

# PROPOSAL

*September 2020*



The Global Survivors Fund is an innovative collaboration between multiple stakeholders to help achieve an ambitious goal:

**To enhance access to reparations and other forms of redress for survivors of conflict related sexual violence across the globe**



## Background

The Global Fund for Survivors of Conflict-Related Sexual Violence, the 'Global Survivors Fund' or 'the Fund' for short is a **multi-stakeholder entity**, whose board is led by Nobel Peace Prize laureates Dr. Denis Mukwege and Ms. Nadia Murad, and which also includes survivors and State representatives. The Fund brings diverse stakeholders together in an innovative public-private partnership to enhance access to reparation **and other forms of redress** for survivors of conflict-related sexual violence.

The overall objective of the Global Survivors Fund is to ensure survivors of conflict-related sexual violence have access to reparations and other forms of redress, globally, including where the states or other parties responsible for the violence are unwilling or unable to providing reparations.

Specific objectives are:

- Successful reintegration of survivors of sexual violence into their communities.
- A proven survivor centric, community-based model supported internationally by multiple stakeholders.
- Global acceptance of the moral imperative to provide survivors of sexual violence with holistic reparations.

## The Rationale

Conflict-related sexual violence occurs with haunting frequency and is systematically used to destroy and terrorize not only individuals but entire communities. Perpetrators target civilians with grotesque violence that can involve gang rape, sexual slavery and other horrific acts. Survivors face a cascade of consequences, from permanent physical injuries, to long term debilitating trauma. These crimes, committed across entire communities, spread diseases, destroy family ties and inflict harm over generations. Their consequences are further exacerbated by poverty and stigma. Survivors live with the double burden of the violence and of being shunned by their communities.

Only a tiny minority of survivors of sexual violence worldwide ever receive reparations awarded by a formal justice mechanism. In addition to the sheer absence of a judicial infrastructure in many contexts, numerous hurdles prevent survivors from initiating proceedings, including widespread corruption, high legal fees, fear of reprisals and stigmatization. Moreover, survivors can rarely identify their perpetrators, as attacks often happen at night by armed militias, unknown to the community, or because individuals have been gang raped. Even in the rare cases where survivors have successfully brought proceedings against their attackers, and reparations were awarded by the courts, the procedures for obtain reparations is often transferred from the criminal to the civil courts, a



time-consuming and expensive procedure that prevents most survivors from ever receiving compensation.

The lack of formal acknowledgement and justice contribute greatly to survivors being unable to reintegrate into society. Moreover, it has an extremely negative impact on communities' ability to heal and prosper after wartime violence.

Access to reparations and other forms of redress for survivors of sexual violence has not been a high priority on the policy agenda at the international, national, or local level. For survivors however, reparations is a priority.

*SEMA*, a leading global survivors' network supported by the *Mukwege Foundation*, has been advocating for reparations for over two years. Members of this network, consisting of victims of conflict-related sexual violence from more than 20 countries, came together in 2017 to determine their global advocacy priorities. Members of the network stated unequivocally that reparations and other forms of redress must be a priority for the international community.

For survivors reparative justice is crucial – it recognizes the harm inflicted on victims, provides financial or other material support to survivors so they can rebuild their lives, and can play a deterrent role.

However, since most survivors do not have access to formal justice mechanisms, their access to reparations is severely limited. According to survivors, out-of-court reparations and redress can provide a pathway for healing, acknowledgement and also condemnation. These types of redress are a formidable strategy for reintegrating into their communities and have a truly transformative impact. By aiming to repair the harm caused by gross human rights violations, holistic redress is at the core of survivors' demands to get back a life of dignity, respect, and equality.

## **The Fund**

Through collaboration between multiple stakeholders who assume a shared responsibility to achieve transformative change for CRSV survivors, the Fund **addresses an implementation gap** long identified by survivors and is a complement to existing efforts to prevent sexual violence and to provide justice and holistic care.

The Fund was officially launched on October 30<sup>th</sup> 2019 in New York, USA and is registered and has its Secretariat in Geneva, Switzerland.

The Fund's work builds upon the long-standing advocacy efforts of the OSRSG-SVC, the work of the Dr. Denis Mukwege Foundation ('Mukwege Foundation') and Nadia's Initiative, and is a direct response to the priorities established by survivors of conflict-related sexual violence worldwide.



The Fund's strategy is shaped by survivors from around the globe, united by "SEMA", an initiative established and supported by the Mukwege Foundation. SEMA is a Global Network of Victims and Survivors to End Wartime Sexual Violence. SEMA literally means "Speak Out" in Swahili. Over 2000 survivors of wartime rape from 21 countries in Africa, South America, the Middle East and Europe are represented by the SEMA Network.

The fundamental principle of the Fund is its **survivor-centred nature**. Placing the voices of survivors at the center ensures programs are initiated locally and outcomes benefit the individuals and communities they are designed to serve. Driven by the bottom up, rather than the top down, the approach is rooted in the notion that community driven development creates long-term sustainable change. The Fund seeks to complement efforts to prevent sexual violence, to ensure justice and provide holistic care, including where states or other parties responsible for the violence are unwilling or unable to provide reparations.

The Fund was acknowledged and endorsed by the UN Secretary-General in his statement to the Security Council on conflict-related sexual violence in April 2019 and language referencing the Fund was included in Security Council Resolution 2467. The G7 also recognized its support for the Fund in its August 2019 Declaration on Gender Equality and Women's Empowerment.



## The Challenge

Victims of sexual violence face overwhelming challenges in communities worldwide and while reparations are considered a “right” victims are rarely awarded them and often shunned from their communities and families and left destitute.

### Purpose:

Foster collaboration between stakeholders and create an innovative partnership to address the needs of survivors of sexual violence in conflict.

### Vision:

Our vision is to change the lives of survivors of sexual violence and stimulate peace, security and economic growth in post-conflict communities.

### Mission:

To ensure survivors of conflict related sexual violence across the globe have access to reparations and other forms of redress

### We Know That:

- Reparations are considered “a right” but that the vast majority of survivors do not receive any kind of reparation.
- Reparation mechanisms not linked to criminal justice proceedings can compliment court-ordered financial awards.
- Despite international support for reparative justice, a systematic approach has yet to be designed and implemented globally.
- Reparations are not only an integral part of individual healing but provide acknowledgment and condemnation, which are key to challenging stigma, building peace and facilitating community reconciliation.

### GOALS:

1. Using innovation and collaboration, establish a survivor centric, public/private partnership designed to unleash \$50-100 million USD to deliver reparations globally by 2023.
2. Build an evidence base that demonstrates the positive impacts of reparations for victims of sexual violence, their families and communities.
3. Transform the lives of thousands of victims of sexual violence through reparations and other forms of redress.
4. Transform the international policy agenda to prioritize reparations and encourage national governments and the international community, collectively, to accept a responsibility to act.

## ANTICIPATED OUTCOMES

**To promote an innovative, collaborative model for reparations that fosters partnership amongst all stakeholders and results in personal healing for survivors of conflict-related sexual violence and contributes to peace, justice and community development.**

## Main Pillars of Work

The Fund adopts a three-pillar approach to fulfil its mission:

- I. **Supporting** locally designed interim reparations programmes / transformative reparative measures through civil society organisations; These projects include compensation (individual or collective), often with elements of livelihoods, coverage of education costs/medical care/other needs determined by survivors. Projects can also include symbolic measures, such as commemoration initiatives.
- II. **Advocating** to improve access to reparations and other forms of redress, both at the international and national level, including through support to civil society.
- III. **Providing** technical assistance to States and civil society to design effective, gender-sensitive and impactful reparations programmes and the collection and dissemination of good practice in the field of reparations.

These three main pillars of work will hope to:

- **Transform the lives** of thousands of victims of sexual violence through reparations and other forms of redress.
- **Use innovation, collaboration and a survivor-centered** approach to program development to shift the way in which programs are designed to include survivors in all aspects from inception to implementation.
- **Build an evidence base** that demonstrates the positive impacts of reparations and other forms of redress for victims of conflict-related sexual violence, their families and their communities.
- **Influence the international policy** agenda through advocacy and partnership, to prioritize reparations and encourage national governments and the international community, collectively to accept a responsibility to act.



## Approach and Guiding Principles

The Fund is a mechanism to raise and allocate resources for reparations programs and other forms of redress including where states or other parties responsible for the violence are unwilling or unable to provide reparations. The Fund contributes to the development of those programs, provides technical advice, collects and disseminates good practices, and advocates for duty-bearers to assume responsibility.

1. The Fund supports programs that respond to conflict-related sexual violence. For the purposes of the Fund, 'conflict-related sexual violence' is sexual violence that
  - occurs in situations of armed conflict **and** is directly linked to the armed conflict; or
  - occurs in a widespread or systematic manner which results from an armed conflict.
2. 'Survivors' are understood as those individuals upon whom sexual violence was perpetrated. The programs supported by the Fund will be for the benefit of survivors and for other individuals who were adversely affected by the sexual violence, such as survivors' children – including children born of rape - and other family members.
3. The Fund's approach is based on the recognition of the *right* to reparations and redress of survivors of conflict-related sexual violence. This is set out in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by the General Assembly in 2005.
4. Reparation includes a variety of remedies for victims of human rights violation: **restitution**, to restore survivors lives to the circumstances prior to the violence; **satisfaction**, which includes for example, establishing the truth, fact-finding, justice and apologies; **rehabilitation**, to ensure the survivors' needs are met, for example to address the medical and psychological care; **compensation**, to provide for continued medical cost and loss of livelihoods, but also for moral damages; and **non-repetition**, to try to ensure that others do not suffer in the same way, for example by law-reforms.
5. The Fund responds to a call by survivors to contribute to fulfilling their right to redress under international law. The Fund considers that 'reparations' and 'redress' are broad notions and adopts an expansive understanding of these terms beyond a traditional interpretation focused on formal justice mechanisms.
6. The Fund will support a range of programs that acknowledge the wrongdoing to survivors of conflict-related sexual violence and provide other forms of redress for the harm done to them. These programs include but are not limited to:



- a. 'Interim reparation' packages with elements of livelihoods, coverage of education costs/medical care/other needs determined by survivors. These can be individual or collective and can also include symbolic measures, such as commemoration initiatives
  - b. Technical support to governments and civil society in establishing legal frameworks and survivor-centric mechanisms for reparations
  - c. International advocacy and support to civil society in advocating for reparations
7. Support by the Fund is not intended to release states, armed groups or individual perpetrators from their own responsibility to provide reparations. The Fund strongly supports the principle that reparations are the responsibility of the relevant wrong-doers and through its advocacy work will seek to hold states and other responsible parties (armed groups and individual perpetrators) accountable.
8. All programs supported by the Fund will be *complementary* to other responses provided and *without prejudice* to efforts to obtain reparations through formal justice mechanisms.
9. Specific criteria and procedures for inclusion of survivor groups and/or individuals are formulated at country-level. The Fund will prioritize its support for programs for the benefit of survivors who are still alive.
10. When evaluating and prioritizing contexts for near future operations the Fund takes into consideration a number of factors with the notion of "leave no one behind", including:
  - Settings where sexual violence has been used in widespread / systematic manner
  - Availability of a coalition of multiple stakeholders including strong civil society partners
  - Unmet reparation needs of survivors /victims of conflict related sexual violence
  - Absence of accessible and effective local remedies
  - Presence of or potential for a national survivor network
  - Security context that allows for regular visits for Fund support
  - Urgency & Momentum
  - Complementarity with other responses
  - The Fund will prioritize its support for programs for the benefit of survivors who are still alive.
11. Proposals submitted to the Fund must directly benefit survivors of conflict-related sexual violence. Proposals must be developed with significant participation of individual and/or groups of survivors to uphold the Fund's survivor-centric approach.
12. Proposals will be evaluated by the Secretariat in consultation with a Technical Advisory Panel (see Annex 1). The Secretariat will assist implementing partners in developing proposals that fall within the Fund's criteria, not in the least, survivor participation in the design and all other phases of the project.





## Pilot Projects

In order to test the Fund's unique approach and serve as an example of good practice, the Fund - though still in its infancy - currently runs three pilot projects in the **Democratic Republic of Congo, Guinea and Iraq** to implement individual and collective interim reparations for CRSV survivors, by supporting local partners to identify survivors and then to include them in the design of the project to implement interim reparations. In addition, there is a **Country Mapping Study**.

By testing modalities, measuring impact and documenting lessons learned, these projects aim to demonstrate that reparations for CRSV survivors are indeed possible, despite the many challenges.

### Guinea

The Fund's pilot project aims to provide individual and collective interim reparations to survivors of sexual violence committed during the stadium massacre in 2009. It also aims to promote the effective creation of the Compensation Fund for victims of violence during the stadium violence, as envisaged by the government and implementation of a comprehensive reparations policy.

The practice of rape and other forms of sexual violence marked the violent repression of a public rally opposing the continued rule of self-proclaimed President Dadis Camara on 28 September 2009 in Conakry. Three months later, the United Nations International Commission of Inquiry qualified the sexual violence committed by the security forces, including rape, sexual slavery, and sexual mutilation against at least 109 women, as crimes against humanity.

Ten years after the events, the situation for the survivors of sexual violence has not much improved. In depth survivor consultations conducted by the Global Survivors' Fund with 35 survivors in October 2019, showed that 34 women had been driven out of their homes by their husbands or their husbands' families. All had lost their jobs. Completely stigmatized and often left alone with their dependent children and extremely impoverished, their entire lives are still marked by these crimes 10 years after they were committed (see Appendix 1).

### Democratic Republic of Congo

The objective of this pilot project is to implement individual and collective interim reparations measures for around 850 survivors in South and North Kivu and in Kasai. This project, which includes an important advocacy component, ultimately aims to promote the adoption of a national reparation policy for survivors of sexual violence during the conflict in the Democratic Republic of Congo. It includes a multitude of actors: survivors, civil society, reparation experts, United Nations, judicial actors, and actively involves the



authorities. By testing modalities, measuring impact and documenting lessons learned, this project aims to demonstrate that reparations for survivors are possible, despite the many challenges.

Ultimately, this initiative is intended to contribute to the establishment of a National Reparations Fund, managed and financed by the state, in close collaboration with the survivors themselves as well as civil society actors. This will be in accordance with the commitments made by the government in the framework of its National Strategy for Combating Gender-Based Violence (1) and most recently in the Addendum to the Joint Communiqué on the Fight against Sexual Violence in Conflict between the government of the DRC and the UN (2) (see Appendix 2).

### Country Mapping Study

The study is being conducted to do a comprehensive mapping study of conflict-related sexual violence in 10-15 priority countries. The purpose of this study is to provide an independent assessment of conflict-related sexual violence and the related key elements with respect to survivors' access to reparations. The data collected from this study will be compiled in a comprehensive report which can be used for advocacy and resource mobilization purposes, at both the national and international level. In conjunction with the operating principles of the Fund, this study will also allow the Fund to prioritize country initiatives and advocacy work. (see Appendix 3). This framework is a working document and some of the language and definitions are being revisited.

## **Advocacy**

Advocate for duty bearers to accept responsibility for the harms committed.

- One on one targeted advocacy with government officials in select countries.
- Engagement of international actors, national and local actors in policy discussions.
- Facilitating partnerships for strengthening partners capacity in advocacy through training and access to local advocacy platforms.
- Advocacy with global and regional 'influencers'
- Awareness raising of the importance of survivor centric approaches to reparations and redress.

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<sup>1</sup> In section D.3, the Action Plan of the National Strategy provides for the creation of a reparation fund mechanism for victims of unidentified or insolvent perpetrators (D.3.3.).

<sup>2</sup> Addendum to the Joint Communiqué on conflict-related sexual violence between the Democratic Republic of the Congo and the United Nations, signed on 3 December 2019, p. 4 under Justice: The Government commits itself in the medium term, without prejudice to the immediate payment of reparations established in judicial decisions, to speed up the process of adopting a law establishing a Reparations Fund for victims of conflict-related sexual violence and to ensure its funding and operationalization.



