

REDRESS

Ending torture, seeking justice for survivors

 **GLOBAL
SURVIVORS FUND**
FOR AND WITH SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE

REALISING REPARATION FOR SURVIVORS OF CONFLICT- RELATED SEXUAL VIOLENCE

Holistic strategic litigation as a tool



CONTENTS

ACRONYMS	4
INTRODUCTION	5
A. OBSTACLES TO THE IMPLEMENTATION OF REPARATION AWARDS FOR CRSV SURVIVORS	6
Material and structural obstacles	7
Legal and institutional obstacles	11
B. STRATEGIC LITIGATION AS A TOOL TO IMPLEMENT REPARATION	17
Using human rights litigation to promote implementation	18
Promoting participation of survivors	19
Participation in monitoring of implementation	20
Participation in advocacy campaigns and working groups	22
Participation in media and communication strategies	26
Providing interim relief to survivors	28
CONCLUSION	30

ACRONYMS

<u>ACommHPR</u>	African Commission on Human and Peoples' Rights
<u>AU</u>	African Union
<u>CAT</u>	UN Committee Against Torture
<u>CEDAW</u>	Committee on the Elimination of Discrimination against Women
<u>CRSV</u>	Conflict-Related Sexual Violence
<u>CSO</u>	Civil Society organisation
<u>DRC</u>	Democratic Republic of the Congo
<u>EAC</u>	Extraordinary African Chamber
<u>ECtHR</u>	European Court on Human Rights
<u>GSF</u>	Global Survivors Fund
<u>HRC</u>	Human Rights Committee
<u>ICTJ</u>	International Center for Transitional Justice
<u>IACtHR</u>	Inter-American Court of Human Rights
<u>NGO</u>	Non-Governmental Organisation
<u>OHCHR</u>	Office of the High Commissioner for Human Rights
<u>OSJI</u>	Open Society Justice Initiative
<u>UN</u>	United Nations
<u>UNGA</u>	UN General Assembly
<u>UNSG</u>	UN Secretary General

INTRODUCTION

Conflict-related sexual violence (CRSV) is pervasive in all armed conflicts, regardless of their location or nature. It includes rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, “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.”¹ Sexual violence has severe mental, physical and other consequences on survivors,² and can cause post-traumatic harm such as depression, anxiety, substance abuse disorders, suicidal ideation, and attempts.³ These enduring consequences pose significant challenges for redress.⁴ Survivors often face societal stigma originating from communities, acquaintances, and family members, resulting in their exclusion from both the public and private spheres. This profoundly impacts the economic aspects of their lives.⁵ CRSV can also disrupt and even destroy whole communities.⁶

CRSV survivors hold the right to receive comprehensive reparation, encompassing restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.⁷ Yet, in his most recent report on CRSV, the United Nations Secretary General (UNSG) expressed concern over the failure to provide reparation to survivors in most of the situations where CRSV occurs.⁸ According to the UN Committee on the Elimination of Discrimination Against Women (CEDAW), this failure to implement reparation amounts to a “permission or encouragement” to commit such violations.⁹

Holistic strategic litigation has the potential to facilitate and promote the access of survivors to reparation, through domestic or international proceedings. Yet, decisions achieved through strategic litigation rarely translate into the delivery of reparation to survivors. The implementation of reparation orders typically requires that further legal, advocacy and communication campaigns be led by survivors and civil society.

This report describes the main challenges that survivors and practitioners face to realise the implementation of reparation, and identifies and shares good practice with practitioners in the field to address those challenges, with the ultimate goal of facilitating the delivery of reparation to survivors.

This document is the first of two publications which are part of a REDRESS project that explores holistic strategic litigation as a tool to overcome the obstacles for the implementation of decisions awarding reparation for CRSV survivors.

1 UN Secretary General (UNSG), ‘Report of the Secretary General, Conflict Related Sexual Violence’ (2020) UN Doc S/2020/487, para. 4 (UNSG CRSV Report); ‘Guidance Note of the Secretary General, Reparations for Conflict-Related Sexual Violence’ (2014), UN Doc ST/SG(02)/R425, 5-8 (UNSG 2014 Guidance Note).

2 Inter-American Court of Human Rights (IACtHR), *Fernández Ortega et al. v. Mexico*. Preliminary Objection, Merits, Reparations, and Costs. Judgment of 30 August 2010. Series C No. 215, para. 124.

3 ER Dworkin, SV Menon, J Bystrynski, and NE Allen, ‘Sexual Assault Victimization and Psychopathology: A Review and Meta-Analysis’, (2017) 56 *Clinical Psychology Review*, paras. 65, 66.

4 IACtHR, *Miguel Castro Castro Prison v. Peru*. Merits, Reparations and Costs. Judgment of 25 November 2006. Series C No. 160, para. 311.

5 RM Loya, ‘Rape as an Economic Crime: The Impact of Sexual Violence on Survivors’ Employment and Economic Well-Being’, (2014) 30 *Journal of Interpersonal Violence* 2793 3, 4, 5, 16, 17.

