

Transformative reparations in practice

Leveraging International Human Rights Mechanisms to advance justice for women and girls

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The UN Committee on the Elimination of Discrimination against Women (hereinafter, CEDAW Committee or Committee) has identified six interrelated and essential pillars to guarantee access to justice for women and girls: justiciability, availability, accessibility, good quality, provision of remedies, and accountability of justice systems.

Concerning justiciability, the Committee has recommended that State parties ensure justice system professionals handle cases in a gender-sensitive manner¹. Good quality, in turn, requires that all components of the system meet international standards of competence, efficiency, independence, and impartiality, while offering effective and appropriate remedies that enable sustainable, gender-sensitive dispute resolution for all women². The provision of remedies involves ensuring viable protection and meaningful redress for harm, including monetary compensation, restitution, rehabilitation, and reinstatement; as well as measures of satisfaction, such as public apologies, memorials, and guarantees of non-repetition³. To meet these obligations, States must design transformative reparation programmes that address individual and structural dimensions — always prioritizing the agency, safety, dignity, and integrity of victims⁴.

Drawing on direct experience overseeing the implementation of individual reparations and guarantees of non-repetition during my tenure as National Director of International Legal Affairs at Argentina's National Secretariat for Human Rights, this paper seeks to contribute to ongoing discussions on strengthening access to justice — the priority theme of the upcoming CSW70. It examines how comprehensive reparations were developed and implemented in response to communications before international human rights bodies, in cases where domestic systems had failed to provide effective remedies. These experiences offer concrete insights into how the pillars of justiciability, good quality, and provision of remedies can be translated into practice.

Rather than presenting isolated stories, the aim is to share processes that enabled both individual redress and broader institutional transformations. At various points, the design and effective execution of the reparatory measures to be presented received public recognition from the international human rights bodies to which the cases had been

¹ UN Cedaw Committee, General recommendation No. 33 on women's access to justice, 3 August 2015, paragraph.15. c.

² UN Cedaw Committee, General recommendation 33, Op. Cit., par. 14. d

³ UN Cedaw Committee, General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, 16 December 2010, par. 32

⁴ UN Cedaw Committee, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, 14 July 2017, par. 47.

submitted. This acknowledgment underscored the significance of the measures adopted for advancing structural change.

When victims of human rights violations do not receive justice or redress at the domestic level, international bodies can play a critical role in addressing historical injustices. Within these international frameworks, the friendly settlement procedure stands out as a valuable tool for advancing reparations. After briefly introducing this procedure, the paper will present concrete and recent examples in which it enabled meaningful State interventions in cases involving gender-based violence, systemic disregard for a gender sensitive approach in the treatment of women within the criminal justice system, and the lack of due diligence in cases involving the LGBTIQ+ community.

These grounded experiences are intended to complement more theoretical perspectives on access to justice for women and girls, contributing to a more practical approach to the challenges and possibilities of transformative reparation.

I. Brief insights into the friendly settlement mechanism

Since the ratification of the American Convention on Human Rights (hereinafter, ACHR or American Convention), Argentina has signed various friendly settlements in cases before the Inter-American Commission on Human Rights (hereinafter, IACHR or Commission), which have resulted in the concrete reparation of victims of human rights violations and, in some cases, institutional measures of significant impact⁵.

When there is genuine political will from the State to advance in the path of reparation, friendly settlements have the advantage of resolving international matters—allowing victims to access tangible reparations for the violations suffered—much more expeditiously than the regular litigation process⁶. This is crucial because the vast majority of cases litigated before international human rights protection mechanisms have already caused significant suffering to the victims, both due to the events themselves and to the lack of national response. Therefore, it is vital that, once a conversation with the State begins at the international stage, it does not lead to added re-victimization. This would mean subjecting the victims to new frustrations and potentially, further human rights violations.

⁵ In 2023, the Secretariat of Human Rights developed a specific section on its website where, for the first time, all the friendly settlement agreements signed by Argentina before regional and universal human rights protection bodies were made publicly available. The site is available at <https://www.argentina.gob.ar/derechoshumanos/compromisos-internacionales-en-derechos-humanos>

⁶ The friendly settlement procedure before the Commission is stipulated in Article 48.1.f of the American Convention on Human Rights and in Article 40 of the Rules of Procedure of the regional protection body. These instruments establish that the Commission, at any stage of the review of a petition or case, will make itself available to the parties, either on its own initiative or at the request of any of them, to initiate a process that allows States and the alleged victims of human rights violations to engage in a dialogue aimed at reaching an amicable solution to the matter. Once both parties inform the Commission of their interest in initiating a friendly settlement process, the IACHR can facilitate it by transmitting information and requesting observations.

