
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 72/2024**

Precautionary Measure No. 867-23
Child Y.A.V.G. regarding Colombia¹
October 13, 2024
Original: Spanish

I. INTRODUCTION

1. On October 9, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures in favor of the child Y.A.V.G. (“the proposed beneficiary”) filed by José Eduardo Varas Parra (“the applicant”), urging the Commission to require that the State of Colombia (“the State” or “Colombia”) adopt the necessary measures to protect his right to identity, family life, and personal integrity. According to the request, José Eduardo Varas Parra, the father, has not been able to contact his son, Y.A.V.G., since November 15, 2017, despite judicial rulings establishing a visitation or cohabitation arrangement between them. This request is linked to petition 1976-23.²

2. Pursuant to the provisions of Article 25 (5) of its Rules of Procedure, the Commission requested information from the applicant and received a response on October 29, 2023. On February 21, 2024, information was requested from the State, which was reiterated on March 12, 2024. The State replied on March 22, 2024, after a timeline extension was granted. On April 25, 2024, the State’s response was forwarded to the applicant, who submitted its observations on April 28, May 16 and 23, 2024. On June 11, 2024, the applicant’s response was forwarded to the State and information was requested from both parties. The applicant submitted a response on June 14 and September 12, 2024 and the State on June 24 and September 10, 2024.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the proposed beneficiary is in a serious and urgent situation, given that his rights to life and personal integrity are at risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that Colombia adopt the necessary measures to safeguard, in accordance with the best interests of the child, the rights to identity, family life, and personal integrity of the beneficiary. These measures are to remain in effect until the underlying dispute is resolved, in order to ensure the useful effect of any eventual decision made within the petition and case system. In the same way, it requires that the State evaluate the impact of the alleged lack of relationship between father and son, according to the applicable international standards on cohabitation with both parents.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

4. Y.A.V.G.’s father and mother lived together in a marital relationship from 2006 until 2015. The child Y.A.V.G. was born on December 10, 2012 (he is currently 11 years old). The request notes that on November 21, 2015, the mother left the home and took the child with her. Since then, the father has had difficulty maintaining contact with his child. It was alleged that the mother changes residence frequently,

¹ In accordance with Article 17.2 of the Rules of Procedure of the IACHR, the Commissioner Carlos Bernal Pulido, of Colombian nationality, did not participate in the debate and deliberation of this matter.

² The request alleges violations of the American Convention on Human Rights due to the father’s inability to contact his son Y.A.V.G.

denies all types of communication, does not answer the telephone, and does not allow the father to see his son or obtain information about his health.

5. On December 10, 2015, the applicant filed a request with the Second Family Commissioner's Office (*Comisaría Segunda de Familia*) of the municipality of Fusagasugá. Since then, the mother was notified of four hearings, which were not carried out due to non-attendance. Consequently, the Commissioner's Office declared the conciliatory process unsuccessful. On a provisional basis, "shared custody" was established between the parents and rules of cohabitation with the father were established.

6. In late July 2016, it was alleged that the mother reportedly hid the child, and that the maternal grandmother worked in the kindergarten that the child went to and reportedly prevented the father from seeing his son. It was noted that the father was purportedly no longer able to take the child to his medical appointments, and a case of neglect regarding Y.A.V.G.'s health was reported.³

7. On May 17, June 21, August 5 and 29, 2016, the situation was reported to the Colombian Institute of Family Welfare (*Instituto Colombiano de Bienestar Familiar*, ICBF). As indicated, no actions were implemented to restore the bond between father and son. On September 30, 2016, the applicant filed a complaint with the Fusagasugá Provincial Office of the Attorney General. Considering that the mother prevents all forms of communication and does not allow the applicant to see his son or obtain information about his health, the father filed a custody lawsuit before the Family Court of Fusagasugá. An agreement was reached regarding guardianship and a visitation schedule for the father on March 27, 2017. The request attached a copy of the court agreement that established the visitation regime in the following sense:

"On weekends every two weeks, he shall pick up the child on Friday after school and return him home on Sunday or Monday. If it is a holiday, at 6:00 p.m. In addition, the Easter holidays, mid-year break, school recess, and end-of-year holidays will be shared, and the dates for birthdays, Christmas, and New Year's will be alternated between the parents."

