
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 4/2022**

Precautionary Measure No. 356-16
Child A.R. regarding Argentina
January 27, 2022
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of child A.R. At the time of making the decision, the Commission assessed the actions adopted by the State during implementation, as well as the observations from the beneficiary's representation. The Commission understands that the factual circumstances that called for the granting of the precautionary measures have changed significantly. Currently, there are domestic court decisions in place which stay the international return order and make it conditional on the welfare of child A.R. Similarly, it is not a matter of dispute that child A.R. receives specialized medical care. Upon not identifying compliance with the procedural requirements, the IACHR decided to lift these measures.

II. BACKGROUND INFORMATION

2. On July 27, 2017, the IACHR granted precautionary measures in favor of child A.R., in Argentina. Representation is exercised by his mother. The request alleged that the mother, who is an Argentine and American national, gave birth to child A.R. on April 2, 2008, in the city of Miami, United States. On August 31, 2008, with the father's authorization granted for a period of five months, the mother traveled with her son to Buenos Aires, Argentina. According to the request, when the term concluded, the mother decided to stay permanently in Argentina, and it was indicated that the father agreed to it. However, on February 12, 2009, the father reportedly initiated international return proceedings before the US Central Authority based on the Hague Convention on Civil Aspects of International Child Abduction,¹ filing the request before the local judge on June 26 of the same year. On December 21, 2010, the Supreme Court of Justice of Argentina allegedly ordered the return of the child with substantiation in the Hague Convention on Civil Aspects of International Child Abduction. According to the representation, child A.R. was at risk due to the imminent execution of a possible return order to the United States, in the framework of a procedure on international child abduction, in circumstances that could have an irreparable impact on his rights.²

3. Upon analyzing the submissions of fact and law offered by the parties, the Commission considered that the beneficiary was in a serious and urgent situation, given that his rights to life and personal integrity were at risk of irreparable harm. Therefore, based on Article 25 of its Rules of Procedure, the Commission requested that the State of Argentina: a) stay the execution of the restitution order issued by the Supreme Court of Argentina on December 21, 2010, until there is a determination of the rights of child A.R. in accordance with the current circumstances, taking into account his best interests, and in light of the Hague Convention on the Civil Aspects of International Child Abduction in harmony with the international *corpus iuris* for protection of children's rights. In this regard, the Commission considered that the judicial authority should carry out the assessment based on the current

¹ IACHR. [Resolution 26/2017. Precautionary Measure No. 356-16. Child A.R. regarding Argentina](#), July 27, 2017, para. 4.

² IACHR. [Resolution 26/2017. Precautionary Measure No. 356-16. Child A.R. regarding Argentina](#), July 27, 2017, para. 1.

circumstances that safeguard the rights of child A.R., taking into consideration a technical assessment carried out by a multidisciplinary team, which includes the opinion of the treating medical team, and the opinion of child A.R.; and b) adopt measures to guarantee the personal integrity of child A.R., taking into account his best interests, providing him with specialized services and accompaniment to guarantee his recovery and comprehensive well-being with respect to the impact caused by the situation presenting a risk that is the subject matter of these precautionary measures.³

III. INFORMATION PROVIDED DURING THE TIME THE MEASURES WERE IN FORCE

4. Throughout the time the precautionary measures have been in force, the Commission has followed-up on the situation that is the subject matter of these measures through the request for information from the parties. On August 15, 2017, the State presented its report. Similarly, it did so on August 22, October 17, and December 1, 2017. On September 18, 2018, the Commission notified the representation and asked her to present her observations. The representation did not provide a response. On January 25, 2021, the Commission again requested the representation to submit updated information on the beneficiary. She was alerted that the IACHR would analyze whether the precautionary measures should remain in force. Between July 2017 and February 2020, the representation did not furnish information. On February 1, 2021, the representation provided a report.