In these processes, the dialogue begins and ends at the will of both parties, creating space for the adoption of a wide variety of reparative measures that are jointly developed by the victims, their representatives, and the State. These may include: acknowledgment of responsibility for the alleged violations; medical, psychological, and social rehabilitation; initiation of administrative and/or judicial investigations; training on international human rights law; economic reparations; and guarantees of non-repetition, such as legislative reforms or the adoption of public policies.

Argentina has also participated in friendly settlements processes before the United Nations Treaty bodies. For instance, several agreements have been signed in the context of Communications presented to the CEDAW Committee. Although the friendly settlement mechanism is not explicitly regulated by the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Committee has accepted this mode of resolution for individual communications⁷.

II. Designing and implementing comprehensive reparations: lessons from practice

Having outlined the main features of the mechanism, it is worth sharing recent cases in which friendly settlements effectively contributed to strengthening State action in line with its international obligations on gender and diversity. The focus will be on the key measures adopted in each case, which demonstrate the potential for constructive coordination across different agencies, branches of government, and even between national and provincial authorities, aimed at delivering meaningful reparations.

II.a. Broad reparations for victims of gender-based violence: The Case of Olga del Rosario Díaz

On August 2020, the President of Argentina approved by decree the friendly settlement between the State and the Public Defender's Office, representing Mrs. Olga del Rosario Díaz, in the context of a communication submitted to the CEDAW Committee⁸. The international complaint highlighted the State's failure to exercise due diligence in preventing gender-based violence in connection with the attempted femicide suffered by Mrs. Díaz in 2017 at the hands of her former partner. The case revealed that despite Mrs. Díaz's timely requests for judicial intervention, she had no protective measures in place at the time of the attack.

In her communication to the CEDAW Committee, the petitioner described the gender-based violence she had endured from her former partner, with whom she had cohabited for approximately 36 years and had three children. As a result of the violence, Mrs. Díaz initially filed a complaint, which led to a criminal case that was closed in 2017 due to the expiration

⁷ Within the Universal Human Rights Protection System, the friendly settlement mechanism is formally included in the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and in the Optional Protocol to the Convention on the Rights of the Child concerning a communications procedure.

⁸ Decree 679/2020 can be accessed at <https://www.boletinoficial.gob.ar/detalleAviso/primera/233690/20200818>

of the statute of limitations. In February 2017, following a resurgence of violent incidents, the petitioner filed a new report to the Supreme Court of Justice, which initiated both a civil and a criminal case. Despite the various actions taken by the petitioner over the years, she received inadequate responses to her claims due to deficiencies and obstacles in the judicial system. Episodes of violence from her ex-partner, which had continued for 15 years, worsened in 2008, escalated in December 2016, and culminated in an attempted femicide in March 2017, in which their son was also injured. As a result of the attack, Olga underwent multiple hospitalizations, medical treatments, and rehabilitation. The lack of a timely and appropriate response from the justice system led to the submission of the communication before the UN Treaty Body.

In October 2019, through a space of exchange that involved the Supreme Court of Justice, the National Judicial Council, the Ministry of Security and Justice of Buenos Aires City, the Subsecretariat for Access to Justice, the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, and the Secretariat for Human Rights, a friendly settlement was reached between Olga, her representatives, and the State⁹. The agreement included the State's acknowledgment that the judicial handling of the case had not adequately considered international human rights treaties, particularly the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the CEDAW Committee's General Recommendations No. 19, 33, and 35. It also recognized the failure to provide timely, effective, and adequate protection measures; deficiencies in the execution and monitoring of the ordered measures; the lack of coordination between involved authorities; fragmented judicial handling across different courts; and deficiencies in the criminal investigation. Consequently, Argentina committed to adopting various measures of individual reparation and guarantees of non-repetition, beyond the conviction of Luis Rolando Palavecino, who was sentenced to 20 years in prison for the attempted femicide of Olga.