6 Council of Europe (CoE), ‘Parliamentary Assembly. Conflict-related sexual violence. Provisional Version. Resolution 2476’ (20 January 2023), para. 3.

7 UN General Assembly (UNGA), ‘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. Resolution 60/147’ (2005), UN Doc A/RES/60/147, para. 18 (Basic Principles and Guidelines).

8 UNSG CRSV Report 2023, S/2023/413.

9 CEDAW, ‘General Recommendation No. 35 (2017) on Gender-Based Violence Against Women, Updating General Recommendation No. 19’ (2017) UN Doc CEDAW/C/GC/35, para. 24.b.

A. OBSTACLES TO THE IMPLEMENTATION OF REPARATION AWARDS FOR CRSV SURVIVORS



© Aida Grovestins

Ginette Ngarbaye, who was a leading witness at Hissène Habré’s historic trial in Senegal, died in 2023, before receiving the reparations ordered by the court in 2016.

The failure to implement reparation has adverse effects on CRSV survivors and victims, as it leads to feelings of frustration, disappointment, shame, discouragement, re-victimisation, and dissatisfaction.¹⁰ Lack of implementation also has collective and social impacts. For instance, in The Gambia, despite the establishment of a compensation programme by the Truth Reconciliation and Reparations Commission, payments for CRSV survivors have not been realised, causing concern, shame, and frustration within the survivors’ communities, which stigmatised and reportedly ridiculed them.¹¹ In Colombia, survivors perceive the inadequate and incomplete provision of reparation through administrative programmes as non-reparative, creating social tensions “between those who have been able to access some forms of reparation and those who have not.”¹² Several practical and legal barriers are often present in attempts to obtain justice for CRSV, and are relevant for the implementation of reparation.

10 GSF, Trial International, and Vive Žene, ‘Bosnia and Herzegovina Study on Opportunities for Reparations for Survivors of Conflict-related Sexual Violence, We Raise Our Voices’ (2022), paras. 42, 57 (BiH GSF Study); GSF and International Center for Transitional Justice (ICTJ), ‘Women’s Advocacy Network, Uganda Study, We Cannot Survive on Hope and Promises Alone’ (2022), paras. 52-53 (Uganda GSF Study); GSF, Caribe Afirmativo, GENFAMI and ASOM, ‘Study on the Situation and Opportunities of the Right to Reparation for Victims and Survivors of Conflict-Related Sexual and Reproductive Violence in Colombia: Victims at the Centre of Reparation’ (2022), paras. 54-55 (Colombia GSF Study); GSF, ICTJ, GPTJ and Wave, ‘The Gambia Study on Opportunities for Reparations for Victims and Survivors of Sexual and Gender-Based Violence: Stubborn for our Gender’ (2022), para. 41 (The Gambia GSF Study).

11 The Gambia GSF Study, para. 41.

12 Colombia GSF Study, para. 55.

Material and Structural Obstacles

Stigma. Victims of sexual violence are often perceived as inferior, unmarried, and without value in society.¹³ These circumstances tend to disempower and discourage survivors from reporting sexual violence and participating in the implementation of reparation orders or programmes.¹⁴ In Nepal, CRSV survivors often face social ostracization, shame, and exclusion from their communities and families, preventing them from reporting their cases and seeking reparation.¹⁵ In Kosovo, the registration of CRSV survivors before the Government Commission for Recognition and Verification was lower than anticipated, partly due to the stigma experienced by victims within their communities.¹⁶ In Bangladesh the *Birangonas* (the term used for CRSV survivors during the Bangladesh Liberation War) are reluctant to register for government benefits, including allowances tied to their survivor status, due to concerns about potential repercussions fuelled by negative perceptions and exclusion from their families and communities.¹⁷

Stereotypes. Reparation measures are sometimes not implemented due to a failure to understand societal factors. In South Africa, the authorities overlooked the unbalanced position of women in society, and deposited compensation into male bank accounts, leaving women with minimal or no control over these payments.¹⁸ In Bangladesh, some *Birangonas* received allowances from the government, but in many cases, the management of these allowances is entrusted to their relatives, including husbands or children, who in some cases take a significant portion of the money.¹⁹ In Bosnia and Herzegovina, the implementation of rehabilitation measures has been affected by the stigmatisation associated with seeking support and the lack of gender sensitivity in the institutions that deliver it. Mental health centres in Bosnia and Herzegovina are often located in small cities where people know one another, and those seeking mental care are labelled as ‘crazy’ by the community.²⁰

Armed Conflict. In situations where armed conflict continues, CRSV remains an ongoing threat for survivors. Documenting, reporting, assessing, providing interim relief, and ensuring comprehensive reparation for CRSV become even more complex under these circumstances.²¹ CRSV survivors in Colombia have expressed concerns about security risks linked to the delivery of compensation, and worry about becoming targets for theft or encountering other security threats due to the amounts of money received as compensation.²² In some contexts, accessing reparation can cause a backlash for victims, as in Peru where some victims refused to access reparation to avoid being accused of terrorism.²³ Implementing restitution measures, especially those aimed at restoring safety, is challenging in ongoing armed conflicts. In the *Massacre of Pueblo Bello v. Colombia case*, the Inter-American Court of Human Rights (IACtHR) ordered the restoration of safety in the village of Pueblo Bello to

13 C Koos and S Lindsey, ‘Wartime Sexual Violence, Social Stigmatization and Humanitarian Aid: Survey Evidence from Eastern Democratic Republic of Congo’ (2022) 66(6) *Journal of Conflict Resolution*, paras. 1037, 1044.

