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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 90/2023**

Precautionary Measure No. 1188-18  
Adolescent D.<sup>1</sup> regarding Paraguay  
December 30, 2023  
Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) has decided to lift the present precautionary measures in favor of Adolescent D. At the time of making the decision, the Commission took into consideration the issuance of the judgment in the case related to this matter by the Inter-American Court of Human Rights, as well as the fact that Adolescent D. has reached the age of majority, and therefore the precautionary measures have been lifted. In that regard, the Commission considered that, at present, it is not possible to identify an imminent risk situation within the meaning of Article 25 of the Rules of Procedure. Upon not identifying compliance with the procedural requirements, the IACHR has decided to lift these measures.

**II. BACKGROUND INFORMATION**

2. On May 10, 2019, the IACHR decided to grant precautionary measures in favor of adolescent D., in Paraguay. The request for precautionary measures alleged that the beneficiary, born in Buenos Aires, Argentina, was illegally abducted by his mother in 2006. Since that time, he was reportedly living in Paraguay. As a consequence of the foregoing and due to alleged delays in the execution of a judgment ordering his restitution to Argentina, as well as the prolonged lack of effectiveness of the measures adopted to generate a relationship, the applicants alleged that the preservation of the family bond between father and son was at risk. They added that this could also hinder eventual reparation in the framework of the case that is currently being processed before the IACHR. The Commission considered that the matter met, *prima facie*, the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure. Consequently, the Commission requested the State of Paraguay to adopt the necessary measures to safeguard, pursuant to the best interests of the child, the rights of protection of the family, identity, and personal integrity of adolescent D. In particular, the State must guarantee that adolescent D. effectively maintains ties with his father, accompanied by support of suitable professional staff, without unnecessary restrictions, in a suitable environment, and through the means that are conducive to generating an appropriate relationship, in accordance with the applicable international standards on the matter.<sup>2</sup>

**III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE**

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<sup>1</sup> At the time of granting the precautionary measures, in accordance with the Commission's practice, it was decided that the beneficiary's name was to be kept confidential as it refers to a child or adolescent. Consistent with that resolution, this resolution will maintain the same practice.

<sup>2</sup> IACHR. [Adolescent D. regarding Paraguay \(PM-1188-18\). Resolution 25/2019](#). May 10, 2019.

3. During the time the precautionary measures were in force, the Commission has followed-up on this situation by requesting information from both parties. The State has submitted reports and observations on the following dates:

2019	July 2 and December 5
2020	July 9
2021	January 7, March 24, April 16 and 27, and August 16
2022	October 31 (request to lift)

4. For its part, the representation submitted reports on the following dates:

2019	July 10, August 30, September 13 and November 6
2020	February 25, June 17, and October 22
2021	March 3, April 20 and 23, June 15, July 5, August 9 and December 27
2022	November 11

5. Furthermore, the Commission has forwarded information and requested information from the parties on the following dates:

2019	July 2 and November 13
2020	February 26, June 15, September 15 and October 7
2021	February 11, March 17, March 23 and 25, April 19, April 21 and July 7
2022	August 29 and November 7

6. Lastly, the Commission has convened working meetings for November 13, 2019 and December 17, 2019, which were not held. Meetings were also organized on February 24, 2020 and March 26, 2021 and held in the presence of both parties.

7. Representation is exercised by Arnaldo Javier Córdoba (father of Adolescent D.) and his lawyer, Patricio Poplavsky.

#### **A. Information provided by the State**

8. In its report of July 2, 2019, the State reported that the Unconstitutionality Action (*Acción de Inconstitucionalidad*) promoted by the father of the adolescent D. in the precautionary measure 2018-No. 91 was rejected on May 22, 2019 by the Constitutional Chamber of the Supreme Court of Justice (SC-CSJ). The Court considered that given “the resolution ordering the international return of the child DCG, and due to the request for a precautionary measure to keep the child in the country”, it was necessary to take into consideration “the current factual circumstances which the child was facing, and the damage that the execution of the return could cause to the rights and integral development of the child”, concluding that it was appropriate to grant the precautionary measure, since if it were rejected, it would endanger the child’s rights, mainly their psychological integrity. This foregoing was allegedly based on “the results of the psychological evaluations, as well as on the child’s opinion”, given that the respective

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judgment considered that “the minor has been integrated into the new environment”, as an exception to compliance with the international return.<sup>3</sup>

9. On the other hand, it was reported that on May 23, 2019, a meeting was held to communicate that the IACHR granted precautionary measures. During this meeting, the adolescent D. reported on their current life: at this time, D. was 15 years old, lived with his aunt and his mother lived nearby, he did well in school, played the trumpet, played soccer, and had a girlfriend. He was content and did not want to be bothered by his father, who last saw him in 2017 and sometimes talked to him on the phone when he called his aunt once a month. He stated that if his father were to visit him, he would have no problem having a relationship with him “as long as [he] is allowed to live with [his] mother.”