## Technical Advice

Provide technical assistance to governments willing to develop and implement comprehensive reparation programs for survivors.

- Create working groups internationally to develop best practice around key issues for comprehensive reparations.
- Build one on one relationships with national governments to provide support to address reparations in a localized, country specific manner.
- Facilitate working relationships between national governments and local survivor groups and civil society
- Identify policy and technical obstacles for developing and implementing reparations for CRSV survivors at national and international level
- Expert advice & technical assistance to help design reparation programmes
- Disseminating good practice – facilitating exchanges between countries
- Assemble and create guidelines and training materials on principles and best practices for survivor centric reparation programs



<b>ORGANIZATIONAL GOAL</b>	<b>Using innovation and collaboration, establish a survivor centric, public/private partnership designed to unleash \$50-100 million USD to deliver access to reparations&amp; redress globally by 2022.</b>	<b>Build an evidence base that demonstrates the positive impact of reparations for victims of sexual violence, their families and communities.</b>	<b>Transform the lives of thousands of victims of sexual violence through reparations and other forms of redress.</b>	<b>Transform the international policy agenda to prioritize reparations and encourage national governments and the international community, collectively, to accept a responsibility to act.</b>
<b>GROWTH STATEMENT</b>	Work with a range of stakeholders to secure multi-year commitments and unique funding strategies so consistent funding can be channeled to survivors globally.	Using data gathered from projects build a body of best practices that can be used by policymakers and implementers to mandate and design reparation and other forms of redress.	Support locally driven initiatives that are survivor centric, survivor led and provide opportunities to reintegrate survivors into their communities and reduce stigma in their communities.	Build a multi-stakeholder advocacy effort to ensure reparations becomes an integral part of post-conflict development.
<b>MEASURES OF SUCCESS</b>	<ol style="list-style-type: none"> <li>1. Donor Growth</li> <li>2. Composition of Funding Base</li> <li>3. Geographic Diversity of Funding Base</li> <li>4. Donor Retention Rate</li> </ol>	<ol style="list-style-type: none"> <li>5. Demonstrated track record of portfolio of best practices.</li> <li>6. Diversity of programmatic achievements</li> <li>7. Innovative Monitoring and Evaluation Mechanism</li> </ol>	<ol style="list-style-type: none"> <li>8. Emotional &amp; Physical Well-being of Survivors</li> <li>9. Economic Opportunities for Survivors</li> <li>10. Community Acceptance of Survivors</li> </ol>	<ol style="list-style-type: none"> <li>11. Increased "Acceptance of Responsibility" by National Governments in the form of National Actions plans</li> <li>12. Regional recognition for rights</li> <li>13. Donor engagement with respect to reparations and redress with governments in post-conflict settings</li> </ol>



## COVID-19 and how it affects conflict-related sexual violence

The coronavirus pandemic has a dramatic and disproportionate impact on marginalised groups around the world, not in the least on survivors of conflict-related sexual violence. Although empirical evidence regarding the links between COVID-19 and the prevalence and impact of conflict-related sexual violence is still scarce, past situations can provide a good understanding of the links between infectious disease epidemics and violence against women and children, including sexual violence in conflict situations.

The restrictions related to COVID-19 **compound existing structural, institutional, and socio-cultural discrimination and exclusion that many survivors face**. Unequal gender relations and patriarchal norms have a negative impact on survivors of sexual violence, who are often rejected by their communities. These norms are exacerbated at times of crisis, with the potential to further increase the isolation survivors face. What we often hear from survivors of sexual violence from around the world, is what they need most to keep their heads above water during the crisis, is what they lack most: support by a network and economic support.

The imposition of quarantine, curfews, and other movement restrictions to prevent the spread of COVID-19 already hampers the ability of those subjected to sexual violence to report sexual violence, which is already a hugely under reported crime. **There is a risk addressing conflict-related sexual violence will drop of the political agenda** of national governments and the international community. Quarantine and emergency measures may also increase the risk of abuse by state actors. For example, an important training programme for the security sector in Southern Sudan, set up in accordance with the joint communiqué signed by the Government of the South and the Office of the Special Representative for Sexual Violence in Conflicts in 2014, has been suspended indefinitely.

Quarantine and other restrictions on movement are also beginning to **disrupt the work of organisations trying to support survivors**, such as humanitarian aid organizations. The Fund adopts localized approach, relying on grassroots organisations that are often the most flexible and responsive to changing realities.

In addition, shelters and **safe areas have been temporarily closed** or are being redeveloped for the COVID-19 sponsor. Quarantines, curfews, school closures and other movement restrictions have a negative impact on survivors' ability to physically access services, even if they exist.

The fight against impunity for sexual violence is a fundamental aspect of the deterrence and prevention of such crimes. It is also a key element in compensating victims. **COVID-19 is expected to have a significant and detrimental impact on all aspects of the rule of law** response, including the accountability of conflict-related sexual violence. This includes limitations on the availability and capacity to receive and process reports of sexual violence by law enforcement and judicial authorities. In addition, investigative work, preliminary hearings and trials are likely to be limited, leading to delays in the judicial process, further



undermining the confidence of survivors in the justice system and encouraging perpetrators. It should be noted that in many countries, court officials have received advice or instructions to stay at home. In addition, difficulties in accessing medical facilities may further hamper access to justice, as survivors of sexual violence cannot obtain medical reports, which is a prerequisite for starting legal proceedings in many legal systems. As a first indication of the impact of the pandemic, a large-scale investigation into a gang rape in the DRC has been suspended due to concerns about COVID-19, and trials with a high level of public participation have been blocked due to restrictions on freedom of movement and demands for physical distance. This will undoubtedly put pressure on survivors' access to judicial redress - and **the stronger the call for alternative solutions, such as interim reparations** such as those supported by the Fund.

Finally, as COVID-19 puts even more pressure on already fragile institutions of governance, security, health and the rule of law at national level, there is a risk that the dynamics of conflict in situations of concern will be exacerbated. This in turn may **exacerbate incidents, patterns and trends in these conflicts, including the use of sexual violence as a weapon of war and terror**, with reduce international and media scrutiny. It is feared, for example, that terrorist groups such as Al-Shabaab and Boko Harm have intensified their attacks during the pandemic<sup>3</sup>.

At this critical time, it is essential that donors continue to support conflict-related sexual violence, and the urgent needs of survivors, to mitigate the effects of COVID-19. The work of the Global Survivors Fund will continue to put pressure on governments while at the same time facilitating concrete actions through grassroots organisations, to support survivors in their lives, as there is no time to lose.

### **Proposal Objectives**

The overall goal of this proposal is to request funding for the wide range the activities carried out by the Fund as mentioned above but in even more so in this very particular time of COVID 19.

### **Activities**

The Fund hopes to conduct the above-mentioned activities in an initial 3-year time-frame 2021-2023 and would like this proposal to cover from October 2020 to December 2021.

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<sup>3</sup> OSRSG (2020) *Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence, Policy Brief*



## **Potential Risks, Hazards, Barriers**

The Fund has sought to mitigate potential risks by identifying potential hazards and strategically addressing how best to reduce the impact of such challenges. However, we recognize while certain risks will be universally, there will also be some challenges that need to be addressed for each context in which we work.

### Perverse incentives

Consideration has been given to so called “perverse incentives” – i.e. the risks that benefits would go to persons falsely presenting them as victims of sexual violence. While the Fund recognizes this is a potential concern including for donors, it must be noted that this arises in relation to *all* forms of assistance. The Fund will take all feasible precautions, including by implementing a sophisticated monitoring, evaluation and screening system and implementing best practices. This said, it is the collective experience of survivors that “perverse incentives” are not a significant concern for programmes in this field: very few individuals are likely to falsely claim that they have been subjected to sexual violence, with the consequent severe stigmatisation – despite what is often reported in the media. The Fund’s bottom up approach will also help to insulate programs from ‘perverse incentives.

### Sexual exploitation and abuse

The Global Survivors Fund recognizes that working in post-conflict settings brings significant challenges. Sexual exploitation is a potential risk in vulnerable populations where power dynamics result from financial and decision-making activities. However, the Fund will utilize thorough safeguarding measures and a strict conduct of conduct and will have a focal point raising concerns.

### Conflict

The majority of projects funded will be in post-conflict settings and in some cases active conflict areas. As a result, the Global Survivors fund must take account of a complex and moving pattern of localised conflicts and violence.

### Financial Risks

Financial risks relate both to the management of project funds at an organisational level (operational), and the potential risks to beneficiaries receiving funds in an impoverished and unequal social context. Mitigating factors include:

- All project partners will follow existing protocols and strict safety procedures established by the Fund
- Minimise intermediaries and implement clear procedures for sign-off for the dispersing of funds. Use mobile phones to transfer funds where available so there is a digital record.



- The Fund will support local actors in taking measures to ensure all records about victims of sexual violence and the crimes perpetrated will be protected against theft, arson or other destruction. Data will be encoded to protect the identity of beneficiaries and backed up using secure cloud storage. In many projects, the team allocated to local projects include a data manager.

#### Operational

Robust financial management procedures and anti-corruption measures will be put in place to avoid corruption, embezzlement and financial mismanagement. Transparent guidelines and decision-making procedures for awarding assistance will be shared with and explained to all project partners. Project partners will be carefully selected and project locations will be selected taking into consideration security matters. All project partners will follow existing protocols and strict safety procedures established by the Fund

#### Beneficiaries/Survivors

Bottom up project design, working with survivor movements to prepare communities for this project, to manage expectations, and defuse potential conflicts. Trained 'focal points' (community workers) will accompany beneficiaries to give financial advice, training and support, and to monitor that survivors really do receive the funds, and that it is not commandeered by family members. Material assistance can be awarded to survivors in several tranches, and as explained above we intend to use non-monetary vouchers for e.g. medical or education fees where possible.

#### Social Risks

We will follow "Do No Harm". The Fund is aware of the many risks in providing material assistance including, singling out certain individuals, creating tensions in a community, or increasing stigma or retaliation. There is also a risk of survivors being retraumatized by having to repeat their testimony. The Fund will make a concerted effort to use existing sources that are available. Additionally, the Fund will mitigate many risks by ensuring:

- Projects will focus on "targeted" communities where assistance will be able to reach all or most survivors to avoid creating additional tensions.
- Communities will be involved in the process throughout, and awareness-raising sessions will be conducted to manage expectations and community relations.
- The survivor movement will be involved throughout to design the material assistance scheme, to ensure that project partners take the risk of stigmatisation into account (e.g. awarding material assistance anonymously).

#### Political Risks

Projects will be designed to gain government buy-in and support, however we have no direct control over these political forces. Mitigating factors include:

- Use pilot project strategies to test this approach and serve as an example of good practice.
- Ensure partners are engaging with government and local authorities from the very start of the consultation process, to maximise the chances of interest and participation.





### COVID-19 related Risks

Some of the activities, especially in the field, will be considerably delayed if the COVID-19 situation does not improve. In that case, we will re-evaluate the situation by the end of this year and adapt our timeframe accordingly. If the situation improves, activities can start by the end of this year.

### **Sustainability**

The Fund will seek to establish a permanent pool of capital to support programs to assist survivors of conflict-related sexual violence access reparations and other forms of redress. Using a financial strategy based on business principles, the Fund will seek to leverage every dollar committed to the Survivors' Fund. The Fund aims to unleash US\$ 50 - 100 m by 2023 for survivors of sexual violence. Thus far the Fund has secured approximately 24 million Euros to be dispersed over a 3-year period. This funding will be supplemented by additional funds from other governments, foundations and the private sector. The Fund aims to spend 90% of its income on programs and 10% on core costs. Of the 90% on programs, 80% will be on direct support to survivors.

The Fund's focus on financial sustainability will allow its programs, initiatives and actions to remain fluid creating impactful, sustainable change. By investing in interim reparations programs, the Fund will create sustainable change for survivors and their communities. Reduced stigmatization will allow survivors to re-engage in livelihood activities which will have a positive impact on the economic stability of their communities and families.

Advocacy and technical assistance will lead to policy change and local engagement of multiple stakeholders.

At an international level we anticipate that through our advocacy work, policy commitments from governments and other relevant stakeholders will demonstrate a shift in understanding of a more expansive view of reparations and redress.

### **Monitoring arrangements**

Rigorous monitoring and evaluation will be conducted at all levels of the Fund to assess organizational effectiveness as well as programmatic achievements. Rigorous data collection will not only inform decision-making about programs and funding but will also help to develop good practice to support policy development and advocacy for structural change.



With the support of an external evaluation body, the Fund will implement a rigorous evaluation system to track both qualitative and quantitative results, including but not limited to:

1. The effectiveness of the Fund
2. The impact of various types of programmes
3. The effectiveness of a survivor-centric, community-driven approach

#### Evaluating the effectiveness of the Fund – performance indicators

Evaluating the effectiveness of the Fund will be based on a set of high-performance indicators for each organisational goal, taking into consideration factors such as: donor growth and retention rate, the composition of the funding base, cost effectiveness, diversity of programme activities, a well-functioning Board, strong relationships with network of reparations experts, numbers of survivors that have access to reparations and geographic coverage.

The Fund will seek to establish benchmarks for achieving results against these indicators.

#### Evaluating various types of programmes

The Fund has established a partnership with the Netherlands Institute for the Study of Crime and Law Enforcement (NSCR), Amsterdam. Together with the University of Tilburg, researchers associated with this institute have experience in assessing the impact of reparations programmes.

This research team has developed a rigorous framework for evaluating different kinds of programmes supported by the Fund. Using an innovative research method, survivors themselves play a key role in determining what exactly they would like to see changed in their lives, which forms the basis of the impact indicators. The framework includes indicators to measure the overall impact the reparations / redress programme had on survivor well-being, such as emotional well-being of the survivor (e.g. dignity, self-esteem, stigma). In addition, the framework also allows for an evaluation of the impact of specific programme components. For example, a programme designed to deliver compensation through livelihoods support or financial support, might be quantitatively measured (objective goals), such as 'the number of children going to school'.

This methodology is currently being tested in Guinea and will also be used in DRC and Iraq. This will eventually allow for the development of a standard Monitoring and Evaluation Framework for future activities supported by the Fund, adaptable to the local context.



### Evaluating the effectiveness of a survivor-centric, community-driven approach (survivors involved in programme development)

The purpose of evaluating the effectiveness of a survivor-centric, community-driven approach is a critical element in proving that survivors are the best suited to determine the interventions that will serve them best. Another purpose is to illustrate that local solutions to local problems is the strongest strategy. Important questions to take into consideration include:

- has the programme has taken the needs of survivors into account? If so, to what extent?
- To what extent has the programme adhered to participant action research? In answering these questions, the Fund would seek to demonstrate that interventions that consider the nuances of location, culture and context are best suited to serve the needs of survivors, and that giving survivors the power of designing their own programmes has the most impact and produces positive outcomes.

### **Communications**

Raising awareness and communicating the impact of the Fund's programmatic work is an important goal of the Fund. The Fund will use social media channels, its website and engagement in international events and conferences to highlight the outcomes of pilot projects and the commitment of its donors, including the European Union. Concrete activities to ensure targeted communications include, but are not limited to:

1. Development of a core messaging framework
2. Audience Mapping to Ensure key Messages are communicated directly to target audiences
3. Creation of visual assets including still photos and video
4. Development and dissemination of country specific work and training manuals

### **Conclusion**

The Fund's activities fully fall in line with the requirements of the call for Proposal and meet all the criteria. Support from the Belgian Government Directorate-General Development Cooperation and Humanitarian aid – D2.5 FPS Foreign affairs, International Trade and Development Cooperation will be extremely timely and pertinent and would significantly contribute to ensure survivors of conflict related sexual violence across the globe have access to reparations and other forms of redress.



