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**REPORT No. 31/24**  
**CASE 13.696**  
REPORT ON FRIENDLY SETTLEMENT

OCTAVIO ROMERO AND GABRIEL GERSBACH  
ARGENTINA

Approved electronically by the Commission on May 21, 2024.

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**REPORT No. 31/24**  
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FRIENDLY SETTLEMENT  
OCTAVIO ROMERO AND GABRIEL GERSBACH  
ARGENTINA<sup>1</sup>  
MAY 21, 2024

**I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS**

1. On June 26, 2012, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition filed by Gabriel Gersbach, the CHA (Comunidad Homosexual Argentina) and ACIJ (Asociación Civil por la Igualdad y la Justicia) (hereinafter "the petitioners" or "the petitioning party") alleging the international responsibility of the Republic of Argentina (hereinafter "State" or "Argentine State" or "Argentina"), for the alleged violation of the human rights contemplated in Articles 4 (life), 5 (personal integrity), 8 (judicial guarantees), 24 (equality before the law), and 25 (judicial protection) of the American Convention on Human Rights, in relation to its Article 1.1 (obligation to respect rights) of the American Convention on Human Rights, (hereinafter "Convention", "American Convention" or "ACHR") and Articles I (life, liberty, security and personal integrity), II (equality before the law), and XVIII (justice) of the American Declaration of the Rights and Duties of Man and other international treaties<sup>2</sup>, to the detriment of Octavio Romero (hereinafter "alleged victim"). The above-mentioned petition was filed owing to the deprivation of life of Octavio Romero, an officer of the Argentine Coastguard, due to his sexual orientation, as well as the lack of due diligence in the investigation.

2. On November 20, 2018, the Commission issued Admissibility Report N° 132/18, in which it declared the petition admissible and its competence to hear the claim presented by the petitioning party regarding the alleged violation of the rights enshrined in Articles 4 (life), 5 (personal integrity), Articles 8 (judicial guarantees), 13 (freedom of thought and expression), 24 (equality before the law), and 25 (judicial protection), of the American Convention on Human Rights in conjunction with the obligation to respect rights established in Article 1.1 of the same instrument, to the detriment of Octavio Romero.

3. On September 23, 2021, the parties initiated a friendly settlement process, which led to the signing of a friendly settlement agreement (hereinafter "FSA" or "agreement"), on September 7, 2022, in the Autonomous City of Buenos Aires. For its part, the petitioning party requested the Commission to grant the corresponding approval, as established in the FSA. In turn, on December 7, 2023, the State informed of the issuance of National Executive Decree No. 692/2023 of December 5, 2023 approving the FSA and requested its official approval.

4. Pursuant to Articles 49 of the American Convention and 40 (5) of the Commission's Rules of Procedure, this friendly settlement report includes a summary of the petitioners' allegations and transcribes the friendly settlement agreement signed on September 7, 2022, by the petitioning party and the representatives of the Argentine State. Also, the Commission hereby approves the agreement signed by the parties and decides to publish this report in its Annual Report to the General Assembly of the Organization of American States.

**II. THE FACTS ALLEGED**

5. The petitioners alleged deprivation of the life of Octavio Romero, an officer of Argentina's coastguard and river police force, based on his sexual orientation, and allege a failure to investigate with due diligence. They contended that Octavio Romero was last seen alive on June 11, 2011. They claimed that Romero

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<sup>1</sup> In accordance with Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner Andrea Pochak, an Argentinian national, did not participate in the discussion or decision on this case.

<sup>2</sup> Articles 6, 7 and 14.1 of the International Covenant on Civil and Political Rights; and Article 3 of the Universal Declaration of Human Rights.

left his house that day to meet with friends but never made it to the gathering. The petitioners asserted that on the following day, Gabriel Gersbach, Octavio Romero's life partner with whom he lived in the city of Buenos Aires, reported his disappearance to Sectional Office No. 15 of the Argentine Federal Police. They noted that on June 17, 2011, the naked and lifeless body of Octavio Romero was found floating at the intersection of Av. San Martin and the Rio de la Plata (silver river), the jurisdiction of the Argentina's coastguard and river police force. They contended that according to the autopsy subsequently performed on him, the cause of death had been "asphyxiation from submersion, after being knocked unconscious from being beaten and thrown into the water."

6. The petitioners claimed that the alleged victim was a First-Class Non-Commissioned Officer for 13 years at the Argentine Naval Prefecture. They argued that prior to these events, he began to file the paperwork to marry his partner in December of that year and, in so doing, was to become "the first uniformed man to enter into a same sex marriage in Argentina." They noted that pursuant to the rules in effect at the time, the alleged victim had requested permission to marry. They claimed that after making his sexual orientation public at his workplace, the alleged victim was subjected to mockery and harassment. They further contended that based on statements of some of his co-workers, the chiefs of the Prefecture had asked him not to wear the official uniform at the wedding ceremony. In these circumstances, the petitioners contended that there is sufficient evidence to find that Octavio Romero was the victim of an act of violence that caused his death, including perhaps torture, and that these crimes were motivated by his sexual preference.

7. Concerning the investigation proceedings, the petitioners claimed that on two occasions, September 23, 2011, and May 29, 2012, Gabriel Gersbach filed a motion to become a plaintiff in the case investigation into the murder of Octavio Romero, and that these motions were denied on the grounds that he was considered a suspect in the investigation. They alleged that during this period Mr. Gersbach was not allowed access to the case file or to know the reasons why he was considered a suspect in the investigation. According to information confirmed by the State, on July 12, 2012, the National Appeals Chamber for Criminal and Correctional Matters overturned the decision and ruled that Mr. Gersbach is considered a plaintiff. In this regard, the petitioners allege that there was an arbitrary and discriminatory infringement of Gabriel Gersbach's right to be a plaintiff, to participate and be heard during the first year of the investigation.

8. With respect to the investigation, the petitioners also claimed that the Office of the Public Prosecutor has not pursued lines of investigation, which take into account that the crime may have been motivated by the sexual orientation of the victim, or the possible participation of members of the Prefecture in the crime. In this regard, they contended that on October 1, 2015, the Public Prosecutor's Office and a journalist received an anonymous report that contained detailed information about the facts, claiming that the murder was perpetrated by members of the Prefecture to prevent the first same sex marriage of the staff of that security force from taking place. They claimed that the report indicates that all information relating to the crime is stored on a hidden disc in one of the buildings of the Prefecture.

