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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 43/2025**

Precautionary Measure No. 1323-24

**A.R.C.B. regarding Paraguay**

June 7, 2025

Original: Spanish

**I. INTRODUCTION**

1. On November 21, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by Maura Raquel Barrios Recalde (“the applicant” or “the requesting party”) urging the Commission to request that the Republic of Paraguay (the “State” or “Paraguay”) adopt the necessary measures to protect the rights of Maura Raquel Barrios Recalde and her son, A.R.C.B. (“the proposed beneficiaries”). According to the request, Maura Raquel Barrios Recalde has not had contact with her son, A.R.C.B., aged 9, since 2023, despite a final judgment in 2021 establishing a cohabitation arrangement between the mother and her son.

2. The Commission requested additional information from the applicant on February 12, 2025 and obtained a response on February 19, 21, and 22, 2025. Pursuant to Article 25 (5) of its Rules of Procedure, the Commission requested information from the State on March 11, 2025, and received its report on March 26 and 27, as well as on April 7, 2025, following a timeline extension granted. The IACHR requested information from both parties on April 10, 2025. The applicant provided its communication on April 15, 2025. The State responded on April 28, 2025. The applicant submitted additional information on May 24, 2025.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the proposed beneficiary is *prima facie* in a serious and urgent situation, given that his rights face a risk of irreparable harm. Consequently, based on Article 25 of its Rules of Procedure, the Commission requests that the State of Paraguay adopt the necessary measures to safeguard the rights to family life, identity, and personal integrity of the child A.R.C.B. In particular, the State must immediately define an appropriate program for him to interact with his mother, in the terms assessed by the court judgment of January 7, 2021, and the corresponding psychosocial accompaniment, according to the evaluations deemed pertinent to be carried out under the applicable standards of the best interests of the child.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the requesting party**

4. The facts concern Maura Raquel Barrios Recalde (the mother), her former partner D.C. (the father), and their children: their eldest son A.C. (28 years old) and their youngest son A.R.C.B. (9 years old).<sup>1</sup> The request states that on February 4, 2016, the mother and her son A.R.C.B. (at that time, six months old) fled from alleged physical, psychological, and emotional violence perpetrated by D.C., her son A.C., her former in-laws, and her former sisters-in-law.<sup>2</sup>

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<sup>1</sup> He was born on August 8, 2015.

<sup>2</sup> Maura Raquel Barrios Recalde mentioned that, for her safety, she slept at her brother and mother’s house. It was also indicated that she lost possession of her residence following reports of domestic violence. In a final judgment issued on April 21, 2023 by the Court of Judgment No. 4, the Court added that Maura Raquel Barrios Recalde was accused of physically assaulting her daughter-in-law on May 20, 2020. In the judgment, she was acquitted of those charges.

5. On November 13, 2017, Maura Raquel Barrios Recalde was summoned to appear before the Juvenile Court in the city of Capiatá, where the immediate return of the child A.R.C.B. to his father was ordered and executed. The applicant reported that an agreement between Maura Raquel Barrios Recalde and D.C. remained in force. This agreement established that the child would live with his father and recognized the mother's right to a permanent relationship with A.R.C.B. at her residence every day during the father's working hours. This agreement was purportedly homologated on May 5, 2017, before the Court of First Instance for Children and Adolescents.

6. Maura Raquel Barrios Recalde requested assistance from the technical team of the competent court in order to be able to interact with her son. On October 4, 2018, the First Instance Judicial Actuary for Children and Adolescents of the Second Shift of the city of Capiatá ordered that the social worker and forensic psychologist of the Capiatá Judicial Branch accompany the mother and her son during their meeting. According to the report prepared on October 18, 2018, the social worker at the Technical Forensic Office of the Capiatá Jurisdiction reported that on October 12, 2018, Maura Raquel Barrios Recalde received psychological accompaniment. However, when they arrived at the residence where D.C. was supposed to be, no one was present. One of the professionals called D.C. on the phone, and he reported that he was out of town with his son A.R.C.B. Suspecting that this was a lie, Maura Raquel Barrios Recalde decided to go to her former in-laws' residence in the same city, along with the technical team. Consequently, they found the child A.R.C.B. there, and shortly thereafter D.C. arrived. The same report states that, "after one year [...] the relationship was fulfilled on that date, but only briefly, given the attitude of Mr. D.C., but as for the relationship between the mother and the child, it was observed that from the first moment the child recognized and accepted his mother's approach without showing any kind of rejection."

7. Moreover, the applicant stated that in 2019, proceedings were initiated by Maura Raquel Barrios Recalde to modify the visitation rights. A diagnostic report prepared on November 29, 2019, by the psychologist of the Technical Forensic Psychology Service of the Capiatá Judiciary was attached. The report states that "a good relationship with the biological mother (affection and hugs) was observed." The psychologist concludes: "Based on what has been observed and stated by the child A.R.C.B. [...] a desire for affection and a relationship with his biological mother and also with his biological father is observed." On July 30, 2020, the Second Shift Court for Children and Adolescents in Capiatá reportedly decided not to grant the modification of the visitation rights. This decision was appealed by Maura Raquel Barrios Recalde.

8. On January 7, 2021, the Court of Appeals for Children and Adolescents of the Central Judicial District upheld the appeal and ordered shared custody of the child A.R.C.B. in favor of both parents, namely:

"a) During the first and second weeks of the month, the child A.R.C.B. will stay with his father from Sunday at 9:00 a.m. until Thursday at 12:00 p.m., at which time he will be picked up by his mother, Maura Raquel Barrios, or, if unavailable, by the maternal grandmother, and remain with her until he is picked up by the father or the paternal grandparents on Sunday at 9:00 a.m. b) During the third and fourth weeks of the month, the child A.R.C.B. will stay with his father from Sunday at 7:00 p.m. until Thursday at 12:00 p.m., at which time he will be picked up by his mother, Ms. Maura Raquel Barrios, or the maternal grandmother, and remain with her until he is picked up by the father or the paternal grandparents on Sunday at 7:00 p.m."

