illustrated by all 41 of the groups that described the active involvement of children in crime by adults. Within each focus group, many detailed and anecdotal examples were provided by children relating to the range of roles played by adults in this regard. This provided a strong indication that this was commonplace in the experience of children.

##### Direct involvement

In terms of direct involvement of children by adults in crime, which was noted by 30 of the groups, this related to engaging children as accomplices. This included committing crimes together, children acting as look-outs, adults taking children to crime scenes, adults overseeing the commission of the crime, and adults paying children for the commission of crime. This also involved using children to sell drugs. A range of examples were provided by the groups relating to this direct engagement:

- They get young children to go through windows.
- Drug dealers use youth to sell drugs.
- They give guns to you to do the job - then they get half the money.
- You do it together, smoke and then break in.
- They wait outside and you must go in.
- The adults help to do things that you can't do: they drive cars when you want to carry things.
- My uncle who is a gangster asked me to bring some of my crew to do some things for him.
- They are lazy to get jobs and then influence children to commit crimes.
- The big guys send the small ones in because they don't want to be identified. Maybe he already has many dockets against him
- Adults are afraid to get their hands dirty. They pay kids off to do things.
- Drug lords sell drugs on corners - they encourage kids - use kids to keep watch.
- Some parents force their children to sell themselves

### Indirect involvement or facilitation

Children also described more indirect involvement of adults in engaging children in criminal activities. This was noted and described in 32 of the group discussions. Such 'indirect' acts consisted of buying stolen goods; showing children how to commit crime and providing the means to do so (such as guns). Another level of this was the communication that children received from these adults about how easy it was to commit crime, the kinds of rewards that could be obtained, and the overall characterisation of crime as attractive and positive. Participants in the groups noted the following:

- Parents say, 'if you are a man, you will do this' - the children want to do this to impress their parents.
- Older people influence boys who like school - they tell them that you are not a man, they call them moffies, they say 'join me in the gang'.
- An adult was telling me that it is easy to do crime.
- Adults influence you - they tell you where to find the things to steal and what to do with the things.
- Drugs - if you need the dagga (marijuana) then you will steal to get it - but the adults are the ones that you must take the stolen goods to and they will buy it. They say to you, go and get me the speakers when you bring the DVD.

#### 4.3.2. How adults engage children in crime

In exploring how adults engage children, several different themes emerged from the discussions. These ranged from direct coercion such as the use of violence, and threats of violence and abuse, to more reward- and incentive-based means, such as the use of money, drugs, and other things as a means of luring or goading them into criminal activity or into a general criminal lifestyle. Participants also described children being drawn in by adults through deception, indebting the child to the adult in some way in order to get the child to commit crime.

#### Offering rewards or 'bribes': money, drugs, guns, etc.

All 41 groups identified rewards and/or bribes as a means through which adults engage children in crime. Here, a range of examples was provided where children indicated the various means that are used to attract children into committing crime. The key issue related to the nature of the reward that was offered, in many cases the children termed these as 'bribes' to do things.

All the groups identified material rewards such as money, drugs, guns and clothes. In a smaller number of groups, recognition, esteem, acknowledgement and respect were noted as a reward offered. 29 of the 41 groups identified money as being used to attract children into crime; while 21 groups identified drugs as being used for this purpose. 6 of the groups noted that guns were used for this purpose.

Of these kinds of rewards, participants in the groups noted:

- Adults are afraid to get their hands dirty. They pay kids off to do things.
- Adults like the Nigerians give youth drugs, they show kids how much money they can have if they do some things.
- Adults say that you must go and steal, and they will give you money or drugs.
- They bribe you with dagga, drugs and alcohol, and girls.
- If you are addicted, you don't have a choice.
- Some just get drugs, not money.
- They sometimes bribe you with a gun and money.
- They show you lots of money - they show you R10 000 but you will only get R500.
- Old criminals see that children and youth are in need.
- They buy them branded clothing.

The issue of drugs emerged throughout this study as a primary means through which children were engaged in crime by adults. Even the acquisition of money was described by children often as relating to the acquisition of drugs, in order to feed what was described as an addiction. 15 of the groups described the process by which adults got children addicted to drugs in order that they may be used to commit crime. Children in the focus groups noted the following:

- They give you drugs and when you come back for more, they beat you and tell you that you must first go and steal, then you can get more.
- They sell us drugs and tell us to commit crimes.
- They get you on drugs, then they want you to sell drugs.
- Some adults use drugs to get boys addicted.
- They drug you with tik and that makes you feel good.

### The use of physical violence and threats of physical violence

27 of the 41 focus groups noted the use of physical violence and the threat of physical violence as a means by which adults coerced children into committing crimes. In exploring the nature of violence and threats used, 9 groups noted actual beatings and abuse of children, and, one of these groups noted that rape was used. 14 groups identified threats of violence being used to coerce children to commit crime, with 5 of these groups specifically noting threats of death, made with a weapon such as a gun or knife. 2 groups used terms such as 'torture' and 'bullying' to describe the experience of children. Group participants stated:

- They have guns and they are gangsters and they force you to do things.
- Some torture you, they beat you or threaten you.
- They threaten you with a gun.
- They rape you.
- They threaten to stab you.
- Adults abuse children - they beat them up and threaten them with further violence to make the child commit crime.
- The father bullies the child.
- They force the small boys to rob - give them guns.
- They think that the youth won't tell police about them because they tell you they will get you.
- Hulle skop jou (They kick you).