10. Information was provided on the technical proposal of the Ministry of Children and Adolescents (*Ministerio de la Niñez y la Adolescencia*), which includes three stages to ensure the well-being of the adolescent and guarantee the relationship and emotional bond with his father. The first stage included “one visit once a week for one month, divided into two sessions of two hours per visit”, three visits were to take place in a neutral location, and one at the adolescent’s home. They were to include specific assessment activities aimed at providing bonding tools to adolescent D. The second stage consisted of “three appointments with two-hour sessions in two stages” aimed at providing Mr. Javier Córdoba with bonding tools. The third stage was intended to help the father and son bond with a work frequency to be agreed upon according to the report of the first two stages, which includes four meetings with specific activities and purposes. The State informed that a meeting was held with the Argentine Foreign Ministry between the two countries’ counterparts in charge of the case, where it was agreed to work together in order to comply with the resolution.

11. In its report of December 5, 2019, the State reported that the evaluations were carried out by a board of psychologists who concluded on March 21, 2017 that “a change in relationship would seriously undermine his already broken psychological well-being.” It was indicated that the SC-CSJ took into account an approach “of the child to remain in contact with both parents, and not on the right of the parents in maintaining contact with their child”, and referred that a relationship regime had already been established before the domestic justice by resolution of November 7, 2017, in force.

12. In addition, the State provided a new proposal for the relationship between Mr. Javier Arnaldo Córdoba and adolescent D., prepared by the Multidisciplinary Technical Team of psychology, social work, and law workers, which could be integrated by Argentine professionals, pending the formalization of the proposed names. The plan was scheduled from January to February 2020, with the aim of carrying out psychological evaluations of the father, mother, and aunt, who is the guardian, of the adolescent D. It was stated that the adolescent’s opinion, his age, and maturity should be taken into account. The second stage would reportedly consist of implementing relationship strategies, and the third stage will consist of a diagnostic evaluation of the reengagement process. The State provided the detailed relationship plan with the proposed sessions for each person, with electronic means foreseen for the father, and the specific activities for each stage and date, including objectives, locations, participants, and duration. A final evaluation was also planned to establish the relationship system between the parties and ensure compliance with the relevant legal measures.

13. Via a report dated July 9, 2020, the Commission was informed about the professionals with experience in international restitution and family reunification who would be in charge of gathering

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<sup>3</sup> Supreme Court of Justice, Constitutional Chamber. Agreement and Judgment No. 438/2019 of May 22, 2019. Action of Unconstitutionality in the trial "(name omitted) S/Precautionary Measure" Year: 2018 – No. 91. Attached to the State Report of July 2, 2019.

information from each of the parties through interviews and other actions to achieve the objectives of the plan. It was indicated that it was not possible to include a third party proposed by the father in the evaluations due to confidentiality and trust between the person being evaluated and the psychologist. However, this third party could accompany the work of the social worker. It was highlighted that the progress of the relationship is difficult due to the lack of a clear response from the representation. On July 8, 2020, progress was made with the first stage of the plan. Psychological evaluations of the adolescent, mother, and guardian were carried out. It was suggested to Mr. Arnaldo Cordoba to begin his interviews the first week of August or on the date he proposes, in order to resume the bonding activities as soon as possible.

14. On January 7, 2021, the State informed that the psychological evaluation of the mother had already been carried out and indicated that the family is open to collaborate. Despite the proposal made by the State, Mr. Arnaldo Córdoba has not submitted his agreement to continue the process. On April 16, 2021, the State reported that, by Order of December 10, 2020, the competent Court accepted the Plan for the reunification between Adolescent D. and his father, noting that the psychological profile of Adolescent D. and the aunt who is the guardian of Adolescent D. was initiated on April 15, 2021. The Court determined that on April 22, 2021, a telematic relationship between adolescent D. and his father should be carried out at the guardian's home and in the presence of the social worker and forensic psychologist, in order to avoid communication failures.

