

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 52/2025**

Precautionary Measure No. 540-15

**Matter of María and Mariano regarding Argentina<sup>1</sup>**

July 30, 2025

Original: Spanish

**I. SUMMARY**

1. The Inter-American Commission on Human Rights (IACHR) decides to lift these precautionary measures in favor of María and Mariano, in Argentina. Given that the Inter-American Court of Human Rights (I/A Court H.R.) issued a decision on the merits regarding the *Matter of María et al. v. Argentina*<sup>2</sup> in 2023, the Commission considers that it is appropriate to lift these precautionary measures and continue to participate in the monitoring of compliance with this judgment. In particular, in the reparation measures concerning Mariano's legal situation and the development of the relationship between María and Mariano, elements that were the focus of the precautionary measures in their favor.

**II. BACKGROUND INFORMATION**

2. On April 12, 2016, the IACHR granted precautionary measures in favor of María and her son, Mariano, in Argentina.<sup>3</sup> The request alleged that Mariano had been separated from his mother and biological family since birth. It was indicated that, initially, his mother, who was 12 years old when she got pregnant, and her biological family did not receive the special support necessary to express their wishes regarding the surrender and adoption of the child. The request stated that a series of legal proceedings had been initiated to enable the mother to have contact with her child, but were unsuccessful.

3. Upon evaluating the available information, and pursuant to Article 25 of its Rules of Procedure, the IACHR required that Argentina: a) adopt the necessary, appropriate, and effective measures to protect the rights to personal integrity, protection of the family, and identity of the child Mariano and his biological mother. In particular, allow the child to maintain ties to his mother, with support from appropriate professional personnel who can monitor the special circumstances of the situation, in accordance with applicable international standards; and b) ensure that María's rights are duly represented and upheld in all decisions made in the judicial proceedings underway, including the girl's right to be informed and to take part in the decisions that could affect her rights as a mother, in accordance with her age and maturity, with the support of specialized technical personnel.

4. Carmen María Maidagan, Araceli Díaz, Martha Haubenreich, and María Claudia Torrens exert representation before the Commission.

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<sup>1</sup> In accordance with Article 17(2)(a) of the IACHR Rules of Procedure, Commissioner Andrea Pochak, of Argentine nationality, did not participate in the debate and deliberation of this matter.

<sup>2</sup> Inter-American Court of Human Rights (I/A Court H.R.), [María et al. v. Argentina, Judgment \(merits, reparations and costs\)](#), August 22, 2023 (Available only in Spanish).

<sup>3</sup> Inter-American Commission on Human Rights (IACHR), [Resolution 22/2016](#), Precautionary Measure No. 540-15, Matter of María and her son Mariano regarding Argentina, April 12, 2016 (Available only in Spanish).

5. Following the processing of the related petition before the IACHR<sup>4</sup> and the referral of the matter to the Inter-American Court of Human Rights,<sup>5</sup> on August 22, 2023, the Court issued its judgment in the *Case of María et al. v. Argentina*.<sup>6</sup> The Court declared the international responsibility of the State of Argentina in the violation of various rights within the framework of an administrative and judicial process that involved the separation of the child Mariano from his mother María, who was 13 years old at the time of his birth, and his placement with a family which was unrelated to his family of origin for more than eight years and until the present day.<sup>7</sup>

6. The Court declared that the rights to family life, protection of the family, judicial guarantees, and judicial protection had been violated to the detriment of María, her mother, and Mariano.<sup>8</sup> It also declared that the rights of children had been violated to the detriment of María and Mariano.<sup>9</sup> Moreover, it found that the State also violated the right to personal integrity, equality, and freedom from violence against María, as well as Mariano's right to identity.<sup>10</sup> Argentina acknowledged its international responsibility for the events and the violations of rights identified by the Inter-American Commission in its Merits Report.<sup>11</sup> The Court expressed its appreciation for this recognition and emphasized that it represented a positive contribution to the development of the process, to the enforcement of the principles that inspire the Convention, and to the fulfillment of the victims' need for reparation.<sup>12</sup>