At least 6 groups described a process of deception that related to adults engaging children in criminal conduct. Primarily, this was described as a process where adults would, over time, provide children with things such as money, drugs, clothes and other items. Then, at some stage, they would claim that 'these things cost money' and request the repayment of the 'debt' in the form of criminal activities. Children in the groups described this process as follows:

- If you drug with people, they say 'you already smoked my drugs, go break into the house for me'.
- They take you out to the movies, make friends with you, then you hear the true story of what they want.
- He buys takkies for you but you must do things like kill for it later on.

Based on the responses obtained from these questions, it may be concluded that children often felt exploited, deceived and manipulated by adults, and this sentiment was noted in 10 of the group discussions. This related mostly to the feeling of being used, when adults did not inform them of their true intentions when committing a crime. This also related to adults' deliberate deception as was noted in the previous point, as well as the fact that they felt that they were being cheated by adults in relation to the spoils of crime. This also relates to adults not informing them, or lying to them about the consequences of the offence, and in particular, telling them

that they would get off lightly for the offence due to the fact that they were children. Some children also expressed anger about being abandoned by adults in order to face the criminal justice process on their own. The group participants made the following comments in relation to this issue:

- We get tricked by these adults.
- They say they will give you a lift, but they take you to do a crime.
- They say, 'ons gaan net saam loop' (We will just walk with you a bit) but adults take you along to commit a crime.
- He tells you to rob people. The people see you but the adult is doing this and when you get arrested he forgets about you. You must then stand alone for this case.
- You go together to commit crime - they tell you that you won't go to jail.

#### 4.3.3 Other actions and behaviour that influenced children to commit crime

Twenty-four of the groups described in some detail other behaviour of adults that resulted in children becoming involved in crime. In most cases this related to the experiences of children in their families, and the actions of family members that were described as 'pushing' children to commit offences.

##### Home circumstances

One set of responses related to factors at home that are either abusive and/or neglectful, or not conducive to care and support, and where needs are perceived as not being met. This was sometimes related to the abuse of drugs and alcohol by parents or caregivers, but children also noted other reasons for parents' inability to take care of children due to illness, unemployment, etc.

- Children whose parents don't care for them - the children are out on the street, they go to the merchant (person who deals in drugs and stolen goods) where they get buttons (Mandrax) and smoke there. He gets them to sell drugs for him.
- Your parents put you down all the time - you do it to show them.
- When kids can't get money from parents, they say you must go and work.
- Your mother is not there, the father drinks.
- Parents don't give you the food and clothes that you need.
- Adults like parents are mostly drinking; they don't care what you are doing.
- If they don't send children to school.
- Maybe the parents are always fighting.
- Maybe the mother is sick and nobody is working in the house and you must steal to survive.
- You argue with your mother and she chases you away.
- Some men abuse their wives - it affects the kids and they commit crime.
- Single parents - they leave children alone - they have to look after themselves.
- Maybe they are working but you are a drug addict and they don't want to give you money. You steal from them to get the money for the drugs.
- Parents smoke drugs in front of kids.
- Parents abuse children - tell them that they are useless.
- If you don't stay with parents, others do nothing to help you and you have to commit crime.

### Children receiving no guidance or examples of appropriate behaviour

Other responses related to parents and families not teaching children to recognise right and wrong, not providing appropriate examples for children, and particularly, exhibiting inappropriate and criminal behaviour, which was then thought by the children to be permissible. The following examples were noted by children:

- Parents say, 'if you are a man, you will do this' - the children want to do this too.
- They see their parents doing crime and get influenced.
- They are too lazy to get jobs and then influence children to commit crimes.
- Parents don't tell you right from wrong.
- When a car or other things are being stolen - the adults don't discourage it.
- The parents take the child to the tavern when they go drinking.
- They commit crime in front of them; they discuss their crime in front of children.

### Families ignoring or excusing criminal behaviour

Another set of responses related to parents and families either actively or passively excusing or ignoring their children's criminal behaviour. In some cases, children described ways in which parents also subtly rewarded behaviour. The groups were of the view that this resulted in children being more likely to continue with such behaviour.

- Mothers protect them when they do things.
- Family and parents accept stolen things - they don't ask where the things come from.
- Kids see when they bring stuff that their parents are happy when they come back with stolen things and money. Kids are happy with the approval and acknowledgement that they get.

### Families making children feel guilty for basic needs

The last set of responses related to children being made by parents and families to feel guilty for being in the household, and needing to be fed, clothed, etc. One participant noted, 'Mothers don't know it, but they cause children to commit crime when they say, 'don't sit around, go and work for money' '.

- The father forces the child by asking him 'who will buy the clothes for you?'
- They make you feel bad for eating at home.
- You feel guilty that you are not bringing in money.
- You try to help (the household income) here and there with selling drugs and you get involved.
- Maybe you are not attending school and your parents shout at you for not bringing in money.

### The influence of adults after the crime

How children and adults interact after the crime, especially the first major crime, will have an important influence on their continued relationship, but it also gives us insight into how this relationship is developed, maintained and sometimes terminated. It is also clear that adults have different means and styles of managing such relationships.

Receiving non-material rewards from the adult was most often mentioned by the participants. Based on what the participants described, it is apparent that non-material rewards are at least as important as material ones. The acknowledgment received was described in a number of ways and the following are some examples:

- He gives you compliments. He pats you on the back.

- They shake your hand, they say 'you're a man'.
- He tells you that you're a star, you are the boss.
- He makes you feel like a real criminal.
- He gives you your certificate by mouth, because it is not paper.
- They tell you: 'Jy's 'n hond' (You are a dog). They make you happy and excited.
- They say that you are a good boy and give you a drink.
- They say that you have proved yourself - you have shown that you are part of us, you can run with us.
- He says: 'he's not scared, he's my brave man'.

