

A close-up photograph of two hands, one light-skinned and one dark-skinned, gripping a metal chain. The background is blurred, showing more of the chain and some greenery.

International Symposium

Deprivation of Liberty of Children in the Justice System

13 April 2018



**Universiteit
Leiden**
The Netherlands

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THE ISSUE

It is estimated that on any given day **millions of children are deprived of their liberty worldwide**. Many of these children are placed in detention facilities because they are **suspected or found guilty of committing a criminal offence**.

This international symposium addresses **deprivation of liberty of children in the context of juvenile criminal justice** from international and interdisciplinary perspectives.

OBJECTIVES OF THE SYMPOSIUM

1

Exchanging knowledge, expertise and research among scholars and practitioners from different parts of the world and with different disciplines on the issue of deprivation of liberty of children and alternatives to detention.

2

Using academic research findings for the development of guidelines for laws, policies and practices regarding deprivation of liberty of children and for the development of effective and rights-based alternatives to detention.

3

Contributing to the United Nations Global Study on Children Deprived of Liberty.

4

Drafting a research agenda and laying the foundation for international and interdisciplinary research by and collaborations between scholars on the issue of deprivation of liberty of children and alternatives to detention.



Our Program

8:30 - 9:00 Registration, coffee and tea

9:00 - 9:30 Opening statements

- Prof. Dr. Larissa van den Herik (vice-dean of Leiden Law School)
- Ms. Sandra Lendenmann (ASEF representative)
- Prof. Dr. Ton Liefwaard (chair of the symposium)

Deprivation of Liberty of Children - International Perspectives

9:30 - 10:00 Prof. Dr. Ursula Kilkelly - Deprivation of Liberty of Children and International Human Rights Law

10:00 - 10:30 Prof. Dr. Ann Skelton – Contemporary issues in Juvenile Justice: A Committee on the Rights of the Child perspective

10:30 - 11:00 Q & A

11:00 - 11:30 Coffee and tea break

Deprivation of Liberty of Children - Two Case Studies

- 11:30 - 12:00 Dr. Yannick van den Brink - Pre-Trial Detention in the Dutch Juvenile Justice System; An Interdisciplinary Perspective on Decision-Making and Alternatives to Detention
- 12:00 - 12:30 Mr. Bart Lubow - Juvenile Detention Reform in the United States; Data-Driven and Evidence-Based Strategies
- 12:30 - 12:55 Q & A
- 12:55 - 13:00 Mr. Cédric Foussard - World Congress on Justice for Children
- 13:00 - 14:00 Network Lunch

Deprivation of Liberty of Children - Towards a Research Agenda

- 14:00 - 15:30 Interdisciplinary panel session, chaired by Prof. Dr. Ton Liefwaard:
- Ms. Bharti Ali (advocacy perspective)
 - Dr. Wendy O'Brien (criminological perspective)
 - Prof. Dr. Philip Jaffé (psychological perspective)
 - Dr. Stephanie Rap (pedagogical perspective)
 - Dr. Rasmus Wandall (socio-legal perspective)
- 15:30 - 16:00 Coffee and tea break
- 16:00 - 17:00 Dr. Helmut Sax – United Nations Global Study on Children Deprived of Liberty
- 17:00 - 17:30 Q & A and closing remarks by Prof. Dr. Ton Liefwaard
- 17:30 Drinks

OUR ORGANISERS

Prof. Dr. Ton Liefwaard



Professor of Children's
Rights, Leiden
University, Leiden,
Law School, The
Netherlands

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Professor Dr. Ton Liefwaard is Professor of Children's Rights and holds the UNICEF Chair in Children's Rights at Leiden University, Leiden Law School. He is also a Substitute Justice of the Court of Appeal of The Hague. He teaches Children's Rights, Child Law and Juvenile Justice from an international and comparative perspective and has published widely on the meaning of the UN Convention on the Rights of the Child and related international and regional instruments for the position of children at the national level. He is the programme director of the Master Programme (LL.M) Advanced Studies in International Children's Rights. He regularly works as a consultant for international organizations, including UN agencies, the Council of Europe and the European Union. In 2015, he received the award for best lecturer of Leiden Law School.