7. Among the reparations ordered, the Inter-American Court mandated that the competent domestic judicial authorities determine Mariano's custody and legal status within one year. It also ordered that efforts to establish a relationship between María and Mariano continue, with due consideration for Mariano's best interests and emotional development, and any technical recommendations that may arise during the process.<sup>13</sup> It also ordered the State to pay María a sum to cover the costs of psychological care and ordered the State to provide specialized psychological care to María's mother and Mariano, if requested. The Inter-American Court has supervised full compliance with the judgment.

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

8. During the time the precautionary measures were in force, the Commission held a work meeting<sup>14</sup> and sent requests for information to both parties. In recent years, communications have been received from the parties and sent from the IACHR on the following dates:

	Reports submitted by the State	Communications by the representation	IACHR
2016	April 22, June 9, December 7	April 27, October 14	May 25, September 15, November 15
2017	February 10, March 9	May 18, July 7	January 11, May 17, July 13
2018	October 5 and October 20	August 27, October 29	September 4
2019	October 4 and 15	April 25, October 21	July 23
2020	No communications	September 22	July 30
2021	November 15	No communications	August 13

<sup>4</sup> IACHR, [Hearing Case 14.059 – María and her son v. Argentina](#), October 21, 2021 (Audio in Spanish, with auto-generated subtitles in Spanish); [Report No. 393/21](#), Case 14.059, Report of admissibility and merits, "María" and her son "Mariano" vs. Argentina, OEA/Ser.L/V/II Doc. 404, December 21, 2021 (Available only in Spanish).

<sup>5</sup> IACHR, [Press Release No. 105/22](#), IACHR Files Application Before Inter-American Court of Human Rights in Case Concerning Adoption in Argentina, May 17, 2022.

<sup>6</sup> I/A Court H.R., [Case María et al. v. Argentina, Judgment \(merits, reparations, and costs\)](#), Merits, Reparations, and Costs, Judgment of August 22, 2023, Series C No. 494 (Available only in Spanish).

<sup>7</sup> I/A Court H.R., Case María et al. v. Argentina, Judgment of August 22, 2023, Merits, Reparations, and Costs, [Official Summary issued by the Inter-American Court](#) (Available only in Spanish).

<sup>8</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>9</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>10</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>11</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>12</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>13</sup> I/A Court H.R., Case María et al. v. Argentina, previously cited.

<sup>14</sup> IACHR, 2020 Annual Report, [Working Meeting held in Washington, D.C.](#), on August 11, 2020.

2022	No communications	December 14	October 24
2023	March 20, April 10	No communications	January 19, July 13
2024	No communications	No communications	January 17
2025	February 18	May 28	May 13

9. Despite the fact that the representation submitted various claims during the proceedings,<sup>15</sup> the Commission continued to monitor the situation in accordance with the terms of the granted resolution. On October 24, 2022, the Commission requested the representation to submit information in order to assess keeping the precautionary measures in force. The Commission sent requests for information in 2023 and 2024. In 2025, the State requested the lifting of the current precautionary measures, and the representation reported that it does not oppose that request.

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

10. In June 2016, the State reported that the Family Court Panel No. 5 of Rosario, Province of Santa Fe, had agreed to initiate an early bonding process between María and her son Mariano. On April 1, 2016, a hearing was held with the parties involved in the process, during which weekly two-hour meetings between María and her son were agreed upon, with the presence of professionals who are required to submit a report on the outcomes of the bonding process. The encounters between the beneficiaries began on April 6, 2016. In addition, it was reported that María has been granted free legal representation and that Mariano has been assigned a special guardian. In March 2017, the State confirmed that the bonding process was being carried out in accordance with the agreements reached at the hearing on April 1, 2016. It was specified that the meetings are held at the *Casa Amarilla de los Trabajadores* in the presence of appropriate professionals (an educational psychologist, a social worker, and a psychologist). The encounters were taking place on Wednesdays from 9:00 a.m. to 11:00 a.m. It was also stated that María was receiving psychological support. In October 2018, the State attached a copy of the case file from the proceedings before Family Court No. 5.