Responses regarding material rewards are essentially in two categories. In the first, there are various descriptions of material goods and cash received as payment. This can take the form of cash, goods given as payment, drugs, alcohol, clothes, shoes, access to sex workers, etc. The second category of descriptions relates to how children are cheated or coerced out of their 'fair share of the spoils'. This is described in a variety of ways, ranging from cunning tricks to physical assaults and threat of assault. There were also a number of responses describing a pattern of payment that starts off with cash but afterwards changes to payments in kind only. The following are examples of participants' responses on the payment issue, and the often unequal relationship in this regard:

- They give you things sometimes but not money - you have to wait and they don't give you in the end.
- He waits for you and tells you that we will split the money 50/50. He sells the stuff and gives you only enough 'om jou oë groot te maak' (to make your jaw drop).
- You share the money but it is not equal. It depends.
- Some adults take all the stuff and keep it.

It also appears that adults are useful to children by having the better connections to sell stolen goods. This has been remarked upon by children in other sections and is attributed to the gang and prison gang connections that adults have, which enable them to get rid of stolen goods quicker.

A smaller number of the responses in relation to this question mentioned parents, primarily from among children in the school group. These responses related exclusively to the situation where the child is caught after the crime, and addressed two issues. The first issue is that the parents are the only people who will care about the child (as the adult criminal has forgotten about him). Secondly, it was remarked upon that parents are often accomplices after the fact by lying to the police about the child and presumably his (or her) whereabouts.

#### 4.3.4 What kinds of things do adults expect children to do?

Throughout the study, children in the focus groups described a wide range of activities that they could be called upon to undertake on behalf of adults. However, property crimes and unspecified robbery were mentioned most frequently.

These activities are listed in the table below, together with the frequency with which the issue emerged in the different groups.

**Table 8: What children are expected to do**

	Responses from Focus Groups	Secure Care Centres		School	Total
		G = 15	WC = 18		
	Number of Groups			8	41
1.	Housebreaking, theft, shoplifting <sup>8</sup>	13	14	6	33
2.	Selling drugs	7	4	5	16
3.	Robbery	4	8	2	14
4.	Murder	1	8	2	11
5.	Car hi-jacking	4	2	1	7
6.	Rape	0	2	2	4
7.	Prostitution	0	3	1	4
8.	Other: assault, arson, selling stolen goods, scouting out victims	2	4	0	6

#### 4.3.5 Who are the adults that use children to commit crime?

The focus groups provided a wide range of responses to the general question listed above. The results are tabulated below.

**Table 9: Adults who get children to commit crimes**

	Responses from Focus Groups	Secure Care Centres		School	Total
		G = 15	WC = 18		
	Number of Groups			8	41
1.	Known people from the community, mostly men referred to by some as businessmen	13	3	4	20
2.	Gangsters	5	10	4	19
3.	Older friends	7	7	3	17
4.	Relatives and family members other than parents	6	3	2	11
5.	Drug dealers	2	3	5	10
6.	Nigerians and Zimbabweans	9	0	0	9
7.	Neighbours	3	3	3	9
8.	Ex-prisoners	2	6	0	8
9.	Parents	3	2	1	6
10.	Friends of siblings	3	2	0	5
11.	Drug addicts	1	1	0	2

<sup>8</sup> It should be noted that this category is a conflation of several different crime categories due to the fact that it was not possible to obtain details of the nature of the crime during the focus group discussions in order to construct a clearer categorisation.

In addition to the list above, each of the following were also mentioned by one group each: teachers, prostitutes, older women, strangers, and unemployed people.

The first interesting feature is the wide range of individuals noted by the focus groups as having some involvement in engaging children in crime. It is also notable that family members, friends and parents feature strongly in this analysis, alongside traditionally criminal groups such as gangsters.

It is further noteworthy that the vast majority of those listed may be described as people that are known to children. Only one group made mention of 'strangers' as being responsible (i.e. people not directly identifiable in terms of any of the other categories).

The largest category was noted as men in the community, with children often specifying that these were 'businessmen'. It was not possible within the constraints of this research to obtain a clearer idea of who these people were, but suffice it to say that they were known in the community, and known to be conducting 'business' of some nature.

Gangsters represented the second largest category. This is a category that may overlap to some extent with that of 'drug dealers'. The presence of the category of 'friends' as the third highest resonates with a similarly high rating of 'peer pressure and the influence of friends' that participants identified under the question of how children become involved in crime. In Gauteng 'businessmen' were noted most frequently and in the Western Cape gangsters, and it is more than possible that these two groupings essentially perform the same functions in relation to children.

The category 'Nigerians and Zimbabweans' was mentioned only by the children from the Gauteng SCFs.

#### Are parents and caregivers involved?

In relation to this more direct question, relating to the role of parents and caregivers, the groups were clearly divided in their responses. 15 of the groups gave an unqualified 'no' to this question, explaining their response as follows:

- Parents don't know what is happening.
- Parents don't want their children to steal.
- They tell you that crime is wrong.
- Your parents tell you that you must go and work but you do crime.
- Parents don't know anything about what you do - they only see you when you get arrested.
- Parents still tell you that things are right and wrong - but you want to be cool and you still do these things.
- You hide things from your parents when you steal - parents don't say anything because you are the man when you bring stuff home.

The remaining 26 groups all stated that parents were involved. In 10 of these groups, children stated that parents were not directly involved, but that their actions did result in children becoming involved in crime. These responses resonated very strongly with earlier responses provided by groups in respect of questions relating to how children first get involved in crime, and how adults are involved when children commit crime. Children noted the following:

- When my mother didn't have money, I went out and got stuff - she didn't ask where the money came from.
- Not directly, but because of poverty, and they know where the money comes from.
- Maybe the uncle was supporting the family and he goes to prison and then you have to make a plan.
- They tell you how useless you are, you eat the food in the house - you then get involved in crime to bring something home.
- Yes, you steal things because you want them to feel shame that you are now better than them - you can get much more money than your parents. You want to show them that you can do without their help.