9. In its judgment, the Court of Appeals assessed the child's testimony at a hearing held on November 21, 2019, in which he stated, "I live with my dad, Santi, and my other mom, and he tells me that my mom Maura is bad. I love Maura, she tickles me, and I like her. I want Maura to visit me and go for a walk with my mom."

10. In this sense, the aforementioned ruling provides the basis for the decision reached by the members of the Court of Appeals, which emphasizes:

"[A.R.C.B.] is 5 years old, therefore, affection and protection from his mother are fundamental for his harmonious development [...] Taking into consideration the guiding principle of this jurisdiction, which is the Best Interest of [A.R.C.B.], I am of the opinion that measures should be adopted to strengthen the mother-child bond; for this reason, I have determined that shared custody of the child A.R.C.B. should be granted to both parents [...] The expert evaluations, including psychological and socio-

environmental assessments conducted on the mother, as well as the father's refusal to comply with or even encourage the mother-child relationship, constitute the basis for my decision to grant shared custody. [D.C.] has shown a reluctant attitude and has hindered the mother-child relationship, a fundamental right of the child, the observance of which may have adverse consequences on his overall development. Furthermore, as it has not been proven that Ms. Maura Raquel Barrios has any psychological or material impediment to housing and caring for [A.R.C.B.], I believe it is in his best interest that shared custody be granted between his parents."

"I firmly believe that behavior that prevents the child from having a relationship with [his mother] is a serious factor that negatively affects the child's psychological and emotional development and can cause him irreparable harm [...] We must not forget that every child's right to maintain regular contact with the other parent with whom they do not live is a right guaranteed not only by our domestic legislation but also by international treaties [...] I fully agree with the colleague who gave the preliminary opinion that the most appropriate measure in this specific case is a modification of the current custody arrangement, establishing a shared custody regime, so that the child [A.R.C.B.] can maintain a close bond with both parents, promoting their active participation in all matters concerning the child's upbringing and education, with all the advantages that this entails [...] considering the fundamental importance of the maternal role in the life of every child."

11. Therefore, the ruling on shared custody in favor of both parents was upheld under the terms described above. However, the applicant stated that this judgment has not been complied with to date. According to reports prepared by the Social Worker of the Technical Forensic Division of the Supreme Court of Justice addressed to the Judge of First Instance for Children and Adolescents of the First Shift of Capiatá, it is noted that the mother went to D.C.'s residence with the forensic professional in order to take the child A.R.C.B., but it is not possible to establish that the mother and her son were living together. The main obstacle was the father's refusal to hand over the child. By way of example, this situation was documented on the following dates:

- a. May 8, 2021: The mother and the forensic social worker arrived at D.C.'s residence to take the child. They were greeted by D.C.'s current partner (the child's stepmother), who "said a lot of things about Ms. Maura Raquel Barrios." It is reported that the mother begged her to hand over her son, but the stepmother "began to verbally abuse the child's mother again." The report concludes that the shared custody ruling could not be enforced.
- b. May 9, 2021: The mother and the forensic professional arrived at the residence where the child was located; however, the father stated that "he was not going to hand over the child." The professional asked him if he had any documents to justify his refusal to hand over his son, to which the father responded, "I'm simply not going to hand him over." It is reported that, despite D.C.'s statement that the child was afraid of his mother, A.R.C.B. ran to greet her and laughed with joy when he saw her. On that occasion, it was not possible to take the child due to the father's refusal.
- c. July 16, 2021: The mother and the forensic professional arrived at D.C.'s residence. It is reported that "Mr. D.C. was upset and said that he would not hand over his son to the professional." It was reported that the father "got out of the car violently, lunged at the professional, and closed the car door." The report emphasized that, at that moment, "the mother and son were engaged in a pleasant conversation, the boy showed her the pandorga (kite) he was holding in his hand, and they spent several seconds chatting happily." Then, "the father got into his car and shouted at the boy to sit down, because the boy was standing at the window talking to his mother." The report highlights that "the child was very happy and smiling" after talking to his mother, "and when we left, the child blew kisses to his mother and she blew kisses back." In conclusion, on that particular occasion, it was not possible to take the child.
- d. July 29, 2021: It was reported that on that occasion, the mother, psychologist, and social worker went to D.C.'s residence but were not received by anyone.
- e. August 5, 2021: The mother and social worker went to the residence where the child was staying, but D.C. said he would not hand over the child.
- f. August 12, 2021: The mother and the forensic professional arrived at the residence to take the child, but D.C. stated, "I already told you that I'm not going to hand him over." In all these situations, it was not possible to achieve cohabitation between the child and his mother.

12. The applicant also referred to the repeated challenges filed against the judges presiding over the enforcement proceedings of that judgment. These challenges were allegedly presented to delay and obstruct the process. In fact, during the hearings, the father stated that he would not comply with the court order. For this reason, Maura Raquel Barrios Recalde stated that several contempt complaints have been filed against D.C. Attached were official letters dated July 19, 2021, August 3, 2021, August 17, 2021, and April 18, 2023, from the First Instance Judge for Children and Adolescents of the First Shift of Capiatá addressed to the

Prosecutor on Duty of Capiatá, requesting an investigation into D.C.'s conduct for the criminal offense of contempt of a court order. Also attached was an official letter prepared on October 26, 2022, by the same judge, stating that, from February 11, 2021 to the present date, D.C. has committed contempt 82 times.