A. Information provided by the State

5. On August 15, 2017, the State reported that: (i) the National Civil Court No. 12 of the Autonomous City of Buenos Aires adopted a Resolution on August 11, 2017, in which the parties agreed that to carry out the return of child A.R., his family, individual, psychological, and emotional stability had to be achieved. In this sense, the magistrate indicated “the *de facto* stay of the restitution measure until the said circumstances change”; (ii) an interdisciplinary hearing was arranged on May 15, 2017, with the summons of the Ombudswoman for Children, the President of the Council for the Rights of Children and Adolescents, professionals from the International Restitution Program, the Court’s social worker, and the parties, in which it was ordered not to carry out the return of the child in response to the hospitalization in which the child was; (iii) an official letter was issued to the Mental Health Review Body so that it urgently conducts an interdisciplinary examination on A.R. and reports whether, under the current circumstances, there is a serious risk that his return to the United States would expose him to a physical or mental harm, or that in any way puts him in an intolerable situation. Moreover, it was arranged that the opinion of the treating medical team and the opinion of the child be included in the aforementioned assessment; (iv) through Resolution dated August 11, 2017, the intervening magistrate ordered that the Santa Rosa Clinic where the child is hospitalized report within five days on his diagnosis, prognosis, and current treatment.

6. On August 22, 2017, the State asserted that: (i) a psychopathology report was prepared by the technical team of the Santa Rosa Clinic on August 14, 2017, whereby it is stated that child A.R. has suffered “serious psychological damage that currently determines that he has a reserved prognosis, not being in a position to obtain hospital discharge, given that there are still potential situations that exacerbate his condition with the return of symptoms involving a risk.” Although the restitution measure is suspended, when the subject is discussed with the beneficiary, child A.R. develops “symptoms of anxiety, hypervigilance, and ideas of self and hetero-aggressiveness,” expressing at times that he would contact his father to inform him that he does not want to go to live in the United States, that he does not want to lose his family or his friends, and on other occasions, flatly refusing to

³ IACHR. [Resolution 26/2017. Precautionary Measure No. 356-16. Child A.R. regarding Argentina](#). July 27, 2017, para. 3.

interact with his father; (ii) according to the diagnosis, the beneficiary suffers from an unspecified psychotic disorder and an adjustment disorder with mixed alteration of emotions and behavior, receiving psychopharmacological treatment with *Olanzapine* and *Risperidone*, as well as individual and family psychological treatment; (iii) in the report where it was emphasized that the conditions for the safe return of child A.R. are not met, it was reported that “everything related to this situation provokes and exacerbates ideas of death and self and hetero-aggressiveness, representing a serious risk to the psychophysical health of the child, who presents with a picture of extreme fragility”; (iv) the beneficiary’s father was contacted to provide him with information on the child’s health status, letting him know that a parent-child relationship was recommended in the hospitalization context. The father stated that he was willing to travel and remain in Argentina for a period between seven and ten days, on the condition that he be able to return to the United States with his son. The conversation with the father was on July 31, 2017; (v) a report from the National Secretariat for Children, Adolescents, and Family (SENNAF) indicated that “it is significant that the child’s father, according to the clinic, is not interested or available to accompany his son in this instance and maintains the request for return without contextualizing the needs and current status of the child”; and (vi) due to his health problems, child A.R. had not attended school for several months, so it has been arranged that he work on his schooling with a home teacher twice a week, as well as performing a neurocognitive and psychopedagogical assessment.

7. On October 17, 2017, the State reported that: (i) in a judgment dated September 28, 2017, the Supreme Court ruled that restitution, as well as all the resolutions issued as a consequence, cannot be executed for the time being until the mental well-being and rehabilitation of the child are ensured in such a way as to overcome the serious and urgent situation in which he finds himself; in this sense, it was ordered to suspend the international return of the child and to carry out an intensive, long-term approach with continuity of care and promotion of child A.R.’s own identity, in order to repair the traumatic components of his history; (ii) the technical team of the Santa Rosa Clinic reported, on September 13, 2017, that child A.R. could continue receiving psychiatric, psychological, and family therapy treatment, on an outpatient basis. In this sense, it was indicated to arbitrate progressive measures for home and educational re-inclusion, with a permanent therapeutic companion and under strict supervision and support of a treating team; and (iii) the technical reports refer that, since the father could not be present, the professionals who treat child A.R. were unable to work or initiate a bond between Mr. Reyes and the child that he did not experience as dangerous.

