

# Child criminal exploitation – where is the child protection response?

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18 March 2021

# The tensions

Working with children who have committed [often violent] offences highlights where:

“the complex tensions between child welfare and criminal justice are at their most apparent and the distinction between care/welfare and control/punishment is finely balanced, if not strained” (Goldson 2000:256).

# The obligations – UNCRC

- **Article 19** States Parties shall take all appropriate measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation
- **Article 29** The child justice system should apply to all children above the minimum age of criminal responsibility but below the age of 18 years at the time of the commission of the offence.
- **Article 40** Interventions that avoid resorting to judicial proceedings

# The complexities

## Vulnerable & risky / perpetrator & victim

Where the child is both a perpetrator and a victim a coherent policy & practice approach has been difficult to conceptualise and operationalise (Garabarino et al 2020)

- MAPPA and children (Rigby et al 2014)
- Contextual safeguarding – redefining – (Firmin 2020)

# Greentown, Bluetown, Redtown (Anytown?)

The most potent network factors with regard to associates relate to selection and **recruitment** (engagement); **strong pull and push** dynamics; a **culture of compliance**; the offer of a deal (retention); and **restriction of choice and creation of uncertainties such that individuals contemplating leaving the network would be discouraged (getting out).**

❖ **Trafficking definitions / legislation ?**

# Another lens?

## Child criminal exploitation / gangs / child soldiers?

- ❖ Similarities (child soldiers / gangs) in regards to risk factors, traumatic experiences, and post-experience
- ❖ Youth gang members [CCE] **should be included as a protected** group under the CRC as are child soldiers (Garbarino et al 2020)
- Parallels between child soldiers and youth in gangs - how and why join; roles and experiences; reintegration back into society (Quenivet and Shah-Davis 2013)

# Labels & categories

- Children and young people vulnerable in multiple ways (risk and harm)
- Discrete labels not helpful
- Need to focus on abuse and exploitation (and risk to others) – not the label [different types of risk and harm]
- Trafficking definition / legislation useful for the consent / choice discussion
  - abuse of position of vulnerability (UNODC 2012)
- Need to redefine exploitation

# So where is child protection?

- Protection of children from harm is lost amongst focus on harm they may cause
- Protection of children is often lost in legislation, policy and guidelines
- Rhetoric is often not translated into practice