13. The applicant mentioned that the incidents of contempt against D.C. were dismissed and had no consequences in the criminal court. In this regard, the resolution issued on September 10, 2024, by Sentencing Court No. 02 of the Central Judicial District was included, which ruled to declare the statute of limitations for the criminal contempt action and the definitive dismissal of D.C. Also attached was the resolution issued on March 4, 2025, by the Collegiate Sentencing Court, which resolved to acquit D.C. of all charges and penalties.

14. Given the repeated failure to comply with the shared custody agreement, it was stated that the public defender filed a motion requesting a search warrant for D.C.'s residence in order to facilitate contact between mother and son. On September 6, 2021, the First Instance Court for Children and Adolescents of Capiatá ruled to "order D.C. to comply with the judgment dated January 7, 2021, under penalty of ordering a search of his residence." The father appealed but on May 16, 2022, the Juvenile Court of the Central Judicial District upheld the decision regarding the summons to D.C. under threat of search and seizure. However, according to the applicant, that decision was not enforced either. The request indicated that throughout 2022, Maura Raquel Barrios Recalde was only able to see her son from a distance and could only exchange gestures of affection, to which he responded with a smile. The last time she saw him was on March 2, 2023, in an unexpected encounter inside a supermarket, where they were able to embrace each other.

15. It was reported that on December 27, 2024, Maura Raquel Barrios Recalde, the public defender, the social worker, and the attorney from the Multidisciplinary Advisory Team for Children and Adolescents went to the father's residence to take the child and hand him over to his mother. The following is extracted from the report issued by the Multidisciplinary Team:

"[the father] states that the child has been diagnosed with autism spectrum disorder, and therefore requires special care [...] A.R.C.B., in conversation with the professionals, stated, among other things, that he is happy with his family, that he does not want to live with his mother because he is happy with his family [...]"

16. As a result, it was reported that, on that occasion, it was not possible to establish contact with the child either. The applicant filed a new contempt proceeding, which also proved unsuccessful given that, on January 5, 2025, the father challenged the Judge of Children and Adolescents. In particular, it was stated that the judge had expressed fear that something bad might happen during the proceedings, and even feared that D.C. would report her. Therefore, on February 5, 2025, the same judge requested to be excused from further involvement in the trial. The father also reportedly challenged the members of the Court of Appeals. On February 21, 2025, it was reported that D.C. had again challenged the judge, this time the interim judge. Attached was a report submitted on February 21, 2025, by the judge of the Juvenile Criminal Court of the cities of Capiatá, Itauguá, and Ypacaraí, excusing herself from presiding over the case, stating: "The serious unfounded accusations made in the challenge petition deeply affected my personal integrity, therefore I excuse myself from further involvement in this trial out of decorum and propriety."<sup>3</sup>

17. The applicant indicated that the hearing on the breach of the shared custody agreement was scheduled for May 8, 2025. However, on May 7, 2025, D.C. filed a new challenge against the Court of First Instance in Civil and Commercial Matters of the First Turn. Consequently, the judge assigned to the case at that time scheduled a hearing for May 12, 2025, ordering the presence of the child A.R.C.B. However, on May 12, 2025, D.C. filed another challenge, this time against the Second Civil and Commercial Court of First Instance, which is currently pending. The applicant states that D.C. has been using the same mechanism for years to prevent maternal and child contact.

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<sup>3</sup> D.C. reportedly filed a recusal against the Judge of the Juvenile Criminal Court of Capiatá, alleging that she violated his right to be tried by a competent, independent, and impartial tribunal, allegedly without considering the best interests of the child.

18. In response, the cooperation of Amnesty International Paraguay was requested, which led to the case being referred to the Interinstitutional Committee for the Prevention of Violence Against Women (PREVIM). As a result, Maura Raquel Barrios Recalde held a meeting with the Gender Secretariat of the Supreme Court of Justice and the Ministry of the Interior, which resulted in recommendations aimed at reestablishing the mother-child bond. However, she stated that these recommendations have not been finalized or implemented to date.

19. Furthermore, it was reported that the complaint of domestic violence filed against her former partner, D.C., is being heard by Criminal Prosecutor's Office No. 1 in the city of Capiatá. Despite Maura Raquel Barrios Recalde's repeated requests to advance the investigation, the assigned prosecutor has reportedly failed to take any action. She therefore decided to challenge the official but, to date, no other prosecutor has been appointed.

20. Lastly, it was reported that on July 23, 2024, the Criminal Judge of the Court of Control and Guarantees No. 1 of Capiatá, Itauguá, and Ypacaraí ordered house arrest for Maura Raquel Barrios Recalde in connection with the complaint of domestic violence. On December 10, 2024, the First Criminal Court of Capiatá lifted the measure, referred the case to trial, and imposed alternative measures, including: the obligation to sign the court register every three months, a ban on leaving the country, and the duty to report any change of address or telephone number.

## **B. Response from the State**

21. The State emphasized the importance of A.R.C.B. maintaining relationships with both parents and acknowledged that, if this is not possible, the child faces an increasing risk of vulnerability over time. In response, the State has adopted legal and other measures aimed at safeguarding the best interests of Maura Barrios and the child. However, the state report warned that this process is not possible, not because of a lack of will or action on the part of public institutions, but because of the countless challenges filed by the child's father against the judges involved. Despite these challenges, the State is reportedly increasing its efforts to facilitate the reunification of Maura Barrios with her son through the involvement of designated institutions. In this regard, it mentioned that coordinated efforts are being made to ensure that conditions are ideal and that attempts to reconnect families do not result in revictimization, especially for children.