14 See, for example: The Gambia GSF Study 25. GSF and REDRESS, ‘Myanmar Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence: Beyond Survival’ (2023) 25 (Myanmar GSF Study); Uganda GSF, para. 48.

15 GSF, ICTJ, Nagarik Awaaz and CVWN, ‘Nepal Study on Opportunities for Reparations for Victims and Survivors of Conflict-Related Sexual Violence: We Will Never Forget the Scars and Pains of Conflict’ (2021), paras. 51-54.

16 C Sandoval, S Gilmore, and J Guillerot, ‘Report: Beyond Silence and Stigma – Crafting a Gender-Sensitive Approach for Victims of Sexual Violence in Domestic Reparation Programmes’ (2020), paras. 40, 41.

17 Transparency International Bangladesh (TI Bangladesh), ‘State Recognition and Rights of Birangona Freedom Fighters: Governance Challenges and Way-Out: Executive Summary’ (2022), 9 (TI Bangladesh 2022 Report).

18 UNSG 2014 Guidance Note, para. 17.

19 TI Bangladesh 2022 Report 9.

20 L Hadzimesic, ‘Consequences of Conflict-Related Sexual Violence on Post-Conflict Society: Case Study of Reparations in Bosnia and Herzegovina’, in F Ní Aoláin *et al* (eds), *The Oxford Handbook of Gender and Conflict* (Oxford Academic 2017), para. 515.

21 Colombia GSF Study, 59; GSF, Blue Bird, EUCCI and Truth Hounds. ‘Ukraine Study on the Status of and Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence’ (2022), para. 69.

22 Colombia GSF Study, para. 60.

23 L Moffet, *Reparations and War: Finding Balance in Repairing the Past* (First Edition, Oxford 2023) 232 (Moffet, Reparations and War).

facilitate the return of forcibly displaced individuals to their territories, but the village still faced the presence of armed groups, including paramilitary forces, and the Colombian State failed to provide specific information about the measures taken to restore safety in the area.²⁴ The situation of CRSV survivors in Myanmar is particularly challenging due to the ongoing violence, where the prevailing climate of impunity, repression against the civilian population, destruction of evidence by security forces, and the appropriation of the judiciary, legal, and security systems by the military regime all create significant obstacles to achieving reparation for CRSV survivors. In such circumstances, the realisation of reparation can appear an impossible task.²⁵

Safia Ishaq Mohammed Issa v. Sudan, African Commission on Human and Peoples’ Rights (ACommHPR)²⁶			
Context	Context prior to the facts: armed conflict from 2003, CRSV prevalent. Context of the case: resistance movements against the central government. Current context: 2023, resurgence of armed conflict, multiple CRSV cases reported.		
Facts	Safia Ishaq was abducted in 2011 by Sudanese security officers due to her involvement in non-violent student demonstrations. In detention, Safia was subjected to interrogation, torture, and gang rape by security officers. She reported these incidents to the authorities, but no investigation was undertaken.		
Complaint date	26 March 2013	Decision Date	February 2023
ACommHPR Decision	The ACommHPR found Sudan responsible for: <ul style="list-style-type: none"> - Sexual violence as torture and gender-based discrimination. - Arbitrary deprivation of liberty and security (failure to investigate). - Violation of the right to a fair trial (threats against lawyer and others). - Violation of freedom of association and assembly, and freedom of expression. - Violation of freedom of movement and residence of Safia and her lawyer, because they had to relocate as a result of threats and harassment from Sudanese authorities. 		
Reparation	<p><u>Individual:</u> Adequate compensation, including medical expenses, effective investigation, prosecution, and punishment of the perpetrators.</p> <p><u>General:</u> Institutional and policy reform regarding CRSV cases: documentation, investigations; victims support, and eradication of root causes of SGBV; reparation programmes with victim participation, access to health care for SGBV victims; adoption and implementation of anti-torture and custodial safeguards, and training, among others.</p>		
Obstacles	Sudan is currently facing a violent armed conflict. This prevents direct engagement with the institutions responsible for implementing decisions. Advocating for the enforcement carries risks for security of individuals and organisations involved.		
Next steps	Design and use of alternative strategies at the regional and international levels to implement reparation and break the cycle of impunity.		