15. On April 27, 2021, the State referred that the forensic psychologist of the CSJ in charge of the execution of the first stage of the bonding plan reported that on April 19, 2021, she tried to contact Javier Arnaldo Córdoba at the number confirmed by observations on April 20, 2021. She reportedly sent various *Whatsapp* messages and called seven times, but did not receive an answer. On August 16, 2022, it was indicated that the "Reconnection Plan" is under the jurisdiction of the Court in the case and they are waiting to receive the respective information.

16. On October 31, 2022, the State indicated that on February 26, 2022, adolescent D. reached the age of majority. Consequently, on April 19 and June 8, 2022, the Judge in the case decided to file the legal proceedings for international return and precautionary measures, respectively, on the grounds that the jurisdiction was no longer competent to continue hearing the case because D. had reached the age of majority. Therefore, the State points out that, since D. is a person of legal age, he is entitled to give his consent or not regarding the relationship with his father, as well as to establish the conditions. The State of Paraguay argued that it was no longer competent to implement actions aimed at reuniting D. with his father and that the grounds for granting the precautionary measures, in relation to the best interests of the child, were no longer present. In addition, it referred to the fact that on January 7, 2022, the IACHR decided to refer Case 13.399 to the Inter-American Court of Human Rights to resolve the merits of the matter. Consequently, the lifting of the precautionary measures was requested.

## **B. Information provided by the representation**

17. On July 10, 2019, the representation alleged that the State has not complied with the precautionary measures. On September 30, they requested a work meeting. On September 13, 2019, the representation indicated that the State's reconnection proposal tends to separate and revictimize them without taking into account the love and deep connection between them. It was added that, when the father traveled to Paraguay, he encountered impediments to normal and open contact with his son (no further details). This allegedly also happens when he calls by telephone, as he states he receives "excuses and absences of the child at the times the father wanted to, and attempted to, communicate with D."

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Moreover, the representation questions the territorial and subject matter jurisdiction that has issued decisions at the judicial level.

18. As a counterproposal, the representation presents that a Multidisciplinary Technical Team be formed with specialists in child and adolescent psychology and family law, with the participation of professionals from Paraguay and Argentina. It proposes detaching from the circle of appropriation of his mother and relatives. It is noted that the State of Paraguay proposed to evaluate the “behavior, interests, and reference models” of the father. However, the representation believes that the mother’s behavior should be evaluated, via a psychological and psychiatric examination. It indicated that the conduct of the adolescent D. and his father cannot be monitored by the domestic agencies that have been questioned and that the Argentine jurisdiction and protection agencies cannot be absent. On November 6, a working meeting was once again requested.

19. On January 25, 2020, the representation argued that there is a debt regarding the truth of the situation regarding adolescent D., which should be exercised by the Judiciary of Paraguay, a matter for which a Judge of Guarantees for Juveniles (*Jueza de Garantías del Joven*) from Argentina offered to travel to Paraguay. It was indicated that Mr. Javier Arnaldo Córdoba has already been psychologically evaluated in Argentina, so it is unnecessary for this evaluation to be carried out in Paraguay. It was also considered that the paternal grandparents should be evaluated, due to their role in the upbringing while the adolescent lived in Argentina. Furthermore, it was alleged that the current guardian does not favor telephone communication. The representation even indicated that they have not been able to communicate on the cell phone that was given to adolescent D. Lastly, it was pointed out that in order to have a relationship with the child, it is necessary to establish clear and concrete dates for the beginning and end of the process.

20. On June 17, 2020, it was indicated that the representation has not received a response from the State regarding the proposal that was sent. On October 22, 2020, they provided appraisals of Argentine legislation and alleged that Paraguay seeks to prove that the mother has not committed any crime and that Mr. Arnaldo Córdoba “has squandered the process of bonding”, alleging “delays, concealment, and postponements of both the Justice and the Administrative Agencies”. In addition, the quality of the psychological professionals’ reports was questioned.

21. It was alleged that the plan proposed by the State is impossible to comply with, given that it provides for almost weekly trips and studies on the personality of Arnaldo Córdoba, which they consider unnecessary. They request that the adolescent D. travel to Argentina as an Argentine citizen and appear before the court that is processing his international return. It was pointed out that the mother chose to break the adolescent’s bond with the father. It was further insisted that the adolescent D. should know the truth of the surrounding situation and that the criminal case for child abduction being processed in Argentina should be advanced. The representation requests the disclosure of the facts, a recomposition of the bond between the adolescent, the fact that his father considers that the mother was the originator of the conflict, the elucidation of the criminal case, among other things.