Dr. Yannick van den Brink



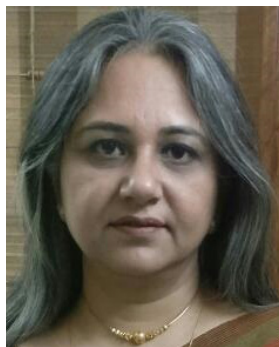
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Dr. Yannick van den Brink is assistant professor of Child Law and Criminal Law at Leiden University. Van den Brink obtained his LL.B. degree in Law (2009, cum laude), his LL.M. degree in Criminal Law (2011, cum laude) and his MA degree in Criminology (2012, cum laude) at Utrecht University. In January 2018, he obtained his Ph.D. degree at Leiden University after successfully defending his dissertation on pre-trial detention in juvenile justice. During his Ph.D. research, Van den Brink was a visiting researcher at Northwestern University School of Law (Chicago, US, 2013), the Equal Justice Initiative (New York University Legal Clinic, Montgomery, US, 2015) and the Max Planck Institute for Foreign and International Criminal Law (Freiburg, Germany, 2016). In August 2016, Van den Brink has been appointed Assistant Professor of Child Law and Criminal Law. Van den Brink teaches courses in juvenile justice and children's rights at the bachelor's, master's, advanced master's and post-academic level. He is the academic coordinator of the Dutch LL.M. programme on Child Law. Van den Brink publishes regularly on themes related to juvenile justice, criminal justice, criminology and children's and human rights. He presents his research findings to the judiciary and other professional stakeholders, at the Dutch Ministry of Justice, the EU and at national and international academic conferences. Furthermore, Van den Brink is legal adviser and board member of EFCAP-NL (the Dutch branch of the European Association for Forensic Child and Adolescent Psychiatry and Psychology) and member of the editorial board of the Dutch Journal of Family and Child Law.

OUR SPEAKERS

Ms. Bharti Ali



Director of the HAQ
Centre for Children's
Rights, Dehli, India

Bharti Ali holds a Master's Degree in Sociology and has a formal training in Law. She has been working on issues concerning the rights of women and children for the last 25 years. She is the Co-founder and Co-Director of HAQ: Centre for Child Rights, a Delhi based NGO seeking to recognise, protect and promote all rights for all children and President of the Child Rights and Sustainability Trust (CRST), a Bangalore based non-profit focussing on children's ecological rights. She has been the National Convenor of the Campaign against Child Trafficking in India (CACT) for more than twelve years.

Her area of expertise is research, training and advocacy on child protection and justice for children. She has authored several publications, articles and reports based on her research and has developed training and education materials. She has conducted trainings on child rights, juvenile justice, child sexual abuse and child trafficking for various national and state police academies, judicial academies, legal services authorities, government departments and civil society organisations.

Bharti has been providing legal counseling to women and children in distress, and has intervened in public interest litigation (PIL) on gender and child rights. She is currently the Amicus Curiae in a PIL concerning implementation of juvenile justice standards in institutions for children. She has engaged with various government bodies on drafting laws, policies, plans, programmes and schemes for women and children and is also a Member of the NGO Core Group of India's Human Rights Commission. Bharti has participated in various international conferences and consultations.

Prof. Dr. Philip Jaffé



Professor of
Psychology and
Children's Rights,
Director at the Center
for Children's Rights
Studies, University of
Geneva, Switzerland

Philip D. Jaffé is a professor at the University of Geneva, Switzerland, and the director of its Centre for Children's Rights Studies (CIDE). He trained both as a clinical and a forensic psychologist in Switzerland and in the USA. For many years, his academic and professional activities have focused on children's rights, the protection of the child, in particular concerning sexual abuse, participation of the child in the civil and criminal legal system, and detention issues. He was a member of the group of experts that drafted the Council of Europe's Child-Friendly Justice Guidelines. He is responsible for the Children and Youth Policies section of the Swiss Centre of Expertise in Human Rights (SCHR).

Still a practicing licensed psychotherapist and a frequent court-appointed expert witness, he has also conducted clinical and training consultancies for a wide range of humanitarian organizations, both governmental and non-governmental.

Beyond the traditional "teach, research, publish or perish missions" required by a leading university, his vision of academic life is to branch out in the community at large as a science practitioner and educator.