9. The petitioners contended that both the Prosecutor's Office and the plaintiff requested that a search be conducted to find this device, but the Judge overseeing the case denied the request on the grounds that the report lacked credibility. They claimed that they filed motions challenging this decision, which were denied, until November 10, 2015, when the Chamber of Appeals for Criminal and Correctional Matters approved the request on the grounds that "the information warrants attention." According to information corroborated by the State, the search was conducted in December of the same year and no device was found. The petitioners contended that the delay in taking this urgent measure hampered the ability to obtain the evidence and that other evidence gathering steps were not taken to establish the veracity of the information contained in the anonymous report. Based on the foregoing, they alleged that the State has not acted with the due diligence required and, therefore, even though the investigation file is formally still open, as of 2016 more than five years had elapsed, and no perpetrator of the crime has been identified nor are the circumstances in which the events took place known with certainty. They decry that "a discriminatory attitude based on the sexual orientation of the couple consisting of Octavio Romero and Gabriel Gersbach" further complicates the foregoing situation.

### III. FRIENDLY SETTLEMENT

10. On September 7, 2022, the parties signed a friendly settlement agreement, the text of which establishes the following:

#### **FRIENDLY SETTLEMENT AGREEMENT IN CASE N° 13.696 "OCTAVIO ROMERO AND GABRIEL GERSBACH"**

In the city of Buenos Aires, on the 7th day of September, 2022, the parties to case no. 13.696 of the registry of the Inter-American Commission on Human Rights (hereinafter "IACHR" or the "Commission"), the petitioner Gabriel Gersbach, the Asociación Civil por la Igualdad y la Justicia (ACIJ), represented by Sebastián Ezequiel Pilo, and the Fundación Igualdad, represented by Pedro Paradiso Sottile; and the Argentine Republic, as a State party to the American Convention on Human Rights (hereinafter the "American Convention"), acting under the express mandate of Article 99 paragraph 11 of the National Constitution, represented by Andrea Pochak, Undersecretary of Protection and International Liaison in Human Rights of the National Secretariat of Human Rights, and Alberto Javier Salgado, Director of International Human Rights Litigation of the Ministry of Foreign Affairs, International Trade and Worship, have the honor to inform the Honorable IACHR that they have reached an agreement for a friendly settlement of the matter, the content of which is set forth below, requesting that -pursuant to the consensus reached- it be accepted and, once the Decree of the National Executive Branch approving this agreement has been issued, the report provided for in Article 49 of the Convention be adopted.

#### **I. Background**

On June 26, 2012, Gabriel Gersbach denounced before the IACHR the international responsibility of the Argentine Republic for the violation of rights enshrined in the American Convention for the deprivation of life of Octavio Romero, based on his sexual orientation, as well as for the lack of due diligence in the investigation that was initiated after his death.

The international complaint states that Octavio Romero was last seen alive on June 11, 2011, when he left his home to meet friends. The following day, Gabriel Gersbach, his partner, filed a missing person's report with the N° 15th Precinct of the Argentine Federal Police.

The petition states that on June 17, 2011, the naked and lifeless body of Octavio Romero was found floating at the intersection of Av. San Martín and the Río de la Plata, under the jurisdiction of the Prefectura Naval Argentina and that, according to the autopsy performed, the cause of death was "asphyxia by submersion, after having been knocked unconscious after being hit and thrown into the water".

The petitioner alleged that this was a hate crime because of Octavio Romero's sexual orientation. According to the petition, prior to his disappearance, Octavio had requested authorization from the National Naval Prefect to marry Gabriel Gerbasch (sic), which would make him "the first uniformed officer to enter into a homosexual marriage in Argentina".

On November 20, 2018 the Inter-American Commission adopted its report on admissibility in the case. The Report N° 132/18 stated that, at that time, seven years after the events reported, there was no evidence of progress in the investigative process. Specifically, the

circumstances in which the events occurred and the possible perpetrators had not been determined.

At the beginning of 2021, there were several exchanges between the National State and the Fundación Igualdad and the Asociación Civil por la Igualdad y la Justicia, representing the petitioning party, which were reported to the IACHR in a joint record. There, the parties expressed their willingness to work within the framework of a space for dialogue in order to explore the possibility of reaching a friendly settlement agreement, in accordance with the terms of Article 49 of the American Convention.

Within the framework of the dialogue process, the representatives of the National State and the petitioning party defined a work agenda that was addressed in the course of several meetings, with the participation of representatives of the Ministry of Security of the Nation, the Ministry of Women, Gender and Diversity of the Nation, the National Institute against Discrimination, Xenophobia and Racism (INADI), the Secretariat of Human Rights of the Nation, Canal Encuentro, and the Ministry of Foreign Affairs, International Trade and Worship, as well as the Specialized Prosecutor's Unit on Violence against Women, the General Directorate of Human Rights and the General Directorate of Gender Policies of the National Public Prosecutors' Office.

After several exchanges, the parties reached a reasonable understanding, the content of which is set forth in this friendly settlement agreement.

## **II. Acknowledgment of international responsibility and public disclosure of the friendly settlement agreement**

Eleven years after the murder of Octavio Romero, in light of the procedural status of the judicial case, the preliminary conclusions arising from the Admissibility Report N° 132/18 of the Inter-American Commission on Human Rights, and the analysis conducted by the National Human Rights Secretariat in its Opinion No. IF-2022-89085347-APN-DNAJIMDDHH#MJ, the Argentine State recognizes its international responsibility for the failure of the criminal investigation to meet international standards, especially the enhanced due diligence that governs gender-based violence, applicable to crimes against the LGBTIQ+ community (Articles 8 and 25 of the American Convention on Human Rights and 7.b of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women).

At the same time, the Argentine State recognizes that the lack of an adequate judicial response had a severe impact on the personal integrity of Gabriel Gersbach, Octavio Romero's partner and cohabitant (Article 5 of the ACHR).