8. On December 1, 2017, the State stated that: (i) on October 18, 2017, an interview was conducted with child A.R., who commented that he did not want to travel or meet “Miguel”, as he names his father. When the possibility of communicating with his father by phone or Skype was presented, the boy flatly refused, arguing that “the last time I spoke on Skype with Miguel, he hacked our computer to find out things about us”; (ii) the interviewer points out that when the boy approaches the subject of his father and his trip to the United States, a change is observed because he cries, becomes distressed, his countenance changes, and the tone of voice becomes monotonous, stereotyped, and pitiful; (iii) child A.R. is in treatment with his psychiatrist J.M.S. whom he sees fortnightly and psychologist F.M. performs psychological treatment weekly; and (iv) regarding the possibility of reunion and bonding of child A.R. and his father, this must be carried out with the assistance of professionals with experience in these cases and with the serious and committed collaboration of adults in favor of the beneficiary.

B. Information provided by the representation

9. The Commission highlights that between 2017 and 2020 no response or additional information was received from the representation during the time the precautionary measures were in force.

10. On February 1, 2021, the representation requested to maintain the measures and reported that: (i) psychologist Fiorella reported that child A.R. has symptoms of *Asperger syndrome*, classification within the category of autism spectrum disorder (TEA). The child would have had advances in his treatment, however, he purportedly continues to carry the possibility of being forced out of his home, according to a psychologist; (ii) the school integration report is attached, in which it is stated that child A.R. is a child in good spirits, cheerful, calm, and affectionate, who is interested in participating and interacting in the virtual classes and recesses proposed by the teachers. However, it was reported that he has a low tolerance for frustration; and (iii) child A.R. is undergoing treatment, with weekly therapeutic support, family counseling, and being medicated with *Aripiprazole*.

IV. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM

11. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

12. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁵ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under consideration by the organs of the inter-American system. The precautionary nature aims at safeguarding the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

⁴ See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

⁵ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala, Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico, Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

⁶ See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina, Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela, Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil, Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

13. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “the decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) sets forth that “the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force.” In this regard, the Commission should assess if the serious and urgent situation and possible irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider whether new situations have subsequently arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

14. Similarly, while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard, keeping such measures in force requires a more rigorous evaluation.⁷ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.⁸ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.⁹

15. In the present matter, the Commission recalls that the precautionary measures were granted in 2017 with a view to protecting the rights of child A.R. whose return had been ordered by decision of the Supreme Court of Justice of Argentina in 2010. Based on the information presented by the parties up to 2017, the Commission “consider[ed] that in the specific circumstances, said restitution would have a serious impact on the rights to identity, integrity, and the right to family life of the child, since during the time elapsed between the date of issuance of the sentence and the present, child A.R. has reasonably had a development of his identity and integration into his environment, different from that which was timely judicially valued to give rise to his return.”¹⁰

16. At the time, the Commission qualified the *seriousness* of the matter taking into account that the international restitution would occur affecting the rights of child A.R., under circumstances that would not have been assessed by the Supreme Court of Argentina at the time of adopting its decision. Although the Commission warned that the State tried to ensure that the Supreme Court decision was complied with in the least harmful way to the best interests of the child, through a process of re-bonding with his father and promoting solutions that lead to voluntary compliance with the decision, The Commission observed that the information available to it revealed that such aspects did not translate into a comprehensive assessment of the circumstances that the rights of child A.R. would have if he were returned at that time, taking into account his best interests and providing him with adequate participation. Regarding such aspects, from a preliminary perspective, the Commission noted that the information indicated that child A.R. would have expressed his will not to be returned. Likewise, according to the information provided by both parties, the news of the restitution had

⁷ I/A Court H.R., [Provisional measures regarding Mexico, Resolution of February 7, 2017](#), paras. 16 and 17.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ IACHR. [Resolution 26/2017. Precautionary Measure No. 356-16. Child A.R. regarding Argentina](#), July 27, 2017, para. 25.

already had a deep psychological impact on child A.R., who presented severe depression and caused self-harm, finding himself hospitalized receiving medical treatment. In addition to this situation, the information provided indicated that the mother of child A.R. would presumably face obstacles in maintaining a relationship with AR if the return to the United States were to proceed. When analyzing the urgency requirement, the Commission assessed that the identified risk was materializing in the personal integrity of child A.R. due to the emotional impact and the circumstances that led to his internment. Likewise, it was assessed that although the internment of child A.R. had caused the return decision not to materialize, the execution of the international return was in force, and could be executed at any time.