- Mother will tell you there is no money - you then commit crime - or you can sell something from the house because you are angry.
- Yes, you come home with stolen goods but they don't tell the police about it.
- They will never ask where the money comes from.
- If they love you, they should ask where the money comes from.
- Take drugs also - they are alcoholics too.
- Adults abuse you.
- They shout at you to go and do something.
- Maybe they smoke Mandrax together and the mother will then tell the child to go and steal.
- They all get drunk together and go to a party and there she tells the child to lift wallets. Or even when the father is drunk, she tells him to rob his father.
- After stealing, I give the money to my mother and she doesn't ask where it comes from.

11 of the groups pointed to the more direct involvement of parents and explained this as follows:

- Parents also sell drugs.
- Kids whose fathers come from jail.
- Yes, they don't worry about their children and they go on with a gangster life.
- Yes, some of the parents are also involved in crime and they get their children involved as well.
- Yes, father sends children to sell drugs. They also go shoplifting together.
- Some smoke Mandrax with their children.
- Parents use children to shoplift.
- Sometimes parents are in the gangs and get the children involved.
- Were committing crime when they were young.
- Some parents sell their own daughters.
- They adopt children and use them to commit crimes.
- Yes if the parents are on drugs

#### 4.4 Are the children coerced or do they commit crime willingly?

The groups provided responses which indicated that children were often threatened and coerced into committing crimes (as was noted earlier, 27 of the 41 groups provided information as to the coercive nature of this). However, the groups also noted that children were often themselves making decisions as to whether they commit crime. From the total number of groups, 39 stated that children often committed crime willingly, and that this was often due to the nature of the reward expected. These are listed in the following table.

**Table 10: Rewards expected by children**

	Responses from Focus Groups	Secure Care Facilities		School	Total
	Number of Groups	G = 15	WC = 18	8	41
1.	Money	11	12	6	29
2.	Drugs	8	11	2	21
3.	Clothes	5	1	6	12
4.	Guns	4	1	1	6
5.	Alcohol	3	2	0	5
6.	Fun	2	1	1	4
7.	Reputation	3	1	0	4
8.	Girls	2	1	0	3

In describing the reasons why children would engage in crime willingly, participants in the focus groups noted the following:

- Adults do not force the youth to do anything.
- Adults, like the Nigerians, give youth drugs, they show kids how much money they can have if they do some things.
- They do it willingly - they get cash and what they need, new clothes, drugs, alcohol.
- Some do it willingly, to get fame and fortune.
- Juveniles want to be known in the community - they want to be famous and they want respect - they want a name like Chauke<sup>9</sup>, when everybody knows who you are.

In relation to the issue of choice or consent on behalf of children, the groups noted:

- Sometimes the criminals don't do anything to call the youth - the youth are attracted by the criminals. They see all the good things and they want that.
- Adults have experience - they are better at crime than youth.
- They don't force us to do crime.

A strong theme that emerged from the discussions was the reasons for which children needed money. In many of the groups, participants stated that this sometimes related to necessities, but mostly to acquiring clothes and other possessions that, in their view, enabled them to gain esteem and worth in the eyes of others, especially peers and girls. This most often translated into the need to acquire clothing and shoes with known brand names and labels, many of which were listed by the children throughout the study. Participants in the groups noted:

- Your mother buys you clothes from the Pep Stores (a chain store selling inexpensive clothing) and you don't want that - you want to buy the shoes from TotalSports (a sports store selling branded clothing).
- The youth see friends wearing fine clothing - but the mother refuses to buy anything for them.
- Yes, they (parents) don't buy us the expensive things that we want - they say they can't afford it so we steal it.
- If you ask for money for shoes you like, they will tell you there is no money and that you must go and rob other people.

<sup>9</sup> Colin Chauke received a great deal of media attention due to a series of high profile crimes including cash-in-transit robberies.

The use of drugs as a reward for or benefit from committing crime was a significant theme in the study as a whole. Although alcohol was mentioned by the groups, illicit drugs such as Mandrax, heroin, tik and dagga were named by children during group discussions, and their role in involving children in crime, and keeping them in criminal lifestyles, was clearly noted. Group participants were divided on the issue of how much choice drug addicts have in relation to committing crime, given the constant need to feed their addictions.

- Yes, children will do it willingly - if you are an addict.
- If you are addicted, you don't have a choice.
- Because of the drugs, you don't know how you become a killer.
- Drugs is the problem - it is the biggest reason we are locked up here.
- The drugs are causing a lot of the problems.
- When you take drugs, your mind is different, you are very brave to go and do a crime. You don't realise.
- They only need to give you tik once.

The need to impress, to gain acknowledgement, esteem and respect from peers, gangsters, girls and others was also noted by the groups. Ideas of how esteem and respect are gained are often obtained from what children see in their own homes and neighbourhoods and these were noted in 15 of the focus groups in the following ways:

- Sometimes the criminals don't do anything to call the youth - the youth are attracted by the criminals. They see all the good things and they want that.
- Adults have experience - they are better at crime than youth.
- You see that they have nice things and you also want it.
- Adults get more money for stolen things.
- They buy you expensive things.
- The old gangster has a new BMW and good things - "they spin the cars in the city", we like the nice things.
- I also want those nice things that they have.
- My uncle is a criminal and I want to be like him.
- Sometimes you think to do things yourself.
- My uncle didn't use me. I did it myself.
- If the child does not have nice clothes they give but then he has to steal.
- We see these guys who look cool and they give you money.

