Submission by Dr Lisa Ewenson to the Senate Legal and Constitutional Affairs References Committee

Inquiry into Australia's youth justice and incarceration system

Professional background

1. My name is Dr Lisa Ewenson and I am employed as a Research Associate within the Faculty of Arts, Design and Architecture, UNSW, Sydney.

2. I am a social worker and member of the Australian Association of Social Workers. I am also a qualified legal practitioner admitted to practice in the Supreme Court of the Northern Territory (NT).

3. I worked in the criminal justice system in the NT in 2000-2001. Between 2006-2012 I worked as a Senior Policy Officer in the Victorian Department of Human Services, within the area of Youth Justice. Between 2018-2022 I completed a PhD which involved undertaking empirical research with children and young people recently released from youth justice detention in New South Wales (NSW) (Ewenson, 2022).

4. Through my varied professional and research experiences I have a strong understanding of the youth justice systems across the NT, NSW and Victoria, and of the lives of the children and young people who are entangled within them.

Youth justice in Australia

5. Evidence demonstrates that the children and young people entwined within the criminal justice system are criminalised due to poverty, the impacts of colonisation, a lack of adequate housing, institutional racism, insufficient resources and supports for families and communities, and an underfunded public schooling system which, at times, can fail to support all children and young people, especially those who may struggle to attend or to remain engaged. Limited access to mental health supports, and other appropriate health services, is also a commonality for children and young people involved in the youth justice systems across these jurisdictions (see e.g., AIHW, 2023, 2024, 2020; Justice Health and Forensic Mental Health Network, 2017; Victorian Government, 2023, p. 26).

6. There is a raft of academic literature supporting this evidence of systemic and structural challenges for children and young people who encounter the youth justice system, of which here I reference select examples (Baidawi & Sheehan, 2020; Bower et al., 2018; Clancey & Lulham, 2023; Ewenson, 2023; Hamilton et al., 2019; Hamilton et al., 2020; Malvaso et al., 2022; Malvaso et al., 2016, 2019; O'Brien, 2021; Schetzer, 2013; Walsh & Fitzgerald, 2022).

7. The criminal justice system is not the appropriate mechanism to address these multiple long-term hardships that these children and young people endure, often from the outset of their lives, challenges of absolutely no fault of their own. Families and communities must be supported more broadly and the inequalities escalating across our nation must be comprehensively addressed, then the number of children and young people who come into contact with the criminal justice system will substantially decrease (van den Brink, 2024).

8. Volumes of government reporting has revealed that, at times, youth justice detention centres across Australia are not safe places for children and young people (see e.g., CoA, 2017; NSW Ombudsman, 2021; OCC NT, 2021a, 2021b; OICS, 2022; Queensland Ombudsman, 2019; Shearer, 2019; Victorian Ombudsman, 2019). International reporting also demonstrates that youth detention facilities are often not safe for children and young people around the world (Nowak, 2019).

9. International human rights law provides a raft of instruments relevant to children in detention, and Australia, as a member of the international community, should uphold these standards. These instruments include: the United Nations Convention on the Rights of the Child (1989) (UN CRoC); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules') (1985); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the 'Riyadh Guidelines') (1990); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the 'Havana Rules') (1990) and the United Nations Committee on the Rights of the Child General Comment No. 24: 'Children's Rights in the Child Justice System' (2019) (for further discussion see Ewenson, 2022, chp. 3).

10. In an article concerned with youth justice detention oversight mechanisms, co-written with Professor Bronwyn Naylor, we suggested practical ways in which these mechanisms can be strengthened in accordance with Australia's human rights law obligations (Ewenson & Naylor, 2021). This article was informed, in part, by a thematic review of individual submissions that children and young people provided to the *Royal Commission into the Protection and Detention of Children in the Northern Territory,* as well as from my

professional experiences monitoring the conditions of detention for people detained in both youth justice and immigration detention centres.