## Annex 1 – TECHNICAL ADVISORY PANEL

### Technical Advisory Panel

#### Role

The Technical Advisory Panel (TAP) is an independent body of experts primarily responsible for evaluating proposals submitted to the Global Survivors Fund. The TAP, in conjunction with the Secretariat, reviews proposals, provides feedback and makes recommendations for funding.

In addition, throughout the process of engagement between the Secretariat and TAP members, individual TAP members may be asked for ad-hoc advice regarding technical aspects of ongoing or future projects.

The Secretariat may also invite TAP members for face to face or online workshop to seek guidance on a specific technical aspect of the GSF's work.

There may also be circumstances where the Fund engages with TAP members in a consulting capacity, for example on providing (distant) support to specific projects, while ensuring there is no conflict of interest.

#### Composition

The TAP is comprised of a geographically diverse group of individuals, including survivors, who possess relevant expertise and will engage with the TAP in their individually capacity, independently from the organizations which they might be members of. The panel members will have a wide array of experience in reparations and other forms of redress, including the following:

- extensive practical experience in establishing and/or implementing reparations and other forms of redress in conflict-affected settings
- expertise in survivor-centered and gender-sensitive reparations
- policy expertise in advancing the reparations and redress agenda at the national and or international level
- expertise in designing and implementing forms of redress outside formal judicial processes; programmatic experience may include:
  - collective reparations
  - livelihoods development
  - individual compensation and cash programming



- access to education and/or training
- preferential access to healthcare
- commemoration and or acknowledgement initiatives
  
- substantive experience in judicial and/or administrative reparation processes including:
  - mass claims processes
  - strategic litigation to enhance access to reparations
  - national judicial proceedings for reparations
  - reparations ordered through international criminal proceedings
  - reparations recommended by human rights bodies.

### **Initial Structure of TAP 2020 – 2021**

During the first two years, the Fund will be supporting a limited number of projects in pre-determined countries. During this time, the TAP shall be functioning in an informal way, with TAP members being available for ad-hoc advice regarding specific thematic and technical aspects of implementing existing or developing future projects. Projects submitted for review by TAP members shall be selected by the Secretariat based on several factors including, but not limited to: geographic diversity, urgency, variety in support to be provided (e.g. technical support vs financial support) and availability of a coalition of multiple stakeholders in-country. It is also anticipated the Fund's global study on the status of reparations for survivors of conflict-related sexual violence,<sup>4</sup> which it is currently undertaking, will provide key information guiding the Secretariat in selection of projects.

The Secretariat will seek advice from the TAP as part of group consultation and bilaterally, depending on specific expertise of different TAP members.

### **Evolution of TAP**

From end 2021, is anticipated that the Fund will support an increased number of projects. In cases whereby the GSF invites a (coalition of) in-country actors to develop a project, the secretariat will support the relevant stakeholders in designing projects that meet the Fund's criteria. In this case, relatively well-developed projects will be shared with a select group of TAP members, based on their individual area of expertise, for their feedback. It is possible that small teams will be formed to provide

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<sup>4</sup> Going forward, projects will also be selected based on the findings of the comprehensive mapping research undertaken in 2020/21. The purpose of this study is to provide an independent assessment of conflict-related sexual violence and understand key elements in relation to survivors' access to reparations, including recommendations on ways forward. The data collected from this study will be compiled in a comprehensive report. In conjunction with the operating principles of the Fund, this comparative study will allow the Fund to prioritize country initiatives and advocacy work.



comprehensive feedback on proposals and jointly make recommendations on funding allocations. Should the GSF announce a call for proposals (which will usually be rather 'narrow' call, for example focusing on a specific country, region or thematic area), with potentially many applicants, we envision a two-tiered reviewing structure facilitating objectivity, independence and balancing the time commitments of its members. A select number (Tier 1) of TAP will independently evaluate each proposal using a comprehensive scoring system designed to evaluate proposals against pre-determined criteria. The secretariat will then make a tentative selection, using the score for each proposal as guidance. If a proposal needs to be slightly amended, the program team will liaise with the submitting organizations for additional information or clarification. A preselected second group (Tier2) within the TAP will subsequently assess the selected proposals as part of a group exercise. This may involve face to face or online meetings to jointly discuss proposals, and to reach consensus on the recommendations to the Secretariat regarding program selection and prioritization.

Criteria used for the evaluation of project proposals, will be developed by the Fund Secretariat and will likely include but not be limited to:

- technical merit
- fit with Fund criteria on eligible rightsholders and contexts
- fit with Fund criteria on multi-stakeholder collaboration
- survivor-centeredness and participation
- complementarity with other responses being provided in the relevant context
- cost-effectiveness
- sustainability
- expected impact and M&E plan.

### **Remuneration and prevention of conflict of interest**

Dependent on the amount of work (i.e. more than a couple of hours' time investment a few times a year), and provided they are not restricted from accepting financial compensation for work conducted outside the organization they are employed by, TAP members will be paid a modest daily fee. This particularly pertains to the work involved in reviewing proposals or providing detailed and extensive expert input. TAP members will generally not be remunerated for ad-hoc advice or participation in workshops.

The travel and accommodations costs for workshops where members are invited to participate will be covered by the Fund.

Panel members will disclose to the Secretariat any involvement in funding proposals that may expose them to a conflict of interest and not participate in the review process related to such proposals.



## APPENDIX 1 – PILOT PROJECT GUINEA

# Pilot Project in Guinea

<b>Beneficiaries:</b>	Survivors of sexual violence during the Conakry Stadium Massacre, 28 September 2009
<b>Location:</b>	Conakry, Guinea
<b>Project Duration:</b>	September 2019 – July 2021

*“A real satisfaction for the first time since the events in the Stadium”*  
Survivor’s quote after having received the 1<sup>st</sup> part of the individual interim reparation



@RaeganHodge, Photo Voice Workshop with survivors, Conakry, February 2020



## Context and objectives

### SURVIVORS QUOTES

*"There is nothing we have not heard, how a married woman can go to the stadium and abandon her husband."*

*"People told me that even if they killed me there it wouldn't be a problem, because those who went there, they looked for it."*

The practice of rape and other forms of sexual violence marked the violent repression of a public rally opposing the continued rule of self-proclaimed President Dadis Camara on 28 September 2009 in Conakry.

Three months later, the United Nations International Commission of Inquiry qualified the sexual violence committed by the security forces, including rape, sexual slavery, and sexual mutilation against at least 109 women, as crimes against humanity.

The investigation was carried out between 2010 and 2017 and has led to significant judicial progress, including charges of rape brought against 13 alleged perpetrators. The role of the SRSF office, the ICC Prosecutor, and civil parties support by local NGOs, has been determinant in this process. However, the organisation of the trial, which has been repeatedly postponed, remains uncertain to this day. The Office of the Prosecutor of the International Criminal Court thus maintains its preliminary examination of this situation as an ongoing investigation. Although the former Minister of Justice had established a Victims' Compensation Fund by a decree<sup>5</sup> in 2018, it remains empty to date, and no reparations policy is envisaged.

Ten years after the events, the situation for the survivors of sexual violence has not much improved. In depth survivor consultations conducted by the Global Survivors' Fund with 35 survivors in October 2019, showed that 34 women had been driven out of their homes by their husbands or their husbands' families. All had lost their jobs. Completely stigmatized and often left alone with their dependent children and extremely impoverished, their entire lives are still marked by these crimes 10 years after they were committed.

The Fund's pilot project thus aims to provide individual and collective interim reparations to survivors of sexual violence committed during the stadium massacre in 2009. It also aims to promote the effective creation of the Compensation Fund for victims of violence during the stadium violence, as envisaged by the government and implementation of a comprehensive reparations policy.

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<sup>5</sup> [Arrêté of the Minister of Justice A 2018/3173/MJ/CAB](#) du 9 avril 2018, portant création, organisation et fonctionnement du comité de pilotage du procès des événements du 28 septembre 2009 ; Arrêté of the Minister of Justice 5348/MJ/CAB/2019 du 26 août 2019 , portant création, attributions, organisation, fonctionnement des organes chargés de l'organisation du procès des événements du 28 septembre 2009





## Survivor consultation at the heart of the process

### SURVIVORS QUOTES

*"Reparation is putting victims in their rights"*

*"Reparation is to secure the future"*

*"Reparation... is something that can make...diminish the burden of the person inside. I want to be a hero in front of the people who called me everything. I'm proud and I'm there, strong and determined with my children. It's the honour of the person in front of the children, it would make me strong and give me the honour I sought"*

Survivors of sexual violence can best answer the question of what individual and collective interim reparations would serve them and will have a lasting impact on their lives.

This requires a survivor-centred approach, which is consistent with the Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence, as well as the report of the UN Expert Team on the Rule of Law/Sexual Violence Committed in Conflict in its preliminary note on reparations following the events in Guinea on 28 September 2009<sup>6</sup>.



@AVIPA, Survivors consultation, AVIPA, December 2019

<sup>6</sup> See in particular the Secretary-General's Guidance Note, Reparations for conflict-related sexual violence, June 2014 and the Preliminary Note on Reparations following the events in Guinea on 28 September 2009, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, United Nations Expert Team on the Rule of Law/Sexual Violence in Conflict, 12 December 2014.



Throughout the pilot project, individual and collective consultations and work sessions with victims are regularly organized:

- Through their membership of the Steering Committee, survivors contribute to the development and monitoring of the different stages of project implementation.
- Survivors are widely consulted to help define the content and implementation modalities of individual and collective interim reparations.
- Survivors play a key role in the definition of the project's impact indicators and monitoring and evaluating the process of interim reparations.

### **Partnership with implementing partners**

The project is implemented **in partnership with two national organizations**: the Guinean Human Rights Organization (**OGDH**) and the Association of Victims, Relatives and Friends of September 28 (**AVIPA**). OGDH is responsible for managing the financial compensation part of the project, whereas AVIPA oversees the individual support to survivors. The project benefits from the full-time remote support of a **consultant** who works for the Global Survivors' Fund and carries out regular missions to Guinea.

**A multidisciplinary Steering Committee** has been set up to monitor and validate the implementation of the project. The committee consists of three survivors, two civil society representatives, a lawyer, a psychologist. It maintains regular exchanges with the United Nations, in particular the Team of Experts on the Rule of Law / Sexual Violence in Conflict. The committee oversees the different stages of the project and jointly approves decisions on key aspects of the project, such as decisions related to the process for the identification of survivors; the nature of the interim individual and collective reparations and the modalities for the payment of the former as agreed with the survivors; and aspects related to monitoring the actual awarding of interim reparations.



@OGDH, Members of the Steering Committee and Coordinating Team, Conakry, January 2020

A **project coordinating team**, working with the support of the consultant, is responsible for the actual project activities and provides support to survivors (and their families, if applicable) throughout its implementation. The team is composed of two program managers, one assistant, one administrative and finance manager, two assistants working specifically on the Fund for psychological and medical support, two psychologists and one M & E assistant. The **Netherlands Institute for the Study of Crime and Law Enforcement (NSCR)** is leading the process of measuring the impact of the interim reparations. Using a participatory research method called Photo Voice, survivors themselves play a key role in determining what they want to see changed in their lives.

#### **SURVIVOR'S QUOTES**

*"I was very happy to take these pictures. For the first time since the events, I was able to go back near the stadium of 28 September, and to take a picture of the stadium. And I'm very proud of that, to have taken that step."*

*"We really enjoyed taking these pictures, to show you our life today. We are proud to be here today together. We hope that this will be published so that the whole world will know"*

*Survivors' quote on the PhotoVoice programme*

Survivors take photos of issues that are important to them; eight issues they are proud of in their lives and in the relationships with their family and community; and eight issues they see as problems as a result of the sexual violence. These pictures were collected and shared in the second series of workshops, around 6 weeks later, allowing survivors to exchange and analyse the pictures taken using the method of **'concept mapping'**.



@RaeganHodge, Survivor showing a picture of all the medicine she has to take since the Stadium's events, PhotoVoice, Conakry, February 2020

The concept mapping methodology provides a procedure to guide participants "through the generation, classification and interpretation of relationships between a set of key concepts". This way survivors played an important role in defining what they would really like to see changed through the reparations project, in other words the impact indicators.

On this basis, a questionnaire was developed, and a larger sample of survivors (100) asked to reply to the questions posed.

Note: Initially not all survivors in the project took part in the photo workshops. Upon request, it was later decided to give all survivors the opportunity to participate in the photo project as many more than 'strictly necessary' for monitoring purposes expressed the desire to do so.

**WAKILI-Entrepreneurs du Monde**, in conjunction with AVIPA and OGDH, accompany the survivors in their management of individual interim reparations (by providing training, social support, and support with issues around savings and credit). Various meetings have been organized before concluding the partnership between the survivors and WAKILI to ensure a good mutual understanding of different aspects of the collaboration and to develop this aspect of the project together.

**Involvement of other actors:** Regular information sharing, and consultations take place with the Minister of Justice, the UN and representatives of civil society and the diplomatic corps. The Minister of Justice met several times with representatives of the Steering Committee and the project coordinator, assuring them of his interest and support. It is envisaged to maintain



an exchange of information and sharing of good practices, combined with advocacy, to promote the establishment of a more comprehensive reparation policy for the victims of the 28 September. The advisory member of the project Steering Committee, (member of the United Nations Rule of Law and Sexual Violence in Conflict Expert Team) regularly informs and consults with the Representative of the Office of the United Nations High Commissioner for Human Rights. Both UNDP and the Office of the United Nations High Commissioner of Human Rights have been very instrumental in providing technical advice.

### Completed activities

Two initial phases of the project have been completed: a) extensive collaboration with survivors in the design and operationalization of the project and b) the identification of survivors. The phase of implementation and provision of interim reparation packages is in full progress.

During the first phase, the steering committee, including survivors, agreed on the **modalities** of the project, i.e. the sensitization plan, criteria for identifying survivors, the procedure and forms used for interviewing survivors, the threshold of proof required, the analysis of individual interim reparations requests and the system for supporting survivors throughout the process. The steering committee jointly agreed on the project's objectives, including the definition of individual interim reparations and collective interim reparations.

**Survivors have played an extremely important role** in providing advice and guidance on all of these issues and in particular on strategies to mitigate risks related to the payments, including those related to potential pressures and threats from those around them or even their former husbands, and on how interim reparations can have a truly sustainable effect. The committee's decisions on the process and modalities of interim reparations were informed by international good practices on the implementation of reparations programs. To date, 146 survivors (including 6 living abroad and beneficiaries of 10 deceased survivors) have been interviewed and identified as survivors of sexual violence to benefit from this project and receive interim reparations.



@RaeganHodge, One survivor in AVIPA, February 2020

### Implementation of the individual interim reparation

#### SURVIVOR'S QUOTE

*"Reparation can bring relief, but you can't forget. The more you have, the more you can work well, you can have more goods and spend better. The best thing for me would be a working capital to add to what I do, to provide for my children. If I have capital it's for me, to get my children back, I'm a fighter".*

At the start of the project, through extensive consultations and work sessions, survivors expressed their desire for interim reparations as follows: a combination of livelihood support; financial compensation; support for children's schooling/studies; and psychological and medical rehabilitation (or continuation of assistance already provided by NGOs), including payment of medical bills.

Survivors receive a package that has the same value for everyone, but which will be tailored to the specific wishes of everyone, even though the harms they have suffered may differ. This approach was strongly recommended by the survivors themselves and the committee, and is in line with international good practice, in order to avoid creating misunderstanding and tension among the survivors.

#### SURVIVOR'S QUOTE

*"I am happy with the interim reparation that allowed me to change my status from assisted to entrepreneur so thank you all."*

Accordingly, all identified survivors have started to receive their individual interim reparation packages. Survivors all receive the same amount of 1000 Euros. Depending on their individually defined 'plan' for most survivors this amount is dispersed in three instalments (2 instalments for the survivors living abroad). Some survivors choose to keep the money



temporarily with the partner NGOs for security reasons. Each survivor has developed her own plan on how to use the money. For almost all survivors this involves a tailor-made subsistence plan to become financially autonomous. For example, some chose to buy a plot of land for agriculture, another has bought a taxi-motor and an elder survivor is using the money to finish building her own house. Many survivors dedicate part of the money to their children- or grandchildren's education. All survivors participate in one-year training to support them in the implementation of their individual livelihoods plan.