22. It was reported that, in the case entitled 'A.R.C.B./Modification of Shared Custody Arrangements,' the Court of Appeals for Children and Adolescents of the Central Judicial District issued Agreement and Judgment No. 3 on January 7, 2021. In this decision, the Court upheld the appeal filed by Maura Barrios, thereby establishing shared custody of the child A.R.C.B., meaning that both D.C. and Maura Raquel Barrios Recalde are jointly responsible for the child's custody. This judgment allegedly determines the days, times, and persons authorized to transport the child.

23. The state report emphasized that the judgment was handed down in accordance with the guiding principles of juvenile justice, such as the best interests of the child and the right to be heard. He stated that the decision aimed to support the development of child A.R.C.B. in the care of both parents, while balancing their respective rights and responsibilities concerning the child's upbringing, education, and care. All of this is based on the conviction that shared time with both mother and father will benefit the child and allow him to see them as his most positive role models.

24. Despite the foregoing, the State reports that the shared custody arrangement has not been fulfilled because the father refuses to hand over the child on the days and at the times established by the court order. It stated that another reason is the father's deliberate use of various legal actions to prevent A.R.C.B. from interacting with his mother. Consequently, the court referred the case to the Criminal Prosecutor's Office in Capiatá, along with the background information on the failure to comply with the court order to bring the

child A.R.C.B. and his mother before the court, which would result in contempt charges being brought against D.C.

25. The report submitted by the Civil, Commercial, and Labor Court of First Instance, First Shift, in Capiatá, dated April 25, 2025, provided details about the appeal of unconstitutionality filed by D.C. before the Supreme Court of Justice, challenging the judgment that grants shared custody to both parents. On January 25, 2021, D.C. informed the Children and Adolescents Appeals Court of the Central Judicial District about the action that was pending, which resulted in the case files being returned to the Court of First Instance. On April 29, 2021, the Constitutional Chamber of the Supreme Court of Justice decided to summarily reject the appeal of unconstitutionality.

26. The report also highlights that several challenges have been filed by D.C. against the judges involved in the case.<sup>4</sup> It clarified that, although they are part of the resources available to the parties to ensure the impartiality of the judges involved, it is nonetheless true that their repeated use hinders the effective conduct of the proceedings within a reasonable time frame.

27. In recent attempts to establish a bond, it was noted that the child was unwilling to do so. For this reason, the court deemed it necessary to involve the Interdisciplinary Advisory Team for Children and Adolescents in Capiatá, which includes a social worker, a forensic psychologist, and an attorney. It was notified that this Interdisciplinary Team visited D.C.'s residence on numerous occasions to take the child A.R.C.B. and hand him over to his mother. For example, it was reported that on February 27 and March 6, 2025, the Interdisciplinary Team proceeded as ordered by the court. However, the child expressed his refusal to be taken to his mother. The State warns that, according to reports submitted by the team, the child stated: "I don't want to leave, I am good with my family." The specialized assistants indicated that, on one occasion, the child also indicated that he did not want to be disturbed, although "he did so in a very low voice and with a fixed gaze."

28. The state report narrates the judicial proceedings in order to comply with the judgment on shared custody:

- a. On May 7, 2021, the First Instance Court for Children and Adolescents of Capiatá ordered the forensic technical team to provide support to Maura Raquel Barrios Recalde in order to comply with Agreement and Judgment No. 3 issued on January 7, 2021. On May 10, 2021, the multidisciplinary technical team reported that the arrangement could not be carried out, as the father of A.R.C.B. had stated "that he will simply not hand him over to his mother," despite the fact that the child recognizes, greets, talks, and plays with her. This situation was repeated by means of the order dated July 16, August 5, and August 12, 2021. Furthermore, on July 21, 2021, the technical team went to D.C.'s residence, but on that occasion, no one was at the residence.
- b. On August 25, 2021, the Court set a date and time for a hearing so that D.C. and Maura Raquel Barrios Recalde could appear and the judgment establishing shared custody could be enforced. The proceeding did not take place due to D.C.'s failure to appear.
- c. On August 27, 2021, the Court referred the case to the Public Prosecutor's Office for investigation into the conduct of D.C.
- d. On August 31, 2021, the Ministry of Public Defense denounced the failure to comply with the judgment in question, on behalf of the mother. On September 6, 2021, the Court ruled in favor of the complaint of non-compliance and therefore prohibited the child from leaving the country and imposed a fine of 15 days' wages on D.C.

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<sup>4</sup> In this regard, the report detailed the challenges that have been filed: a. On May 13, 2021, D.C. filed a challenge against the First Instance Court for Children and Adolescents of the First Shift. On June 28, 2021, the Court of Appeals for Children and Adolescents of the Central Judicial District rejected the challenge. a. On July 16, 2021, the case files were returned to the Juvenile Court of First Instance; b. On September 8, 2021, D.C. filed a justified recusal against the Juvenile Court of First Instance; c. On October 15, 2021, D.C. filed a justified recusal against the Juvenile Court of Appeals of the Judicial District of the Central Department. The challenge was rejected on August 22, 2023; d. On December 7, 2021, D.C. filed a challenge with cause against the Court of Appeals in Civil, Commercial, and Labor Matters of the Judicial District of the Central Department; e. April 27, 2023, D.C. filed a challenge with cause against the Court of First Instance for Children and Adolescents. The rejection was resolved on October 31, 2023; f. May 5, 2023, D.C. filed a challenge with cause against the plenary of the Court of Appeals for Children and Adolescents. The rejection was resolved on October 31, 2023; and on February 5, 2025, D.C. filed a challenge with cause against the Court of First Instance for Children and Adolescents. At present, it is still pending.