11. The process of youth justice detention does not resolve the underlying systemic and structural issues facing children and young people who come into contact with the criminal justice system, nor does it eliminate recidivism, with across the nation 57.8 per cent of children and young people returned to some form of youth justice supervision within 12 months of their release (Productivity Commission, 2024, fig. 17.2). Australia should learn from international jurisdictions where youth justice facilities have been abolished in entirety, such as Scotland (Scottish Government, 2024). Abolition should be undertaken in the recognition that youth justice detention centres can be profoundly harmful, that they are expensive to run, and that they do not assist with reducing recidivism. In a socially just world youth justice detention facilities would simply not exist.

12. In the recognition that youth justice detention abolition in Australia may not occur in the near future, for children who are already in contact with the criminal justice system, there are five preliminary elements which would promote dramatic decarceration (Ewenson, 2024).

    a) Raise the age of minimum criminal responsibility to at least 14 years of age (Fitz-Gibbon & O'Brien, 2019; Hamer & Crofts, 2023; UN CRC, United Nations Committee on the Rights of the Child 2019, para. 22; Beijing Rules 1985, r 4).

    b) Only detain children as a very 'last resort' for serious violent persistent offending, for the shortest possible periods of time (UN CRoC 1989, art 37(b); Beijing Rules 1985, r 17; Havana Rules 1990, r 2).

    c) Eliminate the use of pre-sentence detention (van den Brink, 2019).

    d) Do not detain any child who has fetal alcohol spectrum disorder (FASD), or any other neurodevelopmental disorders or disabilities (see also, Bower et al., 2018; UN CRC, United Nations Committee on the Rights of the Child 2019, para. 28), and

    e) Cease the mass over-representation of First Nations children in detention across Australia (Finlay et al., 2016). Currently First Nations children comprise around 57 per cent of children detained across Australia when First Nations people comprise 3.8 per cent of the broader population (ABS, 2023; AIHW, 2024). This is undoubtedly

a shameful indictment upon Australia and efforts to remedy this gross over-representation must be intensified, with population parity a minimum goal (see e.g., O'Brien, 2021; Reeve et al., 2022). The over-incarceration of First Nations children has been denounced by both the UN Human Rights Committee and the UN Committee on the Rights of the Child, both demanding an immediate reduction in the number of First Nations children detained (UN CRC, 2019; UN HRC, 2017). Moreover, Australia is obliged through the *International Convention on the Elimination of all forms of Racial Discrimination* to 'adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races' (ICEFRD, 1965, preamble), and this applies with regards to the institutions which propel First Nations, and other racialised children and young people, towards detention. The over-representation of First Nations children and young people in detention across Australia is a direct legacy of the ongoing processes of colonisation (Finlay et al., 2016).

13. With regards to reshaping any highly limited form of youth justice detention in the future, the below summary engages with key provisions of Australia's international human rights obligations, which should underpin the form and operation of any carceral environments for children and young people.

    a) Young people in detention retain the right to be cared for, educated and nurtured – all while engaging with their cultural background. Children and young people who are imprisoned within youth justice detention centres must be provided with a nurturing, trauma-informed, therapeutic, educational, safe and culturally responsive environment that does not further harm or traumatise them (UN CRoC 1989, arts 18, 30 & 40; UN DRIP 2007; CAT, 1984; Beijing Rules 1985, r 19 & 26; CRPD, 2006, art 15; Havana Rules 1990, r 12, 28, 32, 33, 38).

    b) Youth justice detention staffing must be culturally reflective of the young people detained and the significant majority of staff must hold reputable qualifications in the caring professions. This point is imperative to transform any future smaller therapeutic youth justice environments, and has been incorporated in other youth detention settings, such as within Spain (Diagrama Foundation, 2020). The staffing of youth justice detention centres must comprise of a majority of people with qualifications in education, psychology, social work and other caring professions. The staffing must also substantially reflect the cultural make-up of the young people

in detention (UN DRIP, 2007; Beijing Rules 1985, r 1.6 & 22; Havana Rules 1990, r 81-87).