First, in order to raise awareness within the judiciary, the full text of the agreement was sent by the Secretariat for Human Rights to the Presidencies of the National Civil and Criminal and Correctional Chambers, who then shared it with all relevant judicial authorities. In addition, a summary of the key points of the international communication and the implications of the agreement was developed alongside the victim's representatives and published by the State in national newspapers.

On April 2021, a public acknowledgment of international responsibility took place, in which the State apologized to Mrs. Díaz. Due to pandemic restrictions, the ceremony was held virtually but broadcasted on *YouTube*¹⁰. It included the participation of the then-Minister of Women, Gender, and Diversity, the Secretary for Human Rights, and authorities from all the

⁹ See the full text of the agreement at https://www.argentina.gob.ar/sites/default/files/acuerdo_de_solucion_amistosa.olga_.pdf

¹⁰ The following link provides access to the video of the event: <https://www.youtube.com/watch?v=OTVmcJoFnA0>

signing institutions. The event garnered significant media attention across print outlets and digital platforms throughout the country¹¹.

In compliance with the agreement, the National Judicial Council issued Resolution 8/21, establishing a "Public Registry of Complaints Against Judges for Gender-Based Violence"¹². The Council, as the body responsible for the selection and removal of judges, also amended its regulations to evaluate candidates' knowledge of gender perspectives and incorporated specific content on this matter into the Judicial School curriculum¹³.

Furthermore, the Supreme Court of Justice developed the "General Principles of Action in Cases of Domestic Violence Against Women"¹⁴, which were shared with all relevant judicial operators and other institutional actors involved in such cases¹⁵. The Principles emphasize that due diligence is not limited to how investigations are carried out, but also includes the right of victims to access information about the status of their case. They also underscore the right of cisgender, transgender, and transvestite women not to be re-victimized and not to be unnecessarily called to testify about the facts. The Principles stress that evidence should be evaluated according to the victim's vulnerability and that justice system actors must act free from stereotypes, considering the particularities of gender-based violence. In decisions regarding the release of an accused or convicted individual for violence, as well as in cases where judicial actions may increase the victims' risk, the Principles underline that security measures must be adopted to protect their physical and psychological integrity. Additionally, victims must have the opportunity to express their opinion on decisions made and, when necessary, have a new risk assessment carried out by interdisciplinary, specialized teams. The Principles also reaffirm that victims have the right to reparation and comprehensive compensation for the damage suffered.

To ensure proper inter and intra-institutional coordination, the document elaborated by the Supreme Court highlights the need for a thorough record of case data from the start, as well as the certification of related criminal and/or civil cases. If there are related cases in different courts, they must be consolidated. To avoid isolated proceedings and ensure the same judicial authority handles all related actions, the Supreme Court mandates that all relevant prior violence records be verified for joint processing of the cases. In this context, the Principles highlight the importance of communication and coordination with other agencies to guarantee access to justice for the victim.

¹¹ See, for example, La Nación, 'For the first time, the Argentine State apologized to a victim of gender-based violence,' April 27, 2021. Available at: <https://www.lanacion.com.ar/seguridad/por-primera-vez-el-estado-argentino-pidio-disculpas-a-una-victima-de-violencia-de-genero-nid27042021/>

¹² For more information, see <https://consejomagistratura.gov.ar/index.php/registro-publico-de-denuncias-presentadas-contra-magistrados-y-magistradas-por-situaciones-vinculadas-a-violencia-de-genero/>

¹³ For more information, see <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-4-2020-334847/texto>

¹⁴ The document is available at <https://www.cij.gov.ar/nota-38630-Principios-Generales-de-Actuacio--n-en-Casos-de-Violencia-Dome--stica-contra-las-Mujeres.html>

¹⁵ Regarding the training sessions developed by the Supreme Court of Justice, see <https://www.csjn.gov.ar/novedades/detalle/6615>

The friendly settlement process also led to reciprocal access to civil and criminal case files related to gender-based violence, a long-standing demand. Specifically, common access to family violence records was granted to criminal and correctional courts as well as to family courts, enabling all judicial authorities involved in the cases to consult the files, ultimately improving victim care.

Moreover, in response to the ongoing dialogue with the Secretariat for Human Rights, the Buenos Aires City Police incorporated gender-based violence content and specific case materials into mandatory courses for police officers. This collaboration proved essential for ensuring proper analysis of gender-based violence issues when handling complaints and judicial measures taken in such cases.