24 IACtHR, *Pueblo Bello Massacre v. Colombia*. Monitoring Compliance with Judgment. Order of 18 November 2020, para. 25.
25 Myanmar GSF Study, paras. 74, 75.
26 ACommHPR, *Safia Ishaq Mohammed Issa v. Sudan*, no. 443/13, August 2022; REDRESS, ‘Safia Ishaq Mohammed Issa v Republic of Sudan’; Sudan GSF Study; UN Human Rights Council, ‘Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General’, 22 February 2024, paras. 45-52.

Corruption. Corruption can undermine the enforcement of reparation decisions,²⁷ and the effectiveness of reparation programmes. In Guatemala, for example, efforts of the Presidential Human Rights Commission to implement judgments issued by the IACtHR, addressing armed conflict-related violations, have stalled, because of the levels of corruption in the Commission.²⁸ In Uganda, systemic corruption has been identified as a cause of the failure to deliver reparation to victims, even despite the government's budget allocation.²⁹ In Colombia, a criminal investigation was ordered into allegations of corruption in the administration of the funds for the reparation of victims of the armed conflict.³⁰ In Myanmar, domestic courts are not an effective path for CRSV survivors because judicial institutions are plagued by corruption and perceived as controlled by the military.³¹ In Bangladesh, *Birangonas* are sometimes subjected to extortion when they attempt to register for allowances, and the authorities often demand money in exchange for assisting them during the application process.³² Corruption emerges as a systemic barrier to the implementation of reparation, and includes improper resource allocation, misappropriation, interference with judicial decisions, procedural delays, and the failure to enforce judgments.

Weak institutions. Limited public resources, weak institutions, and inadequate legal frameworks are often prevalent both during and in the aftermath of armed conflicts.³³ Waves of violence can be frequent.³⁴ This can hinder good governance, the rule of law, and sustainable development. For instance, accessing essential services like medical and mental health care, or education, which are integral to rehabilitation, is challenging if infrastructure has been severely damaged.³⁵ While the above obstacles are significant, they are often used as justification by States for the delays in implementing reparation decisions, or the design and implementation of reparation programmes. Instead, States tend to prioritise infrastructure and economic reconstruction over reparation for victims and survivors.³⁶

Prohibitive legal fees. The fees and costs of accessing domestic courts and legal proceedings can be a significant obstacle to CRSV survivors' access to reparation. The IACtHR has emphasised that the payment of legal fees should be reasonable to avoid obstructing access to the courts.³⁷ Similarly, the European Court of Human Rights (ECtHR) has stated that fees in domestic judicial procedures should not be excessive or pose unreasonable barriers to seeking justice.³⁸ The ECtHR has suggested alternatives to address these obstacles, such as reducing or waiving fees or granting courts the authority to determine the amounts to be paid.³⁹ In the Democratic Republic of the Congo (DRC), victims are required to pay multiple fees for the enforcement of reparation awards. Victims and survivors are often faced with corrupt officials who demand additional fees.⁴⁰ For example, in the case of S.A. v. DRC, the survivor was told that she must pay 10% of the awarded amount for the enforcement of the judgment, while the Criminal Code establishes a 3% fee.⁴¹ While survivors and victims can ask for a certificate of indigence,

27 TI, 'Global Corruption Report. Corruption in Judiciary 2007: Corruption and Judicial Systems' (2007) XXI.

28 Moffet, *Reparations and War*, para. 185.

29 L Moffet and S Oola, 'Report: "Cul Pi Bal" - Reparations for the Northern Ugandan Conflict - Reparations, Responsibility & Victimhood in Transitional Societies (qub.ac.uk)' (2020), para. 15 (Moffet and Oola, Cul Pi Bal).

30 RCN Radio, 'Escándalo en Fondo de Reparación de las Víctimas: Arrendaban Inmuebles a \$4.000' (2 November 2022); La FM, 'Unidad de Víctimas se Convirtió en un Festín de Corrupción: Petro' (22 March 2023).

31 Myanmar GSF Study, para. 57.

32 TI Bangladesh 2022 Report, para. 8.

33 UN Office of the High Commissioner for Human Rights (OHCHR), 'Rule-of-law- tools for Post-Conflict States' (2008) HR/PUB/08/1, V.

34 *Reparations, Responsibility & Victimhood in Transitional Societies*, 'Belfast Guidelines on Reparations in Post-Conflict Societies' (2022).

35 UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, 'Contemporary Perspectives on Transitional Justice Issues' (2023), para. 16.

36 Moffet, *Reparations and War*, para. 228.

37 IACtHR, *Cantos v. Argentina. Merits, Reparations and Costs*. Judgment of 28 November 2002. Series C No. 97, para. 54.

