



Making the case for the provision of reparations to survivors of SEAH: lessons and opportunities

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Query: Explore the possibility of reparations for victims and survivors of SEAH, investigating (i) the case for it, (ii) desirability and feasibility, (iii) lessons learned from reparations on other issues such as CRSV. *(The piece should consider best practice options, policy gaps and challenges and bear in mind the important accountability distinction between individual perpetrator, organisations and states)*

Purpose: To feed into ongoing policy discussions on a Common Approach to SEAH and in particular, into the work of a multistakeholder group currently examining PSEAH resourcing with a view to recommend policy improvements in this field. The issue of reparations is very live and seldom explored; this piece will help, we hope, progress discussions significantly.

1. Overview

Definitions

- **Reparations:** the provision of compensation for harm caused.
- **Reparations model/ approach:** this includes the different factors included as part of the “reparation” (e.g. money, genuine apology, access to services, community-based programmes, economic empowerment projects), the modality through which they are distributed, and the process for engaging and interacting with the survivor (which should be survivor-centered).
- **Reparations programme:** an independent programme which facilitates and provides reparations for SEAH survivors. This may be linked to other programmes such as broader GBV programmes.

This report summarises the findings from an evidence review exploring the possibility of providing reparations for survivors of sexual exploitation, abuse and harassment (SEAH).

It is split into three sections, covering 1) the case for providing reparations, 2) the feasibility and desirability of providing reparations, and 3) lessons learned from reparations on other issues such as conflict-related sexual violence (CRSV). This report is based on rapid desk-based research and key informant interviews with eight safeguarding practitioners who have expertise in safeguarding, investigations and legal issues related to safeguarding. Some of these individuals preferred to remain anonymous and so their names have been removed from this report.

Summary of key findings:

- **This report found no examples of institutional policies that included commitments to provide reparations.** Where reparations were referenced, it was to clarify that they would not be provided to survivors. For example, the Asian Development Bank’s guidance on integrating SEAH reporting and case handling into project grievance redress mechanisms explicitly commits to providing, *“Support, not compensation. The primary focus is on providing support to the survivor when the initial report is made, and ensuring appropriate action is taken if the allegation is substantiated. Funds may only be used to help survivors access response services. No compensation should be provided as a part of responding to SEAH.”*¹ Some of the World Bank Group’s documents endorse compensation as a method of responding to survivors of SEAH. For example, one guidance note recommends that projects, *“Ensure that project design and obligations account for additional costs associated with incidence of SEA. In addition to enabling provision of services to survivors, resources may be needed to provide some form of compensation to survivors and/or their families to address lost productivity or income.”*² Despite this, in their Environmental and Social Framework for Investment Project Financing (IPF) Operations, the World Bank says *“No monetary compensation should be given directly to the survivor; all support services and accompanying transportation, housing and support requirements...are paid through the*

service provider."³ Other organisations echo this approach. The Humanitarian Response Consortium's Manual on protection from sexual exploitation, abuse and harassment explains that, while action will be taken to take a perpetrator off a project and engagement with police etc. will be pursued where appropriate, *"There will be no cash compensation for complainants from HRC"*⁴ The UN Trust Fund in support of Victims of Sexual Exploitation and Abuse similarly provides funding to organisations that provide survivors with assistance and support services but does not provide compensation to individual survivors.⁵

- **The case for providing reparations to survivors of SEAH is strong.** Survivors have the right to reparations, as recognised by multiple legal frameworks and bodies globally (detailed in Box 1). Across different contexts, survivors have also expressed that reparations are a priority for them as a method of recognising harm and restoring agency and dignity.⁶ In addition, reparations are a method of holding organisations to account and incentivising investment in SEAH prevention. They can take a multitude of forms including but not limited to cash compensation and survivors should be involved in determining the form that a reparation takes. While safeguarding practitioners highlighted a number of potential challenges to providing reparations, they also recognised that these challenges are not insurmountable. They argued that reparations initiatives should complement existing efforts to develop multi-sectoral case management systems and provide long-term support to survivors, not be provided at the expense of these essential services.
- **Reparations programmes are desirable but require adequate resources, engagement with survivors, contextual analysis and a whole-of-sector approach to be feasible. In summary:**
 - Reparation efforts should be survivor-centred and contextually appropriate, providing a range of options that survivors can choose from. In some cases, reparations to communities may be appropriate in addition to reparations for individual survivors.
 - The provision of reparations raises difficult questions around accountability for SEAH and whether the organisation, perpetrator or state should pay for reparations. Interviews demonstrated that this is a very live discussion, and further discussions are needed to build consensus on this issue.
 - Survivors face a variety of barriers to accessing reparations that would need to be addressed. These include a lack of awareness of their rights and understanding of processes, a lack of resources to engage in a reparations programme, and unattainable burdens of proof.
 - Safeguarding practitioners highlighted that some organisations are concerned reparations could create a false incentive to report, leading to a large number of resources being used to defend false claims. They also argued that this was not a reason not to provide reparations, only that efforts to provide reparations should acknowledge this risk.

- Some safeguarding practitioners and organisations are concerned that providing reparations could put survivors at further risk of violence from communities, families and perpetrators. This highlights the need for strong risk-mitigation efforts.
- The majority of interviewees highlighted the challenges of quantifying the value of harm for reparations programmes. They suggested a number of solutions, including taking a whole-of-sector approach and the establishment of an external body that could provide justification for why different amounts of money might be provided to different survivors. Further discussion on this is needed to build consensus.
- **There are a multitude of lessons to be learned from reparations programmes for survivors of other types of violence including CRSV.** These include:
 - 1) Engaging survivors in co-creation ensures reparations are better tailored to their needs.
 - 2) Involving multi-stakeholder collaboration establishes stronger local ownership and is more context-sensitive.
 - 3) Multi-year funding helps maximise accessibility of reparations programmes for survivors.
 - 4) Communications campaigns help increase the uptake of reparations programmes.
 - 5) Processes for registering and receiving reparations should be survivor-centred to avoid re-traumatisation.
 - 6) Survivors should be supported financially throughout the reparation process to maximise accessibility.
 - 7) Upholding anonymity is essential for supporting uptake of reparations programmes and protecting survivors from backlash.
 - 8) 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.
 - 9) Providing prompt interim reparations that are followed up by other support reduces the risk that survivors will be left without support for extended periods of time, which can reduce trust in programmes.
 - 10) Reparation programmes should stand alongside other efforts to hold perpetrators to account and achieve justice for survivors.
 - 11) Independent Oversight Committees have the potential to support accountability but must be given the power to hold decision-makers to account.
 - 12) Transparency around allocation and eligibility of reparations is essential for community and survivor trust in programmes.
 - 13) Follow-up support should be offered to survivors in the long-term.

Evidence gaps: This evidence review found one example of a reparations programme for survivors of SEAH. This is detailed as a case study in Section 2. Beyond this, the report relies heavily on the reflections of safeguarding practitioners about what the challenges are likely to be and what could be done to overcome these. It also relies on lessons from reparations programmes for survivors of other types of violence such as CRSV. Until reparations programmes for survivors of SEAH are developed, implemented and evaluated, the true scope of the feasibility and challenges of such programmes will remain unclear.

2. Making the case for the provision of reparations for survivors of SEAH

Survivors of SEAH have the right to reparations, recognised by legal frameworks and legal bodies globally. Reparations should be a key component of efforts to address and remedy the violation of a person's human rights. This right is recognised by the United Nations, the African Commission on Human and People's Rights, and the Law Commission of Canada. Some of the legal frameworks and bodies that make reference to this are detailed in Box 1.

Reparations are identified as a priority by survivors of SEAH and are an important component of recognising harm and restoring agency and dignity to them. Best practice guidance from the Safeguarding Resource and Support Hub highlights that survivors themselves "often noted that reparations are the most survivor-centric way of supporting their recovery," being more than just about financial compensation but also "the restoration of dignity, status and health."⁷ The CHS Alliance supports this, explaining that, "One of the most under-resourced and little-discussed areas of work on PSEAH in the sector is redress and compensation, yet this is the area that is often of the most significance to victims/survivors."⁸ One safeguarding practitioner interviewed for this research explained that, *"there are huge benefits to providing reparations to survivors - it recognises the harm they've experienced and helps them get their life back on track."*

Reparations are a key way to hold organisations to account and incentivise engagement and investment in SEAH prevention efforts. As well as supporting survivors, interviews with safeguarding practitioners recognised that reparations are also an accountability mechanism for aid organisations. One practitioner explained, *"NGOs have a huge amount of power and privilege in the sector and we are working in communities where people are very vulnerable. We need mechanisms that hold organisations accountable for instances of SEAH."* Lucy Heaven-Taylor, a Safeguarding and Investigations Expert argued that *"Providing reparations would sharpen the thinking in the sector. Realistically, the two most common ways I have seen organisations motivated to action to prevent SEAH are 1) scandals and reputational risk and 2) financial risk. If organisations experienced a financial risk for each instance of SEAH, then they would be more focused on preventing it."*

Reparations can take different forms depending on survivor preferences and priorities.

The Global Survivors Fund, which provides reparations for survivors of sexual violence in conflict, highlights the range of forms reparations can take.⁹ These forms include: a) recognition and symbolic reparations such as public apologies, commemoration events and memorials; b) immediate rehabilitation and long-term medical care; c) access to financial support, employment education and professional training; d) legal and administrative support; e) accountability, holding perpetrators to account; f) restoration of community and dignity, including stigma-alleviating initiatives within families and communities; and g) tailored approaches to meet individual needs, recognising that survivors are not a homogenous group. In 2013, the Canadian mining company, Barrick developed a reparations programme for survivors of SEAH, which offered them a selection of different types of reparations including cash, vouchers, and cash equivalents such as livestock. This enabled survivors to have agency over their reparation and to make their own decisions about their future.¹⁰

There are multiple challenges to providing reparations, but these could be overcome with adequate engagement with survivors, contextual analysis and investment. Interviews with safeguarding practitioners identified a multitude of challenges to providing reparations to survivors of SEAH, detailed in Section 3. These include, but were not limited to, issues of liability, logistical barriers to accessing programmes, unattainable burdens of proof, risks of creating false incentives to report, risks that reparations will make survivors targets for further violence and questions about how to quantify the harm caused by SEAH and the corresponding reparation. The safeguarding practitioners interviewed suggested that, while these challenges exist, they could be overcome with adequate resources, engagement with survivors, contextual analysis and a whole-of-sector approach.

Focus on reparations for survivors should not be provided at the expense of long-term essential services for survivors. Safeguarding practitioners interviewed through this research had different views on whether reparations should be a priority but were all clear they should not be provided at the expense of multi-sectoral case-management systems. One safeguarding practitioner explained, *“I’m worried that discussions about reparations are part of an effort to rush through policy around SEAH. In reality, we don’t have the basics right. What we need are culturally appropriate, multi-sectoral case management systems that can provide survivors with ongoing mental health and psychosocial support, physical health, legal support and social support until their needs are totally met. Until we can meet survivors’ urgent needs, discussions about reparations are a distraction. Funding GBV and Child Protection services where high-risk projects are taking place should be the priority.”* However, others argued that the provision of reparations cannot wait. As Heaven-Taylor contended, *“Reparations should be provided alongside support for local services. We need to recognise that support services are the job of the broader GBV and protection sector. I am concerned that in some discussions around PSEAH, we are conflating wider issues of lack of services for survivors with our responsibility and accountability for the actions of our staff. It is, of course, important to improve services to survivors, but this should be addressed in our wider programme work. PSEAH focus should be*

on understanding, identifying, preventing and responding to harm caused by our staff and programmes.”

Reparations for survivors of SEAH focus on redressing the harm caused by staff working to implement Official Development Assistance (ODA) programmes, not on strengthening services. However, lessons from the provision of reparations to survivors of CRSV show that inadequate response services can undermine the effectiveness of reparations and vice versa. SEAH efforts should foster close connections and cooperation with child protection and GBV services. Adequate funding and resources should be made available for both.

Box 1. Legal frameworks and legal bodies supporting the right to reparations

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states survivors of gender-based violence should receive “effective reparations” including “measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery.”¹¹

The UN Convention on the Rights of the Child states that when the rights of children are breached, “there should be appropriate reparation, including compensation, and, where needed, measures to promote physical and psychological recovery, rehabilitation and reintegration.”¹²

The UN Guiding Principles on Business and Human Rights, states that, “Remedy may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition”.¹³

The African Commission on Human and People’s Rights Resolution on the Right to a Remedy and Reparation for Women and Girls Victims of Sexual Violence compels parties to “Put in place efficient and accessible reparation programmes that ensure information, rehabilitation and compensation for victims of sexual violence.”¹⁴

The UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147 (2005)) states “restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition” as components of effective reparation for victims of human rights abuses”.¹⁵

In 2000, the Law Commission of Canada produced a report outlining a range of needs of survivors of child abuse. The Commission concluded that “redress programs negotiated with survivors and their communities” are the best official response for addressing past child abuse in care settings, and that “[s]urvivors should have the option of choosing which particular mix of benefits or compensation best meets their needs”.¹⁶

2. Feasibility and desirability of providing reparations to survivors of SEAH

"Success is not merely about the execution of [reparations] programmes but also their tangible impact on survivors' lives, their contribution to healing and empowerment, and their role in preventing future instances of SEA."

Christine Williamson, Director of Duty of Care International

Interviews with safeguarding practitioners reflected on both the desirability and feasibility of providing reparations to survivors of SEAH. While they identified a number of challenges to providing reparations, they also argued that these challenges are not insurmountable. Instead, reparations programmes would require adequate resources, engagement with survivors, contextual analysis and a common approach across the whole of the ODA sector to ensure consistency for survivors.

All interviewees highlighted the importance of providing survivor-centred reparations and involving survivors in the design of reparation initiatives. Interviewees recognised that survivors' concepts of justice and their personal needs are subjective, diverse, and may evolve over time. In order for reparations to have a meaningful and tangible impact on a survivor's life they must be tailored to their needs. This requires involving survivors in the design of reparations programmes. As the Director of Duty of Care International, Christine Williamson, highlighted, *"Effective reparations models should be fundamentally survivor-centred, placing the needs and preferences of survivors at the core of any programme or policy. This encompasses a wide array of support beyond just monetary compensation, including psychological support, healthcare, legal aid, educational opportunities, and measures for economic empowerment."* A report by the Safeguarding Resource and Support Hub reinforced that reparations should be accessible, prompt, confidential, and should take a transformative approach.¹⁷ In order to do this they argue that survivors should be included in their design.

In addition, some interviewees argued that survivors should be included in the design of reparations programmes to ensure that the processes for pursuing reparations are accessible. As Elie Gasgara, a safeguarding and investigations expert explained, *"[Survivors] should be at the table that decides how funds will be established and used to ensure that the processes for accessing funds are not overcomplicated. Victims know the context better and are better able to suggest context-specific ideas for support and/ or reparations."*

However, another safeguarding expert linked to the Supporting Survivors of SEAH (S2S) programme in Malawi, highlighted that in some cases, the power dynamics between organisations and survivors are so great that direct interaction between the two can put survivors at a disadvantage. In the S2S model (detailed further in a case study below) an independent mechanism is established within communities, made up of actors with experience

engaging with donors and organisations and members of community-based women's rights organisations (WRO). The role of this mechanism is to facilitate communication between the survivor and the organisation. While the WRO representative works directly with the survivor to identify and quantify their needs, staff with experience working with donors and large organisations represent the survivor to the organisation providing the reparations. This not only helps to rebalance the power dynamics between the survivor and organisation, having a survivor representative can also help mitigate risks for the survivor where the risks of re-traumatisation, violence, and elevating the profile of survivor may be so high so as to prevent survivor's direct engagement.

Amanda Bangura, GBV expert working on S2S, argued that independent mechanisms like S2S should be funded by donors with influence in the country they are operating. This is because, while some organisations see S2S as an ally to support them in doing the right thing to support survivors, others are very resistant to their work. Since S2S is unable to force organisations to provide reparations, in instances where organisations are resistant to do so, the influence of large donors can help hold these organisations to account. In addition, Bangura highlighted that this resistance can lead to threats of violence including death threats against staff members. It is important that the staff working for independent mechanisms of this type are granted the protection they need to continue their work in safety.

Interviewees also recognised the importance of designing contextually appropriate reparations programmes, while acknowledging the potential challenges associated with this.

Safeguarding practitioners argued that a top-down or one-size-fits-all approach to designing reparations programmes, is likely to be ineffective, recognising that in different contexts, the concept of reparations might look different. One practitioner explained, *"In the West, we often conflate reparations with financial compensation, but in many contexts, this isn't the case. We need to work with survivors to identify contextually appropriate methods of reparation to ensure we take accountability and support survivors in meaningful ways."* Lessons from reparations programmes for CRSV survivors show that a combination of reparation modalities is often preferred by survivors – one of these modalities is often financial compensation.

Practitioners also acknowledged the potential challenges that can arise when trying to take a contextually-appropriate approach. For example, one referenced an incident where, following consultation with the community about contextually appropriate restorative justice efforts, the community wanted to implement a form of public shaming against the perpetrator. While the organisation wanted to develop a contextually appropriate response, they also had a duty of care to their member of staff and so could not support this public shaming. This put them at odds with the community's wishes.

Other interviewees highlighted that in cases where reparations involve providing access to services, in some contexts it is hard to quality assure the services provided. Leigh Heale, Global Head of Safeguarding at Water Aid and Nicci Morgan, Senior Global Safeguarding Specialist at

Water Aid recommended more cross-organisation coordination to map and quality assure the services available to survivors to ensure that referral pathways and reparations programmes offer the highest quality services.

Interviewees suggested that, in addition to providing reparations directly to survivors, reparations for communities may be appropriate in some settings.

While all practitioners highlighted the importance of providing direct support to survivors, they also acknowledged the importance of providing reparations to communities in some contexts. This recognises that SEAH often impacts the families and communities of the survivors. As Gasgara explained, *“Community-wide support/ development can be helpful in addition to support to survivors, especially in areas where communities are identified as being particularly affected.”*

In order to operationalise this, it would be necessary to define what is meant by “community-wide” and “particularly affected”. In one reparations programme in Papua New Guinea, a mining company provided funding to community programmes focused on preventing and responding to VAW, including through strengthening service provision.¹⁸ This funding was provided alongside individual reparations for survivors. Further details are provided in a case study. In addition, interviewees suggested that providing community-wide reparations could help ensure survivors who did not feel able to report were still able to access some form of reparation for the harm perpetrated against them. Interviewees also suggested that this might help reduce the risk of backlash against survivors being awarded direct reparations. One safeguarding expert argued that economic poverty is often a significant driver of SEAH and that economic empowerment programmes may be a potential example of a community-wide reparation that can also help prevent further SEAH.

The International Finance Corporation’s (IFC) recent response to sexual abuse across private schools that they funded in Kenya, includes community-based reparations but no individual reparations for survivors.¹⁹ This has received significant criticism from actors across the sector who argue that the provision of community-based reparations without individual reparations fails to remediate the harm of their investments to individual survivors.

The provision of reparations raises questions around accountability for SEAH and who should pay these reparations.

Those interviewed had different views on whether companies, the State or perpetrators should be held liable for instances of SEAH.¹ Some argued that perpetrators should be expected to pay reparations to survivors since they are responsible for harm caused. This approach is reflected in the policies of a variety of banks, UN entities and INGOs.²⁰ A report looking at SEA committed by UN Peacekeepers found that, while the UN provides support to those affected by SEA, it considers the provision of reparations to be the responsibility of the individual perpetrators.²¹ Similarly, the Interagency Task Force Victim Assistance Guide focuses on the need for

¹ No interviewee suggested that the State should provide reparations for survivors of SEAH.

perpetrators to be held legally and financially accountable through the provision of reparation and compensation to survivors. It explains, "*The Strategy shall in no way diminish or replace the individual responsibility for acts of sexual exploitation and abuse, which rests with the perpetrators. The Strategy is not intended as means for compensation.*"²² The IFC have taken a similar approach in refusing to provide direct compensation to child survivors of sexual abuse in Bridge International Academy schools, funded by the IFC.²³ They argue that doing so would admit liability and open IFC up to claims and lawsuits that could put its immunity, credit rating and competitiveness at risk. Critics argue that taking this approach means that IFC has failed to adequately address the harm caused by projects they fund. This approach is also at odds with recommendations made by the IFC's internal watchdog, the Compliance Advisor Ombudsman, which investigated the reports in 2020.²⁴

Others argued that the organisations (or in the case of peacekeeping missions, the relevant State) should be responsible for providing reparations because they have facilitated the contact with the perpetrator and because relying on perpetrators creates a near insurmountable barrier to access for survivors. As Heaven-Taylor explained, "*While the fault is with the perpetrator, the employer should be liable and provide reparations because they have enabled the contact between the perpetrator and vulnerable individual.*" Another safeguarding expert argued that "*the organisation has facilitated the contact between the survivor and perpetrator [and] has created a situation and structure which enabled this egregious abuse of power. The systems and structures to prevent SEAH and mitigate risks didn't work and the perpetrator was able to act with impunity.*" Further, the CHS Alliance guidance explains that, given the many barriers to gathering evidence and conducting investigations, placing the responsibility to provide reparations on individual perpetrators makes it almost impossible for survivors of SEAH to access these.²⁵ According to a report by REDRESS, the substantial barriers to survivors pursuing individual perpetrators for reparations means that in most cases, no reparations are forthcoming.²⁶ The CHS Alliance suggests that the provision of Tort Law provides a potential way to hold organisations accountable for the actions of their employees. This type of framework would claim vicarious liability because the organisation failed to prevent or mitigate SEAH.²⁷ Large organisations often have mechanisms in place to provide financial compensation in instances of workplace malpractice such as road traffic accidents where a member of the organisation is at fault. These compensation practices could be expanded to include instances of SEAH. Further discussion is needed to understand how smaller organisations that may not have these mechanisms in place could provide reparations. It is also unclear whether prime or lead organisations that have these mechanisms in place would be responsible for providing reparations for survivors who experienced harm from smaller partner organisations or contractors. There is a precedent for this happening, as detailed in the below Malawi case study.

An alternative option involves organisations providing reparations to survivors without accepting liability or fault. In this case, the organisation provides reparations because it is the morally right thing to do and the most practical way to ensure survivors have access to compensation. However, this is likely to be complicated in practice and might require survivors

to sign documents such as non-disclosure agreements to recognise that the reparation is being provided because it is right but not because the organisation is accepting liability. This could be an arduous and stressful process for survivors which might undermine the intention of the reparation. As one safeguarding expert argued such an approach would also fail to recognise that financial compensation alone is insufficient for reparations, and that the small act of acknowledging and taking accountability for harm can go a long way to validating a survivor's experience and supporting their recovery. One of the interviewees, Heale, argued that *"Just because something is legally complex doesn't mean it shouldn't be pursued and that just because something isn't legally required doesn't mean it shouldn't be done."* They argued that organisations should be held accountable for enabling contact between a perpetrator and a community even if they weren't responsible for the actions of the perpetrator.

Survivors face a variety of barriers to accessing reparations, both logistically and due to unattainable burdens of proof.

"A key aspect of a successful reparation initiative is its accessibility and simplicity, ensuring all survivors can claim reparations without facing undue barriers or re-traumatisation."

Christine Williamson, Director of Duty of Care International

Interviews with safeguarding practitioners highlighted three key barriers that survivors might face to accessing reparations programmes. These are not exhaustive:

- **A lack of awareness of their rights and understanding of processes.** A previous VAWG Helpdesk report highlighted that across 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.²⁸ This was echoed by Gasgara, who argued that *"Organisations need to be prepared to support survivors. We need to disseminate documents about Victims' Rights better, in local languages and in the field."* He also highlighted that within the UN system, survivors are often not informed when an investigation is complete and so are not given access to the evidence reports they may need to pursue criminal charges or to access reparations programmes.
- **A lack of resources to engage in a reparations programme.** Gasgara explained, *"If a humanitarian or UN employee perpetrates SEAH against someone in a village where they do not have a phone or access to the internet or funds to pay a lawyer, unless there is an organisation who will support a survivor to pursue compensation and justice, they will not be able to access this."* Interviewees highlighted that any reparations programme would need to be accompanied by support from organisations to ensure survivors can access and meaningfully engage in these procedures.
- **Unattainable burdens of proof.** Across interviews with practitioners, the existence of impossibly high evidence thresholds for investigations was raised as a barrier to survivors accessing reparations. As Gasgara explained, *"When it comes to the UN Tribunal, the*

standard of proof expected is close to beyond reasonable doubt that SEAH has been perpetrated. This isn't giving fair treatment to victims because there are very few situations where we can prove "beyond reasonable doubt." 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.²⁹ Further, the accused soldier can refuse to provide DNA themselves, meaning the paternity test cannot be completed. Unattainable burdens of proof are likely to pose a significant barrier to survivors seeking reparations.

Some organisations are concerned that reparations will create a false incentive to report and lead to large amounts of money being spent on defending false claims.

Some safeguarding practitioners believed providing reparations in the form of compensation could create a false incentive to report. One interviewee shared that they had seen a few instances where young women had come forward with SEAH claims and, during the interview, had told the organisation that their parents or families had pressured them to report a false claim in the hope that they might receive some compensation from this.

Discussions also highlighted a risk of plaintive organisations ('ambulance chasers') preying on local communities where organisations work and pressuring them to make false claims. This could lead to significant resources being spent on defending against false claims, which could jeopardise the organisation's capacity to do their work.

While practitioners acknowledged that this was a risk, they also highlighted that this was not a reason to not provide reparations, only that efforts to provide reparations should acknowledge this risk. Organisations should have systems in place to sufficiently identify false reports. One safeguarding expert highlighted that we know SEAH is widely underreported and that survivors may feel discouraged from coming forward and going through the stressful process of reporting if they do not expect to receive support or compensation to rectify this harm. In such cases, the provision of reparations and raising awareness that reparations are available, could instead encourage reporting and increase the number of survivors accessing the support they need.

Some safeguarding practitioners and organisations raised concerns that smaller organisations would not have the funds to provide reparations to survivors and continue their broader work.

One of the interviewees shared that in a PSEAH network meeting she attended some organisations were concerned that they did not have enough funding to provide reparations to survivors. She argued that organisations need to start budgeting for the provision of reparations wherever they work as part of their commitment to do no harm to communities. Heale and Morgan recognised the challenges that smaller organisations might face in providing reparations. They encouraged donors and national governments to establish funds to help smaller organisations which didn't have this funding, access the funds needed to support survivors in this way. They argued that without these type of funds, survivors would be in the unjust situation where the value of the reparation they were entitled to would depend on the

size of the organisation that had caused them harm. Multiple practitioners interviewed argued that if donors were funding programmes in a country, they should help organisations to do the right thing by providing reparations in instances of SEAH, even if they are not legally required to do so.

Some safeguarding practitioners and organisations are concerned that providing reparations could put survivors at further risk of violence, highlighting the need for adequate risk-mitigation efforts.

Some interviewees highlighted the risk that providing reparations could put survivors at risk of further violence, either through SEAH by staff supporting the reparations programme or through backlash from communities. One safeguarding expert argued that large reparations programmes could raise the profile of survivors in a way that makes them a target for violence. A safeguarding and investigations expert highlighted the importance that reparations initiatives implemented the highest possible risk-mitigation strategies to prevent further risk of harm to survivors pursuing reparations. In addition, practitioners highlighted the risk that providing large amounts of money to a survivor could make them a target of community violence, either by those who do not believe they deserve the compensation or by bad actors trying to steal this money. However, as Heaven-Taylor clarified, "This isn't a reason not to provide reparations- it just requires appropriate risk mitigation." Heaven-Taylor explained "*I am wary of any argument that uses a survivor's vulnerability as a reason to not provide them with money. Would we use this as a justification to not provide compensation in instances of other types of harm, where the vast majority of victims are not women and girls? I don't think so.*" Heale and Morgan highlighted the importance of working with survivors to understand the risks associated with the provision of different types of reparations and their associated modalities. This helps equip survivors with the information they need to make informed decisions about what is best for their situation. They recommended that organisations partner with independent WROs in the community who speak the same language as the survivor and are able to have trusted conversations with them about these issues.

There are significant challenges of quantifying the value of harm for reparations programmes.

The majority of interviewees highlighted the significant challenges to deciding the value of reparations for different survivors of SEAH. As one safeguarding practitioner reflected, "*How do we quantify what a reparation should be? This brings up very difficult questions about whether survivors of different types of violence would receive different amounts of compensation...Providing different amounts based on different types of violence would inappropriately place a valued judgement on how "bad" or "harmful" a type of violence is. Each survivor experiences things differently and there are a huge number of individual and social variants involved here. Are we talking about putting a policy in place with X amount for X form of violence, or would this be judged on a case-by-case basis? Who would judge that and what would be their qualifications to do so?*"

One solution to this could be the development of a sector-wide independent governing body to quantify the loss to the survivor. This organisation could help provide external justification for why organisation might pay different amounts to different survivors. A mechanism of this type has been developed by the pharmaceutical sector, which could be explored further. The set up of a mechanism of this type are likely to be high and, to be effective would need to receive buy-in from across organisations.

In this case, a whole-of sector approach refers to a common approach by actors across the humanitarian, development and peacekeeping sectors to ensure consistency. Heale and Morgan suggested that reparations should be valued to reflect the cost of meeting the needs and priorities identified by the survivor. They suggested that having an independent, community-based organisation to work with survivors to identify and budget for their needs is a useful way to ensure that the value of the reparations provided is tailored to the survivor's own situation and preferences.

Case Study: Providing reparations to survivors of SEAH living near a mining site in Papua New Guinea³⁰

In 2013, the Canadian mining Company, Barrick, designed a "[Remedy Framework](#)" to provide both individual reparations payments and community-wide projects in response to the SEAH of community members near their site. During the design of this project, Barrick organised a consultation process that involved a workshop with community members.

Through this discussion, community members highlighted the expectation that any remedy should involve a cash component (or equivalent such as livestock). This was consistent with traditional practices and the village court system, where survivors of assault are typically awarded cash compensation. Some community members recommended that cash equivalents be provided to survivors for fear that family members would take cash awards from them. Others were concerned that cash awards would lead to false claims, where the claimant is coerced into making a false claim through violence and intimidation.

Following this consultation, Barrick decided to offer a range of remedies including cash, which the claimant could choose from. This also included the option of cash vouchers for items such as school fees or medical treatment, in line with the claimant's priorities. This decision was built on the principle of individual agency and the importance of ensuring women could make their own decisions to determine their futures. It was also culturally appropriate, in line with local customs. The Remedy Framework ensures that in every case where a Claimant chooses a cash reparation, the risks associated with this are discussed with the Claimant along with potential options for mitigating that risk.

In addition, Barrick established a range of community-wide projects, which were focused on complementing and enhancing existing VAW prevention and response programmes, including strengthening service provision. These projects were designed, planned and implemented by an experienced team, which was supported by a panel of experts in VAW and human rights programmes.

Case Study: Supporting Survivors of SEAH (S2S) provides an independent mechanism to help survivors and organisations navigate the provision of reparations in Malawi

The FCDO-funded S2S programme in Malawi has established an independent mechanism to provide support to survivors of SEAH. It partners with community-based WROs carrying out this work, helping to cover the financial burden WROs face to providing this support. WROs working with S2S sit with survivors to discuss and develop tailored case-management plans, support survivors to report instances of SEAH, refer them to support services, offer accompaniment throughout the reporting process including to attend court, and provide follow-up to survivors. They also represent survivors seeking reparations and support organisations to design and provide reparations that reflect the survivor's preferences and are contextually appropriate.

In one instance, an INGO approached S2S while investigating an allegation of SEAH against a local contractor they had partnered with. This INGO had conducted a mapping of local support services and found none that they believed were appropriate or of a high enough quality to offer to the survivor. They sought the support of S2S to liaise with the survivor to identify what her needs were, in line with the [InterAction Core Standards for survivor-centred support of SEAH](#). S2S allocated a WRO partner to support her. This individual sat with the survivor to discuss her needs, budgeted for the provision of those needs, and fed this information back to the INGO. They also conducted a risk assessment with the survivor to ensure she understood the risks associated with receiving different types of reparations. Equipped with this information, the survivor was able to make an informed decision about what was most appropriate for her.

In line with her priorities and preferences, the INGO provided the survivor with an initial cash-based payment to cover the cost of her immediate needs such as hospital appointments and baby clothes. They also provided her with money to cover the cost of psychosocial support and access to care for her and her baby for a year, along with funding to help her set up a business to ensure she could be financially secure in the future. The INGO offered the survivor multiple modalities for receiving this funding, including offering it in a single payment or as multiple payments. The S2S accompanier talked through these options and the associated risks with the survivor who then made her own decision about how this payment should be made. This funding was unconditional, allowing the survivor flexibility if she identified another use for it that better met her needs. This decision respected her agency and reflected the fact that she is in the best position to understand her own needs and interests. Following these payments, S2S have provided her with follow-up support, including helping her purchase the materials she needed.

The INGO that provided these reparations funded them partially through their existing budgets and partially by withholding money from the contractor that had hired the perpetrator. Since this incident, they have been working to strengthen contractual clauses to ensure perpetrators can be better held to account financially for their actions when they breach policies

Lessons learned from reparations programmes in other contexts

This evidence review identified only two instances (detailed in the case studies) where organisations provided reparations directly to survivors of SEAH. This may be because organisations are reluctant to share information openly on cases of SEAH but it poses a challenge for drawing lessons from real-life examples. As a result, this next section draws on lessons from a previous VAWG Helpdesk report from 2021, which identified ten reparations programmes for survivors of CRSV along with a couple of additional examples from other contexts.³¹ It is important to recognise that lessons from these programmes (which are often funded and implemented by States) would need to be adapted to reflect an organisation's internal systems and structures. Lessons from reparations programmes in other contexts include:

- **Engaging survivors in co-creation means reparations are likely to be better tailored to their needs.** An assessment of a reparations programme for survivors of Conflict-Related Sexual Violence (CRSV) in Guatemala suggests that the programme failed to address the specific needs of women, with some survivors considering the financial compensation provided tokenistic.³² In addition, financial compensation was not always the priority of survivors. The Inter-American Human Rights Court has repeatedly highlighted that the Guatemalan State failed to provide effective and adequate psychosocial reparations to survivors. Similar experiences were found through a reparations programme for survivors of CRSV in Northern Ireland. In this case, the reparations provided were so small (often only a few hundred pounds) that survivors described the amounts as “offensive” and “insufficient”.³³

On the other hand, the “Bataqa” welfare programme established by the Iraqi Ministry of Social Affairs for Yazidi survivors of CRSV, was co-created with survivors led by Nadia’s Initiative.³⁴ The global study by the Global Survivors Fund in 2021 highlights how co-creation with survivors, community-based organisations, doctors, psychologists and lawyers was key to improving the effectiveness of the programme and meeting the needs of survivors. Reparations programmes must proactively work with survivors in the design, advocacy, outreach, monitoring and implementation in order to be transformative and ensure survivors are not treated as passive beneficiaries.³⁵

- **Involving multi-stakeholder collaboration establishes stronger local ownership and is more context-sensitive.** Developing contextually insensitive reparations programmes can cause harm and distress among survivors and communities. In Sierra Leone, symbolic reparations for survivors of CRSV were not designed in collaboration with survivors or communities, leading to confusion about their purpose. Similarly, in Colombia, investigators working within reparation programmes often lacked the nuanced linguistic knowledge needed to communicate particular forms of harm such as sexual violence.³⁶ This inability to identify and communicate harms in certain contexts led many survivors to be considered ineligible for reparations, despite their experience of harm.
- **Funding should be multi-year to maximise accessibility of reparations programmes for survivors.** Time-bound funding can limit the impact of reparations programmes.

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. In Sierra Leone, money for reparations from the UN Peacebuilding Fund had to be spent within a year and could not be used to support the registration or co-creation of reparations programmes.³⁷ As a result, there was not the time or resources to co-create the programme or support survivors access the programme, limiting its impact and effectiveness.

- **Communications campaigns are essential for maximising awareness and uptake of reparations programmes.** Reports on the reparations programme for survivors of CRSV in the Republika Srpska, within Bosnia and Herzegovina suggest inadequate communications were conducted. This meant that many women who would have been eligible for the scheme did not apply because they were not aware of it.³⁸ Similar scenarios were found in Sierra Leone, where interviews with 75 CRSV survivors found that one-third had missed opportunities to register for a reparations programme due to a lack of awareness and communication about the scheme.³⁹ In addition, some survivors did not receive accurate information about when they should collect reparations, causing them to travel long distances only to be told to collect reparations another time. In many cases, the cost of travel was greater than the reparations offered, discouraging them from returning. In the Philippines, a lack of dissemination led to a gap in awareness among survivors regarding what reparations were available and what made a person eligible for this support.⁴⁰ In Colombia, low levels of literacy among women meant that many survivors were unable to access information regarding the reparations schemes and processes for accessing them.⁴¹ Among children globally, 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.⁴²

While these lessons are relevant to reparations programmes, they are not so relevant to organisations providing reparations directly to survivors. For organisations, it may be necessary to make communities aware that they will be entitled to reparations in order to encourage reporting. However, if a person reports a case that is investigated and the outcome entitles them to reparations, it is the responsibility of the organisation to work with that survivor to ensure they receive these reparations in a modality that is safe and reflects their preferences.

- **Processes for registering and receiving reparations should be survivor-centred to avoid re-traumatisation.** Lessons from a reparations programme for survivors of CRSV in the Federation of Bosnia Herzegovina found that the process of applying for reparations did not adequately support survivors and put them at risk of re-traumatisation.⁴³ Interviews with Amnesty International found that one survivor felt unable to apply for reparations because she could not face providing a testimony, while another was so affected by the interview it left her in tears for weeks. Providing access to psychologists can reduce the risk

of re-traumatisation and provide greater support for survivors. However, this requires adequate funding. Research into the reparations programme for survivors of CRSV in Colombia found that local authorities lacked the knowledge and resources to take a gendered approach and that there were significant barriers to providing psychological support to survivors in remote, rural areas.⁴⁴

- **Survivors should be supported financially throughout the reparation process to maximise accessibility.** In Bosnia and Herzegovina, survivors were required to pay high court fees if their reparation claims were rejected.⁴⁵ This put survivors at risk of significant financial strain and may have discouraged some survivors from applying for reparations, especially given the high burden of proof placed on them. In addition, the lack of financial support for reparation applicants in Sierra Leone meant that, in many cases, the cost of travel to collect reparations was greater than the reparations offered.⁴⁶
- **Upholding anonymity is essential for supporting the uptake of reparations programmes and protecting survivors from backlash.** In Serbia, courts have consistently rejected claims for compensation by survivors, instead instructing them to file civil lawsuits against perpetrators for damages.⁴⁷ This puts survivors at risk of backlash. There is at least one documented case of a survivor deciding not to follow through with proceedings due to this risk.
- **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.** Through a reparations programme for survivors of CRSV 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.⁴⁸ 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. In some cases, the requirement to provide unattainable burdens of proof has caused divisions within communities, as occurred in the Philippines.⁴⁹

There are a variety of innovative methods for gathering indirect evidence of CRSV which do not require testimony or documented physical harm, some of which could be used in contexts of SEAH. For example, investigators could examine whether there has been an abnormal increase in births in a context, unusual levels of early marriage, or weak chains of command among agencies and organisations working in particular areas, which could lead management to have limited oversight over employees.⁵⁰ In addition, the principle of good faith could be applied, as occurred in Croatia for survivors of CRSV.⁵¹ This meant that survivors were no longer required to provide detailed medical records or be subjected to a cross-examination. This has helped lift some of the burden of proof and reduce the risk of re-traumatisation through testimony.

- **Providing prompt interim reparations² that are followed up by other support reduces the risk that survivors will be left without support for extended periods of time, which can reduce trust in programmes.** In Colombia, only 7% of registered survivors of CRSV had been compensated 7 years after the reparations had been approved.⁵² Qualitative research with survivors in Northern Colombia found that many survivors were upset that they had not received reparations and had started to question the good faith of the government.⁵³

Conversely, in 2015 the Iraqi Ministry of Social Affairs provided interim compensation to Yazidi survivors of CRSV through the “Bataqa” welfare programme, which has been commended for its ‘prompt’ response.⁵⁴ Similarly, the Victim Support Unit in Timor-Leste provided interim reparations to 700 survivors who were considered the “most severely disadvantaged and vulnerable”.⁵⁵ These survivors received a small grant of US\$200 in 2013 to meet any urgent needs. The Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR) concluded that the “scheme was successful in bringing about small, but meaningful improvements in the quality of life of victims”.⁵⁶ However, since no further reparations were forthcoming, it is likely that this impact was short-lived.

- **Reparation programmes should stand alongside other efforts to hold perpetrators and organisations to account and achieve justice for survivors.** 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.⁵⁷ This has enabled people in authority and those with power to continue to violate people’s rights with impunity. In Sierra Leone, some survivors felt the reparations programme was undermined by the Disarmament, Demobilisation and Reintegration (DDR) programme for armed combatants.⁵⁸ This is because the DDR programme provided ex-combatants with more financial support than survivors received through reparations. Some perceived this as a reward for the crimes committed. More recently, in 2016, the Archdiocese of New York established an “Independent Reconciliation and Compensation Programme”, to provide compensation to survivors of abuse by priests.⁵⁹ However, survivors are expected to waive their right to legal action if they accept money from the fund.
- **Independent Oversight Committees have the potential to support accountability but must be given the power to hold decision-makers to account.** The “Independent Reconciliation and Compensation Programme” of the Archdiocese of New York has established an Independent Oversight Committee comprised of a former New York Police Department Commissioner, District Judge, and Clinical Professor of Psychiatry who is an expert in child psychiatry.⁶⁰ This committee is intended to oversee the implementation and administration of the reparations programme to provide accountability and ensure that the programme is achieving its aims. However, the committee is not able to override the

² Interim reparations largely include immediate access to services and financial support to access services.

compensation decisions made by the reparation programme administrators, making it unclear how effective it will be.

- **Transparency around allocation and eligibility of reparations is essential for community and survivor trust in programmes.** In the case of the Sierra Leonean reparations scheme for survivors of CRSV, interviews with 75 survivors found that some did not understand why certain individuals had received benefits while others had not.⁶¹ This lack of transparency led many to feel their suffering was unrecognised.
- **Follow-up support should be offered to survivors in receipt of reparations.** A USAID-funded evaluation of the reparations programme for survivors of CRSV in Colombia found that 4 out of 5 survivors who received reparations were never or rarely followed up by the Victims Unit.⁶² Survivors may require long-term support and reparations should not be provided at the expense of this.

Annex 1: Methodology

This research query has been conducted as systematically as possible, under tight time constraints. It draws on evidence identified through online searches using Google and relevant electronic databases, along with interviews and email exchanges with eight safeguarding practitioners with expertise in safeguarding, investigations and legal issues around safeguarding. Some interviewees requested anonymity and so are not named in this report.

Key search terms included: "reparation", "compensation", AND, "safeguarding", "SEAH", "sexual exploitation", "abuse", "harassment", "GBV", "CRSV" AND "guidance", "case studies", "examples" AND, "opportunities", "challenges", "feasibility", "case".

To be eligible for inclusion in this rapid evidence review, documents needed to fulfil the following criteria:

- Focus: provision of reparations to survivors of SEAH or other forms of GBV
- Countries: Global
- Time period for written research and evidence: Information on websites or documents from January 2010 to the present.
- Language: English.

Limitations:

- Availability of information online: One significant limitation encountered during the evidence review process was the availability of information online specific to reparations for survivors of SEAH. This review found one example of a reparations programme for survivors of SEAH. Until reparations programmes for survivors of SEAH are developed, implemented and evaluated, the true scope of the feasibility and challenges of such programmes will remain unclear.
- Limited time: An important limitation of this mapping exercise was the constrained timeframe. The rapid nature of the evidence review process limited the opportunity to thoroughly explore the case for, feasibility, and desirability of reparations programmes for survivors of SEAH or the lessons learned from reparations programmes for survivors of other forms of GBV. Therefore, the findings presented in this report are unlikely to be exhaustive.

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