



Network of Women Parliamentarians of the Americas

9TH ANNUAL MEETING

Mar del Plata, Argentina, November 16, 2010

DECLARATION IN SUPPORT OF THE CHILD CUSTODY CASE INVOLVING THE PARAGUAYAN CHILD MATIAS

GIVEN the fundamental rights of women and children recognized under international human rights instruments and Paraguayan law; and

CONSIDERING the best interests of the Paraguayan child Matias;

We, the women parliamentarians of the Americas, gathered together for the 9th Annual Meeting of the Network, DECLARE:

THAT the fundamental “best interests of the child” principle has been violated.

THAT we support the principle that legislation protecting underage children must be strictly abided by court judges, prosecutors and defence lawyers and we advocate the human rights of minors. The case of the Paraguayan child Matias involves a violation of his rights as a minor and the rights of his biological parents. The parents tried to exercise the rights and duties inherent in their parental authority, in due form and in accordance with Paraguayan law, but their rights were not respected and Matias was not returned to their care, as should have been the case.

THAT we must consider the importance of direct contact between children and their biological mother at every stage of biological and psychological growth and the social circumstances that led this mother to abandon her child at birth, a decision she immediately regretted prompting her and the father (as soon as he was informed of his paternity) to claim custody of Matias because they wanted to raise and educate their own child themselves. This is reflected in the parents’ legal battle to regain custody of this child, who is rightfully theirs from both a legal and a biological standpoint. Their custody claim was refused due to the rigidity and imprudence of the judicial authorities, perhaps because the parents were deemed to lack the necessary economic, social and education level—even though their claim is legitimate.

THAT we urge the judicial authorities of Paraguay to review the decisions that were made in this case without regard for the inherent rights of the child and the parents, rights which, even though systematically violated, are recognized under international conventions ratified by Paraguay and included in its constitution.