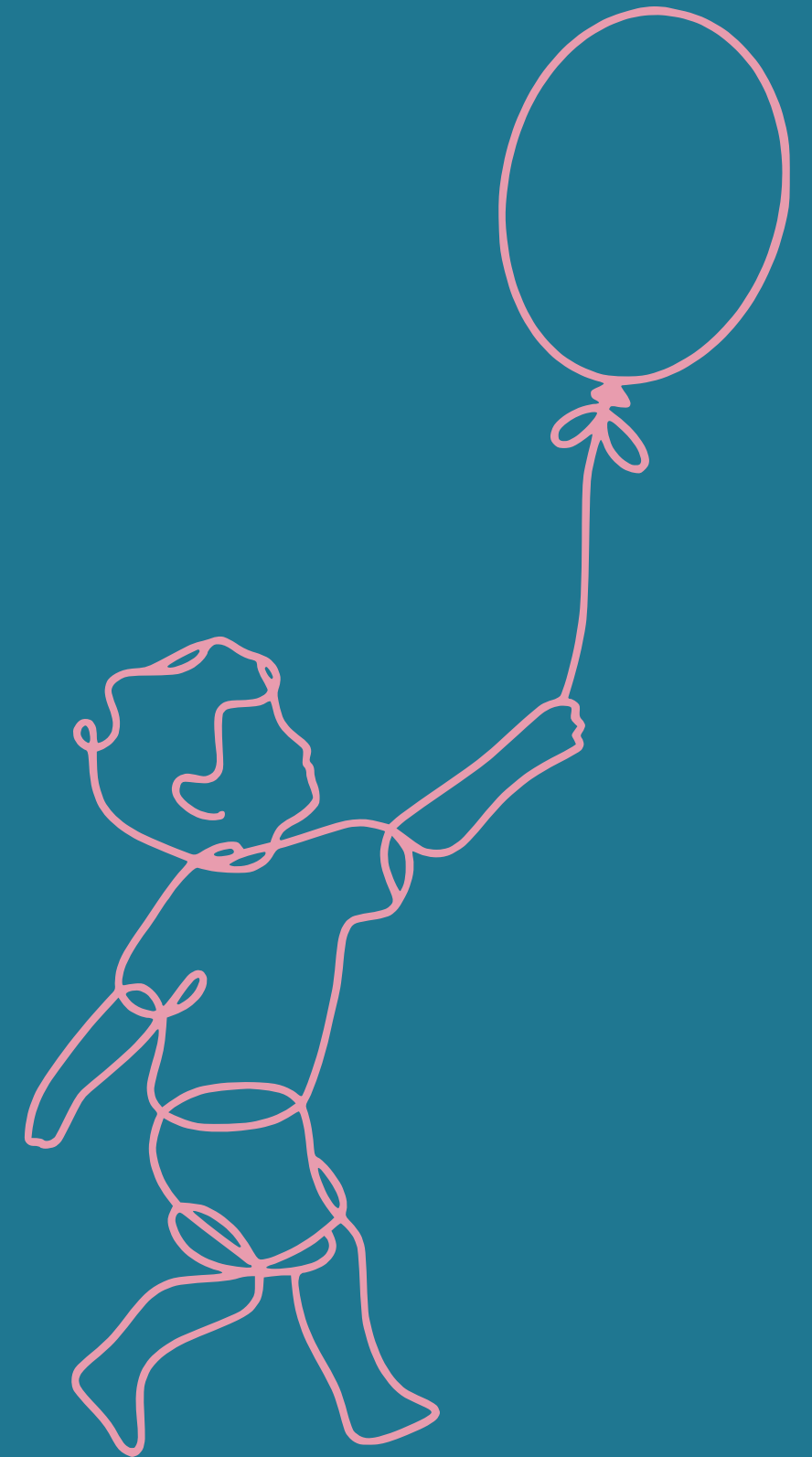


Back to Basics - The Committee on the Rights of the Child on Determining the Best Interests of the Child

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aim of the presentation

- Briefly review the concept of the child's best interests
- To contextualise the No.14 General Comment's approach on the implementation of the concept
- To explore the methodological possibilities for implementing the best interest assessment and determination within the Hungarian legal order

UNCRC Art. 3 para.

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

What is the 'best interests' concept?

- a child's right
- UNCRC General Principle
- a rule of procedure

purpose



2 steps of implementation

best interests assessment and
determination

legally safeguarded procedure that guarantees
proper application of the right

Best Interests Assessment and

Decision

importance of
individuality
and context

structured yet
flexible
method

ultimate
purpose:
ensuring full and
effective
enjoyment of
rights

child or
group of
children

7 key elements

- The child's view
- The child's identity
- Preserving family environment, maintaining relations
- Care, protection, safety
- Situation of vulnerability
- The child's right to health
- The child's rights to education

BALANCE



procedural safeguards

- The child's rights to express their own views
- Establishment of relevant facts
- The importance of time
- Highly qualified professionals
- Appropriate legal representation
- Legal reasoning
- Reviewing and revising mechanisms
- CRIA



national implementation

- methodological framework to **complement** the Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship Affairs (Child Protection Act)
- existing legal basis - Child Protection Act 6.§ (5a)
- safety for both the child and the professional

“The child has the right to have professionals acting for his or her protection proceed in accordance with coherent principles and a consistently applied methodological framework.”

**Thank you for your kind
attention!**

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