c) Young people, if detained, must be provided small home-style environments of various styles to adapt to the needs of young people from different cultural backgrounds. Children have the right to be part of a family, and any alternative placements of children should replicate culturally safe family-style environments, recognising that these vary in form significantly across cultural groups (ICCPR, 1966, art 23 & 24; Riyadh Guidelines, 1990, para. 14; UN DRIP, 2007, annex).

d) Children and young people with disabilities or developmental delays, including those with FASD, should not be in the youth justice system at all, even if they have reached the minimum age of criminal responsibility - they should be provided with the therapeutic and wrap-around assistance they need elsewhere (UN CRC, United Nations Committee on the Rights of the Child 2019, para. 28; Havana Rules 1990, r 53).

e) Long-term and amply resourced pathways out of detention must be facilitated for all children, including generous income provision, stable adequate housing, meaningful education, training or work opportunities and access to community and cultural supports, as these are the determinants of whether someone will have future contact with the criminal justice system, and these are the underpinning elements of people's lives which need resourcing (McCausland & Baldry, 2023; Shepherd & Ilalio, 2016).

14. In my doctoral thesis I proposed a model which could shape such dramatically limited youth detention environments in alignment with these human rights frameworks, as summarised above. I called this a '**NESST**' model. **NESST** is an acronym standing for **N**urturing, **E**ducation and training, **S**afety (physically, psychologically and culturally), **S**afety through effective oversight mechanisms, and **T**ransitions, which must be amply resourced for children and young people upon their release into the long-term. For further explanation and detail on this provisional model refer to the thesis document and related publications (Ewenson, 2022, 2023, 2024).

15. While in Australia the operation of youth justice detention systems is carried out at the state and territory level, the Commonwealth could potentially apply the external affairs power

under the Constitution and choose to legislate a human-rights based model for youth detention systems to ensure both compliance with international human rights law obligations and consistency of practice across the Australian jurisdictions (see e.g., 'Tasmanian Dams Case': *Commonwealth v Tasmania* [1983] HCA 21 - 158 CLR 1; 57 ALJR 450 (Mason, 2015)). My doctoral research confirmed that the standards of youth justice detention is variable across our federalised nation, where instead a human rights-based approach and consistently high standards of care in any detaining environment should be provided to all children and young people.

Conclusion

16. In this submission I have endeavoured to provide, in summary form, key principles to dramatically reduce the number of children and young people coming into the youth justice detention systems, and to inform any remaining limited youth justice detention arrangements. A summary of international human rights law frameworks relevant to detention has been provided, along with the concluding reimagined 'NESST' model. However, the broader process for creating a socially just world requires addressing the underlying structural factors which propel children and young people towards youth justice systems in the first place. Ultimately, no children or young people should be detained in youth justice detention centres across Australia.

17. Please do not hesitate to contact me if you have any queries about this submission. I hope that this parliamentary inquiry makes meaningful progress in significantly advancing the promotion and protection of rights of children and young people at risk of becoming entwined with youth justice systems in the future.

References

ABS, Australian Bureau of Statistics (2023). *Estimates of Aboriginal and Torres Strait Islander Australians Latest Release Final 2021*. https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/estimates-aboriginal-and-torres-strait-islander-australians/latest-release#:~:text=At%2030%20June%202021%2C%20there,median%20age%20was%2024.0%20years.

AIHW, Australian Institute of Health and Welfare (2023). *Youth Detention Population in Australia 2023*. https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2023/contents/about

AIHW, Australian Institute of Health and Welfare (2024). *Youth justice in Australia 2022–23*. https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-annual-report-2022-23/contents/about

AIHW, Australian Institute of Health and Welfare (2020). *Young People Under Youth Justice Supervision and in Child Protection 2018-19.* https://www.aihw.gov.au/reports/youth-justice/young-people-in-child-protection/summary

Baidawi, S., & Sheehan, R. (2020). *'Crossover' Children in the Youth Justice and Child Protection Systems*. Routledge.