As a consequence of this acknowledgment of responsibility, the State undertakes to disseminate this agreement within a maximum period of 6 months from the publication in the Official Gazette of the decree approving it on the websites of the National Secretariat for Human Rights and the National Institute against Discrimination, Xenophobia and Racism. Within that same period, the text of the agreement will also be communicated to the National Chamber of Criminal and Correctional Appeals.

The State shall also publish a gazette on this agreement - the content of which shall be agreed upon by the parties - in a newspaper with wide national circulation, within 3 months of the publication in the Official Gazette of the decree approving it.

The State shall notify the petitioning party with due notice of the date on which the publication will be made in the media, in order to be able to reach agreement on its content.

The parties agree that, upon presentation to the IACHR of evidence of the aforementioned publications and communication, full compliance with this clause shall have been achieved.

### **III. Reparation Measures**

#### **III.1. Satisfaction measures**

The Argentine State, through the National Public Prosecutors' Office, undertakes to provide all the support that may be required by the prosecutor's office involved in the investigation of the facts related to the death of Octavio Romero. In particular, the team of the Specialized Prosecutor's Unit on Violence against Women (UFEM) and the General Directorate of Gender Policies of the Attorney General's Office (Procuración General de la Nación), which have specialized resources on diversity issues, will be made available to the aforementioned prosecutor's office to enable it to intervene in the case with a gender perspective and in a manner respectful of the rights of LGBTIQ+ persons.

#### **III.2. Symbolic reparation measures**

##### **a) Renaming of Resolution N° 548/2011 of the Ministry of Security of the Nation**

The Ministry of Security of the Nation undertakes to rename Resolution N° 548/2011 in honor of Octavio Romero and all those members of the security forces who have been discriminated against because of their sexual orientation, within 12 months from the signing of this agreement.

The parties agree that, with the presentation of a report confirming the renaming of the resolution, this clause shall be deemed to be fulfilled.

##### **b) Action undertaken to raise awareness and pay tribute. Inclusion of the case in the National Plan against Discrimination**

As part of the activities for the International Day for Combating Discrimination based on sexual orientation and gender identity, INADI will conduct an awareness-raising activity in honor and memory of Octavio Romero, through the agency's social networks. In turn, a brief reference to the case will be included in the "Justice" section of the National Plan against Discrimination.

The parties agree that, with the submission of a report on the steps taken to raise awareness and pay tribute in social networks and a copy of the National Plan against Discrimination that includes the reference to the case, the clause shall be deemed fulfilled.

##### **c) Production of a documentary on sexual diversity in the security forces**

The Argentine State, through its educational and cultural channel "Encuentro", will produce a special documentary on sexual diversity in the security forces, in memory of and as a tribute to Octavio Romero. The Encuentro channel will be in charge of production and financing and will begin within 3 months from the date of publication in the Official Gazette of the decree approving this agreement.

The content of the documentary shall be agreed upon with the petitioning party.

The documentary will be broadcast on the Encuentro channel, on its social networks, and will be available on the Cont.ar platform. In addition, it will be distributed in Argentine schools and will be available as teaching material.

The parties agree that, upon submission of a copy of this material to the IACHR, this clause shall be deemed to be fulfilled.

**d) Mural in memory of Octavio Romero**

The Argentine State will provide support for the construction of a mural in memory of Octavio Romero, which must be completed within 12 months of the publication in the Official Gazette of the decree approving the agreement.

The parties will agree on the launch date, the physical site, and the design of the mural. INADI will provide the material resources needed for construction of the mural and will invite artists to participate on a voluntary basis. Human rights spokespersons and activists will be invited to the inauguration.

The parties agree that, with the presentation of an official report on the actions undertaken, including photographs of the mural, full compliance with this clause will have been achieved.

**III.3. Guarantees of non-repetition**

**a) Creation of the Protocol governing steps to be taken in response to complaints of discrimination based on sexual orientation, gender identity, sexual expression, and/or characteristics**

Within 6 months from the signature of this agreement, the Ministry of Security of the Nation shall issue the "Protocol governing steps to be taken in response to complaints of discrimination based on sexual orientation and/or gender identity, its expression and sexual characteristics", which will supplement Resolution n° 37/2020 of that Ministry.

The protocol will include rules for responding to and investigating complaints and will include the establishment of time limits for each stage of the procedure. It will also indicate how to follow up on the status of the files, the means of appealing decisions adopted, and the mechanisms to ensure that decisions are effectively implemented.

At the complainant's request, the system for receiving complaints shall preserve his/her identity and shall oblige all officials involved in the proceedings and/or those who are parties to the complaint to maintain strict confidentiality with respect to the facts that are the subject of the complaint.

The Ministry of Security of the Nation undertakes to share the draft protocol with the petitioning party for its comments.

The parties agree that once the administrative act issuing the protocol has been referred to the IACHR, full compliance with this clause will have been achieved.

**b) "Octavio Romero" Training and Awareness Days Program**

The Ministry of Security of the Nation will promote, through the Training and Career Undersecretariat -in coordination with the National Directorate of Gender Policies-, an annual awareness day for cadets or others who wish to join the federal security forces. Within this framework, talks will be held with specialists on discrimination and violence based on gender and sexual diversity.

The Ministry of Security of the Nation also commits to working on the inclusion of the gender and sexual diversity perspective in the training of teachers and instructors of the Police Training Centers. The idea is to train them as replicators for the training of all officers and/or non-commissioned officers of the federal security forces.

The parties agree that, upon presentation to the IACHR of the administrative act approving the "Octavio Romero" Training and Awareness Raising Program, and of three annual reports on the status of execution of the program and the number of training sessions carried out within its framework - detailing the number of personnel participating, institution of origin, position, hierarchy, and gender - this clause shall be deemed to have been fulfilled.

**c) Dissemination of a booklet on sexual diversity within the security forces**

Within 12 months from the signing of this agreement, the Ministry of Security of the Nation undertakes to carry out a "Day of launching and dissemination of specific material on rights, protection, prevention, and how to deal with situations of violence against LGBTIQ+ people", and to ensure that this material is disseminated among all personnel of the Police and Federal Security Forces. The activity will be held in honor of Octavio Romero, in the framework of the International Day against Discrimination based on sexual orientation and gender identity.

The parties agree that this clause shall be deemed to have been fulfilled with the submission of a report to the IACHR on the holding of the workshop provided for in the preceding paragraph.