8. The applicant highlighted that the mother did not comply with the agreement. Since November 15, 2017, the father has not had any contact with his son. It was reported that, on August 10, 2017, the applicant was supposed to take his son to a medical appointment, but the mother did not allow it. It was also reported that the applicant attempted to pick up the child at school and the teacher alleged that the mother did not authorize him to take the child. On April 5, 2018, a request for assistance was submitted to the Municipal Ombudsperson's Office of Fusagasugá regarding the ongoing process. On March 16, 2018, the father sent an official letter to the rector of the child's educational institution stating that the mother was not complying with the decision of the Family Court of Fusagasugá of March 27, 2017.

9. Due to the non-compliance with the agreement, on June 8, 2018, the father filed a petition with the ICBF. They responded on June 13, 2018 and stated that the request had been forwarded to the ICBF Zonal Center of Fusagasugá. On September 13, 2018, the applicant filed a complaint with the Office of the Inspector General, due to the lack of response from the ICBF.

10. On April 9, 2019, he submitted an incident report regarding compliance with the visitation regime and other agreements to the Family Court of Fusagasugá. On May 22, 2019, the judge of the relevant court addressed the petition, stating that the legal proceedings related to the request have been concluded. Consequently, if the parties have failed to comply with the provisions, they stated that the appropriate criminal action should be initiated with the competent authority. The applicant requested the reopening of the case and

³ In this regard, medical reports dated October 19, 2016 were attached to the request. These showed that the child did not attend three consecutive occupational therapy appointments. Another medical report dated October 14, 2016, issued by the Hospital Estadal San Rafael, attests that: "today the father came into the clinic and stated that the mother does not allow him to attend speech therapy appointments."

the processing of the incident through two memorials submitted on May 27 and July 15, 2019. On November 19, 2019, the applicant filed a motion for reconsideration, urging that the incident be processed. On February 17, 2020, the judge upheld her decision.

11. Due to the refusal to proceed with the incident, an appeal for protection of constitutional rights (*amparo*) was filed on February 24, 2020, and was addressed by the Superior Court of Cundinamarca - Civil-Family Chamber. The action was denied on March 4, 2020, under the following allegation:

“Upon reviewing the decisions summarized here, there is no evidence of stubbornness or arbitrariness on the part of the Family Judge of Fusagasugá in denying the processing of the incident brought forth by the plaintiff regarding the mother’s failure to comply with the visitation agreement. The incident referenced by the plaintiff lacks any normative basis, as it has not been established by the legislator. Instead, it is clear that the plaintiff must pursue the appropriate administrative and judicial actions, such as filing for custody and submitting a criminal complaint for fraud against a judicial decision. These actions are already underway, and the plaintiff should await the outcomes of these proceedings to enforce the agreed visitation regime, as the ‘incident’ he proposed is not the proper judicial avenue for achieving this goal.”

12. On January 26, 2017, a criminal complaint was filed against Ms. D.J.G.R., the mother of Y.A.V.G., before the Sectional Prosecutor’s Office of Fusagasugá for the crimes of arbitrary exercise of custody and fraud to the judicial decision. On February 14, 2019, Ms. D.J.G.R. was charged with the arbitrary exercise of custody over her son before the First Municipal Judge of Fusagasugá. Subsequently, the case was assigned for further investigation to the second sectional prosecutor of Fusagasugá, who concluded by presenting the indictment. On September 15, 2021, a hearing was held in which the judge identified that the statute of limitations had expired. The applicant filed an appeal for protection of constitutional rights to annul the judgment due to the judge’s error regarding the statute of limitations. The lawsuit was accepted by the Criminal Chamber of the Superior Court of the Judicial District of Cundinamarca, who determined the continuation of the process.

13. On February 10, 2022, the Second Criminal Court of the Girardot Circuit issued a judgment of acquittal in favor of the mother on the grounds that the conduct was atypical, accepting the arguments of the Prosecutor’s Office. The Prosecutor’s Office determined that the failure to comply with the child visitation regime did not constitute a crime, as such violations only occur in cases of shared custody. Since the mother held sole custody of the child, no criminal conduct was established.

14. It was added that the mother had moved to the municipality of Soacha, Cundinamarca, and, subsequently, to Bogotá, where they are currently residing. Despite having managed to locate the child’s address, it was noted that the mother does not answer any calls and does not answer the door. The applicant claimed to be unaware of the child’s current state of physical and mental health. In this regard, he stated that he had requested a psychological evaluation of the child from various state institutions but had yet to receive a response.

