

# Research Report.

## Children's best interests between theory & practice

A discussion of commonly encountered tensions and possible solutions based on international best interests practices and policy strategies since 2004



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*This study was commissioned to the Children's Rights Knowledge Center by the Division for Youth of the Flemish Government in light of the preparations of the European conference "best interests of the child" to celebrate the 25<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child (Brussels, 9-10 December 2014).*



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## 0. TABLE OF CONTENT

- I. Introduction
  1. Why this report?
  2. The best interests of the child in international human rights law
  3. What kind of 'interests' are at stake?
- II. Methodology
  1. Inventory of (international) 'child best interests' projects in policy and practice since 2004
  2. Content analysis of inventoried projects
- III. Description. Child best interests projects in policy and practice (2004-2014)
  1. Problem statement
  2. Transversal themes
  3. Substantive themes
  4. Recapitulation: a bird's eye view on child's best interests projects since 2004
- IV. Analysis. Child best interests from theory to practice: tensions
  1. Workability of a vague and generalist concept
    - 1.1. Substantive and procedural elements of best interests determination
    - 1.2. Substantive: explicating the basic perspective
    - 1.3. Substantive: avoidance by negative elements, risk assessment and focus on procedural elements
    - 1.4. Procedural: a clear decision-making structure
    - 1.5. Procedural: the use of mediation mechanisms to create understanding for different perspectives and to 'learn about' what is best for the child
    - 1.6. Procedural: the importance of multidisciplinary training, education and monitoring
  2. Conflict of interests
    - 2.1. Children and their parents
    - 2.2. Children, the government and the broader society
  3. Hearing children's voices: ensuring a just and equal participation
    - 3.1. Purpose
    - 3.2. Context
      - Life changing vs. everyday decisions
      - Micro vs. meso level
    - 3.3. Stakeholders
    - 3.4. Modes of participation and their relation with children's evolving capacities
      - Herbots & Put's (2014) typology in the inventoried best interests projects
      - Assessing the child's maturity
      - Direct and indirect participation
  4. Child rights impact assessments at the policy level
- V. Conclusion
- VI. References
- VII. Annex. Overview of the screening of policy strategies and practice initiatives regarding the best interests of the child since 2004

## I. INTRODUCTION

### 1. *Why this report?*

The current report was written on behalf of the Division for Youth of the Flemish Government as part of the preparations for the European conference on the 'best interests of the child', which is organized by the Flemish Community (Division for Youth), the French Community and the Belgian federal government (Justice Department) in light of the 25<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child. As the goal of this conference is to come to a dialogue between theory and practice regarding the best interests principle, this report aims to explore common tensions in this dialogue and to identify possible solutions to address these tensions, based on existing international practices and policy initiatives. Doing so, a number of discussion topics to feed the conference were identified, which can be consulted in the advice attached to this report.

### 2. *The best interests of the child in international human rights law*

The most important legal basis for the child's best interests is the Convention on the Rights of the Child (CRC). Art. 3.1 CRC expresses the right of children to have their best interests assessed and taken into account as a primary consideration in all actions or decisions that affect them. Public and private social welfare institutions, courts of law, administrative authorities and legislative bodies on both the national and local level are required to apply the best interests principle by systematically considering how children's rights and interests are or will be affected, for example in present or future policies, laws, court decisions or administrative actions, even if such actions or decisions only indirectly affect children. Art. 18 CRC extends the principle to parents and legal guardians, stating that "[the] best interests of the child will be their basic concern" in their responsibility for the upbringing and development of the child. In addition, the Convention explicitly refers to the terminology of 'best interests' in specific family matters (Art. 9 on the right not to be separated from the parents; Art. 20 on the rights of children deprived of a family environment; and Art. 21 on adoption) and regarding children in conflict with the law (Art 37(c) on separation from adults in detention and Art. 40 §2 (b) (iii) on procedural guarantees for minors, including presence of parents at court hearings for criminal matters involving children in conflict with the law). As well, references to the child's best interests are made in the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (preamble and Art. 8) and in the Optional Protocol to the Convention on a communications procedure (preamble and Art. 2 and 3).

Alongside Art. 2 (non-discrimination), Art. 6 (right to life and development) and Art. 12 CRC (respect for the views of the child), the Committee on the Rights of the Child (2003, §12) defined Art. 3.1 as one of the CRC's four general principles. This means that the best interests principle supports and clarifies how to interpret and implement other rights of the Convention.

Other international instruments in which the best interests principle occurs include the 1985 Convention on the Elimination of All forms Discrimination Against Women (CEDAW) (Art. 5b and Art. 16d), the 1993 Hague Convention on Intercountry Adoption (Art. 4b), the 2006 Convention on the Rights of Persons with Disabilities (CRPD) (Art. 23§2), the African Charter (Art. 4), the 2009 European Union's Charter of Fundamental Rights (Art. 24) and several European Directives on specific issues such as migration.

### **3. What kind of ‘interests’ are at stake?**

Despite all these references, neither the CRC nor the *travaux préparatoires* for this Convention clearly define or demarcate the ‘best interests’ principle. This limitation has been feeding recurrent discussions about the meaning and content of this concept, which was the underlying motivation that inspired this report.

For Zermatten (2010: 485-6), children’s interests are to be read in conjunction with the global spirit of the CRC. He acknowledges a difference between short-, medium- and long-term interests of the child as a developing human being (also see Freeman, 2007: 39). Eekelaar (1992: 234) refers to ‘basic interests’ (for example to physical, emotional and intellectual care), ‘developmental interests’ (to enter adulthood without disadvantage), and ‘autonomy interests’, (especially the freedom to choose a lifestyle of their own).

Furthermore, ‘current’ as well as ‘future’ interests are discussed. Freeman (2007:3) argues that actual interests may not only differ from future interests of children; they can even conflict with each other. According to the 1959 Children’s Rights Declaration, interests refer to all aspects of the child’s personality (physical, mental, moral, spiritual, social) to develop in a healthy, ‘normal’ manner, in conditions of freedom and dignity. The UNHCR Guidelines on Determining the Best Interests of the Child (May 2008, initiative nr. 1 under ‘Best interests determination’ in the matrix in annex) describe ‘best interests’ as broadly referring to the well-being of a child: *“Such well-being is determined by a variety of individual circumstances, such as the age, the level of maturity of the child, the presence or absence of parents, the child’s environment and experiences”*.

In sum, the child best interests principle appears to be strongly embedded in international guidelines and legislation. As well, the elaborate descriptions by different authors offer an important framework for the interpretation of this concept. Nonetheless, a margin of appreciation remains – due to the indeterminate and vague nature of this concept as well as its dependency on culture and time-related contexts – raising a number of questions on how to apply this principle in practice (Freeman, 2007). How can ‘the best interests’ of an individual child be defined? Do different groups of children – for example, unaccompanied migrant minors (UMA’s) – have similar interests? To what extent does the child himself have a say and what is the role of adults in the process of defining a particular child’s interest? To address these questions, not only theory is important. Indeed, existing practices can also be utilized as a source of information, as they offer a bottom-up approach towards a more solid interpretation of the best interests principle.

Consequently, the legal consolidation of the child best interests concept is not scrutinized in this report. The current study on the contrary focuses on the dialogue between theory and practice in light of determining the ‘best interests of the child’ as defined by Art. 3 CRC. More specifically, the study aims to single out a number of frequently discussed ‘tensions’ in this dialogue and looks for possible solutions based on international child best interests practices.

## **II. METHODOLOGY**

For this study, a traditional ‘triangle-approach’ is maintained, starting from a broad inventory of child’s best interests discussions and practices, and working towards an in-depth content analysis of a handful of projects from this inventory. The analysis more specifically consists of the following two

methodological parts: (1) an inventory of existing international child best interests projects at the policy and practice level since 2004, and (2) a content analysis of the projects in this inventory, focusing on the identification and/or approach of tensions regarding the translation of the best interests principle from theory to practice.

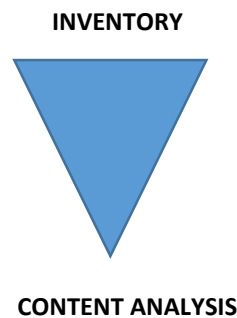


Figure 1. Inventory followed by a content analysis through a traditional triangle approach

Findings are complemented with additional theoretical insights from literature that was consulted during the preparatory work for this study. This theoretical information adds to the discussion by providing additional insights, background information and/or possible explanations for the findings.

### **1. *Inventory of (international) 'child best interests' projects in policy and practice since 2004***

The methodology of this part of the study consists of an Internet search through online databases (more specifically the KeKi database, [www.kekidatabank.be](http://www.kekidatabank.be) and the Children's Rights Coalition database, [www.kinderrechtencoalitie.be](http://www.kinderrechtencoalitie.be)), as well as through the Google search engine.

The keywords used in this process are: 'Belang van het kind' (Dutch, as the Flemish Government commissioned this assignment), 'child's best interests', 'children's best interests' and 'best interests of the child' (English, in line with the international character of this assignment). The choice for these search terms implies that initiatives described in other languages than Dutch or English are excluded. For websites that do not offer a 'search' function, the sections 'publications', 'projects' and/or 'advice' are systematically browsed. If certain keywords bring up a large number (>1000) of 'hits', only the five first pages (sorted by relevance) are screened. If no saturation is reached after screening the first five pages, the following five pages are screened as well.

'Child's best interests' is a broad concept. In fact, as the child's best interests principle is strongly related to child well-being (*cf.* The 2008 UNHCR Guidelines on Determining the Best Interests of the Child), most child rights and/or child well-being initiatives are in children and youth's best interests. The stipulations from the 2008 UNHRC Guidelines regarding the determination of children's best interests and the Committee's General Comment 14 (CRC/C/GC/14) could be used as directives in this case. However, in light of the limited time scope for this study as well as the large number of initiatives to be screened, it is not possible to evaluate the content of all initiatives based on these guidelines. Therefore, a pragmatic selection is maintained: only initiatives that are explicitly referred to by the author or project manager as projects relating to the best interests principle are integrated in the inventory, which is presented in a matrix (in annex to this report). The goal of this selection is to only list strategies that have the reinforcement of children's best interests as a first and foremost consideration.

To reach this general target, the following specific selection criteria are maintained:

1. 'Interests' and 'child' (or a synonym) are mentioned in the title or abstract of the project or are strongly underlined throughout (the publication about) the project. Only projects that are explicitly focusing on children's best interests are selected;
2. To select only the most recent initiatives, a 'cut-off' point of the last 10 years is maintained (cf. Op de Beeck, Put & Lembrechts, 2013). Only projects from 2004 onwards are selected;
3. Publications that do not lead to recommendations for policy or practice and/or that do not describe existing policies or practices are not selected for this inventory. As well, case law is excluded from this analysis.

An important limitation of this strategy is that projects relating to children's best interests, but not explicating this relation, are missed in the selection. As well, as was mentioned before, initiatives that are not published online in Dutch or English are missing. The inventory is therefore an incomplete result of an explorative search methodology and should be interpreted as such: this report describes an analysis of 'a tip of the iceberg of best interests initiatives', to highlight some of the most visible tensions in the translation of the best interests principle from theory to practice.

Finally, the different projects are divided into categories that are created through a bottom-up methodology. After all projects were brought together, they were grouped and re-grouped until a concise overview in the format of a 'matrix' was developed. As some of the projects relate to both substantive and transversal themes (cf. § III.2 and § III.3 in this report), a number of projects are assigned to two different categories. Furthermore, since the impact of the different identified initiatives may occur – some initiatives hold concrete instruments or recommendations whereas others merely hold a plea for considering children's best interests – the projects are assigned to two additional categories; 'guideline/plan' for more general arguments advocating children's best interests, and 'implementation' for concrete recommendations, tools or actions towards the realization of children's best interests. National or local policy plans that concretely outline how international legislation regarding best interests is to be transferred to practice, are classified under 'implementation' as well. Nonetheless, the demarcation between general arguments and concrete recommendations was found to be vague for a number of the initiatives. Consequently, the assignment to these categories is in some of the cases based on a judgment call which may have been different if other researchers would have performed the analysis.

## ***2. Content analysis of inventoried projects***

Based on the general inventory, the identified projects are studied more in depth through a content analysis in which specific attention is paid to possible tensions or difficulties that can exist in the translation of the best interests concept from theory to practice. To do so, again an inductive or 'bottom-up' methodology is used. The documents are screened to find out whether tensions regarding the operationalization of the best interests principle are discussed or addressed. Based on this screening, the most prevalent tensions in the projects are thematized and main findings from the projects that relate to the identified themes are discussed.



### III. DESCRIPTION. CHILD BEST INTERESTS PROJECTS IN POLICY AND PRACTICE (2004-2014)

In the following paragraphs, a general description of the inventoried projects is provided. Table 1 portrays the number of projects that were identified within each theme or category in the matrix (for the complete matrix: see annex to this report). Overall, three different thematic groups can be observed in this table: ‘problem statement’, ‘substantive themes’ and ‘transversal themes’.

First of all, the thirteen sources that are classified under ‘problem statement’ refer to documents pointing out gaps in existing legislation, policy and/or practice regarding children’s best interests. Second, a distinction is made between ‘transversal themes’ and ‘substantive themes’. ‘Substantive themes’ consider different life domains of children and youth in which ‘best interests initiatives’ can be located. Most often, these substantive themes relate to groups of children and youth in society who are considered to be specifically vulnerable, which is why distinct ‘best interests initiatives’ are taken for these groups. Examples are children whose parents are imprisoned, immigrant children or unaccompanied migrant minors, children who come in contact with the law, children whose parents are divorcing. A number of specific minority groups for whom only a few best interests projects are identified, are classified in the matrix under the category ‘specific minority groups’. Examples in this category are children growing up in Lesbian, Gay, Bisexual or Transgender (LGBT) families, street children, working children and youth.

Table 1. Overview of inventoried projects (matrix)<sup>1</sup>

Description	Main theme			Second theme <sup>2</sup>	Total
	Total	Guidelines/ plan	Implementation		
Problem statement	13	/	/	0	13
Parents in detention	4	2	2	0	4
Divorce/custody/parental responsibility	5	2	3	1	6
Alternative care: guardianship/adoption	10	3	7	2	12
Alternative care: institutionalized youth care	5	2	3	2	7
Participation	7	3	4	9	16
Best interests determinations <sup>3</sup>	11	5	7	5	16
Child impact assessments	4	1	3	1	5
Best interests advocacy	3	1	2	1	4
Immigration/Unaccompanied migrant minors	17	9	8	9	26
Delinquency/juvenile justice/child abuse/victimization	10	2	8	3	13
Child care	2	1	1	0	2
Media/Advertising	3	0	3	0	3
(Public) space	2	0	2	0	2
Health	3	1	2	1	4
Specific minority groups	6	2	4	2	8
<b>Total</b>	<b>105</b>	<b>35</b>	<b>58</b>	<b>35</b>	<b>139</b>

<sup>1</sup> This table is to be regarded as an approximate overview of the inventoried projects because differences in size, impact and status of the projects are not taken into account. As well, projects that closely relate to each other have been grouped together as one initiative in the matrix and are therefore just counted as ‘one’ project in this table.

<sup>2</sup> Secondary themes of the projects that are classified under ‘problem statement’ are not included in this table, as the documents under ‘problem statement’ describe a gap, not an existing initiative.

<sup>3</sup> One initiative of ‘Best interests determinations’ can be considered both a guideline/plan and an implementation, therefore the sum of the number of guidelines and implementations (12) is higher than the total (11).

Transversal themes, on the other hand, transcend these separate vulnerability issues, and include – for example – methodologies to identify children’s best interests at a conceptual or at a practical level. In table 1, the following transversal themes are included: ‘Participation’, ‘Best interests determinations’, ‘Child impact assessments’ and ‘Best interests advocacy’. The latter two exclusively relate to the best interests of *groups* of children.

### **1. Problem statement**

To find out more about the sources classified under ‘problem statement’, the matrix needs to be consulted (no detailed information is provided in table 1). Doing so, it can be observed that four of the sources under ‘problem statement’ are located in the category ‘Divorce/custody/parental responsibility’ (as a second theme). Different studies bring up difficulties to identify the best interests of a particular child in custody-related court cases, especially as children’s interests can be closely intertwined with parental interests and/or interests of other parties (see initiatives nr. 1, 2, 4 and 6 under ‘problem statement’ in the matrix). *Subjectivity* is an important issue in this case. For example: Skivenes (2010, initiative nr. 5 under ‘problem statement’ in the matrix) analyzed three cases regarding forced adoption in the highest Norwegian court of appeal and found that the determination of children’s best interests is most often performed in a subjective instead of a rational way. This finding suggests a need for tools to facilitate a more objective or neutral children’s best interests determination for juvenile and family judges. A similar concern exists regarding decisions about alternative care for children and youth: two studies suggest that judges need more instruments to rely on when identifying the child’s best interests (see initiatives nr. 3 and 5 under ‘problem statement’ in the matrix). Although this focus on difficulties in decision-making in care- and custody-related court cases could reflect a gap in reality, it is also possible that custody, guardianship and other family-matters are topics that are more often researched from a ‘best interests-perspective’, as is argued under initiative nr. 3 under ‘Divorce/custody/parental responsibility’ in the matrix. If a larger number of the child’s best interests debates focus on matters of custody and guardianship, it is not surprising that a more persistent perception of existing gaps regarding this topic would be created.

### **2. Transversal themes**

Nonetheless, as table 1 shows that a large number of ‘best interests projects’ (N=16) focus on the development of ‘best interests determinations’ (BID)<sup>4</sup>, the identified need for more instruments for judges to rely on is remarkable. Different researchers and policy makers did come up with standardized questionnaires and other methodologies in order to approximate or estimate particular children’s best interests (see for instance initiatives nr. 5, 6 and 8 under ‘Best interests determinations’ and nr. 7 under ‘Participation’ in the matrix). The matrix shows that six of the ‘best interests determinations projects’ are targeted at (unaccompanied) migrant minors: these projects are assigned to ‘immigration/unaccompanied migrant minors’ as a secondary category. This result, in combination with the finding that some domains – such as the judicial domain – are in need of reliable best interests instruments, suggests that instruments developed for decisions regarding unaccompanied migrant minors and other target groups may hold a potential to be transferred to other domains or used as inspiration to build new, adapted instruments to estimate children’s best interests.

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<sup>4</sup> The UNHCR differentiates in its ‘Guidelines on Determining the Best Interests of the Child’ (2008, initiative nr. 1 under ‘best interests determination’ in the matrix) between ‘best interests determinations’ (BID) and ‘best interests assessment’ (BIA) by defining a BID as a more formalized process whereas a BIA should be an informal reflex. However, in this report, both terms are used interchangeably, in the sense that they both refer to an estimation of what is in the best interests of the child.

In relation to this topic, the matrix portrays that the development of a variety of tools to take children's best interests into account in policy decisions – in the shape of different child impact assessment instruments – has been receiving attention. Even though the number of projects in this area is limited to five (see table 1), it is to be noted that these projects consider four *different types* of impact assessments: the development of 'child standards' (by a civil society organization), the intention to investigate a 'child check' (at the policy level), the implementation of child budgeting programs (at the policy level) and the implementation of Child Rights Impact Assessments (CRIA) (also at the policy level).<sup>5</sup> The latter two are implemented in different countries in a variety of shapes and formats (see initiatives nr. 3 and 4 under 'child impact assessments' in the matrix).

A third prevalent transversal theme in table 1 is participation, of which a total of 16 projects could be identified in the matrix. Generally, participation of children and youth to and/or hearing their voice throughout the decision-making process is considered an important part of the procedure or methodology to come to a best interests assessment (see for instance the Recommendation CM/Rec(2012)2 of the Committee of Ministers to member states on the participation of children and young people under the age of 18, initiative nr. 2 under 'participation' in the matrix, but also the Committee's General Comment 14 as well as in the UNHCR's (2008) 'Guidelines on Determining the Best Interests of the Child'). As well, both the child's best interests as participation are defined by the Committee as basic principles of the CRC, together with the right to life, survival and development and the non-discrimination principle (Committee on the Rights of the Child, General guidelines regarding the form and content of initial reports to be submitted by States Parties under Art. 44, paragraph 1 (a), of the Convention, CRC/C/5, 1991; Committee on the Rights of the Child, General guidelines regarding the form and content of periodic reports to be submitted by States Parties under Art. 44, paragraph 1 (b), of the Convention, CRC/C/58/Rev.1, 2005). Consequently, participation is important in best interests determination as a means to come to an adequate best interests assessment, but also as a goal in itself, as a concept that is intrinsically connected to the child's best interests. Given this focus, the considerable number of projects attempting to bring this principle in the best interests practice is not surprising. The fact that participation more often appears as a second (N=9) than as a first (N=7) theme, underlines the transversal character of this topic: participation is most often adopted as a method to determine children's best interests in different legal and life domains.

Despite this focus, it can be observed in the matrix that the concept of participation is operationalized in different ways throughout the identified projects. It can exist of direct or indirect communications procedures, the expression of the child's opinion in decisions that apply to himself, peer-to-peer methodologies, youth conferences... Within this existing variety, it may be possible to summarize and categorize different types of child participation, in this way creating a connection between a thematic focus (e.g. justice procedures), the maturity of the child and the participation format, in order to come to a best interests determination based on needs and wishes as expressed by the child.

### **3. Substantive themes**

Regarding the substantive topics, it can be observed in table 1 that many of the 'best interests initiatives' focus on care for children, inside or outside of the family context. A total of six identified initiatives is classified under the category 'divorce/custody/parental responsibility', twelve projects are about guardianship and/or adoption and seven projects focus on the child's best interests in

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<sup>5</sup> Although these projects use a different terminology (e.g. 'child standards' or 'child check') and methodology, their goals are similar: coming to legislation and policy guidelines that are in line with children's rights standards.

institutionalized care. As well, a total of four identified projects are directed at care for children whose parents are imprisoned. In these projects, it is considered to be in the child's best interests to avoid or reduce separation between the child and the parents, which is why a number of adaptations to sentencing procedures and practices as well as visitation rights are suggested and/or applied.

Furthermore, table 1 shows that 13 identified best interests initiatives relate to children who come in contact with delinquency and/or the justice system ('Delinquency/juvenile justice/child abuse/victimization'). When the matrix is consulted, it can be observed that the majority of these projects focus on hearing the child's voice and other procedural adaptations to raise the child-friendliness – or at least lower the 'child-unfriendliness' – of the justice system. In other words, these initiatives conceptualize the 'best interests' principle in the context of a child adapted justice system.

As well, table 1 reveals that a majority (N=26) of the identified projects are based on the best interests of immigrant children and/or unaccompanied migrant minors. As their situation is specifically precarious – and as this is a target group difficult to grasp – this large focus may not be surprising. Yet it is remarkable that – contrary to the other themes – this category holds more 'guidelines or plans' (N=9) than 'implementations' (N=8). This observation implies that much attention may be given to the best interests of (unaccompanied) migrant minors, resulting in different guidelines and calls for action, but that more efforts are necessary for the actual implementation of these guidelines in policy and practice. Moreover, a number of these guidelines are return directives or procedural safeguards for immigrant children and/or their parents, in which the best interests principle is mentioned 'on the side', e.g. in the stipulation that the child's best interests should be the primary consideration in return decisions. Nonetheless, seven identified implementations do effectively hold 'good practices' – from Belgium, Sweden, the US, the Netherlands, France, Italy and Poland – that could be used as an inspiration in this case.

One final noteworthy observation in this first screening of the inventory comes up when taking a closer look at the projects classified under the themes of care, justice and (unaccompanied) migrant minors. More specifically, a possible dichotomy can be observed regarding the relation between the use of detention and the best interests of the child. It is, for example, remarkable how Pösö, Kitinoja & Kekoni (2010, initiative nr. 3 under 'Delinquency/juvenile justice/child abuse/victimization' in the matrix) consider locking up delinquent youth in a care context to be a restricting activity in their best interests, based on the argument that a period of detention may break a cycle of delinquency. Similarly, the projects described under the category 'parents in detention' underline that very young children should not be separated from their detained mother and recommend that prison accommodation should be adapted to include these young children. Nonetheless, in most other contexts – especially in the context of unaccompanied migrant minors – the majority of authors argue that detaining children is never in their best interests (see for instance the model Corlett, Mitchell, Van Hove, Bowring & Wright (2012) developed to prevent detention of unaccompanied migrant minors, initiative nr. 15 under 'Immigration/unaccompanied migrant minors' in the matrix). These differences clearly illustrate the difficulties that can develop when translating the best interests principle from theory to practice; an observation that crated the main inspiration for the current report.