Bower, C., Watkins, R. E., Mutch, R. C., Marriott, R., Freeman, J., Kippin, N. R., Safe, B., Pestell, C., Cheung, C. S. C., Shield, H., Tarratt, L., Springall, A., Taylor, J., Walker, N., Argiro, E., Leitão, S., Hamilton, S., Condon, C., Passmore, H. M., & Giglia, R. (2018). Fetal alcohol spectrum disorder and youth justice: a prevalence study among young people sentenced to detention in Western Australia. *BMJ Open*, *8*(2). https://doi.org/10.1136/bmjopen-2017-019605

Clancey, G., & Lulham, R. (Eds.) (2023). *Youth Crime, Youth Justice and Children's Courts in NSW*. LexisNexis.

CoA, Commonwealth of Australia (2017). *Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory.* https://www.royalcommission.gov.au/child-detention/final-report

Diagrama Foundation (2020). *A Blueprint for Change. Adapting the lessons of the Spanish Youth Justice System to the Northern Territory. Report of Diagrama visit October 2019.* https://ddhs.org.au/resources/blueprint-change-diagrama-foundation-report

Ewenson, L. (2022). *Children Must be Heard when they Cannot be Seen. An Analysis of Youth Justice Detention in Contemporary Australia – External Oversight Mechanisms, Children's Rights and the Capabilities Approach.* [PhD, RMIT]. https://researchrepository.rmit.edu.au/esploro/outputs/9922207311201341

Ewenson, L. (2023). Contemporary youth detention experiences in New South Wales (Chp 7). In G. Clancey & R. Lulham (Eds.), *Youth Crime and Children's Courts in New South Wales*. LexisNexis. https://store.lexisnexis.com.au/products/youth-crime-youth-justice-and-childrens-courts-in-nsw-skuCP9780409357059

Ewenson, L. (2024). Lived experiences of youth justice detention in Australia: reframing the institution in a decarcerated state. *Australian Journal of Human Rights*. (forthcoming) doi.org/10.1080/1323238X.2024.2412386oi.

Ewenson, L., & Naylor, B. (2021). Protecting human rights in youth detention: Listening to the voices of children and young people in detention. *Australian Journal of Human Rights*, *27*(1), 97-119. https://doi.org/10.1080/1323238X.2021.1961368

Finlay, S. M., Williams, M., McInerey, M., Sweet, M., & Ward, M. (Eds.) (2016). *#JustJustice. Tackling the Over-Incarceration of Aboriginal and Torres Strait Islander Peoples*. Croakey.org.

Fitz-Gibbon, K., & O'Brien, W. (2019). A child's capacity to commit crime: examining the operation of doli incapax in Victoria (Australia). *International Journal for Crime, Justice and Social Democracy*, *8*(1), 18-33. https://doi.org/10.5204/ijcjsd.v8i1.1047

Hamer, D., & Crofts, T. (2023). The logic and value of the presumption of doli incapax (failing that, an incapacity defence). *Oxford Journal of Legal Studies*, *43*(3), 546-573. https://doi.org/10.1093/ojls/gqad010

Hamilton, S., Reibel, T., Watkins, R., Mutch, R. C., Kippin, N. R., Freeman, J., Passmore, H. M., Safe, B., O'donnell, M., & Bower, C. (2019). 'He Has Problems; He Is Not the Problem . . .' A qualitative study of non-custodial staff providing services for young offenders assessed for foetal alcohol spectrum disorder in an Australian youth detention centre. *Youth Justice*, *19*(2), 137-157. https://doi.org/10.1177/1473225419869839

