

Fornerón and daughter v. Argentina

I. COMPLIANCE AND FOLLOW-UP ADDENDUM¹

January 26, 2015: The Court provided an update on the State’s reimbursement of the Victims’ Legal Assistance Fund.² The Court determined that the State properly complied with this obligation.³

November 28, 2018: The Court reviewed the State’s compliance with the Judgment.⁴ The Court found that the State fully complied with its obligation to implement a training program for judicial agents.⁵ Secondly, the State complied with the Court’s orders to publish the Judgment in the Official Gazette and in the Bulletin of the Province of Entre Rios.⁶

The Court noted that the State must continue to carry out procedures aimed at fostering a relationship between Mr. Fornerón and his daughter.⁷ The Court noted that the State successfully provided guidance and therapeutic support in accordance with the provisions of the Judgment.⁸ The Court requested that the State continue to comply with this obligation and indicated that both parties must continue to update the Court on the developmental status of the relationship.⁹

The Court determined that the State partially complied with its obligation to compensate the victims and reimburse all necessary costs and expenses.¹⁰ The State has fulfilled its obligation to compensate Mr. Fornerón, Mr. Baridón, and the Victims’ Legal Assistance Fund.¹¹ However, the Court found there was no evidence that the State

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2. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “considering that,” ¶ 1 (Jan. 26, 2015).

3. *Id.* “resolves” ¶ 1.

4. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “considering that” ¶ 3 (Nov. 28, 2018).

5. *Id.* ¶ 68.

6. *Id.* ¶ 71.

7. *Id.* ¶ 31.

8. *Id.* ¶¶ 19-22.

9. *Id.* ¶ 32.

10. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, ¶ 77.

11. *Id.* ¶ 74.

compensated Mr. Fornerón's daughter for non-pecuniary damages.¹² The Court requested that the State swiftly compensate Mr. Fornerón's daughter or provide documentation demonstrating that the obligation has been fulfilled.¹³

The Court indicated that it would continue to monitor the State's fulfillment of the remaining obligations.¹⁴ The Court expressed concern over the State's lack of progress towards the necessary legislative reforms.¹⁵ In the six years since the Judgment, the State has failed to successfully pass any legislation criminalizing the commodification of children.¹⁶ The Court urged the State to take the necessary measures to ensure that the legislation is implemented swiftly and requested that the State provide the Court with subsequent updates on the status of the pending legislation.¹⁷ Secondly, the Court determined that the State complied with its obligation to discipline the public officials involved in the unlawful adoption of Mr. Fornerón's child, but indicated that the Court would continue to monitor the State's criminal prosecution of the individuals charged.¹⁸

October 7, 2019: The Court issued an update on the State's compliance with the Judgment.¹⁹ The Court observed that Mr. Fornerón's daughter had recently reached the age of majority and indicated that she no longer wished to maintain a relationship with her father.²⁰ Therefore, the Court determined that the State no longer had an obligation to facilitate contact between Mr. Fornerón and his child.²¹ Secondly, the Court determined that the State fully satisfied its obligation to compensate Mr. Fornerón's daughter for non-pecuniary damages.²²

The Court indicated that it would continue to monitor the State's fulfillment of the remaining reparations.²³ The Court noted that the State failed to implement proper legislative reforms to criminalize the

12. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, ¶ 75.

13. *Id.* ¶ 76.

14. *Id.* "resolves" ¶ 4.

15. *Id.* ¶ 51.

16. *Id.* ¶ 51.

17. *Id.* ¶ 54.

18. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, ¶¶ 47-48.

19. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "considering that" ¶ 3 (Oct. 07, 2019).

20. *Id.* "considering that" ¶ 10.

21. *Id.* ¶¶ 12-13.

22. *Id.* ¶¶ 16-17.

23. Fornerón and daughter v. Argentina, Monitoring Compliance with Judgment, Order of the Court, "resolves" ¶ 2.

commodification of children and requested that the State provide an update on the status of the proposed legislation.²⁴ Additionally, the Court requested that the State submit an update on the status of the prosecution of public officials involved in the unlawful adoption of Mr. Fornerón's child.²⁵

24. *Fornerón and daughter v. Argentina*, Monitoring Compliance with Judgment, Order of the Court, "considering that" ¶¶ 22-23.

25. *Id.* ¶ 20.