#### ***4. Recapitulation: a bird's eye view on child's best interests projects since 2004***

As was mentioned before in the methodological overview in this report (see § II.1), a limited search strategy was used to create the inventory, which is why the focal themes in this inventory may reflect the search methodology rather than the reality. Nonetheless, it can be argued that, as these are the

projects captured by a narrow search strategy, they may be the most visible projects regarding the best interests principle and therefore portray general international tendencies regarding the translation of this principle in practice.

First of all, it was found that different projects in the matrix refer to a need or demand for more practical tools to determine children's best interests in family cases. This perception could result from a true lack of instruments, but could also be based on a possibly larger focus on children's best interests in family cases. After all, the matrix also highlights best interests projects about care for children – inside and outside the family sphere – as one of the themes that has been explored quite regularly. A number of possible explanations can be brought forward to clarify this emphasis on family cases. First of all, this focus may be due to the fact that both Art. 5 – regarding the evolving capacities of the child – and Art. 18 – about parental responsibilities – of the CRC explicitly refer to the best interests principle as defined in Art. 3 CRC, as well as the fact that the CRC clearly refers to the best interests principle in general family matters (see for example Art. 9, 20 and 21).

Second, recent legislation facilitating divorce, the growing diversity in family compositions (due to scientific progress, In Vitro Fertilization, anonymous donorship, adoption by gay couples...) as well as the growing tolerance of the public opinion for divorce and 'new' family constructions may add to a decline of 'traditional' families. This change could possibly have generated a higher number of family-related decisions that are to be taken, necessitating more instruments to determine children's best interests as a basis for these decisions. Finally, the professionalization of youth care could play a role: due to this tendency, more 'objective' instruments to base decisions on may be in demand. The matrix indicates that this need is related to difficulties to separate children's best interests from the needs and wishes of other parties. As children's interests inevitably develop in a social context involving other parties, their interests inextricably (inter)relate with these other parties' interests.<sup>6</sup> This observation brings up a first tension, the possibility of conflicts of interests, which will be analyzed and discussed further in § IV.2 of this report.

Furthermore, it can be observed that different efforts have been developed to bring the best interests principle forward in decisions regarding immigration. These projects could serve as an inspiration for generalization to other domains, such as the family context. The fact that much work regarding this theme has been done for UMA's could possibly be explained by the pressure that General Comment 6 (CRC/GC/2005/6) about the treatment of unaccompanied and separated children outside their country of origin, created, by stipulating that all decisions regarding unaccompanied migrant minors need to be supported by a best interests determination. After all, individuals who are traditionally concerned with protecting and guarding children's best interests – such as parents, guardians or close family members – are not always present in this context, which may explain the development of different best interests initiatives for this group. Nonetheless, it could also be observed from the matrix that best interests projects for UMA's do result in general guidelines and calls for action, but that more efforts are necessary for the actual implementation of these guidelines in policy and practice. This finding could indicate that a substantive determination of best interests in individual cases remains difficult, despite all the work that has been done in this field. Difficulties regarding the substantive implementation of best interests are therefore discussed more in depth in § IV.1 of this report.

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<sup>6</sup> According to Brems (2014), the involvement of at least three parties (child, caretaker, state) – to which she refers as the 'triangular relationship' – is typical for children's rights issues. In more general human rights issues, there is no caretaker to take up a relevant role; in these cases the individual and the state are the most important stakeholders (Brems, 2014).

As well, it can be observed that a considerable number of projects focus on participation. ‘Participation’ is operationalized in different ways throughout the separate projects, indicating that a wide range of formats exists, which can serve as an inspiration for decision-makers who wish to start up a participatory trajectory in assessing one or more children’s best interests. Nevertheless, a concrete description of how the views of the child are to be balanced with the ideas of the adult who is guiding the process in such an assessment, remains under the surface. This and other difficulties regarding the practice of participation are explored more in depth in §IV.3 of this report.

Finally, it was found that in different countries or regions, initiatives have been developed to protect children’s interests at the macro-level, by shaping a child-friendly legislative framework through the application of child (rights) impact assessments, child standards, and other instruments that are directed at the maximization of positive and the minimization of negative consequences of new legislation or (policy) decisions for children and youth. Such child-friendly legislative structures serve as the framework based on which individual best interests assessments are developed and therefore indirectly affect the individual child. Consequently, these macro-level instruments and the way they relate to individual best interests assessments, are discussed in § IV.4 of this report.

#### **IV. ANALYSIS. CHILD BEST INTERESTS FROM THEORY TO PRACTICE: TENSIONS**

The broad description of the different projects included in the inventory generally touched upon some noticeable discussion topics, such as participation, defining individual best interests in concrete (court) cases or decisions and apparent contradictions in ideas of what is in children’s best interests. These topics were explored more in depth based on a content analysis of the inventoried projects. Doing so, the following tensions arose: (1) the tension regarding the workability of a generalist concept, (2) the tension in the relation with other parties’ interests, (3) the tension regarding a just and equal participation of children in the determination of their interests, and (4) the relations between best interests determinations at the micro (individual) and macro (national policy) level.<sup>7</sup>

It is important to underline that the tensions described here are tensions that exclusively arose from the inventory of child’s best interests practices and therefore only relate to the translation of the best interests concept from theory to practice. Thus, tensions relating to theoretical discussions regarding the best interests principle – such as the tension between the general children’s rights framework and the best interests concept, as discussed by Freeman (2007:32) – are not addressed in this report.

##### ***1. Workability of a vague and generalist concept***

How to apply the best interests principle in individual situations is a challenge that has been addressed by a number of different ‘best interests determinations’ or ‘best interests assessments’ among the projects in the matrix. What are, for example, the best interests of a 12-year-old boy whose parents are discussing custody? And how can these interests be adequately assessed? Archard & Skivenes (2009, initiative nr. 7 under ‘participation’ in the matrix) differentiate in this case between elements that are clearly normative and therefore unambiguously defined by legislation, and elements that are left for reasonable agreement. It is specifically the latter part – coming to a ‘reasonable agreement’ – which leaves a ‘margin of appreciation’, providing State Parties but also decision-makers in practice

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<sup>7</sup> Best interests assessments can be held at the micro-level (assessment for one individual child), the meso-level (assessment for a specific group of children) and at the macro-level (assessment at the policy level). All three types are discussed throughout this report.

with a certain degree of discretion. This margin brings a number of benefits – for example, it enables cultural considerations to be accommodated within the best interests principle (Freeman, 2007: 35; Alston, 1994) – but it also impedes on an unambiguous realization of the best interests concept. Moreover, the content, meaning and practical application of the best interests principle is vague, which complicates its implementation in practice. What kind of framework can be developed to avoid that the concept becomes hollow and meaningless, or used in a tokenistic way (Wolfson, 1992; Freeman, 2007; Archard & Skivenes, 2010; Tobin, 2011; also see Cantwell (2014), initiative nr. 10 under ‘Alternative care: guardianship/adoption’ in the matrix)?

### *1.1. Substantive and procedural elements of best interests determination*

Archard & Skivenes (2009, initiative nr. 7 under ‘participation’ in the matrix) not only distinguish normative from interpretative elements in best interests determination; they also differentiate between substantive and procedural elements. Substantive elements relate to what is considered to be in the child’s best interests as defined by existing legislation or expressed in general assumptions (e.g. assumptions on the ‘ideal’ family constitution). Procedural elements include *how* the child’s best interests are determined in particular cases. This differentiation somewhat concurs with the distinction between ‘substantive’ and ‘transversal’ themes from the exploratory description of the projects included in the inventory (§ III in this report).

In line with this distinction between substantive and procedural elements, the Committee provides guidance through General Comment 14 by creating a ‘checklist’ of factors that are to be taken into account in the best interests assessment process. As for substantive elements, the Committee underlines the child’s views and identity, the preservation of the family environment and maintaining relations, care, protection and safety of the child, the child’s situation of vulnerability, the child’s right to health and the child’s right to education as central variables to consider. Regarding procedural safeguards, the Committee puts attention to the right of the child to express his or her own views (participation), a qualitative account of the facts, avoidance of delays in decision-making, involvement of qualified professionals, legal representation and legal reasoning, the presence of mechanisms to review or revise decisions and – more generally – the creation of sound Child Rights Impact Assessments to come to a child-friendly policy context in which the individual child’s best interests can be assessed. As this General Comment constitutes an important guideline towards best interests determination in practice, it is not surprising that a number of these elements will be reappearing in the discussion topics identified throughout the content analysis.

### *1.2. Substantive: explicating the basic perspective*

Providing a substantive and generally applicable definition of what is in children’s best interests, is difficult, as it is recognized that interests may differ based on variable situations, contexts, cultures (Thomson, 2005), historical periods and understandings of childhood (Freeman, 2007). Smeyers (2010) argues that an unambiguous interpretation of the best interests principle is therefore impossible. Despite these objections, Kalverboer & Zijlstra (2006, initiative nr. 8 under ‘best interests determination’ in the matrix) did develop an extensive interpretative model to ‘objectively’ implement the best interests principle in practice, based on a clear substantive perspective regarding this principle. Their operationalization is more specifically founded on a behavioral science paradigm, based on the CRC principle of the child’s right to development. The first seven conditions they recommend to take into account in a best interests assessment – based on their analysis – relate to the family situation: the availability of adequate physical care, a safe direct physical environment, an

affective atmosphere, a supportive, flexible childrearing structure, adequate examples by parents, interest, and continuity in upbringing conditions and future perspective.

The other conditions they bring forward refer to the broader society: respect, a social network, education, contact with peers, adequate examples in society, and stability in life circumstances. These themes indicate an interpretation of the best interests principle that includes both protection (e.g. ‘a safe physical environment’) and provision rights (e.g. ‘contact with peers’) of the child. Based on this operationalization, Kalverboer & Zijlstra (2006) developed a ‘Best Interests of the Child Questionnaire’ (BIC-Q) which can be used in decisions that strongly affect in the living situation of the child (for example, in the decision to place the child in a care institution). Even though Kalverboer & Zijlstra (2006) tested their instrument and concluded it to be a reliable tool to estimate the developmental situation of children, the weight of the different themes may socially, culturally and individually differ, and certain topics relating to children’s best interests may remain under the surface (such as mental health, self-determination, information... and how are the first seven conditions defined for children who grow up without a family?).

Nevertheless, Kalverboer & Zijlstra’s (2006) exercise proves that it is possible to come to a substantive operationalization based on a clear approach (in this case: the conceptualization of the child’s best interests as an expression of the right to development) and a systematic or scientific methodology, as long as the perspective the operationalization is based upon is clearly communicated to all the involved parties. Moreover, using this methodology, a culturally sensitive interpretation of the best interests principle can be developed by choosing a culturally adapted perspective as a starting point. Kalverboer & Zijlstra (2006) started from the children’s right to development, but other perspectives – for example, the ‘protection’, ‘provision’ and ‘participation’ principles behind the CRC – could also be used as a starting point. This cultural adaptability is in line with a.o. Thomson’s claim to acknowledge cultural considerations in defining children’s interests (also see Brems, 2001; Donnelly, 2013).

### 1.3. *Substantive: avoidance by negative elements, risk assessment and focus on procedural elements*

Apart from Kalverboer & Zijlstra’s (2006) exercise, the content analysis uncovers that in practice, a substantive interpretation may be avoided by demarcating what is *not* in the child’s best interests. For example, Freeman (2007:51) argues that, in its concluding observations to State reports, the Committee puts focus on what is *not* in children’s best interests, hence opting for a negative instead of a positive definition of the concept. A similar approach consists of limiting ‘what is best for the child’ to ‘the protection of the child’. In the substantive elements that are put forward in General Comment 14, the balance between provision and protection is maintained: both the vision and identity of the child, as well as the protection and vulnerability of the child, are defined as elements to be acknowledged in best interests determinations. Nonetheless, it can be observed through the content analysis that children’s best interests are momentarily defined in terms of a risk assessment (also see Archard, 2006:v). An example can be found in the report ‘Returning Home From Care: What’s Best For Children’ which was drafted up in 2012 by the National Society for the Prevention of Cruelty to Children (NSPCC, UK, initiative nr. 3 under ‘problem statement’ in the matrix). This report generally focuses on facilitating “*an effective decision-making about when it is in a child’s best interest to return home and to ensure that they are provided with high quality support to protect them from further harm*” (Andrew Flanagan in NSPCC, 2012:3). In this report, specifically a framework for the assessment of the risk of neglect or abuse in the home situation is envisioned. This framework puts evidence for future abuse



or neglect and an assessment of the parental capacity to change at the heart of the determination whether reunification is in the child's best interests.

Finally, it can be observed that different projects from the matrix address difficulties in substantively defining children's best interests by suggesting stable procedural strategies to come to an identification of what is best for one particular child or one specific group of children. For example, the recommendations by the International Rescue Committee (2007, initiative nr. 5 under 'best interests determinations in the matrix) regarding BID's for UMA's, based on experiences with Sierra Leonean children in Guinea, exclusively hold procedural suggestions, such as the installment of formal BID processes that fit in a broader programming strategy and start up as early as possible. Based on the idea that a clear methodology should secure considerations of children's best interests as extensively as possible, even if a substantive definition is lacking, the following three strategies are highlighted throughout the content analysis: (1) to develop and clearly explicate a decision-making structure, (2) to provide decision-makers with adequate training and general background knowledge regarding child psychology and development, and (3) to use existing mediation mechanisms as innovative best interests techniques.

#### *1.4. Procedural: a clear decision-making structure*

A strong procedural focus in detecting children's best interests may adjust for difficulties in creating an unambiguous substantive definition that is applicable to a broad variety of individual situations. Skivenes (2010, initiative nr. 5 under 'problem statement' in the matrix) brings five suggestions forward to come to a rational basis for decision-making: (1) specification of which considerations are important in the determination of children's best interests, (2) avoidance of unjustified assumptions regarding the best interests principle, (as an example, Skivenes refers to blood-tie presumptions as a social norm) (3) development of deliberative processes for decision-making, based on solid information regarding the situation of the involved individuals, a clear exploration of possible decisions and the different consequences as well as monitoring of the situation afterwards, internally but also by the broader public (Skivenes specifically puts attention to this monitoring function by underlining the importance of public control of court decisions), (4) recognition of the child's perspective as the basis of the decision and (5) a close connection to new insights in relevant fields, such as children's needs, attachment, etc. (Skivenes, 2010).

A number of these elements, such as the participation of the child and the importance of qualitative information are also reflected in the procedural safeguards expressed in General Comment 14. As well, the necessity to keep up to date with actual knowledge and to avoid prejudice could be considered rather self-evident. Skivenes' (2010) suggestion to develop deliberative processes for decision-making, however, is outstanding in her article, as the development of clear decision-making structures has been more generally discussed as a necessary condition to come to consistent (group) decisions (Goodwin & Wright, 2009; Op de Beeck, Put, Tans, Pleysier & Hermans, 2014). It is understood that decision-making should occur through solid methodologies or procedures in order to avoid inconsistencies, arbitrariness or (too much) subjectivity. Goodwin & Wright (2009) refer to such methodologies or procedures as "*a set of generally accepted propositions or a 'formalization of common sense'*" (Goodwin & Wright, 2009: 31). Through formalization and the cautious performance of different decisive steps, reflections that usually remain subconscious are brought under the attention. Because these reflections are recognized through the structured process, the possibility of an intuitive – instead of a rational – decision decreases. As well, chances of prejudices influencing the decisions – for which

Skivenes (2010) is cautious in her second suggestion – reduce when using a clear decision-making procedure (Op de Beeck et al., 2014).

Traditionally, the following steps are defined as the basis for a decision-making procedure: (1) an exploratory phase in which the problem is defined, the decision context and goals are discussed and relevant data gathered; (2) a problem analysis and the development of different decision alternatives; (3) an evaluation of alternatives through assessment of the consequences; (4) weighing the different consequences and the selection of a decision alternative and (5) follow-up and monitoring (Byrd & Moore, 1982; Clemen, 1991; Op de Beeck et al., 2014). For example, Freeman (2007) refers to Parker (1994) to argue that in custody disputes, the decision-maker must at least know about all the options, the possible outcomes of each of them, as well as the probability and value of each outcome. In this case, similarities with the steps in the traditional decision-making procedure are noticeable. Nonetheless, especially in best interests determinations, other decision-making structures may also be possible.

1.5. *Procedural: The use of mediation mechanisms to create understanding for different perspectives and to 'learn about' what is best for the child*

In 2007, the T.M.C. Asser Institute for International and European Law drafted up a report explaining how financial sanctions towards parents who break their divorce agreements – such as lowering alimony for the parent who does not respect the visitation rights of the other parent – often conflict with the child's best interests, as the financial repercussions may mostly harm the child (initiative nr. 1 under 'problem statement' in the matrix). More specifically, inadequacies in the current legal situation of the European member states are underlined in their report, including coercive measures against property in family law cases, which can be detrimental to the child's benefit. Furthermore, the disagreement between the parents alone, and the effects of an eventual court case, may affect the child as well. As a possible solution, the institute suggests to invest in the development of mediation mechanisms, based on the argument that mediation offers a viable way to grasp the child's personal insights and interests regarding the situation. Mediation brings the involved parties to understand that the realization of their own personal wishes does not necessarily concur – or may even strongly conflict – with what is best for the concerned child(ren). In that sense, the institute does not suggest mediation to come to a clear agreement between the parties, but rather to create a mutual process of understanding between the participants and to come to a best interests assessment from the different perspectives involved. Similarly, mediation is recommended by van Rooijen (2007, initiative nr. 2 under 'problem statement' in the matrix) – who investigated the realization of children's best interests in custody cases in the Netherlands – as a methodology to ensure children's best interests in cases of divorce. To do so, she particularly recommends the foundation of Advice Centers for Divorce and Custody Mediation that focus on divorcing families and operate independently from more general Youth Care Organizations.

The T.M.C. Asser Institute's (2007) and van Rooijen's (2007) suggestion to use mediation<sup>8</sup> mechanisms when assessing best interests, concurs with the suggestion that was brought forward earlier in this report to focus on procedural instead of substantive elements (§ IV.1). Furthermore, their suggestion concurs with the idea to encourage involved parties in the decision-making process to *reflect* on the cognitive influences that underlie their best interests determination and decision (*cf.* § IV.1.5). Through

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<sup>8</sup> In this case, 'mediation' is conceptualized as an instrument to come to a better understanding of the different involved perspectives, incl. the child's perspective.

recommending the use of mediation techniques, the search for what is best for the child can inspire involved parties to learn how to look at the case from other parties' perspectives including, most importantly, the perspective of the child. The T.M.C. Asser Institute's (2007) and van Rooijen's (2007) recommendation consequently triggers the question to what extent existing (mediation) methodologies from criminological, social and psychological disciplines can be transferred to a child best interests context. Obvious examples here would be individual deliberation methods (e.g. one-on-one mediation), group conferencing (such as family group conferencing, community boards...) or communicative course programs in which participants learn to empathize with other parties' perspectives.

Two important remarks, however, are to be noticed in this light. First of all, a question that can be raised in this case relates to the actual involvement of the child in such mediation mechanisms. Is it better to directly include the child himself, or to empower the parents to advocate their child's best interests through the mediation process (Herbots, Roevens & Put, 2011)? On the one hand, the situation may be somewhat determinative in this case. For example, if a child committed an offence, his direct involvement in the mediation process may be less debatable than in mediation directed at divorcing parents. On the other hand, based on the recommendations provided in General Comment 14 and the large focus on participation that was found in the inventory (§ III.2 in this report), it can be assumed that a 'child-inclusive' mediation is preferable over a 'child-focused' mediation, depending on the evolving capacities of the child. The questions related to such a child-inclusive mediation strongly connect to the tensions that more generally arise regarding hearing the child's voice in the best interests assessment process, which are extensively discussed in § IV.3 of this report.

Secondly, on a side note, it can be noticed that mediation is not only brought forward as a methodology to *determine* what is best for the child, but also to *realize* children's best interests in practice. Examples are Tomking's (2009, initiative nr. 1 under 'Parents in detention' in the matrix) plea to extent creative, community-based and restorative sanctions for parents who committed a felony. This way, a regular contact between the parents and their children can be maintained, in the children's best interests. As well, mediation is generally recommended in the best interests of children and youth who come in conflict with the law. Through mediation, children's best interests are more adequately safeguarded because the children learn to take responsibility and to change their behavior; stigmatization as well as the harmful effects of liberty deprivation are avoided; and the child feels respected and heard throughout the process (SRSG on Violence against Children, 2013; Vanfraechem & Walgrave, 2004a; 2004b).

#### 1.6. *Procedural: The importance of multidisciplinary training, education and monitoring*

One important procedural aspect of assessing children's best interests, is the role and expertise of professionals who are called in to present their view on what is best for the child, usually based on interactions with the child and significant others from the child's direct surroundings. In § IV.1.4 of this report, Skivenes (2010) was referred to: she underlines the importance of correct information in adequately assessing the child's best interests. For this purpose, the expertise of social workers, psychologists and other professionals is often called upon. As well, both the Committee and the UNHCR accentuate the importance of education for professionals who work with children in their daily practice and/or who perform best interests determinations (Freeman, 2007; UNHCR, 2008). For that reason, the UNHCR – together with the International Rescue Committee – developed a handbook providing knowledge and expertise for an adequate best interests determination with UMA's which

includes an extensive chapter on the communication with children (2011, initiative nr. 4 under ‘best interests determination’ in the matrix).

From the content analysis it appears that input from different disciplines is in this case desirable, as the competences that are necessary for an adequate best interests assessment may be multiple. For example, in care-related decisions not only psychological or mental health expertise is necessary; information about family dynamics or living situation may also be crucial to come to an adapted decision. This need for a holistic appraisal is, among others, underlined in the recommendations of the International Rescue Committee (2007, initiative nr. 5 under ‘Best interests determinations’ in the matrix) and in the NSPCC report ‘Returning Home From Care: What’s Best For Children’ (initiative nr. 3 under ‘problem statement’ in the matrix), which specifies that reunification of children in care with their parents should only take place when a *comprehensive assessment* of the child's needs has been performed. Such a comprehensive assessment, according to the NSPCC, necessitates input from professionals from different disciplines who are specifically trained to gather evidence to learn about children’s best interests. *“The new Family Justice Service must ensure that members of the judiciary specializing in family law receive training in child development and the implications of returning home from care”* (p.15). In line with this concern, NSPCC recommends improving evidence by creating assessment tools that are embedded in practice and to educate professionals on when and how to use these tools (p.14). In other words, not only the assessment tools, but especially *the skills and competences* of the individuals who are handling the tools, are deemed important in this case.

Specific skills are, in other words, considered necessary to adequately gather information from – and learn about – children, their situation and what is best for them by taking their needs, wishes and context into account (also see initiatives nr. 3 and 4 under ‘problem statement’ in the matrix). Flemish research uncovered that judges and other professionals are aware of the importance and need for these skills, especially when it comes to adequately communicating with children (Herbots, Roevens and Put, 2011; 2012). Yet, a number of authors claim that the right competences are lacking among important decision-makers and/or consultative individuals throughout the best interests assessment process. Scott & Emery (2013, initiative nr. 4 under ‘problem statement’ in the matrix), for example, argue that neither judges nor mental health experts have the right qualifications to implement the best interests standard in individual cases. Knowledge about adequately interviewing children, weighing the insights and reflections of the child (also see § IV.3.4 in this report), etc., are no fundamental requirements in the expertise of the judge<sup>9</sup> – who often takes decisions that may strongly impact the live of the child – nor the professional (social worker, psychologist, mental health expert...), who is called in to provide insights on the case from his specific expertise, but who may not be capable to provide an all-round interpretation of what is best for the child. Their arguments are in line with the results of Herbots et al. (2011), who found that a number of the Flemish divorce mediators who often work with children, do not know the CRC and/or do not understand its underlying vision regarding the position of children and youth in society. Although the majority of the questioned mediators in this investigation strongly considered the best interests principle as important in their work, their interpretation of this principle was often based on intuition, common sense, experience and pragmatic considerations (Herbots et al., 2011; 2012).