**d) Strengthening access to justice for LGBTIQ+ persons in situations of gender-based violence**

The Ministry of Women, Gender, and Diversity of the Nation will take concrete steps to guarantee access to justice for LGBTIQ+ people in situations of gender violence. In particular, it undertakes to strengthen the Corps of Lawyers for Victims of Gender Violence (CAAVVG), by increasing the number of professionals so that the Corps can be represented in a greater number of jurisdictions in the country, and to ensure that they will be trained on a regular basis.

Likewise, with respect to the Acercar Derechos (PAD) Program, the MMGYD commits to progressively expanding the number of professionals involved.

The parties agree that, with the submission of a biannual report for 18 months from the signing of this agreement, describing the measures taken by the State to call for participation in competitive examinations and background checks for the incorporation of 80 professionals in the CAAVVG, and to disseminate that call through social networks and



the Federal Council of the MMGyD, full compliance with the first paragraph of this clause will have been achieved.

Likewise, with the presentation of a half-yearly report as of the signature of this agreement, describing the main steps taken by the PAD and confirming the progressive expansion of the number of professionals taking part in it until a total of 60 interdisciplinary teams throughout the country is reached, the parties agree that total compliance with the second paragraph of this clause will have been achieved.

**e) General guidelines for the approach to the murder of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics**

The Ministry of Women, Genders, and Diversity is committed to working together with other institutional actors in the preparation of general guidelines for addressing the murder of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics. This clause shall be deemed to have been fulfilled with the effective preparation and dissemination of the above document, within a period of 18 months from the signing of this agreement. The process of drafting the aforementioned guidelines will be carried out in consultation with the petitioning party.

In addition, the general guidelines will be disseminated in the Federal Council for the Prevention and Addressing of Femicides, Transvesticides and Transfemicides coordinated by the Ministry of Women, Genders, and Diversity, the Ministry of Security, and the Ministry of Justice and Human Rights of the Nation.

For its part, the Public Prosecutors' Office, through the Specialized Prosecution Unit for Violence against Women, will embark, together with the petitioning party, on a process of adapting its "Protocol for the investigation and litigation of cases of violent deaths of women (femicides)", so that it includes the diversity perspective and the specific characteristics of investigations into crimes of prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics.

The parties agree that, with the submission of a report, within 24 months from the signing of this agreement, confirming the adaptation of the "Protocol for the investigation and litigation of cases of violent deaths of women (femicides)", this clause will be deemed to have been fulfilled.

**IV. Economic reparation measures**

The parties agree to constitute an ad-hoc arbitration tribunal for the purpose of determining the pecuniary reparations to which Gabriel Gersbach, Octavio Romero's partner, may be entitled for the material and non-material damages suffered because of the human rights violations recognized in this agreement. This ad-hoc tribunal will be created for the sole purpose of determining the amount of pecuniary reparations due to Gabriel Gersbach, based on the principle of equity, in accordance with Inter-American standards derived from the jurisprudence of the Inter-American Court of Human Rights.

The Tribunal shall be made up of three independent experts, with recognized expertise in human rights and of the highest moral caliber, one to be designated by the petitioning party, another to be proposed by the State, and the third to be proposed by the former two.

The experts shall act ad-honorem, without prejudice to the reasonable expenses required for their participation, in accordance with international standards.

For the purposes of the composition of the arbitration tribunal, the parties shall send the curriculum vitae of the proposed expert to the opposing party, so that the latter may formulate any objections it deems appropriate in accordance with the requirements set forth in the preceding paragraph.

Insofar as the parties have not raised objections to the proposed experts, the tribunal shall be constituted no later than 45 calendar days after the publication in the Official Gazette of the decree approving this agreement. In the event of objections, the term shall be extended by mutual agreement between the parties. Notwithstanding the above, the arbitration process shall commence once the Inter-American Commission on Human Rights approves this agreement and publishes the official approval report, in accordance with the provisions of Article 49 of the American Convention on Human Rights.

The procedure to be applied by the arbitration tribunal shall be defined by mutual agreement between the parties, who shall draw up its rules of procedure. The costs of the tribunal's work shall be borne by the State, without prejudice to what has already been indicated regarding the nature of the work of its members.

The ruling handed down by the arbitration tribunal shall be final and not subject to appeal, unless any of the grounds for nullity contemplated in Article 760 of the Code of Civil and Commercial Procedure of the Nation are verified.

It shall contain the (USD) amount and type of monetary reparation agreed upon, and shall be submitted to the Inter-American Commission on Human Rights for evaluation in the framework of the process to follow up on compliance with the agreement, in order to verify whether the latter is consistent with applicable international parameters.

The pecuniary reparations established in the arbitration award shall be paid by the Argentine Republic by the deadline set by the arbitration tribunal, and in accordance with applicable administrative procedure.

Once this agreement has been signed and the national executive branch decree approving it has been issued, the petitioning party shall definitively and irrevocably waive the right to initiate any other pecuniary or non-pecuniary claim against the State in relation to the facts that gave rise to the instant case.

## **V. Follow-up mechanism**

The Argentine State shall prepare biannual reports on the degree of compliance with the measures agreed upon. These reports will contain a specific section on the progress of the judicial proceedings. In addition, the State will convene periodic meetings every 3 months to evaluate, together with the petitioning party, execution of the agreement.

The parties request the involvement of the Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans, and Intersex Persons of the Inter-American Commission on Human Rights in the monitoring, auditing, and follow-up of the commitments arising from this agreement.

## VI. Petition

The Government of the Argentine Republic and the petitioning party welcome the signing of this agreement, express their full agreement with its content and scope, mutually appreciate the goodwill shown, and formally request the Inter-American Commission on Human Rights to ratify it and adopt the report referred to in Article 49 of the American Convention on Human Rights, at which point the agreement will acquire full legal force.

Three identical copies were signed in the Autonomous City of Buenos Aires, on September 7, 2022.

## IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

11. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention" The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.<sup>3</sup> It also wishes to reiterate that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

12. The Inter-American Commission has closely followed the development of the friendly settlement reached in this case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

13. Pursuant to the provisions of Clause VI of the FSA and in accordance with the requests of September 12, 2023, and December 7, 2023, respectively, of the petitioning party and the State, in which they requested official approval of said agreement, we should now proceed to assess compliance with the commitments established in this instrument.