### **Do children need help and if so what help is needed?**

The questions that followed related to the broader issue of what should be done about the issue of children being used by adults to commit crime. This was approached by asking participants in the groups whether the children involved with adults in committing crime needed help or not, and if so, what kinds of help was needed. The table below summarises the responses from the focus group discussions.

**Table 11: Do children who are used by adults need help?**

	Responses from Focus Groups	Secure Care Facilities		School	Total
	Number of Groups	G = 15	WC=18	8	41
1	Yes, they need help (various reasons given)	13	20	14	47
2	They also engage in crime on their own (without adults)	4	7	3	14
3	Yes, help the children and arrest the adults	5	8	0	13
4	Yes, they need to be told what is right and wrong.	1	3	1	5
5	We need a project to keep the children busy	1	1	1	3
6	Give adults work/help the adults	2	0	1	3
7	Yes, but you are too old to go back to school	2	0	0	2
8	Yes, you can become something better	0	2	0	2
9	Yes, sometimes they get arrested for just being at the crime scene	1	0	0	1

The overwhelming majority of groups agreed that the situation of children being used by adults to commit crime is a problem that needs to be addressed. The following are examples:

- They need help.
- It is a serious problem and the government must do something about it.
- Some of these children are in need.
- Because they are not helped and they are young.
- Yes, he needs help to change his life.
- Yes, they go on until they die.
- Yes, otherwise they will only continue with crime
- This destroys my future (being involved in crime). I am suffering.
- Yes, because they are going to do the same thing (involve in crime) to their own children.
- They get into situations that they don't know how to get out of.
- Yes, because things are bad and this is what causes suicide.
- Yes, they might end up in prison or dead.
- Yes, the child ends up in prison with no future.

A further exploration of the reasons why such children require help, presented the following range of reasons:

- They are young and need to go back to school
- They (adults) corrupt your mind
- Yes, it is a problem because they are threatened
- Yes, children end up in places like this (Leseding SCF)
- They are addicted (to drugs)
- Some are street kids with no parents, they need help.

Having dropped out of school, drug addiction and being subjected to coercion appear to be prominent reasons why children require help. The fact that they end up in SCFs should be seen as an indication of a particular high-risk lifestyle rather than a problem in itself.

Some of the responses also revealed a somewhat fatalistic attitude, namely that help can be given but it will not make a difference, and that a life of crime is inevitable. Nonetheless, some of the responses indicate that the individual child has a role to play in addressing the problem and that this needs to be recognised.

The third set of responses stated that the children should be helped, but that the adults who use them should be arrested. This response was received only from the two SCFs. There is more than a strong indication that this opinion is based on personal experience, and the sense of resentment described earlier probably informed this response to a large extent. In essence, the distinction is being made between a care approach for children and a criminal justice response for children. The fact that the child may have committed a serious crime (at the behest of an adult) does not appear to affect the distinction. Some children were clearly very aggressive in their responses, as will be indicated below, whereas others took a more sympathetic approach.

- They must arrest these adults and the juveniles must be given a second chance.
- When an adult is reported he must be charged.
- Adults must be charged.
- Kill all the adults.
- Catch them, arrest them - they must get life in prison.
- Take the money they make away from them.
- They (adults) get the money and the children end up in prison.
- They assault you and take the money.
- They don't visit you in prison.

Seen collectively, the children felt that 'justice' was not being done and that adults get the benefits (i.e. material benefits and avoiding criminal justice sanctions) whilst the children were paying the price.

#### **What should to be done to help children?**

A wide range of responses were recorded from the group discussions. These range from constructive options, such as the importance of resuming education to the xenophobic - 'get the Nigerians out of the country'. The majority of proposals and suggestions on how children can be helped are fairly mainstream, emphasising education, development, social work services, sport and recreation, and employment.

**Table 12: Interventions to assist children**

	Responses from Focus Groups	Secure Care Facilities		School	Total
		G=15	WC=18		
	<b>Number of Groups</b>			<b>8</b>	<b>41</b>
1	Place children in a place of safety/youth facility/boarding school/ children's home/away from their community	7	11	6	24
2	Provide education and training, enable these children to resume their education	9	13		22
3	Provide counselling/must have person you can trust to talk to/see social worker	0	5	14	19
4	Government should provide employment to children/adults/parents	5	8	3	16
5	Organise sport and recreation in community/provide facilities for sport and recreation	8	4	3	15
6	Provide family support/improve parenting	4	1	6	11
7	Provide drug rehabilitation services	2	3	2	7
8	Hold community workshops/provide information/give publicity to this	2	3	1	7
9	Stop drug dealing/drugs should not be available	4	3		7
10	Learn self-respect and be respected		3	3	6
11	You need support after release/court-mandated support programmes	2	1	2	5
12	Get the Nigerians out of SA/get all foreigners out of the country	5			5
13	You need to hear from a rehabilitated gangster what happens		4		4
14	Arrest the adults who are involved	1	1	2	4
15	The police should not arrest people for petty crimes such as possession of dagga	3			3
16	Stop advertising of fancy clothes/make fancy clothes cheaper/ remove the labels of the clothes	3			3
17	They must not disclose our criminal records to the school	2			2
18	We need better policing/eradicate drugs	2			2
19	Seek support from church		1	1	2
20	Police must respect your rights/not beat you up	1			1
21	They must stop giving these long sentences	1			1

The response with the highest frequency is something of an anomaly (given the general distrust of this approach amongst child rights advocates) as it appears that the children see institutionalisation as a solution to the problem. As the table shows, this was also a recurring theme across the different groups. It is suggested that this response should be interpreted as an acknowledgement of the extremely difficult home and community circumstances that children have to deal with and that they regard institutionalisation (an option that many are familiar with) as an escape route. The geographical proximity of risk factors (e.g. drugs, gangsters, alcohol) in

their communities is experienced as inescapable and omnipresent, and relocation is thus regarded as the only way out of this circle. The responses range from general to specific in terms of the places where children need to be sent to. The following are examples of general descriptions:

- They must be sent to rehabilitation centres.
- They must be sent to a place where there are no drugs.
- They must be sent to a place where they can be loved.
- Send them to a school far from here.
- By sending them to 'a place of happiness'.