B. Response from the State

15. The State provided information from competent authorities regarding the situation of the child Y.A.V.G. First, it referred to the decision issued by the Second Family Commissioner of the Fusagasugá Mayor’s Office on April 13, 2016, which established shared custody of the child to both parents, “granting the father full authority to exercise his care and protection, and recognizing his rights as a parent (...)” It was alleged that this process was on file. The father took subsequent actions before other institutions, which addressed changes to the provisions established by the Family Commissioner’s Office regarding shared custody. The Police Station indicated that it was unaware of the situations that followed the decision.

16. The State attached information provided by the ICBF through an official letter sent on April 3, 2024. In this document, the aforementioned body stated that there were no ongoing proceedings in the Family Court. It also indicated that the child underwent a psychological evaluation, where it was reported that there were no signs of violence or violation of rights. It was added that the child is linked to the police EPS, has the right to education with a link to the IEM Instituto Técnico Agrícola Valsalice, is in the sixth grade and has a good quality of life. Therapeutic involvement was suggested to strengthen his mental and psychological stability within his family unit, given that he “reported having witnessed a conflicted relationship between his parents.”

17. According to the ICBF social work report: “The child Y.A.G.V., aged 11, has his rights guaranteed under the care and attention of his mother. The relationship is harmonious, and there is support and trust within the family. The child goes to Valsalice School, is in sixth grade, exhibits appropriate behavior, and maintains stable relationships with peers and teachers. He has access to military health services and received recent pediatric care on February 24, 2024. His mother takes care of him on a permanent basis, since she has the time to attend to his needs. There is support from extended family who, although they live in Bogotá, have frequent communication and visits from grandparents and maternal siblings. Regarding the socioeconomic aspects, the mother works from home, allowing her to provide constant care for her son. She receives financial support from her husband, with whom she has been married for three years. He currently lives in Bogotá, and they visit each other every weekend. The child establishes an adequate relationship with his stepfather (...). Regarding the situation with the paternal figure, the child has not seen his father in seven years and shows no interest in spending time with him. The mother states that this period has been marked by the father’s pursuit. It is suggested to review the psychology assessment in order to verify the emotional state of the child.”

18. The State provided information from the Ombudsperson’s Office (*Personería*) of Fusagasugá in response to the father’s request for assistance in the criminal case concerning the charge of ‘arbitrary custody of a child’ at the Criminal Court of Fusagasugá. The actions taken by the Ombudsperson’s Office were outlined, including requesting information from the ICBF regarding the petition submitted by the applicant, filing documents related to the child, and sending a request to the Criminal Court of Fusagasugá, among others. Additionally, it referred to the acquittal in the process for arbitrary exercise of custody issued by the Second Criminal Court of the Circuit of Girardot in favor of the mother. It was alleged that the proposed beneficiary had withdrawn from the appeal. In addition, it was indicated that there have been no reports of harassment or threats between 2023 and 2024.

19. The State submitted information provided by the Ministry of Defense indicating that the child is listed as the father’s beneficiary in the National Police Health subsystem. Additionally, it was observed that the child has received medical attention 115 times from 2013 to the present day, covering a range of specialties including neonatology, nephrology, pediatrics, ophthalmology, general medicine, dentistry, and physical therapy. The State identified a case involving the child’s parents on July 29, 2016, during which the Children and Adolescents Group of Fusagasugá reportedly provided guidance on the procedures they should follow at the Family Police Station, which has jurisdiction over custody and visitation matters concerning the child.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

20. The mechanism of precautionary measures 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 provided for 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.

21. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve 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 how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard 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, in this way, 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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.⁷ 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.

22. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.⁸ Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Furthermore, it is not within the scope of the current proceeding to rule on the best interests of the child Y.A.V.G. concerning custody, residence, or to request the enforcement of the judicial agreement on visitation. The State must adopt the necessary, appropriate, and effective measures to enable the child Y.A.V.G., in accordance with his best interests, to maintain ties with both parents, as part of its duty to fully guarantee

⁴ I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; *Case of Carpio Nicolle et al. v. Guatemala*, Provisional Measures, Order of July 6, 2009, considerandum 16 (Available only in Spanish).

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 February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

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

⁷ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19 (Available only in Spanish).

