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The Treatment of Children Involved in the Traffic of Illicit Drugs in Respect of International Human Rights Law in Colombia:

Victimisation or Criminalisation?

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Abstract

Children involved in production, trafficking or sale of drugs are victims of circumstances as well as law offenders. Drug trafficking is a ‘global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws’ The purpose of this study is to investigate whether children who have fallen into drug-related delinquency in Colombia should be treated as victims or as criminals.

This study extensively examined international human rights law, including the Convention on the Rights of the Child, and national law instruments to determine how children involved in illicit drug trafficking should be treated. Having ratified the Convention on children’s rights and given the Colombian legal framework, Colombia demonstrates a clear commitment to protect the rights of children regardless of the nature of crimes that they commit.

In conclusion, it was found that both international and national human rights laws tend to favour the victimisation of children involved in drug trafficking. Thus, it can be argued that children trafficking drugs be considered victims rather than as criminals. It is firmly believed that this study would contribute to the respect of human rights in the treatment of children.

Key words: children, drug trafficking, human rights, Colombia, victimisation, criminalisation.
“Por un país al alcance de los niños.”

Gabriel Garcia Marquez
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Acronyms

CIA  Code of Infancy and Adolescence

CoRC  Committee on the Rights of the Child

CRC  Convention on the Rights of the Child

IAIRC  Inter-American Institute for the Rights of the Child

ICBF  *Instituto Colombiano de Bienestar Familiar* (Colombian Institute for Family Welfare)

ICCRC  International Covenant on Civil and Political Rights

ICESCR  International Covenant on Economic, Social and Cultural Rights

ILO  International Labour Organisation

LPS  Law on Public Safety

NSND  National Statute on Narcotic Drugs (*Estatuto Nacional de Estupefacientes*)

OAS  Organisation of American States

UN  United Nations

UNICEF  United Nations Children’s Fund

UNODC  United Nations Office on Drugs and Crime
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