11. In October 2019, the State reported that encounters between María and her son were taking place on Wednesdays from 5:00 p.m. to 7:00 p.m. in the supervised meeting room of Family Court No. 5. In April 2023, the State reported that on March 16, 2023, the Provincial Housing and Urban Planning Directorate had provided María with housing in the city of Rosario. From August 2022 to March 2023, the Ministry of Social Development has provided financial assistance of 30,000 pesos per month, and from April 2023, this amount increased to 50,000 pesos per month.

12. In February 2025, the State reported on the measures taken to implement the aforementioned judgment of the Inter-American Court, namely: i. regarding Mariano's legal situation, the Supreme Court of Justice of the Nation issued a judgment in case CSJ 2130/2022/RH1 (entitled "P., M. B. s/ precautionary measures"), in which it referred to the judgment of the Inter-American Court; ii. psychological care was provided to María's mother and additional time was requested to provide mental health care to Mariano; iii. a criminal complaint was filed with the *Ministerio Público de la Acusación* (Public Prosecutor's Office), and the documentation in the possession of the Executive Branch was forwarded to the acting prosecutor to facilitate the criminal investigation; iv. the official summary of the judgment was published in the Official Gazette of the Argentine Republic (BO No. 35,294) and in the newspaper *La Nación*; v. María was awarded a monthly scholarship, with a financial allowance of 80% of the minimum wage, adjustable for inflation, until she reaches the age of 25, and she was provided with housing; vi. "training sessions were held for professionals and staff working in maternity services to educate them on the subject of respectful childbirth, free and informed consent, and internal and conventional mechanisms for the adoption and custody of children within the framework of current regulations from a gender perspective and the protection of the best interests of these girls and adolescents"; vii. a working group was set up to draw up a protocol for public maternity wards in the

<sup>15</sup> Namely, the representation requested the extension of precautionary measures to ensure contact between Mariano and his grandmother, Luisa; requested that provisional measures be activated before the Inter-American Court; and to keep the measures in force given that the situation had not been resolved.

province; viii. training sessions were organized on respectful childbirth, free and informed consent, and internal and conventional mechanisms for the adoption and custody of children, aimed at officials and staff working in public maternity services; ix. training on “Comprehensive Care for Pregnant Girls and Adolescents” was provided; and x. the financial reparations provided for in the judgment of the Inter-American Court of Human Rights were made.

13. In that communication, the State requested the lifting of these precautionary measures, considering that their purpose is being supervised by the Inter-American Court, within the framework of the judgment handed down, and in order to avoid duplication of proceedings.

**B. Information provided by the representation**

14. In 2016, the representation confirmed the encounters between María and her son Mariano. It was reported that María and her son did not have any real privacy and that all decisions had to be made by the court. It was stated that there was no support to help Mariano understand that María is his mother, and the López couple continue to be presented as the child’s parents. In 2017, the representation added that the meetings took place on Wednesdays and Fridays from 9:00 a.m. to 10:00 a.m. The encounters on Wednesdays were held at the residence of one of María’s attorneys, accompanied by a social worker, and the encounters on Fridays took place at *Casa Amarilla*. The representation reiterated that these spaces did not constitute a bonding process, but rather a supervised visitation regime. The representation questioned the involvement of the López couple in the judicial process and expressed concern over the length of the proceedings.

15. In 2018, the representation confirmed that the visiting arrangements that was previously established continued: two visits per week, lasting one hour each, at a neutral location. María and her representation requested that Mariano be allowed to visit his mother’s house or that Luisa, María’s mother, be present at the meetings. After obtaining a negative response to the request, Maria decided not to attend the visits. Subsequently, a court ruling was issued establishing a provisional regime for communication between María and Mariano. The encounters permitted the presence of someone from the child’s familiar environment, as well as a member of his family circle or an emotional support figure.