14. The Inter-American Commission considers that clauses I (Background), V (Follow-up Mechanism), and VI (Petition) of the agreement are of a declarative nature, thus no supervision of compliance is required. In this regard, the Commission appreciates *clause II*, in which the State recognizes its international responsibility for the violation of the rights to judicial guarantees and judicial protection, established in Articles 8 and 25 of the American Convention and violation of the right to due diligence to prevent, investigate, and punish violence against women, established in Article 7(b) of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, to the detriment of Octavio Romero. As well as for the violation of the right to personal integrity established in Article 5 of the ACHR to the detriment of Gabriel Gersbach. The above is due to the failure of the criminal investigation to meet international standards, especially the enhanced due diligence required in cases of gender-based violence, applicable to crimes against the LGBTIQ+ community, as well as the lack of an adequate judicial response, which had a severe impact on the personal integrity of Gabriel Gersbach, Octavio Romero's partner and cohabitant.

15. Similarly, regarding *publication of the FSA*, the Commission was able to corroborate that the State issued the Decree of the National Executive Branch No. 692/2023 of December 5, 2023, which was published in the Official Gazette on December 6, 2023<sup>4</sup>, and that it also published the FSA on the website of the Secretariat of Human Rights of the Nation<sup>5</sup> as required in the text of the agreement. Also, on December 7, 2023, the State submitted a draft gazette for the dissemination of the FSA in a national circulation newspaper, which

<sup>3</sup> Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: "**Pacta sunt servanda**" *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

<sup>4</sup> Available at: <https://www.argentina.gob.ar/normativa/nacional/decreto-692-2023-394509>

<sup>5</sup> Available at: <https://www.argentina.gob.ar/derechoshumanos/caso-13696-octavio-romero-y-gabriel-gersbach-7-de-septiembre-de-2022-0>

was sent to the petitioning party for its comments. For its part, the petitioning party has not yet submitted information on this aspect of the agreement. Therefore, taking into consideration the information provided by the State, the Commission considers, and hereby declares, that this aspect of the agreement has been partially complied with. In this regard, the Commission would await the publication of the corresponding content on the website of the National Institute against Xenophobia and Racism (INADI), and the publication of the FSA in a national newspaper.

16. Regarding *clause III.1. of the FSA on measures of satisfaction*, on March 22, 2023, the State reported that a note was sent to the prosecutor's office involved in the criminal case and that the prosecutor's office requested collaboration in the investigation from the Specialized Prosecutor's Unit on Violence against Women (UFEM). In this regard, that Prosecution Unit informed that the case "*...is being studied in order to offer the prosecution a contribution that will help strengthen standards in the investigation of violence due to prejudice against LGBTIQ+ persons and help to identify the persons responsible.*" In this regard, on December 7, 2023, the State submitted information provided by the Public Prosecutors' Office, in which it indicated that the UFEM had produced a report with an analysis of the case file and had proposed evidentiary actions within the framework of the criminal file. In particular, it pointed out that Dr. María Eugenia Sagasta, who is temporarily in charge of the National Criminal and Correctional Prosecutor's Office No. 40, where the investigation of the case is being conducted, provided information with a detailed description of the work carried out in the investigation hypotheses developed from the start of the investigation related to the victim's work and sentimental environment and, in this context, the various evidentiary measures carried out to identify the possible perpetrators of the illegal act.

17. In turn, the State indicated that the head of the UFEM, following a new request on May 10, 2023, and based on the collaboration initially requested on December 7, 2022, sent a report with an analysis of the file and a proposal for evidentiary actions. Likewise, it also indicated that, after a detailed analysis of the evidentiary actions, their implementation was ordered through the different specialized units of the Public Prosecutors' Office and the police division involved in the investigation. It also referred to the role of the plaintiff in the criminal case and his latest procedural interventions. The State also reported that, as part of the institutional support provided to the prosecutor's office involved, the prosecutor in charge of the UFEM provided the requested collaboration on June 9, 2023, with a summary of the facts and the main criminal hypotheses under investigation, as well as some of the investigation standards applicable to this type of facts, in accordance with the commitments made by the State.

18. Finally, the State provided a report on the manifestations of gender-based violence within the hierarchical structures of the armed and security forces, together with a proposal for evidentiary measures and the collaboration of other specialized units of this Public Prosecutors' Office. Among these, it was emphasized the call for an expert with the capacity to identify the existence, or not, of a dynamic of violence for discriminatory reasons in the workplace in which the victim was performing prior to his death, a measure that the prosecutor assigned to the UFEM. Finally, the State clarified that the functions of the General Directorate of Gender Policies of the Public Prosecutors' Office do not include providing direct support to criminal investigations; rather, its mission is to contribute to the introduction and progressive strengthening of the gender perspective in the different units of the Public Prosecutors' Office, as an internal policy of the agency (Resolution PGN N° 427/2016).<sup>6</sup>

19. For its part, on February 19, 2024, the petitioning party confirmed the information provided by the State and indicated that the report of the Public Prosecutors' Office is incomplete, making it impossible to see the details of all the measures proposed, as well as to establish whether the call for an expert to identify factors of discrimination and prejudice in the institutional work environment in which Romero worked, authorized by the prosecutor in the case and entrusted to the UFEM, had already been issued. Therefore, taking

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<sup>6</sup> Romina Pzellinsky, head of the DGPG, listed the main actions carried out for this purpose, including the decision of the Attorney General of the Nation (i) - PGN Resolution No. 14/23 - which strengthened the institutional mainstreaming of the gender and diversity approach, by assigning contracts to the prosecutors' offices of different provinces, jurisdictions, and venues to be filled exclusively by transvestites, transsexuals, and transgender persons (TTT) - in line with Law No. 27.636-, dissemination activities, and institutional actions within the framework of Law No. 26,743.

into consideration the information provided by the parties, the Commission considers, and hereby declares, that *clause III.1* of the FSA has been partially complied with.