- e. On August 10, August 12, and September 1, 2022, the Court ordered the technical team to accompany the mother to take the child. However, it was also not possible given that the child's father refused. Meanwhile, in response to the order of October 6, 2022, the team reported that it was unable to comply with the order due to the mother's inability and lack of interest.
- f. On September 16 and October 26, 2022, the Court again informed the Public Prosecutor's Office about the breach of the judgment of shared custody.
- g. On February 17, 2023, the Court ruled to order the establishment of a technical team to facilitate contact between mother and son. In response, the technical team alerted that it was unable to comply due to the mother's inability and lack of interest.
- h. On March 16, 2023, the Public Defender's Office communicated the new breach of the aforementioned judgment. On April 26, 2023, the Court set a hearing date to carry out the judgment and a fine of 20 days was imposed on D.C. The hearing did not take place due to the filing of a motion for reconsideration.
- i. On October 10, 2024, the Court again ordered the establishment of the multidisciplinary team at D.C.'s residence. However, the team reported that it was not possible to carry out the shared custody agreement because the child was not at that location.
- j. On October 11, 2024, the Court informed the Public Prosecutor's Office about the breach of the judgment. Subsequently, on October 14, 2024, it also notified the Public Defender's Office, the Ministry of Children and Adolescents, and the Ombudsperson's Office of this situation.
- k. On December 27, 2024, the court requested the multidisciplinary team to visit the child's residence to determine the days and times when the mother should pick him up. In response, the team reported that the visits between Maura Raquel Barrios Recalde and her son could not take place, as reflected in the reports dated December 27, 2024, February 3, 2025, February 6, 2025, February 13, 2025, March 10, 2025, and March 18, 2025.

29. In light of this situation, the State report clarifies that the professionals on the interdisciplinary team claimed that "we are faced with a difficult procedure to comply with, with negative results. These situations generate more distress, uncertainty, environmental pressure, and nervousness among the members and especially in the child." Consequently, it suggested that the court take other necessary measures to arrange for therapeutic intervention to help restore and structure the relationships between the parents and then between Maura Barrios and her son, with the aim of achieving shared and healthy upbringing. The State asserts that the Court now has concrete grounds to take further action aimed at emotionally preparing the parties, ensuring that the bonding process is appropriate and that the child remains the central focus of the case. The State believes that it is necessary to work with the adults involved in order to achieve this goal.

30. In addition, the state report stated that the Criminal Complaints Division of the Public Prosecutor's Office has a list of 67 criminal cases resulting from family disputes involving Maura Barrios and her former partner as victims, complainants, and defendants/perpetrators, filed in various criminal courts. Specifically, in the case titled 'Maura Raquel Barrios de Chávez / Family Violence,' in which she is listed as the victim, it was reported that, by interlocutory order dated December 10, 2024, the case was ordered to proceed to oral and public trial. In addition, he was ordered to comply with alternative measures to house arrest. However, the State emphasizes that none of these measures are related to any impossibility of establishing a relationship with their son. It also assures that there are no legal impediments preventing Maura Barrios from having contact with the child A.R.C.B.

31. The state report stated that Maura Raquel Barrios Recalde is receiving legal and psychological assistance through the Women's Support Service (SEDAMUR) from the Ministry of Women. It was reported that, during 2025, she received psychological care on four occasions. Therefore, the State considers that concrete steps have already been taken to ensure that the bonding process is effective and gradual. In this regard, it is reported that the Gender Secretariat of the Judiciary, under the Supreme Court of Justice, intervened in this matter following the note submitted on November 25, 2024, by Amnesty International Paraguay. That Secretariat reportedly convened and coordinated a working meeting held on January 30, 2025, with professionals from various public institutions involved in the case, including: a member of the Juvenile and

Adolescent Court of Appeals of Capiatá; the Juvenile Court judge of the same city; the public defender; the prosecuting attorney from the Criminal Unit of Capiatá; the assistant prosecutor; the Director of Gender Affairs of the Judiciary; and representatives from Amnesty International Paraguay.

32. It was noted that the meeting focused on the central issues of the case, particularly in light of the child's father's repeated noncompliance with court orders, with the goal of upholding the best interests of the child and safeguarding the mother's rights. It therefore recommended specific measures to be adopted, such as:

- a. Following numerous reports of contempt of court against the father of A.R.C.B., it was recommended that a multidisciplinary team advise the criminal courts on violence based on gender inequality.
- b. A jurisdictional management audit was recommended for the criminal cases in which the enforcement of the judgment issued by the Juvenile Court of First Instance of Capiatá, confirmed by the Juvenile Court of Appeals of the Judicial District of Central, has been pursued
- c. The intervention of the Technical Office for Support to the Juvenile Justice System (OTANA) was recommended in order to monitor the functioning of the specialized juvenile justice system in the case involving the child A.R.C.B.

33. In this regard, the report from the working group, submitted on February 5, 2025, by the Gender Secretariat of the Judiciary, was attached. Based on information provided by Amnesty International Paraguay, the report recognized that Maura Barrios has been systematically subjected to reprisals due to her efforts to reunite with her son, which have even resulted in her imprisonment and eviction from her residence. Similarly, in this report, Amnesty International of Paraguay highlighted the existence of 101 cases of contempt by D.C., of which 85 had allegedly expired. Also in that report, the Gender Secretariat of the Judiciary warns that if this situation persists, it would constitute a case of structural, institutional, or systematic violence, considering the obstacles that prevented and continue to prevent the effective enforcement of the court decision in favor of the best interests of the child A.R.C.B. and his mother. It also stated that this would constitute a breach of the principle of due diligence, which requires States to act diligently to prevent, investigate, punish, and remedy human rights violations. In this case, it would also violate the principle of opportunity, according to which investigations and proceedings must be initiated immediately and carried out within a reasonable time frame.

