



Understanding the Best Interests of the Child

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International Frameworks

Convention on the Rights of
the Child – 8

Convention on the Rights of
Persons with Disabilities – 3

UNGA Declaration on the
Rights of the Child 2019 -27

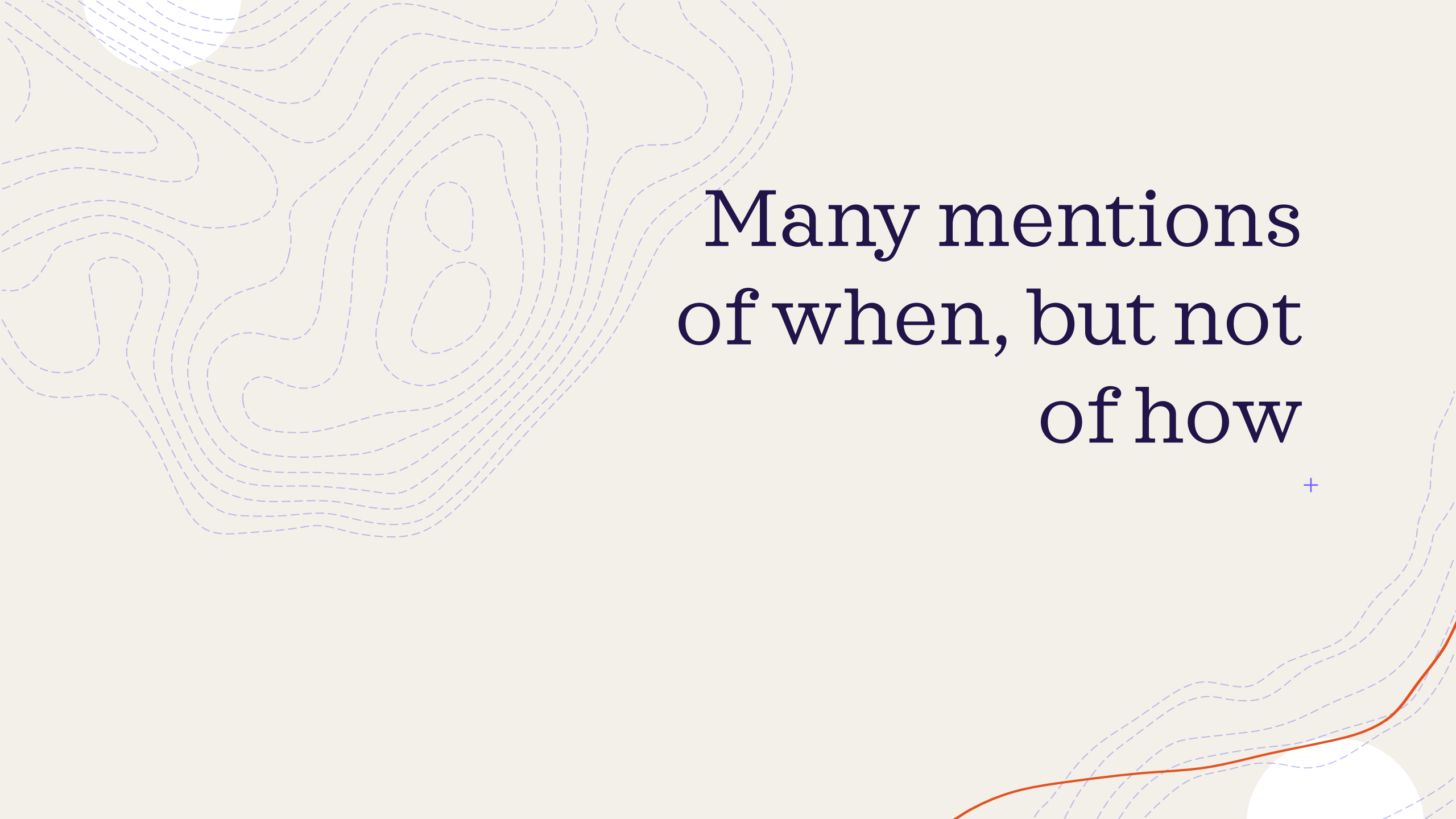
Guidelines on Alternative
Care for Children - 26



Convention on the Rights of the Child

Article 3:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.**


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Many mentions
of when, but not
of how

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Guidelines on Alternative Care for Children

“57. Decision-making on alternative care in the best interests of the child should take place through a judicial, administrative or other adequate and recognized procedure, with legal safeguards, including, where appropriate, legal representation on behalf of children in any legal proceedings. It should be based on rigorous assessment, planning and review, through established structures and mechanisms, and should be carried out on a case-by-case basis, by suitably qualified professionals in a multidisciplinary team, wherever possible. It should involve full consultation at all stages with the child, according to his/her evolving capacities, and with his/her parents or legal guardians. To this end, all concerned should be provided with the necessary information on which to base their opinion. States should make every effort to provide adequate resources and channels for the training and recognition of the professionals responsible for determining the best form of care so as to facilitate compliance with these provisions.”