22. On March 3, 2021, they reiterated their disagreement with the State’s proposal for bonding, emphasizing previous allegations and reiterating their protest against the father’s evaluation. On April 20, 2021, in response to the proposal for a telematic relationship with his son, Mr. Arnaldo Córdoba indicated that Paraguay does not provide dates for him to see his son in person and without interference. He further indicated that they are opposed to the telematic relationship taking place in the home of the adolescent D., as it is not a neutral space. It was indicated that, with the intention being able to contact his son, the meeting on April 22 was accepted and his contact information was provided. On



April 23, 2021, the representation reported that no one contacted the father to carry out the meeting of April 22. On June 15, July 15, and August 9, 2021, the alleged lack of contact was reiterated, identifying that “the state of Paraguay never contacted Mr. Javier Cordoba.”

23. On December 27, 2021, the representation indicated that the State has still not complied with the precautionary measures, despite the commitment expressed in its last working meeting. The agreed upon telematic meetings reportedly did not take place despite the fact that adolescent D. is close to reaching the age of majority. On November 11, 2022, two briefs were provided. The first, dated September 7, 2022, indicates that there is no progress in the execution of the bonding plan. The other, dated November 9, 2022, stated that the fact that adolescent D. had reached the age of majority and had no relationship with his father was a matter imputable to the State, due to the delay in complying with the bonding plan. It was indicated that the requested lift is abstract, given that the precautionary measures were never effective.

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

24. 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 this Article, the IACHR grants precautionary measures in urgent and serious 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.

25. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>4</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>5</sup> 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.<sup>6</sup> 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. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved.

<sup>4</sup> 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. [Matter of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>5</sup> 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.

<sup>6</sup> 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.

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 (*effet utile*) 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:

- 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.

26. With respect to the foregoing, Article 25(7) of the Commission’s Rules of Procedure establishes that “[t]he decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions.” Article 25(9) establishes that “[t]he 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 shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Moreover, the Commission shall consider if new situations have arisen that might meet the requirements set forth in Article 25 of the Rules of Procedure.

27. 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.<sup>7</sup> In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.<sup>8</sup> The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, in addition to the lack of imminent risk, may lead to the international protection measures being lifted.<sup>9</sup>

28. Moreover, the Commission recalls that, in accordance with the Rules of Procedure, the granting and validity of precautionary measures, whether of a precautionary or protective nature, are subject to compliance with the requirements established in Article 25 of the IACHR Rules of Procedure. In this sense, if the Commission identifies that the requirements are no longer present, the Commission can assess lifting the precautionary measures. The foregoing, considering the temporary and exceptional nature of the precautionary measures.

29. In this regard, the Commission observes that the State has requested the lifting of these precautionary measures in its communication of October 31, 2022. Under the terms of Article 25.9 of the Rules of Procedure, the request to lift was forwarded to the representation on November 7, 2022. The representation forwarded the respective observations on November 11, reiterating its previous allegations and indicating that the measures have not been implemented. Under these conditions, the Commission is called upon to evaluate if the precautionary measures should remain in force.

<sup>7</sup> I/A Court H.R. [Matter of Fernández Ortega et al. Provisional measures regarding Mexico](#), Order of February 7, 2017, paras. 16 and 17.

<sup>8</sup> *Ibidem*

<sup>9</sup> *Ibidem*

30. In this regard, the Commission recalls that when a State requests that a precautionary measure be lifted, it must present sufficient evidence and arguments to support its request.<sup>10</sup> By the same token, the representatives of the beneficiaries that want the measures to continue must present evidence of any reasons why.<sup>11</sup> Similarly, Article 25, subparagraph 11 of the Rules of Procedure sets forth that the Commission may lift or review a precautionary measure when the beneficiaries or their representatives, without justification, fail to provide a satisfactory reply to the Commission on the requirements presented by the State for their implementation.