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<sup>9</sup> For example, youth or family judges may have followed a child-specific educational program, but immigration judges – who decide whether immigrant children are to be returned to their home-country – do not, which is why the child’s best interests are not always taken as the first consideration in these decisions, as is argued by Kalverboer & Zijlstra (2008, initiative nr. 16 under ‘immigration/unaccompanied migrant minors’ in the matrix).

To address this need for education, a number of specific child-directed training programs for professionals who work with children have been developed, as was found throughout the content analysis. Examples are the ‘Best interests of the child: rights and needs’ course which is offered by the Radboud University Nijmegen and focuses on the interpretation of the best interests concept through specific topics, such as paternalism or the tension between autonomy and care for children (initiative nr. 10 under ‘Best interests determinations’ in the matrix), and the Belgian training for youth attorneys which is discussed by the Flemish (Belgium) Children’s Rights Coalition (2010, initiative nr. 7 under ‘problem statement’ in the matrix). The matrix even exhibits a specific ‘police learning toolkit’, developed by the Consortium for street children (2005), to assist police officers in developing the necessary knowledge, attitude and competences to always act in the best interests of the child (initiative nr. 6 under ‘delinquency/juvenile justice/child abuse/victimization in the matrix). As for the specific performance of a BID, the International Catholic Migration Commission (ICMC) seconds ‘child protection experts’ who are not only specifically trained to conduct a BID or a BIA, but who are also taught to educate local partners on performing a BID or BIA (initiative nr. 7 under ‘best interests determinations’ in the matrix).<sup>10</sup> This practice consequently puts attention to ‘train the trainer’ aspects of best interests education programs by foreseeing a section in which the students learn how to instruct their peers. Thanks to this variety of existing training and educational initiatives, good practices do exist for individuals or organizations who wish to create their own schooling program in developing child-specific competences.

Finally, an important part of *learning about* children’s best interests resulting from the content analysis, comes from monitoring and feedback after a decision is taken. In the elaboration on the creation of a decision-making structure (§ IV.1.4 in this report), the role of follow-up and monitoring was discussed as a final but important part of an adequate decision-making process. It appears that this last step is less present in existing best interests literature and practices. Nevertheless, ‘ex post’ feedback can be highly informative for the decision-maker, since it stimulates the creation of knowledge and expertise based on which future decisions can be improved, as is strongly underlined in evaluations of CRIA (initiative nr. 4 under ‘Child impact assessments’ in the matrix, which will be discussed in § IV.4 of this report). Moreover, an ex post evaluation can improve the impact of an assessment altogether: knowing that the assessment will later be compared with the actual outcomes of a decision, may lead to better quality assessments, and the evaluation facilitates the identification of possible systematic methodological errors (Van Humbeeck in Desmet, Op de Beeck & Vandenhole, *forthcoming*, initiative nr. 4 under ‘Child impact assessments’ in the matrix). The NSPCC report (initiative nr. 3 under ‘problem statement’ in the matrix) invigorates these arguments by underlining how feedback after a decision is an important part of the learning experience for future decision-making. The report interprets child’s best interests assessing as a dynamic process in which not only ex ante, but also ex post evaluation is included. Finally, as was mentioned before in § IV.1.4, public control, possibilities for appeal and review of contested decisions are important parts of a democratic best interests decision (see for instance Skivenness, 2010, initiative nr. 5 under ‘problem statement’ in the matrix). Hence, this part can only be effectively realized when adequate ex-post mechanisms are in place.

To come to a useful ex-post evaluation, the implementation of reliable monitoring systems is necessary. For example, in its action plan on unaccompanied minors 2010-2014, the European Commission (2010, initiative nr. 4 under ‘best interests determinations’ in the matrix) encourages

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<sup>10</sup> It can be noticed that the ICMC, in defining these professionals as ‘child protection experts’ also interprets the best interests principle first and foremost as a protective concept (cf. § IV.1.3 in this report).

member states to develop systems to monitor the consequences of decisions that are taken regarding UMA's. In this way, guardianship can be better followed up, a more effective prevention of abuse can be developed and the best interests of children can generally better be safeguarded. This action plan inspired a number of monitoring practices for the return of migrant minors. Interesting European examples in this case are (1) the Finnish 'assisted voluntary return program' (AVR) which foresees a clear integration and monitoring system as well as protection for parent(s) or guardian(s) in the home country before returning migrant children; (2) the Spanish reunification program which monitors assisted returns of children, the effective reunification with the family and/or the availability of adequate care for the child and (3) the Monitoring of Returned Minors project, developed by the HIT foundation (commissioned by the European Commission), which informs whether the decision to return a child actually proves to be in the child's best interests and structurally develops knowledge to take more informed and effective decisions in the future (initiative nr. 12 under 'Immigration/unaccompanied migrant minors' in the matrix).

### ***Recapitulation: Workability of a generalist concept***

An important tension arising from the content analysis consists of difficulties to develop a substantive interpretation of the 'best interests principle' that is applicable to a variety of individual situations. Approaches that are used in practice to address this tension are the following. (1) Development of a substantive interpretation based on an in-depth scientific methodology. Such an interpretation can be culturally adaptive and is limited to the specific principles the analysis was based upon, which need to be clearly communicated to all involved parties. (2) Avoidance of the problem by focusing on protective elements and/or maintaining a negative definition of children's best interests (by defining what is definitely *not* in the child's best interests). (3) Focusing on procedural elements of best interests determinations, based on the assumption that a qualitative assessment comes from a sound procedure. In light of this latter approach, the following elements were found to be important. (3a) The development of a clear decision-making structure to limit the influence of irrational or subconscious assumptions. (3b) The use of mediation mechanisms to create understanding of the child's perspective. In this case, best interests assessing is expressively conceptualized from a learning perspective. (3c) The development and enrollment in adapted educational and training programs, based on the premise that not the instrument itself, but the way the instrument is used, is decisive in a best interest determination. Monitoring and feedback regarding the decision is ideally integrated in such an educational approach. These latter approaches include acceptance of the 'vagueness' of the best interests principle and the 'margin of appreciation' it creates. By underlining procedural safeguards to address this vagueness, the generalist nature of the best interests principle may even be reconceptualized as a strength of this concept: it forces academics, policy makers and practitioners to evaluate children's best interests on a case-by-case basis and to continuously reflect about the meaning of the best interests concept. Such reflections may be less evident if the best interests principle provided for clear uniformity and standardization.

## ***2. Conflict of interests***

In referring to Art. 3.1 CRC, Smeyers (2010: 277) argues that "[c]learly, this requirement cannot be enforced without regard to the interests of any relevant adult". As well, Eekelaar (2005) criticizes that due to the strong focus on children's best interests, no proper consideration is paid to the interests of other involved parties. As both these authors introduce the second tension for this report, this difficulty becomes even more apparent when looking at the initiatives inventoried in the matrix. These

projects portray how the concept of ‘the best interests of the child’ can in practice be ‘hijacked’ or misused to defend interests of other parties.

### 2.1. *Children and their parents*

The close family circle of the child – and especially the parents – constitutes an important context in which the best interests of the child are determined. After all, besides the child himself, parents are understood to have the best view on what is best for their child, which is reflected by Art. 5 CRC<sup>11</sup> and the recommendation from General Comment 14 to preserve family relations in children’s best interests. One example which reflects this idea in practice is the child and youth care initiative of SOS Children’s villages (2008, initiative nr. 3 under ‘alternative care: institutionalized youth care’ in the matrix) in which biological families are involved as much as possible. For youth who are separated from their families, this organization suggests placement in family-based child care to allow the child to grow up in an alternative family context.

Despite this implied connection between children and their families’ pursuits, in some occasions their interests do conflict with each other. From the content analysis, four particular examples of conflicts between children’s interests and their parents’ interests are discussed in the following paragraphs: (1) child custody in divorce cases, (2) decisions regarding placement in or returning from care, (3) children whose parents are imprisoned, (4) parental authority in child health decisions and (5) decisions in immigration cases.

Scott & Emery (2013, initiative nr. 4 under ‘problem statement’ in the matrix) discuss how the best interests standards can be used wrongly in divorce cases that are brought before court. For example, the bond with mother may be argued to be more important than the bond with the father in light of the child’s best interests, just for the mother to gain custody rights (Scott & Emery, 2013). In this case, the best interests principle can be used to defend parental custody interests. The conflict between children’s and parents’ interests in decisions regarding out-of-home placement or returning home from care is described in the NSPCC report ‘Returning Home from Care: What’s Best for Children’ (initiative nr. 3 under ‘problem statement’ in the matrix). This report points out how the best interests principle is brought up in cases in which parents do not want their child to be placed out of home or in which they want their child to return home from care. In these cases, the argument of the child’s best interests may more specifically be used to solicit the return of the child, even if the child in reality returns to a situation of abuse or neglect.

Furthermore, the topic of very young children with parents in detention can be mentioned in this regard. Is residence of the child in prison in these cases in the child’s best interests, in light of not separating the young child and his parents (or, more specifically, his mother)? Or is it in the child’s best interests to spend his early years in a less confined environment? In preparation for Committee’s General Day of Discussion 2011, which focused on children of incarcerated parents, the Equal Justice Project Human Rights Team for Action for Children and Youth Aotearoa and ‘Children of prisoners Europe’ (initiative nr. 3 under ‘Parents in detention’ in the matrix) argued that the wellbeing of the child should always take the first place in decisions about mothers in detention. Although these organizations do formulate recommendations based on the assumption that keeping mother and child together is in the child’s best interests – such as the organization of infrastructure (e.g. ‘open prisons’

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<sup>11</sup> Adult caretakers have the right and duty to provide, in a manner consistent with the evolving capacities of their child, appropriate direction and guidance in the exercise by the child of its human rights (Art. 5 CRC).

for mothers with children) and education for prison staff to allow young children to stay with their mother – they also criticize the lack of valid data and research about parents and children in prison. Arguments *against* locking up children in cases of juvenile delinquency or immigration (see for instance Corlett et al., 2012, initiative nr. 15 under ‘Immigration/unaccompanied migrant minors’ in the matrix), confirm the Equal Justice Project’s plea to gather more data about the topic of detention from a children’s perspective.

Moodley, Hardie, Selgelid, Waldman, Strelbel, Rees & Durheim (2013, initiative nr. 3 under ‘health’ in the matrix) discuss conflicts between children’s and parents’ interests regarding the vaccination of children. These authors criticize the fact that even though vaccination is crucial to reduce mortality among children, some parents do refuse vaccination for their child. Consequently, the authors suggest to only respect parents’ refusal to vaccinate their child when the targeted illness is less serious and chances of getting ill are low. This recommendation is part of their more general suggestion to have the child’s best interests overrule parental authority in health cases containing a high chance of harm for the child. Finally, Kalverboer & Zijlstra (2008, initiative nr. 16 under ‘immigration/unaccompanied migrant minors in the matrix) argue that in (Dutch) legal proceedings regarding immigration, children’s interests are *not* taken into account: their interests are understood to be the extension of their parents’ interests, even though conflicts of interests do exist in some cases. Kalverboer & Zijlstra (2008) consequently recommend to legally separate children’s interests from their parents’ interests.

Overall, these examples illustrate that, even though it is generally assumed that parents will first and foremost defend their child’s interest, the best interests principle may conflict with parental wishes and needs or with the situation the parents find themselves in. Bonthuys (2005, initiative nr. 6 under ‘problem statement’ in the matrix) even goes further by arguing that the best interests principle can be (mis)used to articulate parental rights or even to disguise an ignorance for children’s fundamental rights. In order to come to a full recognition of children’s best interests in court, Bonthuys (2005) recommends to pay equal attention to the interests of parents and other parties. Doing so, she argues, there is no more need to use children’s best interests as an umbrella term covering other parties’ needs and wishes. This way, children’s interests can receive full consideration alongside other family members’ rights (Bonthuys, 2005).

## 2.2. *Children, the government and the broader society*

In light of best interests disputes, not only parents’ or other family members’ interests are highlighted through the content analysis. Conflicts between children’s best interests and governmental interests also occur. In a policy brief called ‘In the Child’s Best interest? The consequences of losing a lawful immigrant parent to deportation’, the Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity & Immigration Law Clinic (2010, US, initiative nr. 10 under ‘problem statement’ in the matrix) discusses a conflict between children’s and the government’s interests in deportation cases of Lawful Permanent Residents (LPR’s) with children. The authors argue that the deportation of these parents can conflict with the best interests of their integrated children who have their parent removed from them. They claim that the harm that is done to these children is disproportionately large in comparison with the interests protected by the state through the deportation. Therefore, the authors plea for decisions in which the needs of US citizen children are balanced with the interests of the government in removing LPR’s. To do so, they recommend extensive training for immigration judges as well as the development of a clear framework of guidelines to function as a basis for deportation decisions.



Furthermore, the balance between children's best interests and interests of other parties can be difficult in more general settings as well. An example is the use of public space – how do children's interests relate to the interests of other users in this case? Pleysier, Put, Cops & Op de Beeck (2012) describe a shift in the regulation of young people's behavior from a moralizing and paternalistic perspective to a broader management and control paradigm, based on a broader societal transformation towards a culture of control in which calls for security and containment of danger take a central place. This transformation inspired the collective social construction of risk populations and the identification of individuals and groups who may threaten public safety, which is connected to preventive confining measures targeting child and youth behavior that was left unhindered before. Especially in the public space, where children and youth are unattended by evident authority figures (such as parents), child and youth behavior may become overregulated due to these underlying dynamics. Even though Pleysier et al. (2012) do not expressively link these findings to the best interests principle, a potential conflict with children's best interests in general is not unimaginable in this case, as is illustrated by the development of 'youth area plans' in Flanders (Belgium) and the Netherlands (initiative nr. 2 under '(public) space' of the matrix). The goal of these plans is to integrate children's interests in the social debate with other, sometimes contradictory, interests about the use of public space.

### ***Recapitulation: Conflict of interests***

Conflicts can develop between the best interests of children and the interests of other involved parties in the close circle of the child or in the broader society. On the one hand, the content analysis uncovered that children's interests are occasionally still interpreted as the extension of their parents' interests. On the other hand, it was found that the child's best interests principle can be (mis)used as a shield to actually defend other stakeholder's interests. An approach suggested from practice is to clearly separate children's interests from their parents' or other stakeholders' interests. To do so, it is important to also pay attention to a transparent definition of other parties' interests and to develop adequate methodologies to safeguard these interests. In this way, the risk that the child's best interests concept is used as an 'umbrella term' to protect other interests, can be limited.

### ***3. Hearing children's voices: ensuring a just and equal participation***

An important theme relating to children's best interests which is not only extensively discussed in theory and legislation, but is also prevalent in the content analysis, is 'participation'.<sup>12</sup> The best interests principle is inextricably linked to the principle of respect for the views of the child. Having all signed and ratified the CRC, Member States of the CoE have made explicit commitments to respect both the child's best interests and the child's views in all matters affecting children. As well, in the Committee's General Comment 14 on the right of the child to have his or her best interests taken as a primary consideration, as well as in the UNHCR's (2008) 'Guidelines on Determining the Best Interests of the Child', hearing children and youth is considered a key issue in the determination of their interests: it is emphasized as a necessary condition to come to a best interests formulation based on the child's perspective.

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<sup>12</sup> The concept of participation in its broadest sense implies the partaking of children and youth in all facets of (activities in) society. In light of the current best interests study, however, this concept is more narrowly discussed as the right of children and youth to voice their opinion and to have their opinion taken into account, most specifically in decisions that directly or indirectly affect them. This particular facet of participation that (1) arises in the study as an important tension and (2) is referred to by General Comment 14 in defining children's best interests.

Participation concurs with a child rights framework which underlines agency of children and youth by acknowledging their evolving capacities to speak for themselves about what is in their best interests. Yet, it can be observed that a number of questions does exist regarding the participation concept (see for example Eekelaar, 1994; Detrick, 1999; Freeman, 2007; Archard & Skivenes, 2010; Tobin, 2011). How can the principle of participation be applied in a balanced and genuine way, so as to transform existing social power relations to ultimately ensure the wellbeing of children? What does an ideal participatory trajectory in light of identifying the best interests of the child look like? Is direct or indirect participation (through representation) in this case preferable? And if representation is opted for; who is then best equipped to give voice to the child's voice? How much weight can and should be allotted to the child's opinion? How are the evolving capacities included in the participative methodology? Based on the content analysis, these questions are explored more in depth.

Even though participation is partly a procedural element of best interests determination and could therefore be examined in light of § IV.1 in this report, issues regarding this concept are treated as a separate tension in this report's discussion about children's best interests. This choice is justified by two arguments. First of all, as was mentioned before, participation cannot only be considered a methodology to come to an adequate best interests determination. Participation and children's best interests are both basic principles of the CRC and have, in that regard, equal force and standing (Archard & Skivenes, 2009; also see Cantwell (2014), initiative nr. 10 under 'Alternative care: guardianship/adoption' in the matrix). Thus, participation is more than just a procedural element. Second, a number of authors, for example Freeman (2007), (still) discuss the best interests principle as a paternalistic concept, as it is – according to these authors – exclusively perceived from an adult perspective. Archard (2006), for instance, conceptualizes the difference between the participation and the best interests principle of the CRC as an important tension by entirely interpreting the best interests principle as an expression of children's protective rights and connecting the participation principle to children's provision rights. Even though this interpretation is not followed in this report, this duality inspires a distinct discussion of the participation concept and its relation to children's best interests.

For this part of the content analysis, Herbots & Put's (2014) elaboration on 'the participation disc' was used as a guideline. Herbots & Put (2014) analyze the concept of participation based on four main components: the purpose of participation, the context in which participation takes place, the relevant stakeholders involved and the mode of participation. In their article, they analyze CRC stipulations on participation based on this disc. In this report, a similar exercise is performed on the inventoried projects in order to come to an overview of participatory practices – specifically directed at hearing children's voices – in the best interests of children.

### *3.1 Purpose*

Regarding children's best interests, the purpose of participation is dual, as has been underlined a couple of times in this report. On the one hand, participation is used *to assess or determine* the child's best interests, based on the premise that input and/or insights of the child himself bring necessary information for this determination. On the other hand, participation is considered a goal in itself, as the (voluntary!) expression of their views is considered to be always in their best interests (*cf.* Herbots & Put, 2014). The focus of the following paragraphs is nonetheless on the instrumental goal of participation, as most of the initiatives from the inventory elaborate on participation or hearing children's voices as a methodology to come to the most adequate best interests assessment.

### 3.2 Context

Regarding the context in which participation takes place, two different characteristics can be identified. The child can participate in decisions that have a serious impact on his actual living situation, but participatory initiatives are also organized to determine best interests in more everyday decisions. As well, a distinction can be observed between participation at the meso level – in which the best interests of groups of children are at stake – and participation at the individual level, targeting a decision-making process affecting one individual child.

#### *Life-changing vs. everyday decisions*

First of all, participatory initiatives are organized to prepare more serious decisions that may bring a substantial adjustment to the life of the child. Examples from the matrix are the ‘child talks’ that are implemented in asylum processes in Norway and Sweden (Lidén & Rusten, 2007, initiative nr. 4 under ‘participation’ in the matrix) and the Belgian legislation allowing children – regardless of their age – the opportunity to explain their opinion (on matters that affect themselves) in divorce cases (initiative nr. 10 under ‘delinquency/juvenile justice/child abuse/victimisation’) in the matrix. As well, Archard & Skivenes’ (2009, initiative nr. 7 under ‘participation’ in the matrix) recommendations on hearing the child and the suggestions of the Office of the First Minister and Deputy First Minister to develop peer mentoring and independent advocacy services to empower children and young people in care and to ensure that they are actively engaged in determining whether the system of care is working effectively and in their best interests (2006, initiative nr. 6 under ‘participation’ in the matrix), can be considered examples of participatory projects to support and determine life-changing decisions for the child.

Nonetheless, a number of these initiatives have been criticized. Even though the idea behind these processes may be positive, the reality shows that an effective participation is difficult to realize. For example, Lidén & Rusten (2007, initiative nr. 4 under ‘participation’ in the matrix) argue based on their analysis of the aforementioned child talks that these conversations take on the form of “*simply a tokenistic effort to realize [children’s] Convention rights*” (p. 281). Based on their findings, Lidén & Rusten (2007) identify a number of challenges to ensure *meaningful* participation of children, including the need for training of case workers to perform interviews with children and investigate their persecution. Their arguments are in line with the considerations of Van Gils & Vanderstede (2009, initiative nr. 11 under ‘problem statement’ in the matrix) who criticize the subsistence of ‘apparent’ participation, or a tokenistic approach towards the use of participation. In a participatory process, input of children and youth needs to be taken seriously, which is why a proper preparation and an adequate integration with possible input from other stakeholders (*cf.* § IV.2) are indispensable. Moreover, Van Gils & Vanderstede (2009) underline that participation can never be used as a way to pass responsibility over difficult issues to children and youth themselves (negative participation). Participation is used to involve children and youth in the expression of their best interests, but the responsibility for the realization of their best interests can never be put on the shoulders of the child or youth alone (*Cf.* KeKi, 2013a).

Participation is not only used in life-changing circumstances of the child. Participatory trajectories are also developed to prepare rather everyday decisions. An example from the matrix is the organization of ‘youth conferences’ in which children and youth’s voices are heard to include their interests in strategic policy initiatives (e.g. the Flemish ‘Klets’, ‘JET’ or ‘Youth pact’ conferences, initiative nr. 5 under ‘participation’ in the matrix).

### *Micro vs. meso level*

A number of the participation trajectories in the inventoried best interests initiatives are situated at the meso level. As decisions for (specific) groups of children are taken, a representation of the same group(s) is invited to participate. Examples from the matrix are the aforementioned nr. 5 and 6 under 'participation' in the matrix. Other initiatives focus on the participation of the individual child in a particular decision. Examples are the aforementioned nr. 4 and 7 under 'participation' in the matrix.

With regards to participation at the meso-level, two considerations are important. First of all, Van Gils & Vanderstede (2009; initiative nr. 11 under 'problem statement' in the matrix) warn for 'over-querying' children and underline that children and youth have the right to ignore participatory initiatives from the government. Their caution is in line with Herbots & Put's (2014) argument that participation is a right, not a duty, and can be refused by the child or youth. A second critical concern regarding participation at the meso level relates to difficulties in reaching certain children. In line with social research regarding children and youth, the risk of large participatory projects is more specifically that children and youth of socially vulnerable groups are not included because of structural reasons (e.g. language problems), transportation issues or more general cultural barriers (e.g. children of middle class families may be more strongly stimulated by their parents when invited to join a participatory project) (Op de Beeck, Vandenhole & Desmet, 2012). These difficulties can cause problems in getting children from specifically vulnerable groups involved, which is why their voice may remain unheard. To come to a balanced representation of youth who may be affected by the decision, extra efforts need to be done to address these groups.

Concrete suggestions to do so are formulated in Op de Beeck et al. (2012) and in KeKi (2013a). These publications first of all find inspiration in UNICEF Belgium's 'What do you think' projects, directed at capturing insights from vulnerable children. These projects target children with a disability, child refugees, children who grow up in poverty and children who are hospitalized. UNICEF Belgium applies different methodologies to reach these young people. They work together with specific target organizations (such as organizations who work with children in poverty) to come in contact with the children and develop customized methodologies to prevent exclusion or drop-out from the project. An example of the latter can be found in Buyschaert (2007) who included 23 youth with serious speech and communication disorders in her inquiry through the involvement of students in orthopedagogics who used non-verbal methods and communication support techniques (such as extensive observations, body- and sign language, yes or no questions, communication tools...) to capture the perspective of these youth. Other examples of adapted methodologies can be found in Buyschaert, Dominicy and Wautelet (2010) who used picture elicitation interviews, chatterbox documentaries, rap-songs and photo shoots as methodologies to learn about children's perspectives.