Hamilton, S. L., Maslen, S., Best, D., Freeman, J., O'Donnell, M., Reibel, T., Mutch, R. C., & Watkins, R. (2020). Putting 'justice' in recovery capital: Yarning about hopes and futures with young people in detention. *International Journal for Crime, Justice and Social Democracy*, *9*(2), 20-36. https://doi.org/10.5204/ijcjsd.v9i2.1256

ICCPR, International Covenant on Civil and Political Rights. (1966). https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

Justice Health and Forensic Mental Health Network. (2017). *Young People in Custody Health Survey 2015 (YPICHS)*. NSW Government. https://www.justicehealth.nsw.gov.au/publications/2015YPICHSReportwebreadyversion.PDF

Malvaso, C., Cale, A., Hackett, J., Delfabbro, L., & Stuart, P. R. (2022). *Adverse childhood experiences and trauma among young people in the youth justice system. Trends & issues in crime and criminal justice no. 651*. Canberra: Australian Institute of Criminology. https://doi.org/10.52922/ti78610

Malvaso, C. G., Delfabbro, P. H., & Day, A. (2016). The child protection and juvenile justice nexus in Australia: A longitudinal examination of the relationship between maltreatment and offending. *Child Abuse & Neglect*, *64*, 32-46. https://doi.org/10.1016/j.chiabu.2016.11.028

Malvaso, C. G., Delfabbro, P. H., & Day, A. (2019). Adverse childhood experiences in a South Australian sample of young people in detention. *Australian & New Zealand Journal of Criminology*, *52*(3), 411-431. https://doi.org/10.3316/agispt.20191030019149

Mason, A. (2015). Reflections on legal issues in the Tasmanian Dams Case. *Griffith Law Review*, *24*(1), 16-21. https://doi.org/10.1080/10383441.2015.1026300

McCausland, R., & Baldry, E. (2023). Who does Australia lock up? The social determinants of justice. *International Journal for Crime, Justice and Social Democracy*. https://doi.org/10.5204/ijcjsd.2504

Nowak, M. (2019). *The United Nations Global Study on Children Deprived of Liberty.* https://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/Index.aspx

NSW Ombudsman. (2021). *Strip searches conducted after an incident at Frank Baxter Youth Justice Centre. A special report under section 31 of the Ombudsman Act 1974*. NSW Government. https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0008/118907/Strip-searches-conducted-after-an-incident-at-Frank-Baxter-Youth_Justice-Centre.pdf

O'Brien, G. (2021). Racial profiling, surveillance and over-policing: the over-incarceration of young first nations males in Australia. *Social Sciences (Basel)*, *10*(2), 68. https://doi.org/10.3390/socsci10020068

OCC NT, Office of the Children's Commissioner Northern Territory. (2021a). *Alice Springs Youth Detention Centre Monitoring Report* (NT. Government). https://occ.nt.gov.au/__data/assets/pdf_file/0016/1073113/asydc-monitoring-report.pdf

OCC NT, Office of the Children's Commissioner Northern Territory. (2021b). *Don Dale Youth Detention Centre Monitoring Report*. Northern Territory Government. https://occ.nt.gov.au/__data/assets/pdf_file/0015/1073112/ddydc-monitoring-report.pdf

OICS, Office of the Inspector of Custodial Services. (2022). *Inspection of the Intensive Support Unit and Banksia Hill Detention Centre*. www.oics.wa.gov.au/wp-content/uploads/2022/04/Inspection-of-Banksia-Hill-Detention-Centre-ISU-CORRECTED.pdf

Productivity Commission. (2024). *Report on Government Services 2024*. https://www.pc.gov.au/ongoing/report-on-government-services/2024/community-services/youth-justice

Queensland Ombudsman. (2019). *The Brisbane Youth Detention Centre report: An Investigation into the Management of Young People at Brisbane Youth Detention Centre between November 2016 and February 2017.* Queensland Government. https://www.ombudsman.qld.gov.au/improve-public-administration/investigative-reports-and-casebooks/investigative-reports/the-brisbane-youth-detention-centre-report

Reeve, R., McCausland, R., & MacGillivray, P. (2022). *Has criminal justice contact for young people in Walgett changed over time? Analysis of diversions, charges, court and custody outcomes 2016-2021* Yuwaya Ngarra-li UNSW. https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/yuwaya-ngarra-li/2023-06-news/2023-06-YN-Research-Report-Has-criminal-justice-contact-for-young-people-in-Walgett-changed-over-time.pdf

Schetzer, L. (2013). *Beyond the Prison Gates: The Experiences of People Recently Released from Prison into Homelessness and Housing Crisis*. Public Interest Advocacy Centre.