34. It also submitted the report presented on March 21, 2025, by the Civil Defender for Children of Capiatá, who took part in the trial relating to the file "A.R.C. / Modification of the shared custody arrangement" on June 28, 2021. They reported that since that time "all the proceedings, requests, and legal approaches that involve the processing of the trial" have been carried out. However, during that entire period and to date, it has not been possible to comply with the judgment of January 7, 2021, handed down by the Court of Appeals on the shared custody of the child A.R.C.B. in favor of both parents, due to the countless challenges made by the child's father against the judges. Therefore, the Ombudsperson warns that, to date, 121 contempt complaints have been filed with the Public Prosecutor's Office against the child's father.

35. The aforementioned report also details the actions taken by the Ombudsperson's Office to enforce the judgment, which were rejected by the child's father, namely:

- a. 2021: On June 28, 2021, the Public Defender intervened in the case and requested compliance with the January 7, 2021 judgment, with the support of the multidisciplinary team of the Juvenile Court, however, these efforts were unsuccessful. Consequently, the judge referred the records of the contempt cases to the Public Prosecutor's Office and attached several reports from the court's technical team which shows that the father not only fails to comply with shared custody but also subjects both Ms. Maura Raquel and her son to psychological abuse.
- b. In 2022, they continued to request the Juvenile Court to enforce the judgment of January 7, 2021. The contempt complaints were allegedly distributed in all the Fiscal Units of Capiatá. In addition, he filed a motion requesting a search warrant to enforce the judgment in question. On May 16, 2022, the motion filed was granted. The other party appealed, but the decision was upheld by the San Lorenzo Court of Appeals on June 6, 2022.

- c. In 2023, the opposing party, composed of D.C. and his defense attorney, filed recusals against each of the several judges in Capiatá, as well as the judges of the San Lorenzo Chamber, which left the case without a judge throughout the entire year of 2023.
- d. 2024: Another public defender took over the case and spent six months attempting to ensure that the jurisdiction of the judge for children and adolescents remained unchanged, as there had been several “loose and unnotified” challenges. On October 10, 2024, with the judge’s jurisdiction now established, the Public Defender requested that the court enforce the January 7, 2021 judgment, which was again denied by D.C. The Public Defender reported him for noncompliance and requested that a hearing be set to address the failure to comply with the judgment in question. The judge set a hearing for February 5, 2025.
- e. 2025: On February 5, 2025, the Childhood and Adolescence Judge was challenged and forwarded the file to the Adolescent Criminal Court of Capiatá. On February 17, 2025, this court set a new date for the hearing of the breach of the shared custody agreement, which was set for February 24, 2025. However, on that date, the child’s father again challenged the judge. Consequently, the case file was sent to the Civil Court of Capiatá, but its jurisdiction was not resolved by previous recusals.

36. Subsequently, in the report submitted on April 25, 2025, the Civil, Commercial, and Labor Court of First Instance, First Shift of Capiatá, indicated that the jurisdiction of that court has not yet been fulfilled. In addition, it emphasized that the case has not progressed due to the attitude of the child’s father. This behavior is reportedly not only exposing A.R.C.B. to circumstances that could leave a lasting mark on him in terms of the relationship between his parents, but also to constant and mandatory intervention by the court in the life of the child and his family, in order to protect A.R.C.B.’s right to live with his mother and to make decisions aimed at fulfilling that right.

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

37. 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 provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. 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.

38. 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>5</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>6</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation, and how vulnerable the proposed beneficiaries would be left in case the measures are not adopted.<sup>7</sup> As for their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. Their 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

<sup>5</sup> Inter-American Court of Human Rights (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.

<sup>6</sup> 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).

<sup>7</sup> 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).

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.<sup>8</sup> 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.

39. 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.<sup>9</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>10</sup> This is better suited to be addressed by the Petition and Case system. The following analysis refers exclusively to the requirements of Article 25 of its Rules of Procedure, which can be resolved without entering into determinations on the merits.<sup>11</sup>

40. In this sense, preliminarily, it is not within the scope of the current proceeding to rule on the best interests of the child A.R.C.B. regarding custody, residence, or to request the enforcement of judicial decisions on his legal status. The State must adopt the necessary, appropriate, and effective measures to enable the child A.R.C.B. in accordance with his best interests, to maintain ties with both parents, as part of its duty to fully guarantee his rights.<sup>12</sup> If necessary, these situations may be addressed through the Petition and Case System, should the relevant conditions arise regarding the child’s situation, and if any violation of the American Convention is identified, the Commission may issue appropriate recommendations.

<sup>8</sup> 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).

<sup>9</sup> 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.

<sup>10</sup> IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>11</sup> 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).

<sup>12</sup> The IACHR has indicated that “[...] Children’s personalities and identities are forged by multiple factors, notable among them the creation of affective ties between themselves and the persons closest to them.” It has also recognized the existence of a close link between the components of the right to identity and the right to maintain relations with one’s family. See: [IACHR, The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas](#), doc OEA/Ser.L/V/II. Doc. 54/13, of October 17, 2013, para. 61. The Inter-American Court, for its part, has stated that “The family relationships and the biological aspects of the history of an individual, particularly a child, constitute a fundamental element of his or her identity, so that any act or omission of the State that has an effect on the said components can constitute a violation of the right to identity.” Cf., [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.