Not only UNICEF Belgium experimented with methodologies to involve children who are generally more difficult to reach. Social research projects can be referred to as well. For example, Zing, Chen & Xia (2009) used a stratified sampling technique to come to a representative panel of children and youth for their focus group investigation. First, they defined a number of important 'characteristics' such as residential area, age, gender.... In each characteristic, different categories were outlined (for instance, the 'residential area' characteristic can be divided in the categories 'rural area' and 'urban area'). Based on these characteristics and categories, the researchers developed a 'matrix' to determine how many children are to be included per combination of categories, to come to a balanced panel in which all target groups are represented (see figure 2). Zing et al. (2009) are not the only researchers making use of this technique, it can be found in different other projects as well (see for instance Mortelmans

(2007:153) or van Beek & Rutjes (2009)). Moreover, a number of other approaches to reach vulnerable children and youth could most likely be identified in the social research literature.

Figure 1: Sample distribution

				Zhejiang	Beijing	Chongqing	Qinghai	Liaoning
Urban	Children (120)	12 -	Boy	6	6	6	6	6
		14	Girl	6	6	6	6	6
		15 -	Boy	6	6	6	6	6
		17	Girl	6	6	6	6	6
	Adults (28)	Teacher		1	1	1	1	1
		Parent		2	2	2	2	2
		Community-worker		1	1	1	1	1
		Policy-maker		1	4	1	1	1
Rural	Children (120)	12 -	Boy	6	6	6	6	6
		14	Girl	6	6	6	6	6
		15 -	Boy	6	6	6	6	6
		17	Girls	6	6	6	6	6
	Adults(20)	Teacher		1	1	1	1	1
		Parent		2	2	2	2	2
		Community-worker		1	1	1	1	1

Total children:240  
Total adults:48

Figure 2. Representative sampling matrix (source: Zing et al., 2009)

### 3.3 Stakeholders

A third essential element of best interest assessment refers to the involved stakeholders. Naturally, from a participatory point of view, the child will be involved. Furthermore, parents, other family members or adult parties and official decision-makers can play an important role. Even though these other involved individuals mostly do pursue the child's best interests, their main concerns may also conflict with the child's best interests, as was argued in § IV.2 of this report.

Apart from possible conflicts of interests, the stakeholders' views on what is best for the child may also differ from what the child believes is in his best interests. Smeyers (2010) states: *"But there are additional difficulties with interpreting "best interests": should this be defined as what a child would choose for him- or herself under specified hypothetical circumstances, or rather as what is, as a matter of fact, best for the child?"* Even though this quote starts from a rather paternalistic perspective, because it refers to an assumption that a child does not know what is in his best interests, it does put attention to the fact that a duality may arise between the opinion of the child – which depends on his maturity, understanding of the situation and decision-making capacities – and the opinion of other involved parties.

In line with this tension, Archard & Skivenes (2009) argue that participation of children in a decision-making process can have a consultative or an authoritative function. The more mature children are – and thus the more competent to express their views in a decision-making process – the more authoritative their voice should be, according to Archard & Skivenes (2009). This continuum between consultation and authorization is closely connected to the mode of participation that is opted for in the participatory trajectory.

### *3.4 Modes of participation and their relation with children's evolving capacities*

In the literature, a variety of typologies defining different participation possibilities can be identified (Herbots & Put, 2014). Although Herbots & Put (2014) advise against a hierarchic interpretation of the different participation modes in these typologies, a certain sequence between the different forms of participation can be observed, depending on the weight that is allotted to the child's opinion throughout the participatory trajectory.

In this report, the typology suggested by Herbots & Put (2014) is discussed as a starting point, because they take a number of traditional typologies (such as Hart's 1992 model) as a basis but integrate *"empowering elements by which the degree of participation of a child in decision-making processes can be assessed"* (Herbots & Put, 2014:x). In this way, not only the intensity of the child's involvement is recognized, but also his empowerment in the process, or the potential for the development of the child's agency and self-realization throughout the participatory trajectory. Herbots & Put (2014) more specifically distinguish the following modes of participation: *initiation* (the child – alone or with an adult – starts up the (decision-making) activity), *information* (the child gathers and is provided with necessary information), *consultation* (the child can express his views or opinions), *engagement* (the views of the child are taken into account, the child acts in association with other participants) and *decision* (the child takes (part of) the decision, alone or with an adult). This typology was used as the standard for the current part of the content analysis. In the following paragraphs, existing guidelines and best interests projects from the inventory are investigated based on the participation modes of this typology.

#### *Herbots & Put's (2014) typology in the inventoried best interests projects*

In recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18 (initiative nr. 2 under 'participation' in the matrix), it is argued that *listening to children and youth and taking their views into account* – in accordance with their age and maturity – is necessary for an effective implementation of their right to have their best interests taken as a first consideration. The Guidelines on child-friendly justice of Committee of Ministers of the Council of Europe (CoE) (2010, initiative nr. 3 under 'participation' in the matrix) are based on the idea that *providing children with the opportunity to explain their opinion* in decisions that apply to themselves, is crucial in order to safeguard the child's best interests. General Comment 14 explains participation as a communications procedure that *"include[s] informing children about the process and possible sustainable solutions and services, as well as collecting information from children and seeking their views"* (p.18). These descriptions suggest that neither 'initiation' nor 'decision' are considered as a mode of participation in these guidelines. General Comment 14 concurs with the 'information' and 'consultation' modes in Herbots & Put's (2014) classification, whereas CM/Rec(2012)2 and the Guidelines on child-friendly justice appear to focus on engagement.

As for the child's best interests initiatives in practice, Van Gils & Vanderstede (2009, initiative nr. 11 under 'problem statement' in the matrix) argue that today, children's opinions are only heard in a consultative function. Yet, a closer look at the matrix does uncover more authoritative projects, in which the 'engagement' mode is aimed at. Earlier in this paragraph, the Irish peer-mentoring project was touched upon, which aims to empower youth in care institutions (initiative nr. 6 under 'participation' in the matrix). A similar – yet more concretely developed – project is localized in Sweden and directed at UMA's. In the 'Prate med oss, inte om oss' ('Speak with us, not about us', initiative nr. 14 under 'immigration/unaccompanied migrant minors' in the matrix) project, UMA's create their own, independent organization in which the older migrant youth – who already established themselves – support newcomers through mentoring and peer-to-peer activities. As well, this organization takes up lobbying activities for their peers through contacts with the community and with the support of other organizations and different governmental departments. Doing so, this organization has the potential to realize more than just having their member's voices heard: the organization can actually change policy and practice realities, based on their member's input, this way reaching an 'engagement' or 'decision' mode of participation.

#### *Assessing the child's maturity*

An important tension related to the different participation modes consists of the fact that *"the child's capacity, his/her age and level of maturity remain the point of reference"* (Herbots & Put, 2014: x)<sup>13</sup>, especially when it comes down to realizing the 'engagement' or 'decision' mode of participation. The main difficulty in this case is that (evolving) capacities and maturity cannot be defined 'by default'. Maturation cannot be connected to age demarcations, as it is a growth process in which rationality, long term perspectives, as well as moral, emotional and social competences are gradually obtained (Herbots & Put, 2014). General developmental insights can be used as broad guidelines, but the correlation between age and competence is not strong enough to justify the consideration of age as a decisive criterion (Archard & Skivenes, 2009). As no standard or predefined 'landmarks' for maturity can be defined, a child's maturation always needs to be judged on a case-by-case level. The remaining question is how these 'evolving capacities' in individual situations can be balanced with the intensity of the child's partaking in the decision and/or the weight given to the child's opinion. The matrix provides some inspiration on how to address this question.

First of all, to adequately assess an individual child's maturity and/or decision-making capacities, training is – again – an important quality, according to Herbots & Put (2014) (also see § IV.1.6 in this report). Second, Archard & Skivenes (2009, initiative nr. 7 under 'participation' in the matrix) worked out a basic framework that can be used as a guideline in this case. These authors argue that the assessment of a child's maturity needs to be clearly separated from the evaluation of the child's opinion. It may be self-evident that a child cannot be considered 'too immature' to be involved just because his opinion differs from the views of other parties, but – in line with the discussion regarding the development of a clear decision-making structure (see § IV.1.4) – it is useful to expressively disconnect both assessments to avoid possible (subconscious) interactions. As well, Archard & Skivenes (2009) suggest that the number of choices the child faces and the impact of the different alternatives in his life, should be taken into account when assessing the child's maturity to take a decision. Furthermore, the authors argue that the reasons to doubt the child's decision-making ability should not differ from the reasons to doubt an adult. After all, it would be unfair, according to Archard & Skivenes (2009), to ask children to be more competent decision-makers than adults.

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<sup>13</sup> Herbots & Put (2014) specifically refer to participation as defined by the CRC.

Finally, Archard & Skivenes (2009) sum up a number of observations that may indicate a lack of maturity or underdeveloped decision-making skills of the child. According to them, the following findings can be considered as ‘valid’ reasons for doubting the child’s decision-making competences: ignorance, a poor understanding of the issues, a lack of decisive independence, over-dependency on the judgments of others, and/or inconsistencies in judgment. To uncover such possible predicaments, the authors suggest to pay specific attention to the consistency with which the children express their opinion, the reasons the children bring up to hold such an opinion and to also examine the child’s appreciation of the consequences of their opinion.

#### *Direct and indirect participation*

In light of different participation modes and possibilities, the difference between direct or indirect participation can also be touched upon. The child can be directly included in the process himself, or he can be represented by an adult who communicates his views, needs and wishes. Most of the projects in the matrix target a direct involvement of the child, potentially assisted by an independent attorney who is specifically trained to support children (as recommended in initiatives nr. 3 and 7 under ‘problem statement’ and initiative nr. 4 under ‘participation’ in the matrix). In this case, it is important that the child receives necessary information in his own language and adapted to his own background and level of understanding.

However, if the child did not yet acquire the maturity to be directly involved, indirect participation through representation is also a possibility. In this case, parents or a trained professional could articulate the child’s interests, based on their own communications with the child. Two projects in the matrix formulate interesting side notes regarding such a representation. The NSPCC report (initiative nr. 3 under ‘problem statement’ in the matrix) points out that the communication of children’s insights by a social worker or other practitioner may be influenced by this individual’s personal views of the case, an argument which aligns with the earlier discussed claims that views on what is best for the child as well as different parties’ insights may in some situations contrast (see IV.2 and § IV.3.3). Bilson & White (2005, initiative nr. 7 under ‘delinquency/juvenile justice/child abuse/victimisation’ in the matrix) found, based on an international comparison, that a lawyer is better able to guarantee participation and adequate representation of the child in public or private law procedures than a guardian whose role it is to assess the child’s best interests and to communicate the child’s viewpoints.

A second argument to justify indirect representation specifically considers participation to decisions at the *meso or macro* level. The content analysis reveals that, in these particular situations, it is possible to opt for representation for pragmatic reasons. For example, in the evaluation of the Flemish CRIA (initiative nr. 4 under ‘child impact assessments’ in the matrix), it was underlined that direct consultation of children and youth was in this case not necessarily practical, as most of the civil servants do not have the necessary experience to set up a participatory trajectory with children and youth and a number of organizations who are specialized in representing the views of children and youth, such as the Youth Council, are available. In this case, it is nonetheless important that the consulted organizations can communicate views that are representative for different (sub)groups of children and youth (*cf.* § IV.3.2).

#### ***Recapitulation: hearing children’s voices***

Both in theory and in practice, participation of children and youth is considered to be inextricably linked to their best interests. Even though ‘participation’ is considered both a means and a goal in light of children’s best interests, it was found that in the inventoried projects participation is most often adopted as an instrumental practice. Moreover, the content analysis shows that



participation is predominantly interpreted as a way of hearing children and youth's voices in decisions that affect themselves. Doing so, the perspective of the rights holder (i.e. the child), or the 'insider perspective' is used as a starting point. Tensions that arose in this case, are the following. (1) Participation that is not properly prepared or performed and merely organized to fulfill a participatory or consultative duty rather than to come to a meaningful overview of the child's insights ('apparent' or 'tokenistic' participation). (2) The use of participation to transfer responsibility for the realization of the child's best interests to the child himself ('negative' participation). (3) 'Overquerying' children (at the meso-level): participation is a right, not a duty. (4) Underrepresentation of socially vulnerable youth (at the meso-level). (5) The lack of standardized demarcation points to define children's maturity, necessitating an assessment on a case-by-case basis. (6) Related to (5), the difficult estimation as to whether direct or indirect participation is more appropriate. As for apparent or negative participation and overquerying of children, awareness may already suffice to refrain from these pitfalls. Regarding the other tensions, a number of specific strategies to approach these have been identified throughout the analysis of the inventoried practices. For the assessment of the child's maturity, insights of Archard & Skiveness (2009) are mainly referred to. Archard & Skiveness (2009) recommend separating the assessment of the child's maturity from the best interests assessment and to evaluate the way children express their opinion, their reasoning and their appreciation of different decision outcomes. Based on this maturity assessment a specific mode of direct participation or indirect participation through representation can be opted for. As well, indirect representation through specialized youth organizations can be advisable in decision-making at the meso-level. Finally, for assessments at the meso-level, different techniques to realize a more equal representation of children and youth were discussed, including cooperation with specific target group organizations, the development of customized methodologies and representative sampling techniques.

#### **4. Child rights impact assessments at the policy level**

A last important consideration in the translation of the best interests principle from theory to practice relates to assessing the best interests of children at the policy level. Admittedly, the relation between Child Rights Impact Assessments (CRIA) at the policy level and best interests assessment is not discussed as a tension. Rather, three existing difficulties relating to CRIA are discussed because they may connect to individual best interests assessments: recommendations to address these difficulties may be transferable to best interests assessments.

Assessing children's best interests does not take place in a vacuum, as has already been discussed several times throughout this report. Different social and legal contexts do play a role. In the discussion on possible conflicts of interests (§ IV.2) and/or differing views on what is best for the child (§ IV.3.3), the close family circle of the child was underlined as a crucial context. Furthermore, the government and the broader society are influential actors, which was discussed in § IV.2.2. The importance of these different contexts is recognized by the Committee in its General Comment 14. This General Comment considers a policy and legal context adapted to the child's best interests as an important procedural guarantee to safeguard individual children's best interests. The legal stipulations and policy framework under which the individual best interests assessment is performed, considerably regulates what the individual assessment will look like. Therefore, General Comment 14 recommends that *"with regard to implementation measures, ensuring that the best interests of the child are a primary consideration in legislation and policy development and delivery at all levels of Government demands a continuous process of child rights impact assessment (CRIA) to predict the impact of any proposed law, policy or budgetary allocation on children and the enjoyment of their rights, and child rights impact evaluation*

to evaluate the actual impact of implementation” (p.10). In other words, this General Comment conceptualizes CRIA as a crucial instrument to shape an optimal frame of reference for individual best interests assessment.

Furthermore, CRIA’s do *procedurally* relate to individual best interests determinations. CRIA’s assess the impact of legislation on children, youth and – most importantly – children’s rights. They hold an ex-ante reflective process of the impact that a planned policy decision or legislative action will have on children and youth which is documented in a written report. If the decision or action generates negative implications for children and youth, the decision-maker needs to develop a more appropriate alternative (Desmet & Op de Beeck, 2014). Moreover, in their descriptions, the Swedish Child Impact Analysis, the Welsh Children’s Rights Impact Assessment and the Flemish Child and Youth Effect Report (JoKER) particularly refer to Art. 3 CRC as a guiding principle (initiative nr. 4 under ‘Child Impact Assessments’ in the matrix).

These close interrelations do suggest that child rights impact assessments and best interests assessments can invigorate each other as related practices by providing additional solutions to existing shortcomings. For that reason, CRIA’s and related instruments to realize children’s best interests in legal and policy decisions – such as child budgeting – were included in the inventory (initiatives nr. 1, 2, 3 and 4 under ‘child impact assessment’ in the matrix). The Flemish Child Rights Impact Assessment, called the ‘Children and Youth Effect Report’ (JoKER), has recently been extensively evaluated (Desmet, Op de Beeck & Vandenhole, 2012, initiative nr. 4 under ‘Child Impact Assessments’ in the matrix). This evaluation brought up a number of important tensions in the functioning of the JoKER that more broadly relate to CRIA’s in general, as the JoKER is considered an international ‘good practice’ (Desmet, Op de Beeck & Vandenhole, 2014). Three central findings from this evaluation are more closely looked at and compared with best interests assessments, based on the idea that new developments in best interests assessments may be inspired by existing tensions in CRIA content and methodologies.

First of all, the quality of the JoKER arose from the evaluation as an important tension, as this quality appeared to be variable and partly dependent on the civil servant who performed the JoKER. As well, knowledge and expertise to qualitatively perform a JoKER were too limited among the civil servants at the time of evaluation. For that reason the development of a JoKER cell was recommended, in which expertise regarding JoKER is centralized and accessible by any stakeholder. This JoKER cell should include a clear and adapted manual regarding the performance of a JoKER and be online consultable, to guarantee easy access to the information. As well, the addition of finished JoKER reports to serve as ‘good practices’ was suggested: these practices can be used by civil servants as an example when drafting up their own JoKER.

The suggestion to centralize existing knowledge and expertise is interesting in light of assessing children’s best interests. Generally, the overview of inventoried projects (see § III.2) uncovered that not only different interpretations regarding the content of the best interests principle exist, but also that best interests projects are developed in diverse shapes and sizes: clear and concise ‘fact sheets’, ‘standards’ or ‘checklists’ are created (for example, initiative nr. 8 under ‘alternative care, guardianship and adoption’; initiative nr. 7 under ‘participation’; initiative nr. 8 under ‘best interests determination’; initiative nr. 2 under ‘health’ in the matrix), various best interests training programs are developed (see § IV.1.6 in this report), different participatory trajectories are set up (see § IV.3 in this report), etc. Although a number of general guidelines have been brought out in this case (such as General Comment 14 or the handbook developed by UNHCR and Save the children, initiative nr. 10 under ‘immigration/unaccompanied migrant minors’ in the matrix), these instructions are fragmentary

available through diverse websites and different information carriers. Therefore, the suggestion to integrate knowledge and expertise is valuable in this regard. Through a general and user friendly website that displays the main theoretical and legislative stipulations as well as an inventory of best interests 'good practices', applicable in different situations, international stakeholders who are looking for inspiration to build their own best interests project could be provided for.

On a related note, it can be observed that in the Flemish government, a network of 'focal points for children's rights' exists – there is one focal point for each policy domain – whose task includes following up on the JoKER's in their respective policy domains. These focal points answer civil servants' questions regarding the JoKER; they support civil servants who are performing a JoKER and generally advocate for the JoKER within their policy domain. This system could possibly be extendable to the practice of assessing best interests as well. By appointing national or regional best interests focal points who are up-to-date with the most recent insights from child (development) studies, the quality and uniformity of best interests assessments could be improved. These focal points could provide support for local stakeholders who need input regarding best interests assessment, but also generally advocate the best interests principle in judiciary and non-judiciary decision-making contexts in their region.

Furthermore, similar to the relation with training and education regarding children's best interests – which was touched upon in § IV.1.6 in this report – the JoKER study recommends an ex-post evaluation to improve the quality of the CRIA in the long term. As well, this recommendation relates to the suggestion to provide external control over the JoKER-process. Such control mechanisms may *not* be applicable to individual best interest assessments: some of these assessments take place within a judiciary context, control may therefore impede the judge's autonomy. Nonetheless, the lack of control over the best interests assessment can be substituted by facilitating public control over court decisions and providing the possibility to appeal against decisions, also for children, as was already discussed in § IV.1 of this report. The implementation of a complaint mechanism, foreseen by the Optional protocol to the Convention on the rights of the child on a communications procedure – which provides children and youth, or people who represent them, with the opportunity to file a complaint with the UN Committee on the Rights of the Child – can be considered as a specific type of control mechanism (initiative nr. 1 under 'participation' in the matrix).

Not only the quality of the JoKER was discussed in the evaluation; the scope of this CRIA was scrutinized as well and found to be too limited: the JoKER obligation only counts for proposals of acts of parliament that directly impact children and youth (Desmet, Op de Beeck & Vandenhole, 2014). Based on the evaluation, it was suggested to broaden the scope of the JoKER to also include decisions that indirectly affect children. This suggestion cannot be applied to the best interests principle as defined by General Comment 14, which states that *"every action relating to a child or children has to take into account their best interests as a primary consideration. The word "action" does not only include decisions, but also all acts, conduct, proposals, services, procedures and other measures"* (p.10). As well, the Committee specifies that best interests assessments are necessary for *"measures and decisions directly concerning a child, children as a group or children in general, and secondly, to other measures that have an effect on an individual child, children as a group or children in general, even if they are not the direct targets of the measure"* (p.10). In other words, General Comment 14 does already recommend a broad scope in the interpretation of the best interests concept.

In light the scope of the assessment, it is nonetheless important to refer to §IV.2 in this report, in which the possibility of conflicts between children's interests and interests of other involved parties are discussed. This discussion may be especially relevant in decisions that do not have children as a main

target group or that only indirectly affect children, as in these decisions other parties' interests may also be prominent. Furthermore, this broad scope may complicate the demarcation as to when a child's best interests assessment is necessary, especially in decisions that only indirectly affect one or more children. Examples can be found in child budgeting exercises, in which this difficulty is often underlined (initiative nr. 3 under 'child impact assessments' in the matrix). For example, to what extent are children's best interests assessments to be included in decisions regarding, for instance, a safer traffic (D'Hondt & Van de Weyer, 2014; Op de Beeck & Desmet, 2014)? This reflection relates to the earlier discussion in this report regarding conflicts of interests (§ IV.2.2), in which the use of public space was brought up as an example.

Third, the JoKER evaluation brought up a number of interesting recommendations regarding the assessment *process* of which one may also be applicable to best interests assessments. More specifically, the JoKER study found that *"too much focus is placed on JoKER as a product, and too little on JoKER as process"* (Desmet et al., 2014: xx), a bias that is also visible in the name of the assessment ('child and youth impact *report*'). Desmet et al. (2014) emphasize that the process aspect of the JoKER should take a central place, as the main purpose of the JoKER is to have decision-makers reflect about the possible impact of their decisions on children and youth. The eventual goal of the JoKER is indeed to make the decision-maker aware of potentially negative consequences of his decision for children and youth and, in that case, to motivate him to look for less intrusive alternatives. Merely completing a JoKER document will not suffice to arrive at this goal; this type of awareness can only develop through a thorough and qualitative reflection process. Looking back to the earlier results of the content analysis, this recommendation concurs with the overall argument to focus on procedural aspects of best interests determination, based on the premise that a cohesive and sound methodology leads to more qualitative outcomes.

### ***Recapitulation: child rights impact assessments at the policy level***

Child rights impact assessments (CRIA) were included in the best interests inventory, based on the argument that (1) legal stipulations and policy contexts create a frame of reference that inevitably influences individual best interests assessments and (2) individual best interests determinations procedurally relate to the CRIAs, as both instruments aim to capture the consequences of different decision alternatives on children and youth in order to come to a decision that is most optimally aligned to the child's wishes and needs. From the premise that both instruments can promote each other, a recent evaluation of one international 'good practice' in child rights impact assessing was adopted, based on which additional insights regarding assessing best interests were acquired and some of the earlier findings from the content analysis were confirmed. The most important suggestions that arose from this restricted comparison were the following. (1) To centralize knowledge and expertise regarding best interests assessments and make it accessible through online modalities and through the support of a network of informed focal points. (2) To facilitate control of, and appeal to, decisions that directly or indirectly affect children. (3) To take the social context of the child into account in best interests assessments. Especially in decisions that only indirectly affect children, balancing the different interests involved may be a precarious exercise. (4) To underline the *process* character in determining children's best interests: not the eventual outcome, but the underlying reflections of the assessment are paramount.

## V. CONCLUSION

Based on a limited inventory of international child best interests initiatives from 2004 onwards, a content analysis was performed which uncovered four common tensions in the translation of the best interests principle from theory to practice: the workability of a vague and generalist concept, conflict of interests, hearing children's voices and child rights impact assessments at the policy level. A number of the initiatives offered valuable ways to address some of the identified difficulties. These approaches were more thoroughly investigated and discussed in this report, based on the premise that 'good practices' can be used as an inspiration to further develop and promote a best interests framework that is applicable in children's daily realities.