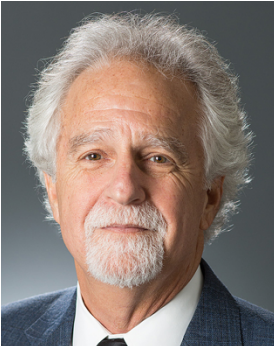
Prof. Dr. Ursula Kilkelly



Professor of Law
and Dean of the Law
School at University
College Cork, Ireland

Professor Ursula Kilkelly is a professor of law and children's rights at the School of Law, University College Cork, Ireland where she is director of the Child Law Clinic and the Centre for Children's Rights and Family Law and teaches on the LLM of the same name. She is a published author on all aspects of children's rights and juvenile justice, including deprivation of liberty with three sole authored texts, five edited collections and nearly 100 book chapters, articles and research reports. She has undertaken funded research for a range of international bodies including the Council of Europe, the European Commission, the International Juvenile Justice Observatory, Save the Children and UNICEF. Her work has included documenting the views of children on their experiences of the justice system and ensuring, in general, that children's rights fully inform Council of Europe standard setting in areas like child-friendly justice, child-friendly healthcare, violence against children and migrant detention. In Ireland, Ursula is chairperson of the Board of Management of the national detention centre for under 18s - Oberstown Children Detention Campus - which gives her a unique insight into the challenges and importance of putting children's rights into practice in a youth detention setting. She is also a board member of the Irish Research Council, a government agency which funds basic research in all disciplines. She is on Twitter @ukilkelly and her full research profile can be viewed at <http://research.ucc.ie/profiles/B012/ukilkelly>

Mr. Bart Lubow



Senior Consultant at
the Juvenile Detention
Alternatives Initiative,
Annie E. Casey
Foundation, Baltimore,
United States

Bart Lubow did his undergraduate and graduate work at Cornell University.

Mr. Lubow began his career in criminal justice in 1974 as a social worker for the New York City Legal Aid Society's Criminal Defense Division, where he developed alternative sentencing plans for felony defendants facing jail or prison sentences. He became Director of Special Defender Services for Legal Aid in 1979. During his tenure, Special Defender Services grew to be the nation's largest defender-based advocacy program.

In 1992, Mr. Lubow became a Senior Associate at the Annie E. Casey Foundation, where he has been responsible for designing and managing juvenile justice reform initiatives and other community justice and safety efforts.

Mr. Lubow became the Director of the Program for High-Risk Youth at Casey in 2002, extending his portfolio to include projects and initiatives relevant to improving the odds that seriously disadvantaged youth make successful transitions to adulthood. In 2009, Mr. Lubow was named Director of the Juvenile Justice Strategy Group, part of the foundation's Center for System Innovation.

In 2014, Mr. Lubow retired as director of the Juvenile Justice Strategy Group but continues to work on justice system reform as a consultant.

He serves on a number of local and national boards and has published multiple articles on justice system reform.

Dr. Wendy O'Brien



Senior Lecturer
Criminology, Deakin
University, Melbourne,
Australia

Dr Wendy O'Brien is a senior lecturer at Deakin University, Australia, where she conducts research on violence against children, children's rights, and children's access to justice. With a sustained focus on the legal and therapeutic responses to children in conflict with the law, Wendy's research comprises both legal scholarship and research on the practical implementation of public policy - including evaluation of social sector services for children. Wendy has provided expert evidence to a number of child protection reviews, and she regularly serves on research advisory boards for projects on child sexual assault. Wendy is a member of the Asia Pacific Council on Juvenile Justice, and in 2017 Wendy was appointed to the United Nations expert group on Education for Justice.

Current funded research projects include a study on good practice in therapeutic response to young people with sexually abusive behaviours. In addition to her work on violence against children, Wendy's current writing focuses on children's rights and criminal justice in the digital age. Recent publications include scholarly articles in the *International Journal of Children's Rights*, the *Human Rights Law Review*, the *British Journal of Criminology*, the *Australian Journal of Human Rights*, and *Youth Justice*.

Prior to her current appointment, Wendy served seven years as Senior Research Fellow at the Australian Crime Commission where she conducted intelligence led research and provided policy advice on legal and therapeutic responses to violence against children.

Dr. Stephanie Rap



Assistant Professor
of Children's Rights,
Leiden University,
Leiden Law School,
The Netherlands

Dr. Stephanie Rap is assistant professor in children's rights at the Department of Child Law of Leiden Law School, Leiden University. She holds master's degrees in Pedagogical sciences and Criminology. In 2013 she defended her Ph.D. dissertation in juvenile criminal law titled *The participation of juvenile defendants in the youth court: A comparative study of juvenile justice procedures in Europe* at Utrecht University. Stephanie studies child participation in diverse (judicial) procedures and settings, such as in juvenile justice, child care and protection, asylum procedures and in schools. She has an interdisciplinary approach, combining international children's rights and child law with knowledge and insights from criminology, pedagogical and behavioural sciences. Moreover, access to justice for children and the implementation of rights in the daily lives of children plays an important role in her academic work. Stephanie has published and presented extensively on juvenile justice, children's rights and child participation. In her research she has worked together with the International Juvenile Justice Observatory (IJJO), Fair Trials International, Missing Children Europe and the Dutch Children's Ombudsman. She is a member of the editorial board of *Tijdschrift voor Jeugd- en Kinderrechten*. Stephanie lectures in the LL.M. programme Advanced Studies in International Children's Rights on topics related to juvenile justice, child victims and child protection.