Examples of more specific descriptions are:

- The government was clever with this centre (Mogale/Leseding) - they must do this more.
- A boarding school can help.
- Put them in Places of Safety like Bonnytoun.
- Put them in night shelters.
- Send them to a children's home.

Education and training were cited as a means of assistance only by children in the SCFs. They were cited with high frequency by this group. A number of sub-themes emerge from the responses. Firstly, there is the problem of access to education, and this may be a problem due to poverty. Secondly, a number of children (from Gauteng) complained that their criminal records are disclosed to the school and they are then not permitted to enrol. Thirdly, apart from general school-based education, there is a need to give children skills in other areas, such as arts and crafts or skills more specifically directed to the job market. The following are extracts from the discussions:

- There are many youths who are illiterate and government must pay for their education.
- The government must give free education for all.
- If they can go back to school to learn skills and attend vocational skills workshops.
- They need to develop the talents of children.
- Keep them busy with things like woodwork.
- Help them to become artists and writers.

A substantial number of focus group discussions mentioned counselling, therapy and speaking to a social worker or other person that you trust, as means of assisting children. This category of responses was noted with high frequency in the school group. In contrast, none of the Gauteng SCF group and only a small number of the Western Cape SCF groups noted this. The reason for this is open to debate, as it is in fact the children in the SCFs who have continuous access to a social worker and not the children in the school. The following are examples of the responses:

- You must find someone you can talk to, like a social worker (participant from SCF).
- They must tell you what happens in the future so that you can understand what happens (in the future) if you continue with this (participant from SCF).
- They need therapy.
- They need counselling.
- They need social workers.
- They need someone whom they can trust and who cares for them.

As many of the issues that children face are poverty related, it was not surprising that employment showed a relatively high frequency. The plea was for employment for children and their parents; the poverty of their parents often being cited as the reason why the children get involved in crime. The issue of employment is also an ambiguous one as described in the following response:

- Jobs are not the problem. The juveniles don't want a normal job - they want to be a chartered accountant who gets R60 000 a month. They want big bucks so they can buy the cars and houses.

Giving support of various kinds to the family and improved parenting received a moderate rating and may be a function of the participants' own family circumstances. The following are examples of responses:

- Parents must explain the reasons for their decisions.
- Somebody must care for these children.
- Need to provide better homes.
- The government should provide poor families with money, groceries and clothes.
- They must help children and families with money and jobs.
- They need to buy them clothes and ensure that they go to school.
- We need to start at home and see what their background looks like and what their family life is like.

Given the prevalence of drugs as a reason for children getting involved in crime, it is somewhat surprising that addressing this was cited only at a moderate level as a possible solution. Even when combining drug rehabilitation and drug law enforcement, these responses remain in the middle range of frequency ratings.

#### Where can children go for help and who should help?

The discussion probed the participants' awareness and knowledge of resources available to children who may be in difficulties. The discussion did not investigate the effectiveness of services or the experiences of such services. A number of comments were, however, made with regard to general availability of services and the effectiveness of certain services, such as the police. Three participants noted that there are no services available to help children. A similar number noted that the police are 'part of the problem' and that they assault suspects and accept bribes.

The single highest category is 'social workers/care workers and psychologist'; professions most of the children have had contact with, especially those in the SCFs. The next most common category is 'parents/adults and grandparents'. Many children stated that 'the government must help' but were not specific about who or what branch of government should perform this task. Some children were specific to the other extreme and named President Mbeki and Minister Ngconde Balfour (Correctional Services) as individuals who should assist children.

Consistent with the findings reported in the previous section, access to a facility or place where children can go, continued to be reported with a high frequency. Some children described this as a place of safety but an open facility 'where you are not locked up'. It was also described as a youth centre that would serve as a resource.

The school and teachers were also described as a resource, essentially stating that children with problems could discuss these with adults such as teachers. It is, however, noticeable that this was noted proportionally less in the SCFs than in the school group.

The role of the police in assisting children was described essentially as not arresting him/her, but rather the adult involved. This assistance may also entail bringing the child to a place of safety instead of arresting him or her.

'The community' and 'people in the neighbourhood' were regarded as important resources as they presumably know the child and have a duty to guide the child in his/her behaviour and if necessary, speak to him/her to correct the behaviour.

# Chapter 5

# Discussion

## Children's experience of and involvement in crime

From the focus group discussions that were conducted, it seems clear that the overwhelming majority of the children involved, including those from the school, had substantial understanding and experience of crime in their communities. All the children responded to the focus group questions with a sense of personal knowledge and experience of crime in their communities and neighbourhoods, whether or not they admitted any engagement in crime themselves. This kind of familiarity with crime and the nature of its workings, illustrates the extent to which crime has permeated the lives of the children that were consulted. The possibility that crime may be a normal aspect of everyday existence for children, either in terms of what they regularly see or engage in, creates significant policy challenges on a number of levels. Most notably, these relate to children's normative ideas regarding the nature of work; the extent to which they experience or witness violence; and the extent to which their personal goals and aspirations are shaped by crime and the criminal economy that operates around them.

Approximately a third of the participants in the group admitted to being involved in crime, specifically indicating this engagement as a form of economic activity. Throughout the focus group discussions, especially children in groups in the SCFs were able to offer stories and examples of their own engagement in crime, as well as their motivations for it.