It was found that formulating a substantive interpretation of the best interests principle that is applicable to a broad variety of individual situations is difficult, as this principle appears to be inevitably indeterminate, flexible, dynamic, developmentally dependent and context-specific. These characteristics complicate the production of concrete 'instruments' to efficiently estimate children's best interests in different particular situations. Kalverboer & Zijlstra (2006) did portray that the creation of a concrete interpretation, based on a solid scientific methodology, is not impossible, although it is important to clarify the limitations as well as the specific framework the interpretation is based upon. The advantage of their model is the potential it holds to copy the methodology to come to a culturally sensitive interpretation – and/or interpretations for different substantive themes, such as the best interests of children in detention – as a culturally sensitive framework can be used as a starting point.

Apart from Kalverboer & Zijlstra's (2006) exercise, the content analysis indicated that when working with or about children's best interests, it might be necessary to simply accept the lack of a generally applicable interpretation and to instead focus on procedural elements to come to an adequate assessment. In line with this observation, based on the findings of the content analysis, it was suggested in this report to address a best interests decision as the end of a *learning trajectory* – rather than as the final result a concrete instrument – in which adults together with children learn about what is best for the child. To develop such a learning experience, inspiration can be found in *mediation mechanisms and practices* that are specifically directed towards learning about each other's perspective. Since mediation practices initially developed in a context of conflict resolution, the suggestion to implement these in a best interests determination moreover concurs with the observation that children's interests may at times conflict with the interests of other involved parties. Additionally, it was suggested to explicate *other parties' interests* – such as parental interests – as well, and to develop mechanisms to safeguard these interests. This way, the use of the children's best interests principle as a general pretense to defend *all* involved interests, can be avoided.

Furthermore, even though the importance of education and training may appear to be self-evident, the findings from the content analysis suggest that the background, knowledge and communicative skills of the *individual who performs the best interests assessment may be more important than the tool that is used for the assessment*. Best interests determinations are not merely a matter of applying a certain instrument or filling out a checklist. The individual knowledge, background and personal characteristics of the professional performing the assessment may play a more decisive role in the process. This reflection does not erase Smeyers' (2010) criticism about the unattainability of an 'objective' interpretation of the best interests principle, but addresses it by putting focus on training and education, this way providing the involved professionals with the necessary competences to perform the assessment as adequate and holistic as possible. Especially in cases in which important

decisions are taken by individuals whose main experiences or skills are not necessarily child-specific – such as return decisions taken by immigration judges – training directed at understanding child psychology, development and/or a child rights perspective may bring added value. The content analysis uncovered that different educational programs and practical training packages do yet exist for a variety of professional groups. These packages can serve as an inspiration for policy makers or practitioners who wish to start up a child-specific program. Furthermore, bachelors or masters in Childhood Studies, Children’s Studies or Children and Youth studies – which are interdisciplinary programs focusing on child development and children's livelihoods and welfare from sociological, psychological, cultural, economic... perspectives – can get involved in the creation of such a program. Finally, monitoring and feedback were found to be important processes in the education of the decision-maker. Indeed, an ex-post or feedback system allows the decision-maker to learn about the consequences of his decision. This way, more varied knowledge and experience to come to more adapted decisions in the future is built.

Monitoring and feedback are therefore considered important (final) components of decision-making procedures. The development and clarification of a clear decision-making procedure or structure was suggested in this report, based on the premise that *explicating how a best interests assessment is to be performed* may be more feasible than predefining the substantive elements that should be included in the assessment. Such an exercise decreases chances of arbitrary decision-making by visualizing possible underlying assumptions, avoiding focus on intuition and generally rationalizing the decision-making process. Findings from the content analysis uncovered that a decision-making structure should at least clearly differentiate between (1) the assessment of the maturity of the child, which is necessary to weigh the opinion of the child in the process and (2) the assessment of the child’s best interests, which will be the dominant consideration in the final decision. Traditional decision-making structures generally hold (1) an exploratory phase in which relevant information is gathered, (2) a problem analysis and development of different decision alternatives, (3) an assessment of the consequences of the different alternatives, (4) evaluation and selection of one of the alternatives and (5) follow-up and monitoring. However, other decision-making procedures may also be available.

The ‘insider perspective’, which can be obtained through participation of the rights holders themselves (the children) is considered important in the best interests procedure. In the inventoried projects, the concept of ‘participation’ is predominantly interpreted as ‘hearing children’s voices’. Participation is used in an instrumental way, as a means to acquire understanding of what the child feels, thinks and believes is in his best interests. To do so, it is important to adequately inform children (in their own language and adapted to their own level of understanding). The weight to be allotted to a child’s opinion strongly relates to the maturity of the child. *As age cannot be considered an adequate criterion to evaluate the child’s decision-making capacities, this should be judged on a case-by-case basis.* Especially the way in which children express their opinion, their reasoning and their understanding of the consequences of the different decision alternatives can be used as a guideline in this case. Based on this maturity test, performed by an individual who is up-to-date with recent child developmental knowledge, the child should either be invited to partake in the decision-making process himself – as an equal next to the other involved stakeholders – or be represented by a close family member or a trained professional who expresses the child’s wishes and needs based on close communications with the child.

Hearing children’s voices is not only considered important in individual decisions; in group decisions (for example, policy decisions that impact the lives of more than one child) children’s voices are crucial as well. In this case, an important challenge arising from the content analysis is the assurance of an

equal representation. Especially socially vulnerable children and youth have a higher risk of being excluded from participatory trajectories, due to various structural barriers. A non-exhaustive number of strategies to address this challenge, such as cooperation with target group specific organizations, the development of adjusted methodologies and representative sampling methods, was suggested based on existing participation and social research practices. As well, in light of a meaningful participation, different authors and practitioners are cautious for tokenism, negative participation and 'overquerying' of children.

Finally, a variety of child (rights) impact assessments were included in the analysis, as examples of best interests assessments at the macro or policy level. This consideration was based on two premises, (1) CRIA are brought forward by General Comment 14 as crucial instruments to shape an optimal frame of reference for individual best interests assessments and (2) CRIA procedurally relate to best interests assessments as they both hold an ex-ante reflective process regarding the impact of important decisions on children's lives. Therefore, it was argued that CRIA and best interests assessments can add to each other by providing original solutions to existing shortcomings. As the focus of this report was on the practice of best interests assessments, this part of the analysis was directed on ways in which best interests assessments can be invigorated by CRIA. Based on a comparison with an extensive evaluation of the Flemish CRIA, a number of interesting recommendations emerged. First of all, it was recommended to centralize knowledge and expertise regarding best interests assessments and make it accessible through online modalities and through the support of a network of informed focal points. Secondly, the facilitation of control over, and appeal to, decisions that directly or indirectly affect children. Third, this comparison referred again to the importance of the social context of the child. Especially in decisions that only indirectly affect children, balancing the different interests involved may be a precarious exercise. Finally, it was advised to emphasize the *process* character in determining children's best interests: not the eventual outcome, but the underlying reflections of the assessment are paramount.

To close this report, it should be underlined one more time that the current study was limited by a number of important shortcomings, as was explained in the methodology section of this report. Due to these limitations, the current report is based on only a 'tip of the iceberg' of existing best interests initiatives and therefore only discusses the most common and visible tensions regarding the translation of the best interests principle from theory to practice. However, the fact that even such a narrow analytic strategy could bring up a number of useful recommendations and discussion topics, portrays the value of bringing together different insights and expertise that developed 'bottom-up' from (local) policy and practice. This analysis shows that practitioners worldwide have not been discouraged by theoretical difficulties in the best interests principle and developed creative ways to effectively use this concept in their own professional reality. The best interests principle is inherently an indeterminate and a dynamic concept, but in its vagueness lies as well its strength: it prevents standardisation, uniformity and depreciation. Indeed, the margin of appreciation that remains in this concept encourages practitioners and policy makers to continuously reflect about what is in children's best interests and to look for innovative and more adapted approaches to grasp this concept. Consequently, this finding underlines once again that moving forward in the children's rights field is not merely a matter of creating new theory or legislation. On the contrary, it is the dialogue between theoretical inspiration and practical creativity that can create pathways for actual progress and proficiency.

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## VII. ANNEX. OVERVIEW OF THE SCREENING OF POLICY STRATEGIES AND PRACTICE INITIATIVES REGARDING THE BEST INTERESTS OF THE CHILD SINCE 2004

Overview color codes

Problem statement	Best interests advocacy
Parents in detention	Immigration/ Unaccompanied migrant minors
Divorce/custody/parental responsibility	Delinquency/juvenile justice/child abuse/victimization
Alternative care: guardianship/ adoption	Child care
Alternative care: institutionalized youth care	Media/Advertising
Participation	(Public) space
Best interests determinations	Health
Child impact assessments	Specific minority groups

Note: The color in the left column of the matrix (under 'main theme') signifies the category the project is initially assigned to. However, as many of the projects can be assigned to different categories, a secondary category may be signified by the color or the right column (under 'motivation and subtheme')

Main theme	Initiative	Motivation and subtheme
P r o b l e m	1) COUNTRIES: Europe. REF: T.M.C. Asser institute (2007). Comparative study on enforcement procedures of family rights, <a href="http://ec.europa.eu/civiljustice/publications/docs/family_rights/study_family_rights_synthesis_report_en.pdf">http://ec.europa.eu/civiljustice/publications/docs/family_rights/study_family_rights_synthesis_report_en.pdf</a> . CONTENT: This comparative study shows how financial sanctions towards partners who break their divorce agreements often conflict with the best interests of their child (for instance, lowering alimony for the parent who does not respect the visitation rights of the other parent). DISCIPLINE: law/educational studies, THEME: divorce. SOURCE: European Commission via database Children's Rights Coalition.	Study underlines need for measures in line with best interests of the child in case of divorce. Also: Divorce/custody/parental responsibility.
	2) COUNTRY: Netherlands. REF: van Rooijen (2007). Scheiden zonder vrijheid. <i>Is gezamenlijk ouderlijk gezag na echtscheiding in het belang van het kind?</i> Nijmegen: Wolf Legal Publishers, <a href="http://www.wolfpublishers.com/docs/16.pdf">http://www.wolfpublishers.com/docs/16.pdf</a> . CONTENT: This project uncovers that co-parenting after divorce is most often in line with the best interests of the child, however this is not always the case. The author recommends the creation of Advice Centers for Divorce and Custody Mediation that operate independently from the Youth Care Offices ('Bureaus Jeugdzorg'). DISCIPLINE: educational studies, THEME: Divorce/custody/parental responsibility. SOURCE: Wolf Publishers via Google.	Study underlines possible need for independent organizations/measures to act in the best interests of the child in case of divorce. Interesting recommendations for 'right to family' in practice. Also: Divorce/custody/parental responsibility.
	3) COUNTRY: UK. REF: National Society for the Prevention of Cruelty to Children (NSPCC) (2012). Returning Home from Care: What's Best For Children, <a href="http://www.crin.org/docs/returning-home-from-care_wdf88986.pdf">http://www.crin.org/docs/returning-home-from-care_wdf88986.pdf</a> . CONTENT: This project shows that judges' decisions to return a child home (after being placed out of home) are not always in the best interests of the child. Sometimes the interests of the parents prevail. DISCIPLINE: educational studies/criminology, THEME: out-of-home placement. SOURCE: CRIN via database Children's Rights Coalition.	Study indicates possible need for instrument to support judges in putting the interests of the child first. Also: Alternative care: institutionalized youth care.
	4) COUNTRY: US. REF: Scott & Emery (2013). Gender Politics and Child Custody: The Puzzling Persistence of the Best Interest Standard. <i>Law and Contemporary Problems</i> , 52, <a href="http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2275581##">http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2275581##</a> . CONTENT: In this work it is argued that 'best interests of the child' standards are often used wrongly in court (for example in parents' battle for custody) and that the determination of children's best interests too often relies on the expertise of psychologists and health specialists who cannot always fathom existing family problems and dynamics. Practical suggestions to reduce these problems are provided in the report. DISCIPLINE: law/educational studies, THEME: Divorce/custody/parental responsibility. SOURCE: Social Science Research Network via Google.	Study underlines need for new input to rely on to determine 'best interests of the child' in court. Possibly adoptable recommendations are formulated. Also: Divorce/custody/parental responsibility.
	5) COUNTRY: Norway. REF: *Skivenes (2010). <i>Judging the Child's Best Interests: Rational Reasoning or Subjective Presumptions?</i> Thousand Oaks (USA): SAGE Publications; *Skivenes (2010). Judging the child's best interests. <i>Acta Sociologica</i> , 53(4), 339-353. CONTENT: Based on the analysis of three cases regarding forced adoption in the highest Norwegian appeals court, it is found that the determination of the best	Study indicates possible need for instrument to support judges' decision regarding adoption in order

S t a t e m e	<p>interests of the child is done in a subjective instead of a rational way. Consequently, the court decisions in these cases are neither rational nor legitimized, according to the author. DISCIPLINE: law, THEME: adoption. SOURCE: www.kekidatabank.be.</p>	<p>to safeguard the child's best interests. Also: Alternative care: guardianship/adoption.</p>
	<p>6) COUNTRY: South Africa. REF: Bonthuys (2005). The Best Interests of Children in the South African Constitution, <a href="http://www.childjustice.org/index.php/component/edocman/?view=document&amp;id=184&amp;Itemid=0">http://www.childjustice.org/index.php/component/edocman/?view=document&amp;id=184&amp;Itemid=0</a>. CONTENT: The author underlines that the principle of the best interests of the child is most often used in South African (family) courts to articulate parental rights: adult litigants fail to argue the interests of children separate from their own interests. The author pleads to not use the best interests principle to mediate the rights of other family members, but to compel the full and proper consideration of the constitutional rights of children alongside of the rights of other family members. DISCIPLINE: law, THEME: general. SOURCE: Children's Rights International via Google.</p>	<p>Presentation underlines confusion between child's best interests and interests of other related parties. Also: Divorce/custody/parental responsibility.</p>
	<p>7) COUNTRY: Belgium. REF: Kinderrechtencoalitie (2010). Alternatief Rapport van de NGO's over de toepassing van het International Verdrag inzake de Rechten van het Kind in Belgium, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf</a>. CONTENT: The different Bars organize a specific training program in juvenile justice for lawyers who wish to represent minors. Since 2005, youth permanency should consist of lawyers who took this program or who are committed to take this program. However, it can be observed that not all Bars follow the same guidelines, causing quality differences in the services that are offered to children. As well, in the actual situation no one exclusively defends the best interests of the child in court. The Children's Rights Coalition underlines that consistent legal assistance by a juvenile attorney is necessary to safeguard the best interests of the child. In this case, attention should be paid to the quality of the assistance. DISCIPLINE: law, THEME: legal assistance. SOURCE: database Children's Rights Coalition.</p>	<p>The alternative report underlines the need for consistent training for youth lawyers. Also: Delinquency/juvenile justice/child abuse/victimization.</p>
	<p>8) COUNTRY: Belgium. REF: *Kinderrechtencoalitie (2010). Alternatief Rapport van de NGO's over de toepassing van het International Verdrag inzake de Rechten van het Kind in Belgium, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf</a>. CONTENT: the Children's Rights Coalition claims that more in-depth reflection about the notion 'best interests of the child' is needed. In this social debate, all stakeholders and interested parties should be able to express their vision. DISCIPLINE: general, THEME: general. SOURCE: database Children's Rights Coalition.</p>	<p>The alternative report underlines the need for a clear operationalization of the notion 'best interests of the child'. Also: Best interests determinations.</p>
	<p>9) COUNTRY: Netherlands. Smyth (2013). The Common European Asylum System and the Rights of the Child. <i>Unpublished doctoral thesis</i>, University of Leiden. CONTENT: The richness and complexity of the concept 'best interests of the child' is underlined in light of the Common European Asylum System. DISCIPLINE: general/law, Theme: general/asylum. SOURCE: personal communication.</p>	<p>Study elaborates on the complexity of the 'best interests' concept. Also: Best interests determinations.</p>
	<p>10) COUNTRY: US. REF: International Human Rights Law Clinic, Chief Justice Earl Warren Institute on Race, Ethnicity and Diversity &amp; Immigration Law Clinic (2010). In the Child's Best Interest? The consequences of losing a lawful immigrant parent to deportation. <i>Policy brief</i>,</p>	<p>The forced deportation of lawful permanent residents (LPR) parents</p>

n t	<p><a href="http://www.law.berkeley.edu/files/Human_Rights_report.pdf">http://www.law.berkeley.edu/files/Human_Rights_report.pdf</a>. CONTENT: Through a multi-disciplinary analysis, this policy brief examines the experiences of US citizen children impacted by the forced deportation of their LPR parents and proposes ways to reform US law consistent with domestic and international standards that aim to improve the lives of children. DISCIPLINE: law/social work studies, THEME: deportation of LPR. SOURCE: Berkeley University via Google.</p>	<p>from US infringes on children's best interests. Also: Specific minority groups.</p>
	<p>11) COUNTRY: Belgium (Flanders). REF: Van Gils &amp; Vanderstede (2009). Kinder- en jongerenparticipatie: verzaagingspunt bereikt? <a href="http://www.steunpuntjeugd.be/uploads/documents/Krax_92___DOSSIER4.pdf">http://www.steunpuntjeugd.be/uploads/documents/Krax_92___DOSSIER4.pdf</a>. CONTENT: The authors are critical about 'over-querying' children and youth and about 'apparent participation' which is nothing more than transferring responsibility over difficult issues to children and youth themselves. They underline that children and youth do have the right to ignore participation initiatives from government. DISCIPLINE: social work studies/educational studies, THEME: participation. SOURCE: Krax via database Children's Rights Coalition.</p>	<p>Warning for 'over-querying' and 'apparent participation' in setting up participative methodologies. Also: Participation.</p>
	<p>12) COUNTRIES: Europe. REF: Garde (2011). Advertising Regulation and the Protection of Children-Consumers in the European Union: In the Best Interests of... Commercial Operators? <i>International Journal of Children's rights</i>. CONTENT: Notwithstanding the promise to implement the best interests of the child in EU-policies, the European Commission does not succeed in protecting children in internal markets and consumer policies. This is illustrated by the Unfair Commercial Practices Directive and the Audiovisual Media Services Directive. DISCIPLINE: communication sciences/economics THEME: trade, media. SOURCE: <a href="http://www.kekidatabank.be">www.kekidatabank.be</a>.</p>	<p>The author claims that the European Commission does not succeed in protecting children's best interests in consumer policies. Also: Media/Advertising.</p>
	<p>13) COUNTRIES: Europe. REF: Hodson (2008). The rights of children raised in lesbian, gay, bisexual or transgender families: a European perspective, <a href="http://www.ilga-europe.org/content/download/12754/76793/version/2/file/Children's+Report_03.pdf">http://www.ilga-europe.org/content/download/12754/76793/version/2/file/Children's+Report_03.pdf</a>. CONTENT: The author argues that, even though a number of European and international treaties protect children's family rights, the concept of 'family' has not been well defined, which may cause problems for the protection of children's best interests in lesbian, gay, bisexual and transgender (LGBT) families. Moreover, the lack of guidance at a European level causes the family rights of children in LGTB families to considerably vary throughout European countries. To ensure that all children enjoy human rights equally, the author pleads for more guidance at the European level in this matter. DISCIPLINE: law, THEME: family rights/LGTB parents. SOURCE: International Lesbian and Gay Association (ILGA) via Google.</p>	<p>Lack of European guidance regarding the interests of children growing up in LGBT families.</p>
p a r e	<p>1) COUNTRIES: Europe. REF: Tomking (2009). Orphans of Justice. In search of the best interests of the child when a parent is imprisoned: Legal Analyses, <a href="http://www.crin.org/docs/Orphans%20of%20Justice.pdf">http://www.crin.org/docs/Orphans%20of%20Justice.pdf</a>. CONTENT: In the best interests of the child, a stronger focus on creative, community-based and restorative sanctions is advised for parents who committed a crime. If this is not possible, it is advised to maximally guarantee a regular contact between parent and child during the parent's imprisonment. DISCIPLINE: law/criminology, THEME: parents in detention. SOURCE: CRIN via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Plea for alternative measures (to imprisonment) for parents who committed a crime, in the best interests of the child.</p>
	<p>2) COUNTRY: Belgium. Children's Rights Coalition (2010). Alternatief Rapport van de NGO's over de toepassing van het Internationaal Verdrag inzake de Rechten van het Kind in België,</p>	<p>GUIDELINES/PLAN: Plea for respecting the visitation rights of</p>

n t s  i n d e t e n t i o n	<p><a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20Odef.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20Odef.pdf</a>: The members of the Children's Rights Coalition underline that the right of the child to visit his or her imprisoned parent should be respected, unless this is inconsistent with the child's best interests. DISCIPLINE: law/criminology, THEME: parents in detention. SOURCE: database Children's Rights Coalition.</p>	children's whose parents are imprisoned.
	<p>3) COUNTRIES: International. *ACYA Committee (2011). Equal Justice project. Written contribution to the United Nations Committee on the Rights of the Child General Day of Discussion 2011: Children of Incarcerated Parents, <a href="http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/Submissions/ACYA.doc">http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2011/Submissions/ACYA.doc</a>; *Children of prisoners Europe. Children inside prison, <a href="http://childrenofprisoners.eu/?page_id=3631">http://childrenofprisoners.eu/?page_id=3631</a>. CONTENT: different recommendations to safeguard the interests of children whose parents are in prison are being formulated, such as (1) to allow very young children to stay with their mother, (2) to educate prison staff and create infrastructure to do so, (3) to develop a clear policy to safeguard the interests of the child during arrest, custody and process of the parents (in the latter case, research showing that attending the parent's process is in the best interests of the child is referred to). The Committee for the Prevention of Torture also pleads that the well-being of the child should take first place in decisions regarding mothers in detention. Good practices can be found in Germany, the Netherlands and England, where 'open prisons' for mothers with children exist. In Portugal, Denmark, Switzerland and Finland it is possible to accommodate very young children with their mother in prison. Finally, the lack of valid data regarding parents and children in prison is being criticized. DISCIPLINE: criminology, THEME: parents in detention. SOURCE: OHCHR en Eurochips via database Children's Rights Coalition.</p>	IMPLEMENTATION: Recommendations for and good practices of child-friendly measures when parents are imprisoned.
	<p>4) COUNTRY: Austria. REF: Entwurf eines Bundesgesetzes, mit dem das Kindschaftsrecht im Allgemeinem Bürgerlichen Gesetzbuch und das Ausserstreitgesetz sowie das Ehegesetz geändert werden (2011). In: Fundamental Rights Agency (FRA) (2011). Fundamental rights: challenges and achievements in 2011, <a href="http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf">http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf</a>. CONTENT: With this amendment to the custody and visitation law, Austria aims to take into account the best interests of the child and balance them with the interests of parents. DISCIPLINE: law/criminology/educational studies, THEME: parents in detention/visitation rights. SOURCE: FRA via database Children's Rights Coalition.</p>	IMPLEMENTATION: Austrian good practice regarding visitation rights for children of parents in detention.
D p i a v r o e r n c t	<p>1) COUNTRIES: Europe. REF: European Commission (2013). Revision of EU legislation facilitating the recognition and enforcement of decisions on parental responsibility, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Outcome%20Document_6th%20Regional%20Meeting_Final.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Outcome%20Document_6th%20Regional%20Meeting_Final.pdf</a>. CONTENT: In the 'EU Agenda for the Rights of the Child', the European Commission pleads for quick processes and the use of minimal standards in the recognition and enforcement of decisions regarding parental responsibility, in order to protect the best interests of the child. DISCIPLINE: educational studies/social work studies, THEME: parental responsibility. SOURCE: Fundamental Rights Agency (FRA) via database Children's Rights Coalition.</p>	GUIDELINES/PLAN: Clear recommendations to safeguard the best interests of the child in matters of guardianship: speed and use of minimal standards.
	<p>2) COUNTRIES: Europe. REF: Council of Europe (2010). Building a Europe for and with children, <a href="http://www.coe.int/t/dg3/children/other%20langauges/TANGRAM%2005-10_en.pdf">http://www.coe.int/t/dg3/children/other%20langauges/TANGRAM%2005-10_en.pdf</a>. CONTENT: The</p>	GUIDELINES/PLAN: European promotion of positive parenting and