As part of the individual reparations, in 2022, the full compensation determined by the *Ad Hoc Arbitration Tribunal*, which was established to define the economic reparations in this case, was paid by the State. This tribunal was the first to be composed of three independent women experts. The ruling issued by the experts provided valuable insight into the analysis of economic reparations that the State should bear in such cases¹⁶. For example, when considering moral and psychological damage, the Tribunal emphasized:

“... In this case, not only the moral and psychological damage caused by the reported event but also the damage resulting from the years of relationship the victim endured with the aggressor due to the State's ineffectiveness in intervening should be considered. The victim's time and physical and mental energy spent on fruitless complaints and necessary but unjustified actions related to the legal process must also be taken into account. Furthermore, due to state inaction, the victim has experienced complete defenselessness and vulnerability, feelings of helplessness and despair due to a lack of justice, deepening her traumatic suffering, which the State could and should have helped prevent and eradicate. These enduring situations require extensive professional work and support to overcome and should be fully repaired by the State, which created the conditions for such outcomes...”¹⁷.

¹⁶ In the absence of a law regulating the matter, Argentina has developed the practice of establishing *ad hoc arbitral tribunals* to determine — in the context of signing friendly settlements— the amount of compensation to be paid by the State, based on the international standards applicable to each case. Regarding pecuniary reparations, the State faced the dilemma of not having any normative mechanism to define what these reparations should be. Furthermore, a transparent procedure needed to be established to ensure that the compensation provided to the victims was consistent with the criteria applied in similar cases by the Inter-American Court of Human Rights (IACtHR). These circumstances led to the creation of a mechanism to identify pecuniary reparations based on the operation of an *ad hoc arbitral tribunal*, which, in order to guarantee the rights of the victims and ensure the compensation met international standards, would be composed of independent experts with a proven commitment to human rights and high expertise in the field. These *ad hoc tribunals* consist of three members: one expert proposed by the State, another proposed by the petitioner, and the third, who serves as the president, appointed by mutual agreement of the first two. For the same purpose, it was foreseen that the final and non-appealable arbitral award should be submitted to the Inter-American Commission or the UN treaty body for review to ensure that the decision complies with applicable international standards. Regarding the tribunal's functioning, it is governed by a set of rules that must be approved by both parties, specifying the procedural details for analyzing the case, with the IACtHR's regulations applied supplementarily.

¹⁷ Arbitral Award of the Ad Hoc Tribunal, November 18, 2021, para. 67-69.

Thus, a little over three years after its signing, the amicable settlement was fully implemented. The entire process was conducted through a continuous and constructive relationship between the Secretariat for Human Rights and Olga del Rosario Diaz's representatives to ensure her perspective was effectively incorporated into every decision, respecting the reparative and participatory nature of friendly settlements.

Information on the progress of the execution was periodically submitted to the CEDAW Committee. Ultimately, with the consent of Mrs. Díaz and her legal team¹⁸, the Treaty Body declared the full implementation of the agreement. In fact, in November 2023, the Committee issued a public statement congratulating Argentina for this achievement, recognizing it as a significant experience in comprehensive reparation and compliance with international obligations¹⁹.

II.b Advancing gender-sensitive criminal justice systems

In 2021, an agreement was promoted between the Province of Neuquén and the petitioning party to comply with the merits report No. 371/20 of the Inter-American Commission. In this report, the IACHR concluded that Argentina had violated various provisions of the American Convention on Human Rights and the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women – the “Belém do Pará Convention” – in the context of a criminal case against S.P.I.

In July 2001, the Criminal Chamber of the Appeals Court of the city of Zapala convicted S.P.I. to life imprisonment for the crime of aggravated homicide. The sentence became final when the Extraordinary Federal Appeal was not filed. In July 2003, the petitioner, acting on her behalf, requested a review of the conviction before the Supreme Court of Justice. The then Public Defender before the Court argued that the defendant had been deprived of her right to defense, as statements were taken from her during her hospitalization for a therapeutic abortion, without legal assistance. She also pointed out that the court failed to consider the gender-based violence context in which the events took place. In June 2006, the Supreme Court rejected the request for revocation, stating that the claim should have been channeled through an extraordinary appeal.