The problem of children and crime is neither one that is amenable to easy solutions, nor one where interventions may be applied without careful regard for the diversity of individuals and context. The findings of this study indicate that the problem of children being used by adults to commit crime is far more knotty than the mere coercive influence of adults. The nature of consent and collaboration by children, 'push' factors in families and households, and broader 'pull' factors in the wider community strongly underline the need for a determined multi-level strategy to be adopted.

## Children's engagement in economic activity

The information provided by children in relation to economic activity indicates a high level of involvement in activities that result in payment (66%). While over 30% of the children consulted reported engagement in illegal activities, it is clear that there is a strong understanding among them of the need to engage in the economy in order to satisfy one's needs. It was also clear from this study that children made individual efforts to engage in these activities.

## Adults using children to commit crime

The phenomenon of adults using children to commit crime emerged from the groups as a commonplace occurrence and not one that caused surprise or disbelief in any of the groups. The fact that 46.7% of the SCF children noted that they were at the time co-accused with an adult is also an indication of high levels of adult engagement. The fact that such practices are common in the way that the business of crime may be done, and in some ways seems normal to the children engaged in crime, also normalise some of the negative and damaging aspects of the relationship with adults i.e. coercion through violence and threats, deception and exploitation.

This complex relationship between adults and children needs also to be contextualised within a broader understanding of social and community factors, and particularly of the role that children may play in the criminal economy. Several issues emerged from this study offering indications that an analysis of the local criminal economy and its risks and rewards may be of value. These are:

- Children are relatively accessible.

- Children are a seemingly unlimited source of labour.
- They are a relatively cheap source of labour.
- Where rewards are perceived, children provide willing partnership and collaboration in crime.
- They do not represent a significant potential threat to authority.
- Children may be engaged in crime with very limited risks to the adults involved i.e. there is remote risk that a child may at some stage give evidence against an adult in court, but no other direct risks.
- Children may be controlled with relative ease, either through violence, threats of violence or monetary and other rewards.
- There seems to be limited resistance offered by the support systems that should be available to children through parents, care-givers and families; and very limited support from institutional mechanisms in government and civil society.

These features provide significant incentives for the status quo relating to adults and children to continue. Based on similar reasoning, disincentivising the engagement of children by adults requires action on several fronts. These include:

- Increasing the risks for adults who use children to commit crime.
- Reducing the attraction of the rewards perceived by children, and increasing legal means for obtaining rewards.
- Increasing children's knowledge about the risks related to their choices, increasing their range of choices and their ability to make informed choices.
- Increasing the support-base provided by families and institutions to resist the involvement of children in crime generally, and then more specifically their use by adults to commit crime.

#### 5.4. Coercion and consent, and the 'Push' and 'Pull' factors at work

The findings of study indicate that there is an intricate relationship between issues of coercion and consent when adults use children in criminal activities. This relationship operates against a backdrop of individual, family and community factors that may either exert forces that push children towards crime (e.g. abuse, neglect, etc.) or attract children to it (e.g. respect, acknowledgement, money). For intervention programmes with children to be successful, these factors must be explored individually and in some detail .

#### 5.5. The adults that use children

Probably the most significant challenge relating to the problem of adults using children to commit crime relates to the adults themselves. In the absence of measures that criminalise and punish the use of children by adults in crime, there are relatively few risks for adults, yet potentially substantial rewards. These conditions create a situation where exploitative adults have the opportunity to insulate themselves from the consequences of criminal conduct, as long as they are able to manipulate the children that they use in criminal enterprise. This is in no way intended to suggest that the criminalisation of adults may provide a solution to this problem. It does, however, raise the significantly thorny issue of how one may deal with the 'demand' side of this problem.

One possible opportunity for influencing the adults who use children in terms of the 'demand' side of the problem is through the criminal justice system. From the evidence presented by children, groups such as 'older prisoners', 'gangsters' and 'criminals' may be substantially involved in using children to commit crimes. If this is true, one may ask the question whether programmes could be devised for adults in the criminal justice system with the intention of reducing their exploitation of children.

#### 5.6. The adults that should protect children

The findings of this study constitute an indictment of the adults who have the responsibility of taking care of children. Throughout the study, children noted both intentional and unintentional actions and omissions by these adults that contributed to their ultimate

involvement in crime. Overall, much is demanded from parents and caregivers. Successful parenting is a tall order to begin with, and is compounded significantly by economic need and other social problems such as substance abuse. The impression gained through this study is that most parents and caregivers do not actively engage their children in crime. The parents that are mentioned seem to mostly be those who are attempting to raise adolescents in the context of economic need and other social problems, and who may overlook the criminal activities of children, or unintentionally encourage such behaviour.

It is easy to provide glib responses to problems, such as the need to educate parents and caregivers. It is clear from the information provided by children, however, that much more is required if care and parenting are to act as some level of defence against the exploitation of children. The need for provision of support to parents and caregivers is clearly indicated. From the responses provided by children, there are some indications as to the nature of support required. This includes: economic/financial support, parenting intervention, substance abuse support groups, etc. The evidence from studies of this nature should also give direction to work done with new, young parents more generally, as well as life skills work undertaken within the school curriculum.

### 5.7. Aspiration to the symbols of success

A theme that emerged throughout the study was the trend of children engaging in crime to satisfy aspirations to certain symbols of success. Generally, these aspirations seem to relate to fulfilling short-term material needs, mostly in the form of branded clothing and shoes. This was connected by the children consulted with the expectation that such material items, which connoted such things as wealth, style and taste would result in esteem and respect. This was described by children as related to wanting to be noticed, to be known, to be respected, to be seen as 'someone', etc. In a few cases, this was taken further and described as a need for notoriety. Interestingly, children in the study only marginally connected the achievement of this recognition and respect with hard work through mainstream activities (e.g. education and employment).

