

Decisions and Views of the Committee on the Rights of the Child

Parent-Child Separation and Children's Rights

The case of:
N.R. (C.R.) vs Paraguay

The United Nations Convention on the Rights of the Child

KEEPING FAMILIES TOGETHER

N.R. vs Paraguay



BEST INTERESTS
OF THE CHILD



KEEPING FAMILIES
TOGETHER



CONTACT WITH
PARENTS ACROSS
COUNTRIES

N.R. vs Paraguay is a complaint about a girl born on the 16th of June 2009. She is known as C.R. and lives in Paraguay with her mother. Her father (N.R.), who is living in Argentina, was not allowed to maintain contact with her even though there was an agreement with her mother. The father tried to find solutions in Paraguay, but he could not. So, the father wrote a complaint in 2017 to the Committee on the Rights of the Child as he believed that the government of Paraguay did not do enough to make sure that he can contact C.R.

The Committee found that Paraguay did not respect: **C.R.'s best interests as a child, her right not to be separated from her father, and her right to maintain contact with her father across countries.**

The Committee also asked the government to make sure C.R. can contact her father and to make sure this does not happen to any other child in Paraguay.

What happened to C.R. in this case?

June 2009 - C.R. was born in Argentina. When she was just 11 days old, she and her mother moved to Paraguay. The father continued to live in Argentina. Even though her parents did not live together, they agreed that they would both look after her. As C.R. grew, the father would travel from Argentina to Paraguay to see her. They would also talk over the phone or through video calls.



February 2015 - The mother then started to make it difficult for the father and C.R. to see each other and talk over the phone. It became so difficult that the father made up his mind to ask help from a Court in Paraguay.

April 2015 - The Court said that C.R. should be able to visit her father during winter and summer holidays. They also agreed that C.R. and her father should be allowed to talk on the phone and through video calls.

But the mother continued to make the contact difficult, and the government did not do anything to help.



May 2017 - The father decided to write a complaint to the Committee. He says that the government of Paraguay, by not helping him meet and talk to C.R., has taken away from C.R. the following rights:

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| <p>3</p> <p>BEST INTERESTS OF THE CHILD</p> <p>When adults make decisions, they should think about how their decisions will affect children. All adults should do what is best for children.</p> | <p>4</p> <p>MAKING RIGHTS REAL</p> <p>Governments must do all they can to make sure that every child in their countries can enjoy all the rights in the Convention.</p> | <p>5</p> <p>FAMILY GUIDANCE AS CHILDREN DEVELOP</p> <p>Governments should let families guide their children so that, as they grow up, they learn to use their rights in the best way.</p> | <p>19</p> <p>PROTECTION FROM VIOLENCE</p> <p>Governments must protect children from violence, abuse and being neglected by anyone who looks after them.</p> |
| <p>9</p> <p>KEEPING FAMILIES TOGETHER</p> <p>Children whose parents don't live together should stay in contact with both parents, unless this might harm the child.</p> | <p>10</p> <p>CONTACT WITH PARENTS ACROSS COUNTRIES</p> <p>If a child lives in a different country than their parents, governments must make sure they can stay in contact.</p> | <p>18</p> <p>RESPONSIBILITY OF PARENTS</p> <p>Parents are the main people responsible for bringing up a child.</p> | |

What did the Committee decide on the complaint?

1. Can the complaint be accepted and studied by the Committee?



Admissibility

The Committee can only accept complaints if certain rules are followed. When you submit a complaint, the Committee will check whether you have followed the rules. This is called the “admissibility” stage. In this complaint two rules were important:



Rule 1: Paraguay must have signed a document called the Optional Protocol on a Communications Procedure, that says people can write complaints to the Committee. Paraguay must have signed it before C.R.’s rights were taken away.

When Paraguay signed this document, the contact between C.R. and her father was already disturbed. As the problem still continued even after signing the document, the Committee said the rule was followed.



Rule 2: You must first try to solve your problem in your country through all possible ways

In this case, C.R.’s father had tried his best to find solutions but he was not assisted. So, the Committee decided that this rule was also followed and accepted the complaint.