*"This interim reparation allowed me to get back on track. I am truly grateful to Dr. Mukwege and all his partners. For me, the interim reparation was beneficial because it allowed me to restart my saponification by ordering a machine and a table, and thus I was able to make ends meet; I am now able to save money with Wakili."*

*Survivor's quote after the first payment of the individual interim reparation*

Survivors also receive psychological and medical support. Individual and collective psychological therapy sessions have started depending on survivors' needs identified with the psychologists. This also involves family support sessions for children and other relatives when desired. Urgent medical needs, such as fistula surgery, are being identified and will be covered by a medical fund.



@RaeganHodge, One survivor in AVIPA, February 2020

### **Wishes in terms of collective interim reparation:**

The survivors wish to establish a centre for public awareness activities, support for survivors and to organise commemorative events such as a photo exhibition using photos from the Photo Voice project. This centre would also be open to other women in the community. Plans for implementation are currently being considered.



## Distinguishing from assistance projects

This project is distinct from a victim assistance or support project in various ways.

Firstly, it focuses on some of the essential elements of reparation: recognition, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The project includes elements that would normally not be covered under an assistance project, such as financial compensation and a medical fund. Further, the interim reparations have an individual and collective aspect of commemoration aimed at restoring the honour, memory, and dignity of survivors.

Another aspect is that the project is developed *with* survivors, who, as rights-holders play an active role in defining and implementing the project. This has restorative value in itself, but moreover sends out the message that reparations are a *right* for victims following the harm suffered.



@RaeganHodge, One survivor in AVIPA, February 2020

### SURVIVOR'S QUOTE

*"This reparation has given me indescribable joy and economic independence, because today I undertake my activities without asking for help from others. So I am very happy for that."*

It is important to emphasize the fundamentally restorative nature of this whole process. Being involved in defining and implementing what reparation means to them helps to transform survivors into actors of change. Working together on this project, also helps survivors break their isolation. Few survivors who had never told their story before decided to do so and today also benefit from this interim reparation, psychosocial support and survivor's solidarity. Furthermore, the project has an advocacy element, in which the victims themselves identified the subject of future advocacy work, such as justice and a government administered reparations fund for all victims of the Stadium violence





#### SURVIVOR'S QUOTE

*"What do I think after having received the first part of the interim individual reparation? A feeling of acknowledgment"*

#### Addressing risks of re-stigmatization

A frequently asked question is whether these interim reparations may lead to further **stigmatization**. This question has been widely discussed with survivors who state very clearly that the project helps improving their status and reduce stigmatization. On the one hand, they explain that for the past 10 years they have been totally stigmatized, rejected, and therefore impoverished, as their personal situations could not be much worse. On the other hand, they explain that this interim reparation will allow them to resume a more normal life and thus be more valued by family and community members. Another element they point at is how this project affirms harm is done to them and shows the people around them that they are in their right, thus, a form of acknowledgement.



@RaeganHodge, One survivor in AVIPA, February 2020

#### Next steps

The next phase of the project will focus on:

- **Continuation of awarding interim individual reparation packages.** For the period of one year, survivors receive all support needed, individually and collectively, to ensure that they fully benefit from their interim individual reparation. This includes medical and psychological support, as well as support with the management and implementation of their personal livelihoods project.



- **Monitoring and evaluation** of the impact of the project by the external research institute.
- Continued work on a project for **collective interim reparations**.
- **Continued advocacy** for a comprehensive State reparations policy and justice for all victims, including the start of the 28 September trial.

While there are risks which may affect the implementation of the project which will need to be carefully managed (such as the uncertain security context linked to the political crisis related to President Condé constitutional reform in order to run for a third term; presidential elections in October 2020 and the COVID-19 pandemic), there is a lot of momentum for the project and support from all stakeholders.

### **Acknowledgements**

The Global Survivors Fund wishes to thank all survivors for their confidence and participation.



## APPENDIX 2 – PILOT PROJECT DRC

# Pilot project in the Democratic Republic of Congo

<b>Beneficiaries</b>	850 survivors of conflict-related sexual violence
<b>Location</b>	North and South Kivu, Kasai
<b>Dates</b>	October 2019-October 2021





## Context and objectives

The eastern part of the Republic of Congo has long been the site of massive and systematic rape and other forms of sexual violence. Since 1999, the Panzi Hospital, based in South Kivu, has treated nearly 55,000 survivors of sexual violence in South Kivu, only a part of the estimated number of survivors. While a very small number of victims have had access justice, and with the procedural and financial obstacles being practically insurmountable, judicial reparations are practically not accessible. For those survivors who do not have access to justice, any form of recognition and compensation is sorely lacking.

The objective of this pilot project is to implement individual and collective *interim* reparations measures for around 850 survivors in South and North Kivu and in Kasai.

This project, which includes an important advocacy component, ultimately aims to promote the adoption of a national reparation policy for survivors of sexual violence during the conflict in the Democratic Republic of Congo. It includes a multitude of actors: survivors, civil society, reparation experts, United Nations, judicial actors, and actively involves the authorities. By testing modalities, measuring impact and documenting lessons learned, this project aims to demonstrate that reparations for survivors *are possible*, despite the many challenges.

Ultimately, this initiative is intended to contribute to the establishment of a National Reparations Fund, managed and financed by the state, in close collaboration with the survivors themselves as well as civil society actors. This will be in accordance with the commitments made by the government in the framework of its National Strategy for Combating Gender-Based Violence<sup>7</sup> and most recently in the Addendum to the Joint Communiqué on the Fight against Sexual Violence in Conflict between the government of the DRC and the UN<sup>8</sup>.

## Working with Survivors at the Heart of the Process

The DRC has a network of survivors, referred to as the [Survivors' Movement](#). It is a network of female and male survivor activists who have made lobbying for reparations as one of their main objectives. Representatives of the movement are key actors in all stages of this pilot project: its conceptualization, design, implementation, and monitoring. Survivors also play a key role in the advocacy component of the project.

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<sup>7</sup> In section D.3, the Action Plan of the National Strategy provides for the creation of a reparation fund mechanism for victims of unidentified or insolvent perpetrators (D.3.3.).

<sup>8</sup> Addendum to the Joint Communiqué on conflict-related sexual violence between the Democratic Republic of the Congo and the United Nations, signed on 3 December 2019, p. 4 under Justice: The Government commits itself in the medium term, without prejudice to the immediate payment of reparations established in judicial decisions, to speed up the process of adopting a law establishing a Reparations Fund for victims of conflict-related sexual violence and to ensure its funding and operationalization.



## Partnership with implementing partners

The **Panzi Foundation**, in close collaboration with other NGOs, is the Fund's main partner in this project. Its innovative and holistic approach for the benefit of survivors of sexual violence consists of four pillars, covering medical, psychosocial, legal and socio-economic aspects. However, this project goes beyond the usual "support to survivors" as it focuses essential elements of reparations such as recognition and compensation and rehabilitation. A **project coordination team** is working under the supervision of the consultant coordinator of the Global Survivors' Fund and the Director of Programme at the Panzi Foundation. The team consists of a local project coordinator, field coordinator, and a team of psycho-social workers and psychologists, (mostly located in the villages where the project will be implemented), a data manager, finance and administrative manager, and works in close collaboration with experts on sustainable livelihoods. All staff participating in the project participated in a week training on the methodology and activities of the pilot project. Adopting a survivor-centred approach was a key topic of the training. The project established offices in the different localities where the staff will be locally working with survivors.

A **multi-stakeholder steering committee** oversees the project implementation and advise on its key components. The committee is comprised of representatives of the Survivors' Movement, professionals and representatives of civil society (national and international NGOs such as SOS Information Juridique Multisectorielle, Panzi Foundation, Trial, Physicians for Human Rights). A representative of the local authorities (Head of the Provincial Gender Division of South Kivu, the President of the Military Court South Kivu, and representatives of UN agencies, such as the Coordinator of the *United Nations Joint Human Rights Office*, play an advisory role.



The Committee is consulted by the project coordination team on a regular basis in order to discuss and validate each stage of project implementation, including the selection of project sites, the sensitization plan, procedures for interviewing survivors, the threshold of evidence required, the structure of the interviews, and the identification and verification process.

A **'working group for scaling up'**, made up of survivors, experts, and civil society representatives, shall work in synergy with civil society, the United Nations, and the authorities to support the development of a strategy for the adoption of a reparations policy at the national level.

The Fund is working in conjunction with the **Netherlands Institute for the Study of Crime and Law Enforcement** to evaluate the impact of the project and of interim reparation in survivors' life, combining methods called Photo Voice and Concept Mapping, of which survivors are playing a critical role.



## Completed activities

### Preparatory phase

The preparatory phase of this project began in March 2019 with a series of consultations, in close collaboration with the Survivors' Movement in the DRC. This phase also included an analysis of past advocacy initiatives for reparations for survivors and an analysis of case law in which civil parties were granted financial reparations but never actually received them, thus exploring the obstacles encountered.

**Consultations** were held with various civil society actors, particularly survivors, judicial and administrative authorities, both at the provincial and national levels, and national and international experts. They focused on the nature and implementation of the desired interim reparations, the identification of risks and ways to address these.

**Survivors' wishes in terms of interim reparations** can be classified into four categories: support for children's education, livelihoods, housing, and long-term health care.

One of the main challenges identified is to ensure that reparations will have a real and lasting impact on the lives of survivors. To this end, stakeholders are designing an innovative collaboration with an existing programme, "les mutuelles de solidarités" (**MUSO**). This is a socio-economic reintegration approach similar to a village loan scheme, whereby members save money collectively, and receive a larger amount of money in turns. This has the objective of raising the economic status of members in a sustainable way and promote social cohesion among members<sup>9</sup>. As part of this project, survivors will all receive the same amount of financial compensation to cover different needs in terms of reparations of which a significant part will be invested in the MUSO. Most women in the MUSO are survivors of sexual violence, but not all. Using the MUSO as a vehicle, allows survivors to help improve the lives of other vulnerable women in communities, which on its turn is expected to enhance social integration and seen by survivors as a way to restore their dignity.

### Explorative missions

Based on consultations with survivors and other stakeholders and extensive explorative missions in the South and North Kivus, a selection of locations for project implementation has been made by the steering committee in July 2020. They include **Bueremana, Minova, Kasika and Kaniola** in the Kivus.

The Steering Committee also decided to include survivors from the **Kasai** region. An explorative mission took place in August 2020, on which basis the Steering Committee will soon decide on the localities where the GSF' pilot project will operate.

The **selection criteria** included logistical feasibility, security, the scale and nature of sexual violence and the number of survivors. All actors agreed that the number of survivors should cover all survivors in a village, to avoid giving priority to some survivors over others. The

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<sup>9</sup> A MUSO is organised around three boxes, whose usefulness is symbolized by 3 colours: green, red and blue. It aims to enable beneficiaries to save; manage their money independently, without having to deal with external actors; improve their living conditions through the pooling of their efforts; ensure the security of their savings; enrich themselves through the sharing of experiences.



committee decided to include villages which had seen varying patterns of sexual violence; either mass rape, or recurrent cases of conflict-related sexual violence over the years, including sexual slavery and torture. It was also decided to include locations that are marked by different experiences with criminal justice, i.e. where victims lost the trial against perpetrators for sexual crimes, and other communities where survivors never had access to justice. As for the exact selection criteria, it was decided to formulate these at the community level with the support of the steering committee. Being a victim of conflict-related sexual violence is the first general criterion. But the question of whether to include, for example, family members of deceased victims, survivors of mass violence only or also survivors of incidents after a mass attack, will first be discussed with representatives of the survivors and then with other community stakeholders.

Once the team was established in the different localities and following the explorative missions, and with the local team being established in the different localities, all the **data collected** during the explorative missions has been cross checked with the information received from other stakeholders (UN, NGOs, official records) to start pre identifying survivors, community leaders and all local actors involved locally.

### Sensitisation missions and consultations with survivors and community leaders



The sensitization missions and consultations were organised with survivors and community leaders in Kasika, Kaniola and Minova in August / September 2020. The coordination team held joint and separate consultations with community leaders and survivors to explain the project, obtain their adherence to its methodology and start engaging them in the project's





process. Survivors and community leaders were able to provide valuable information and advise on how survivors should be identified, on the needs in term of individual and collective interim reparation and on the methodology to implement interim reparation.



### Advocacy

The project coordinator and the representative of the survivors' movement have regular contact and exchanges with the government's representative, in particular Chantal Mulop, Special Adviser to the President in charge of Youth and Violence against Women.



Meeting with Chantal Mulop, Kinshasa, August 2020

During an advocacy mission in Kinshasa in August 2020, the project coordinator and the head of the survivors' movement met with Chantal Mulop but also the Minister of Human Rights and the Minister of Gender, but also the Joint UN national office for human rights (BCNUDH). Following this meeting, the Minister of Human Rights contacted Dr Mukwege and reiterated the urgency to set up a special Fund for reparation to survivors of conflict-related sexual violence in parallel to setting up new transitional mechanisms<sup>10</sup>. Based on these contacts, the project coordinator and the head of the survivors' movement were invited to take part in the National Workshop to validate the implementation plan of the Joint Communique and its addendum on conflict-related sexual violence, in Kinshasa on 14 and 15 September and provided substantive input on the final document. They later had further meetings with the First Lady, the Head of the National Assembly and representatives of the government and civil society representatives. The Project representatives will continue its intense dialogue with the State's representatives to promote reparation mechanisms to survivors and coordinate advocacy efforts through the working group for scaling up (see below).

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<sup>10</sup> <https://cas-info.ca/2020/08/droits-humains-andre-lite-et-mukwege-echantent-sur-lurgence-de-rendre-operationnel-le-fonds-dindemnisation-des-victimes-de-crimes-graves/>



### Next steps

The process of **identification of survivors and consultations on their interim individual reparation** has begun.

**The modalities for monitoring and evaluation of interim reparations** is currently being put place, and first PhotoVoice workshop will start with a focus group of identified survivors shortly.

**Collective interim reparations** may take different forms, depending on the decisions of survivors and communities in each location. Some survivors have suggested the organisation of public hearings, to enhance attention for the issue and stimulate the governments' investments in formal justice initiatives.

Based on its dialogue with State's representative, the pilot project will strengthen its **advocacy** activities component. In the long term, the aim is to contribute to the establishment of a **National Reparations Fund** for survivors of sexual crimes in the DRC. The Survivors' Movement and the Steering Committee have recommended the creation of a National Committee of Experts to contribute to help achieve this goal.



While there are challenges to be faced, and risks of delay due to COVID-19, there is a lot of momentum and interest on the part of all stakeholders.



## APPENDIX 3 – COUNTRY MAPPING FRAMEWORK

### Structural Framework for the Multi-country Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence

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## Acronyms

<b>CRSV</b>	Conflict-related sexual violence
<b>DRC</b>	The Democratic Republic of the Congo
<b>GSF</b>	The Global Fund for Survivors of Conflict-Related Sexual Violence, or 'Global Survivors Fund' for short
<b>ICC</b>	International Criminal Court
<b>OSRSG-SVC</b>	UN Office of the Special Representative on Sexual Violence in Conflict
<b>SGBV</b>	Sexual and gender-based violence
<b>UN</b>	United Nations
<b>UNSC</b>	United Nations Security Council



## I. Introduction

### a. Establishment of the Global Survivors Fund

The Global Fund for Survivors of Conflict-Related Sexual Violence, the ‘Global Survivors Fund’ for short (the ‘Fund’ or ‘GSF’) is a multi-stakeholder entity, whose board is led by Nobel Peace Prize laureates Dr. Denis Mukwege and Nadia Murad, and which also includes survivors and State representatives. It is registered and has its Secretariat in Geneva, Switzerland.