While this kind of material aspiration is obviously not a feature specific to these children and young people, what is of concern is that the drive to obtain such material goods through crime creates a range of other risks such as gangsterism, substance abuse and involvement with the criminal justice system.

### 5.8 Drugs and alcohol

Drugs emerged as a strong factor that attracted children into crime generally and into criminal relationships with adults in particular. Around 30% of the children consulted stated that they used their money to purchase drugs. The drugs noted throughout the study, Mandrax and crack-cocaine in both Gauteng and the Western Cape (and particularly tik in the Western Cape and heroin in Gauteng) were noted by the children to be significant drivers of their involvement in crime. In particular, the need to continue to acquire the drugs to feed addictions was noted. It was also reported by participants that there is a deliberate process by adults of coaching children into addiction. Noteworthy in relation to children's views about what should be done, was the relatively moderate frequency at which drug rehabilitation was suggested by them.

Overall, the problem of drug use amongst young people is a significant one, especially with the availability of 'harder' drugs and the extent to which these have permeated the lives of children and families. South Africa was noted by the United Nations Office on Drugs and Crime as being by far the largest market for illicit drugs in Southern Africa (UNODC, 2002). The UNODC's analysis in 2002 indicated that apart from marijuana, Mandrax was the most frequently used drug in the country. The UNODC also reported concerning increases in the use of crack-cocaine and heroin. The emergence of newer street drugs such as tik makes the need for intervention even more urgent. This pressure exists, notwithstanding the need to focus also on substances such as alcohol and marijuana.

This issue continues to present a substantial challenge for prevention and intervention programmes. While much has changed in the past eight years in South Africa in relation to the landscape of illicit drugs and other addictive substances, services have not kept pace and the picture of available treatment in the country is somewhat bleak. There are few creative options in relation to community-based treatment, and in-patient services are extremely limited (Myers and Parry, 2003).

Few creative ideas about prevention have emerged. The dominant paradigm is that of information-sharing about the nature and consequences of drug use and abuse. Generally, it is unclear whether such approaches work, and if not, what may be considered as

viable alternatives. It is also unclear whether any of these programme approaches have found their way into the mainstream education system to the extent that they offer information to children on a broad scale.

Most concerning are the very limited options available for those with addictions who become involved with the criminal justice system. The criminal justice process prioritises the administration of justice, and little, if any, specialised addiction treatment is available. Therefore even the very limited opportunities offered by the criminal justice system to intervene in these problems are being lost.

This problem needs to be addressed on a number of different levels. The level particularly noted by children in this study was that of more effective law enforcement in relation to illicit drugs. However, both prevention and treatment require concerted action in South Africa if any impact is to be made. Particularly, the potential offered by the criminal justice system for intervention to provide treatment to addicted offenders requires exploration.

## 5.9 Issues of gender, masculinity and sexuality

Throughout the study, there were occasions where children made reference to their criminal activities in relation to issues of masculinity. These references particularly related to the idea of committing crime to prove to others that 'you are a man'. Aspiring to particular material possessions was also related to young men's perceptions of how they were viewed by others, particularly their male peers and girls/women. Here again, the theme of acting in order to obtain respect and esteem emerged.

The issue of gender relations also emerged in other ways, mostly in terms of the idea above, of boys committing crime to obtain money and possessions to impress girls, and the idea that one needed money and possessions to have and maintain a sexual relationship with a girl. Issues of gender also emerged in more marginal and sometimes obscure ways (e.g. the statement that boys start committing crime 'when they don't have a girlfriend, they have to rape someone'; and some references by groups in the Western Cape and the school group to being paid to commit rape).

In relation to issues of gender, masculinity and sexuality, references in the group discussions were not substantial enough to draw more specific conclusions; however it is obvious from these references that further specific attention to these issues is warranted.

## 5.10 Risk factors

Based on this study, some ideas regarding risk factors for children being used by adults to commit crime are apparent. It should be noted that these are merely some indications that emerge from discussions with this specific group of children, and that much more work needs to be done to understand the wider range of risks children are exposed to.

The list below is provided purely to act as a guide, to suggest ideas for prevention and intervention, and to offer ideas for further research.

These risk factors should be viewed as a second tier, with the first tier being more general risk factors for youth crime (see Dawes and Van Der Merwe, 2005).

### Individual Factors:

- Drug use or drug addiction
- Involvement in crime
- Peer group involved in crime
- Aspiring to material rewards, with limited efforts to achieve these through legal means
- Association with adults involved in crime

### Family Factors

- Poverty
- Limited parenting skills

- Family involvement in crime and/or disregard for child's criminal behaviour

**Community Factors:**

- Criminal economy offering financial rewards for criminal activities
- Gangs
- The availability of illicit drugs

# Chapter 6

# Conclusion

The findings of this study indicate that the issue of children being used by adults to commit crime is a complex one and cannot merely be classified in terms of the traditional victim-abuser framework. The relationship between children and adults who commit crime together hinges on a complex dynamic of coercion and consent that operates in a context that produces factors pushing children out of safety and attracting them into the risky life of crime. For children, these relationships have risks and rewards that are both substantial. For the adults involved, the rewards are high and the risks negligible.

The development of programme interventions to address these problems is challenging. Most importantly, such interventions must begin from the substantial base of knowledge that has already been developed about children and crime. In addition, this study should be seen as the first step in a broader process of knowledge generation in relation to the specific problem of children being used by adults to commit crime. The findings of this study indicate that there are a great many other issues that need to be understood in relation to this problem, and that further research is critical to the development of appropriate prevention and intervention programmes.

# Chapter 7

# References

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