20. In relation to *clause III.2.a of the FSA, on the Renaming of Resolution N° 548/2011 of the Ministry of Security of the Nation*, on September 12, 2023, the petitioning party reported that on May 10, 2023, Resolution 283/2023 of the Ministry of Security of the Nation was published in the Official Gazette of the Nation renaming Resolution N° 548/2011 "*Homage to Octavio Romero and to all those members of the security forces who have been discriminated against because of their sexual orientation.*" On December 7, 2023, the State confirmed the information provided by the petitioning party and forwarded a copy of the resolution to rename Resolution N° 548/2011. In light of the above, based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the agreement full compliance has been achieved.

21. In relation to *clause III.2.b of the FSA, on actions to raise awareness and honoring and Incorporation of the case in the National Plan against Discrimination*, on December 7, 2023, the State reported that, as part of the activities for the International Day for Combating Discrimination based on sexual orientation and gender identity, INADI carried out an activity to raise awareness, pay tribute, and honor the memory of Octavio Romero via the agency's social networks.<sup>7</sup> It also pointed out that the update of INADI's National Plan against Discrimination is in the process of final review for subsequent approval. In this regard, on September 12, 2023, and February 19, 2024, the petitioning party confirmed the information provided by the State on activity to raise awareness and pay tribute. However, it indicated that it had no information regarding incorporation of the reference to the case in the National Plan against Discrimination. Based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the FSA partial compliance has been achieved. Therefore, the Commission is awaiting information related to the incorporation of the case in the National Plan against Discrimination in order to declare full compliance with this clause.

22. In relation to *clause III.2.c of the FSA, regarding the production of a documentary on sexual diversity in the security forces*, on December 7, 2023, the State reported that on September 28, 2023, the documentary called "*La imperdonable alegría*"<sup>8</sup> premiered on the Encuentro channel. In the same vein, it pointed out that the documentary was presented at the Centro Cultural Kirchner on October 3, 2023 and that Gabriel Gersbach and his representatives were present.<sup>9</sup> It further indicated that on October 27, 2023, the documentary was screened at the National Secretariat of Human Rights and that Gabriel Gersbach and his representatives, as well as authorities of the Argentine State, also participated in the event.<sup>10</sup> On February 19, 2024, the petitioning party confirmed the information provided by the State and added that in order to assess full compliance with this clause, the documentary must be made available on the Contar platform and that to date the link is down. In addition, the documentary needs to be distributed as teaching material. Taking into consideration the information provided by the parties, as well as the content of the text of the FSA, which establishes that, with the presentation of a copy of the documentary to the IACHR, this clause will be considered fulfilled, the Commission considers, and hereby declares, that *clause III.2.c* of the FSA has been fully complied with. Similarly, the Commission urges the parties to continue to coordinate bilaterally, irrespective of the monitoring by the IACHR, the actions needed to disseminate the documentary more widely and to update the link on the *Cont.ar* platform, ensuring its availability as teaching material.

<sup>7</sup> Available at: INADI on X: "Octavio Romero was disappeared and murdered in 2011. He was a member of the Prefectura Naval Argentina and was planning to marry his partner, Gabriel Gersbach. He would have been the first member of a federal security force to enter into a same-sex marriage in Argentina. <https://t.co/j30IjgW5Pv>" / X (twitter.com)

<sup>8</sup> Available at: Encuentro Channel YouTube Channel. Available at: [La imperdonable alegría \(The unforgivable joy\). Octavio Romero Case - Encuentro Channel \(youtube.com\)](#)

<sup>9</sup> Available at: Human Rights Secretariat on X: "Yesterday the documentary "La imperdonable alegría-The Octavio Romero case" was shown at the @elCCKirchner auditorium together with the victims of the case and their representatives, the filmmakers and members of the @SDHArgentina. <https://t.co/brRF607MWt>" / X (twitter.com)

<sup>10</sup> Available at: Human Rights Secretariat on X: "Workers of the @SDHArgentina shared at the @CCMHCONTI a special screening of the documentary "La imperdonable alegría - El caso Octavio Romero", by @CanalEncuentro about the murder of the member of the Prefectura Naval in 2011. <https://t.co/C3EWgknQbE>" / X (twitter.com)

23. In relation to *clause III.2.d of the FSA, regarding the construction of a mural in memory of Octavio Romero*, on December 7, 2023, the State indicated that the petitioning party has yet to submit its proposal for the site where the mural will be erected. In this regard, on September 12, 2023, and February 19, 2024, the petitioning party indicated that meetings were held to discuss possible locations for the mural, and that some matters still must be decided between the parties to advance towards compliance with this clause. It asked the State for its guidelines to proceed with the implementation of this aspect of the FSA. In light of the above, based on the information provided by the parties, the Commission considers, and hereby declares, that compliance with this clause of the agreement is still pending.

24. In relation to *clause III.3.a of the FSA, on the creation of a Protocol regarding actions in response to complaints of discrimination due to sexual orientation, gender identity, sexual expression, and/or characteristics*, on December 7, 2023, the State shared a copy of the draft protocol and indicated that the content had been agreed upon with the petitioning party. It also reported that, as of this date, the necessary procedures were underway for its upcoming publication. In this regard, on February 19, 2024, the petitioning party indicated that through Resolution 910/2023 of the Ministry of Security of the Argentine Nation,<sup>11</sup> published on December 7, 2023, in the Official Gazette of the Nation, the text of the "*Protocol governing actions in response to complaints of discrimination based on sexual orientation, gender identity, gender expression and/or sexual characteristics*" was approved. In light of the above, based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the agreement full compliance has been achieved.

25. Regarding *clause III.3.b of the FSA, on the "Octavio Romero" training and awareness-raising program*, the State reported that, on August 1, 2023, the Undersecretariat for Training and Careers of the Ministry of Security of the Nation indicated that it was decided to include the case of Octavio Romero as a subject to be addressed in the 2024 school year (Provision DI-2023-5-APN-SSFYC#MSG) and in other academic institutions and courses associated with the Ministry of Security of the Nation, and sent a copy of the respective Resolution.