In April 2019, the United Nations Security Council (‘UNSC’) adopted resolution [2467 \(2019\)](#) recognising the need for a survivor-centred approach to inform all measures to prevent and address sexual violence in conflict and post-conflict situations. The Fund’s establishment was endorsed then by the United Nations (‘UN’) Secretary-General in his statement to the Security Council on Conflict-related Sexual Violence. In promoting a survivor-centred and holistic concept of justice and accountability, the Secretary-General recommended and encouraged ‘*external actors, upon the request of Member States where their capacity may be lacking without prejudice to State responsibility for providing reparations, to assist in the design of reparations programmes and to give due consideration to the establishment of survivor’s fund*’.<sup>11</sup> The G7 also recognised its support for the Fund in its August 2019 Declaration on Gender Equality and Women’s Empowerment.

On 30 October 2019, the UN Office of the Special Representative on Sexual Violence in Conflict (‘OSRSG-SVC’), marked its 10-year anniversary with a survivors’ hearing and the launch of the Global Survivors Fund spearheaded Dr. Denis Mukwege and Nadia Murad.<sup>12</sup>

Support for the Fund was reiterated in the Secretary-General’s report to the Security Council on Conflict-related Sexual Violence [487 \(2020\)](#) on 3 June 2020, which lauded the launch of the Fund as a milestone on the 10th anniversary of the mandate of the OSRSG-SVC, and underscored that it set the scene for ‘*a new decade focusing on empowering survivors and fostering compliance with existing commitments*’<sup>13</sup>.

### b. Mandate

The Fund is an innovative, survivor-centric mechanism whose mission is to enhance access to reparations and other forms of redress for survivors of conflict-related sexual violence (‘CRSV’) globally.

For the purposes of the Fund and in accordance with the definition of “conflict-related sexual violence” used by the United Nations, the term “conflict-related sexual violence” refers to rape, sexual

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<sup>11</sup> UN Secretary General Report to the Security Council on Conflict-related sexual violence, 29 March 2019, S/2019/280.

<sup>12</sup> Report of the Secretary General’s to the Security Council on conflict related sexual violence S/2020/487, dated 3 June 2020.

<sup>13</sup> UN Secretary General Report to the Security Council on Conflict-related sexual violence, 3 June 2020, S/2020/487.



slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. This link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities or networks; the profile of the victim, who is frequently an actual or perceived member of a persecuted political, ethnic or religious minority, or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse; cross-border consequences, such as displacement or trafficking; and/or violations of the provisions of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence and/or exploitation, when committed in situations of conflict.

The Fund however has a slightly narrower focus and it will in the first place support programmes aimed at enhancing access to reparations for survivors of sexual violence that has a direct link<sup>14</sup> to a conflict situation and occurs in a widespread or systematic manner<sup>15</sup>. The Fund understands the notion of conflict broadly, to encompass not only international and internal armed conflicts as defined by international humanitarian law, but also post-election violence, social upheavals, riots and other situations of political violence generally not amounting to an internal armed conflict as defined by the Rome Statute of the International Criminal Court ('ICC'). That said, a general increase in patterns of sexual violence taking place in camp settings and other forms of sexual violence indirectly linked to a conflict do not form part of the Fund's area of focus.

The Fund supports all forms of reparations and fulfils its mission in the following ways:

- Allocation of financial resources for locally designed interim reparations programmes and initiatives through civil society organisations, where States or other parties responsible for the violence are unwilling or unable to provide reparations;
- Advocacy to improve access to reparations and other forms of redress, both at the international and national level, including through support to civil society;
- Technical assistance to States to design effective, gender-sensitive and impactful reparations programmes and the collection and dissemination of good practice in the field of reparations.

The Fund's work builds upon the long-standing advocacy efforts of the OSRSG-SVC, the work of the Dr. Denis Mukwege Foundation ('**Mukwege Foundation**') and Nadia's Initiative, and is a direct response to the priorities established by survivors of conflict-related sexual violence worldwide. It brings diverse stakeholders together in an innovative public-private partnership to address the needs and rights of CRSV survivors.

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<sup>14</sup> The direct nexus with the conflict or political strife itself, i.e. temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (that can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of torture or genocide), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/weakened State capacity, cross-border dimensions and/or the fact that it violates the terms of a ceasefire agreement. UN Action against Sexual Violence in Conflict, Analytical and Conceptual Framing of Conflict-Related Sexual Violence, 2011.

<sup>15</sup> Widespread' is defined as large- scale, meaning that the sexual violence is directed against a multiplicity of victims. The concept of 'systematic' means that the sexual violence must follow a preconceived plan or policy.



Through collaboration between multiple stakeholders who assume a shared responsibility to achieve transformative change for CRSV survivors, the Fund addresses a gap long identified by survivors and is a complement to existing efforts to prevent sexual violence and to provide justice and holistic care. As acknowledged by the 2014 Guidance Note on Reparations for Conflict-Related Sexual Violence, *'reparations should strive to be transformative including in design, implementation and impact'*. Complex social problems require collaboration and individual stakeholders operating alone cannot effectively create widespread systemic change.

An important component of the Fund's advocacy work, and technical support, also focuses on survivors' participation. This includes awareness-raising and outreach programmes, strengthening the skills of survivor groups to claim and exercise their right to meaningful participation, as well as creating and supporting structures and mechanisms which give due weight to CRSV survivors' voices. The Fund is also fostering dialogue between survivor groups and government authorities on issues of reparations. It will provide technical support to governments willing to set up reparations programmes and funds to ensure CRSV survivors play an active role in their design and the modalities of their operation, to ensure gender-sensitive and survivor-centric reparations. It is hoped that the participatory structures and methods set up for the delivery of interim reparations and transformational reparative measures will act as a blueprint for subsequent or more comprehensive reparations by duty-bearers down the line.

The Fund's unique survivor-centred approach is the cornerstone of its work and serves as the foundation for its operating principles. The Fund's strategy is shaped by survivors from around the globe, united by "SEMA", an initiative established and supported by the Mukwege Foundation. SEMA is a Global Network of Victims and Survivors to End Wartime Sexual Violence. SEMA literally means "Speak Out" in Swahili. Over 2000 survivors of wartime rape from 21 countries in Africa, South America, the Middle East and Europe are represented by the SEMA Network.





## **II. Multi-country Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence**

### **a. Purpose of the Study**

The Fund is seeking to undertake a comprehensive multi-country study on the status of and opportunities for reparations for survivors of conflict-related sexual violence in about 20 countries (**‘Study’**). The purpose of the Study is to provide an independent assessment of conflict-related sexual violence, its impacts and the related key elements with respect to survivors’ access to reparations with a view to identifying opportunities for reparations.

The Study will take stock of the scope of sexual violence, the obstacles and opportunities in awarding reparations for victims, and make recommendations on the way forward. Whilst a detailed analysis of key legal and practical obstacles, including intersectional issues and challenges faced by CRSV survivors, will be necessary, the Study’s main focus will be on opportunities to realise CRSV survivors’ right to reparations. Importantly, the Study will attempt to include a rough costing of reparations programmes for CRSV survivors. The Study is in particular aimed at demonstrating that reparations are indeed feasible and affordable.

The Study is a multi-actor effort led by the Fund in collaboration with local and international partners.

The Study will be a practical document, intended to promote reparations and other forms of redress for CRSV survivors, their families and communities. It is not intended to be an academic exercise, but will nevertheless include a strong theoretical analysis (see Part IV section c ‘Timeframe and Methodology’ below). Rather, it will serve as a practitioner-focused tool to support efforts by all relevant stakeholders legally obliged or morally committed to restore CRSV survivors’ dignity through the implementation of effective reparations.

The data collected from the Study will be compiled in a comprehensive report and online versatile tool, which will provide key information which can in particular be used for:

- Legal reforms as a gap analysis tool;
- Local and international advocacy purposes to improve access to reparations and other forms of redress;
- Resource mobilisation nationally and internationally;
- Country initiatives prioritisation and programmatic work of the Fund and local organisations; and
- Development of redress strategies and reparation programmes by States.

The Study is intended to be a living document, which will be updated as frameworks and practice for reparations and other forms of redress evolves, with a view to integrating emerging good practice and capture new lessons learned.

As mentioned, the Study will provide key information for the identification of programmatic initiatives of the Fund going forward. The Global Survivors Fund will not be in a position to fund



projects in all the countries covered by the Study. It will instead explore potential programmes based on several factors, including but limited to geographic diversity, urgency, feasibility and momentum, and variety in support to be provided (e.g. technical support vs. financial support) and the existence of a coalition of multiple stakeholders at the national level.

The work undertaken for the Study will not only include a research component, but also an important engagement with relevant stakeholders, including a capacity building element. The Study may reveal that a coalition of multiple stakeholders to take the reparations agenda forward at the national level already exists, or its work may help bring relevant stakeholders together and the building up of such a coalition. Depending on the context, the work undertaken for the Study will contribute to building the foundations, providing momentum, strengthening, accelerating or multiplying the delivery of reparations for CRSV survivors.

## **b. Countries to be included in the Study**

The Study will include a broad selection of countries, including those where reparations have been partially awarded, but excluding those where a sound process of reparations is underway or has been completed – whether or not fully satisfactory (e.g. Croatia, Kosovo, Peru, Sierra Leone, Republic of Korea, Timor-Leste and South Africa). Lessons-learned from reparations programmes in these countries will be reflected to a certain extent, while a more in-depth study into this can be envisioned at a later stage.

The selection of about 20 countries to be included in the Study is part of an ongoing exercise and will largely overlap with the 19<sup>16</sup> countries covered by the 2019 report of the UN Secretary-General to the Security Council on conflict-related sexual violence<sup>17</sup>. A small number of these 19 countries will not be included in the Study for the time being, mainly due to current security concerns, but a few additional countries that fall within the Fund's focus, including older conflicts where no significant efforts have been made to provide reparations for CRSV survivors, are expected to be covered.

The Study will include situations that are currently in the spotlight, such as the Rohingya community, Darfur and to a lesser extent Syria, but also forgotten cases, such as Burundi. The following countries are currently considered for inclusion in the Study:

- **Africa (13):** Burundi, Central African Republic, Chad, Democratic Republic of Congo, The Gambia, Ivory Coast, Kenya, Liberia, Mali, Nigeria, Sudan, South Sudan and Uganda.

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<sup>16</sup> The 19 countries covered by the 2019 report on CRSV are : (i) Sexual violence in conflict-affected settings : Afghanistan, CAR, Colombia, DRC, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, Sudan, Syria and Yemen ; (ii) Sexual violence in post-conflict settings : BiH, Côte d'Ivoire, Nepal and Sri Lanka ; (iii) Sexual violence in other situations of concern : Burundi and Nigeria. Out of these 19 countries, Afghanistan, Yemen and Somalia are not expected to be covered by the Study for the time being mainly because of the current security situation.

<sup>17</sup> UN Security Council 'Report of the Secretary General on conflict-related sexual violence' (2020) UN Doc S/2020/487 (2020) available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2019-REPORT-OF-THE-SECRETARY-GENERAL-ON-CRSV-ENGLISH.pdf>.



- **Asia (6):** Bangladesh, Cambodia, Nepal, Philippines, Myanmar and Sri Lanka.
- **Europe (2):** Bosnia and Herzegovina and Ukraine.
- **Latin America (2):** Colombia and Guatemala.
- **Middle East (3):** Iraq, Libya and Syria.

The list of countries mentioned above is not definite and may be supplemented or prioritised based on initial scoping of opportunities, risks and needs currently being conducted by the Fund.

### **c. Timeframe and Methodology**

Building on a literature review of CRSV reparations by the Sexual Violence Program of Berkeley University's Human Rights Centre, the Fund commenced working on the Study in second quarter of 2020, which was dedicated to laying down robust foundations for the successful conduct of the Study

The Study will be conducted by multi-disciplinary teams, including legal and psychological experts, in collaboration with local consultants and survivor activists. The Fund is also planning to get input from economists for the financial component of the Study, in charge of conducting the analysis of the cost necessary to provide reparation and available resources. Parts of the Study may be developed and conducted by local organisations, with support from the Fund or international partners of the Fund if necessary.

#### ***i. Sequencing***

As the first in-depth review of its kind, the Study is anticipated to span over more than a year with an expected publication date of the first tranche of country studies in September 2021. The Study itself will commence in the third quarter of 2020 and be conducted in phases.

In view of the limitations to travel imposed by the COVID-19 pandemic, it is proposed that the Study be conducted in the phases outlined below. The activities listed during each phase may need to be adjusted depending on the relevant country context, partners involved and COVID-19 situation. Activities may also overlap over several phases. In countries where no or limited local travel is currently possible, a "Phase I and II Report" will be completed after Phase II. Phases III and IV activities will be on hold until travel and direct engagement with survivors and other relevant stakeholders can take place. In countries where local travel and engagement with survivors and stakeholders is possible and safe, activities from Phases II and III could be combined.

The sequencing and activities to be conducted during each phase of implementation are expected to be as follows, with context specific variations as appropriate:

- **Phase I – Desk-based research (September-December 2020):** Systematic review of relevant publications; stakeholders mapping and initial remote interviews; write up of the preliminary recommendations and desk-based version of the Study. In parallel, the GSF will develop a protocol for the Survivors' Perception of Reparations Review and training materials on reparations to be tailored by partners as appropriate.



- **Phase II – Remote Stakeholders Meetings and in-depth interviews (January-March 2021):** In depth interviews/remote meetings with relevant stakeholders and input on preliminary version of the Study; finalisation of Initial, Desk-based version of the Study with recommendations (April 2021).
- **Phase III – In Country Visits and Facilitation of Survivors’ Perceptions of Reparations Review (from April-June 2021 – COVID-19 dependent):** Training of survivors and local actors involved in data collection; focus groups and semi-structured interviews with survivors.
- **Phase IV – Analysis and Costing (from May-August 2021/COVID-19 dependent):** Analysis of data collected through the Survivors’ Perception of Reparations Review; financial analysis/costing of reparations; finalisation of the Study with final recommendations.
- **Phase V – Publication (September 2021/COVID-19 dependent):** Target date for the publication of the first tranche of country studies and launch event(s).
- **Phase IV – Advocacy and further Publications (October 2021 onwards/COVID-19 dependent):** Staggered publications of additional country studies; advocacy and follow-up with local partners and actors.

Further details about activities to be conducted during each phase is further set out in **Annex 1**.

The above expected timeline may have to be further adjusted because of the continued impacts of the coronavirus pandemic. Activities planned from Phase III onwards may be on hold until international travel and/or in country movement restrictions are lifted and direct engagement with survivors and stakeholders can take place safely.

## ***ii. Review of Survivors’ Perceptions of Reparations***

The starting point for the Study is that survivors themselves are key in determining what forms of reparations are best suited to their needs and realities. In line with the operating principles of the Fund, in particular a survivor-centred approach, a core part of the Study will look at survivors’ perceptions and expectations with regards to reparations. The Study will analyse what is already known and documented in this respect but will also include the findings of a review of what reparation means for CRSV survivors. Important questions which will be explored in the Review of Survivors’ Perceptions include how survivors see the difference between assistance and reparations, what importance they attach to reparations, what forms of individual and collective reparations they expect, whom should be awarding the reparations and according to what modalities, and how best to ensure participation from diverse groups of survivors.

Survivors themselves, in conjunction with local organisations, will play a key role in collecting the data. A very important factor to consider is survivors’ familiarity with the concept of reparations, in



particular reparations as a right. Training of local actors, and familiarisation with the concept of reparations of CRSV survivors involved in the review is essential.

Once collected, the data will be analysed to inform the Fund's analysis of opportunities for reparations and associated recommendations in the countries covered by the Study.