<p>e / c u r s e t s o p d o y n / s p i a b r i e l i t y</p>	<p>Council of Europe puts the development of family policies based on the best interests of the child and the promotion of positive parenting on the agenda of the European Strategy for the Rights of the Child 2012-2015. DISCIPLINE: educational studies, THEME: family/parenting. SOURCE: Council of Europe via database Children's Rights Coalition.</p> <p>3) COUNTRIES: North America (US &amp; Canada) and Australia. CONTENT: Especially in the US, the best interests of the child is a concept almost exclusively reserved for family law, in decisions regarding custody, guardianship and adoption. This is in line with the Family Law Act stipulating that cooperation and shared responsibility between the parents should always be in function of the best interests of the child. Different factors to determine whether parents put the best interests of their child first, are discussed, for instance in:  <a href="http://www.legis.state.la.us/lss/lss.asp?doc=108693">*http://www.legis.state.la.us/lss/lss.asp?doc=108693</a>,  <a href="http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/BestInterest.pdf">*http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/BestInterest.pdf</a>;  <a href="http://definitions.uslegal.com/b/best-interest-of-the-child/">*http://definitions.uslegal.com/b/best-interest-of-the-child/</a>;  <a href="http://www.legislature.mi.gov/(S(onzi3tyn3s3sbt2vo3cnmg45))/mileg.aspx?page=getObject&amp;objectName=mcl-722-23">*http://www.legislature.mi.gov/(S(onzi3tyn3s3sbt2vo3cnmg45))/mileg.aspx?page=getObject&amp;objectName=mcl-722-23</a>;  <a href="http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1957143">*http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1957143</a>;  <a href="http://www.justicebc.ca/en/fam/basics/parent/best-interest.html">*http://www.justicebc.ca/en/fam/basics/parent/best-interest.html</a>;  <a href="http://www.alrc.gov.au/publications/16-childrens-involvement-family-law-proceedings/best-interests-principle">*http://www.alrc.gov.au/publications/16-childrens-involvement-family-law-proceedings/best-interests-principle</a>. Also see: Kohm, L. M. (2008). Tracing the Foundations of the Best Interests of the Child Standard in American Jurisprudence. <i>Journal of Law &amp; Family Studies</i>, 10(2), 337-376. DISCIPLINE: law/educational studies, THEME: divorce/family law/guardianship/custody/adoption. SOURCE: Google.</p> <p>4) COUNTRY: unknown. REF: Bullens &amp; de Ridder (2005). Omgang en 'het belang van het kind, <i>Tijdschrift voor Familie- en Jeugdrecht</i>. CONTENT: Article about the best interests of the child in custody matters. DISCIPLINE: (law?), THEME: Divorce/custody/parental responsibility. SOURCE: www.kekidatabank.be.</p> <p>5) COUNTRIES: Europe. REF: Eurochild (2007). Newsletter Winter 2006-2007, <a href="http://www.eurochild.org/fileadmin/user_upload/Newsletter/Eurochild_Newsletter_Winter_2006-2007.pdf">http://www.eurochild.org/fileadmin/user_upload/Newsletter/Eurochild_Newsletter_Winter_2006-2007.pdf</a>. CONTENT: Together with 'Children in Northern Ireland', Eurochild organizes a 'Members Exchange Seminar' about support for parents, based on the idea that positive parenting is defined by the best interests of the child. DISCIPLINE: educational studies, THEME: family/parenting. SOURCE: Eurochild via database Children's Rights Coalition.</p>	<p>best interests of the child in family policies.</p> <p>IMPLEMENTATION: Anglo Saxon guidelines to determine the child's best interests in family matters (divorce, adoption...). Also: Alternative care: guardianship/adoption.</p> <p>IMPLEMENTATION: Possibly adoptable recommendations for child's best interests in divorce.</p> <p>IMPLEMENTATION: Exchange of 'good practices' regarding positive parenting and best interests of the child in family matters.</p>
<p>A G U</p>	<p>1) COUNTRIES: Europe. REF: European Commission and Council of Europe (2009). Challenges in Adoption Procedures in Europe: Ensuring the Best Interests of the Child, <a href="http://ec.europa.eu/justice/fundamental-rights/files/8th_forum_background_paper_en.pdf">http://ec.europa.eu/justice/fundamental-rights/files/8th_forum_background_paper_en.pdf</a>. CONTENT: The Council of Europe and the European Commission organize a conference about safeguarding the child's best interests in (inter)national adoption procedures. The conference specifically focuses on hearing the child's voice in these procedures. DISCIPLINE: law/educational studies, THEME: adoption/participation. SOURCE: European Commission via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Children's best interests are to be safeguarded in (inter)national adoption procedures by hearing the child's voice in these procedures. Also: Participation.</p>

I t e r n a t i o n a l s t a n d a r d	2) COUNTRIES: Europe. REF: Council of Europe - Parliamentary Assembly (PACE). Resolution 1909: Intercountry adoption: ensuring that the best interests of the child are upheld, <a href="http://www.kekidatabank.be/docs/Instrumenten/RvE/2012_Resolution_1909_2012">http://www.kekidatabank.be/docs/Instrumenten/RvE/2012_Resolution_1909_2012</a> . DISCIPLINE: social work studies, THEME: adoption. SOURCE: www.kekidatabank.be	GUIDELINES/PLAN: Suggestions to safeguard the best interests of the child in adoption procedures.
	3) COUNTRY: Netherlands. REF: Beleidsprogramma 'beter beschermd' (2004), <a href="http://www.kinderrechten.nl/p/13/390/mo8-cgp17%7Ctxt=*belang*/belang-van-het-kind-in-beleidsprogramma-beter-beschermd">http://www.kinderrechten.nl/p/13/390/mo8-cgp17%7Ctxt=*belang*/belang-van-het-kind-in-beleidsprogramma-beter-beschermd</a> . CONTENT: In this policy program which is directed towards creating a more effective youth care, it is underlined that decisions regarding imposing, executing and ending care measures should always be based on the best interests of the child. The program has a specific focus on custody and guardianship. DISCIPLINE: law/educational studies/criminology, THEME: custody/guardianship. SOURCE: The Children's Rights Collective via database Children's Rights Coalition.	GUIDELINES/PLAN: Possibly adoptable initiatives to safeguard children's best interests in cases of custody and guardianship. Also: Divorce/custody/parental responsibility.
	4) COUNTRIES: Europe. REF: Brulard, Dumont & Moreau (2007). Comparative study relating to procedures for adoption among the member states of the European Union, practical difficulties encountered in this field by European citizens within the context of the European pillar of justice and civil matters and means of solving these problems and of protecting children's rights, <a href="http://ec.europa.eu/civiljustice/news/docs/study_adoption_legal_analysis_en.pdf">http://ec.europa.eu/civiljustice/news/docs/study_adoption_legal_analysis_en.pdf</a> . CONTENT: Adoption procedures and safeguards for the best interests of the child in these procedures are compared between different European countries. Also see Kinderrechtencoalitie (2009). Memorandum van de kinderrechtengo's aan de politieke partijen. Vlaamse verkiezingen 2009, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Memorandum%20vlaamse%20verkiezingen%202009%20-%20definitief.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Memorandum%20vlaamse%20verkiezingen%202009%20-%20definitief.pdf</a> . DISCIPLINE: law/educational studies, THEME: adoption. SOURCE: (European Commission via) database Children's Rights Coalition.	IMPLEMENTATION: International comparison of adoption procedures. The report may include relevant practices/recommendations.
	5) COUNTRY: unknown. REF: Vinke (2011). Het belang van het kind bij illegale adoptie. <i>Tijdschrift voor Familie- en Jeugdrecht</i> . CONTENT: Article about the child's best interests in cases of illegal adoption. DISCIPLINE: (law?), THEME: adoption. SOURCE: www.kekidatabank.be.	IMPLEMENTATION: Possibly adoptable recommendations for child's best interests in addressing illegal adoption.
	6) COUNTRY: Canada. REF: Vandergrift, Milne, Rogerson, Wolff, Pollaert & Chan (2009). Best Interests of the Child: Meaning and Application in Canada. <i>Canadian Coalition for the Rights of Children, UNICEF Canada, Justice for Children and Youth, Faculty of Law and the David Asper Center for Constitutional Rights of the University of Toronto</i> : <a href="http://rightsofchildren.ca/wp-content/uploads/bic-report-eng-web.pdf">http://rightsofchildren.ca/wp-content/uploads/bic-report-eng-web.pdf</a> . CONTENT: In this text, recommendations are formulated to implement the best interests of the child in practice. DISCIPLINE: general, THEME: family law/adoption. SOURCE: CRIN via database Children's Rights Coalition.	IMPLEMENTATION: Possibly adoptable practices regarding adoption and other family matters.
	7) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2006). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf</a> . CONTENT: Flanders developed a number of measures directed at giving the best interests of the child a central place in adoption procedures. The Flemish Central Authority ('Vlaamse Centrale Autoriteit' (VCA)) is responsible for the storage of and access to adoption files. Therefore, all adoption files need to be archived at VCA. This way, the right of the child to know his or her descent is guaranteed. The adopted child who has the age of 12 or older can,	IMPLEMENTATION: Flemish good practice: use of a Flemish Central Authority to safeguard the best interests of the child in adoption cases.



e o p t i o n c o n s i d e r e	under guidance, receive access to his or her adoption file. The VCA also cooperates in the organization of a course to visualize the best interests of the adopted child for youth magistrates. DISCIPLINE: law/social work studies, THEME: adoption. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	
	8) COUNTRY: US. REF: Child Welfare Information Gateway (2013). <i>Determining the best interests of the child</i> . Washington DC: U.S. Department of Health and Human Services, Children's Bureau, <a href="https://www.childwelfare.gov/systemwide/laws_policies/statutes/best_interest.cfm">https://www.childwelfare.gov/systemwide/laws_policies/statutes/best_interest.cfm</a> . CONTENT: Factsheet summing up which factors should be taken into account by the courts when making decisions regarding guardianship, in order to bring the best interests of the child forward as a first consideration. DISCIPLINE: law/educational studies, THEME: guardianship/custody. SOURCE: U.S. Department of Health and Human Services via Google.	IMPLEMENTATION: Possibly adoptable fact sheet explaining a number of factors to take into account in determining the child's best interests in guardianship decisions. Also: Best interests determinations.
	9) COUNTRY: Denmark. REF: Denmark Ministry of Family and Consumer Affairs (2004). The Danish adoption (Consolidation) Act. <a href="http://www.childoneurope.org/issues/adoption/adoption_legislation/Denmark.pdf">http://www.childoneurope.org/issues/adoption/adoption_legislation/Denmark.pdf</a> . CONTENT: The Danish Adoption (Consolidation) Act of 2004 foresees that the minister of family and consumer matters can prevent or repeal an adoption if the adopting parent and the adopted child agree with this repeal and if the repeal is in the best interests of the child. DISCIPLINE: educational studies/law, THEME: adoption. SOURCE: United Nations via database Children's Rights Coalition.	IMPLEMENTATION: Danish good practice in safeguarding children's best interests in adoption.
	10) COUNTRY: International. Ref: Cantwell (2014). The Best Interests of the Child in Intercountry Adoption. UNICEF Office of Research, <a href="http://www.unicef-irc.org/publications/pdf/unicef%20best%20interest%20document_web_re-supply.pdf">http://www.unicef-irc.org/publications/pdf/unicef%20best%20interest%20document_web_re-supply.pdf</a> . CONTENT: This study focuses on one the question: "what is it that enables a policy, process, decision or practice to be qualified as either respectful or in violation of the best interests of the child in intercountry adoption?". This key question is based on the hypothesis that a lack of international consensus in determining what is in a 'child's best interests' eventually endangers children's rights. DISCIPLINE: law/social work. SOURCE: Better care network via Google.	IMPLEMENTATION: Recommendations to come to an international consensus on the determination of the best interests principle in international adoption. Also: Immigration/ Unaccompanied migrant minors.
A l t e r i t u t i o	1) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2011). Vlaams Actieplan Kinderrechten 2011-2014, <a href="http://www.sociaalcultureel.be/jeugd/covlaanderen_vak.aspx">http://www.sociaalcultureel.be/jeugd/covlaanderen_vak.aspx</a> . The Children's Rights Commissioner underlined that family-oriented programs or actions may sometimes conflict with the rights of the child (Jaarverslag 2009-2010). This issue is addressed in the Flemish Action Plan for Children's Rights ('Vlaams Actieplan Kinderrechten' (VAK)) by stimulating a participatory approach in youth (care) organizations, in which children are actively involved in decisions that apply to themselves. DISCIPLINE: criminology/educational studies, THEME: youth (care) work/participation. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	GUIDELINES/PLAN: Flemish good practice: participatory approaches in youth (care) work are stimulated in order to safeguard the best interests of the child. Also: Participation.
	2) COUNTRY: Belgium. REF: Vlaams Parlement (2006). Decreet betreffende de rechtspositie van de minderjarige in de integrale jeugdhulp, <a href="http://wvg.vlaanderen.be/rechtspositie/05-publicaties/werkmap-decreet_en_memorie.pdf">http://wvg.vlaanderen.be/rechtspositie/05-publicaties/werkmap-decreet_en_memorie.pdf</a> . CONTENT: This decree states a.o. that the best interests of the minor should be the first and most important consideration in decisions regarding youth care, and that these interests should	GUIDELINES/PLAN: Flemish good practice regarding participation of children and youth in decisions about youth care. Also: Participation.

n a t i v e o u t h c a r e	<p>be determined through dialogue with the minor himself. The implementation of this decree in practice was already evaluated: Zorginspectie en onderwijsinspectie (2010). Werk maken van kinderrechten. De decreten integrale jeugdhulp in de praktijk, <a href="http://www4wvg.vlaanderen.be/wvg/zorginspectie/publicaties/Documents/Rapport_werken_aan_kinderrec hten.pdf">http://www4wvg.vlaanderen.be/wvg/zorginspectie/publicaties/Documents/Rapport_werken_aan_kinderrec hten.pdf</a>. DISCIPLINE: educational studies/criminology THEME: youth care. SOURCE: www.kekidatabank.be.</p>	
	<p>3) COUNTRIES: International. REF: SOS Children's villages (2008). A child's right to a family, <i>position paper</i>, <a href="http://www.sos-childrensvillages.org/getmedia/cfe77e1e-45e0-4585-9e76-72066d4a03cc/ChildsRighttoFamily.pdf?ext=.pdf">http://www.sos-childrensvillages.org/getmedia/cfe77e1e-45e0-4585-9e76-72066d4a03cc/ChildsRighttoFamily.pdf?ext=.pdf</a>. CONTENT: The authors underline that growing up in a family is crucial to safeguard the child's best interests. Therefore, they argue that children and youth care should involve biological families as much as possible. As well, for children and youth who are separated from their families, placement in family-based child care is suggested. In this type of care, the child can grow up in an alternative family situation. DISCIPLINE: educational studies, THEME: child and youth care. SOURCE: SOS Children's Villages through Google.</p>	<p>IMPLEMENTATION: A practical example of how the right to family for children and youth in care can be shaped in their best interests.</p>
	<p>4) COUNTRY: Belgium. REF: Bouverne-De Bie &amp; Roose (2007). Het belang van het kind of een vraag naar de legitimiteit van de jeugdbescherming en bijzondere jeugdbijstand, <i>TJK</i>. CONTENT: Different ways to operationalize indicators for youth well-being, based on the notion of the 'best interests of the child', are discussed, starting from the need to more adequately adjust youth care to concrete problem situations. DISCIPLINE: law/educational studies, THEME: children in care. SOURCE: www.kekidatabank.be.</p>	<p>IMPLEMENTATION: Possibly adoptable indicators to determine the best interests of the child in decisions regarding youth care. Also: Best interests determinations.</p>
	<p>5) COUNTRY: Malta. REF: Bonello (2012). In the child's best interest. Managing contact between children in alternative care and their birth families in a Maltese context. <i>Paper presented at the 2012 Eurochild conference</i>, <a href="http://www.eurochild.org/fileadmin/Events/2012/10_AC_Sofia/Presentations/25_SV_D3_Bonello.pdf">http://www.eurochild.org/fileadmin/Events/2012/10_AC_Sofia/Presentations/25_SV_D3_Bonello.pdf</a>. CONTENT: Activist presentation. Guidelines are formulated on how to maintain contact between children who are placed out of home and their parents, based on the child's best interests. To do so, large consideration is given to children's participation. DISCIPLINE: social work studies/educational studies, THEME: alternative care/out-of-home placement/participation. SOURCE: Eurochild via Google.</p>	<p>IMPLEMENTATION: Plea for participation to safeguard child's best interests in out-of-home placement. Also: Participation.</p>
P a r	<p>1) COUNTRIES: International. REF: *United Nations (2011). Optional protocol to the Convention on the rights of the child on a communications procedure. <a href="https://treaties.un.org/doc/source/signature/2012/ctc_4-11d.pdf">https://treaties.un.org/doc/source/signature/2012/ctc_4-11d.pdf</a>; *Langford &amp; Clark (2011). A Complaints Procedure for the Convention on the Rights of the Child: Commentary on the Second Draft, <a href="http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGCRC/Session2/NCHR_Commentary.pdf">http://www.ohchr.org/Documents/HRBodies/HRCouncil/WGCRC/Session2/NCHR_Commentary.pdf</a>. CONTENT: This Protocol to the Convention foresees that children and youth – or people who represent them – after having depleted all judicial channels and resources in their own country, can file a complaint with the UN Committee on the Rights of the Child when their rights are being violated. DISCIPLINE: law, THEME: participation. SOURCE: United Nations.</p>	<p>GUIDELINES/PLAN: Participation in the best interests of children and youth is operationalized in a communications procedure.</p>
	<p>2) COUNTRIES: Europe. REF: Council of Europe (2012). Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18,</p>	<p>GUIDELINES/PLAN: General motivation for participative methods in best interests determinations. Also: Best interests determinations.</p>

t i c i p a t i o n	<p><a href="http://www.kinderrechtencoalitie.be/content.aspx?l=006.007.005">http://www.kinderrechtencoalitie.be/content.aspx?l=006.007.005</a>. CONTENT: It is argued that listening to children and youth and taking their views into account – in accordance with their age and maturity – is necessary for an effective implementation of their right to have their best interests taken as a first consideration. DISCIPLINE: general, THEME: participation. SOURCE: database Children’s Rights Coalition.</p>	
	<p>3) COUNTRIES: Europe. REF: Committee of Ministers of the Council of Europe (CoE) (2010). Guidelines on child-friendly justice, <a href="http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm">http://ec.europa.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm</a>. CONTENT: The guidelines are based on the idea that providing children with the opportunity to explain their opinion in decisions that apply to themselves is crucial in order to safeguard the child’s best interests. Therefore, the guidelines strongly underline participation of children and youth in matters of law and justice. DISCIPLINE : law/criminology, THEME: participation. SOURCE: European Commission via database Children’s Rights Coalition.</p>	<p>GUIDELINES/PLAN: Children’s best interests can be safeguarded in court by providing children with the opportunity to communicate their views. Also: Delinquency/juvenile justice/child abuse/victimization.</p>
	<p>4) COUNTRIES: Norway and Sweden. REF: Lidén &amp; Rusten (2007). <i>Asylum, Participation and the Best Interests of the Child: New Lessons from Norway</i>. Hoboken (USA): Wiley-Blackwell. CONTENT: Norwegian authorities implemented the Convention in migration law, more specifically the right of the child to be heard in asylum processes, by introducing ‘child talks’ in these processes. DISCIPLINE: law/educational studies, THEME: participation. SOURCE: www.kekidatabank.be.</p>	<p>IMPLEMENTATION: ‘Child talks’ as possibly adoptable practice in justice. Also: Immigration/ Unaccompanied migrant minors.</p>
	<p>5) COUNTRY: Belgium (Flanders). REF: *Vlaamse overheid (2007). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2007.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2007.pdf</a>; *Vlaamse overheid (2012). Jongerenpact 2020, <a href="http://www.jongerenpact2020.be/">http://www.jongerenpact2020.be/</a>. CONTENT: The Flemish Youth Council and the Flemish Government search for ‘good practices’ to take the interests of children and youth into account in strategic policy initiatives. To do so, the following participative youth conferences were organized: ‘Klets’ in 2008 and 2011, ‘JET’ in 2010 and ‘the Youth Pact’ (‘Jongerenpact’) in 2012. DISCIPLINE: general, THEME: participation. SOURCE: Division for Youth of the Flemish Government via database Children’s Rights Coalition.</p>	<p>IMPLEMENTATION: Participative methodologies to determine children’s best interests.</p>
	<p>6) COUNTRY: UK (Northern Ireland). REF: Office of the First Minister and Deputy First Minister (2006). Our Children and Young People - Our Pledge. A ten year strategy for children and young people in Northern Ireland 2006-2016, <a href="http://planipolis.iiep.unesco.org/upload/Youth/UK/Northern_Ireland_ten-year-strategy.pdf">http://planipolis.iiep.unesco.org/upload/Youth/UK/Northern_Ireland_ten-year-strategy.pdf</a>. CONTENT: In this plan, the development of peer mentoring and independent advocacy services is underlined to empower children and young people in care and to ensure that they are actively engaged in determining whether the system of care is working effectively and in their best interests. DISCIPLINE: social work studies/educational studies, THEME: participation/peer-to-peer mentoring. SOURCE: UNESCO via database Children’s Rights Coalition.</p>	<p>IMPLEMENTATION: Possibly adoptable practices of ‘peer mentoring’ and creation of independent support services. Also: Alternative care: institutionalized youth care.</p>
	<p>7) COUNTRIES: UK and Norway. REF: Archard &amp; Skivenes (2009). Balancing a Child’s Best Interests and a Child’s Views, <i>International Journal of Children’s Rights</i>. CONTENT: Different approaches on the combination of two obligations, the promotion of the best interests of the child and hearing the child, is illustrated based on two examples: legislation regarding health (UK) and legislation regarding guardianship and child protection (Norway). Based on the findings, standardized questions are brought forward that can be used in</p>	<p>IMPLEMENTATION: Standardized questions are brought forward for the promotion of children’s best interests and hearing children. Also: Alternative care: guardianship/adoption.</p>

	any situation in which these two obligations are combined. DISCIPLINE: law/health studies, THEME: guardianship/child protection. SOURCE: www.kekidatabank.be.	
Best interests	1) COUNTRIES: International. REF: UNHCR (2008). Guidelines on Formal Determinations of the Best Interests of the Child, <a href="http://www.unicef.org/violencestudy/pdf/BID%20Guidelines%20-%20provisional%20release%20May%2006.pdf">http://www.unicef.org/violencestudy/pdf/BID%20Guidelines%20-%20provisional%20release%20May%2006.pdf</a> . CONTENT: Guidelines on determining children's best interests, focusing on separated children. DISCIPLINE: general, THEME: best interests determinations. SOURCE: UNICEF via database Children's Rights Coalition.	GUIDELINES/PLAN: Guidelines to define best interests of the child. Also: Immigration/ Unaccompanied migrant minors.
	2) COUNTRIES: International. REF: Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1), <a href="http://www.kekidatabank.be/docs/Instrumenten/VN/General_comment_No._14_art_3_para_1">http://www.kekidatabank.be/docs/Instrumenten/VN/General_comment_No._14_art_3_para_1</a> . CONTENT: The comment provides directions to the interpretation of the best interests principle. DISCIPLINE: general, THEME: best interests determinations. SOURCE: www.kekidatabank.be.	GUIDELINES/PLAN: Comment to define best interests of the child.
	3) COUNTRIES: Europe. REF: Committee on the Rights of the Child (2005). General comment No. 6 (2005). Treatment of unaccompanied and separated children outside their country of origin, <a href="http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\$FILE/G0543805.pdf">http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\$FILE/G0543805.pdf</a> . CONTENT: All decisions regarding unaccompanied minors need to be accompanied by a 'best interests determination' which takes the identity of the child into account. As well, the appointment of a guardian before starting possible asylum procedures and a systematic evaluation of the residence of placed minors is underlined in safeguarding the best interests of the child. DISCIPLINE: social work studies, THEME: Best interests determinations. SOURCE: UNHCHR via database Children's Rights Coalition.	GUIDELINES/PLAN: General recommendations regarding the operationalization of best interests determination. Also: Immigration/ Unaccompanied migrant minors.
	4) COUNTRIES: Europe. REF: European Commission (2010). Action Plan on unaccompanied minors 2010–2014, <a href="http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf">http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf</a> . CONTENT: This action plan encourages member states to develop monitoring systems in order to better follow up on guardianship, to better safeguard the child's best interests and to prevent misuse/abuse. DISCIPLINE: law/social work studies/criminology, THEME: guardianship. SOURCE: European Commission via database Children's Rights Coalition.	GUIDELINES/PLAN: A best interests follow-up through clear monitoring systems is recommended to member states. Also: Immigration/ Unaccompanied migrant minors.
	5) COUNTRIES: International. REF: *UNHCR (2008). Guidelines on Determining the Best Interests of the Child, <a href="http://www.unhcr.org/4566b16b2.pdf">http://www.unhcr.org/4566b16b2.pdf</a> ; *UNHCR & International Rescue Committee (2011). Field Handbook for the Implementation of UNHCR BID Guidelines, <a href="http://www.unhcr.org/50f6d27f9.pdf">http://www.unhcr.org/50f6d27f9.pdf</a> . CONTENT: The UNHCR foresees guidelines to determine the interests of UMAs and a manual explaining how to implement these guidelines into practice. DISCIPLINE: social work studies, THEME: best interests determinations. SOURCE: UNHCR via database Children's Rights Coalition.	GUIDELINES/PLAN & IMPLEMENTATION: Guidelines on determining best children's best interests, and possibly adoptable recommendations to implement these in practice.
	6) COUNTRIES: Guinea, international. REF: International Rescue Committee (2007). Determining the Best Interests of Unaccompanied and Separated Children: Lessons from Guinea. <i>Better Care Network</i> , <a href="http://www.crin.org/docs/Determining%20the%20Best%20Interests%20of%20Separated%20and%20Unaccompanied%20Children.pdf">http://www.crin.org/docs/Determining%20the%20Best%20Interests%20of%20Separated%20and%20Unaccompanied%20Children.pdf</a> . CONTENT: This report explains how 'best interests determination' procedures can be implemented in order to safeguard the interests of unaccompanied minors. The best interests	IMPLEMENTATION: Possible adoptable procedures to implement 'best interests determinations'. Also: Immigration/ Unaccompanied migrant minors.