31. Thus, prior to analyzing the validity of the procedural requirements, the Commission considers it pertinent to establish that it is not called upon to declare criminal or any other type of liability, which is the responsibility of the domestic authorities of the States in the exercise of their powers. Moreover, it is not called upon, through the mechanism of precautionary measures, to order reparations or declare victims of human rights violations or human rights violations per se, which is a matter better suited to the System of Petitions and Cases when analyzing the compatibility of the domestic processes and actions in light of the American Convention on Human Rights or other applicable instruments.

32. In the analysis of the procedural requirements, and in close relation to the foregoing, the Commission emphasizes that the present matter was granted “until the controversy on the merits of Case 13.399 is resolved, thus ensuring the useful effect of the eventual decision that is adopted. The foregoing, taking into account that in this case the scope of the obligations of the State of Paraguay in relation to the situation of the adolescent D. and his possible international responsibility is decided, among other aspects.”<sup>12</sup> In this regard, the Commission notes that the merits report adopted in the matter at hand<sup>13</sup> was submitted to the jurisdiction of the Inter-American Court of Human Rights,<sup>14</sup> where the respective judgment has already been issued.

33. In this regard, the Court found that “the State of Paraguay did not adopt the necessary measures to execute the decision ordering the international return of the child D., in light of the exceptional diligence and celerity required in this type of case”,<sup>15</sup> which impacted “the right to privacy and family life of Mr. Córdoba, to the extent that it led to the absolute separation between father and son for nine years, which implied the rupture of their bond and prevented the mutual enjoyment of their coexistence”.<sup>16</sup> In addition, the Court found that “there was arbitrary interference by the Paraguayan State in the private and family life of Mr. Córdoba and a violation of his right to the protection of the family”, among other aspects, “because the State did not adopt the necessary and appropriate measures to facilitate the process of building a bond between Mr. Córdoba and his son once it became aware of the latter’s whereabouts”.<sup>17</sup>

34. Notwithstanding the foregoing, with regard to Adolescent D. as beneficiary of these precautionary measures, the Court decided that “in view of the statement made by D., the Court will not consider him to be an alleged victim given that, without his consent, it is not possible to adjudicate the State’s international responsibility”,<sup>18</sup> consequently, the alleged violations of his rights were not analyzed

<sup>10</sup> *Ibidem*

<sup>11</sup> *Ibidem*

<sup>12</sup> IACHR. Adolescent D. regarding Paraguay (PM-1188-18). 26

<sup>13</sup> IACHR. [IACHR, Report No. 377/20. Case 13.399. Merits. Arnaldo Javier Córdoba and D., Paraguay](#), December 15, 2020.

<sup>14</sup> IACHR. [Note of referral to the Inter-American Court of Case 13.399](#). January 7, 2022.

<sup>15</sup> I/A Court H.R. [Matter of Córdoba v. Paraguay](#). Merits, Reparations and Costs. Judgment of September 5, 2023. Series C No. 505, para. 97

<sup>16</sup> *Ibid.*, para. 104

<sup>17</sup> *Ibid.*, para. 106.

<sup>18</sup> *Ibid.*, para. 18.



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and “no measure was ordered involving a person who is currently of legal age and who expressly stated his wish not to be a party to this proceeding”.<sup>19</sup>

35. Considering the foregoing, provided that the merits of the case have been resolved and the scope of the State’s obligations has been settled, the Commission observes that the precautionary measures at hand have become moot.

36. In addition to this, as the Court correctly indicated, the Commission is aware that D. reached the age of majority on February 26, 2022. The domestic cases were therefore judicially dismissed and he has ceased to be a subject of special protection before the Inter-American system, who was under the obligation to look after his best interests. Thus, upon reaching the age of 18, effectively recognized by the internal authorities as a person of legal age, the situation has changed to that of a person with legal capacity to make his or her own decisions regarding his or her relationship and family ties.

37. Considering the analysis previously carried out, and taking into account the State’s requests to lift, the Commission understands that, in light of the current situation, there are no elements to support compliance with the requirements of Article 25 of the Rules of Procedure at the present time. In view of the above, and taking into account the exceptional and temporary nature of precautionary measures,<sup>20</sup> the Commission considers that it is appropriate to lift these measures.

## V. DECISION

38. The Commission decides to lift the precautionary measures granted in favor of Adolescent D., in Paraguay.

39. The Commission instructs its Executive Secretariat to notify this resolution to the State of Paraguay and the representatives.

40. Approved on December 30, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary

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<sup>19</sup> *Ibid.*, para. 121.

<sup>20</sup> 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