In December 2006, the National Public Defender's Office filed a petition before the IACHR, alleging violations of S.P.I.'s right not to testify against herself, to have adequate legal defense, the presumption of innocence, judicial review, and equality before the law, as well as the State's duty to prevent and punish gender-based violence. As previously mentioned, on December 2020, the IACHR issued its merits report and recommended that State provide

¹⁸ This link provides access to the statement from the Public Defender's Office of the Nation regarding the full compliance of the agreement: <https://www.mpd.gov.ar/index.php/noticias-feed/6865-el-comite-cedaw-dictamino-en-un-caso-de-violencia-de-genero-patrocinado-por-la-defensoria-general-de-la-nacion>

¹⁹ See, CEDAW Committee, "Argentina: UN Committee Celebrates Friendly Settlement Agreement with a Victim of Domestic Violence", November 30, 2023, available at <https://www.ohchr.org/en/press-releases/2023/11/argentina-un-committee-welcomes-friendly-settlement-domestic-violence-victim>

comprehensive reparation to S.P.I., implement training programs for judicial and police officers, and adopt specific protocols for addressing criminal cases in contexts of gender-based violence.

Following this report, the National Human Rights Secretariat, together with the then Ministry of Women, Genders, and Diversity, undertook the task of promoting institutional dialogue with the authorities of the Province of Neuquén, aiming to comply with the recommendations and avoid an international condemnation of Argentina before the Inter American Court of Human Rights. At the beginning of the process, provincial authorities expressed absolute refusal to move forward with an agreement, given the sensitivity of the case and its strong exposure in the local public opinion. However, through sustained political and technical lobbying — including bilateral meetings and formal written exchanges — this position was reversed.

After several months of work, the province finally decided to join the dialogue and assume concrete commitments. As a result, as mentioned, in November 2021, the petitioner and the Government of the Province of Neuquén signed an Agreement to comply with the IACHR recommendations, which was later approved by provincial decree²⁰. The agreement included an ambitious set of reparative measures, including the commutation of S.P.I.'s sentence and the provision of housing. Furthermore, it provided for the creation of general operational principles for security forces, legal operators, and health system personnel to guide their intervention in cases involving women accused of crimes, particularly when there are prior instances of gender-based violence. It also included the obligation to design continuous and mandatory training programs for judges and judicial operators with criminal law competence, focusing on taking statements from accused women, safeguarding their procedural rights, and ensuring judicial treatment free of stereotypes.

In 2022, following the intervention of the Governor of the Province of Neuquén and the Superior Court of Justice, the commutation of the life imprisonment sentence was carried out. Simultaneously, in 2023, a house was provided to S.P.I., as assured.

In the final provisions of the Agreement, it was established that, once the individual reparative measures undertaken by the Province were completed, the petitioner would sign a compliance agreement with the federal government. This agreement would aim to establish an ad hoc arbitral tribunal responsible for determining the economic reparations for the responsibility of the National Judiciary in the case. On October 18, 2023, this agreement was also signed.

²⁰The text of Decree No. 848/22 by the Governor of the Province of Neuquén is available at <https://infoleg.neuquen.gov.ar/LevesDecretosDetalle?id=414273>

II.c. Due diligence in the investigation of crimes against the LGBTIQ+ community

On September 7, 2022, Argentina signed a friendly settlement in the "Romero and Gersbach" case, which became an institutional milestone in ensuring enhanced due diligence in the investigation of crimes against LGBTIQ+ people²¹.

Octavio Romero was a Senior Officer with the Argentine Naval Prefecture who was planning to marry his partner, Gabriel Gersbach. It would have been the first marriage of a federal security force under the Marriage Equality Law. In June 2011, after announcing his intention to marry to his boss, Octavio was found dead. From the outset, the judicial investigation into the case was inadequate. Despite several documented incidents of discrimination based on his sexual orientation within the Prefecture, the investigation never seriously considered the possibility that it was a hate crime. Due to the lack of responses from the local judicial system, Gabriel Gersbach filed a complaint against the State before the Inter-American Commission on Human Rights.

In early 2021, a dialogue process between the State and the petitioning party initiated. The process involved various government agencies, including the Ministry of Security, the then Ministry of Women, Genders, and Diversity, Canal Encuentro (a public television channel), the Ministry of Foreign Affairs, and the Public Prosecutor's Office through the Specialized Unit for Gender Violence (UFEM) and the Office of the Attorney General for Criminal Policy, coordinated by the National Human Rights Secretariat.