d e t e r m i n a t i o n s	determination processes for Sierra Leonean children in Guinea are used as an example. DISCIPLINE: general, THEME: best interests determinations. SOURCE: CRIN via database Children's Rights Coalition.	
	7) COUNTRIES: international. REF: International Catholic Migration Commission (ICMC), <a href="http://www.icmc.net/jobs/best-interest-determination-child-consultants">http://www.icmc.net/jobs/best-interest-determination-child-consultants</a> . The ICMC, an NGO directed at support for refugees, seconds 'child protection experts' to UNHCR to do their own best interests determinations or best interests assessments and to educate local partners on performing such determinations and assessments. DISCIPLINE: general, THEME: best interests determinations. SOURCE: ICMC via Google.	IMPLEMENTATION: Good practice regarding 'best interests determinations'. Also: Immigration/ Unaccompanied migrant minors.
	8) COUNTRY: Netherlands. REF: Kalverboer & Zijlstra (2006). Het belang van het kind in het Nederlands recht. Voorwaarden voor ontwikkeling vanuit pedagogisch perspectief, <i>Amsterdam: SWP</i> , <a href="http://dissertations.ub.rug.nl/faculties/gmw/2012/a.e.zijlstra/">http://dissertations.ub.rug.nl/faculties/gmw/2012/a.e.zijlstra/</a> . CONTENT: A basic survey/model was developed in which the best interests of the child are operationalized, applicable in all legal domains regarding children. Kalverboer won the 'Nationale Jeugdzorgprijs' (price in the Netherlands) for developing this survey, which is also referred to as the 'Best Interests of the Child - Questionnaire (BIC-Q)'. DISCIPLINE: law, THEME: best interests determinations. SOURCE: www.kekidatabank.be en Defence for children Netherlands via database Children's Rights Coalition.	IMPLEMENTATION: Best interests determination developed for all legal domains.
	9) COUNTRY: unknown. REF: van Teeffelen (2011). De belangen van het kind gewogen, <i>Tijdschrift voor Familie- en Jeugdrecht</i> . CONTENT: Article about weighing the child's best interests. DISCIPLINE: (law?), THEME: unknown. SOURCE: www.kekidatabank.be.	IMPLEMENTATION: Possibly adoptable recommendations about determining children's best interests.
	10) COUNTRY: Netherlands. REF: Course 'Belang van het kind: rechten en behoeften' ('Best interests of the child: rights and needs') (Faculty of Social Sciences) at the Radboud University Nijmegen, <a href="http://www.studiegids.science.ru.nl/2012/socsci/prospectus/pwo/course/27519/">http://www.studiegids.science.ru.nl/2012/socsci/prospectus/pwo/course/27519/</a> . CONTENT: In this program, the content of the notion 'best interests of the child' is explained based on specific examples. DISCIPLINE: sociology, THEME: general. SOURCE: Radboud University via Google.	IMPLEMENTATION: Educational program on the operationalization of the 'best interests of the child' principle.
	11) COUNTRY: Belgium. REF: Senovilla, D. (2013). De bepaling van het hoger belang van het kind en de identificatie van de duurzame oplossing. Presentation at the conference 'What are the rights of unaccompanied migrant minors in Europe?' organized on February 22, 2013 in Brussels in light of the PUCAFREU project of the European Commission, <a href="http://www.vluchtelingenwerk.be/bestanden/agenda/Seminaire_PUCAFREU_Belgique_NDL.pdf">http://www.vluchtelingenwerk.be/bestanden/agenda/Seminaire_PUCAFREU_Belgique_NDL.pdf</a> . CONTENT: The presentation discusses the determination of the best interests of the child and the identification of sustainable solutions for unaccompanied migrant minors. DISCIPLINE: social work studies, THEME: best interests determinations, unaccompanied migrant minors. SOURCE: Vluchtelingenwerk Vlaanderen via database Children's Rights Coalition.	IMPLEMENTATION: Identification of best interests of unaccompanied migrant minors, and solutions to act in their interests. Also: Immigration/ Unaccompanied migrant minors.
C	1) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2011). Vlaams actieplan kinderrechten 2011-2014, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/VAK_2011-2014-corr.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/VAK_2011-2014-corr.pdf</a> . CONTENT: The Flemish Government is committed to investigate a 'child check' can be implemented in order to consider	GUIDELINES/PLAN: Use of 'child check' to safeguard children's best interests.

h i l d  i m p a c t  a s s e s s m e n t	children's best interests in decisions that are not regulated or subjected to a RIA/JoKER. DISCIPLINE: general, THEME: child impact assessment. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	
	2) COUNTRY: Belgium (Flanders). REF: Gezinsbond ('League of Families'). <i>De Kindnorm</i> , <a href="http://www.gezinsbond.be/index.php?option=com_content&amp;view=category&amp;id=225&amp;Itemid=490">http://www.gezinsbond.be/index.php?option=com_content&amp;view=category&amp;id=225&amp;Itemid=490</a> . CONTENT: Based on the fact that children are more vulnerable for negative environmental impact, the League of Families is developing 'child standards' to base, a.o., housing policies, environmental policies and health policies upon. By taking the constitution of the child as the basic standard in these policies, a safer environment will be created, not only for children but also for adults and for elderly people. DISCIPLINE: general, THEME: policy, best interests baseline. SOURCE: League of Families.	IMPLEMENTATION: Use of 'child standards' to safeguard children's best interests.
	3) COUNTRIES: Kazakhstan and New Zealand. REF: *UNICEF (2007). 'Increasing social orientation of budgets and efficiency of public expenditures at national and local levels in the best interests of children and families', <a href="http://www.unicef.org/innovations/files/Kazakhstan_increasing_social_orientation_kazak.pdf">http://www.unicef.org/innovations/files/Kazakhstan_increasing_social_orientation_kazak.pdf</a> en Action for Children and Youth Aoteara (2006). *'New Zealand: Children's Interests in 2006 Budget' <a href="http://www.crin.org/enoc/resources/infoDetail.asp?ID=8338&amp;flag=news">http://www.crin.org/enoc/resources/infoDetail.asp?ID=8338&amp;flag=news</a> . CONTENT: 'Child budgeting' programs in the best interests of children are being installed in Kazakhstan and New Zealand. However, these are not the only countries implementing such programs. For more information on child budgeting, see Van de Weyer & D'Hondt (2014). Nog meer 'meten' en 'weten' met het oog op een gefundeerd kinderrechtenbeleid:oproep tot reflectie over de zin en onzin van Child (friendly) Budgeting. <i>TJK</i> . In this light, the following reference is also relevant: Kinderrechtencoalitie (2009). Memorandum van de kinderrechtengo's aan de politieke partijen. Vlaamse verkiezingen 2009, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Memorandum%20vlaamse%20verkiezingen%202009%20-%20definitief.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Memorandum%20vlaamse%20verkiezingen%202009%20-%20definitief.pdf</a> . The Children's Rights Coalition advises the Flemish government to make budgets reserved to minors visible in order to guarantee that the child's best interests are the first consideration in budgeting decisions and to protect children from possible negative impacts from economic policy making or financial downsizing. DISCIPLINE: economy. THEME: budgeting. SOURCE: UNICEF via database Children's Rights Coalition.	IMPLEMENTATION: Use of 'child budgeting' to safeguard children's best interests.
	4) COUNTRIES: Belgium (Flanders), Scotland, Wales, New Zealand, Sweden, England, Ireland, Canada. REF: *Vlaamse Overheid (2008). De kind- en jongere-effectrapportage (JoKER), <a href="http://www.sociaalcultureel.be/jeugd/covlaanderen_joker.aspx">http://www.sociaalcultureel.be/jeugd/covlaanderen_joker.aspx</a> . *Hammarberg (2008). The best interests of the child - what it means and what it demands from adults'. <a href="http://www.crin.org/enoc/resources/infoDetail.asp?ID=17649&amp;flag=report">http://www.crin.org/enoc/resources/infoDetail.asp?ID=17649&amp;flag=report</a> . *Desmet, Op de Beeck & Vandenhole (2010). <i>Evaluatie van de kind-en jongereneffectrapportage (JoKER)</i> . Gent: Kenniscentrum Kinderrechten vzw, <a href="http://www.keki.be/?m=20">http://www.keki.be/?m=20</a> . *Bringing Children in from the Margins: Symposium on Child Rights Impact Assessment, 14-15 May, Ottawa, Canada. CONTENT: In Flanders, all draft decrees that directly impact the interests of children and youth under the age of 25 have to be accompanied by an effect report evaluating the impact of the proposed measure on children and youth and thoroughly exploring alternatives for this measure if necessary. In Scotland, I system of 'child-proofing' is installed for all new	IMPLEMENTATION: Use of 'Child Rights Impact Assessments' (CRIA) to safeguard children's best interests.

S	legislation and policy initiatives. In New Zealand, Sweden, England, Wales, Ireland and Canada, similar types of child impact assessments are being implemented. DISCIPLINE: general, THEME: child impact assessment. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	
B a e d s t o c i n c y e r e s t s	<p>1) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2005). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_KR_2005.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_KR_2005.pdf</a>. CONTENT: In the decree of 14 February 2003, explicit attention is asked for all possible aspects relating to children and youth's daily lives. In 2004, all Flemish municipalities were requested to develop a new youth work policy plan based on this decree. One of the obliged chapters in these policy plans is about integrated youth policy, which means a better alignment of the different municipal plans that impact youth. The goal is to encourage different sectors to develop child-friendly policies, through which the child's best interests are considered in any policy decision. DISCIPLINE: general THEME: general. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.</p> <p>2) COUNTRIES: Macedonia, UK, Belgium (Flanders). REF: Eurochild (2008). 'Newsletter Winter 2007-2009)', <a href="http://www.eurochild.org/fileadmin/user_upload/Newsletter/Eurochild_Newsletter_winter_2007-2008.pdf">http://www.eurochild.org/fileadmin/user_upload/Newsletter/Eurochild_Newsletter_winter_2007-2008.pdf</a>. CONTENT: 'Megjashi' allegedly was first children's embassy in the world. One of the assignments of Megjashi consists of defending children and youth's best interests. Other such embassies that can be referred to as examples are project Hope (UK), Ambrassade (Flanders)... DISCIPLINE: general, THEME: general. SOURCE: Eurochild via database Children's Rights Coalition.</p> <p>3) COUNTRIES: Belgium (Flanders), Netherlands. REF: Uit de Marge. Jeugdopbouwwerk ('Youth Community Work'), <a href="http://www.uitdemarge.be/p302">http://www.uitdemarge.be/p302</a>. CONTENT: Youth community workers work together with, and defend the interests of, socially vulnerable children and youth. DISCIPLINE: social work studies THEME: social vulnerability. SOURCE: Uit de Marge via Database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Attention for children's best interests through encouraging local child-friendly policies.</p> <p>IMPLEMENTATION: Creation of children's embassies to advocate children's best interests. Also: Participation.</p> <p>IMPLEMENTATION: Implementation of youth community work to advocate children and youth's best interests.</p>
I m m i	<p>1) COUNTRIES: Advice from Greece, internationally targeted. REF: Greek Council for Refugees (2012). Submission to the General Discussion (DGD) on the Rights of Migrant Children 28<sup>th</sup> September 2012: Immigration Detention of Children, <a href="http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/Submissions/GreekCouncilRefugees.doc">http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/Submissions/GreekCouncilRefugees.doc</a>. CONTENT: The necessity to embed the best interests principle in national legislations is underlined. As well, (1) the implementation of an extensive network of guardians for unaccompanied migrant minors and (2) the installation of 'best interests and age determinations' in all member states, including adequate procedural safeguards, is urged. DISCIPLINE: law/social work studies, THEME: unaccompanied migrant minors. SOURCE: OHCHR via Database Children's Rights Coalition.</p> <p>2) COUNTRIES: International. REF: UNICEF (2009). Forum on Minority Issues, <a href="http://search.ohchr.org/search?client=default_frontend&amp;site=default_collection&amp;output=xml_no_dtd&amp;proxystylesheet=en_frontend&amp;ie=UTF-8&amp;oe=UTF-8&amp;as_q=best+interest&amp;num=10&amp;btnG=Search&amp;as_epq=&amp;as_oq=&amp;as_eq=&amp;lr=&amp;as_ft=i&amp;as_filetype=&amp;as_">http://search.ohchr.org/search?client=default_frontend&amp;site=default_collection&amp;output=xml_no_dtd&amp;proxystylesheet=en_frontend&amp;ie=UTF-8&amp;oe=UTF-8&amp;as_q=best+interest&amp;num=10&amp;btnG=Search&amp;as_epq=&amp;as_oq=&amp;as_eq=&amp;lr=&amp;as_ft=i&amp;as_filetype=&amp;as_</a></p>	<p>GUIDELINES/PLAN: Plea for creation of network of guardians as well as the installation of best interests and age determinations. Also: Best interests determinations.</p> <p>GUIDELINES/PLAN: Plea to safeguard children's best interests in education in emergency situations.</p>

g r a t i o n / u n a c	<p>occt=title&amp;as_dt=i&amp;as_sitesearch=&amp;sort=&amp;as_lq=. CONTENT: UNICEF underlines that the child's best interests has to be the first consideration in every education-related decision, especially in emergencies. Therefore, UNICEF underlines the importance of education to vulnerable and disadvantaged children as well as education in conflict and post-conflict situations. 'Emergency' needs to be interpreted broadly; emergency situations can include asylum seekers, refugees, immigrants, working children and children who belong to a minority group. DISCIPLINE: educational studies, THEME: education. SOURCE: UNICEF via Kireco.</p>	
	<p>3) COUNTRY: Belgium. REF: Kinderrechtencoalitie (2010). Alternatief Rapport van de NGO's over de toepassing van het International Verdrag inzake de Rechten van het Kind in Belgium, <a href="http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf">http://www.kinderrechtencoalitie.be/uploads/documenten/Alternatief%20rapport%20Netherlandsstalig%20def.pdf</a>. CONTENT: The Children's Rights Coalition underlines that the decision to return unaccompanied migrant minors to their home country can only be taken if this serves the best interests of the child. Therefore, every decision should be motivated in function of the best interests of the child. As well, the addition of a protection status for unaccompanied migrant minors in the immigration legislation is advised. DISCIPLINE: social work studies, THEME: migration/family reunification. SOURCE: database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Plea to base every decision to return unaccompanied migrant minors on the best interests of the child.</p>
	<p>4) COUNTRIES: Europe. REF: Directive 2008/115/EC of the European Parliament and of the council of 16 December 2008 on common standards and procedures in Member States for returning illegal third-country nationals, <a href="http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF">http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF</a>. CONTENT: This 'return-directive' proposes to consider the best interests of the child in applying forced returns (Art. 5, Art. 10 en Art. 17). DISCIPLINE: law/social work studies. THEME: migration/forced return. SOURCE: Fundamental Rights Agency (FRA) via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Plea to take the best interests of the child in consideration in forced return decisions.</p>
	<p>5) COUNTRIES: Europe. REF: Directive 2011/36/EU of the European Parliament and of the council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA', <a href="http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF">http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF</a>. CONTENT: In implementing supportive and protective measures against human and child trafficking, the best interests of the child should be the first consideration. DISCIPLINE: law/social work studies/criminology, THEME: human trafficking, child trafficking. SOURCE: FRA via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Plea to implement best interests of the child in measures against human and child trafficking. Also: Delinquency/juvenile justice/child abuse/victimization.</p>
	<p>6) COUNTRIES: Europe. REF: European Commission (2010). Action Plan on unaccompanied minors 2010–2014, <a href="http://ec.Europe.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf">http://ec.Europe.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf</a>. CONTENT: Through this action plan, member states are encouraged to develop monitoring systems to better follow up on guardianship for unaccompanied migrant minors and to respect the best interests of the child and prevent abuse in this matter. DISCIPLINE: law/social work studies/criminology THEME: guardianship, unaccompanied migrant minors. SOURCE: European Commission via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Member states are encouraged to implement monitoring systems for guardians of unaccompanied migrant minors.</p>
	<p>7) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2004). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_KR_2004.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_KR_2004.pdf</a>. CONTENT: On March 31, 2003, the Federal Government and the Communities settled on a principle agreement regarding care and</p>	<p>GUIDELINES/PLAN: Commitment to organize structured care for unaccompanied migrant minors.</p>



C o m p a n i e d m i	guardianship for unaccompanied migrant minors. In this agreement, both parties commit themselves to work towards a cooperation to structurally organize care for all unaccompanied migrant minors, based on the best interests of the child. DISCIPLINE: social work studies, THEME: unaccompanied migrant minors. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	
	8) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2011). Vlaams actieplan kinderrechten 2011-2014, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/VAK_2011-2014-corr.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/VAK_2011-2014-corr.pdf</a> . CONTENT: The Commission of Integration develops an integrated action plan in which the best interests of the child are brought to the attention. In this way, more attention is being paid towards immigrant children. DISCIPLINE: general, THEME: migration/minorities. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	GUIDELINES/PLAN: Integrated action plan focusing on the best interests of immigrant children.
	9) COUNTRIES: Europe. REF.: European Commission (2010). Action Plan on Unaccompanied Minors (2010-2014), <a href="http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF">http://eur-lex.Europe.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF</a> . CONTENT: An individual estimation of the best interests of the child should be the guideline in all decisions that are taken with regards to unaccompanied migrant minors. DISCIPLINE: social work studies, THEME: unaccompanied migrant minors. SOURCE: CRIN via Database Children's Rights Coalition.	GUIDELINES/PLAN: Plea to base all decisions regarding unaccompanied migrant minors on individual best interests determinations. Also: Best interests determinations.
	10) COUNTRIES: Europe. REF: Save the children Europe (2006). The Implementation of the Dublin II Regulation and the Best Interests of Separated Children, <a href="http://www.crin.org/docs/save_separated_child.pdf">http://www.crin.org/docs/save_separated_child.pdf</a> . CONTENT: Save the Children developed, together with UNHCR and partner organizations from 29 different countries, a program to safeguard the best interests of unaccompanied migrant minors. DISCIPLINE: social work studies, THEME: unaccompanied migrant minors. SOURCE: ENOC & CRIN via database Children's Rights Coalition.	GUIDELINES/PLAN: Best interests of children take first place in this separated children program.
	11) COUNTRY: Belgium. REF: Vanderslycke (2013). Niet-begeleide buitenlandse minderjarigen. Belang van de jongere altijd voorop, <i>Alert</i> . CONTENT: The best interests of unaccompanied migrant minors. DISCIPLINE: (law?) THEME: unaccompanied migrant minors. SOURCE: www.kekidatabank.be	IMPLEMENTATION: Possibly adoptable recommendations regarding the best interests of unaccompanied migrant minors.
	12) COUNTRIES: Europe, specifically Finland, Spain. REF: *European Migration Network (2009). Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors - an EU comparative study, * <a href="http://ec.Europe.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/08._finland_national_report_on_unaccompanied_minors_final_version_july09_en.pdf">http://ec.Europe.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/08._finland_national_report_on_unaccompanied_minors_final_version_july09_en.pdf</a> ; * <a href="http://ec.Europe.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/25a._spain_national_report_on_unaccompanied_minors_published_version_28april10_en.pdf">http://ec.Europe.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/25a._spain_national_report_on_unaccompanied_minors_published_version_28april10_en.pdf</a> ; *HIT-foundation (2014). <i>Monitoring returned minors</i> , <a href="http://hitfoundation.eu/wp-content/uploads/2012/12/Summer_2014_Migrant_Monitoring-Returned-Minors.pdf">http://hitfoundation.eu/wp-content/uploads/2012/12/Summer_2014_Migrant_Monitoring-Returned-Minors.pdf</a> . CONTENT: The Finnish 'assisted voluntary return program' (AVR) insists on a clear integration and monitoring system in the home country before sending children back. As well, the protection of parent(s) or guardian(s) in the child's home	IMPLEMENTATION: Good practices regarding safeguarding the best interests of children in return policies.

g r a n t  m i n o r	country is underlined, in the best interests of the child. Spain as well monitors the effective reunification with the family and/or the availability of adequate care for the child after assisted returns of children. The HIT-foundation developed, at the request of the European Commission, a Monitoring of Returned Minors (MRM) project to promote a safer return for minors in the child's best interests. DISCIPLINE: social work studies, THEME: migration/return policies/unaccompanied migrant minors. SOURCE: European Commission via Database Children's Rights Coalition.	
	13) COUNTRIES: USA en Belgium. REF: Caritas Internationalis, Caritas International Begium & US Conference of Catholic Bishops Migration and Refugee Services (2012). Unaccompanied Minor Migrants. Two Case Studies/Best Practices'. <i>Contribution to the Day of General Discussion on 'The Rights of All Children in the Context of International Migrations' of the Committee</i> , <a href="http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/SubmissionsDGDMigration/Caritas.pdf">http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/SubmissionsDGDMigration/Caritas.pdf</a> . CONTENT: 'Good practices' to guarantee the best interests of the child in decisions about unaccompanied migrant minors are outlined in this publication. DISCIPLINE: social work studies. THEME: unaccompanied migrant minors. SOURCE: OHCHR via Database Children's Rights Coalition.	IMPLEMENTATION: Good practices regarding safeguarding the best interests of unaccompanied migrant minors.
	14) COUNTRY: Sweden. REF: Föreningen Skyddsvärnet (2011). Prata med oss, inte om oss ('Speak with us, not about us'), <a href="http://www.skyddsvarnet.se/Kvalitet--Forskning/Skyddsvarnets-projekt/Projekt-Prata-med-oss-inte-om-oss/">http://www.skyddsvarnet.se/Kvalitet--Forskning/Skyddsvarnets-projekt/Projekt-Prata-med-oss-inte-om-oss/</a> . CONTENT: This project stimulates unaccompanied migrant minors in Sweden to create their own, independent organization. They are supported to do so through mentoring, activities, contacts with the community and support from different governmental and other organizations. Furthermore, in this project, the situation of unaccompanied migrant minors in Sweden is outlined in a book. DISCIPLINE: social work studies, THEME: unaccompanied migrant minors. SOURCE: Föreningen Skyddsvärnet via European Commission via Database Children's Rights Coalition.	IMPLEMENTATION: Good practice to safeguard best interests of unaccompanied migrant minors. Also: Participation.
	15) COUNTRIES: International. REF: Corlett, Mitchell, Van Hove, Bowring & Wright (2012). <i>Captured Childhood</i> . Melbourne: International Detention Coalition, <a href="http://www.vluchtelingenwerk.be/actueel/nieuwsitem.php?n=1105">http://www.vluchtelingenwerk.be/actueel/nieuwsitem.php?n=1105</a> . CONTENT: The authors underline that the detention of (unaccompanied) children entering Belgium is an infringement on the best interests of the child. They introduce a new model to prevent detention. Together with the publication of this report, the International Detention Coalition (IDC) launched a worldwide campaign to end child detention. DISCIPLINE: criminology/social work studies, THEME: detention/migration/unaccompanied migrant minors. SOURCE: Vluchtelingenwerk Vlaanderen via Database Children's Rights Coalition.	IMPLEMENTATION: A new model to prevent detention of unaccompanied migrant minors is introduced. Also: Delinquency/juvenile justice/child abuse/victimization.
	16) COUNTRY: Netherlands. REF: Kalverboer, Zijlstra (2006-2008). Het Belang van het Kind in het Vreemdelingenrecht. Kinderen uit asielzoekersgezinnen: Ontwikkeling, perspectief en juridische positie, <a href="http://www.pharos.nl/documents/doc/j11-onderzoeksrapport_belang_kind_vreemdelingenrecht.pdf">http://www.pharos.nl/documents/doc/j11-onderzoeksrapport_belang_kind_vreemdelingenrecht.pdf</a> . CONTENT: The stipulations from the Dutch migration legislation are investigated based on the best interests of the child. Based on this analysis, different policy recommendations are formulated. DISCIPLINE: law, THEME: migration/minorities. SOURCE: Pharos via Google.	IMPLEMENTATION: Possibly adoptable recommendations regarding the best interests of migrant children.