2. Has the government of Paraguay taken away C.R.’s rights?



Merits

The Committee then went on to the next step, that is to check whether C.R.’s rights have been taken away. This step is called “merits”.



Children have the right to stay in contact with both parents even if they do not live in the same country. If it is found that this is not in the child’s best interests, they may not be allowed to be in contact with one or both parents. For example, if it is harmful. When C.R.’s father went to the Court in Paraguay to ask for help, it was decided that C.R. and her father should have contact with each other because it was in C.R.’s best interest. Therefore, she should not be prevented from having contact with her father.



Decisions about contact between parents and children must be made very quickly. If someone ignores such a decision, the government must make sure they follow it even if they do not want to. In this case, the government took too long to make sure C.R.’s mother followed the decision for C.R. and her father to stay in contact. This happened even though the father complained several times. It can be harmful to children if they do not have contact with a parent for a long time. For this reason, the Committee said that the government has taken away C.R.’s right to have contact with both of her parents.





Merits

But what about the comment of the mother that C.R. does not want to travel with her father during holidays?

The Committee said that this only happened because the government did not help C.R. and her father quickly enough to stay in contact. Otherwise, they would have remained close. For that reason, this comment cannot change the Committee's decision.



Therefore, the Committee found that the government of Paraguay has not respected C.R.'s best interests as a child (Article 3), her right not to be separated from her father (Article 9), and the right to maintain contact with her father across countries (Article 10).



Remedies

What did the Committee tell the government to do to help C.R.?

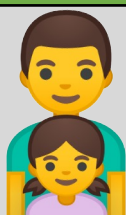
The Committee told the government to make sure the contact between C.R. and her father happens like the Court of Paraguay said in their decision in 2015. This includes video calls and visits on selected days and holidays. Also, the government must help C.R. and her father to rebuild their relationship. This can be done through professionals who specialize in helping people to do that, like psychologists. In doing so, the government must pay attention to what is the best for C.R. now.



What did the Committee tell the government to do to make sure this doesn't happen to any other children in the country, in a similar situation?

The Committee told the government to make sure that children keep contact with their parents when judges decide that it is not harmful to them.

- The government must make it happen quickly, even when one parent makes it difficult.
- The government has to teach the judges and other people who work with children on the right of children to have contact with both parents, especially about what the Committee already said in previous documents on what is best for the child.



What is the United Nations Convention on the Rights of the Child?

The United Nations **C**onvention on the **R**ights of the **C**hild (sometimes called CRC to make it shorter) is an agreement by countries who have promised to protect rights of children.



The CRC explains who children are, all their rights, and the responsibilities of governments. You can find a full list of rights [here](#).



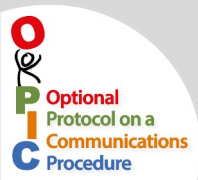
All the rights are connected, they are all equally important, and they cannot be taken away from children.



Any government that signs the CRC must protect the rights of all children, no matter the color of your skin, your religion, whether you identify as a girl or boy, whether you are a person with any form of disability, and whatever language you speak.



How and when can you bring a complaint to the Committee on the Rights of the Child?



Your country must be one of the countries that have signed on to an agreement called the "Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure".

If a child or anyone responsible for a child believes that the government has failed to protect the rights in the CRC, they can write a complaint to the Committee.



The Committee on the Rights of the Child is a group of 18 independent members from around the world. If you would like to contact them, please click [here](#).

Would you like to learn more?



[The official decision of the complaint N.R. vs Paraguay](#)



**Committee on the
Rights of the Child**
UNITED NATIONS

[Child friendly page of the Committee on the Rights of the Child](#)



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[Child Rights Connect is an NGO that can give you more information](#)



OPIC

**Optional Protocol to the
Convention on the
Rights of the Child on a
Communications Procedure**

[More information about submitting a complaint](#)



[A video by UNICEF Australia - What are child rights?](#)

This child-friendly version was developed using the model outlined in Child Rights Connect's template, "[How to Draft a Child-Friendly Version of an OPIC Case.](#)"

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