

Course Title & Content

The Compound Eye: Seeing the Whole Child through the Principle of Best Interest

An intensive workshop on Article 3 (1) of the UN Convention for Child Rights- the Principle of Best interest. The course will explore why the principle of best interest universally accepted and legally binding, remains largely as pretty rhetoric. It is easy to honour but difficult to apply in everyday child protection because the child moves through multiple systems – police, social welfare, labour, health, protection frameworks, education, on the one hand and family and community structures on the other. For decision making to be child centred requires seeing the ‘whole child’ and the fullness of his/her reality and context.

The course offers students discover what best interest really means, how it can be determined and used in practice. Students will engage with questions of participation, vulnerability, agency, trauma, dignity, personhood and belonging. They will appreciate multiple perspectives because the compound eye means seeing the child simultaneously through law, governance, psychology, development, protection, family, dependence, vulnerability, voice and future consequence.

Students will work on anonymized case studies and apply best interest in three layers: as a substantive right, as a rule of procedure and as a fundamental principle The three dimensions

They will learn that the law has to be interpreted in the context of the whole child. The interpretation must be based on an understanding of trauma, child development, age-appropriate needs, intersectional factors, cultural context, relational, behavioural and emotional issues. All factors will have to be taken into account. Students will discover that child rights do not operate in isolation, they intersect and sometimes collide.

How will best interest be determined if the rights are pulling in different directions?

A child wants to go home but the home is a place where the abuse happened? A 15-year-old runaway girls’ agency and autonomy versus rescue. Should child labour mean separation from family and CCI stay? Seeing the child as both a victim and offender?

Day 1 – The Principle & The Compound Eye

Session 1- The principle of best interest – origin, significance, universal acceptance, weak operationalisation. Introduction of GC 14 and explanation

Session 2: The Compound Eye – multiple systems, multiple needs, multiple perspectives and the the whole child.

Session 3: Case Study One: students work through an anonymised case using the GC 14’s 3 dimensions of best interest.

Day 2: Dealing with Conflicting Rights

Session 4 – When rights collide – students work the 4 hard case scenarios (the child who wants to go home to an unsafe situation, the runaway girl who doesn’t want to be rescued, child labour and family separation, victim and offender duality)

Session 5: Casework continues – more challenging scenarios where determination of best interest is difficult.

Session 6: Students present their reasoned determination.

Reference List

The General Comment 14 of the UN Committee for Child Rights

The Best Interest of the Child -A dialogue between theory & Practice

Council of Europe 2016