

**ALEXANDRA BRISCOE, ASSISTANT EDITOR**

Victoria University of Wellington, Faculty of Law, Student/Alumni  
[alexandra.briscoe@vuw.ac.nz](mailto:alexandra.briscoe@vuw.ac.nz)

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## **LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES** **VICTORIA UNIVERSITY OF WELLINGTON LEGAL RESEARCH PAPERS**

### **"What is Left in the 'Too Hard Basket'? Developments and Challenges for the Rights of Children in Conflict with the Law"**

*Nessa Lynch and Ton Liefaard 'What is Left in the 'Too Hard Basket'? Developments and Challenges for the Rights of Children in Conflict with the Law' (2020) 28 International Journal of Children's Rights 89 Victoria University of Wellington Legal Research Paper No. 25/2021*

**NESSA LYNCH**, Victoria University of Wellington - Faculty of Law  
Email: [nessa.lynch@vuw.ac.nz](mailto:nessa.lynch@vuw.ac.nz)

**TON LIEFAARD**, Leiden University - Leiden Law School  
Email: [t.liefaard@law.leidenuniv.nl](mailto:t.liefaard@law.leidenuniv.nl)

The 30 years since the enactment of the United Nations Convention on the Rights of the Child has seen extensive developments in the theory and practice of children's rights. Children's rights are now an established academic discipline with the study of children in conflict with the law being a fundamental area of analysis. This paper takes the approach of highlighting three areas of development of children's rights scholarship in relation to the criminal justice system: children's rights, developmental science and notable themes emerging from cross-national scholarship, including age limits, diversion, effective participation and deprivation of liberty. In addition, it analyses three gaps or challenges which are "left

in the too-hard basket" for the coming decades.

## "Protective Measures for Children Accused or Convicted of Serious Crimes"

Nessa Lynch 'Protective Measures for Children Accused or Convicted of Serious Crimes' in W O'Brien and C Foussard (eds) *Violence Against Children in the Criminal Justice System: Global Perspectives on Prevention* (Routledge, 2019) 56

*Victoria University of Wellington Legal Research Paper No. 26/2021*

**NESSA LYNCH**, Victoria University of Wellington - Faculty of Law

Email: [nessa.lynch@vuw.ac.nz](mailto:nessa.lynch@vuw.ac.nz)

Most offences committed by children are minor to moderate in seriousness, and it is largely accepted that the response should be primarily tolerant and reintegrative. Children who commit serious offences pose conceptual challenges for norms of youth justice and are an understudied group of children both in the scholarly literature and international human rights guidance. Such children are likely to have complex and multiple needs and risk factors, and measures must also be cognisant of public safety and the interests of potential future victims. This chapter considers the profiles of children who are accused or convicted of serious crimes and considers what protective measures might minimise harm to such children. Specific case studies, generally from New Zealand, but of wider application, are employed to consider appropriate protective measures for these children.

## "Children's Rights in Aotearoa New Zealand: Reflections on the 30th Anniversary of the Convention on the Rights of the Child"

Nessa Lynch (ed) *Children's Rights in Aotearoa New Zealand: Reflections on the 30th Anniversary of the Convention on the Rights of the Child*, 2019

*Victoria University of Wellington Legal Research Paper No. 27/2021*

**NESSA LYNCH**, Victoria University of Wellington - Faculty of Law

Email: [nessa.lynch@vuw.ac.nz](mailto:nessa.lynch@vuw.ac.nz)

This collection brings together a series of reflections on the rights of children/tamariki on the occasion of the 30th anniversary of the United Nations Convention on the Rights of the Child. These reflections arose out of a symposium held in Wellington in August 2019. Some are written by those who presented at the symposium, others from participants.

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## About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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