26. Regarding awareness-raising workshops, on December 7, 2023, the State reported that on May 17, 2023, an awareness-raising workshop was held entitled "*Mainstreaming the gender and diversity perspective in the Federal Police and Security Forces. Achievements and pending challenges*", in the framework of the "International Day against Homophobia, Transphobia, and Biphobia", during which a booklet was presented, entitled "*Sexual Diversity and Human Rights for the Federal Police and Security Forces: Ministerial Resolution N° 37/2020*", educational material for awareness-raising and training purposes for federal forces personnel. The State reported that the working panels were attended by authorities of the four federal forces<sup>12</sup> and the opening ceremony was presided over by the Minister of Security of the Nation, Aníbal Fernández, who paid tribute to non-commissioned officer Octavio Romero, thereby expressing public recognition of the crime as an act of hatred towards the homosexual community. He also highlighted the commitments undertaken in the FSA and urged federal security institutions to ensure compliance with the laws that protect the rights of the LGBTQ+ community.<sup>13</sup>

27. On the same day, a panel entitled "*Assessments and Perspectives: Gender and Diversities in the Construction of State Policies*" was held to analyze experiences and advances in public policies aimed at eradicating discriminatory practices based on sexual orientation and gender identity. The panel also addressed issues related to the scope and shortcomings of regulations and training related to the promotion of rights and eradication of violence based on sexual orientation and gender identity within the federal forces.

<sup>11</sup> Available at: <https://www.boletinoficial.gob.ar/detalleAviso/primera/300331/20231207>

<sup>12</sup> Attending the ceremony were: superintendents and general directors of instruction and education; superintendents and general directors of personnel; heads and directors of training and retraining centers; heads of Comprehensive Gender Centers (*Centros Integrales de Género*); technical teams of Gender Integral Centers (*Centros Integrales de Género*); directors of Schools and Academic Units; rectors and management teams of University and Higher Education Institutes; teachers and instructors.

<sup>13</sup> The tribute was also attended by Mercedes La Gioiosa, Secretary of Security and Criminal Policy of the Ministry of Security; Belén Mora, Undersecretary of Training and Career of the Ministry of Security, and Zaida Gatti, National Director of Gender Policies of the Ministry of Security.

28. In a third panel, a joint research project among specialists entitled "*Gender Gap in the Federal Police and Security Forces: a baseline study of the careers of women in the forces (2010-2020)*" was presented, together with the main findings of the project carried out by research teams from the institutes of each of the federal forces. Finally, the day concluded with a workshop on Sexual Diversity and Human Rights for the Federal Police and Security Forces for the management personnel of the Integral Gender Centers, management personnel of University and Higher Education Institutes, personnel, teachers, and instructors of the Federal Police and Security Forces, led by the team of the National Directorate of Gender Policies of the Ministry of Security.

29. On February 19, 2024, the petitioning party confirmed the information provided by the State regarding the holding of the awareness-raising day on May 17, 2023, and added that approval of the training program and annual awareness-raising days on discrimination and violence based on gender and sexual diversity was still pending. Finally, it pointed out that information on progress made with the introduction of discussions of the case of Octavio Romero in the initial training, professional career, and learning and training institutions associated with the security institutes under the Ministry of Security, to be implemented as of the 2024 school year (Provision DI-2023-5-APN-SSFYC#MSG), was still pending, as was information regarding the management of mandatory training courses for teachers and instructors to ensure the inclusion of these contents in teaching processes.

30. Based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the agreement partial compliance has been achieved. In this regard, the Commission is awaiting information on the status of implementation of the program and the number of training sessions carried out within its framework, indicating the number of participants, institution of origin, position, rank, and gender pursuant to the provisions of the FSA.

31. In relation to *clause III.3.c of the FSA, on the dissemination of a booklet on diversity in the security forces*, on December 7, 2023, the State reported that, on May 17, 2023, during the awareness day referred to in paragraph 26 above, the booklet "*Sexual Diversity and Human Rights for the Federal Police and Security Forces: Ministerial Resolution No. 37/2020*" was presented. The State provided a copy of that booklet. For its part, the petitioning party did not submit information on this aspect of the agreement. Based on the information provided by the State, the Commission considers, and hereby declares that, with respect to this part of the agreement, full compliance has been achieved.

32. In relation to *clause III.3.d of the FSA, on strengthening access to justice for LGBTIQ+ persons in situations of gender-based violence*, on March 22, 2023, the State, through the Ministry of Women, Genders, and Diversity of the Nation (MMGyD), informed that in March 2022 a draft amendment to the current Law 27.210 on the creation of the Body of Lawyers and Attorneys for Victims of Gender Violence (CAAVVG) was remitted to the National Congress and that it is actively working on the design of the different stages and characteristics of the public competition for the appointment of 80 permanent staff positions for lawyers and attorneys in the Body of Lawyers and Attorneys for Victims of Gender Violence. Thus, the State pointed out that the objective is to complete the designation of professionals throughout the national territory, since the Corps is currently in operation in only 13 provinces.

33. In addition, the State reported that in December 2022, through Administrative Decision 1256/2022,<sup>2</sup> the Head of the Cabinet of Ministers authorized, as an exception to the provisions of Article 7 of Law 27.591 of the General Budget of the National Administration for Fiscal Year 2021, the unfreezing of the positions assigned to the CAAVVG, to be filled through the corresponding personnel selection processes. It was also indicated that the MMGyD, in coordination with the Secretariat of Public Management and Employment, the National Institute of Public Administration, and the School of State Attorneys belonging to the Procurator's Office of the National Treasury, continue to work on development of the contents of the course-contest and the formation of the Selection Committee.

34. Regarding the Acercar Derechos (PAD) Program, the State, through the MMGyD, stated that there is a commitment to progressively expand the number of professionals involved. In this regard, it reported that on February 18, 2022, Resolution MMGyD 55/2022 was published in the Official Gazette of the Nation,

creating the program "*Acercar Derechos para Personas en Situación de Violencias por Motivos de Género*" within the scope of the National Directorate of the MMGyD for Strengthening Access to Justice in Cases of Gender-Based Violence. This Resolution also approved the Program's General Guidelines and Operating Regulations. In this regard, the State indicated that since its creation, the PAD has assisted 15,340 people in situations of gender-based violence. In addition, it was noted that the program has 50 interdisciplinary teams throughout the country. Finally, on December 7, 2023, the State presented updated information on the PAD and reported that between June 2021 and June 2023, more than 24,000 cases were addressed, and 38,800 counseling and supportive actions were carried out to facilitate access to rights in situations of gender-based violence.