38 European Court of Human Rights (ECtHR), *Kijewska v Poland* (Judgment), no 73002/01 (6 September 2007), para. 46.

39 ECtHR, *Stankov v. Bulgaria* (Judgment), no. 68490/01 (12 July 2007), paras. 50-67.

40 REDRESS, 'Communication of 21 November 2014' (2014), para. 42.

41 *Ibid*, para. 18.

this is a complex procedure which also requires the payment of fees.⁴² Disproportionate court fees are often likely to discourage survivors from seeking implementation. They often live in dire economic conditions, compounding their harm and stigma. Such lengthy and costly processes create additional frustrations and victimisation. This is evident in Bosnia and Herzegovina where CRSV survivors face additional stress because of high court costs.⁴³

A. v. Bosnia and Herzegovina, Committee Against Torture (CAT)⁴⁴			
Context	Following independence from the former Yugoslavia, an armed conflict took place from 1992 to 1995. Violence escalated in the country, leading to gross human rights violations. Reportedly approximately 20,000 individuals, mostly women, were victims of sexual violence. Crimes were largely motivated by ethnic intolerance.		
Facts	In 1993, a member of the Army of the Republika Srpska in Vogosca raped a woman from another ethnic group on two occasions. As a result, the survivor became pregnant and subsequently had to terminate her pregnancy. The victim suffered severe physical and mental consequences. Due to fear of reprisals, she did not report her case until 2014. A criminal procedure was subsequently initiated against the perpetrator. In 2015, he was convicted for war crimes for the rape of the applicant. The domestic decision ordered that he pay 30,000 marka (approximately 15,340 euros) as compensation to the victim. Despite activation of domestic avenues, compensation did not happen due to the perpetrator’s indigence. Bosnian legislation did not provide for subsidiary liability, to ensure compensation when the perpetrator is unable or unwilling to provide it. The Constitutional Court also limited access to justice of CRSV victims by imposing a statute of limitations for reporting rape during the conflict.		
Complaint date	1 November 2017	Decision date	11 September 2019
CAT Decision	<p>The CAT:</p> <ul style="list-style-type: none"> - Found that the State failed to provide an effective remedy to the victim. - Highlighted the incompatibility of statutes of limitations with the Convention. - Underscored the importance of establishing subsidiary liability in domestic legislation. 		
Reparation	<p><u>Individual:</u> prompt and effective reparation, including comprehensive rehabilitation measures and public apologies.</p> <p><u>General:</u> establishment of an effective reparation scheme to provide holistic reparation to victims of war crimes, including sexual violence.</p>		
Obstacles	<p>Domestic jurisprudence on statute of limitations.</p> <p>Perpetrator indigence and no subsidiary liability.</p> <p>Elevated court costs and fees.</p>		

42 FIDH, ‘DRC: Victims of Sexual Violence Rarely Obtain Justice and Never Receive Reparations. Major Changes Needed to Fight Impunity’ (2013), para. 52.

43 BiH GSF Study, paras. 59-61.

44 Committee against Torture (CAT). *A. v. Bosnia and Herzegovina*, no. 854/2017, UN Doc CAT/C/67/D/854/2017 (2 August 2019), (CAT A/ BiH 2019 Decision); BiH GSF Study, para. 13.

Lack of legal aid. Lawyer costs are also a barrier, especially where legal aid is unavailable or of a low quality.⁴⁵ Legal aid is often non-existent in the context of civil proceedings, or proceedings to seek the execution of a reparation award. In Bosnia and Herzegovina, victims who have sought to obtain reparation through civil proceedings but were (wrongly) rejected based on expired statutes of limitations, had to pay not only for their own fees but also for those incurred by the alleged perpetrators. Many ended up in debt, or bankrupt.⁴⁶ The IACtHR has identified the requirement of a lawyer for reparation proceedings, particularly when no legal aid is offered, as a barrier to access justice for victims of severe human rights violations.⁴⁷ Finally, when a victim or survivor does not speak the language of the court, translation and interpretation costs can also act as a barrier.⁴⁸

Lack of political will. The lack of political will is a common challenge that CRSV survivors face to access reparation. For example, in the case of *S.A. v. DRC*, the State's lack of goodwill to disburse the compensation awarded is indicative of its overall disinterest in providing reparation for CRSV survivors. In the communication submitted to the ACommHPR, the victim representatives highlighted the insufficient allocation of funds to the Ministry of Justice and Human Rights for the payment of reparation.⁴⁹ In the case of *Penal Castro Castro v. Peru*, the government only provided information to the IACtHR two years after the decision was adopted by the Court,⁵⁰ and the State failed to address all the reparation measures ordered.⁵¹ In Nepal, the State has not reported back to the HRC, nor has it engaged victims and survivors over the implementation of the decisions highlighted in this report.

Legal and Institutional Obstacles

The lack of effective legal framework and mechanisms to implement reparation awards is a common challenge that CRSV survivors face in accessing redress. Additionally, the lack of adequate mechanisms for tracing and seizing assets constitutes a large obstacle to the implementation of reparation awards, including for CRSV survivors. The subsidiary liability of States to contribute to individual reparation for survivors is key in such situations, but it is often ignored.

Lack of legal mechanisms to implement domestic decisions. There need to be clear and accessible mechanisms for the execution of domestic decisions to ensure the effective delivery of reparation awarded by domestic courts. In the emblematic case of *Sepur Zarco* in Guatemala, the main obstacle was the absence of clear mechanisms for implementing reparation ordered by domestic criminal courts.⁵² To address this, committees were established, involving the relevant authorities responsible for implementing the court-ordered measures, with survivors actively engaged in the process.⁵³

45 GSF, Rights for Peace, Nuweda, and Salmeen Charity. 'Sudan Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence' (2023), para. 38 (Sudan GSF Study).

46 BiH GSF Study, paras. 60-62.

47 IACtHR, *Ituango Massacres v. Colombia*. Preliminary Objections, Merits, Reparations and Costs. Judgment of 1 July 2006. Series C No. 148, para. 342.

48 Myanmar GSF Study, para. 61.

49 REDRESS, 'Communication of 21 November 2014' (2014).

50 IACtHR *Castro/Peru* monitoring Order 2014, para. 3.

51 *Ibid.*, para. 1.

52 S SáCouto, A Ford Ouoba, and C Martin, 'Documenting Good Practice on Accountability for Conflict-Related Sexual Violence: The Sepur Zarco Case' (2022) 109 (SáCouto, Ford Ouoba and Martin).

53 *Ibid.*

R.R., K.R. and S.R. v. Nepal, HRC⁵⁴

Context	Armed conflict in Nepal (1996-2006) between the Communist Party, the so-called Maoist groups, and the government, resulting in grave human rights violations against the civilian population, including torture, deprivation of life, enforced disappearance, arbitrary arrest, and sexual violence. Stereotypes, stigma and statutes of limitations led to under-reporting of CRSV.		
Facts	R.R. (16-years-old) was raped and killed by members of the Royal Nepali Army in 2004. They alleged her association with Maoist groups. Her family reported these crimes to the police the following day, but the authorities did not investigate. The National Human Rights Commission in Nepal found in 2005 that R.R. was killed by security forces (upheld in 2009 by the Supreme Court, which ordered a prompt investigation). The main suspect was acquitted in 2013 due to lack of evidence.		
Complaint date	10 December 2015	Decision date	20 May 2022
HRC Decision	The HRC found Nepal responsible for: <ul style="list-style-type: none"> - Arbitrary arrest, torture including rape, deprivation of life, gender discrimination, failure to protect a child, lack of effective remedy for parents. - Failure to investigate and establish accountability for the crimes. The HRC also remarked that the compensation provided to R.R.'s relatives was insufficient, given the severity of the violations.		
Reparation	<u>Individual:</u> Effective remedy and full reparation for the applicants, investigation and prosecution, free psychological and medical rehabilitation, compensation, satisfaction measures including public apologies and memorial in RR's name. <u>General:</u> Legal reform, such as elimination of statutes of limitations for rape, appropriate sanctions and remedies for the offence of torture, among others.		
Obstacles	Lack of clear domestic mechanisms to implement international decisions, including Views issued by UN Treaty Bodies. Lack of political will to recognise and repair CRSV survivors. Stigmatization.		

Lack of mechanisms to implement international decisions. Some States have established domestic mechanisms to follow-up on the compliance of international decisions.⁵⁵ Typically, the human rights body communicates the decision, including any reparation order, to the Minister of Foreign Affairs, who should be responsible for passing on the information to the relevant authorities to ensure the decision is enforced.⁵⁶ In the case of *Penal Miguel Castro Castro v. Peru*,⁵⁷ concerning the violation of the right to life and CRSV against women deprived of liberty during a military operation in a detention centre, the IACtHR ordered extensive reparation measures, including

54 HRC Purna Maya Decision; REDRESS, 'Nepal Found Responsible for the Extrajudicial Killing and Torture, Including Rape, of Girl During the Civil War, UN Human Rights Body Finds' (25 May 2022); OHCHR, 'Nepal Conflict Report an Analysis of Conflict-Related Violations of International Human Rights Law and International Humanitarian Law between February 1996 and 21 November 2006' (2012); G Sharma et al, 'Report: From Relief to Redress - Reparations in Post-Conflict Nepal' (2019), paras. 46-47.

55 IACHR, 'National Mechanisms to Implement International Recommendations and Decisions Concerning Human Rights' (2023) OEA/Ser.L/V/II. Doc. 8/23, para. 6.

56 R Murray and C De Vos, 'Behind the State: Domestic Mechanisms and Procedures for the Implementation of Human Rights Judgments and Decisions' (2020) Vol. 12 *Journal of Human Rights Practice*, para. 24.

57 IACtHR, *Miguel Castro Castro Prison v. Peru*. Monitoring of Compliance with Judgment. Order of 31 March 2014, para. 71 (IACtHR Castro/Peru monitoring Order 2014).

compensation, to the victims. However, the State argued that the only option for the payment of compensation was for a domestic judge to decide on the compensations ordered by the IACtHR. This approach drew criticism from the IACtHR, which remarked that the implementation of its decision should not hinge on a protracted judicial review process that had yielded no results thus far.⁵⁸ As of writing this report, the compensation payment is still pending.⁵⁹ In the case of the *Massacre of Santo Domingo v. Colombia*, there were significant delays in the payment of IACtHR-ordered compensation, as too much time was taken to establish a domestic mechanism to identify victims and compensation amounts in order to comply with the IACtHR decision.⁶⁰ While not related to CRSV, the case highlights how the need to establish a domestic mechanism after the decision has been issued can impact the implementation, causing delays in providing justice and reparation to victims.

Penal Miguel Castro Castro v. Peru, IACtHR⁶¹			
Context	<p>Armed conflict in Peru (1980-2000) between the <i>Partido Comunista del Peru-Sendero Luminoso</i> and the government, with widespread international human rights and humanitarian law violations.</p> <p>CRSV systematic, disproportionately affecting women and girls.</p> <p>Perpetrators included subversive groups and Peruvian officials.</p>		
Facts	<p>In 1992, during the dictatorship of Fujimori, a counter-insurgent operation was planned to relocate women detained at the Castro Castro prison to the maximum-security prison of Santa Monica. Evidence surfaced indicating that the scheme was devised to target detainees in certain pavilions suspected by the government of being involved with subversive groups. This operation resulted in the death of 41 prisoners and multiple injuries. Among the victims, seven women experienced sexual violence by Peruvian security personnel, including forced nudity, and vaginal inspections.</p>		
Complaint date	18 May 1992	Decision date	25 November 2006
IACtHR decision	<p>The IACtHR:</p> <ul style="list-style-type: none"> - Held State liable for breach of right to life of 41 individuals. - Held State liable for lack of effective investigations and prosecutions. - Found State responsible for subjecting women to forced nudity, vaginal inspections amounting to rape, and other forms of sexual violence, and that it constituted torture. 		
Reparation	<p><u>Individual:</u> Public apology involving senior State officials, rehabilitation (medical and psychological support), and compensation.</p> <p><u>General:</u> Human rights training programmes for members of the Peruvian Security Forces, and establishment of a memorial for the deceased victims, among others.</p>		
Obstacles	<p>Lack of political will to provide effective reparation.</p> <p>Domestic judicial review process a pre-requisite to implementation of reparation.</p>		

Lack of legal enforcement avenues. Implementation of reparation measures should not be left to the discretion of administrations or institutions. In the case of *S.A. v. DRC*, a significant obstacle is that the law of DRC contains

58 Ibid.
 59 Ibid, para 23.6.
 60 IACtHR, *Santo Domingo Massacre v. Colombia*. Monitoring Compliance with Judgment. Order of 22 November 2018, para. 32.
 61 Truth and Reconciliation Commission, 'Final Report' (2003), paras. 53, 263.

a prohibition on the seizure of government assets, making it challenging for victims to enforce compensation awards. This restriction means that victims must rely solely on the goodwill of the government to comply with and enforce reparation orders.⁶²

S.A. v. DRC, ACommHPR⁶³	
Context	Armed conflict in DRC (1998-2003), sexual violence used as a weapon by both rebel groups and Congolese security forces on a large scale. ⁶⁴ Violence used as intimidation against the civilian population. ⁶⁵ Unrest ongoing, and CRSV still prevalent. ⁶⁶
Facts	S.A. was raped in the late 2000s by a soldier of the Congolese armed forces inside her own house. The soldier also stole the family savings. During the incident, S.A.'s children hid under their beds. S.A. identified the perpetrator as her neighbour, who wore his official uniform. S.A. promptly reported the incident to the authorities, leading to the detention and prosecution of the perpetrator. The Operational Military Tribunal convicted the perpetrator for the war crimes of rape and pillaging, imposed a prison sentence and held the perpetrator and State liable for compensation to S.A. However, S.A. never received the compensation due.
Reparation	Payment of compensation and restitution of the stolen goods.
Obstacles	Lack of enforcement avenues of judgements against the State. Excessive fees for enforcement. Lack of legal aid or assistance for implementation.
Pending	Case pending before the ACommHPR.

Lack of asset recovery routes. *In cases involving individual responsibility, perpetrators may not have sufficient financial resources to fulfil a judgment, and there may not be adequate legal procedures for tracing and seizing assets. In Bosnia and Herzegovina, various international bodies have raised concerns about the slow progress in implementing reparation for survivors of CRSV.⁶⁷ Survivors have few avenues to claim reparation.⁶⁸ Despite judgments against perpetrators, many decisions remain unimplemented due to the perpetrators' claims of being indigent.⁶⁹ In the case of *A. v. Bosnia and Herzegovina*, the victim suffered rape and other forms of sexual violence by a member of the Vojska Republike Srpske. The perpetrator was convicted and ordered to pay damages, but failed to comply with the compensation order. The CAT found that the State did not have the requisite legislation or law enforcement procedures to ensure victims of torture receive compensation, and had failed to uphold its obligation to provide reparation to the victim under the principle of subsidiary liability.⁷⁰ In the Hissène Habré case, the Extraordinary African Chambers (EAC) ordered that the African Union (AU) create a Trust Fund to*

62 See Communication presented by REDRESS to the ACommHPR, (2014), para. 41.

63 REDRESS, 'S.A. v DRC'.

64 Human Rights Watch, *Sexual Violence in the Congo War: A Continuing Crime* (2005).

65 OHCHR, 'Rapport sur la Torture et Autres Peines ou Traitements Cruels, Inhumains ou Dégadants en République Démocratique du Congo du 1er Avril 2019 au 30 Avril 2022' (2022), para. 59.