⁸ I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

his rights.⁹ Such matters can be addressed in the merits phase of the case brought concerning the child's situation, and should any violations of the American Convention be identified, the Commission could then make the relevant recommendations.

23. Therefore, in this matter, the Commission will only determine whether the child Y.A.V.G. is in a serious and urgent situation of irreparable harm, pursuant to Article 25 of its Rules of Procedure, which can be resolved without making any determinations on the merits.¹⁰

24. As a preliminary point, the Commission recalls that Article 17(1) of the American Convention recognizes that children have the right to their biological family, which must provide them with protection and, in turn, must be the primary object of protection measures by the State.¹¹ The Inter-American Court has indicated that this right encompasses not only the implementation of direct protection measures for children but also the broad promotion of the development and strength of the family unit. The mutual enjoyment of cohabitation between parents and children is a fundamental aspect of family life.¹² In this regard, Article 9 of the Convention on the Rights of the Child stipulates that States shall respect the right of a child separated from one or both parents to maintain personal relationships and direct contact with both parents regularly, unless doing so is contrary to the best interests of the child. Accordingly, the State is obliged to favor, in the broadest possible way, the development and strength of the family unit as a measure for the protection of the child.¹³

25. Regarding the mechanism of precautionary measures, the Commission observes that the inter-American system has addressed certain processes, such as those related to adoption, guardianship, or custody, where children may experience separations from their biological families. It has established that their rights to personal integrity, identity, and family life may be at risk, necessitating precautionary protection.¹⁴ In fact:

“Family relationships and the biological aspects of a person's history, particularly for a child, are fundamental to their identity. Thus, any action or omission by the State that affects these components can constitute a violation of the right to identity.” Furthermore, “the family that every child has the right to is primarily their biological family, which includes close relatives and is responsible for providing protection to the child. This family must also be the primary focus of protective measures from the State.”¹⁵

⁹ The IACHR has indicated that “[...] Children's personalities and identities are forged by multiple factors, notable among them the creation of affective ties.” In addition, it has recognized the existence of the right to identity, the right to maintain relationships with family members, among the components. See: IACHR, [The Right of Boys and Girls to a Family. Alternative care. Ending institutionalization in the Americas](#), OEA/Ser.L/V/II. Doc. 54/13, of October 17, 2013, para. 61. The Inter-American Court, for its part, has stated that “[...] family relationships and the biological aspects of a person's history, particularly that of a child, are fundamental to their identity. Therefore, any action or omission by the State that affects these components may constitute a violation of the right to identity. I/A Court H.R., [Case of Fornerón and his daughter vs. Argentina. Merits, Reparations, and Costs](#), Judgment of April 27, 2012, Series C No. 242, paras. 113 (Available only in Spanish).

¹⁰ In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

¹¹ I/A Court H.R., [Case of Dial and et al. v. Trinidad and Tobago](#), Judgment of November 21, 2022 (Merits and Reparations), para. 77.

¹² IACHR, [Towards the Effective Fulfillment of Children's Rights: National Protection Systems](#), OEA/Ser.L/V/II.166. Doc. 206/17, November 30, 2017, para. 392.

¹³ United Nations (UN), General Assembly, Convention on the Rights of the Child, Resolution 44/25, November 20, 1989, Art. 9.

¹⁴ IACHR, [Resolution 22/2016](#), Precautionary Measure 540-15, María and her Son M., April 12, 2016 (Available only in Spanish); IACHR, [Resolution 38/2019](#), Precautionary Measure 364-17, Child G.Y.G.R., Mexico, July 29, 2019 (Available only in Spanish); IACHR, [Resolution 72/2022](#), Precautionary Measure 603-22, Child K.L.R., Mexico, December 19, 2022. I/A Court H.R., Provisional Measures regarding Paraguay, Matter of L.M., Order of July 1, 2011, considerandum 16.

¹⁵ 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, paras. 113 and 119 (Available only in Spanish).

26. Considering the foregoing, the Commission identifies that there is a judicial agreement of custody and coexistence between the proposed beneficiary's parents in force since March 2017. No allegation has indicated that this agreement has been modified, and the Commission therefore understands that it remains in force. Additionally, there are no factual elements indicating that the biological father has any legal impediment preventing him from establishing a relationship with his child. Consequently, despite the fact that the agreement establishes a visitation regime between the biological father and his son, the proposed beneficiary, there is allegedly no contact between them since November 2017. This situation has persisted, despite the administrative, civil, criminal, and constitutional actions initiated by the father.

