



Impact and Effectiveness of Reparations

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Query: Please provide a review of the evidence on the impact and effectiveness of reparations for survivors of conflict-related sexual violence (CRSV), including sexual exploitation and abuse (SEA) by aid workers and/or peacekeepers. Particular questions to consider include:

- **Impact and effectiveness:** What is the evidence available on the impact and effectiveness of reparations (both state-led administrative reparations programmes as well as interim reparative measures) for survivors of conflict-related sexual violence?
- **Scale:** What is the evidence available on the scale at which reparations are being provided?
- **Types of violence:** Are there differences in reparations provided to survivors of SEA vs CRSV?
- **Methods:** How are reparation programme impacts measured? Are there innovative methods being utilised?
- **Timeframe:** Is there any evidence of what results are achievable within a multi-year (three year) programme timeline?

1. Overview

The right to effective remedy is enshrined in humanitarian law and international human rights law (Multi-Partner Trust Fund Office, 2019). *Reparations are a key component of efforts to repair harm caused by human rights violations and are central to the demands by survivors of conflict-related sexual violence¹ (CRSV) and Sexual Exploitation and Abuse (SEA), providing both recognition and compensation for the crimes committed* (Enfield, 2020).

This report summarises the evidence on impact and effectiveness of reparations programmes for survivors of CRSV and SEA in ten case studies representing a range of state-led administrative reparations programmes, interim reparative measures, and international funds. It includes case studies from Bosnia and Herzegovina, Colombia, the Democratic Republic of Congo (DRC), Guatemala, Iraq, Northern Ireland, Serbia, Sierra Leone, Timor-Leste, and the UN Trust Fund for Victims of SEA in Section 2 (see Annex 1 for methodology). The case studies highlight the scale, type of violence and survivors supported, timeframe of the programme, and where possible, the impact and effectiveness of the programme and the methods used to assess this. It also presents global evidence on the barriers to effective implementation of reparations programmes and examples of good practice in Section 3. This section includes reference to where ineffective programmes have excluded certain survivors.

Key findings from both the case studies and review of the global evidence include:

- **Limited evidence on the impact and effectiveness of reparation programmes:** To date, there is little evidence of the effectiveness of reparations programmes in meeting the needs of survivors. This is due to the lack of evaluations, small sample sizes (20 at the lowest), and challenges in measuring impact. Most studies look broadly at the content of programmes but do not take a systematic approach to evaluating these programmes or engage with survivors to understand the impact that reparations have had on survivors' lives. Lessons from reparation programmes include:
 - Engaging in survivor co-creation means reparations are likely to be better tailored to the needs of survivors and lead to higher uptake.
 - Involving multi-stakeholder collaboration establishes stronger local ownership and is more conflict-sensitive.
 - Reducing the burden of proof on survivors and using innovative ways to gather indirect evidence can reduce the risk of re-traumatisation and increase eligibility for survivors.
 - Providing access to psychologists can reduce the risk of re-traumatisation and provide greater support for survivors.
 - Providing prompt interim reparations that are followed up by other support reduces the risk of survivors being left without support for extended periods of time.

- **Small scale of reparations:** Reparation programmes vary in size from between 700 beneficiaries (Timor-Leste) to as many as 8.8 million beneficiaries (Colombia). However, few programmes disaggregate the scale of reparations for CRSV survivors. The average amount of compensation ranges from a small, one-off payment to survivors of £125 in Timor-Leste to £5725 in Colombia, reflecting whether the reparations programme are interim measures or more comprehensive state-led programmes.
- **There is considerably more evidence on reparations for CRSV survivors, with limited information on SEA survivors:** Reparations programmes identified through this review predominantly focus on survivors of CRSV. They are more likely to include women survivors and often exclude child survivors and children ‘born of rape’, male survivors, and women from rural backgrounds or with limited literacy levels.
- **Impact and effectiveness are mostly measured by qualitative methods and document review:** There is no standard agreed methodology for measuring impact, but most studies use qualitative interviews with small samples of survivors and other key informants such as lawyers, journalists, academics, UN personnel, and individuals with specialist knowledge of reparations. Beyond this, literature reviews examine documentation to understand the content of the programmes, although in many countries this is often limited by the availability of documents. For example, in Northern Ireland many prosecutions took place in private, juryless courts with few accessible documents to analyse impacts (O’Rourke and Swaine, 2017). In the case of Colombia, researchers have been able to look at data from the government department responsible for administering the reparations programme.
- **An example of innovative methods used to measure reparations programme impacts** is the USAID-funded evaluation of the Colombia reparations programme which conducted a randomised survey of 3,136 Colombian adults. In the absence of baseline data before/after receipt of reparations, the evaluation compared three groups: the general population, people registered as victims of the armed conflict (who had not yet received reparations), and people who received reparations (Pham et al., 2016).
- **Most reparations programmes have a longer duration than the typical three-year programmatic timeframe:** The case studies examined are typically over ten years in duration, with the shortest being a temporary six-month ‘emergency’ measure (Timor-Leste). Several reparations programmes experienced significant delays in starting, for example in Sierra Leone it took six years for a pilot reparations project to be implemented (Bangura, 2021). Funding that is time limited and earmarked for reparations as was the case with the UN Peacebuilding Fund, can limit the effectiveness of programmes. Because this money could not be used to support the registration or co-creation of reparations programmes and had to be spent within a year, there was not the time or resources to maximise its impact and effectiveness. Limited communications campaigns also reduce the speed at which reparations can be distributed. Survivors often face barriers to reporting, which reduces the speed of registration for reparations programmes. These barriers include both personal psychological barriers and fear

of stigma as well as logistical barriers such as living long distances from registration centres with limited resources and transportation options.

The report also examines the global evidence base on how reparations programmes have been implemented in practice in Section 3. Few reparations programmes have adhered to best practice set out in the global guidance. This review of the global evidence identified several challenges that limit the impact and effectiveness of reparations programmes, including inaccessibility of programmes, lack of awareness-raising and misinformation, cultural insensitivity of registration services, lack of financial support for legal proceedings, prioritisation of less complex cases, and unattainable burdens of proof. Groups that were often excluded from reparations programmes included child survivors, children born of CRSV, women and children who are associated with armed groups, men and boys, and displaced persons. Several reparation programmes engaged in activities that put survivors at risk of re-traumatisation, did not provide sufficient support through the investigation process, or failed to meet their needs of having their trauma publicly recognised.

Despite the lack of rigorous evidence measuring impact, there is some evidence that points to the key characteristics increasing the impact and effectiveness of reparations programmes for survivors of CRSV and SEA, including survivor co-creation, multi-partner engagement and widespread ownership, removing barriers to participation in reparations schemes, and providing prompt interim reparations. The report also highlights the innovative ways that have been used to gather indirect evidence of CRSV, which do not require re-traumatisation or unattainable burdens of proof.

2. Case studies

This section examines ten case studies from Bosnia and Herzegovina, Colombia, DRC, Guatemala, Iraq, Northern Ireland, Serbia, Sierra Leone, Timor-Leste and the UN Trust Fund for Victims of SEA. These case studies examine the content of reparation programmes, the timeframe for these programmes, the scale at which reparations are provided, the types of survivors included and excluded, and where possible, the evidence and impact of these programmes and the methodology used to assess this.

Bosnia and Herzegovina (Republika Srpska and Federation of Bosnia and Herzegovina)

Bosnia and Herzegovina reparations programme	
Description	<p>Within Bosnia and Herzegovina, there were two reparation schemes; one within the Republika Srpska and one within the Federation of Bosnia and Herzegovina.</p> <p>Within the Republika Srpska, survivors of CRSV were able to access individual reparations under the category of “Civilian Victims of War” However, they were required to demonstrate 60% damage to themselves (at least 10% must be bodily damage and the remaining 50% could be psychological). One registered, survivors were entitled to a disability allowance support for care and assistance, support for family members who are unable to earn a livelihood, additional financial support, support for single parents, health care, and rehabilitation. There are no symbolic or collective reparations provided (Lamoreux, 2017). By 2012, the Republika Srpska had not legally recognised wartime survivors of rape</p> <p>Within the Federation of Bosnia and Herzegovina, survivors of sexual violence are exempt from the requirement of demonstrating 60% of bodily damage in order to qualify for reparations. Following concerns that, requirements to provide medical documentation of harm risked retraumatising survivors and placed an unattainable burden of proof on survivors, this requirement was dropped (Lamoreux, 2017). health care, housing, vocational training, legal aid, and support accessing medical and psychological care, and legal support (Lamoreux, 2017; Rames, 2013). These individuals are also granted official recognition of the crimes committed against them and the impact of these crimes on their lives. This recognition comes in the form of public memorial, but very few public statements have been made (Rames, 2013).</p>
Timeframe	<p>Republika Srpska: The law on the Protection of Civilian Victims of War, which grants survivors of war reparations was passed in 1993. Applications were accepted up until 2000 and then opened again for 6 months in 2007, after which time they were closed permanently (Lamoreux, 2017).</p> <p>Federation of Bosnia and Herzegovina: There has been no deadline for registering as a survivor of sexual violence (Lamoreux, 2017). Those eligible for reparations are entitled to a monthly pension of around £216 (500 BAM).</p>
Scale at which	<p>Republika Srpska: Monthly financial benefits ranged from £43 (KM100) to £151 (KM350) depending on the extent of bodily damage</p>

reparations are provided	Federation of Bosnia and Herzegovina: 900 women were certified as survivors of sexual violence by 2013 (Rames, 2013)
Types of survivors	<p>Republika Srpska: Survivors of CRSV who can demonstrate 60% damage as a result of the violation they were subjected to. Various groups are ineligible for reparations, including:</p> <ul style="list-style-type: none"> • Civilian survivors who suffered bodily damage outside the period of Aug 1990 and Jan 1992 • Civilian victims who did not apply before the deadline for registration in 2007 • Civilian victims without access to medical records issued less than one year after they were harmed . • Civilian victims who are not registered citizens of the Republika Srpska (Lamoreux, 2017). <p>Federation of Bosnia and Herzegovina: Survivors of CRSV</p>
Any evidence of impact and effectiveness?	<p>Republika Srpska: Interviews conducted by Amnesty International in 2009, found that many women who would have been eligible for reparations had not applied due to high levels of stigma attached to sexual violence and a fear of reporting it. Others were unaware that they were entitled to reparations and so had not applied . For those who did apply, the need to demonstrate bodily damage meant that many survivors were unable to prove their survivor status. Further, those who were able to demonstrate some bodily damage, were often granted the lowest monthly social allowances which was not enough to cover their basic needs. In some contexts, survivors were given temporary decisions related to their status, causing a deterioration of their psychological conditions due to uncertainty regarding how long support would be available to them (Amnesty International, 2009).</p> <p>Concerns were also raised that reparations reinforced gendered power dynamics and were not tailored to their needs. They highlighted that they would have preferred support getting a job rather than small amounts of financial support (Amnesty International, 2009).</p> <p>Federation of Bosnia and Herzegovina: The procedure for registering as a survivor of CRSV did not adequately support survivors and so put them at risk of re-traumatisation. One survivor felt unable to apply for reparations because she could not face providing a testimony. Another survivor was so affected by the interview that it left her in tears for weeks. Some survivors were also pressured into testifying against potential perpetrators even when they did not feel comfortable doing so. Concerns were raised that the privacy of survivors was not respected by the process . In some cases,</p>

	<p>survivors were denied access to the medical care they were entitled to because hospitals and medical centres were unaware of their rights as a civilian victim of war (Amnesty International, 2009).</p> <p>The reparations programme has also been undermined by the lack of accountability for perpetrators of sexual violence. Despite the tens of thousands of alleged crimes of sexual violence against women, fewer than 40 cases had been prosecuted by 2013 (Rames, 2013).</p> <p>In both the Republika Srpska and the Federation of Bosnia and Herzegovina, as of 2009, 14 years after the war ended, there had been no guarantees of non-repetition provided to survivors, public expression of apology to women survivors of rape and other war crimes of sexual violence, and they have also failed to provide them with the reparations of restitution, compensation and rehabilitation that they are entitled to (Amnesty International, 2009)</p>
<p>How are impacts measured?</p>	<p>An Amnesty International Report from 2009 conducted interviews with survivors of war crimes of sexual violence, over 20 representatives of survivors associations and NGOs that support survivors. Interviews were also conducted with authorities and government officials from Bosnia and Herzegovina, representatives of the international community, and a group of NGOs within Bosnia and Herzegovina (Amnesty International, 2009).</p>
<p>Further reading</p>	<p>Lamoreux, N. (2017). <i>Reparations for Conflict-Related Sexual Violence: Lessons from the Western Balkans</i>. UN Women.</p> <p>Rames, V. (2013). <i>Healing the Spirit: Reparations for Survivors of Sexual Violence Related to the Armed Conflict in Kosovo</i>. United Nations.</p> <p>Amnesty International. (2009). <i>Whose Justice? The Women of Bosnia and Herzegovina are Still Waiting</i>. Amnesty International.</p> <p>Amnesty International. (2012). <i>When everyone is silent: Reparation for survivors of wartime rape in Republika Srpska in Bosnia and Herzegovina</i>. Amnesty International.</p>

Colombia

Colombian reparations programme	
Description	<p>The Colombian reparations programme is one of the most complex and ambitious in the world, both in its scale and the number of measures involved. Reparations were introduced by Law 1448/2011 for all victims of the internal armed conflict, including victims of state agents. The law also introduced special measures to help facilitate access to justice for CRSV survivors.</p> <p>The fund offers access to training, housing, land and economic assets. It also includes safe spaces for women CRSV survivors to design their own symbolic reparations measures, such as ceremonies or creative acts with associated measures to implement these.</p>
Timeframe	10 years (2011-present)
Scale at which reparations are provided	<p>One of the largest reparation programmes in the world with \$29 billion in funds and approximately 8.8 million victims registered for reparations by the Single Registry for Victims. Less than 1% of which (27,251) are registered under 'direct victims of crimes against sexual integrity and freedom'.</p> <p>Monetary compensation varies according to the nature and impact of the act, the damage caused, and the survivors' current state of vulnerability. The various 'victimising acts' and corresponding amounts are set out in Article 149 of Decree 4800/2011. The reparations amount for 'direct victims of crimes against sexual integrity and freedom' has a maximum compensation of 30 minimum wages, equivalent to £5,725 (USD 7,900 - 2019 exchange rate).</p> <p>By 2016 (five years into the reparations programme), 1,600 CRSV survivors had received psychological and medical support from the Victim Unit's psychological recovery programme (Flisi, 2016).</p>
Types of survivors	<p>All survivors of the internal armed conflict – not just CRSV. There is no publicly available disaggregated data on survivors (e.g. by age, disability). Of the cases where the perpetrator of CRSV is known, almost half (49.5%) belonged to the guerrilla, 46% to paramilitary groups, and 1.1% to security forces.</p>
Any evidence of impact and effectiveness?	<p>The reparations programme has delivered compensation to many survivors and is seen as a model for other countries - in 2016 more than 5,500 of the registered victims of sexual violence had been compensated (out of 27,251 registered victims in 2019) (Flisi, 2016).</p>

	<p>However, from the perspective of survivors, studies show that the process has not always appeared to be effective. Only about 7% of registered victims have been compensated after seven years of the law being approved (Sanchez and Rudling, 2019). This is partly due to the ambitious scale of the reparations programme which includes victims of displacement.</p> <p>Qualitative research with survivors in a northern Colombia conflict zone found that many women were disappointed at not having received their reparations and had started to question the good faith of the government (Zulver, 2017).</p> <p>A randomised survey of over 3,000 Colombian adults found that people who had received reparations had more positive views about the State in general, and the State’s recognition and support to victims. However, less than half of people who had received compensation considered the payment as a form of reparation and two-thirds said these payments had not delivered justice (Sikkink et al, 2015). The study does not disaggregate between CRSV survivors and other people who received reparations.</p> <p>There is limited evidence of the longer-term impact of reparations. A USAID-funded evaluation found that 4 in 5 people who received reparations were never or rarely followed up by the Victims Unit. The evaluation recommended that the Unit should monitor the longer term, transformative impacts of reparations (Sikkink et al, 2015)</p> <p>Challenges include difficulties in implementing the programme due to bureaucratic difficulties, limited state capacity and coordination (Sanchez and Rudling, 2019). There have also been concerns that local authorities implementing the programme lack a gendered approach and that it is difficult to provide psychological support to survivors in remote, rural areas (Flisi, 2016).</p>
<p>How are impacts measured?</p>	<p>Mixed methods, including interviews, focus groups and quantitative data from surveys conducted among randomly selected individuals (Pham et al., 2016).</p> <p>Analysis of data from the Victims Unit by a 2016 evaluation concluded that the Unit had literally hundreds of Key Performance Indicators making it difficult for evaluators and managers to prioritise which impacts to measure. It recommended that “to “scaleup” the reparations program, the Executive Committee needs to meet regularly and frequently in order to set and oversee priorities in collaboration with the VU” (Pham et al., 2016: p.79).</p> <p>One innovative way to compare impact (in the absence of baseline data before/after receipt of reparations) was done by a USAID-funded</p>

	<p>evaluation team which conducted a randomised survey of 3,136 Colombian adults (18 and older) which compared three groups: the general population, people registered as victims of the armed conflict (who had not yet received reparations), and people who received reparations (Pham et al., 2016).</p> <p>The USAID-funded study explored impact in terms of social cohesion, victims' and citizens' confidence in the state and rule of law, and their relationship with the reparations programme. It also looked at knowledge, access and participation in the programme (Pham et al., 2016).</p>
<p>Further reading</p>	<p>Flisi, I. (2016). 'Reparations for Wartime Sexual Violence: Colombia's Ambitious Program'. PassBlue</p> <p>Pham, P., Vinck, P., Marchesi, B., Johnson, D., Dixon, P.J. and Sikkink, K. (2016). 'Evaluating Transitional Justice: The Role of Multi-Level Mixed Methods Datasets and the Colombia Reparation Program for War Victims'. <i>Transitional Justice Review</i>, 1(4), 60-94.</p> <p>Sanchez, C. and Rudling, A. (2019). <i>Reparations in Colombia: Where to? Mappin the Colombian Landscape of Reparations for Victims of the Internal Armed Conflict</i>, Policy Paper by Reparations, Responsibility and Victimhood in Transitional Societies project.</p> <p>Sikkink, K., Pham, P., Johnson, D., Dixon, P., Marchesi, B., Vinck, P., Rivera, A., Osuna, F. and Culver, K. (2015) <i>Evaluation of Integral Reparations Measures in Colombia</i>. Harvard University: Carr Center for Human Rights Policy and Evaluation and Analysis for Learning (EVAL).</p> <p>Zulver, J.M. (2016). 'Building the City of Women: creating a site of feminist resistance in a northern Colombian conflict zone', <i>Gender, Place & Culture</i>, 24(10): 1-19.</p>

Democratic Republic of Congo (DRC)

Reparations, DRC, International Criminal Court	
Description	In 2017, the International Criminal Court (ICC) awarded individual and collective reparations for the survivors of crimes committed by Germain Katanga in 2003 during an attack on a village. The collective reparations took the form of support for housing, income-generating activities, education, and psychological support. The ICC consulted with the survivors themselves to identify their preferences regarding reparations. Since Katanga was unable to pay the reparations himself due to his financial situation, the ICC drew on the resources available within the Trust Fund for Victims (International Criminal Court, 2017).
Timeframe	2017-unknown
Scale at which reparations are provided	<p>The International Criminal Court awarded 297 survivors with symbolic compensation of £182 each out of 341 applications. It also awarded collective reparations to the communities affected (International Criminal Court, 2017). In total, Katanga was ordered to pay reparations totalling £729,535 (Wakabi, 2018).</p> <p>15 of the survivors who had resettled in Europe or America were given an additional sum of money, in recognition that they would not have access to the collective reparations to which they were entitled (Wakabi, 2018).</p>
Types of survivors	Survivors of CRSV.
Any evidence of impact and effectiveness?	<p>In 2018, the victims' lawyer updated judges at the ICC to inform them that half of the survivors had opted to receive a single type of assistance (housing, schooling or income generation support), while the rest had chosen to combine one or more of the options.</p> <p>Schooling support was understood to be benefiting 253 children (Wakabi, 2018).</p> <p>One report suggests that the ICC has failed to dispense reparations in a timely manner, leaving survivors to wait long periods of time before access (Moffett, 2017).</p> <p>While the ICC judged the harm caused to survivors to amount to £2,737,667, they found Katanga only proportionally responsible for £729,535. This meant that the survivors did not receive reparations proportionate to the harm they suffered, but rather proportionate to the responsibility of the convicted perpetrator (Moffett, 2017).</p>

	Some survivors were resistant to the collective reparations because they enabled non-victimised members of the community to benefit from them (Moffett, 2017).
How are impacts measured?	Interviews with the lawyer who represented survivors in the Katanga case (Wakabi, 2018).
Further reading	Moffett, L. (2017). Reparations for victims at the International Criminal Court: A new way forward? <i>The International Journal of Human Rights</i> , 27(9), 1204–1222. https://doi.org/10.1080/13642987.2017.1360005 Wakabi, W. (2018). <i>Most Victims in Katanga Case Opt for Housing or Income Generation Support as Reparations</i> . International Justice Monitor.

Guatemala

Reparations programme, Guatemala	
Description	Survivors of Guatemala’s internal armed conflict have access to reparations through three routes: (a) the National Compensation Programme (PNR); (b) judicial rulings by Guatemalan courts; and (c) rulings made by the Inter-American Court of Human Rights (Martinez and Gomez, 2019). This case study focuses on the impact and recommendation of the national reparations programme, which was established in 2003, following immense pressure from civil society groups. It involves five components: material restitution; economic compensation; psychosocial support and rehabilitation; dignification of victims; and cultural restitution measures. In the case of dignification, following the demands of survivors, this was achieved through exhumations, burials and measures supporting truth and memory. Material restitution involved restitution of land, housing, and productive investment projects (Brett & Malagón, 2020).
Timeframe	Twenty years (2003-2023)
Scale at which reparations are provided	32,802 survivors were compensated out of 200,000 dead and disappeared, and 1.5 million displaced people, representing only 16.5% of victims (Brett & Malagón, 2020). They were entitled to payments of £1937 (Impunity Watch, 2019)
Types of survivors	Survivors of sexual violence (Impunity Watch, 2019)
Any evidence of impact and effectiveness?	<p>The reparations programme fails to address the specific needs of women survivors of sexual violence (Impunity Watch, 2019).</p> <p>No convicted individuals have had assets removed from them or redistributed to survivors as a form of compensation (Brett & Malagón, 2020).</p> <p>Many survivors have found it difficult to comply with the requirements of the reparations process which required the presentation of identity documents, birth certificates of all survivors, and testimony of violations suffered. As well as limited access to these documents, and a lack of support related to providing testimony, individuals from rural areas found it difficult to travel to urban centres to present these documents (Brett & Malagón, 2020).</p> <p>In some cases, those who have received financial compensation for the crimes committed against them, consider this to be tokenistic and fails to meet their demands as survivors (Impunity Watch, 2019).</p>

	<p>The Inter-American Human Rights Court has repeatedly highlighted that the Guatemalan State has provided ineffective and inadequate psychosocial reparations to survivors (Impunity Watch, 2019).</p> <p>Dignification measures have only been partially implemented as a result of State support of the military who committed various atrocities. Thus, instead of acknowledging and apologising for the genocide and other atrocities, the State has adopted a policy of 'forgive and forget' (Impunity Watch, 2019).</p> <p>Despite promises of multiple collective economic projects to improve the self-reliance of families and to build trust between members of communities, only six had been established by 2019 (Impunity Watch, 2019).</p> <p>In 2016, a Guatemalan Court convicted two former military officers for crimes against humanity against 11 indigenous women who had been subjected to CRSV. It was the first time in history that a national court had considered charges of sexual slavery during an armed conflict, recognising the use of CRSV as a strategy for destroying local indigenous communities. The women were provided with individual monetary compensation and the community, who was recognised as being severely impacted by the crimes, have been compensated with a new health centre, improved primary school infrastructure, a secondary school, and scholarships. To guarantee non-repetition of such crimes, the court ordered this case to be included in the national curriculum with a documentary translated into all Mayan languages (UN Women, 2016).</p>
<p>How are impacts measured?</p>	<p>Examination of official data (Brett & Malagón, 2020; Impunity Watch, 2019).</p>
<p>Further reading</p>	<p>Brett, R., & Malagón, L. (2020). <i>Realising victims' rights to reparation, truth and justice in Guatemala in the midst of a zero-sum game</i>. Reparations, Responsibility and Victimhood in Transitional Societies.</p> <p>Impunity Watch. (2019). <i>Guidelines on Transformative Reparations for Survivors of Sexual Violence</i>. Impunity Watch.</p> <p>Martinez, D. and Gomez, L. (2019). <i>A promise to be fulfilled: Reparations for victims of the armed conflict in Guatemala</i>. Reparations, Responsibility and Victimhood in Transitional Societies.</p>

Iraq

Interim reparations to Yazidi survivors of CRSV	
Description	<p>From 2015, the Iraqi Ministry of Social Affairs provided interim compensation to survivors of sexual violence from ISIS through the 'Bataqa' welfare programme.</p> <p>Survivors have also received interim reparations through the Global Survivors Fund working with Nadia's Initiative and other stakeholders in Iraq.</p> <p>In March 2021, the Iraqi Parliament passed the Yazidi Female Survivors' Law – a comprehensive programme of reparations to survivors of sexual violence and other ISIS crimes.</p>
Timeframe	Six years (2015-present)
Scale at which reparations are provided	<p>Survivors received around €145 (£122) every two months in interim compensation through the Bataqa card system.</p> <p>As of 2018, the Government of Iraq notes that 1,529 women received interim reparations through the Bataqa system. However, a report by the Jivan Foundation for Human Rights (2019) suggests that the figure is less than half this, with around 760 'Bataqa' cards issued.</p>
Types of survivors	Survivors of CRSV
Any evidence of impact and effectiveness?	<p>The Bataqa card system has been commended for its 'prompt' response but is widely seen to be an "ad hoc" measure and only a relatively modest amount. It has also been criticised for lack of transparency and "alleged arbitrariness" in selecting beneficiaries. Before the passing of the 2021 law, there were also criticisms that the Iraq reparations programme was too narrow in scope (Jivan Foundation, 2019).</p> <p>Survivors co-created and led the interim reparation programme led by Nadia's Initiative. The draft findings from a global study by the Global Survivors Fund (2021) emphasise how the process has been more effective in serving the needs of survivors due to the partnerships that have been built with survivors, community-based organisations, doctors, psychologists, and lawyers.</p>
How are impacts measured?	<p>The Global Survivors Fund report is based on desk-based research, stakeholder interviews, and qualitative research (interviews, focus groups) with survivors.</p> <p>Data from the Government of Iraq on number of recipients is highlighted in a report by the Jivan Foundation for Human Rights (2019).</p>

Further reading	<p>Global Survivors Fund (2021) Project: Iraq</p> <p>Global Survivors Fund (2021). Global Reparations Study: Executive Summary Report of Preliminary Findings, Produced for the High-Level virtual side event of the 76th session of the UN General Assembly 27th September 2021</p> <p>Jivan Foundation for Human Rights (2019) <i>Reparation for victims of armed conflict in Iraq</i> Submission for the Universal Periodic Review of the human rights situation in Iraq, Submitted to the Human Rights Council 34th session.</p>
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Northern Ireland

Criminal injury compensation scheme (1968-1998) and welfare model (1998-present)	
Description	During the Northern Ireland conflict, a criminal injury compensation scheme provided some reparations for conflict harm from 1968-1998. In the first ten years, the scheme was “discretionary and judge-led”, with greater consistency from 1978 when the role of the judges was reduced, and cases could be appealed in the courts. From 1998, the compensation model moved to a non-conflict ‘welfare’ model, similar to that used in England and Wales (Aisling and Swaine, 2017). However, reparations remain a controversial issue in Northern Ireland with calls for a more systematic approach.
Timeframe	Over fifty years (1968-present)
Scale at which reparations are provided	<p>Reparations under the criminal injury compensation scheme (1968-1998) were often only a few hundred pounds. The compensation amount was based on loss of income, rather than assessment of harm, including emotional harm.</p> <p>There is no evidence on the number of CRSV survivors who received compensation or the average amount, either through the criminal injury scheme or the later welfare model.</p>
Types of survivors	The criminal injury reparations scheme has been critiqued for not being comprehensive in its coverage of survivors of CRSV. For example, not including members of armed groups who experienced state-perpetrated sexual violence or victims of intra-household sexual violence when the perpetrator was an armed actor. The welfare model introduced after 1998 is more comprehensive. However, the broad definition of victim has contributed to a lack of tailored reparations to CRSV survivors (Gilmore, 2019; O’Rourke and Swaine, 2017).
Any evidence of impact and effectiveness?	<p>Interviews with CRSV survivors who received compensation through the criminal injury scheme have described the amounts as “offensive” and “insufficient for the delivery of reparations specifically to the victims of CRSV” (O’Rourke and Swaine, 2017, p.5).</p> <p>There is limited documentation of evidence on the impact and effectiveness of the compensation scheme for survivors of CRSV.</p> <p>The UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence observed that reparations in Northern Ireland were the “area of least achievement” and “should be tackled seriously and systematically” (cited in Moffett, 2020).</p>

<p>How are impacts measured?</p>	<p>Interviews with survivors and those involved in providing services to survivors during the conflict as part of PhD research (Swaine, 2011 cited in O'Rourke and Swaine, 2017).</p> <p>Documentation review by O'Rourke and Swaine (2017) highlighted the lack of accessible documents to analyse impact, meaning that CRSV was often 'invisible' in reparations programming. For example, prosecutions often took place in private in juryless courts.</p> <p>Interviews with over 400 people, including survivors, perpetrators, programme designers and healthcare practitioners in seven countries including Northern Ireland, as part of the reparations study by Queen's University Belfast.</p>
<p>Further reading</p>	<p>Reparations, Responsibility and Victimhood in Transitional Societies: Resources on Northern Ireland</p> <p>Gilmore, S. (2019). Meeting the needs of victims of sexual violence through reparations, Inlawgrrls. November 1, 2019.</p> <p>Moffett, L (2020). 'Struggling for reparations in Northern Ireland', in Ferstman, C. and Goetz, M. (Eds). Reparations for Victims of Genocide, War Crimes and Crimes against Humanity. Leiden: Brill Nijhoff.</p> <p>O'Rourke, C. and Swaine A. (2017). Gender, violence and reparations in Northern Ireland: a story yet to be told. The International Journal of Human Rights. 21, (9) pp. 1302-1319.</p>

Serbia

Serbian reparations programme	
Description	<p>In Serbia, CRSV survivors are eligible for reparations under Law No. 52/96, Law on Rights of War-disabled Civilians,⁶⁹ also known as Law on the Rights of the Civilian Invalids of War. Survivors who can demonstrate at least 50% of visible bodily damage are eligible for individual reparations including disability benefits, care allowances, orthopaedic aids, reimbursement of funeral expense, health care, and discounted public transport.</p> <p>No collective reparations such as guarantees of non-repetition, public apologies or public recognition of the crimes committed against them were provided (Lamoreux, 2017).</p>
Timeframe	A 10-year deadline for claims was set out in draft legislation in 2017.
Scale at which reparations are provided	<p>As of 2020, no reparations had been awarded to survivors of sexual violence (Sabljakovic, 2020). No information found on the number of recipients.</p> <p>The rate of financial reparations provided varied depending on the degree of disability and are reviewed each year. Individual disability allowance ranged from £65 (US \$90) to £524(US \$720), while allowances for care and assistance to a disabled person ranged from US £240 (US\$330) - £524 (US \$720) (Lamoreux, 2017).</p>
Types of survivors	<p>War-disabled civilians, defined as a person with a physical impairment of at least 50% due to injuries that left visible traces and were inflicted by the enemy or terrorists during war.</p> <p>Individuals who are excluded include:</p> <ul style="list-style-type: none"> - Survivors who cannot demonstrate 50% bodily damage and visible evidence of harm - Survivors without written evidence such as investigative reports from the time the crime was committed. - Survivors who are not citizens of Serbia - Survivors injured outside of Serbia - Survivors injured outside of the formal period of war - Survivors injured by groups who are not considered enemies of Serbia (Lamoreux, 2017)
Any evidence of impact and effectiveness?	Despite estimates that between 12,000 and 70,000 women were raped during the war in Bosnia and Herzegovina, between 1992 to 1993, as of 2020, no survivors of CRSV have been awarded compensation through

	<p>the courts There have also been only two guilty verdicts for rape as a war crime (Sabljakovic, 2020).</p> <p>Courts have consistently rejected claims for compensation by survivors following claims that deciding on these matters would 'significantly delay' these proceedings (Humanitarian Law Centre, 2019). Instead, survivors are instructed to file civil lawsuits against perpetrators for damages. This puts survivors at risk of losing their anonymity, which has prevented at least one survivor from following through with proceedings (Sabljakovic, 2020).</p>
How are impacts measured?	Analysis of official data, interviews with survivors and key informants such as legal experts in Serbia (Humanitarian Law Centre, 2019; Sabljakovic, 2020).
Further reading	<p>Lamoreux, N. (2017). <i>Reparations for Conflict-Related Sexual Violence: Lessons from the Western Balkans</i>. UN Women.</p> <p>Sabljakovic, U. (2020). Wartime rape survivors denied compensation by Serbian court. BRIN, Balkan Transitional Justice.</p>

Sierra Leone

Sierra Leone reparations programme	
Description	<p>The Truth and Reconciliation Commission in Sierra Leone recommended a holistic approach to reparations, including the provision of healthcare, pensions, education, skills training, micro-credit, community reparations and symbolic reparations (Bangura, 2021). This was based on discussions with survivors to determine what they wanted most in terms of support (Ottendörfer, 2014). It took six years for a one-year pilot project to be established (Bangura, 2021) and the reparations were not legally enforceable (Ottendörfer, 2014). As a result, the bulk of support was provided in interim relief payments, which were not followed up by other measures in most cases. The restrictions on the UN Peacebuilding Fund, which required funds be spent within a year on reparations rather than registration efforts, also meant that there was not time to consult with survivors about the implementation of the programme (Ottendörfer, 2014).</p> <p>The Reparations programme provided social service packages and livelihood enhancing skills training for victims. These packages included the provision of seeds, tools and fertilisers for communities, with youth training to produce cassava, rice, and potatoes; the building of community health facilities; the establishment of water wells across the country; an entrepreneurship development and financial literacy training course; an internship programme for young people, rehabilitation packages for women and people with disabilities (National Commission for Social Action, 2017).</p> <p>Efforts to guarantee non-recurrence were also introduced, focused on the reform of the military and the police force. Further, following findings that the lack of educational opportunities played a role in the inception and fuelling of the conflict, an education programme was developed to increase opportunities for young people. Peace Clubs were also introduced in schools and universities to help improve awareness and create a culture of peace in children and adults (Bangura, 2021).</p>
Timeframe	9 years (2008-2017)
Scale at which monetary reparations are provided	<p>During the interim following a sensitisation and registration period between December 2008 and March 2009:</p> <ul style="list-style-type: none"> - An estimated 29,733 survivors received the equivalent of US\$100 as an interim relief payment (Bangura, 2021).

	<p>During the reparations programme, benefits included but were not restricted to:</p> <ul style="list-style-type: none"> - Mentorship and coaching for 2,360 women, promoting economic self-reliance and participation in business activities (National Commission for Social Action, 2015) - Establishment of 32 micro-enterprise groups with 640 women in 2013 across 6 districts (National Commission for Social Action, 2015). - In 2010-2012, interim payments of £20 (300,000 Leones) were provided for operations targeting war-wounded and sexually abused women (Ottendörfer, 2014). - Rehabilitation grants of £203 (3 million Leones) each were provided to 1,469 of the 1,618 targeted beneficiaries (National Commission for Social Action, 2017). - At least 70 communities in four targeted districts were provided with agricultural tools, seeds, fertilisers, and agricultural training for young people (National Commission for Social Action, 2017). - Cash transfers were granted to 21,083 extremely poor beneficiary households in four districts (National Commission for Social Action, 2017). - 9,654 women war victims were physically re-verified across the country for a one-off rehabilitation grant from GoSL (National Commission for Social Action, 2017). - 84 refugee families were trained in financial literacy, business management, and provided with cash grants of £68 (one million Leones) each. <p>This review has been unable to find disaggregated data about how many CRSV survivors benefited from the different schemes.</p>
Types of survivors	CRSV survivors, child survivors, war widows, amputees, other war wounded, (National Commission for Social Action, nd.).
Any evidence of impact and effectiveness?	In one report, one third of the 75 interviewees highlighted that the lack of communication about the reparations available and the process for receiving them caused many to miss opportunities to register for the programme. They also believed that chiefs and NaCSA personnel had been selective about who they told, prioritising political followers and families ahead of others. In other cases, survivors did not receive accurate information about when they should collect their reparations and so, having travelled long distances were told to come back another time. For many, the cost of travel was greater than the reparations offered,

	<p>discouraging them from returning. Interviewees also raised confusion about why certain individuals had received benefits, while others, who had also suffered, did not. This lack of clarity and transparency regarding the reparations process has led many to feel the suffering they experienced has gone unrecognised (Ottendörfer, 2014).</p> <p>Some interviewees considered this programme a failed opportunity to rebuild trust among civilians. Others complained that the programme did not challenge existing power structures, reinforcing the dependency of communities on the goodwill of chiefs (Ottendörfer, 2014).</p> <p>The symbolic reparations were not tailored to the needs of survivors and were misunderstood due to a lack of communication and engagement. For example, interviewees raised confusion over why memorials were placed inside towns rather than at the sites of massacres and in some cases, people were unaware of the function of the memorials, using them as places to dry laundry. In some cases, plaques explaining what the memorials stand for were never added to the sites (Ottendörfer, 2014).</p> <p>Other interviewees felt the reparations programme was undermined by the fact that ex-combatants received greater benefits through the Disarmament, Demobilisation and Reintegration programmes. Some perceived this as a reward for what the ex-combatants had done to survivors (Ottendörfer, 2014).</p> <p>Interviewees also felt suspicious towards certain groups who had received reparations. In particular, sexually abused women were perceived by other survivors to be in the best position to cheat because their abuse could not be verified. This was reinforced by individuals who believe that sexually abused women are not really victims, especially those abducted by rebels and taken as “bush wives” who were not granted victim status in society (Ottendörfer, 2014).</p>
<p>How are impacts measured?</p>	<p>A report based on 75 interviews, 51 of whom had registered for reparations or had missed the registration phase, 16 stakeholders involved in the implementation of the programme, and 9 interviews with representatives from organisations who supported the programme design (Ottendörfer, 2014).</p>
<p>Further reading</p>	<p>Bangura, I. (2021). <i>Leaving behind the worst of the past: Transitional justice and prevention in Sierra Leone</i>. International Centre for Transitional Justice.</p> <p>Ottendörfer, E. (2014). <i>The fortunate ones and the ones still waiting: Reparations for war victims in Sierra Leone</i>. Peace Research Institute Frankfurt.</p>

	<p>National Commission for Social Action. (2015). Annual Report 2015. National Commission for Social Action.</p> <p>National Commission for Social Action. (2017). NaCSA's Progress Report on the Implementation of "Agenda for Prosperity" for the period January-December 2016. Government of Sierra Leone National Commission for Social Action.</p>
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Timor-Leste

CAVR urgent reparations programme, Timor-Leste

Description	<p>There has been a lack of progress in delivering reparations to survivors of the Indonesian occupation of Timor-Leste between 1975 and 1999.</p> <p>The Commission for Reception, Truth and Reconciliation (CAVR) implemented a short-lived, urgent reparation programme through its Victim Support Unit. This unit was then transformed into a Reparations Unit with responsibility for designing recommendations on reparations. The CAVR recommended that the government implement an extensive reparations programme in its final report. It noted obstacles to women’s participation and recommended ways to overcome women accessing reparations, for example by delivering them in the same place as scholarship benefits for their children.</p> <p>To date, the government of Timor-Leste has not yet implemented a national reparations programme.</p>
Timeframe	Six months (September 2003 - March 2004)
Scale at which reparations are provided	<p>The Commission for Reception, Truth and Reconciliation (CAVR) provided some limited, urgent reparations to 700 victims who were considered the “most severely disadvantaged and vulnerable victims”.</p> <p>Victims received a small grant of approximately £125 (US\$200 in 2013) to meet any urgent needs, attended a healing workshop and were referred to organisations providing medical and social services (Working Group on Reparations, 2008).</p> <p>The reparations were only designed to be a temporary measure during the life of the commission, with the CAVR noting that “the small size of the monetary grant component of the scheme clearly does not meet the requirements of a full reparations scheme” (CAVR, 2005, p.39).</p>
Types of survivors	<p>The urgent reparations programme was aimed at direct survivors of human rights violations such as rape, imprisonment and torture during the period 1974-1999, as well as those who had suffered indirectly via family members.</p>



	<p>The survivors were identified by district teams through their truth-seeking and reconciliation work. Survivors had to be “clearly vulnerable”, e.g. a widow, orphan, have physical disability or be isolated within his or her community (CAVR, 2005).</p> <p>27% of the recipients were women – a total of 196 survivors. It is not clear how many were survivors of CRSV.</p>
<p>Any evidence of impact and effectiveness?</p>	<p>The impact of the reparations varied between recipients depending on their needs and context; however, the commission notes that “the scheme was successful in bringing about small, but meaningful improvements in the quality of life of victims of human rights violations” (CAVR, 2005, p.45).</p> <p>Recipients used the money in a variety of ways, but mostly to pay for medical treatment, children’s education, and starting up income-generating pursuits, such as animal husbandry or gardening. Other uses included the purchase of food, clothing and shelter.</p> <p>Some recipients of the urgent reparations said they did not tell others for fear of jealousy, backlash or unfavourable community reactions.</p> <p>As an interim measure, the urgent reparations were assessed as demonstrating commitment. However, it is likely that this impact was short-lived as no further reparations were forthcoming.</p>
<p>How are impacts measured?</p>	<p>Qualitative – interviews and quotes from recipients of the urgent reparations programme about how they used the grant, as well as reflections of the impact in the main CAVR <i>Chega!</i> Report (2005).</p>
<p>Further reading</p>	<p>Working Group on Reparations (2008). <i>Concept paper on a National Reparations Program for Timor-Leste</i>, Prepared by the Working Group on Reparations for Parliamentary Committee A.</p> <p>CAVR (2005) <i>Chega! The Report of the Commission for Reception, Truth, and Reconciliation Timor-Leste</i>, Timor Leste: Commission for Reception, Truth, and Reconciliation Timor-Leste (CAVR)</p> <p>Gilmore, S. Guillerot, J. and Sandoval, C. (2020) <i>Beyond Silence and Stigma: Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparation Programmes</i>, Belfast: Reparations, Responsibility and Victimhood in Transitional Societies.</p>

UN Trust Fund for Victims of SEA

UN Trust Fund for Victims of SEA	
Description	<p>Following a report stating that UN Peacekeeping missions provided survivors of SEA with the bare minimum of support, the UN has established a trust fund to address gaps in services for survivors. This is funded by voluntary contributions of member states and payments that have been withheld from peacekeepers found guilty of perpetrating SEA. The fund has been used to support survivors to file complaints in the Democratic Republic of the Congo, covered the health and legal services for survivors in the Central African Republic, and supported education and vocational training for survivors in Liberia. The UN has also rolled out a database of peacekeeping missions globally to monitor the support given to survivors (Boghani, 2018).</p> <p>The Trust Fund supports the United Nations and NGOs to implement projects that support complainants, victims and children born as a result of SEA by United Nations staff members and related personnel. The fund does not provide funds directly to complainants, victims or children born as a result of SEA. The fund focuses its efforts on the provision of psychosocial support, medical care, income generation, and awareness-raising (United Nations, 2020).</p>
Timeframe	Four years (2017- Ongoing)
Scale at which reparations are provided	<p>In 2020 projects were funded in Haiti, Liberia, DRC and the Central African Republic (United Nations, 2020):</p> <ul style="list-style-type: none"> • Funds disbursed/ committed between 2017 and 2021 for projects in DRC, CAR, Liberia and Haiti: £1,075,455 • DRC: 477 direct beneficiaries of ongoing projects and 60 indirect beneficiaries • Liberia: 183 direct beneficiaries and 2,160 indirect beneficiaries • Contributions received: £2,404,687 • Payments withheld: £400,321
Types of survivors	Survivors of SEA
Any evidence of impact and effectiveness?	<p>A comprehensive literature review and interviews with 100 key stakeholders found that in the vast majority of cases, cases of child sexual abuse go unpunished and survivors are granted no form of reparation (REDRESS & CRIN, 2020).</p> <p>A report looking at SEA committed by UN Peacekeepers found that the UN distinguishes between supporting those affected by SEA with certain</p>

	types of support, and providing reparation. It identifies the former as within its responsibility but considers the latter to be the responsibility of the individual perpetrators. The substantial barriers to survivors pursuing individual perpetrators for reparations means that in most cases, no reparations are forthcoming (REDRESS, 2017).
How are impacts measured?	<p>Review of commissions of inquiry and investigations carried out by the UN Office of Internal Oversight Services and the UN Secretary General’s report ‘Special measures for protection from sexual exploitation and abuse: a new approach’, assessment of steps taken by troop-contributing countries, host states, civil society groups, lawyers and survivors (REDRESS, 2017).</p> <p>Desk-based research and interviews with over 70 lawyers, activists, academics, journalists and former UN staff members. Interviews with 30 individuals with particular knowledge of litigation regarding peacekeeper child sexual abuse (REDRESS & CRIN, 2020).</p>
Further reading	<p>REDRESS. (2017). <i>Sexual Exploitation and Abuse in Peacekeeping Operations: Improving Victims’ Access to Reparation, Support and Assistance</i>. REDRESS.</p> <p>REDRESS, & CRIN. (2020). <i>Litigating Peacekeeper Child Sexual Abuse</i>. REDRESS and CRIN.</p> <p>Boghani, P. (2018). <i>For Victims of UN Sex Abuse or Exploitation, Help Can Be Elusive</i>. FRONTLINE.</p> <p>United Nations. (2020). <i>Third Annual Report of the Trust Fund in Support of Victims of Sexual Exploitation and Abuse</i>. United Nations.</p>

3. Global Evidence on Impact and Effectiveness

3.1 International Guidance on the Provision of Reparations

According to international guidance, reparations should include compensation, rehabilitation, satisfaction, and guarantees of non-repetition (OHCHR, 2005). In an optimal reparative model, survivors would be provided with both symbolic and material reparations, tailored to the needs and wishes of the survivors themselves (N'í Aol'ain et al., 2015). In the DRC, while survivors recognise the importance of symbolic reparations, they also highlight the acute need for material reparations to support survivors meet the needs caused by the trauma they have been subjected to (N'í Aol'ain et al., 2015). The OHCHR guidance on the Right to Remedy and Reparations for Victims of Gross Violations of International Human Rights Law (OHCHR, 2005) highlights the importance of:

- **Ensuring survivors are treated with humanity and respect**, appropriate measures are taken to ensure their safety, physical and psychological wellbeing, and the prevention of re-traumatisation during legal and administrative procedures to the extent possible.
- **Ensuring survivors have equal and effective access to justice, adequate and prompt reparation** that effectively supports them following the trauma they have been subjected to, and access to relevant information concerning violations and reparation mechanisms.

Other reports highlight the importance of reparations programmes fitting within a broader accountability process. This is key to ensuring reparations are not undermined by continued impunity for those responsible for the crimes and violations against survivors (Garcia, 2021).

3.2 Reparation Programmes in Practice

This section presents global evidence on the challenges to impact and effectiveness for reparations programmes, as well as factors that may increase their likely impact and effectiveness. It involved a rapid literature review of global studies and country reports, which included but was not limited to the forthcoming study by the Global Survivors Fund, "Global Reparations Study Executive Summary Report of Preliminary Findings", country reports by the Reparations, Responsibility and Victimhood in Transitional Societies project, and reports relating to SEA in conflict contexts conducted by REDRESS.

3.3 Challenges to impact and effectiveness

The global evidence highlights several implementation challenges for reparations programmes that should be considered when designing and delivering new programmes in order to increase the positive impact on survivors.

Many programmes were inaccessible to survivors, meaning that those eligible for support did not receive it. In the case of Colombia, the domestic reparations programme only recognised an estimated 10% of survivors of CRSV following a decade of implementation (Global Survivors Fund, 2021). Further, in Cote D'Ivoire, Haiti and South Sudan, very few survivors of SEA at the

hands of UN Peacekeepers and Aid Workers had received medical or psychological support (Schauerhammer, 2018). The barriers to access include but are not limited to:

- **Lack of effective awareness-raising campaigns and misinformation.** In the Philippines, a lack of information dissemination led to a gap in awareness among survivors regarding what reparations were available and what made a person eligible for this support (Garcia, 2021). In Colombia, the publicity campaign was carried out predominantly in a daily newspaper, which didn't reach rural areas. This meant that survivors in regions most effected by conflict were not informed of the programmes available. Further, the lack of flexible information sharing, which needed to be adapted to reflect the low levels of literacy among women in Colombia, meant that many survivors were unable to access information regarding the reparations available and the processes for accessing them (Ní Aoláin et al., 2015). In Sierra Leone, misinformation that using the status "widow" rather than "rape victim" would lead to greater support for the survivor and their family, has prevented many women from accessing the reparations they were eligible for (Ní Aoláin et al., 2015). Within UN and other aid agencies, there is a risk that even in cases where individuals report SEA, they are not informed of their rights to claim reparations or the process for doing so (Schauerhammer, 2018). Among children, the lack of information provided in child-friendly formats means that children who are survivors of CRSV and SEA are not informed about their rights or the process for realising these (Mazurana & Carlson, n.d.).
- **Location and cultural sensitivity of registration services.** In Colombia, judicial and registration proceedings were primarily located in urban centres, meaning that survivors in rural areas had to travel significant distances at substantial personal cost to access them. Investigators also often lacked cultural sensitivity, failing to understand the unique lexicon that emerges in times of conflict to communicate particular forms of harm such as sexual violence. In some contexts, the lack of sensitivity to dialectic nuances meant survivors of sexual violence were not recognised as such (Ní Aoláin et al., 2015).
- **Lack of financial support for legal proceedings.** In Bosnia and Herzegovina, survivors were obliged to pay high court fees if their reparation claims were rejected. This placed survivors at risk of not receiving the reparations they were entitled to but also put them under even greater financial strain than when they applied. This risk may have discouraged some survivors from applying for reparations (Ní Aoláin et al., 2015).
- **Prioritisation of less complex cases.** In Colombia, reparations processes often prioritised claims that were less complex, since they were more straightforward to administer. This forced survivors of the most grievous harms to wait for extended periods of time before they were granted access to support and compensation (Ní Aoláin et al., 2015).
- **Unattainable burdens of proof.** Across various programmes, the burden placed on survivors to prove that they had suffered violations meant the number of survivors far outweighed the number who were granted access to reparations. In Colombia, officials conducting investigations placed significant weight on testimonial and physical evidence, excluding

innovative methods of gathering information on sexual harm discussed in Section 4 (Ní Aoláin et al., 2015). In the Republika Srpska, Bosnia and Herzegovina, survivors were required to demonstrate that they had been at least 60% 'damaged' as a result of torture, assault or rape in order to be eligible for reparations. This led to the exclusion of large numbers of survivors who were unable to provide documented evidence of 'damage' and for those whose 'damage' was psychological (Rames, 2013). In the Philippines, communities faced division as a result of unattainable burdens of proof placed on survivors (Garcia, 2021).² In cases of SEA by UN Peacekeepers, mothers and children born of SEA are only eligible for financial support if they can provide DNA evidence to facilitate a paternity test, which can be costly and difficult in many contexts. Further, the accused soldier can refuse to provide DNA themselves, meaning the paternity test cannot be completed (REDRESS, 2017).

In multiple cases, marginalised groups were excluded from reparation programmes.

- **Child survivors of sexual violence face significant hurdles to receiving reparations within reparation programmes.** In the case of Argentina, Brazil, Chile, Peru, Rwanda, Sierra Leone, South Africa and Timor-Leste, children were denied access to reparations because rape and other forms of sexual enslavement were not included in the eligibility criteria for children.³ With the exception of Peru and Sierra Leone, child survivors were not consulted during the truth and fact finding missions informing the design of reparations programmes. Children also lack full legal autonomy and bank accounts so that, even if they were included in reparations programmes, their ability to pursue justice for themselves would require adult support, which cannot be guaranteed (Mazurana & Carlson, n.d.).
- **Children who were born of CRSV also face significant obstacles to receiving reparations.** In Uganda, there have still been no state-led programmes to address the needs of children born in captivity or to "forced mothers". The suggestions that a national reparations programme which would grant "children born of war" access to land, social amenities and psychosocial rehabilitation has been politically blocked. In Colombia, "forced mothers" have raised concerns that enabling their children to claim their rights will reveal their birth origins and thus generate stigma and increase the risk of retaliation from perpetrators. Lessons from Colombia find that failure to recognise the experiences of "children born of war" and enabling perpetrators to live with impunity, contributes to the normalisation of sexual violence and especially against girls and indigenous girls (Neenan, nd.).
- **Women and children who are associated with fighting forces and groups may be excluded from reparations programmes.** In Colombia, women who had been members of armed groups who had been subjected to forced abortions and sexual violence, were excluded from reparations programmes (Sanchez & Rudling, 2019). Children associated with armed groups may be perceived as perpetrators regardless of the context of their association, or the age at which they became associated. For example, those forcibly married, enslaved, prostituted, those sexually violated, born of rape or born into armed groups, may fear stigma and reprisals when coming forward to report violations against them and claim reparations (Mazurana & Carlson, n.d.).

- **Men and boys are often also excluded from reparations programmes.** In the case of Uganda, a resolution from the government to provide financial support to former sex slaves and children born of rape by the Lord's Resistance Army risked ignoring men and boys who were subjected to sexual violence throughout the conflict (Reparations, Responsibility & Victimhood in Transitional Societies, 2019). The significant community-based shame associated with men's experience of CRSV has led to very few men and boys formally reporting this. As a result, male survivors of CRSV are unlikely to have benefited from the reparations programmes available. Further, officials may not recognise this type of violence towards men a weapon of war and instead wrongly consider it an abnormal incident of pathological behaviour by perpetrators (Rames, 2013).
- **Displaced people are often excluded from reparations programmes.** A 2010 assessment of reparations programming in Colombia found that no single claim by a displaced person had been completed in the three years it had been running. This may be due to a lack of criteria that recognises the need to compensate displaced people within the legal framework. It may also be linked to a lack of connection between various institutions and their post-conflict mandates (N'í Aol'ain et al., 2015).

In multiple cases, reparations programmes engaged in activities that put survivors at risk of re-traumatisation and violence. In Colombia, during investigations, survivors were sent back to the location where violence had taken place, putting them at risk of re-traumatisation, threat, intimidation by perpetrators, and risk of reprisal from individuals at the location of violence. In Sierra Leone, women and men were brought together in single-sex public settings where they were asked to identify the harm they had experienced. This failed to respect their privacy and risked re-traumatisation and layered stigmatisation (N'í Aol'ain et al., 2015).

SEA survivors often report being given insufficient levels of support through reparations programmes. In 2013, an independent team of experts assessed four UN Peacekeeping missions and found that survivors of SEA were provided with the bare minimum of support (Schauerhammer et al., 2019). A global review of reparations for survivors of SEA by UN Peacekeepers found that in the few cases where they were provided, the size of the reparation was negligible compared to the harm suffered (REDRESS, 2017). In one instance, a Guardian news report explains how a survivor in the Central African Republic was given the equivalent of £13, a bag of rice, some milk and some sugar (Lazareva, 2017).

Some reparations programmes have faced criticism for failing to meet the needs of women to have their trauma publicly recognised. In South Korea, a reparations programme that followed the forced sexual slavery of South Korean women by the Imperial Japanese Army during World War II, did not meet the demands of the women themselves. While it involved a public apology by the Japanese Government and the provision of funds for compensation, it did not recognise the legal responsibility of the Japanese Government in committing these crimes. This left South Korean women survivors and their families without the recognition they wanted and deserved (Amnesty International, 2021).

Reparation programmes that do not take a justice-focus risk undermining reparations by enabling perpetrators to live with impunity. In the Philippines, the limited attempts to prosecute perpetrators of CRSV undermined the value of reparations funded by assets seized by perpetrators. While over 11,000 survivors received financial compensation for their experiences, none of the people responsible were prosecuted. This has enabled people in authority and those with power to continue to violate people's rights with impunity (Garcia, 2021).

3.4 Factors likely to increase impact and effectiveness

Despite the lack of rigorous evidence measuring impact, there is valuable evidence to show that there are several key characteristics that can increase the impact and effectiveness of reparations programmes for survivors of CRSV and SEA.

Survivor Co-creation: Involving survivors in the co-creation of reparations programmes is key to ensuring they are culturally sensitive, survivor centric and limit the risk of re-traumatisation as best they can. In Cambodia, the Khmer Rouge used forced marriages as a strategy for breaking down social structures. These were impersonal ceremonies conducted en masse, often involving hundreds of people. During the design of the reparations programmes, survivors who decided to remain married, requested that traditional wedding ceremonies be held to reappropriate their cultural norms. The cultural significance of these ceremonies would not have been clear had survivors themselves not been involved in designing the reparations they wanted. In the context of Iraq, a reparations programme led by the NGO Nadia's Initiative, provided interim reparative measures which were co-designed by survivors and community-based organisations, doctors, psychologists and lawyers. By engaging with non-state actors, the programme was able to help build trust with survivors who had lost trust in the State (Global Survivors Fund, 2021).

Survivor co-creation also supports reparations programmes to empower survivors. In order for reparations programmes to be transformative, they must proactively work with survivors in the design, advocacy, outreach, monitoring and negotiation, and implementation, ensuring they are not treated as passive beneficiaries (Freizer, 2016).

Multi-partner engagement and widespread ownership: In Iraq, reparations programmes that worked with multiple partners helped build bridges between them, resulting in reparations programmes that were better equipped to meet the needs of survivors (Global Survivors Fund, 2021). The experience of Sierra Leone illustrates how multi-stakeholder and collaborative oversight mechanisms support ownership across a broad spectrum of stakeholders.

Placing reasonable burden of proof on survivors and innovative ways to gather indirect evidence: In the Federation of Bosnia and Herzegovina (FBiH), unlike in the Republika Srpska, survivors of CRSV were entitled to reparations regardless of their bodily damage or the extent to which this could be demonstrated. This was an exception made specifically for survivors of CRSV, while other civilian victims of war were required to provide evidence of the damage their exposure to trauma had caused them (Rames, 2013). There are also a variety of innovative methods for gathering indirect evidence of CRSV which do not require testimony or documented physical

harm. For example, investigators could examine whether there has been an abnormal increase of births in a region, unusual levels of early marriage, higher numbers of displaced people, particular patterns of warfare, weak chains of command among military and armed groups leading commanders to have limited control over their soldiers (Ní Aoláin et al., 2015). In Croatia, the principle of good faith has been applied in commission procedures regarding sexual violence, meaning that survivors were no longer required to provide detailed medical records or cross-examination. This has helped lift some of the burden of proof and reduce the risk of re-traumatisation through testimony (Freizer, 2016).

Removing barriers to engagement with reparations schemes: In Colombia, following concerns that the urban location of registration centres in the capital excluded survivors from rural areas, the government introduced transport subsidies to reduce the financial burden on survivors. The government also granted state agencies the right to accept applications in the states they were based, reducing the distance survivors were required to travel. This led to an estimated 300,000 people registering, 87% of whom were women (Ní Aoláin et al., 2015).

Providing prompt interim reparations for survivors: Interim reparations are a method of providing support to survivors while they are waiting for the process of applying for reparations to conclude. In Gambia, various types of individual reparative measures were provided to survivors by the Truth, Reconciliation and Reparations Commission (Global Survivors Fund, 2021). In Sierra Leone, interim payments of an estimated US\$100 were provided to survivors of sexual violence and amputees along with urgent medical care. An estimated 21,700 survivors received money, 31 survivors in critical condition were provided with surgery, and 235 survivors of sexual violence received medical treatment (Sandoval & Puttick, 2017).

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Annex 1: Methodology

This rapid research query has been conducted as systematically as possible, under tight time constraints.

Step 1: Search - Evaluations were identified primarily through existing evidence reviews on reparations such as the ["Global Reparations Study Executive Summary Report of Preliminary Findings"](#). In addition, searches were conducted using Google and relevant electronic databases using key search terms including: 'reparations', 'CRSV', 'sexual violence', 'conflict', 'compensation', 'transitional justice', 'SEA', 'SEAH', 'transitional justice', 'measuring reparations', 'evaluation'.

Step 2: Inclusion - To be eligible for inclusion in this rapid mapping, reports had to fulfil the following criteria:

- **Focus:** Interventions assessing the impact and effectiveness of reparation provision for survivors of CRSV in FCAS contexts, but where there is limited evidence, we have included wider evidence from non-FCAS settings.
- **Time period:** From January 2000 to present.
- **Language:** English.
- **Publication status:** Publicly available – in almost all cases published online
- **Format:** Evaluation reports, peer-reviewed journal article, systematic reviews, grey literature
- **Study design:** All study types, designs, and methodologies including primary and secondary studies with clear methodologies to enable an assessment of quality

In total, 50+ documents have been used for this report.

Step 3: Assessment of evidence Case studies of reparations programmes are mapped in Section 3, and assessed according to evidence of impact and effectiveness, scale, types of violence, methods and timeframe. The broader literature on reparations is then examined in Section 4, including global programmes and guidance on reparations programmes.

Endnotes

¹ CRSV is defined using the [UN definition](#) and includes “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”.

² In the case of the Palimbang Massacre, entire villages were collectively victimised; men were shot en masse, and women and children were brought to naval boats and sexually violated. Despite all survivors sharing close to identical experiences, only the handful who could provide documentation were granted reparations, causing outrage among communities.

³ In the case of Timor-Leste for example, children were only eligible for reparations in cases where they had been illegally removed from their parents, forced into prostitution, fraudulently adopted, or forced into servility. In Timor-Leste and Sierra Leone, children of mothers who were survivors of sexual violence, including those born as a result of sexual violence, were only able to access reparations if their mothers remained single.

About Helpdesk reports: The Ending Violence Helpdesk is funded by the UK Foreign, Commonwealth and Development Office (FCDO), contracted through the Ending Violence Team. This helpdesk report is based on up to 6 days of desk-based research and is designed to provide a brief overview of the key issues and expert thinking.

For any further request or enquiry, contact enquiries@vawghelpdesk.org.

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