### ***iii. Survivors' engagement in the Study***

The Study's methodology reflects the Fund's survivor-centred participatory approach. The Fund, directly or through its partners, anticipates a gender-sensitive survivors' engagement strategy utilising different approaches to building trust and ensuring meaningful participation of diverse groups of survivors. This will take into account the intersectional dimension of the harm suffered by some victims as well as potential animosity between survivor groups. The Fund recognises that CRSV survivors are not a homogeneous group and that different groups of survivors, such as female, male, girls, boys, sexual and gender minorities and ethnic minorities, may have different priorities and preferences in terms of engagement. The survivors' engagement strategy may vary depending on the country context and may include some or all of the following approaches:

- Setting up of a steering committee, working groups and other local collaborative structures on which survivors will be represented;
- Bi-lateral partnerships with survivors groups, including youth;
- Consultation workshops with survivors, in particular to provide input on the data collection instrument for the Survivors' Perception of Reparations Review;
- Awareness raising workshops and focus groups about the concept of reparations as a right for sexual violence in conflict; and
- Training of survivors as data collectors to conduct the Survivors' Perceptions of Reparations Review.

Survivors will be key stakeholders in shaping recommendations regarding the content and implementation modalities of individual and collective reparations, including 'interim reparations' packages. They will also advise on risks mitigation and approaches to ensure reparations have a truly sustainable and transformative effect.

The Fund will also support the sharing of experiences and expertise between groups of survivors from different countries or regions around specific issues or stages of the reparation process, including to learn lessons from survivor groups in countries where a process of reparations is currently underway or has already been completed.

### ***iv. Government's engagement in the Study***

Engagement with government entities at the national, regional and local level is key to the sustainability of reparations measures and ensuring they have a multiplier effect. This will be particularly important during the desk-based research and analysis stage. Concerning work conducted in country, provided it is safe and appropriate to do so, the Fund and its partners will actively seek to create opportunities for a process of consultation and dialogue with relevant government entities of countries covered by the Study.



Engagement with relevant government authorities may take different forms, depending on the country. In certain countries, government representatives may be invited to join the steering committee or other relevant working groups which may be set up. Engagement with other key stakeholders, such as UN agencies whose mandates may overlap with the Fund's mandate, or third States convening or guaranteeing peace processes that might include provisions relating to reparations will also be conducted as appropriate.

One of the express purposes of the Study is to provide certainty around the cost of reparations in order to galvanise national authorities to comply with their obligation to realise CRSV survivors' right to adequate reparation, restore their dignity and support their empowerment as actors of change in laying foundations for lasting peace and security.

#### **d. Content of the Study**

This structural framework aims to provide context and guidance for the conduct of the Study, which will also include extensive desk-based research, particularly through a systematic review of existing information on scope, scale and nature of conflict-related sexual violence.

The Study aims at understanding the status of and opportunities for reparations for survivors of conflict-related sexual violence and is expected to cover the following topics:

- i. Background of the conflict or succession of conflicts and SGBV context
- ii. Nature and scope of conflict-related sexual violence
- iii. Impact of CRSV on survivors, families and communities
- iv. Assistance or interim relief provided to victims to date
- v. Legal frameworks relevant to CRSV
- vi. Legal frameworks relevant to reparations for CRSV
- vii. Institutional and policy framework relevant for CRSV
- viii. Access to reparations to date and challenges
- ix. Mapping of key stakeholders
- x. Advocacy initiatives
- xi. International response (if applicable)
- xii. Avenues and opportunities for reparations
- xiii. Understanding of survivors' awareness of their right to reparations, capabilities, needs, wishes and priorities
- xiv. Cost and resources analysis
- xv. Risks and security assessment
- xvi. Recommendations

The Study should constitute a road-map for the way forward and include practical recommendations to realise CRSV survivors' right to all elements of reparations, including individual and collective 'interim reparation' measures.

A template for the Study, including a series of non-exhaustive lists of questions to guide the research and which are expected to be answered by the Study, as well as a step by step implementation guide, are being developed by the Fund in order to ensure consistency between different country studies.



### III. The Global Survivors Fund's Unique Approach

#### a. A Focus on Conflict-Related Sexual Violence

The Global Survivors Fund recognises that all victims of gross violations of international human rights law and serious violations of international humanitarian law have a *right* to an effective remedy and reparations. We also believe that CRSV survivors merit special attention and that reparations for CRSV survivors are a priority for a variety of interconnected reasons which are outlined below. The Fund's work focuses on reparations for survivors of conflict-related sexual violence, which we see as a starting point to realise the right to an effective remedy and reparations for all victims.

CRSV survivors face challenges and a level of blame, shame, disbelief and stigma directly related to the fact that they are victims of sexual violence that is unique to this type of crime. For many victims, being sexually violated is only the beginning of a journey of revictimisation by all those they believed would be there to support and protect them. In addition to the immediate physical and mental harm caused by the act itself and its long-term health consequences, CRSV survivors experience further harm by family and community members that ostracise, blame or punish them. Many are abandoned by their spouses, lose their jobs or are expelled from school as a result of stigma. They are disbelieved and blamed by poorly trained practitioners, health, police and justice services. Every component of their lives is destroyed to an extreme degree not experienced to the same extent by other types of victims.

Yet, the dramatic and pervasive consequences of CRSV are sometimes not visible to the naked eye (e.g. HIV and other sexually transmitted diseases and infections, fistula, incontinence and infertility) - as opposed to the loss of a limb or scars from torture - or not seen as directly linked to the sexual violence (e.g. lack of partner, troubled relationships with children born of rape, loss of livelihood or access to education).

In addition, and as a result of the stigma associated with sexual violence crimes that is being internalised by victims, many choose not to disclose that they are CRSV survivors. This makes sexual violence both an invisible and silent crime. The specific harms inherent to this type of crime require tailored mechanisms and approaches to ensure survivors can access reparations without being exposed and revictimised, including through 'camouflaging' strategies.

In addition, whilst reparations programmes should include all victims, few programmes successfully navigate and address the complexities of the harm caused to CRSV survivors. Through advocacy and technical assistance, the Fund can ensure that programmes are not only gender-sensitive and survivor-friendly but also survivor-centric, with the aim to be transformative and generate concrete opportunities for victims.<sup>18</sup> Sensitively crafted reparations programmes, that are inclusive and ensure appropriate victim participation, have the potential to tackle social stigma as well as cultures of acceptance around sexual and gender-based violence ('SGBV'). In this regard, research shows that not only there is a correlation between SGBV in peace time and in conflict, but that the greater the

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<sup>18</sup> See para. 3, Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation held in Nairobi from 19-21 March 2007, available at : <https://www.legal-tools.org/doc/b22586/pdf/>.



level of gender inequality in a country, the more likely a country is to be involved in conflict with a consequence of widescale CRSV.<sup>19</sup>

While the Fund's mission is to facilitate reparations for CRSV survivors as a matter of priority, this is not to the exclusion of reparation for all victims – it is merely an entry point. Reparations processes will be supported to ensure gender sensitivity and best practices, and programmes supported by the Fund that focus on CRSV survivors can be scaled up and extended to other categories of victims by other stakeholders. By filling an immediate and urgent gap, the Fund very much hopes that its work will pave the way for comprehensive reparations for all victims of conflict.

## **b. A Truly Survivor-Centred Approach**

The Fund's approach is based on the recognition of victims' *right* to a remedy and reparations, with particular emphasis on survivors of conflict-related sexual violence. Its approach gives effect to UNSC Resolution [2467 \(2019\)](#), whereby the Security Council recognised the need for a survivor-centred approach to inform all measures to prevent and address sexual violence in conflict and post-conflict situations.<sup>20</sup>

A survivor-centred approach refers to ensuring that the rights, needs and wishes of the victim/survivor are prioritised. It helps to promote survivors' recovery and ability to identify and express their needs and wishes, as well as to reinforce their capacity to make decisions about possible interventions.<sup>21</sup>

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<sup>19</sup> UNICEF, Gender, Education and Peacebuilding Brief, 2016. Sources: (1) Hudson, Valerie M., et al., *Sex & World Peace*, Columbia University Press New York, 2012. (2) Caprioli, Mary, 'Gender Equality and Civil Wars, CPR Working Paper no. 8, World Bank, Washington, D.C., September 2003; Caprioli, M., 'Primed for Violence: The role of gender inequality in predicting internal conflict, *International Studies Quarterly*, vol. 49, 2005, pp. 161–178; and Melander, Erik, 'Gender Equality and Intrastate Armed Conflict', *International Studies Quarterly*, vol. 49, no. 4, December 2005, pp. 695–714. (3) Francesch, Maria Canadas, et al. 'The Gender Dimension in Peacebuilding', Chapter 6, *Alert 2010! Report on conflicts, human rights and peacebuilding*, Escola de Cultura de Pau, Barcelona, 31 December 2009, pp. 139–148.

<sup>20</sup> UN Security Council Resolution, 23 April 2019, *S/RES/2467*.

<sup>21</sup> UN Women Virtual Knowledge Centre To End Violence against Women and Girls, 2011, available at : <https://www.endvawnow.org/en/articles/652-survivor-centred-approach.html>. According to this approach, "The survivor has the right to:

- *be treated with dignity and respect instead of being exposed to victim-blaming attitudes.*
- *choose the course of action in dealing with the violence instead of feeling powerless.*
- *privacy and confidentiality instead of exposure.*
- *non-discrimination instead of discrimination based on gender, age, race/ethnicity, ability,*





The necessity to create opportunities for CRSV survivors to participate at every level of the reparation process, from the planning stage to the design, operation, implementation and evaluation of reparations measures is widely recognised by global guidance for CRSV reparations, scholars and survivors groups.

The 2014 UN Guidance Note on Reparations for CRSV stresses the importance of meaningful participation and consultation of victims in the mapping, design, implementation, monitoring and evaluation of reparations in order to ensure that there is ownership of the process, that reparations have the intended impact and do not exclude or marginalise any group of victims.<sup>22</sup> The language of the 2007 Nairobi Declaration goes further, requesting not only the full participation of women and girls victims at every stage of the reparation process, including decision-making, but also that such processes empower them to *'determine for themselves what forms of reparation are best suited to their situation'* and the need to adopt approaches specifically adapted to their needs, interests and priorities, *'as defined by them'*.<sup>23</sup> This is critical to ensure CRSV approaches are adapted to the local context of the conflict and survivors' experiences.<sup>24</sup> Rubio-Marin frames this as a *'harm-centered approach'*, stating that *'any meaningful conversation about reparations for SRV must start by recognizing the forms of SRV taking place in each conflict scenario, and seriously address both physical and psychological effects on victims'*.<sup>25</sup>

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*sexual orientation, HIV status or any other characteristic.*

- *receive comprehensive information to help (them) make (their) own decision instead of being told what to do".*

<sup>22</sup> United Nations (2014) Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence, p. 10.

<sup>23</sup> Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation held in Nairobi from 19-21 March 2007, point 7 p. 2; section 1(D), 1(E), 2(A) and 2(B) and 3(D), pp. 3-4.

<sup>24</sup> This may in particular include participation in truth telling commissions, organizations leading registrations processes and feedback/oversight mechanisms. UN Women. 'Reparations, Development and Gender – Report of the Kampala Workshop, UN Conference Report'. UNDP. 2011.

<sup>25</sup> Rubio-Marin, Ruth. 'Reparations for Conflict-Related Sexual and Reproductive Violence: A Decalogue.' William & Mary Journal of Women & Law, 2012. Page 74.



By definition, sexual violence, as a human rights violation, robs victims of their dignity and their power. As a result, from a restorative justice perspective and in order to foster self-respect, feelings of safety and empowerment, reparation processes must address issues of powerlessness through ongoing engagement with survivors.<sup>26</sup> Given that transitional justice mechanisms are not *per se* victim friendly or even victim-centric, it is important to institutionalise careful reflection on how to better accommodate the interests and expectations of survivors and ensure their genuine and full participation.<sup>27</sup>

Arguably, the mere consultation of survivors at different stages of the process is not sufficient. The Fund's position is that a truly survivor-centred participatory approach requires to treat survivors as key 'stakeholders' in the reparation process because '*only victims can determine what forms of reparation are best suited to their situations, what is culturally appropriate and does not expose them to further harm and victimization, what can lead to reconciliation and what has the potential to address the underlying causes that made them vulnerable in the first place*'.<sup>28</sup> This postulate is reflected in the governance of the Fund itself and in all its programmatic work. CRSV survivors are critical partners at all stages of programme activities, and meaningful reparations can only be shaped based on their needs, wishes and priorities as defined by themselves. In particular, survivors of sexual violence can best answer the question of what individual and collective interim reparations best serve them and will have a lasting impact on their lives.

The GSF considers four critical aspects with regards to survivors' participation. First, the frameworks and the modalities of participation of CRSV survivors should not lead to unnecessary exposure, traumatisation, re-victimisation and stigmatisation. This requires participation frameworks and modalities which enable survivors to engage in the process voluntarily without real or perceived risks of exposure and harm. Second, in order to ensure meaningful and interactive engagement, survivors need to be empowered by understanding and knowledge about their basic rights to remedy and reparation. This requires specifically tailored informative and educational sessions on reparations and transitional justice to be conducted before or in parallel to the participation process. Third, the participation frameworks and models need not be confined to general or specialist notions of reparations and transitional justice and must remain open to bottom-up reflections and suggestions coming from survivors. Finally, the participation processes need to include measures for management of expectations, so they do not lead to disappointment and diminishing confidence within survivor groups or between survivors and institutions involved in the consultations process.

Projects supported by the Fund are therefore not developed *for* survivors but co-created *with* survivors, who, as rights-holders, play an active role in defining, implementing and evaluating reparations, interim reparations and transformational reparative measures.

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<sup>26</sup> Laplante, Lisa J., 'The Plural Justice Aims of Reparations', *Transitional Justice Theories*, New England Law, Boston Legal Studies Research Paper Series, 2013, p 73.

<sup>27</sup> Laplante, Lisa J., "The Plural Justice Aims of Reparations", *op.cit.*, 2013, p 79.

<sup>28</sup> Pillay, Navi. 'Women on the Frontlines of Peace and Security'; Interview with Paula Gaviria for the Profiles in Peace Oral Histories Project of the Georgetown Institute for Women. 2013. Page 155.



### c. Localised Approach

Each conflict or post-conflict context presents unique challenges and opportunities. Understanding broader conflict dynamics will be important to ensure that the distribution of measures is not only fair, but also perceived to be fair, given that in many contexts survivor groups may initially have deep-seated mistrust of each other.

Whilst certain broad features of CRSV reparations, such as the necessity to involve survivors as key partners or their need for medical and psychosocial support, may be universal, how these elements must be implemented and operationalised may vary greatly from one context to another.

The Fund's grass-roots approach to reparations, and the involvement of survivors through locally set up collaborative structures, aims in particular at ensuring that reparations are culturally appropriate and do not expose CRSV survivors to further harm and victimisation. Contextualising reparations is also a necessary first step to ensure reparations are tailored to the particular needs of survivors, which is a key requirement for reparations to be considered adequate, and that they can have long-lasting and potentially transformative impacts on survivors lives.

### d. Reparations vs. Humanitarian Assistance

There is a strong consensus between scholars and practitioners that the right to reparation is clearly distinct from the right to development and humanitarian assistance. Generally speaking, reparations systems should not be equated with development. Development programming and financing have separate, though related goals. That said, since reparations go beyond justice systems and extend into social and economic needs that relate to underdevelopment, there is value in fostering coordination between the two.<sup>29</sup>

The Panel on Remedies and Reparations for Victims of Sexual Violence in the DRC emphasised '*the distinction to be drawn between humanitarian assistance and reparations, or between development programmes and reparations, reparations being characterized by an element of redress, which acknowledges the harm suffered and provides benefits to remedy that harm, with some component of State responsibility*'.<sup>30</sup>

Although the Fund's support for 'interim reparation' packages - which may not necessarily involve public funding of the responsible State or other elements of State responsibility from the outset -

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<sup>29</sup> For example, UN Women cites the 'deliver as one' principle as a key component of bridging the gap between development and reparations through better coordination between agencies and transitional justice bodies.

<sup>30</sup> United Nations. 'Report on the Panel on Remedies and Reparations for Victims of Sexual Violence in the Democratic Republic of Congo to the High Commission for Human Rights.' United Nations High Commissioner for Human Rights. 2011, available at : <https://www.ohchr.org/EN/NewsEvents/Pages/ReparationsforsexualviolenceinDRC.aspx>.



could at first seem to blur the distinction between interim reparations and humanitarian assistance, the two remain clearly distinct. Indeed, 'interim reparations' programmes supported by the Fund clearly sit within an overarching reparation and accountability framework. They are characterised by elements of redress – mostly compensation, acknowledgement and rehabilitation - and accompanied by advocacy campaigns aimed at realising other elements of CRSV survivors' right to a remedy and reparations, including acknowledgement of facts and responsibility by duty-bearers.

Survivors' feedback to date also clearly indicates that the recognition of the harm they suffered and formal endorsement by the Fund of all programmes and activities approved through the local Steering Committee - which generally includes both survivors' and government representatives - has important reparative value in itself.

There are three main elements making the Fund's approach entirely distinct from humanitarian assistance, which is strictly *needs* based, and development, or the ICC Trust Fund for Victim's assistance mandate:

First, the underlying assumption: While we recognise the immediate needs of survivors, we also recognise that they have rights for these needs to be addressed. Reparations as a *right* for victims underpins the Fund's work from start to finish. This framing under a broader accountability framework brings a form of satisfaction to victims and sense of justice in itself.

Second, the process: Survivors play an active role in defining and implementing interim reparations packages, which is fundamentally restorative in nature. They are not passive beneficiaries of assistance, and their critical involvement helps transform them into actors of change. The projects supported by the Fund also include an advocacy element, in which survivors themselves identify the subject of future advocacy work.

Third, the focus on acknowledgement: In addition to their material elements, the programmes supported by the Fund have a strong symbolic component. They aim at recognising the wrongdoing and affirming CRSV survivors' rights, dignity and their sense of membership and belonging to their community. Generally speaking, financial compensation and medical funds would normally not be covered under assistance projects and neither would individual and collective aspects of commemoration aimed at restoring the honour, memory and dignity of victims.

The interim reparations and transformational reparative measures supported by the Fund are complementary in nature. Considering the inability or unwillingness of States to fulfil their responsibility the Fund caters to both survivors' needs and rights until the State, or other duty bearers, do so. They fill an immediate gap and are part of a range of measures aimed at creating the necessary legal frameworks, institutional structures, political will, capacity and resources to ensure States and other duty-bearers assume their responsibilities to recognise and repair the harm caused to CRSV survivors. They are always complemented by advocacy campaigns aimed at creating a multiplier effect and realise CRSV survivors' right to all elements of reparations. The legacy of the Fund's interim reparations and transformational reparative measures, technical assistance and advocacy aim at bridging the gap and supporting a transition to formal and comprehensive reparations by States and other duty bearers through a catalyst and multiplier effect.

**e. A Multi-layered Approach in the Best Interest of Survivors**



In accordance with the UN Basic Principles on Victims' Rights to a Remedy and Reparation, reparations should be provided by a State for acts or omissions that can be attributed to it and that violate its obligations under international human rights law or international humanitarian law, or a person, a legal person, or other entity found liable for violations of international humanitarian law and making reparation. In the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations, States should endeavour to establish programmes for reparations and assistance to victims.<sup>31</sup>

There are a number of avenues that the Fund will support, that aim to address the responsibility of duty bearers to provide reparations (i.e. perpetrators or States) as determined through formal justice mechanisms, or as part of an administrative State-led reparations programmes, including the possibility of urgent interim reparations.<sup>32</sup> In addition, the Fund is also mandated to support survivors of CRSV with more creative approaches to give effect to their rights, including advocacy and capacity building to enable access to reparations. Where formal reparation is not forthcoming, the Fund aims to support other participatory and empowering processes that can provide survivors with recognition, agency and material benefits that have reparative value. While such interventions are distinguished from reparations or interim reparations that engage perpetrator or State responsibility, the Fund aims to develop its own practice facilitating participatory, empowering and transformative processes led by survivors that can deliver as full a range of transformational reparative measures as possible. Preliminary findings indicate that because of their unique design, in particular their co-creation with survivors, and strong recognition element, such initiatives may carry important reparative value and can constitute a formidable platform to realise survivors' right to full reparations.

The objective of the programmes supported by the Fund is to pave the way and create momentum for transformative change in order to realise CRSV survivors' right to all elements of reparations through a catalyst and multiplier effect.

#### **f. The Fund's Pilot Projects**

In order to test the Fund's unique approach and serve as an example of good practice, the Fund - though still in its infancy - currently runs three pilot projects ('**Pilot Projects**') in the Democratic Republic of Congo, Guinea and Iraq to implement individual and collective interim reparations for CRSV survivors. Preliminary work to lay the foundations to set up pilot projects in other contexts is currently underway. By testing modalities, measuring impact and documenting lessons learned, these projects aim to demonstrate that reparations for CRSV survivors are indeed possible, despite the many challenges.

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<sup>31</sup> UN Basic principles 15 and 16, also quoted in the United Nations (2014) Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence. New York : UN, available at : <https://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>.

<sup>32</sup> United Nations (2014) Guidance Note of the Secretary-General on Reparations for CRSV, *op.cit.*



In its ongoing Pilot Projects, the GSF encourages the adoption of processes, designed by survivors, together with a local steering committee (multidisciplinary organ monitoring the interim reparation process, '**Steering Committee**') and national partners, facilitating the participation and identification of survivors. All of the Pilot Projects' phases include complementary and participatory modes of engagement with survivors, allowing for in-depth discussions on many issues related to the project's implementation modalities. Survivors participate individually, in groups or subgroups. Survivors' representation in the Pilot Project Steering Committee also ensures that the voices of survivors are heard throughout the process. Survivors determine themselves what they want to see changed in their lives and define the content and implementation modalities of individual and collective reparations and interim reparations. They provide advice and guidance on all critical issues, in particular on strategies for identification of survivors, implementation, monitoring and evaluation of the process of reparations and interim reparations and ensure they can have a truly sustainable effect.

In practice, survivors' groups, civil society organisations, psychologists, legal advisors, national experts and, when relevant, representatives of national authorities or international organisations, collaborate to define and validate the different stages of project implementation through participation in the Steering Committee set up for each of the Fund's pilot projects. These locally set up collaborative bodies eventually approve all programmes supported by the Fund. Such programmes are implemented by locally-based civil society organisations which as implementing partners are in charge of actually delivering interim reparations and other transformational reparative measures, with ongoing technical assistance and financial support provided by the Fund.

For some survivors, individual interim reparation packages supported by the Fund may be aimed at investing in a professional activity or returning to the professional activity they had before the violations, or a compensatory package. Survivors receive support in managing projects and their money. All survivors can benefit from psychological support and a medical fund to guarantee medical and psychological rehabilitation. Importantly, for those who desire, this psychological support also includes their children and other relatives. This process as well as the measures receive aim at reducing stigma and restoring survivors' sense of dignity and well-being.

Collective interim reparations may take different forms, depending on the decisions of survivors and communities in each location. In DRC, survivors have suggested the organisation of public hearings, to enhance attention for the issue and stimulate the government's investments in formal justice initiatives. In Guinea, survivors have suggested the establishment of a centre for public awareness activities – which will be open to other members of the community - support for survivors and commemorative events such as a photo exhibition.

By affirming the harm done to CRSV survivors and showing people around them that they are in their right, these measures provide a form of acknowledgement. Supporting CRSV survivors to reclaim their status as valued members of their community, in particular by improving the lives of other vulnerable members in their community, is expected to enhance social cohesion and is seen by survivors as a way to restore their dignity. Further information about the Pilot Project is available upon request.



## IV. Reparation, Interim Reparations and Transformational Reparative Measures

As mentioned, the Fund's mission is to enhance access to redress and reparation for CRSV survivors and other victims. Its interventions are part of a continuum from transformational reparative measures to groups of CRSV survivors in situations where States are unwilling to acknowledge the harm suffered and recognise any form responsibility to full and adequate reparations to all victims of conflict. Reparation, interim reparations and transformational reparative measures supported by the Fund are part of a spectrum of initiatives aimed at realising victims' *right* to a remedy and reparation and the distinction may go through some grey zones at times or differ for various forms of reparation.

The Fund will support a range of programmes that acknowledge the wrongdoing to survivors of conflict-related sexual violence and provide other forms of redress for the harm done to them. These programmes include but are not limited to:

- d. 'Interim reparation' packages with elements of livelihoods, coverage of education costs, medical care and other needs determined by survivors ;
- e. Support to civil society in advocating for reparations;
- f. Technical support to governments in establishing mechanisms and legal frameworks for reparations ;
- g. Commemoration initiatives ; and
- h. Strategic litigation to enhance access to reparations.

In all its work, the Fund follows its unique survivor-centred approach combining survivors participation and leadership, locally designed programmes and multidisciplinary collaborative structures as set out in detail in Part II above.

All these initiatives will be accompanied by strong advocacy efforts with all relevant national and international stakeholders to ensure that the interim reparations and other activities undertaken by the GSF do not replace or absolve the institutional duty bearers from developing, improving and implementing full reparations programmes.



## a. Supporting Reparation

Victims' *right* to a remedy and reparation is enshrined in international<sup>33</sup> and regional<sup>34</sup> human rights and humanitarian law instruments now widely accepted by States. The dual right encompasses both a procedural right to access and participate in obtaining justice as well as a substantive right to redress for the harm suffered. It is further consolidated in the 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly ('**Basic Principles on the Right to a Remedy and Reparations**') and good practices such as those set out in the 1993 Declaration on the Elimination of Violence against Women<sup>35</sup>, the 2007 Nairobi Declaration on the Right of Women and Girls to a Remedy and Reparation ('**Nairobi Declaration**')<sup>36</sup>, and the 2014 Guidance Note of the UN Secretary-General on Reparations for Conflict-Related Sexual Violence ('**UN Guidance Note on Reparations for CRSV**').<sup>37</sup>

Rape and other forms of sexual violence are also prohibited by the domestic criminal codes of many countries. Despite positive developments in international law, rape and other forms of sexual

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<sup>33</sup> The provisions of numerous international instruments provide a right to a remedy and to reparation for victims of violations of *international human rights law*, in particular: article 8 of the Universal Declaration of Human Rights; article 2 of the International Covenant on Civil and Political Rights; article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; article 39 of Convention on the Rights of the Child; and article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Articles 12 and 2 of the International Convention for the Protection of All Persons Against Enforced Disappearances. Also of *international humanitarian law*, such as article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV); article 91 of the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977; and *international criminal law*, articles 68, 75 and 79 of the Rome Statute of the ICC.

<sup>34</sup> The provisions of various regional conventions also provide a right to a remedy and reparation for victims of violations of *international human rights*, in particular: articles 13 and 41 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Rights); articles 25 and 63 of the American Convention on Human Rights; Articles 7 and 21-2 of the African (Banjul) Charter of People and Human's Rights; article 45 of the Protocol on the Statute of the African Court of Justice and Human Rights (amended by article 20 of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights); see also Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (in its entirety).

<sup>35</sup> Art. 4 (d) of the Declaration on the Elimination of Violence against Women, UN General Assembly Resolution 48/104 of 20 December 1993 available at : <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>.

<sup>36</sup> Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation held in Nairobi from 19-21 March 2007, available at : <https://www.legal-tools.org/doc/b22586/pdf/>.

<sup>37</sup> United Nations (2014) Guidance Note of the Secretary-General on Reparations for CRSV, *op.cit.*





violence continue to be primarily criminalised as ‘ordinary offences’ in the law of many States.<sup>38</sup> In most cases, legal provisions and procedural rules are at odds with international best practice standards relating to sexual violence crimes and are not adequately adapted to conflict situations. As a result, while there may be potential legal pathways for survivors to pursue their rights, in practice there will also generally be a need to advocate for amendments to laws and policies to adequately give effect to the rights of CRSV survivors. Similarly, some countries will also have administrative compensation schemes for survivors of violent criminal acts, again, these might not always be easily accessible or adequately tailored for survivors of CRSV.

The role of the Global Survivors Fund is in the first instance to support access to reparations for survivors of CRSV, which may include engaging in discussions with governments and facilitating survivor-led advocacy. The Fund will support states that are willing to provide redress, by means of technical or financial support. The nature and extent of financial contributions required from responsible States will vary, but they will be expected to show their commitment also by taking other measures, such as establishing the necessary administrative frameworks for the implementation of programmes or implementing legislative reform to improve access to reparations and preventing sexual violence in the future.

Global guidance for reparations generally outlines five primary forms of reparation which seek to restore dignity to survivors, acknowledge wrongdoing, and implement long-term reforms. Forms of reparation include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Under international law and practice, reparation must be victim-based, gender-sensitive, adequate, effective and comprehensive, tailored to the particular needs of the victim and proportionate to the gravity of the harm suffered.

Reparation is also an important tool to address stigma associated with conflict-related sexual violence. CRSV-associated stigmatisation is a social process that leads to the marginalisation and social exclusion of those who are or are perceived to be survivors of CRSV and its manifestations are inherently gendered. In most contexts, sexual violence leads to a loss of social status, due to fistula, being shamed, seen as ‘dirty’ or ‘crazy’ as a result of trauma, seen as having sided with the enemy or living with HIV. The loss of income generating capacity and ability to support their families also immediately decreases survivors’ status, especially so for male survivors who can no longer comply with their role as ‘providers’ which adds to implications of emasculation associated with being sexually violated. It is these aspects that survivors want to see corrected by having the opposite message sent out through reparation, in particular its compensation and acknowledgement elements. Livelihoods or money helps male and female survivors alike get some form of economic status and the acknowledgement of the harm done to them is essential to the process of shifting the blame from the victim to the perpetrator and treating survivors with dignity and respect. Tackling

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<sup>38</sup> Ferro-Ribeiro, Sara and van der Straten Ponthoz, Danaé, ‘International Protocol on the Documentation and Investigation of Sexual Violence in Conflict : Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law’. UK Foreign and Commonwealth Office. 2017. Page 42. Available at : [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/598335/International\\_Protocol\\_2017\\_2nd\\_Edition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf).



stigma can be life-saving for survivors and can lead to long-term societal transformation helping to address the root causes of CRSV itself.<sup>39</sup> Reparations have a critical role to play in that respect.

**Restitution** as a form of reparation focuses on restoring survivors' lives to the circumstances prior to the violence, including restoration of enjoyment of human rights such as restitution of civil status, employment, access to education and property. **Compensation** typically entails a monetary amount to provide for continued medical costs and loss of livelihoods and other damages incurred, including moral damages. **Rehabilitation** focuses primarily on providing survivors with all essential services they need to assist them to carry out their life in a dignified way, in particular medical and psychological care, legal and social services (e.g. housing) and economic rehabilitation through education and employment opportunities. **Satisfaction** focuses on recognition of the status of the individuals and communities as survivors of violations, ending ongoing violations, bringing justice and appropriate sanctions against perpetrators, establishing the truth, fact-finding measures, official declarations restoring the dignity of victims, commemoration and tributes to the victims, and public apologies. Finally, **guarantees of non-repetition** include giving effect to the requirement of '*transformative reparation*' by addressing the structural causes of the violation and actions on the part of the State to ensure that others do not suffer in the same way, for example through law reform.<sup>40</sup> As such, reparations should not only be directed at addressing the consequences of crimes committed in the past, but should also address ongoing social issues and contribute to prevent further violations.

These five forms of reparation are not mutually exclusive but complement each other, as they all address different types of needs that CRSV survivors may have. Invariably, a combination of all these forms of reparation is necessary to adequately address the spectrum of violations of different fundamental rights which sexual violence gives rise to, including but also beyond their right to physical integrity<sup>41</sup>. In addition, in order to adequately provide for reparations for sexual violence, these forms need to be considered in broad terms and as a 'package', so as not to reinforce structural and other inequalities.<sup>42</sup> Consistent with the survivor-centred approach the selection of all or some

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<sup>39</sup> Adams, Kate, 'Principles for Global Action : preventing and addressing stigma associated with conflict-related sexual violence'. UK Foreign and Commonwealth Office. 2018. Page 10.

<sup>40</sup> Ferro-Ribeiro, Sara and van der Straten Ponthoz, Danaé, 'International Protocol on the Documentation and Investigation of Sexual Violence in Conflict : Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law'. UK Foreign and Commonwealth Office. 2017. Pages 79-81. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/598335/International Protocol 2017 2nd Edition.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International Protocol 2017 2nd Edition.pdf).

<sup>41</sup> Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation held in Nairobi from 19-21 March 2007, section 3 (F) p. 5.

<sup>42</sup> UN Women. 'The Conflict Did Not Bring Us Flowers : The Need for Comprehensive Reparations for Survivors of Conflict-Related Sexual Violence in Kosovo'. New York : UN Women. 2016. pp. 20-21.



of the reparations forms and their prioritisation should be done in consultation and with meaningful input from the survivors.

For reparations to adequately address CRSV, a gender-sensitive assessment of the harm suffered and complex programmes are required, providing a combination and interplay of different forms of reparation (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition), as well as individual and collective reparations.<sup>43</sup> All measures should be designed and implemented to provide satisfaction, and the process put in place to design and implement reparations is as important as reparations themselves. Inclusion, participation, and agreement of victims are essential to every reparation process and at every step of the process. Arguably, some forms of reparations are not material and others symbolic, but all measures of reparations have a dual dimension and are both material and symbolic in their content and in the ways they are delivered.<sup>44</sup>

Legal standards on the content of the right to reparations for victims have been defined in the context of judicial forms of reparations, where an individual assessment of the harm suffered is desirable and necessary to define what constitutes adequate remedy and reparation in a given situation. Responding to violations committed on a large-scale that refer to high numbers of victims is essentially different. It requires interpretation of these legal standards and to adapt them to the nature of domestic reparations programmes. Reparation programmes cannot restore CRSV survivors' lives to the circumstances prior to the violence, but they can instead focus on survivors current rights, needs and harms and provide them with better opportunities and conditions of life.<sup>45</sup> When it comes to compensation (cash payments) as a form of reparation, it is important to keep in mind that monetary compensation alone is not in principle a sufficient form of redress for the violation of physical integrity and associated deep personal harm suffered by a victim of sexual violence.

## **b. 'Interim Reparations'**

The United Nations recognises the need for urgent interim reparations to address immediate needs of CRSV survivors and avoid irreparable harm, as set out in the Guidance Note of the UN Secretary General on Reparations for Conflict-Related Sexual Violence. What

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<sup>43</sup> Pillay, Navi, 'Women on the Frontline of Peace and Security', Interview with Paula Gaviria for the Profiles in Peace Oral Histories Project of the Georgetown Institute for Women, 2013 (p. 156).

<sup>44</sup> Correa, Cristian. 'Expert meeting : Challenges facing domestic reparation programs', Geneva, December 6-7, 2018 (oral comments and opinions).

<sup>45</sup> Correa, Cristian. 'Expert meeting : Challenges facing domestic reparation programs', Geneva, December 6-7, 2018 (oral comments and opinions).



conceptually distinguishes urgent interim reparations from social or humanitarian assistance measures is that they are based on the recognition of State responsibility and require State and political support.<sup>46</sup>

Interim reparations will be complementary to other responses and are supported without prejudice to efforts to obtain effective remedies and full reparations through transitional justice or other mechanisms. They could pave the way to the adoption of broader reparation policies. The Fund's support for interim programme initiatives is not intended to release States, armed groups or individual perpetrators from their responsibility to provide full and adequate reparation to all survivors.

To provide *satisfaction* and *guarantees of non-repetition*, 'interim reparations' measures must be accompanied by an official acknowledgement for the harm suffered by those responsible and other measures of satisfaction, as well as State sponsored measures aimed at addressing the structural causes of sexual violence in order to give effect to the requirement of 'transformative reparation'.

The Fund will support States that are willing to provide interim reparations, by means of technical or financial support. Again, the nature and extent of financial contributions required from responsible States will vary, but they will be expected to show their commitment by acknowledging the harm suffered, recognising their responsibility where relevant or genuinely engaging in a dialogue, and taking other measures such as setting up or endorsing programmes aimed at addressing victims' most urgent needs. Where necessary, the Fund will also support interim reparations delivered through civil society organisations.

The Fund's support will always be part, when possible, of a broader reparation strategy, including advocacy and technical assistance aimed at building the institutional capacity of States to deliver full reparations to CRSV survivors and other victims.

The provision of 'interim reparations' supported by the Fund in its current pilot projects includes individual and collective interim reparations, including elements of livelihoods, coverage of education costs, support for children's schooling, coverage of the costs of psychological and medical rehabilitation, commemoration and tribute determined by survivors with the support of the multidisciplinary Steering Committee of its pilot projects, and/or through civil society organisations.

All programmes supported by the Fund will be initiated at the local level to ensure they are survivor-centric and contextualised for the local setting and address the specific needs of individuals or groups of survivors in terms of interim reparations. The Fund will in particular contribute to the development of those programmes, collect and disseminate good practice, and advocate for all duty-bearers to assume responsibility.

As mentioned, this novel approach was developed in collaboration with the SEMA Network. Emerging evidence from the Fund's pilot projects indicates that survivors value 'interim reparations' specifically designed to redress the social, health or economic status harmfully impacted by conflict-related sexual violence, even when such measures are initially provided by non-duty-bearers. The provision of such measures, particularly where there is an advocacy

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<sup>46</sup> United Nations (2014) Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence, pp. 12-13.



or public engagement campaign, can bring some sense of acknowledgement for the harm caused within survivor communities and beyond. It counters stigma, thus contributing to restoring CRSV survivors' dignity and redressing their social status as equal citizens, and valued members of their families and communities.

### **c. 'Transformational Reparative Measures'**

In certain contexts, States are not only unable but unwilling to provide effective justice mechanisms that can give effect to victims' rights or they are reluctant to take steps to acknowledge the harm suffered by victims and meet their own responsibilities. Even when internationally mandated bodies such as the International Criminal Court have jurisdiction, a narrow focus on discrete cases excludes the vast majority of survivors. Where other transitional justice mechanisms, such as truth and reconciliation commissions are available and have led to administrative reparations, these have frequently provided reparations that do not consider CRSV survivors adequately or excludes them altogether.

As a result, generations of survivors of CRSV have not had any recognition or redress for the specific harms and lasting impacts they have suffered. This lack of solutions compels us to think more creatively to address the lack of recognition and accompanying ostracisation and stigma against CRSV survivors in their communities, as well as the lack of specific measures to address physical, psychological and other needs.

In such situations, the Fund will support complementary transformational reparative measures provided by non-duty bearers for the harm caused. Civil society organisations supported by the Fund will conduct activities and set up initiatives with restorative value and other forms of redress co-designed with survivors.

'Transformational reparative measures' identified by survivors with the support of an independent and impartial entity such as the Global Survivors Fund and implemented through civil society organisations can provide transformative acknowledgement and healing. According to survivors, a range of measures short of government-led reparations are possible. Reparative interventions could include a range of measures such as awareness and advocacy campaigns addressing social stigma; physical or psychosocial support; or campaigns for policy changes that might include elements of restitution, rehabilitation, compensation, satisfaction or guarantees of non-repetition. Such initiatives can provide formidable opportunities for survivors to re-integrate into their communities and regain dignified roles in society. They may provide a catalytic effect and empower survivors to seek reparations through transitional justice or other mechanisms at a later stage.

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### **List of Annexes**



Annex 1 – Reparations Study Phases  
Annex 2 – Definition of Terms



## ANNEX 1 - Reparations Study Phases

The Study will be conducted in phases. Suggested activities to be conducted during each phase could be as follows for a country where COVID-19 travel and other restrictions do not currently allow for in-country engagement with survivors and other stakeholders. In countries where such engagement can take place safely, suggested activities for Phases II and III could be combined:

<b>Preparation phase</b>
<ul style="list-style-type: none"> <li>• Development of the Structural Framework</li> <li>• Country selection</li> <li>• Identification of capacity needed and key partnerships</li> </ul>
<b>Phase I: Desk-based research September – December 2020</b>
<ul style="list-style-type: none"> <li>• Systematic review of:             <ul style="list-style-type: none"> <li>- Relevant publications on the background of the conflict</li> <li>- Existing information on scope, scale and nature of the CRSV</li> </ul> </li> <li>• Analysis of legal, institutional and policy frameworks relevant for CRSV and reparations Stakeholders mapping: local experts, survivors’ networks, local organisations (CSOs, CBOs, etc.), government entities or agencies, international NGOs, international experts, academics</li> <li>• Outreach to stakeholders and remote interviews to understand what has been done, entities and actors involved, identifying obstacles and opportunities</li> <li>• Identification of local consultant and/or organisations to be involved in Phase II</li> <li>• Preliminary Recommendations</li> <li>• Write up of the Preliminary Desk-based version of the Study</li>   <li>• Development by the GSF of a protocol for the Survivors’ Perception of Reparations Review and training materials on reparations to be tailored by partners as appropriate</li> </ul>
<b>Phase II: Remote Stakeholders Meetings and in-depth Interviews January - March 2021</b>
<ul style="list-style-type: none"> <li>• Hiring of local consultant/partnership with local organisation(s), briefing and inception</li> <li>• Identification of stakeholders for in-depth interviews and/or meetings</li> <li>• In-depth interviews to obtain stakeholders’ input on the preliminary version of the Study</li> <li>• Review of recommendations</li> </ul>



- Identification of a potential local consultant / organisation(s) to be involved in Phase III (availability, rates, modalities discussed)
- Finalisation of Initial, Desk-based version of the Study with recommendations (April 2021)

**Phase III: In Country Visits and  
Facilitation of Survivors' Perceptions of Reparations Review  
From April-June 2021 – COVID-19 dependent**

*By empowering survivors and adopting participatory approaches, this phase should have reparative value in itself*

- Stakeholders engagement meetings, including significant representation of CRSV survivors
- Establishment of a Steering Group for the Review process (including significant representation of survivors)
- Participatory identification of the data collection process, modalities (locations, local actors, etc.) and questions to be included in the Survivors' Perceptions of Reparations Review
- Training of survivors and local organisation(s) as data collectors to conduct the Survivors' Perceptions of Reparations Review
- Collection of data regarding the Survivor's Perceptions of Reparations Review, possibly through focus groups and semi-structured interviews with survivors

**Phase IV: Analysis and Costing  
From May-August 2021-COVID-19 dependent**

- Analysis of data collected by the Survivors' Perceptions of Reparations Review
- Revision of the Initial Study, including:
  - Revisions considering stakeholder meetings, focus groups, training and engagement with survivors, as well as survivor-led data collection
  - Review of analysis of prospects and opportunities for reparations (as well as risk and threats)
- Identification of reparations measures to be costed by economist/financial analyst identified by the GSF
- Collection of relevant financial data (based on guidance from economist/financial analyst)
- Financial analysis/costing by expert identified by the GSF
- Addition of a Reflection section on insights drawn from facilitating the process in Phase III
- Finalisation of the Study with final Recommendations

**Phase V: Publication  
September 2021-COVID-19 dependent**

- Final editing and formatting (graphics, infographics, photography)





- Translation (if applicable) and Printing
- Target date for publication of select country studies
- Launch event(s)

**Phase VI: Advocacy and further Publications**  
**From October 2021 onwards – COVID-19 dependent**

- Staggered publications of additional country studies
- Advocacy
- Follow-up sessions with local partners and actors



## ANNEX 2 - Definition of terms

Assistance	<p>Assistance in accessing justice: Victims of international crimes require assistance in order to access justice. To this end, States are compelled to publicise information about available remedies, minimise inconvenience to victims, provide proper assistance as well as appropriate legal, diplomatic or consular assistance to ensure that victims can exercise their rights.</p> <p>Material assistance: While States should endeavour to establish national programmes for reparation, they are also to endeavour to provide <i>‘other assistance to victims in the event that the party liable for the harm suffered is unable or unwilling to meet their obligations.’</i> Such measures are not necessarily reparative in nature. In this respect assistance is distinguished from the ‘transformational reparative measures’ promoted by the GSF, which aim to be reparative or transformative in nature- UN Basic Principles and Guidelines on Victims’ Right to a Remedy and Reparation, Principles 12 and 16 respectively.</p>
Conflict	<p>For the purposes of the Fund the term “conflict” encompasses not only international and internal armed conflict as defined by international humanitarian law, but also post-election violence, social upheavals, riots and other situations of political violence generally not amounting to an internal armed conflict as defined by the Rome Statute of the International Criminal Court.</p>
Conflict-related Violence (CRSV)	<p>Sexual The term “conflict-related sexual violence” refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict. That link may be evident in the profile of the perpetrator, who is often affiliated with a State or non-State armed group, which includes terrorist entities; the profile of the victim, who is frequently an actual or perceived member of a political, ethnic or religious minority group or targeted on the basis of actual or perceived sexual orientation or gender identity; the climate of impunity, which is generally associated with State collapse, cross-border consequences such as displacement or trafficking, and/or violations of a ceasefire agreement. The term also encompasses trafficking in persons for the purpose of sexual violence or exploitation, when committed in situations of conflict”.</p> <p>- Conflict-Related Sexual Violence Report of the United Nations Secretary-General (S/2019/280)</p>



Compensation	<p>Principle 20 reads: “Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case..., such as:</p> <ul style="list-style-type: none"><li>(a) Physical or mental harm;</li><li>(b) Lost opportunities, including employment, education and social benefits;</li><li>(c) Material damages and loss of earnings, including loss of earning potential;</li><li>(d) Moral damage;</li><li>(e) Costs required for legal or expert assistance, medicine and medical services, psychological and social services.”</li></ul> <p>- UN Basic Principles and Guidelines on Victims’ Right to a Remedy and Reparation, Principle 20.</p>
Fund	<p>The Global Fund for Survivors of Conflict-Related Sexual Violence, the ‘Global Survivors Fund’ for short, or ‘GSF’</p>
Interim Reparations	<p>“Providing comprehensive redress to victims requires time, resources, coordination, expertise and political will. In most experiences to-date, reparations have been provided many years after the conflict or repression giving rise to the violations. For these reasons, the UN should also support efforts to make urgent interim reparations available to respond to the most urgent and immediate harm affecting victims of conflict-related sexual violence. Urgent interim reparations should be distinguished from social or humanitarian assistance measures, as they are based on the recognition of State responsibility and require State and political support.”</p> <p>- Guidance Note of the SG on Reparations for Conflict Related Sexual Violence, June 2014, p.12</p>
Study	<p>The GSF’s Multi-country Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence</p>
Survivor	<p>Survivor is a non-legal term that is more empowering but narrower term than the legal definition of ‘victim’. It does not include deceased victims or most likely does not include indirect victims .</p>
Survivor-centric	<p>A survivor-centred approach refers to ensuring that the rights, needs and wishes of the victim/survivor are prioritised. Often survivor-centred is used to refer to the actual approach of working with victims/survivors, and survivor-centric is used to refer to the policies, procedures, and broad responses that prioritise the rights, needs, and wishes of the victim/survivor.</p>



UN Women Virtual Knowledge Centre to End Violence against Women and Girls, 2011.

## Victim

The UN Basic Principles define victim as:

'8. ... persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim."

- UN Basic Principles and Guidelines on Victims' Right to a Remedy and Reparation, Principles 8 and 9 respectively.