One of the most innovative and significant aspects of the agreement was the acknowledgment of international responsibility for the failure to exercise due diligence in leading the judicial investigation. This formulation was technically developed alongside the UFEM prosecutors and had the explicit backing of the Attorney General of the Nation, the highest authority of the Public Prosecutor's Office, who supported the agreement, emphasizing in writing the importance of this recognition. This step was crucial in advancing standards to ensure robust, stereotype-free investigations in cases of prejudice-motivated crimes.

The public signing ceremony of the agreement, held at the National Archive of Memory in the former Navy Mechanics School (ESMA), was deeply emotional and received significant media attention²². During the ceremony, Gabriel Gersbach expressed that the agreement

²¹ In its 2023 Annual Report, *Human Rights Watch* highlighted in its chapter on Argentina: "In September, Argentina reached a friendly settlement with the Inter-American Commission on Human Rights in the 2011 violent killing of a navy officer, Octavio Romero, that was not properly investigated and in which sexual orientation could have been a motivating factor. Argentina recognized its responsibility for the lack of an effective investigation and committed to undertake public policies that promote the prevention, punishment, and eradication of gender-based violence, broadly defined. This sets an important precedent for Latin America, where authorities often fail to carry out effective investigations into crimes perpetrated against LGBT people." The report is available at <https://www.hrw.org/world-report/2023/country-chapters/argentina>

²² For example, see: <https://www.lanacion.com.ar/seguridad/reparacion-historica-por-un-crimen-de-odio-nid27112022/>; <https://www.infobae.com/lgbt/2022/09/07/el-crimen-de-odio-de-octavio-romero-un-dia-de-justicia-11-anos-despues/>

represented a profound change: The State was finally conceding that he was right. His words, filled with emotion, clearly indicated that this moment shattered decades of impunity and silence. Besides Gabriel, representatives from the petitioning organizations, as well as various state authorities, and the then United Nations Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation or Gender Identity, Víctor Madrigal-Borloz, who was invited especially for the occasion, participated in the event²³.

The agreement included a series of measures for symbolic, institutional, economic reparations, and guarantees of non-repetition. As part of the symbolic reparation commitments, the Ministry of Security decided to rename Resolution No. 548/2011²⁴. Thus, on May 8, 2023, the then Minister of Security issued Resolution 283/2023, which stated: "Rename the Ministry of Security's Resolution No. 548/2011, dated July 22, 2011, to 'In tribute to Octavio Romero and all members of the security forces who have been discriminated against based on their sexual orientation,' from the date of signing this resolution"²⁵.

Similarly, Canal Encuentro committed to producing a documentary on sexual diversity within the security forces, which premiered in October 2023. Its development was fully collaborative with the victim. Gabriel Gersbach had numerous meetings with the production team over several months, sharing material, stories, and emotions. Through this trusted relationship, the team worked on the narrative approach and tone of the documentary, focusing on Octavio's dignity, beyond the pain and impunity. The documentary was publicly presented on various occasions and was awarded an international prize²⁶, further reaffirming its value as a tool for active memory²⁷.

In terms of guarantees of non-repetition, the Ministry of Security developed and issued a new Protocol for addressing complaints related to discrimination based on sexual orientation, gender identity, gender expression, or sexual characteristics, expanding the scope of the previous regulation²⁸. This policy was complemented by training sessions

²³ More information about the public ceremony of signing, recognition of international responsibility and apology can be accessed at the following link: <https://www.argentina.gob.ar/noticias/el-estado-argentino-firmo-el-acuerdo-de-solucion-amistosa-en-el-caso-del-asesinato-de>

²⁴ Through this resolution, the then Minister of Security instructed the leadership of the federal security forces to adjust internal rules and practices in order to eliminate the requirement of prior authorization for members of these forces to get married.

