The "Best Interest of a Child" and adoption policies

Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) reads as follows:

"Article 3

1. *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*
2. *States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.*
3. *States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision."*

Comment

The "Best interest" principle is a principle open to frequent debates and disputes.

However it is clear that a violation of children's rights as enshrined in the UNCRC cannot be in the "best interest" of children.

The following has to be taken into account:

- **Interdependence of Articles:** All the articles in the UNCRC are interconnected. No single article should be considered in isolation or override others.
- **Best Interest of the Child:** In adoption, the child's best interest is paramount. This means that no other interests (i.e. such as those of adopters, the state, or agencies) should take precedence over the child's well-being.
- **Policy Development:** States must create policies that align with the UNCRC and prioritise the child's best interest. These policies should be developed from a broad perspective.

For further reading: Implementation Handbook For The Convention On The Rights Of The Child: Fully revised third edition, September 2007, https://www.unicef.org/media/96496/file/Implementation%20Handbook%20for%20the%20Convention%20on%20the%20Rights%20of%20the%20Child.pdf