But still... how do you
know what is in the
child's best interests?

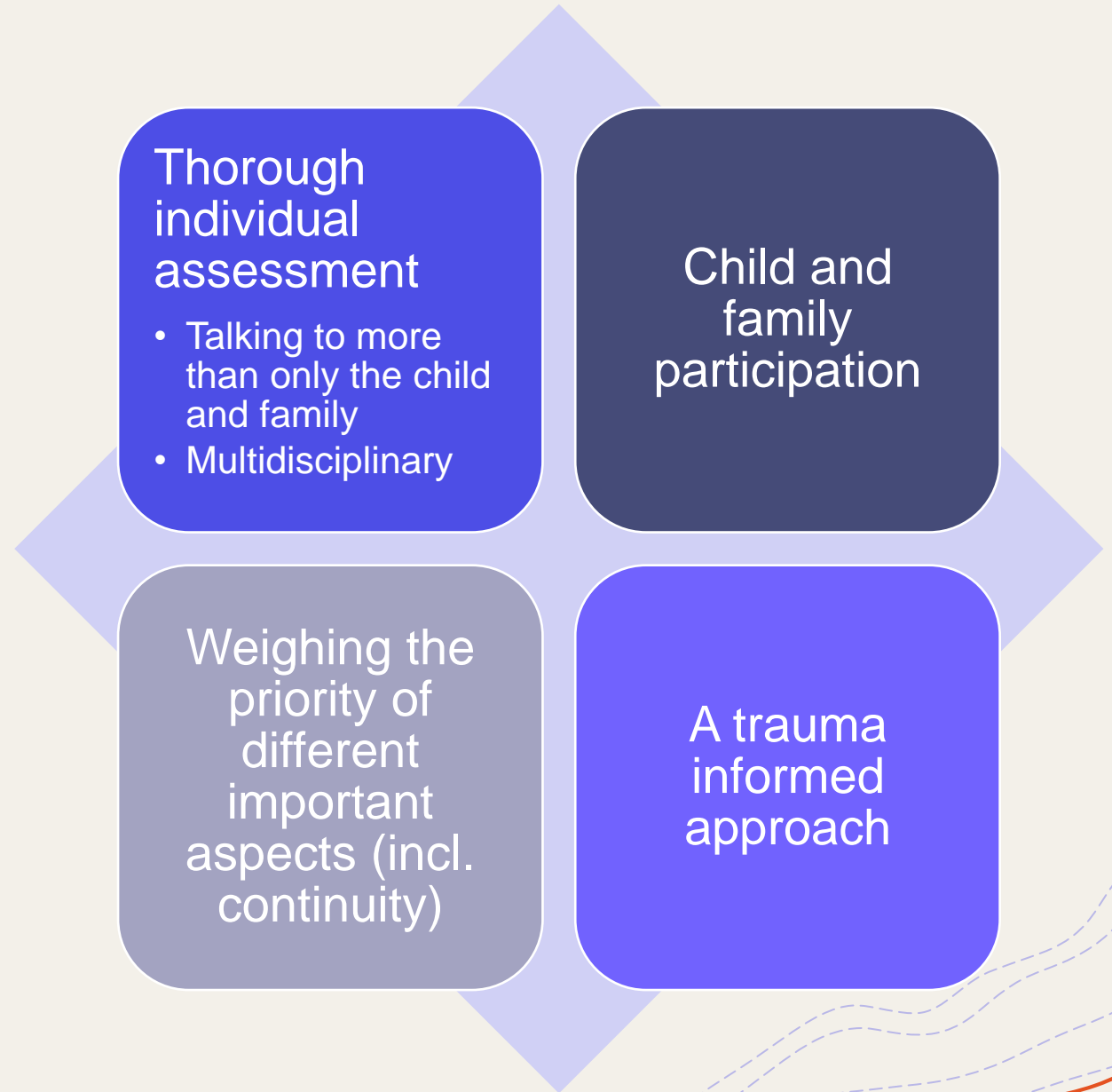
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No Failsafe Formula

- + Good training
- + Experience
- + Gut feeling



Elements for Success






Obstacles and Pitfalls

Insufficient investment in staff and capacity building

Using uninformed participation as an excuse

Abuse of the 'best interest' principle

Inability to understand and recognize all red flags

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Invitation to discuss
how we can effectively
determine the best
interests of the
+ individual child



2023

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