27. The Commission observes that, to date, none of the State agencies that have acknowledged the aforementioned situation have conducted an assessment regarding the alleged absence of the relationship between father and son as stipulated in the existing judicial decision. This has caused a prolonged situation of indecision and uncertainty as to the relationship of the proposed beneficiary with his biological father, since there is currently no certain date on which they could resume their cohabitation. In this sense, the above situation generates an impact on the proposed beneficiary, who has not been living together with his biological father for approximately seven years.

28. The Commission does not have information that indicates *prima facie* that the situation which the proposed beneficiary faces is the result of his best interests. On the contrary, it considers the situation particularly concerning given that the state authorities are aware of the existence of a coexistence regime established since 2017. This situation indicates that, in principle, the proposed beneficiary's circumstances should be monitored by the appropriate State entities.

29. In light of these issues, the Commission notes that there is a risk that the objective of a potential decision regarding the merits of the case may be undermined. In effect, there is sufficient evidence from the applicable *prima facie* standard to determine that the relationship between father and son has been progressively reduced to the point of becoming non-existent. In these circumstances, the Commission believes that the State must take appropriate actions to prevent the *de facto* establishment of a situation in which the bonds between the proposed beneficiary and his father are severely affected, until the underlying controversy of the case is resolved, thereby ensuring the effective implementation of any eventual decision.

30. Upon requesting information from the State pursuant to Article 25 of its Rules of Procedure, the Commission acknowledges the response given by Colombian authorities concerning the ongoing processes and investigations. However, the information provided does not allow the Commission to identify concrete actions to ensure the protection of the proposed beneficiary's father-son relationship. In this regard, the child has continued to maintain regular contact with his maternal relatives and stepfather, who live in other cities. While the child has mentioned that he has not seen his father for seven years, the State's reports do not reflect any attempts to reconnect or show that maintaining distance from his father serves the child's best interests. In this regard, the Court has indicated the following:

"The determination of the child's best interest in cases of care and custody of children and adolescents should be based on an assessment of specific parental behaviors and their negative impact on the child's well-being and development, taking into account real, proven, and not speculative or imaginary harm or risks to the child's welfare. Therefore, speculations, presumptions, stereotypes, or generalized considerations about the personal characteristics of the parents cannot be admissible."¹⁶

31. In light of the above, and based on the applicable *prima facie* standard, the Commission concludes that there is sufficient evidence to establish a serious risk concerning the rights to identity, family life, and personal integrity of the child Y.A.V.G.

¹⁶ I/A Court H.R., previously cited, para. 50.

32. Regarding the requirement of *urgency*, the Commission notes that the identified risk is already materializing due to the emotional impact that results from the loss of affective bonds or the distancing between the proposed beneficiary and his biological father. The situation that places the proposed beneficiary at risk is evidenced by the psychological studies provided by the State, in which the 11-year-old child states that he has not seen his father in seven years and expresses a lack of interest in living with him, reflecting a significant risk of losing the father-son bond.

33. Regarding the requirement of *irreparable harm*, the Commission believes it is also fulfilled due to the potential repercussions that the disruption of the emotional bond between the proposed beneficiary and his biological father, as well as his right to family life, may have on the harmonious development of his personality and identity, along with possible effects on the child's mental and psychological well-being.

IV. BENEFICIARY

34. The Commission declares the child Y.A.V.G., who is duly identified in this proceeding, as the beneficiary of these precautionary measures.

V. DECISION

35. The Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Colombia adopt the necessary measures to safeguard, in accordance with the best interests of the child, the rights to identity, family life, and personal integrity of the beneficiary. These measures are to remain in effect until the underlying dispute is resolved, in order to ensure the useful effect of any eventual decision made within the petition and case system. In the same way, it requires that the State evaluate the impact of the alleged lack of relationship between father and son, according to the applicable international standards on cohabitation with both parents.

36. The Commission requests that the State of Colombia report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

37. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment of any violation of the rights protected in the American Convention and other applicable instruments.

38. The Commission instructs its Executive Secretariat to notify this resolution to the State of Colombia and the applicant.

39. Approved on October 13, 2024, by Roberta Clarke, President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; and Andrea Pochak, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary