



**GLOBAL
SURVIVORS FUND**

A GLOBAL FUND FOR SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE

GLOBAL REPARATIONS STUDY EXECUTIVE SUMMARY REPORT OF PRELIMINARY FINDINGS

Produced for the High-Level virtual side event
of the 76th session of the United Nations General Assembly

Monday 27th September 2021

**“Reparations for Survivors of Conflict-Related Sexual Violence:
Status and Prospects”**



Consultations with survivors in Essau, Gambia
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Consultations with survivors in Essau, Gambia
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1 Introduction

“My past is my every day. I will not forget January 8, 2008. It changed my life, completely.”

Conflict-related sexual violence (“CRSV”) is one of the most brutal and personal acts of war, and is consequently recognised as a serious violation of international law. Those who survive CRSV are never left unscathed. Along with the deep physical and psychological trauma caused by the act itself, survivors face lost livelihoods, rejection and stigmatisation, the breakdown of family ties and a lack of recognition of what they have been through. They brave the challenges of long-lasting physical injuries that rob them of the ability to have children, of psychological scarring that rules out being in a relationship, of the emotional agony of being kicked out onto the streets by communities they were once part of, and of the knowledge that without support, they will pass their trauma onto their children, children that they cannot provide for or send to school. This is enough to break the most resilient of spirits, and is what the Global survivors Fund seeks to alleviate by striving to ensure that CRSV survivors receive reparations enabling them to rebuild their lives and restore their dignity.

Launched by Nobel Peace Prize Laureates Dr Denis Mukwege and Ms Nadia Murad, and endorsed by the UN Secretary-General in April 2019, the Global survivors Fund (“GSF” / “the Fund”) works to make reparations an agenda priority and increase the currently minute proportion of survivors of CRSV (“survivors”) who receive meaningful reparations. The Fund was established in late 2019 to mobilise expertise, provide financial and technical resources to enhance access to reparations - not least by supporting programmes developed and run through a collaboration between survivors, local and international partners to provide interim reparative measures – and to support States to meet their primary obligation to provide reparations to CRSV survivors.

“We who are affected must be involved in all decisions and we must also speak out together. Our slogan is 'Nothing without us', nothing without the victims, you cannot speak for us anymore.”

2 The Global Reparations Study

As part of its mandate, GSF has embarked on a comprehensive study on the status of and opportunities for reparations globally (“the Global Reparations Study”/“the Study”). The Study began in the second quarter of 2020 and is scheduled to be completed in 2022. Notwithstanding significant challenges posed by the COVID-19 pandemic, the Study is in the final stages of analysis for 16 countries (Bosnia and Herzegovina, Burundi, Cambodia, Central African Republic, Chad, Colombia, The Gambia, Kenya, Nepal, South Sudan, Syria, Uganda, Ukraine, as well as Iraq, Guinea and the Democratic Republic of Congo), with full findings/country reports due in autumn 2021. The Study for another 12 countries (Bangladesh, Guatemala, Ivory Coast, Liberia, Libya, Mali, Myanmar, Nigeria, Philippines, Sri-Lanka, Sudan and Timor-Leste,) will then follow, with results expected in the second quarter of 2022, and other countries may follow at a later stage.

The breadth and depth of the Study goes beyond any research on reparations for CRSV to date, which along with the survivor-centric approach taken and the significant collaboration with local and international partners, makes this study a worldwide first. This would not have been possible without the partnership of the following organisations:

Asociacion de Mujeres Afrodescendientes del Norte mdel Cauca - ASOM (Colombia)
Association tchadienne pour la promotion des droits de l'homme - ATPDH (Chad)
Association of the Detainees and the Missing in Sednaya Prison (Syria)
Association des victimes, parents et amis du 28 septembre - AVIPA (Guinea)
Ave Fenix (Colombia)
Blue Bird (Ukraine)
Caribe Afirmativo (Colombia)
Casa diversa (Colombia)
Center for Inclusive Governance Peace and Justice - CIGPJ (South Sudan)
Conflict Victim Women National Network - CVWN - Nepal
CSO Network (Kenya)
Dialogue and Research Initiative - DRI (South Sudan)
Eastern Ukrainian Center for Civic Initiatives - EUCCI (Ukraine)
Gambian Ministry of Gender, children and social welfare
Gambian Ministry of Justice
Gender Platform for Transitional Justice (Gambia)
GENFAMI (Colombia)
Grace Agenda (Kenya)
International Center for Transitional Justice - ICTJ (The Gambia, Nepal and Uganda)
Kdei Karuna (Cambodia)

Mouvement des survivantes en Centrafrique (Central African Republic)
Moving forward - Remembering The Ones We Lost (South Sudan)
Mouvement National des Survivant.e.s de Violences Sexuelles en RD Congo (Democratic Republic of Congo)
Nadia's Initiative (Iraq)
Nagarik Aawaz (Nepal)
Obouni (Central African Republic)
Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen - OGDH (Guinea)
Panzi Foundation (Democratic Republic of Congo)
Plateforme des associations de victimes (Central African Republic)
Red de Mujeres Víctimas y Profesionales (Colombia)
REDRESS (Chad, Cambodia, Bangladesh, Myanmar)
Rights for Peace (South Sudan)
Transitional Justice Working Group (South Sudan)
TRIAL International (Bosnia and Herzegovina)
Truth Hounds (Ukraine)
Truth Reconciliation and Reparations Commission (TRRC) of the Gambia
Vive Žene (Bosnia and Herzegovina)
Women Association for Victims Empowerment - WAVE (Gambia)
Women Now for Development (Syria)
Women's Advocacy Network - WAN (Uganda)

to whom the Global Survivors Fund extends its warmest thanks.

This Executive Summary Report of Preliminary Findings sets out some of the initial observations and preliminary recommendations coming out of the Global Reparations Study to date for the attention of the 76th session of the United Nations General Assembly and attendees of the High Level virtual side event entitled “Reparations for survivors of Conflict-Related Sexual Violence: Status and Prospects” being held on Monday 27 September 2021. This event is co-hosted by the Global Survivors Fund, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Governments of France, Japan, the Republic of Korea and the United Kingdom, and open to relevant stakeholders and the general public. It will be followed by a full Global Study Report, as well as individual country study reports, to be published in 2022.

The content of this Report is based on initial findings from Bosnia and Herzegovina, Cambodia, Central African Republic, Chad, Colombia, Democratic Republic of Congo, The Gambia, Guinea, Iraq, Kenya, Mali, Nepal, South Sudan, Syria, Uganda and Ukraine. Data used is summarised in the country briefings which are available on GSF's [website](#), and in the full reports which will follow.

Purpose and Objective of the Study

The purpose of the Study is to determine the impact of CRSV, assess survivors' access to reparations and obstacles to reparations being administered, and identify opportunities for state-led administrative reparations programmes as well as interim reparative measures worldwide. The objective of the Study is to review legal and policy frameworks, contextual data, speak directly to survivors, and then, provide contextual recommendations for further action based on survivors' needs and aspirations, identifying available potential among key actors working in the field of CRSV.

Study Scope

CRSV is [defined by the United Nations](#) as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilisation, 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. The GSF has, however, a slightly narrower focus and is in the first place looking at supporting programmes aimed at enhancing access to reparations for all victims - women, men, girls, boys, members of the LGBTQIA+ community and children born of rape - of sexual violence that has a direct link to a conflict situation and occurs in a widespread or systematic manner. That said, GSF interprets the concept of conflict broadly to include political and military violence beyond situations of international and non-international armed conflict under international humanitarian law. As such, the scope of the Global Reparations Study extends to post-election violence, social upheavals, riots and other situations of political violence generally not amounting to a non-international armed conflict as defined by international humanitarian law.

Study Methodology

For each country study, comprised of both a process and research component, a five-phase approach was usually followed as set out below:

Phase 1: Desk-based research to systematically review relevant publications, map survivor networks and other stakeholders and identify existing avenues, both judicial and of an administrative nature, for the provision of reparations to survivors, as well as their levels of implementation.

Phase 2: Stakeholder interviews to clarify findings of desk-based research, identify opportunities and obstacles to provide survivors with reparations, identify local partners, organise roundtables of key stakeholders where appropriate and design work with survivors.

Phase 3: Identification of survivors in collaboration with local partners, training of local partners and/or survivors involved in data collection, collection of demographic data using participants' forms and focus group discussions and individual interviews to further explore survivors' experiences, perceptions and expectations.

Phase 4: Quantitative and qualitative analysis of data collected to identify survivors' needs and aspirations, and possible actions for ensuring enhanced access to reparations for survivors.

Phase 5: Socialisation and validation of results with survivors, local partners and other relevant stakeholders, development of domestic and international action plans based on the Study recommendations and survivor-led advocacy initiatives.

Going Forward

Despite all the challenges of the past 18 months, in particular related to the COVID-19 pandemic, the progress of the Study has demonstrated that it is possible for survivors to make their voices heard, and that doing so is not only paramount in providing appropriate recommendations for the design and implementation of meaningful survivor-centric reparations, but also has a reparative value in itself. The reparations process matters as much as the forms of reparations given to survivors.

The Fund intends to use the findings of the Study to inform its strategy and focus going forward, doing so under the three pillars of its work: Act, Advocate and Guide. The Study findings will also be made available for everyone to use, and it is GSF's hope that this will contribute to wider collaborative sectoral efforts to address the consequences of CRSV and realise survivors' right to reparation.

Contact

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Dancing game « kpokeyo-yo » with survivors after focus group discussions, 2021, Central African Republic
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3 The Importance of Reparations

Time and again in dialogue with survivors, the fundamental role of reparations as a component of recovery was made clear. Although contexts differ, the core elements of what survivors' needs and wants are the same across countries and continents. Following the trauma and upheaval caused by CRSV, survivors demand different forms of acknowledgement and support by way of reparation to be able to move forward with rebuilding their lives and regaining their dignity and some form of well-being. Primary concerns in this respect include:

Recognition and Symbolic Reparations

For survivors, nothing will be the same again. The violations they have endured will shape their lives forever, and part of the process of accepting that reality requires a collective acknowledgement of what happened, of its atrocity and of responsibility. On this front, some survivors seek a public apology from those responsible, full recognition of their status and rights as survivors of CRSV specifically, and further symbolic reparations in the form of commemoration events, memorials and other forms of community remembrance. For survivors across the globe, recognition from family and community members is also of great if not greater importance and so, therefore, is the potential for bottom-up, community-based commemoration initiatives and rituals as a form of satisfaction.

Both recognition and the manner in which reparations are designed and provided are key components of the repair process.

Immediate Rehabilitation and Long-Term Care

The savagery of many acts of CRSV is such that survivors are left with significant physical and psychological injuries that require immediate medical and mental health care. Without it, survivors are more likely to be left with long-term medical conditions stemming from the initial trauma that are incapacitating, more difficult to treat at a later date and require long-term care.

Without immediate medical care, survivors are also more likely to struggle to prove that they have been subjected to CRSV at a later date, as is also a pre-requisite for survivors to access any other form of reparation, including to claim justice in courts. This leads to the risk of retraumatisation when required to provide such evidence at a later date.

Access to Financial Support, Employment, Education and Professional Training

Because of the physical and psychological consequences of CRSV, many survivors are no longer able to continue the income-generating activities they carried out prior to the violence, as such activities often involved manual labour, travel and connection with others. The stigma and discrimination that often follow CRSV further contributes to survivors no longer being able to keep a job or earn a living, and to them losing the possessions they once had, rendering them unable to support themselves or their families and associated loss of status, and in turn exacerbating their isolation.



*Body map workshop with survivors.
© Andrés López Cárdena, August 2021. Villa
Atahualpa, Betania, Antioquia, Colombia.*

Time and again in dialogue with survivors, the fundamental role of reparations as a component of recovery was made clear. Although contexts differ, the core elements of what survivors' needs and wants are the same across countries and continents. Following the trauma and upheaval caused by CRSV, survivors demand different forms of acknowledgement and support by way of reparation to be able to move forward with rebuilding their lives and regaining their dignity and some form of well-being. Primary concerns in this respect include:

Legal and Administrative Support

Where States have legal or other frameworks in place establishing domestic reparation programmes, survivors often struggle to navigate the complex bureaucratic administrative systems to register as a CRSV survivor to be able to receive reparations. The same is true for judicial remedies where the burden of evidence, the costs of litigation and the passing of time turn bringing perpetrators to justice as a form of satisfaction into a permanent struggle. Domestic reparations programmes need to include clear information about the processes to be followed, lower standards of evidence, and simpler processes geared towards facilitating access to reparations. Where legal action is necessary, survivors must be given access to free legal assistance and representation so as to be able to make their claims and follow through with the court cases and implementation of awards.

Accountability

Perpetrators of CRSV are rarely brought to justice or held to account for their acts. Widespread impunity is of concern to survivors, as it not only implies that the violations perpetrated are de facto condoned, but also paves the way for CRSV to continue unabated. It is also common that perpetrators continue to live in the same social environments and communities as their victims. As a result, survivors often continue to live in fear and lose hope in justice being done. This exacerbates their inability to reintegrate into their communities and rebuild their lives, as well as their feeling of non-recognition. As such, survivors speak of the importance of seeing justice being done and perpetrators being prosecuted not only for the purposes of justice and as a measure of satisfaction, but also as a way of ensuring non-repetition. That said, survivors also express little hope of this happening given the difficulty in identifying perpetrators, often rigid approach to admissibility of evidence and other procedural obstacles.

Restoration of Community and Dignity

Survivors are very often subjected to stigmatisation and social exclusion following their ordeal, which compounds the effect of CRSV on their well-being and livelihoods. To counter this, survivors seek locally designed awareness-raising and stigma-alleviating activities and initiatives for families, in particular husbands and partners, and communities to better understand what happened, so that they can appreciate that survivors are not to blame and stop contributing to their secondary victimisation. Survivors also describe the cathartic impact of being able to come together with other survivors to share experiences and rebuild together, and the need for safe places in which to do so.

Individual Needs

Survivors are not a homogenous group and each of them has a distinct set of needs based on intersecting factors and vulnerabilities. Children born of rape face a unique set of challenges including rejection, stigmatisation, lack of legal status and associated difficulties in accessing support services including medical care and education. Members of the LGBTQIA+ community also face specific challenges linked to their gender identity. Indigenous people too, see harms and ways of healing in a different light. And older victims who have been waiting for reparation for many years will also have their own distinct set of needs and priorities.

4 The Implementation Gap

Very few survivors have received any form of meaningful reparations for the harm they have suffered. When reparations are provided, they are far from comprehensive and provided so long after the event that the delay causes additional irreparable harm, and diminishes their impact.

In the majority of States covered by the Study, there is no real access to reparations at all.

Where legal proceedings have taken place, convictions have followed, and reparations have been ordered, a colossal implementation gap also exists. In Chad for example, none of the reparations ordered by either the Extraordinary African Chambers in 2016 or the Chadian Courts in 2015 have been provided. Further, although the African Union has formally created the reparations fund it was ordered to establish, it has yet to be operationalised. Similarly, in the Democratic Republic of Congo, survivors in the Kavumu and Minova cases are facing immense hurdles in obtaining reparations awarded to them. Bosnia and Herzegovina is also an example of the immense obstacles survivors face when trying to obtain reparations through courts as victims are obliged to pay high court fees when their compensation claims are rejected in civil proceedings in application of statutes of limitations. This results in dismissal of all civil lawsuits and exerts further financial pressure on victims, leaving them disappointed and experiencing this practice as "*additional punishment for them because they survived*".

Domestic reparation programmes, which have the potential to benefit much larger numbers of survivors than court-ordered reparations, are largely lacking in the countries covered in the Study. Out of the 16 countries studied to date, only Colombia and Bosnia and Herzegovina have set up domestic reparation programmes and Iraq has adopted the Yazidi Survivors Law, opening the door for a domestic reparations programme. That said, these programmes also fall prey to a lack of implementation as demonstrated across many countries such as Iraq, where the lack of requisite infrastructure is a barrier to the implementation of reparations, or Colombia where the complexity of the administrative programme has only permitted access to some forms of reparations to just over 10% of victims recognised as such by the Registry of Victims after a decade of implementation. Even in Bosnia and Herzegovina where a domestic reparations programme does exist, the fragmented legal framework has resulted in unequal treatment of victims of CRSV within the country and unequal access to rights depending on the place of residence of each survivor.

Despite the immense implementation gap identified by the Study, key opportunities also emerge. In Mali for example, a draft National Reparation Policy provides for reparations to victims and the Truth, Justice and Reconciliation Commission is mandated to establish a reparative framework in accordance with the depositions received, and the needs expressed. There is also momentum in South Sudan as a result of the Revitalised Peace Agreement of 2018 to set up a Compensation and Reparation Authority and the establishment of a Commission for Truth, Reconciliation and Healing mandated to provide recommendations for reparations and compensation. In Iraq, positive trends are also noted as a result of the adoption in March 2021 of the above-mentioned Yazidi Survivors Law and the various processes it has triggered between government institutions and civil society to work on reparations. Colombia is also testament to what is possible, given not only the existence of a domestic reparations programme, but also of the new opportunities created by the Final Peace Agreement between the Colombian Government and the FARC in 2016. In The Gambia, different types of individual interim reparative measures have been provided to survivors by the Truth, Reconciliation and Reparations Commission. And the Democratic Republic of Congo also recently announced plans to set up a national fund for reparation for victims of CRSV and other grave crimes.

Despite these positive observations, much more needs to be done to keep the momentum, and reach acceptable levels of consistent reparation. There is every cause for survivors to lose hope, and yet the resilience and desire of a vast majority of the survivors who participated in the Study to fight for their right to full, prompt, adequate, effective and survivor-centric reparations shows that all is not lost. In countries where survivors have come together and strong survivor networks have been established, greater progress has been made towards survivors accessing some form of reparation as shown in Cambodia with the CRSV-focused reparation project of the Extraordinary Chambers in the Courts of Cambodia, in Chad with the litigation against Hissène Habré and his security agents, in Colombia with the victims and land restitution law, and in Iraq with the Yazidi Survivors Law. Strong survivor networks exist also in the Democratic Republic of Congo and Central African Republic, where they are a driving force in demanding reparations.

It has also been noted that in States where transitional justice processes are currently under way, and where attention and resources are allocated to addressing the barriers to reparations and constructing structured, well-defined and survivor-defined programmes, the implementation of comprehensive reparative measures shows signs of progress.



Manual work during training with survivors, 2021, Ukraine.
© Blue Bird

5 Core Observations

The Global Reparations Study has engaged in research and full consultations with survivors in 16 countries so far, with a further 12 to follow. The data collected is still being analysed, and final findings are expected later this year, but the information considered to date allows for some key observations to be made as follows.

A Sense of Urgency

From the moment a person has been subjected to sexual violence, their life as they know it is over and a long and arduous process seeking healing begins. That is when reparations are needed. Survivors who are rejected by their community need urgent compensation to rebuild their livelihoods. The longer it takes to access medical treatment and psychosocial support, the greater the likelihood of medical complications and increased psychological trauma, of severe long-term conditions and chronic pain, of stigma, social exclusion and family break-downs, and an even further loss of livelihood due to an inability to work or function. The right to terminate a pregnancy resulting from rape should also be part of urgent rehabilitation as a reparative measure. As time goes on, if survivors are not acknowledged and provided the reparation they need and are entitled to, the effect of what they have endured risks resulting in irremediable harm and a cycle of exclusion.

As such, immediate rehabilitation is a necessary part of reparation, ensuring the effectiveness of legal recourse and of accountability and an acknowledgement of what survivors have been through.

For other reparations such as acknowledgement or apology, the time it takes to see justice done is simply too long, and survivors are literally dying as they wait. In Cambodia for example, where the sexual violence dates back to the 1970s, or Chad where violence dates back to the 1980s, survivors have yet to access any meaningful comprehensive reparations. In this sense, time remains of the essence even in respect of events that occurred many years ago.

As such, some reparations can and should be provided as soon as possible after the event. Waiting until the end of the conflict, the closing of the humanitarian chapter, the development of a transitional justice process, programme or the verdict of a legal case is very simply not an option if meaningful and comprehensive reparation is to be made.

Interim Reparative Measures

This reality highlights the need for States and other actors to take prompt action and the importance of interim reparative measures. Although primary responsibility lies with the duty bearers, who must ultimately provide the reparations, the reality in some countries is that there are different actors who are well-placed to provide reparative measures rapidly, thereby allowing survivors to begin their path towards recovery and become better placed to then engage actively in reparation processes and in defining the most appropriate forms of comprehensive reparations going forward. Though collaborating with humanitarian actors in providing these reparative measures is essential, with the adoption of a rights-based approach, and the inclusion of elements of acknowledgment and compensation, interim reparative measures should not be confused with humanitarian assistance. The Study indicates that no obvious efforts are made with any consistency to coordinate between different actors to find synergies and strive for a holistic, harmonised and structured approach to providing interim reparative measures to survivors.



Water point in Mali © Julien Harneis

There are many contexts, such as Ukraine, Syria, South Sudan or the Central African Republic, where the time is now for moving forward with substantive reparative measures, and waiting for the end of conflict will only amplify harm caused to survivors of CRSV. Lessons have been learned from conflict situations like Colombia, where it has been possible, despite challenges, to provide some reparation to victims.

The case of The Gambia also shows that where there is political will, provision of reparations is possible as the country's Truth, Reconciliation and Reparation Commission is empowered to provide interim reparations, and has indeed provided some form of reparation to some survivors. While these reparations are not arriving immediately after the violations happened, they show that it is not necessary to wait for the work of a truth commission to be over to consider providing interim reparations to victims who are in dire need of help.

Domestic Reparations Programmes

There are two main avenues for reparations for survivors of CRSV: through the Courts (national or international, civil or criminal), and through domestic reparations programmes. What the Study shows clearly so far, is that the latter lends itself more to actual reparations, is more effective in ensuring that a comprehensive approach is taken, and there is an emerging trend for such programmes to go beyond compensation to include other forms of reparation such as rehabilitation, the payment of costs related to education and vocational training, and forms of restitution and satisfaction. The combination of these different forms of reparation allows survivors to take back their lives and restore their dignity and place in society. Such programmes are also far more inclusive, providing for reparations to a far larger number of survivors than legal proceedings.

Legal proceedings are complex and costly; they require specific expertise, an ability to identify the perpetrator(s) of the specific acts of CRSV; they present many challenges - especially in jurisdictions where CRSV is not recognised or prosecuted as a war crime or crime against humanity; they take years to complete and are difficult for survivors to participate in. This is not to say that such proceedings are not an immensely important part of reparations. Where prosecution is successful, they provide recognition, acknowledgement and satisfaction to victims, even beyond those participating in the case, acting also as an important guarantee of non-repetition. Many survivors have voiced the feeling that without justice, there can be no reparation, expressing frustration at the lack of successful prosecution of perpetrators of CRSV, which makes moving forward all the more difficult. Such cases also serve to crystallise the criminal nature of acts of CRSV and act as a deterrent, thereby also seeking to ensure the non-repetition of such acts in the future. But when it comes to reparation, court orders following conviction tend only to relate to an infinitely small proportion of survivors, are limited in value, and are very rarely enforced.

Lack of Data

For domestic reparations programmes to be an effective conduit for reparations to CRSV survivors, the Study identifies different challenges that need to be addressed. First is the data challenge. With an array of different actors working in the field of reparations and transitional justice more widely, all engaging in different initiatives and collecting data with little coordination, as well as the reticence of many survivors to come forward in light of stigma and shame attached to victimhood, it is difficult to obtain accurate information about the extent of CRSV, about the identity and profile of survivors specifically, or indeed about what has already been done in terms of providing any form of reparation.

A lack of data should not be an excuse to avoid implementing reparations as reparation programmes can help identify survivors, document the extent of the violence and generate such data. For example, in GSF's interim reparative measure project in Guinea, a carefully constructed survivor-led identification process has helped create a more realistic view of the total number of survivors.

Inclusion as Conflict Victims

To be effective, domestic reparations programmes should include survivors of CRSV explicitly as a category of conflict victims, unless doing so would have an adverse impact on survivors' safety or well-being, which may be the case in some contexts. Where CRSV survivors are not expressly included as a category of victims, they risk not being eligible for reparations under domestic programmes, which not only prevents them from receiving material support, but also implies that they are not considered victims of the conflict, which fails to acknowledge the suffering they have and continue to endure. In Nepal for example, the 2008 interim relief programme did not include survivors of CRSV and torture, and survivors speak of the need for society to understand what happened and the hope that they will stop being blamed for what they went through.

Domestic reparations programmes need to be timely, comprehensive and built on survivors' perspectives. This requires investment and expertise. It also requires good communication about the process and a set-up that allows survivors to come forward in a safe and trusted environment with people who are trained in gender-sensitive CRSV and trauma management. In Mali, survivors of CRSV do fit within one of the categories of victimised persons entitled to reparations, but hardly any CRSV victims have come forward to share their testimonies with the Truth, Justice and Reconciliation Commission, which is a prerequisite to being registered as a victim and receiving (future) reparations.

Co-creation and Empowerment

Only the people who have experienced CRSV truly know what they have suffered and what they need to be able to work through their trauma and diverse forms of harm suffered; the rest of us can only imagine. It is therefore imperative that reparations programmes be co-created with survivors to ensure that such programmes are fit for purpose and allow survivors to move forward and rebuild their lives with dignity. Simple consultation is not enough. Only by ensuring that survivors are given real agency in determining what reparations are to be made and how, is it possible to truly acknowledge the atrocity of what they have been through, to assure them of their fundamental value as human beings and to support them in regaining their dignity and taking back their destiny. In this way, the design and implementation process is in itself of potential restorative value and serves to acknowledge what survivors have endured. As a flip side, processes that are not well-designed and survivor-centric will contribute to further harming victims.

Such participation also ensures that reparations meet the intended objective of having a meaningful reparative value for survivors, enabling them to rebuild and move forward with their lives in dignity. A striking example of this was found in Cambodia, where the Khmer Rouge had adopted a strategy of forced marriages to break down social structures, holding mass ceremonies of an entirely impersonal nature involving at times hundreds of couples. Some of these couples decided to stay together after the conflict to reduce some of the stigma attached to not being properly married. In Cambodian tradition, marriages are joyful affairs, with celebrations lasting days and involving the newlyweds being surrounded by loved ones, and so some survivors requested that traditional wedding ceremonies be held to reappropriate their cultural norms. Organising such ceremonies is of reparative value for survivors and would never have been done without their participation in defining appropriate reparations.

Enabling meaningful co-creation of reparations programmes with survivors requires them to be physically and mentally able to participate, to trust the process and to want to be involved. To build this trust, it is important to provide safe spaces for survivors to express themselves, to support survivor networks, to ensure that those involved in the process are properly trained to speak with survivors in a way that does not lead to additional trauma, and to build in a gender-sensitive approach, making sure that all different categories of survivors have a chance to participate. It is also important to provide survivors with information about their right to reparations and build their capacity to appropriately advocate for the realisation of that right.

In many countries, cultural norms make it even more difficult for male or LGBTQIA+ persons to come forward to claim their rights as survivors, let alone talk openly about what they have endured. Similarly, children born of rape also face a specific set of challenges, and all this needs to be factored into the survivor participation process. On the output side, acknowledging that "survivors" is not a homogenous category of people, and that different people within that group will have different needs is also important, and reparations programmes need to be able to cater to those different needs.

And then, it is important to maintain survivors' trust by ensuring that their input is truly used to guide the implementation of reparative measures, failing which there is a risk of aggravating survivor disillusionment rather than achieving repair.

Survivors' Initiatives

In addition to the importance of adopting a truly survivor-centric approach to defining and implementing reparation measures, the Study also indicated that where survivors are empowered to act, more meaningful and rapid progress is made, and the stronger survivors' initiatives, the more has been achieved at domestic level. In Uganda for example, survivors' mobilisation was crucial in maintaining the momentum that led to the adoption of the National Transitional Justice Policy in 2019, which provides for reparations. And in Colombia, survivor-led advocacy campaigns have served to highlight concerns around impunity and the need for meaningful reparations. In the Democratic Republic of Congo, consistent demands from the *Mouvement des Survivantes* has also undoubtedly contributed to the momentum that exists today for the establishment of a national reparations fund.

Many survivors in countries where such initiatives do exist speak of the cathartic value of being with other survivors and participating in common activities. But where no such initiatives exist, it can be difficult to create them and bring survivors together. Providing material reparative measures in the form of medical and psychosocial care and financial support also contributes to supporting initiatives as they enable survivors to feel better, more confident and more equipped to participate in developing such initiatives and fighting for their rights.

As such, the value of supporting and strengthening survivor initiatives through resources, information and capacity building is immense. It allows meaningful and effective participation in reparations programmes and advocacy efforts to push for the development of programmes where they do not yet exist, as was the case in the Democratic Republic of Congo.

Further strengthening survivors' networks nationally and across borders allows them to share their experiences and learn from each other. The Ukrainian Network of Women Affected by Violence have for example benefited from active engagement with other survivors networks, having travelled to Bosnia and Kosovo to meet survivors there, identifying best practices and exploring lessons learned that could be of use in the Ukrainian context. The network is also supported by the Mukwege Foundation, which contributes to survivors' ability to participate in policy discussions around reparations in Ukraine.

Most survivors' initiatives appear to be led primarily by women survivors, and so here again, it is also important to find ways to ensure other CRSV survivors including children born of rape, men and boys and members of the LGBTQIA+ community are included in these initiatives. In Colombia, for example, where strong survivors' networks were identified, a representation gap nonetheless exists in relation to male victims and children born out of rape. Less obvious, but equally important are CRSV survivors who were also combatants in the armed conflict. Given the additional stigma, discrimination and rejection experienced by these groups, special measures are needed to ensure a safe and trusted environment that will allow them to participate in survivors' initiatives.

Partnerships and a Multi-Stakeholder Approach

CRSV leaves survivors afraid, ashamed, in pain and alone. In this state, getting through the day feels impossible, let alone having to fight to recognition of what has happened and for the right to receive assistance and support. So, although reparations need to be survivor-led, working through partnerships and taking a multi-stakeholder approach is imperative to provide effective protection and support to survivors to ensure they access the reparations to which they are entitled.

Although States are responsible for ensuring that reparations are provided, the Study suggests that many States are not adequately equipped to do so, and successful implementation of any reparations programme therefore invariably requires the involvement - and leadership - of different stakeholders, including other States, survivors themselves, civil society and community-based organisations, CRSV and reparations experts, medical professionals, financial and educational service providers, government institutions, etc. Each of these parties covers a piece of the wider ecosystem. Survivors determine what they need and how they need it to be provided; community-based organisations and local NGOs provide knowledge of local cultures, customs and ways of doing things and can help with identification of victims; civil society organisations provide mobilisation and advocacy support; other NGOs provide expertise for example in community-based livelihood work and can help survivors invest their financial compensation effectively, and the government should provide comprehensive legal and administrative frameworks in which all of these elements can come together to ensure that meaningful reparations are tailored to the context. The Study suggests that even where all the necessary actors are present, there still is a lack of coordinated collaboration between the parties, leading to a lot of complexity, confusion, overlap, data gaps, duplication and ultimately, ineffectiveness.

In countries that show promise, there tends to be a meaningful partnership between survivors, civil society organisations and the State. The GSF's interim reparative measures project in the Democratic Republic of Congo exemplifies this well, as members of the project committee include survivors, civil society representatives, a psychologist, UN representation, a military prosecutor and representation from the regional authorities, providing a forum in which survivors can express their perspectives and needs, and State representatives can ask questions, discuss and better understand what is required.

Where multiple parties are included from the start, the mechanisms appear to offer more comprehensive and survivor-centric processes and reparative measures. This is the case in the project led by Nadia's Initiative in Iraq, supported by GSF, where interim reparative measures are co-determined by survivors and community-based organisations, doctors, psychologists and lawyers. Involving non-State parties in the process also helps to reassure survivors who no longer trust the State, and can serve to build bridges between the parties, resulting in reparations programmes that better serve the needs of survivors.

The Role of the International Community

Without reparations, survivors cannot reappropriate their lives.

Responsibility for reparations lies squarely with States, who are duty-bound to ensuring that survivors are provided reparations, but the reality is that in many cases, the State is reneging on that responsibility and is unwilling or unable to provide the necessary reparative measures.

Where this is the case, alternatives must be found. It is not acceptable that access to meaningful reparations be determined solely by whether or not the State in which CRSV occurs chooses to do something about it.

The Study points to two main avenues for parallel action identified by survivors. The first is a continuation of work with non-governmental organisations, civil society and community-based organisations to both provide interim reparative measures and progress advocacy efforts aimed at encouraging the State to fulfil its obligation.

The second avenue for parallel action suggested by survivors is to mobilise the international community in various ways, first by calling upon or encouraging the relevant States to fulfil their obligations with regards to reparations, doing so through diplomatic channels and with reference to existing international frameworks. In the case of Chad for example, the Extraordinary African Chambers awarded compensation to survivors that was to be paid by an African Union Trust Fund, which the Chambers ordered the African Union to establish. After several years, this Fund has yet to be operationalised, and the African Union only just started reengaging with civil society actors on the matter. Here it would be important for the international community to ensure the African Union sustains its renewed efforts to meet its obligations under the award handed down by the East African Chambers. In Bosnia and Herzegovina too, the international actors following the 2019 decision of the Committee against Torture in the case of *A. v. BiH*, should work through diplomatic avenues to ensure its implementation.

A second action the international community can take is to finance interim reparative measures. The Study shows there is an immense need for this, and no time to wait.

The international community is also well-equipped to offer technical assistance to those States that are willing to move forward with meaningful reparations mechanisms but lack the expertise and resources to do so effectively. There are various countries in which this would be of value, such as in the Democratic Republic of Congo, where the government can benefit from institutional and technical support in drafting the recently announced reparations decree or law, setting up a national reparations programme. Or in the Central African Republic where support is needed to operationalise the Truth, Justice and Reparations Committee, or in South Sudan where there is a deep mistrust of the State institutions which could be alleviated by international participation.

Survivors' networks would also benefit from further support from the international community. In South Sudan, survivors spoke of the fear of reprisals if they spoke up and a lack of trust in the government institutions, along with a need to be able to come together as survivors. This could be supported by international actors.

And last but not least, the Study suggests that recognition by the international community of survivors of CRSV, with all that entails in terms of acknowledgement of harms caused, is of great value to survivors and allows them to know they have not been forgotten, even where their own government is failing to act.

6 A Call to Action

"[B]ecause I am a human being and not an animal, I have a right to reparation - the dignity that belongs to me needs to be restored".

"[Reparation is] a kind of help that I get to help me get out of the victimhood and see more to life and get hope to see justice, that somebody actually cares about me and sees that harm was done to me."



Woman looking at the horizon.
© Angie Larrahondo, August 2021,
Santander de Quilichao, Cauca, Colombia.

Once a person has endured CRSV, they have lost everything. And that harm is compounded where they are subsequently subjected to painful long-term physical and psychological conditions, an inability to work and social rejection. The journey back to a sense of self and a place in the community is gruelling; it cannot and should not be travelled alone. It is part of the process of recovery that others acknowledge what has been endured and that an effort is made as part of a common humanity to provide some form of reparation. And this human duty to provide reparation is embedded in international law.

This Study is pointing to the fact that there is a considerable gap between the right to reparation in theory and practice. And often even in theory, the reach and scope of this right is not in line with international standards. The world is still a long way off ensuring that those who are subjected to CRSV receive meaningful reparations, but there are also indications that when there is a clear and concerted political will, and a structured and informed approach, meaningful reparations are possible. And we owe it to survivors and their incredible resilience in the face of unimaginable adversity to make sure that they get reparation. To move forward with the work required to make this happen, we conclude with some preliminary recommendations for State consideration as set out below. These will be built on once the Study is completed and full and final conclusions of the Study are available.



Demonstration of victims of Hissein Habré's regime
in the streets of N'Djamena, June 2021.
© Clément Abaifouta

Preliminary Recommendations

Immediate Action: Medical Care, Psychosocial Support and Compensation: Make every effort to ensure that comprehensive and specialised medical care and psychosocial support, as well as financial compensation and livelihood support, is made available to survivors as soon as possible after the event, doing so in collaboration with other actors such as humanitarian organisations where necessary to both mitigate physical and psychological harm, and allow for evidence of the crimes to be recorded before it disappears or its retrieval leads to traumatising. Such immediate action also allows survivors to start rebuilding their livelihoods before they are trapped in a cycle of exclusion and marginalisation.

Interim Reparative Measures: Do not wait for a law or administrative programme to be in place before providing interim reparations necessary to allow survivors to rebuild their health, livelihood and dignity.

Creating Reparations Programmes

Data: Make every effort to gather complete and accurate information about the number and type of survivors, as well as the reparations needs and expectations of survivors doing so in a gender, survivor-centric and culture-sensitive manner. Also map out what interim reparative measures if any are or have been provided, by whom and who the key stakeholders are. Final output of the Global Reparations Study may be used as a starting point for this action.

Comprehensiveness: Ensure that any reparations programme defines reparations broadly. Here again, make sure that survivors' perspectives as to what should constitute reparations lead the way. Comprehensive reparations also entail guarantees of non-repetition. If the causes that allowed sexual violence in the first place are not eradicated, victims can be victims again, and many others will be too.

Registration Process: Give due consideration to the registration process for any reparations programme, ensuring that **a)** the eligibility criteria are not too restrictive and do not leave certain categories of CRSV survivor out, **b)** such process is not too complex, **c)** survivors' rights to privacy are respected and **d)** the process is not unduly limited in time. Ensure that support is available to assist survivors through the process where needed.

Resourcing: Plan appropriate budget and expertise requirements, and although legal frameworks and prosecution are important, do not focus solely on those to the detriment of administrative programmes that will provide comprehensive reparations on a larger scale and in a sustained manner.

Survivor-Centricity

Co-creation: Make sure that both the content and processes of any reparations programme is defined based on what survivors propose. This will require development of a co-creation process where survivors can actively participate in developing reparations programmes. To achieve this, a safe space and support by trained personnel is needed to allow survivors to contribute freely. Special consideration of different categories of survivors will be needed here, including gender, age and culture sensitive approaches to developing survivor participation.

Support Survivors' Initiatives: Provide resources and expertise to support survivor initiatives as needed, and create space for such initiatives to be heard during public consultations, policy discussions and other events of relevance to the provision of comprehensive reparations.

Multi-stakeholder Approach

Team Effort: Make sure that all different stakeholders that either have a responsibility or are well-placed to contribute to effective reparations are included in a dialogue from the start.

Coordination: Make sure that all stakeholders involved in the reparations process can collaborate meaningfully through strong coordination, information-sharing and agreement on roles, responsibilities and modes of cooperation.

International

Diplomacy: Use all available diplomatic channels to ensure that States abide by their obligation to provide survivors with meaningful and effective reparations.

Acknowledgement: Use the international stage to acknowledge the status of survivors of CRSV and their right to reparations.

Support: Provide financial resources for interim reparative measures and technical assistance to support States that are willing but not able to provide reparations.