17. After the granting in 2017, the Commission observes that the State adopted the following measures:

- (i) The preparation of a report on the diagnosis, prognosis and current treatment of child A.R. carried out by the Santa Rosa Clinic where the beneficiary was hospitalized. Thus, it was reported that child A.R. suffers from an unspecified psychotic disorder and an adjustment disorder with mixed alteration of emotions and behavior, receiving psychopharmacological treatment, as well as individual and family psychological treatment. The report highlights that the conditions for the safe return of A.R. are not met, and that everything related to the restitution situation provokes and sharpens ideas of death and auto and hetero aggressiveness representing a serious risk to the child's psychophysical health, who presents a picture of extreme fragility (see *supra* para. 6);
- (ii) Judicial decisions that suspend the return until the circumstances change: Resolution of August 11, 2017 in which both parties agreed that in order to carry out the return of child A.R., his family, individual, mental and emotional stability must be achieved; and in this sense, the magistrate highlights the de facto suspension of the restitution measure until the circumstances change (see *supra* para 5) and the judgment of September 28, 2017 that orders that the restitution issued by the Supreme Court, as well as all the resolutions issued as a consequence, may not be executed until the mental well-being and rehabilitation of the child is ensured (see *supra* para 7);
- (iii) Interviews to know the opinion of child A.R. in attention to the legal situation in which he finds himself and considering his health situation (see *supra* para 8); and
- (iv) Psychological treatment in favor of child A.R.; psychiatric treatment with a fortnightly frequency and psychological treatment with a weekly frequency (see *supra* para 8).

18. When analyzing the current situation of child A.R., the Commission recalls that the precautionary measures of 2017 were intended to suspend the execution of the return order until there is a determination of the rights of the child, taking into account a technical evaluation carried out by a multidisciplinary team. In this sense, the Commission notes that the internal authorities of Argentina carried out the corresponding medical evaluations, and the national judicial authorities issued decisions that suspend the execution of the return order until the psychological well-being and rehabilitation of child A.R. are ensured. Regarding his health situation, the Commission understands that child A.R. has been receiving the corresponding specialized medical attention. Considering that none of the measures implemented by the State has been questioned by the representation, the Commission also understands that it is not in dispute that they were actually carried out by the State.

19. Having carried out the corresponding medical evaluations and having issued internal judicial decisions that determine the suspension of the return order, conditioning it on the well-being of child A.R., the Commission notes that the factual circumstances that motivated the granting of the precautionary measures in 2017 have changed significantly. When analyzing the last report of the

representation of 2021, the Commission does not notice elements that allow identifying a risk situation in the terms of article 25 of its Rules of Procedure. On the contrary, the Commission observes that child A.R. would continue to receive therapeutic and psychiatric treatment for his health conditions and based on the corresponding medical prescriptions (see *supra* para 10). The foregoing assessment is relevant since the Commission also identifies that the representation has not questioned any of the medical treatments (therapeutic, psychiatric, or otherwise) received by child A.R.

20. In the matter at hand, the Commission understands that there are internal judicial decisions with a vocation for permanence in time, which have also assessed the corresponding health reports, and have established that the order for the return of the child be suspended and conditional on his well-being. In this sense, the Commission understands that there are currently protection measures in favor of the rights of child A.R., who has been monitored internally and receiving the corresponding medical care. The precautionary measures, not having a vocation to remain over time, and characterized by their temporary nature based on regulatory requirements, should be lifted. For the Commission, this clarification is relevant, since the Inter-American Court has indicated that if it is proven that the State in question has developed protection mechanisms or actions for the beneficiaries of international protection measures, it could decide to lift such measures, discharging the obligation of protection on its primary responsible party, i.e., the State.¹¹ As the Court has indicated, “[i]f the provisional measures are lifted [...], it will be up to the State, in accordance with its duty to guarantee human rights and its duty to adopt provisions of domestic law, pursuant to Articles 1 and 2 of the American Convention, to maintain the measures of protection it has adopted and which the Court considered pertinent, and to adopt all those that may subsequently be necessary, for as long as the circumstances so warrant.”¹²