²⁵ The resolution is available at <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-283-2023-383460>

²⁶ The documentary won the TAL 2024 award for "Best Content with a Gender and Diversity Perspective." For more information, see https://redtal.tv/storage/5180/Carpeta-Nominados_Menciones_Ganadores-PremiosTal24.pdf

²⁷ The documentary 'La imperdonable alegría. El caso de Octavio Romero' is available at <https://ar.video.search.yahoo.com/search/video?fr=mcafee&ei=UTF-8&p=canal+encuentro+romero&type=E210AR714G0#id=3&vid=663b70a4864f25e99e90154b807778d9&action=click>

²⁸ Resolution 919/2023 is available at <https://www.boletinoficial.gob.ar/detalleAviso/primera/300331/20231207>

aimed at candidates for federal security forces and the production and distribution of a Handbook on Sexual Diversity²⁹.

From the Public Prosecutor's Office, in addition to its commitment to collaborate with the prosecutor handling Octavio Romero's case, UFEM took on the task of reviewing and adapting its Protocol for Investigating and Litigating Violent Deaths of Women (Femicides) to incorporate a sexual diversity and gender perspective in cases of prejudice-motivated crimes, through a 24-month work process.

The then Ministry of Women, Genders, and Diversity also made significant commitments. The strengthening of the Body of Lawyers for Victims of Gender-Based Violence was agreed upon, and by the end of 2023, general guidelines for addressing transvesticides, transfemicides, transhomicides, and homicides based on sexual orientation, gender identity or expression, or sexual characteristics were publicly presented.

Lastly, as part of the pecuniary reparation measures, the creation of an ad hoc arbitral tribunal was agreed upon to determine the amount that might be owed to Gabriel Gersbach. Shortly before leaving office, the then President of the Nation formally approved the agreement by decree and ordered the constitution of the tribunal³⁰.

On May 2024, the Inter-American Commission on Human Rights approved the friendly settlement and publicly disseminated it as an example of successful reparation³¹.

III. Final considerations

Friendly settlements can serve as meaningful tools not only to redress past violations but also to guide current institutional transformations and prevent future abuses. The agreements and implementation processes described herein provide concrete evidence that the State can acknowledge historical responsibilities, offer reparative responses to victims of structural violence, and advance profound change—provided there is clear political will and sustained coordination among various agencies committed to human rights.

In the cases described, bureaucratic inertia was overcome, resistance was confronted, and key alliances were built, enabling international commitments to move beyond abstract promises and become tangible measures of justice and reparation.

²⁹ The Handbook is available at https://www.argentina.gob.ar/sites/default/files/cuadernillo_de_diversidad_sexual_y_derechos_humanos_para_las_fuerzas_policiales_y_de_seguridad_federales.pdf

³⁰The Decree 692/2023 of December 5, 2023 is available at <https://www.argentina.gob.ar/normativa/nacional/decreto-692-2023-394509>

³¹The Commission's statement can be accessed at https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/317.asp&utm_content=country-arg&utm_term=class-sa

Nevertheless, much remains to be done to ensure that these initiatives lead to sustainable and lasting transformations. The effectiveness of the actions undertaken will ultimately depend on their consolidation and integration into the daily practices of the judicial system and the security forces.

In the cases of Olga del Rosario Díaz, S.P.I., and Octavio Romero, significant steps were taken towards raising awareness and building capacity within the judiciary. The creation of a public registry of complaints against magistrates and the incorporation of gender-related content into training programs represent critical measures toward establishing a justice system that is more accessible and responsive to victims of gender-based violence and bias-motivated crimes. However, these actions do not guarantee immediate structural transformations. Their real impact will depend on the ongoing commitment of authorities to ensure their long-term implementation.

The acknowledgment of international responsibility and the State's public apologies, while symbolically significant, should not be regarded as the conclusion of the reparation process. These gestures are fundamental for bringing visibility to the violence experienced by victims, but they must be part of a more comprehensive approach that ensures non-repetition of such acts.

Despite the reforms introduced, practices within the judicial system remain fragmented and, in many cases, resistant to change. The measures adopted are still at an early stage, making it difficult to ensure that a true structural transformation has taken place. For example, reciprocal access between civil and criminal jurisdictions and the revision of investigative protocols are important modifications, but their impact depends on their effective integration into the everyday work of justice system operators.

The real challenge lies in ensuring that the measures adopted translate into a culture of inclusive, stereotype-free justice. Continuous training for judicial and law enforcement personnel, the development of specific protocols, and the active participation of victims in decision-making processes are essential steps that must be strengthened and expanded. This is the only way to ensure that the rights of women, girls and LGBTIQ+ people are effectively respected and that these processes contribute to a deep and lasting structural transformation within justice systems.