41. Therefore, in the matter at hand, the Commission will only determine whether the child A.R.C.B. 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.<sup>13</sup>

42. As a *preliminary* matter, 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.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup>

43. 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 been established that their rights to personal integrity, identity, and family life may be at risk, necessitating precautionary protection.<sup>17</sup> 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.”<sup>18</sup>

44. Similarly, the inter-American system has identified that delays or failure to respond in cases of custody and guardianship may cause irreparable harm to the rights of children to family, identity, and psychological integrity.<sup>19</sup> The Inter-American Court has recognized that in cases involving their rights, domestic authorities have the duty, *motu proprio*, to “accelerate” the proceedings and that questions of guardianship and the establishment of a visitation system “[...] are part of processes that are not especially complex and that are not unusual for States.”<sup>20</sup>

<sup>13</sup> 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).

<sup>14</sup> I/A Court H.R., [Case of Dial and other v. Trinidad and Tobago](#), Merits and Reparations, Judgment of November 21, 2022, Series C No. 476, para. 77.

<sup>15</sup> IACHR, [Towards the Effective Fulfillment of Children’s Rights: National Protection Systems](#), OEA/Ser.L/V/II.1, November 30, 2017.

<sup>16</sup> United Nations (UN), General Assembly, Convention on the Rights of the Child, Resolution 44/25, November 20, 1989, Art. 9.

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

<sup>18</sup> 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.

<sup>19</sup> I/A Court H.R., Matter of L.M. regarding Paraguay, Provisional Measures, Resolution of July 1, 2011, para. 12, 15-16, 19; IACHR, Child A.R. regarding Argentina (PM 356-16), Resolution 26/2017, July 27, 2017, para. 24 (Available only in Spanish); IACHR, Matter of Maria and her son Mariano regarding Argentina (PM 540-15), Resolution 22/2016, April 12, 2016, paras. 2 and 11; IACHR, The Right of Girls and Boys to a Family, 2013, para. 174.

<sup>20</sup> 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. 67 and 69; IACHR, Child A.R. regarding Argentina (PM 356-16), Resolution 26/2017, July 27, 2017, para. 24; I/A Court H.R., Order of the Inter-American Court of Human Rights of July 1, 2011, Provisional Measures regarding Paraguay, Matter of L.M., para. 16.

45. In this regard, the Commission understands that the passage of time inevitably constitutes a determining factor when assessing the possible existence of a situation of risk, taking into account the protection needs in each case based on the specific circumstances. The foregoing is in application of the rights afforded to children under Article 19 of the American Convention, which establishes that they must be provided with protective measures by their family, society, and the State, according to their needs. In this sense, the right to the protection of families under Article 17 of the American Convention “[...] entails, among other obligations, favoring, in the broadest way, the development and strength of the family unit.”<sup>21</sup> In addition, in the light of Article 8 of the Convention on the Rights of the Child, the Inter-American Court has pointed out the importance of this right in relation to that of identity in the case of children,<sup>22</sup> highlighting the role that biological families play in this process.<sup>23</sup> Therefore, prolonged separation of children from their family environment is likely to seriously affect their emotional ties with their relatives,<sup>24</sup> causing emotional and psychological impact that can affect their personal integrity to the extent that it may jeopardize the harmonious development of their personality.<sup>25</sup>

46. The inter-American system has recognized that, with regard to children and adolescents, the right to identity is related to the right to family life, in view of the role that the family plays in the set of attributes and characteristics that allow for a person’s individualization in society.<sup>26</sup> In addition, the specific circumstances and context in which a child is separated from his or her parents produce differentiated impacts both on his or her personal integrity and on his or her holistic and harmonious development, processes in which the child’s personal factors also play a role, including his or her age and development level.

47. Thus, with regard to the requirement of *seriousness*, the Commission considers that it has been met given the situation of the child A.R.C.B. given that, according to the information presented by the parties:

- In May 2017, there was a court-approved agreement recognizing the permanent relationship between the child A.R.C.B. and his biological mother. However, in October 2018, when the child was three years old, the report from the social worker at the Technical Forensic Office of the Capiatá Jurisdiction revealed that the relationship had been established after a year.
- Both parties reported the existence of a final court ruling issued on January 7, 2021, by the Juvenile and Adolescent Court of Appeals of the Central Judicial District, which reportedly established shared custody of the child A.R.C.B. in favor of both parents.

<sup>21</sup> I/A Court H.R., Case of Fornerón, previously cited, para. 116.

<sup>22</sup> I/A Court H.R., [Case of Gelman v. Uruguay](#), Merits and Reparations, Judgment of February 24, 2011, Series C No. 221, para. 122.

<sup>23</sup> I/A Court H.R., Case of Gelman v. Uruguay, previously cited, para. 124.

<sup>24</sup> IACHR, Request for Provisional Measures to the Inter-American Court of Human Rights regarding the Child L.M., May 18, 2011, para. 54. In this sense, the Commission has understood “that age and the passage of time are crucial to the development of emotional bonds, family ties, personality and also shaping the identity of the child, especially in the early years, and, therefore, there is a duty of exceptional diligence since the time factor may cause irreparable damage to the child.” Cf. IACHR, The Right of Girls and Boys to a Family. Alternative Care. Ending Institutionalization in the Americas, October 17, 2015, para. 316.

<sup>25</sup> I/A Court H.R., Matter of L.M. regarding Paraguay, Provisional Measures, Resolution of July 1, 2011, considerandums 14 and 18.

<sup>26</sup> The Inter-American Juridical Committee has considered that the right to identity is a fundamental human right that can be conceptualized, in general, as the set of attributes and characteristics that allow a person’s individualization in society and, in this sense, includes several other rights contained in the Convention, depending on the person holding rights in question and the circumstances of the case. Inter-American Juridical Committee, Opinion “on the scope of the right to identity”, CJI Resolution/doc. 276/07 rev. 1 of August 10, 2007, paragraph 12, ratified by resolution CJI/RES.137 (LXXIO/07) of August 10, 2010. The Inter-American Court of Human Rights and the Commission have also established its relationship with the right to family life. Cf. I/A Court H.R., Matter of L.M. regarding Paraguay, Provisional Measures, Resolution of July 1, 2011, considerandum 15.