S	<p>17) COUNTRIES: Belgium, France, Italy, the Netherlands, Poland, UK. REF: Platform for International Cooperation on Undocumented Migrants (Picum) (2013). Children first and foremost. A guide to realizing the rights of children and families in an irregular migration situation, <a href="http://picum.org/picum.org/uploads/publication/Children%20First%20and%20Foremost.pdf">http://picum.org/picum.org/uploads/publication/Children%20First%20and%20Foremost.pdf</a>. CONTENT: This project, which ran until March 2013, focuses on building strategies to overcome the barriers that children in an irregular migration situation face in accessing education, health care and housing in EU member states. DISCIPLINE: social work studies, THEME: children in irregular migration situations. SOURCE: Picum via Google.</p>	<p>IMPLEMENTATION: Possibly adoptable strategies to safeguard the best interests of illegal children in education, health care and housing. Also: Health.</p>
D c e h l i l n d q u a e b n u	<p>1) COUNTRIES: Europe. REF: Committee of Ministers of the Council of Europe (CoE) (2010). Guidelines on child-friendly justice, <a href="http://ec.Europe.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm">http://ec.Europe.eu/justice/fundamental-rights/rights-child/friendly-justice/index_en.htm</a>. CONTENT: The guideline is based on the premise that the best interests of the child in justice matters can only be considered by giving children the chance to express their opinion in cases that apply to themselves. That is why a strong focus is placed on participation of children and youth in justice procedures. DISCIPLINE: law/criminology, THEME: justice/participation. SOURCE: European Commission via database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Plea for participation of youth in justice procedures that apply to themselves. Also: Participation.</p>
	<p>2) COUNTRIES: Europe. REF: United Nations Economic and Social council (2005). Resolution 2005/20, Guidelines on Justice in Matters involving Child Victims and Witnesses in Crime, <a href="http://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf">http://www.un.org/en/ecosoc/docs/2005/resolution%202005-20.pdf</a>. CONTENT: These guidelines regarding under aged victims and witnesses of crime are based on the best interests of the child. The guidelines a.o. include the provision of adequate assistance, the prevention of unnecessary delay of procedures (unless this is in the best interests of the child) and the provision of general measures to guarantee the interests and dignity of the child in the procedure. DISCIPLINE: law/criminology, THEME: judicial procedures. SOURCE: UN via Database Children's Rights Coalition.</p>	<p>GUIDELINES/PLAN: Different measures to safeguard the best interests and dignity of children in justice procedures.</p>
	<p>3) COUNTRY: Finland. REF: Pösö, Kitinoja &amp; Kekoni (2010). <i>Locking Up for the Best Interests of the Child: Some Preliminary Remarks on 'Special Care'</i>. Thousand Oaks (USA): SAGE publications. CONTENT: The authors discuss how locking youth up in a special youth care context is interpreted as a restricted activity in the best of the child, because it is done in order to break the criminality cycle. DISCIPLINE: criminology/educational studies THEME: juvenile delinquency, youth care, out-of-home placement. SOURCE: <a href="http://www.kekidatabank.be">www.kekidatabank.be</a>.</p>	<p>IMPLEMENTATION: The authors consider locking up youth in a special youth care context in their best interests. Also: Alternative care: institutionalized youth care.</p>
	<p>4) COUNTRIES: Czech Republic, Bulgaria, Hungary, Italy, US, Scandinavian countries. REF: *Fundamental Rights Agency (FRA) (2011). Fundamental rights: challenges and achievements in 2011, <a href="http://fra.Europe.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf">http://fra.Europe.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf</a>; *<a href="http://ec.Europe.eu/justice/news/consulting_public/0053/contributions/organisations/Registered/save_the_children_en.pdf">http://ec.Europe.eu/justice/news/consulting_public/0053/contributions/organisations/Registered/save_the_children_en.pdf</a>;</p>	<p>IMPLEMENTATION: Implementation of child-friendly interrogation rooms to prevent negative experiences of child victims and witnesses.</p>

c s y e / / j v u i v c e t n i i m l i e s a j t	<p>*<a href="http://ec.Europe.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/ga-commitments-201308/ga_commitment_-_hungary_en.pdf">http://ec.Europe.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/global-alliance-against-child-abuse/docs/ga-commitments-201308/ga_commitment_-_hungary_en.pdf</a>;</p> <p>*Op de Beeck et al., (2013). 'Evaluatieonderzoek van het pilootproject te Antwerpen "Protocol van moed" – Een experiment inzake het spreekrecht en het casusgebonden overleg bij situaties van kindermishandeling'. <i>Onuitgegeven onderzoeksrapport, Steunpunt Welzijn, Volksgezondheid &amp; Gezin, KU Leuven</i>. CONTENT: Czech Republic and Bulgaria propose a justice reformation in order to stronger align existing policies and practices to the best interests of the child. One specific example exists of the installation of child-friendly rooms in which children who were victim of a crime can be questioned in a more adapted and comfortable environment ('Blue room project' in the 'hear the child project' in Bulgaria). In Hungary, the installation of child- interrogation rooms is suggested as well. Furthermore, child-friendly interrogation rooms are included in some of the Child Advocacy Centers or 'Barnahus' that were implemented for underaged victims in the United States and in the Scandianvian countries. DISCIPLINE: law/criminology, THEME: justice/victimization. SOURCE: FRA via database Children's Rights Coalition.</p>	
	<p>5) COUNTRIES: Sweden, Lithuania, Latvia. REF: Council of the Baltic Sea States (SE) (2013). Child exploitation - Cross-national child protection in practice, <a href="http://ec.Europe.eu/anti-trafficking/EU%20Projects/HOME_2012_RFXX_CA_1008">http://ec.Europe.eu/anti-trafficking/EU%20Projects/HOME_2012_RFXX_CA_1008</a>. CONTENT: This project investigates how practical cooperation between different countries and different responsible organizations can be established in estimating the child's best interests in returning seriously abused children (back to their home country). The project started in October 2013 and runs between Sweden, Lithuania and Latvia (duration: 24 months). DISCIPLINE: social work studies/law/criminology, THEME: migration/return policy/abuse. SOURCE: European Commission via Database Children's Rights Coalition.</p>	<p>IMPLEMENTATION: Practical international cooperation in children's best interests. Also: Immigration/ Unaccompanied migrant minors.</p>
	<p>6) COUNTRIES: International. REF: Consortium for street children (2005). Police Training Toolkit - Police Training on Child Rights and Child Protection - Lessons Learned and Manual, <a href="http://otp.unesco-ci.org/training-resource/centre-street-children/police-training-toolkit-police-training-child-rights-and-ch">http://otp.unesco-ci.org/training-resource/centre-street-children/police-training-toolkit-police-training-child-rights-and-ch</a>. CONTENT: This publication foresees the necessary information to develop, implement and evaluate practice-based courses for police regarding children's rights and the protection of children. The aim is to assist police officers in developing the necessary knowledge, attitude and competencies to allow them to always act in the best interests of the child. DISCIPLINE: criminology/social work studies, THEME: police, street children. SOURCE: UNESCO via database Children's Rights Coalition.</p>	<p>IMPLEMENTATION: Practical training kit for police officers to act in (street) children's best interests. Also: Specific minority groups.</p>
	<p>7) COUNTRIES: International. REF: Bilson &amp; White (2005). Representing children's views and best interests in court: an international comparison. <i>Child Abuse Review</i>. CONTENT: Alternative international models are compared with the system of 'guardians ad litem' who represent the best interests of children and other people in child care and family related procedures. The authors conclude that for different groups of children, a lawyer can guarantee more participation and a better representation in public or private law procedures than a guardian who assesses the child's best interests and communicates the child's viewpoints. DISCIPLINE: law, THEME: guardianship/participation. SOURCE: www.kekidatabank.be.</p>	<p>IMPLEMENTATION: Study indicates that lawyers provide a stronger guarantee for the consideration of the child's best interests in child care and family related procedures than a guardian ad litem.</p>

u i s o n  i c e /  C c h a i r l e d	8) COUNTRY: Belgium. REF: Hulpverleners en het verruimde spreekrecht, <a href="http://www.steunpunt.be/public/article/211">http://www.steunpunt.be/public/article/211</a> . CONTENT: Art. 458bis of Penal law was adapted with the aim to enlarge care workers' right to speak up in light of the protection of children and other vulnerable individuals. This right to speak up can only be applied in the best interests of the child or the client. DISCIPLINE: law/criminology, THEME: right to speak up/professional secrecy/child abuse. SOURCE: Steunpunt Algemeen Welzijnswerk ('Support Center for General Social Support') via Database Children's Rights Coalition.	IMPLEMENTATION: The equilibrium between professional secrecy and the right to speak up is altered to safeguard the best interests of the child.
	9) COUNTRIES: Europe. REF: European Commission (2013). 8th European Forum on the rights of the child. Towards integrated child protection systems through the implementation of the EU Agenda for the rights of the child, <a href="http://ec.Europe.eu/justice/events/child-forum-2013/">http://ec.Europe.eu/justice/events/child-forum-2013/</a> and <a href="http://ec.Europe.eu/justice/fundamental-rights/files/8th_forum_background_paper_en.pdf">http://ec.Europe.eu/justice/fundamental-rights/files/8th_forum_background_paper_en.pdf</a> . CONTENT: In this forum, possibilities to develop integrated child protection systems are discussed. In these systems, the interests of the child come first. Four specifically vulnerable groups take a central place: children who are abducted by one of their parents, children on the move, children who are victim of (cyber)bullying and girls who are victim of genital mutilation. DISCIPLINE: criminology/educational studies/ social work studies, THEME: general/abduction by parents/bullying/migration/mutilation. SOURCE: European Commission via database Children's Rights Coalition.	IMPLEMENTATION: Integrated child protection systems are discussed, focusing on abduction, migration, bullying and genital mutilation. Also: Specific minority groups.
	10) COUNTRY: Belgium. REF: Kinderen krijgen eindelijk recht op spreken (2011), <a href="http://www.mensenrechten.be/index.php/site/nieuwsberichten/kinderen_krijgen_eindelijk_recht_op_spreken">http://www.mensenrechten.be/index.php/site/nieuwsberichten/kinderen_krijgen_eindelijk_recht_op_spreken</a> . CONTENT: The draft legislation to establish a family and youth court in Belgium was finally accepted on July 17 and 18, 2013. Through this new legislation, children - regardless of their age - receive the opportunity to explain their opinion regarding custody, housing arrangements and personal relations to the judge. Children over the age of 12 are automatically invited in court, however they are not obliged to respond to this invite: they have a right to speak, not a duty to speak. DISCIPLINE: law/educational studies, THEME: Divorce/custody/parental responsibility/participation. SOURCE: Human Rights League via database Children's Rights Coalition.	IMPLEMENTATION: Belgian good practice regarding hearing children in court in decisions that matter to them. Also: Participation.
	1) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2006). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf</a> . CONTENT: Within the action plan 'flexible and occasional child care', specific attention is paid to care, focusing on the best interests of the child. For example: during early and late hours, care at home is foreseen, in order to reduce collective care during these hours. DISCIPLINE: educational studies, THEME: child care. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	GUIDELINES/PLAN: Suggestion of a flexible child care system that allows for care at home during late hours.
	2) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2008).Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2008.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2008.pdf</a> . CONTENT: A self-evaluative instrument for children in collective care and child-minders is developed, to better align provided care with the best interests of the child (ZIKo and ZIKo-Vo). DISCIPLINE: educational studies, THEME: child care. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	IMPLEMENTATION: Instrument to monitor the realization of children's best interests in child care.

M e d i a r t i c l e s	1) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2006). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2006.pdf</a> . CONTENT: Ketnet, the television network that specifically targets children and youth, focuses on the best interests of the child. Ketnet always treats its young viewers with respect and offers them a safe environment. DISCIPLINE: communication studies, media studies, THEME: media. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	IMPLEMENTATION: Child-friendly television network based on the best interests of the child.
	2) COUNTRY: UK. REF: Media Wise, <a href="http://www.mediawise.org.uk/children/">http://www.mediawise.org.uk/children/</a> . CONTENT: This organization developed, in the best interests of children, different practical instruments aiming at a correct and respectful portrayal of children and youth. DISCIPLINE: communication sciences, media studies THEME: media. SOURCE: Mediawise via Database Children's Rights Coalition.	IMPLEMENTATION: Practical instruments for a correct portrayal of children and youth, based on their best interests.
	3) COUNTRY: Belgium (Flanders). REF: Vlaamse overheid (2007). Jaarverslag jeugdbeleid en kinderrechten, <a href="http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2007.pdf">http://www.sociaalcultureel.be/jeugd/kinderrechten/jaarverslag_JB_KR_2007.pdf</a> . CONTENT: Specific stipulations regarding advertisement and sponsoring for children were added to the general code for advertisement and sponsoring on radio and television. The creation of these stipulations took place in close cooperation with different organizations from the media domain as well as organizations and institutes defending the interests of children and youth. DISCIPLINE: communication sciences, media studies, THEME: media. SOURCE: Division for Youth of the Flemish Government via database Children's Rights Coalition.	IMPLEMENTATION: Adaption of general advertisement code to include children's best interests, based on a participative methodology with child advocacy actors. Also: Best interests advocacy.
(P u b l i c)	1) COUNTRY: Belgium. REF: Kind & Samenleving ('Child & Society'). 'E-zine Kind & Ruimte', <a href="http://k-s.be/e-zines/">http://k-s.be/e-zines/</a> . CONTENT: Newsletter about the perspective and interests of children and youth in public space and urban planning. DISCIPLINE: environmental & sustainability studies, THEME: (public) space. SOURCE: Child & Society via database Children's Rights Coalition.	IMPLEMENTATION: Communication of insights regarding children and youth's interests in public space.
	2) COUNTRIES: Belgium (Flanders), also in the Netherlands. REF: Vives vzw. Speelruimteplan of jeugdruimteplan ('Play area plan or youth area plan'), <a href="http://www.vives-vzw.be/Jeugdruimte/Visie">http://www.vives-vzw.be/Jeugdruimte/Visie</a> and <a href="http://www.speelvriendelijk.be/">http://www.speelvriendelijk.be/</a> . CONTENT: The goal of this play area plan or youth area plan is to integrate the interests of children and youth with other (sometimes contradictory) interests in the social debate about public space. DISCIPLINE: environment and sustainability studies, THEME: space. SOURCE: Vives via database Children's Rights Coalition.	IMPLEMENTATION: Implementation of children and youth's interests in social debate about public space.
H e	1) COUNTRIES: International. REF: United Nations (2008). Human Rights Instruments Vol. II, <a href="http://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-1-REV-9-VOL-II_en.doc">http://www.ohchr.org/Documents/HRBodies/TB/HRI-GEN-1-REV-9-VOL-II_en.doc</a> . CONTENT: This document presents an overview of the advice and recommendations of different human rights committees, amongst which the Committee on the Rights of the Child. In light of safeguarding the best interests of the child, focus is placed on (1) diminishing differences between children from married and children from unmarried parents, (2) estimating the best interests of children and youth and outlining the impact of new legislation on children and youth (as well as the use of budget analysis) and (3) the recognition of the best interests of the child in HIV/AIDS prevention and curation programs: in these programs, children and youth	GUIDELINES/PLAN: Recognition of the best interests of children in HIV/AIDS prevention and curation programs. Also: Child impact assessments.

a l t h	should take a central place. DISCIPLINE: general, THEME: general/family/effect analysis/health. SOURCE: OHCHR via Database Children's Rights Coalition.	
	2) COUNTRIES: International. REF: WHO (2006). 'Child growth standards', <a href="http://www.who.int/mediacentre/news/releases/2006/pr21/en/">http://www.who.int/mediacentre/news/releases/2006/pr21/en/</a> . CONTENT: The WHO developed global growth standards that can be used as a new instrument in providing the best medical services and nutrition for children from all over the World. A.o. the president of the International Pediatric Association (IPA) urges its members to use these standards in the best interests of the child, and to convince their respective governments to implement the standards. DISCIPLINE: medicine/ health studies, THEME: growth standards. SOURCE: WHO via database Children's Rights Coalition.	IMPLEMENTATION: Creation of growth standards to be used in children's best interests.
	3) COUNTRIES: International. REF: Moodley, Hardie, Selgelid, Waldman, Strebel, Rees & Durrheim (2013). Ethical considerations for vaccination programs in acute humanitarian emergencies. <i>Bulletin of the World Health Organization</i> , 91, 290-297, <a href="http://dx.doi.org/10.2471/BLT.12.113480">http://dx.doi.org/10.2471/BLT.12.113480</a> . CONTENT: The authors argue that vaccination is crucial to reduce mortality among children. In line with this argument, they suggest to only respect parents' refusal to vaccinate their child when the targeted illness is less serious and chances of getting ill are low. However, the authors claim that if a high chance of harm exists, the child's best interests should be a superior consideration over parental authority. As well, the authors suggests that in absence of parents or guardian in emergency situations, health workers should receive a mandate, based on the child's and/or community's best interests, to decide whether a child should be vaccinated. DISCIPLINE: medicine/ health studies, THEME: vaccination/ethical decisions. SOURCE: WHO via database Children's Rights Coalition.	IMPLEMENTATION: Concrete suggestions to safeguard children's best interests in health and emergency situations.
S p e c i f i c m	1) COUNTRIES: International. REF: Committee on the rights of the child. General Comment No. 11 (2009): Indigenous children and their rights under the Convention, <a href="http://search.ohchr.org/search?q=cache:HIF9TJ9e2MJ:www2.ohchr.org/english/issues/racism/groups/docs/8thsession/CRC_GC11.doc++best+interests+of+the+child+&amp;client=default_frontend&amp;site=default_collection&amp;output=xml_no_dtd&amp;proxystylesheet=en_frontend&amp;ie=UTF-8">http://search.ohchr.org/search?q=cache:HIF9TJ9e2MJ:www2.ohchr.org/english/issues/racism/groups/docs/8thsession/CRC_GC11.doc++best+interests+of+the+child+&amp;client=default_frontend&amp;site=default_collection&amp;output=xml_no_dtd&amp;proxystylesheet=en_frontend&amp;ie=UTF-8</a> . CONTENT: In this comment, the Committee demonstrates how the concept 'best interests of the child' should be interpreted for native children and youth. DISCIPLINE: anthropology/social work studies/cultural studies, THEME: minorities/native children and youth. SOURCE: UNHCHR via database Children's Rights Coalition.	GUIDELINES/PLAN: General comment on how to interpret the best interests principle for native children and youth.
	2) COUNTRIES: Europe. REF: European Network of Ombudspersons for Children (2009). The best interests of the child. <a href="http://crin.org/docs/FileManager/enoc/enocreportconferenceagparis.pdf">http://crin.org/docs/FileManager/enoc/enocreportconferenceagparis.pdf</a> . CONTENT: Different policy initiatives regarding the promotion of the best interests of the child are discussed, with a specific focus on the following target(s)(groups): (1) unaccompanied migrant children, asylum seekers, (2) children of divorced parents, (3) children's participation, (4) the right to be heard in decision-making processes, (5) children in the legal system, (6) children with a disability, (7) children placed out of home, (8) children of	GUIDELINES/PLAN: Suggested policy initiatives regarding children of divorced parents, children's participation, the right to be heard in decision-making processes, children in the legal system, children placed

i n o r i t y g r o u p s	parents in detention. DISCIPLINE: general, THEME: divorce/participation/parents in detention. SOURCE: CRIN via database Children's Rights Coalition.	out of home and children of parents in detention.
	3) COUNTRIES: Europe. REF: Eurochild (2008). Including Children: a child rights approach to child well-being, <a href="http://www.eurochild.org/fileadmin/user_upload/files/publications/NewsletterWS2009.pdf">http://www.eurochild.org/fileadmin/user_upload/files/publications/NewsletterWS2009.pdf</a> . CONTENT: One of the workshops at this congress in Budapest focused on ways to safeguard the child's best interests in poverty reduction strategies. DISCIPLINE: social work studies/poverty studies, THEME: poverty. SOURCE: Eurochild via Database Children's Rights Coalition.	IMPLEMENTATION: Focus on ways to safeguard children's best interests in poverty reduction measures.
	4) COUNTRIES: International. REF: Feeny (2005). In Best or Vested interests? An Exploration of the Concept and Practice of Family Reunification for Street Children, <a href="http://www.crin.org/docs/In_Best_or_Vested_Interests.pdf">http://www.crin.org/docs/In_Best_or_Vested_Interests.pdf</a> . CONTENT: This paper describes the child's best interests – stressing the importance of participation in determining best interests – in reuniting street children and their families through so called 'reunification programs'. Practical guidelines regarding existing and newly developed reunification programs are provided, focusing on the child's best interests. DISCIPLINE: social work studies/criminology, THEME: street children. SOURCE: ENOC via database Children's Rights Coalition.	IMPLEMENTATION: Practical guidelines for family reunification in the child's best interests are provided through this project. Also: Participation.
	5) COUNTRY: Belgium (Flanders). REF: KAJ vzw (2010). Interim-actie, <a href="http://www.kaj.be/over-ons/6-kaj-wint-met-hun-interimactie-de-ceraprijs-2010">http://www.kaj.be/over-ons/6-kaj-wint-met-hun-interimactie-de-ceraprijs-2010</a> . CONTENT: KAJ vzw won the CERA award 2013 which aims at drawing attention to projects that benefit socially vulnerable children and youth. KAJ vzw won this award for its 'interim-action', in which KAJ, together with socially vulnerable youth, promotes youth's interests in employment matters. DISCIPLINE: social sciences THEME: work/social vulnerability. SOURCE: KAJ via database Children's Rights Coalition.	IMPLEMENTATION: Defending vulnerable youth's interests in employment matters.
	6) In, among others, <a href="http://www.ilo.org/Search3/search.do?searchWhat=best+interest+of+the+child&amp;navigators=&amp;sortby=default&amp;lastDay=0&amp;collection=&amp;offset=20">http://www.ilo.org/Search3/search.do?searchWhat=best+interest+of+the+child&amp;navigators=&amp;sortby=default&amp;lastDay=0&amp;collection=&amp;offset=20</a> , different initiatives regarding serious child labour are brought forward. However, these are not summed up here, as they rather fit in Art. 32 of the CRC.	IMPLEMENTATION: Addressing (serious) child labour.