Dr. Helmut Sax



Key Researcher, United Nations Global Study on Children Deprived of Liberty

Key researcher at the Ludwig Boltzmann Institute of Human Rights (BIM), Vienna/Austria. His main areas of work include human rights of children as well as human rights of persons affected by trafficking in human beings, and, most recently, human rights of older persons. Since 2011, he is a member of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA, Second Vice President 2013/14), monitoring implementation of the CoE Anti-trafficking Convention. He has completed legal studies in 1993, with a doctorate earned in 2017; further training specialization on child protection, monitoring and rehabilitation. He conducted research projects in several child rights fields, such as juvenile justice, protection from violence and from exploitation (with special emphasis on child trafficking), child protection in development cooperation, child participation and participatory research, as well as on child rights monitoring and rights-based indicator development. Consultancies for several non-governmental organizations, governments, the European Commission, the Council of Europe and UNICEF; member of the Austrian Child Rights Advisory Board to the Federal Ministry of Families and Youth. Lecturer on civic education and human rights, child rights and social work, as well as on trafficking in human beings at Vienna University and at universities for applied sciences. Lead researcher/child rights for the UN Global Study on Children deprived of Liberty.

Prof. Dr. Ann Skelton



Professor of Law,
Director of the Centre
for Child Law at the
University of Pretoria,
South Africa, and
Member of the UN
Committee on the
Rights of the Child

Professor Ann Skelton has worked as a children's rights lawyer in South Africa for over 25 years. She played a leading role in child law reform through her involvement with the committees of the South African Law Reform Commission that drafted the Child Justice Act and the Children's Act. Her doctorate, obtained in 2005, focused on restorative justice. Ann is currently the Director of the Centre for Child Law and a Professor in the faculty of law at the University of Pretoria. She is an internationally recognised researcher and has published widely in child law and restorative justice. In 2012 she received the Honourary Worlds' Children's Prize. In December 2016 she was awarded the Juvenile Justice Without Borders award presented by the International Observatory on Juvenile Justice. Ann is currently a member of the UN Committee on the Rights of the Child, her term of office started in 2017.

Dr. Rasmus Wandall



General Counsel
to the International
Association of
Prosecutors,
Copenhagen,
Denmark

Dr. Rasmus H. Wandall is General Counsel for the International Association of Prosecutors and works with prosecution services and other legal agencies worldwide. Wandall worked as senior advisor to the Director of Public Prosecutions (2007-2011) and to the Prosecutor General in Ethiopia (2012-2015). He was Hauser Global Research Fellow at the NYU Law School (2004-2005), Robbins post-doctoral fellow at the UC Berkeley (2005), visiting scholar at the University of Oxford (2005), ass research professor at the University of Copenhagen (2005-2007) and senior research fellow, University of Bergen (2012-). Wandall researches and publishes widely on comparative and empirical criminal law and procedure. He is the author of *Decisions to Imprison* (Advances in Criminology, Ashgate 2009), numerous articles on empirical studies of comparative criminal justice, and most recently on trust in criminal justice administrations. His most recent (co-edited) book is entitled *"Criminal Justice and Public Emotions"* (Gyldendal 2016). Currently, he is working on a book manuscript entitled *"Doing criminal justice in the periphery of Law"* based on three year research into the legal pluralism in Ethiopian criminal justice systems, and a volume on comparative prosecution services. Wandall holds a B.L.L. (1997), a Master of Laws (2001) and a PhD (2004).

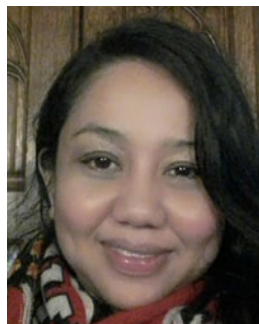
OUR STUDENT COMMITTEE

The Student Committee consists of students of the LLM Advanced Master in International Children's Rights and the LLM Child Law.



Katia Klein

Melissa
Mohd Akhir



Mennatallah
Medhat
Radwan
Mahmoud

Wandile
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Advanced Studies in International Children's Rights

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The programme provides an advanced study of the field of children's rights and pays particular attention to its intersections with diverse fields of law.

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Type of prog.: Full time, part time

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Start date: September

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