Scottish Government. (2024). *No under 18s in Young Offenders Institutions*. https://www.gov.scot/news/no-under-18s-in-young-offenders-institutions/

Shearer, L. (2019). *Ministerial Review into the Riot at Frank Baxter Detention Centre 21 and 22 July 2019*. NSW Department of Communities and Justice http://www.juvenile.justice.nsw.gov.au/Documents/ministerial-review-into-frank-baxter.pdf

Shepherd, S. M., & Ilalio, T. (2016). Maori and Pacific Islander overrepresentation in the Australian criminal justice system-what are the determinants? *Journal of Offender Rehabilitation*, *55*(2), 113-128. https://doi.org/10.1080/10509674.2015.1124959

United Nations Guidelines for the Prevention of Juvenile Delinquency ('The Riyadh Guidelines'), (1990). https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh

United Nations Convention on the Rights of the Child, (1989). https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child

UN CRC, United Nations Committee on the Rights of the Child. (2019). *Concluding observations on the combined fifth and sixth periodic reports of Australia* https://www.ohchr.org/en/documents/concluding-observations/committee-rights-child-concluding-observations-combined-fifth-and

UN CRC, United Nations Committee on the Rights of the Child (2019). General Comment No. 24 (2019). On children's rights in the child justice system. https://doi.org/https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2019-childrens-rights-child

UN DRIP, United Nations Declaration on the Rights of Indigenous Peoples A/RES/61/295 (2007). https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples

UN HRC, United Nations Human Rights Committee. (2017). *Concluding Observations on the Sixth Periodic Report of Australia* https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsoAl3%2FFsniSQx2VAmWrPA0uA3KW0KkpmSGOue15UG42EodNm2j%2FnCTyghc1kM8Y%2FLQ4n6KZBdggHt5qPmUYCI8eCslXZmnVlMq%2FoYCNPyKpq

International Convention on the Elimination of All Forms of Racial Discrimination, (1965). https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (1984). https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules'), adopted by A/RES 40/33, (1985). https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf

United Nations Convention on the Rights of Persons with Disabilities, (2006). https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities

United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990. (The 'Havana Rules'), (1990).

https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf

van den Brink, Y. (2019). Young, accused and detained; awful, but lawful? Pre-trial detention and children's rights protection in contemporary western societies. *Youth Justice*, *19*(3), 238-261. https://doi.org/10.1177/1473225419884658

van den Brink, Y. (2024). Inequality in youth justice: a call for global action. *Youth Justice*, *24*(2), 159-164. https://doi.org/10.1177/14732254241264917

Victorian Government. (2023). *Youth Parole Board Annual Report 2022–23*. https://files.justice.vic.gov.au/2023-11/Youth%20Parole%20Board%20Annual%20Report%202022-23.pdf

Victorian Ombudsman. (2019). *OPCAT in Victoria: A Thematic Investigation of Practices Related to Solitary Confinement of Children and Young People.* Victorian Government. https://www.ombudsman.vic.gov.au/our-impact/investigation-reports/opcat-in-victoria-a-thematic-investigation-of-practices-related-solitary-confinement-of-children-and-young-people/

Walsh, T., & Fitzgerald, R. (2022). Youth justice, community safety and children's rights in Australia. *The International Journal of Children's Rights*, *30*(3), 617-643. https://doi.org/10.1163/15718182-30030009