16. In April 2019, the representation stated that the visits between María and her son were resumed. In October 2019, it was announced that the communication regime had been modified, and the weekly meetings were to be held in central shopping centers moving forward. The representation expressed concern about the distance from their residence to the designated locations and the cost of traveling. In 2020, the representation stated that the bonding process only included María and Mariano. Maria’s family unit was allegedly not taken into account and the child reportedly identified his custodians as his parents.

17. The legal process regarding the López’s adoption of Mariano was called into question. On December 10, 2019, a meeting was held with authorities from the Human Rights Secretariat of the Province of Santa Fe, during which it was mentioned that María was reportedly receiving financial support. In December 2022, the representation explained that a constitutional appeal was made against the adoption proceedings, and the case was pending before the Supreme Court of Argentina.

18. In May 2025, the representation reiterated that the State has not complied with the provision of the Inter-American Court’s judgment regarding Mariano’s legal situation, since, although the Supreme Court of Justice of the Nation has overturned the judgment of the Provincial Supreme Court of Justice, it has ordered that a new judgment be issued by that Court, which to date has not been issued. With regard to the contact regime, it alleges that there is no legal basis for the child to remain with the López couple, that contact between María and Mariano continued within the parameters established in 2019, and that there is no state control over the López couple and their decisions regarding Mariano’s life. In this communication, the representation indicates that it does not oppose the lifting of the precautionary measures requested by the State, agreeing that this is a duplication of proceedings.

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

19. The precautionary measures mechanism is part of the Commission's functions of overseeing compliance with the human rights obligations established 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; while the mechanism of precautionary measures is set forth in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

20. 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>16</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.<sup>17</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>18</sup> Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. 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 eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

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

21. In this sense, Article 25(7) of the Commission's Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

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<sup>16</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>17</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>18</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).



22. At the time of analyzing this matter, the Commission observes that, over the course of more than nine years during which the case has been active, the State has reported the implementation of various opportunities for Mariano and María to interact, with the aim of implementing these precautionary measures. Similarly, an update was provided on the status of the legal proceedings involving both individuals. At the same time, the representation continued to submit information on the existing challenges to ensure effective bonding over time. The Commission continued to monitor the matter while the petition was being processed under the Petition and Case System.

23. The Commission acknowledges that the challenges and allegations raised through the precautionary measures mechanism were subsequently addressed in a judgment issued by the Inter-American Court. In August 2023, the Inter-American Court issued its judgment in the *Case of María et al. v. Argentina*. As noted therein, the I/A Court H.R. ordered the State of Argentina to continue the process of establishing a legal relationship between María and Mariano, as well as to determine the latter's legal status. These determinations are consistent with the requests made by the Commission to the State in 2016, when the current precautionary measures were granted.

24. The Commission also takes note of the State's request to lift the precautionary measures, given the duplication of proceedings involved in simultaneous supervision by the IACHR and the Inter-American Court, and of the acceptance of this request by the representation.

25. Consequently, given that the decision of the Inter-American Court is consistent with the request that the IACHR issued in 2016 and considering that there is a decision on the merits ordering reparations, the Commission considers that it is appropriate to continue monitoring compliance with the judgment before the Inter-American court. In view of the above, the Commission decides to lift these precautionary measures, without prejudice to its participation before the Inter-American Court in the process of monitoring compliance with the aforementioned judgment.

## **V. DECISION**

26. The Commission decides to lift these precautionary measures and continue its participation in the process of monitoring compliance with the judgment in the *Case of María et al. v. Argentina*.

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

28. Approved on July 30, 2025, by José Luis Caballero Ochoa, President; Arif Bulkan, Second Vice-President; Edgar Stuardo Ralón Orellana; Roberta Clarke; Carlos Bernal Pulido; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary