Best interest of the child in family support

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Child Rights in Practice and Research
Social consequences of child rights on children, childhood, and family

1. How to ensure respect for children’s rights in family and parenting interventions targeted at children and families at risk?

2. How can attitudes and convictions about children, childhood and family be changed as to achieve greater public commitment to children and their rights and to strong policies in family support?

3. Family support as an integral part of the child protection or conversely?
The children’s rights movement & the new sociology of childhood

• Critics of the CRC: based on a contemporary western concept of individualism that separates child wellbeing from its social, cultural and family contexts.

• CRC as a compromise: ’essence of child(hod)’ application in diverse cultural contexts.
Priority of family environment

• International human rights law recognizes and prioritizes the family as the most important environment for the personal growth of its members.

• Countries have developed very few mechanisms and only modest recourses are made available for securing adequate family support.

• Government budgets are predominantly focused on interventions after the child has been endangered.
25 years of CRC

• BIC is universally considered to be a primary consideration in any decisions made about a child’s present and future.

• There is no consensus on who is in charge of determining the best interests of the child, or on the criteria and procedures based on which decisions are made.

• Comments of The Committee on the Rights of the Child: reference point to ensure effective realization of all rights.
Do we need best interest principles?

• Before the adoption of the CRC, decisions were not linked to the comprehensive rights of the child.

• Decisions are influenced by contemporary thinking among decision makers, and the decision-making framework is either non-existent or ambiguous and contradictory.

• Historically - examples of undesired, even tragic consequences for numerous children, families, even entire communities.
• The basis for the government interventions in the family life when it is necessary to protect the child, and to determine what is in line with the rights of the child in complex situations.
Key questions

1. What are the criteria that determine the content of the best interest: what does the best interest of a particular child entail?
2. It is about keeping a family together or identifying a least harmful alternative?
3. How does one determine the ‘sum of goods’ that amount to the wellbeing of the child?
Elements/factors considered

- Psychological
- Biological
- Capacities of the parents
- Family
- Cultural
- Child Participation
Dominancy of psychological factors

• Stage for the protectionist approach, which clearly prioritized the child’s **right to protection** in relation to the

  • **right to provision** (meaning the role of the state to provide support to families in bringing up their children) &

  • **right to participation** (which includes the active inclusion of the child but also the family in defining services and measures of support that they need).

  **Parental responsibility** - over-emphasized

  **Societal responsibility** - unclear and undefined
Bridging the knowledge and ideological gap

• Combining knowledge about child development and knowledge on intentionality of children, taking into account knowledge about ways of upbringing of children in different cultures, as well as the agency paradigm.
How do we see and understand children?

“A child always answers correctly – his own question” (Piaget, 1972, p. 37)

Adults who are linked with children in different ways should find ways of understanding the child’s perspective.
BIC Today

• **Individual level:** thought-out, organised and well-prescribed process which addresses the issue of which out of two or more decisions based on the rights of the child best enables the exercising of the child’s rights.

• **Collective level:** in children as a group, points to the need of introducing the children’s perspective and the child’s perspective in all things that affect the children’s lives and childhood as a social phenomenon in a particular environment.
Value base for state (non)interventions

‘Child savers’
‘Child welfare’
‘Child liberators’

Frost and Stain (1989)

Issue of power and control.
Perception of children as different or similar to adults.
Supportive rather than intrusive policies and interventions

• Children can be neglected by the state and community to the same extent as they can be neglected by their parents and families.
• State intervention leading to family separation can be counter-productive and harmful.
• Resources need to be directed towards prevention and family support.
Child care, family centres, counselling, parental education, advocacy

Flexible interventions targeting vulnerable groups of children and families

Health, education, housing

Preventive services

Targeted services

Universal services

Safety mechanism
Child rights perspective in FS

1. To what extent the perspective of family support integrates, contradicts, overlaps or negates the interests of the child or interests of the parents?

2. Is unit of intervention the family as a whole or is the approach to see each member of the family separately?

3. Who is the client: the child, the parents or the family?

Child-centredness
Re-culturation of social institutions and services

Empowering framework

Equal partnership

Trusting & supportive relationship

• Efficient parenting interventions have to be part of a wider family support framework within a multifaceted approach that promotes child rights.

• Parental and children engagement and voice.
Model of family support policies, services and research.
Protectors of child rights vs protectors of children

• Child participation as an aim and a tool in the process of empowering children and their families.

• To understand BIC - to understand and to apply the CRC as a whole, making sure all principles are given weight.