35. For its part, on September 12, 2023, the petitioning party stated that it had learned that in March 2022 the bill to amend the law to strengthen the Corps of Lawyers for Victims of Gender Violence had been submitted to the National Congress, but that as of the date of this report it had no record of progress in the legislative process. Likewise, on February 19, 2024, the petitioning party indicated that no information had been provided on the steps taken to progressively increase the number of professionals in the *Acercar Derechos* Program (PAD) and that it had requested information from the State in this regard, as well as information on progress with the formalization process for members of the Selection Committee for the CAAVVG competition aimed at incorporating new professionals as soon as possible. In light of the above, based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the agreement partial compliance has been achieved.

36. In relation to *clause III.3.e on General guidelines for addressing the murders of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristic*, on December 7, 2023, the State informed that the guidelines were presented on November 23, 2023, in the framework of the 5th meeting of the "*Federal Roundtable for the prevention of institutional violence against LGBT+*" and sent the Commission a copy of the same. It also reported that the Specialized Prosecutor's Unit on Violence against Women (UFEM) has completed the analysis process for the identification of violence due to prejudice against sexual orientation, gender identity, sexual expression or sexual characteristics, and the judicial system's response. The result of this analysis will be reflected in a document containing a section on this issue together with guidelines for the identification of evidence of the existence of this type of violence. In this regard, on February 19, 2024, the petitioning party stated that it was unaware of the current status of the publication and dissemination of the guidelines among the various state agencies, the work schedule, or the specifications on the adaptation of the Protocol for the Investigation and Litigation of Cases of Violent Deaths of Women (femicides) to include the diversity perspective in the investigations. Based on the information provided by the parties, the Commission considers, and hereby declares, that with respect to this aspect of the friendly settlement agreement partial compliance has been achieved.

37. In relation to *clause IV on pecuniary reparation measures*, the Commission observes, and hereby declares that, since compliance with the commitments agreed on by the parties in this part of the agreement depends on the approval of the FSA by the IACHR, compliance with this clause is still pending.

38. Therefore, the Commission considers, and hereby declares, that clauses III.2.a (*renaming of Resolution No. 548/2011 of the Ministry of Security of the Nation*), III.2.c (*production of a documentary on sexual diversity in the security forces*), III.3.a (*creation of a Protocol on actions to be taken to address complaints of discrimination based on sexual orientation, gender identity, sexual expression, and/or sexual characteristics*) and III.3.c (*Dissemination of a booklet on sexual diversity in the security forces*) of the friendly settlement agreement have been fully complied with. Likewise, the Commission considers, and hereby declares, that compliance with clauses II. (*recognition of international responsibility and public disclosure of the friendly settlement agreement*), III.1. (*measures of satisfaction*), III.2.b (*action to raise awareness and pay tribute and incorporation of the case in the National Plan against Discrimination*), III.3.b (*training program and "Octavio Romero" awareness days*), III.3.d (*strengthening access to justice for LGBTIQ+ persons in situations of gender-based violence*), and III.3.e (*General guidelines for addressing the murders of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, sexual expression, or sexual characteristics*), of the friendly settlement agreement, has been partially achieved. Finally, the Commission



concludes, and hereby declares, that compliance with clauses III.2.d. (*construction of a mural in memory of Octavio Romero*) and IV (*pecuniary reparation measures*) of the FSA, is still pending.

39. Finally, the Commission considers that the rest of the content of the agreement is of a declarative nature and therefore does not fall under its supervision. Finally, the Commission considers that partial compliance with the agreement has been achieved and it will continue to monitor the implementation of the aforementioned clauses until full compliance has been achieved.

## V. CONCLUSIONS

1. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

2. Based on the considerations and conclusions contained in this report,

### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

#### DECIDES:

1. To approve the terms of the friendly settlement agreement that the parties signed on September 7, 2022.

2. To declare full compliance with clauses III.2.a (renaming of Resolution No. 548/2011 of the Ministry of Security of the Nation), III.2.c (production of a documentary on sexual diversity in the security forces), III.3.a (creation of a Protocol on actions in response to complaints of discrimination based on sexual orientation, gender identity, sexual expression and/or sexual characteristics) and III.3.c (dissemination of a booklet on sexual diversity in the security forces), of the friendly settlement agreement, based on the analysis contained in this report.

3. To declare partial compliance with clauses II. (recognition of international responsibility and public disclosure of the friendly settlement agreement), III.1. (measures of satisfaction), III.2.b (awareness-raising and tribute action and incorporation of the case in the National Plan against Discrimination), III.3.b (training program and awareness-raising "Octavio Romero" workshops), III.3.d (strengthening access to justice for LGBTIQ+ persons in situations of gender violence), and III.3.e (General guidelines for addressing the murders of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender identity, its expression or characteristics), of the friendly settlement agreement, based on the analysis contained in this report.

4. To declare that compliance is still pending in respect of clauses III.2.d. (construction of a mural in memory of Octavio Romero) and IV (pecuniary reparation measures) of the friendly settlement agreement, based on the analysis contained in this report.

5. To declare that the friendly settlement agreement has been partially complied with, based on the analysis contained in this report.

6. To continue with the monitoring of clauses II. (recognition of international responsibility and public disclosure of the friendly settlement agreement), III.1. (satisfaction measures), III.2.b (awareness-raising and tribute action and incorporation of the case in the National Plan against Discrimination), III.2.d. (construction of a mural in memory of Octavio Romero), III.3.b (training program and awareness-raising workshops "Octavio Romero"), III.3.d (strengthening access to justice for LGBTIQ+ persons in situations of gender-based violence) and III.3.e (general guidelines for addressing the murders of transvestites, trans-persons, femicides, and homicides due to prejudice or discrimination based on sexual orientation, gender

identity, its expression or characteristics), and IV (pecuniary reparation measures) of the friendly settlement agreement, based on the analysis contained in this report. To that end, to remind the parties of their commitment to keep the IACHR regularly informed regarding compliance.

7. To publish this report and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 21<sup>st</sup> day of the month of May, 2024. (Signed:) Roberta Clarke, President; Carlos Bernal Pulido, Vice President; José Luis Caballero Ochoa, Second Vice President; Edgar Stuardo Ralón Orellana, Arif Bulkan, and Gloria Monique de Mees, Commissioners.