- The aforementioned judgment of January 2021 was issued when the child was five years old. At that time, the judges assessed that the father was hindering the filial maternal relationship.
- The State of Paraguay maintained that the judgment establishing the shared custody arrangement was based on the principle of the best interests of the child, taking into account his right to maintain ties with both parents and to be heard. It also recognized that the absence of this bond could generate a situation of greater vulnerability as time passes.
- No contact has been recorded between the mother and her child, at least, since March 2023, when the child was seven years old. These circumstances have remained de facto, despite the absence of legal restrictions on the relationship between the mother and her son.
- According to the extensive documentary evidence available, the lack of a mother-child relationship has persisted despite numerous contempt complaints against the judicial decision, requests made by Maura Raquel Barrios Recalde and the Civil Defender's Office for Children, intervention by the Public Prosecutor's Office, involvement of social workers and multidisciplinary teams, orders issued by the competent court, referral of the case to the Interinstitutional Committee for the Prevention of Violence Against Women (PREVIM), and participation of various State institutions, among others.
- According to the available information, the father has filed several challenges against judges involved in the proceedings, which, in light of the documentary evidence and the time elapsed, has contributed to the delay in the judicial process to effectively reestablish the mother-child relationship. Both the applicant and the State understand this.
- To date, there is no information indicating that any judicial authority is actively working to establish effective relations between Maura Raquel Barrios Recalde and her son. On the contrary, recent information reveals that a new challenge presented by the father remains under evaluation.

48. In summary, despite all actions taken by the State, including the most recent efforts, there is no evidence to date of any concrete measures leading to the restoration of contact or shared custody between Maura Raquel Barrios Recalde and her son, who is now nine years old. Nor does the Commission observe any measures aimed at assessing the child's current situation, in particular the possible effects of the progressive reduction of contact with his mother, which is currently non-existent. In addition, no minimum conditions are identified for an eventual re-entry, notwithstanding the existence of a judicial shared custody agreement since 2021.

49. This situation creates a prolonged state of uncertainty and ambiguity regarding the relationship between Maura Raquel Barrios Recalde and her son, which could have irreversible negative effects on the emotional development of the child, A.R.C.B., and on his right to maintain a bond with his mother. The situation becomes even more serious when taking into account the passage of time, the special importance of the mother-child bond in the child's life, and the fact that, to date, there is no definite date or foreseeability regarding a possible resumption of contact.

50. In light of this situation, the Commission acknowledges the efforts made by the State but emphasizes they must be reinforced with the measures they consider appropriate. With the support of specialized professionals and in accordance with applicable standards, these measures should promote an effective relationship between Maura Raquel Barrios Recalde and her son, enabling the development of their bond throughout A.R.C.B.'s childhood and adolescence, as determined by the best interests of the child. The Commission notes that this is essential to prevent the relationship from being irreversibly damaged or disrupted.

51. In view of the foregoing, and based on the applicable *prima facie* standard, the Commission concludes that the existence of a situation of serious risk that affects the rights of the child A.R.C.B. to identity, family life, and personal integrity has been sufficiently established.

52. Regarding the requirement of *urgency*, the Commission observes that the identified risk is already materializing in the rights of the child A.R.C.B., due to the emotional impact that the loss or distancing of the bond with his mother entails. The risk is evidenced in the reports presented by the interdisciplinary team in which a lack of interest in relating to their mother is manifested, reflecting an existing risk of losing the mother-son bond. In these circumstances, the passage of time is likely to aggravate the situation and hinder further measures to restore family ties, which justifies the adoption of measures with immediate effect.

53. Regarding the requirement of *irreparable harm*, the Commission considers it also fulfilled due to the potential repercussions that the disruption of the emotional bond between the child A.R.C.B. and his biological mother, or the violation of his right to family life, could have on the harmonious development of his personality and identity, given the circumstances, as well as the possible effects on the child's psychological and mental integrity.

54. Lastly, the Commission notes that protection of the rights of Maura Raquel Barrios Recalde is also requested. Though it was alleged that she had been subjected to physical, psychological, and emotional violence, the Commission does not have sufficient evidence to justify the requirements of Article 25 of its Rules of Procedure at this time. Notwithstanding, the State of Paraguay must guarantee their rights under the terms of Article 1 (1) of the American Convention on Human Rights. These obligations remain in force regardless of what has been decided on his particular situation.

#### **IV. BENEFICIARY**

55. The Commission declares A.R.C.B. as the beneficiary, who is duly identified in this procedure.

#### **V. DECISION**

56. The Commission understands 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 the State of Paraguay adopt the necessary measures to safeguard the rights to family life, identity, and personal integrity of the child A.R.C.B. In particular, the State must immediately define an appropriate program for him to interact with his mother, in the terms assessed by the court judgment of January 7, 2021, and the corresponding psychosocial accompaniment, according to the evaluations deemed pertinent to be carried out under the applicable standards of the best interests of the child.

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

58. The Commission emphasizes that, pursuant to Article 25(8) of its Rules of Procedure, the granting of precautionary measures and their adoption by the State do not constitute a prejudgment regarding the possible violation of the rights protected in the American Convention and other applicable instruments.

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

60. Approved on June 7, 2025, by José Luis Caballero Ochoa, President; Andrea Pochak, First Vice-President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; Carlos Bernal Pulido; and Gloria Monique de Mees, members of the IACHR.

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María Claudia Pulido  
Assistant Executive Secretary