21. In short, the Commission notes that the information presented and analyzed in its entirety does not allow a situation of imminent risk to be concluded that meets the requirements of Article 25 of the Rules of Procedure. In this sense and considering the analysis previously carried out, the Commission understands that the factual circumstances that motivated the granting of these precautionary measures have changed significantly due to the measures taken in favor of the beneficiary. Thus, the Commission does not have information that allows it to verify compliance with the requirements of article 25 of the Rules of Procedure at present. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,¹³ the Commission deems it appropriate to lift these measures.

22. In line with what was indicated by the Inter-American Court in various matters,¹⁴ a decision to lift does not imply considering that the State is relieved of its general obligations of protection, contained in Article 1(1) of the Convention. In the same way, also based on the assessment of the Inter-American Court, the lifting of the precautionary measures, or the declaration of non-compliance with them, does not imply an eventual decision on the merits of the controversy if the case were to be brought before

¹¹ I/A Court H.R. Matter of Communities of Jiguamiandó and Curvaradó regarding Colombia. Provisional Measures. Order of the Inter-American Court of Human Rights of May 22, 2013, para. 54.

¹² *Ibidem*

¹³ I/A Court H.R., Matter of Adrián Meléndez Quijano *et al.* Provisional Measures regarding El Salvador. Order of the Court of August 21, 2013, para. 22, and Matter of Galdámez Álvarez *et al.* Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of November 23, 2016, para. 24

¹⁴ See: I/A Court H.R. Case of Velásquez Rodríguez. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considerandum 3, and Matter of Giraldo Cardona *et al.* Provisional measures regarding Colombia. Order of the Inter-American Court of Human Rights of January 28, 2015, Considerandum 40.

the inter-American system through a petition, nor does it prejudice state responsibility for the events denounced.¹⁵

23. Finally, as was indicated at the time of granting the precautionary measures in 2017, the Commission recalls that it is not called upon to rule on whether the various processes that have been processed in the domestic sphere related to the international return of child A.R. were verified in an appropriate manner, compatible with the American Convention, or in response to special obligations to protect children, which may be the subject of a possible petition. Likewise, it is not up to the Commission, through the mechanism of precautionary measures, to rule on the best interests of child A.R. with regard to his custody, or else, the place where he should remain, in short. The State must adopt the necessary, adequate, and effective measures to allow child A.R., in accordance with his or her best interests, to maintain ties with both parents, which is part of the duty to fully guarantee their rights.¹⁶ As far as this procedure is concerned, the Commission has only referred to the analysis of Article 25 of the Rules of Procedure.

V. DECISION

24. The Commission decides to lift the precautionary measures granted in favor of child A.R., in Argentina.

25. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures in case they consider that there exists a situation that meets the requirements established in Article 25 of the Rules of Procedure.

26. The IACHR instructs its Executive Secretariat to notify this resolution to the State of Argentina and the representation.

27. Approved on January 27, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, First Vice-President; Esmeralda Arosemena de Troitiño, Second Vice-President; Joel Hernández García; Edgar Stuardo Ralón Orellana; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary

¹⁵ See: I/A Court H.R. Matter of Guerrero Larez. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, Considerandum 16, and Matter of Natera Balboa. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of August 19, 2013, considerandum 16.

¹⁶ The IACHR has indicated that “the child’s personality and identity are forged through a multiplicity of factors, among which the creation of the child’s affective bonds stands out.” Similarly, it has recognized the existence among the components of the right to identity, the right to maintain relationships with family members. IACHR, *The right of girls and boys to a family. Alternative care. Ending institutionalization in the Americas*. October 17, 2015, para. 59. The Inter-American Court, for its part, has stated that “family relationships and the biological aspects of a person’s history, particularly of a boy or a girl, constitute a fundamental part of their identity, therefore, any action and omission of the State that has effects on such components, may constitute a violation of the right to identity. I/A Court H.R., Case of Fornerón and daughter v. Argentina. Merits, Reparations and Costs. Judgment of April 27, 2012. Series C No. 242, para. 113.