66 UNSG 2022 CRSV Report, UN Doc S/2022/272, para. 27.

67 UNSG 2022 CRSV Report, UN Doc S/2022/740, para. 44; CEDAW, 'Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina' (2019) UN Doc CEDAW/C/BIH/CO/6, para. 15.e

68 BiH GSF Study, paras. 62-64.

69 Ibid.

70 CAT A/BiH 2019 Decision, para.7.6.

distribute the compensation awards to the victims, including by seeking to recover Hissène Habré’s assets.⁷¹ The Chadian State has not taken measures to seek to recover perpetrators’ assets. In Senegal, while a house and two bank accounts of Habré were seized, the tracing of other assets has been difficult due to delays, and property being transferred to third persons in third countries.⁷² The International Criminal Court (ICC) has also noted the challenges for tracing, freezing, and seizing assets of convicted persons, due to the lack of adequate domestic asset recovery legislation in the States parties to the Rome Statute.⁷³

Clément Abaïfouta and 6, 999 Others v. Republic of Chad, ACommHPR⁷⁴			
Context	Violence and repression against political opponents, leading to an armed conflict under the regime of Hissène Habré from 1982 to 1990. Habré maintained full control over the Documentation and Security Directorate and armed forces, responsible for committing core international crimes. CRSV was part of the pattern of violence, in addition to structural impunity.		
Facts and decisions	<p>Two main decisions adopted: one by a Chadian criminal court and the other by the EAC, a hybrid tribunal in Senegal.</p> <p>Chad: In 2000, 10 victims joined criminal proceedings as civil parties against identified agents of the Habré regime, on charges of torture, murder, and enforced disappearance. The total number of victims registered reached 7,000. The Chadian Court ordered seven life imprisonment sentences, among others.</p> <p>Senegal: Following an AU decision, Senegal and the AU signed an agreement in 2012 establishing the EAC to try international crimes committed in Chad. In February 2013, Habré was indicted for crimes against humanity, war crimes, and torture. In July 2016, the EAC found Habré guilty of several core international crimes and sentenced him to life imprisonment (upheld by the Appeals Chamber).</p>		
Complaint date	Chadian Court: October 2000	Decision date	Chadian Court: March 2015
	EAC: 22 August 2012.		EAC (Appeal): 27 April 2017
	ACommHPR: November 2017		ACommHPR: pending
Reparation	<p><u>Chadian court ordered:</u></p> <ul style="list-style-type: none"> - Convicted agents and State to pay compensation to victims CFA 75 billion. - Establishment of an Implementation Commission for compensation. - Construction of monuments and one museum. <p><u>EAC Appeals Chamber ordered:</u></p> <ul style="list-style-type: none"> - Payment of CFA 82,290 billion as compensation to the victims. - Ordered that the AU establish a Trust Fund to deliver the compensation. 		

71 EAC, Appeal Chamber, *General prosecutor v. Hissène Habré*, (27 April 2017) (EAC Appeal Decision).
72 GSF, REDRESS and Association Tchadienne pour la Promotion et la Défense des Droits de l’Homme, ‘Chad Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence: Breaking the Silence’ (2023), para. 55.
73 ICC, ‘Financial investigations and recovery of assets’ (2017), para. 16.
74 REDRESS, ‘Clément Abaïfouta and 6, 999 Others v the Republic of Chad (Hissène Habré case)’; Chad, N’Djamena Special Criminal Court, *Decision*, no 01/15 (25 March 2015); EAC Appeal Decision.

Obstacles

Chadian authorities show little political will to establish the Implementation Commission, execute national decisions, identify and seize assets of convicted officials, or pay their share of the reparation order. Symbolic reparations remain unfulfilled. Close to the 2024 presidential elections, Chad initiated a first payment of CFA 10 billion, without following prescribed structures, transparency, clarity on selection, prioritisation, or continuity.

The AU Trust Fund, created in 2016, lacks operationalization despite a pledge from Chad. Political will from the AU seems to have waned, with limited understanding of reparation processes. Habré's death and lack of transnational collaboration hinder asset tracing for reparation. This leads to fatigue and frustration among victims.

Given the lack of implementation of the reparations ordered, Habré's victims filed a case against Chad before the ACommHPR arguing failure to repair. The case is pending.

B. STRATEGIC LITIGATION AS A TOOL TO IMPLEMENT REPARATION



© Daniel Lima, CIDH, CC BY 2.0 via Wikimedia Commons

Jineth Bedoya became an activist for CRSV survivors in Colombia through her case before the Inter-American system.

Strategic litigation is typically defined as the pursuit of a legal claim with a broader objective that extends beyond the resolution of the individual case.⁷⁵ It seeks to confront widespread, structural, or systemic issues through illustrative or emblematic cases. The goal is not only to achieve justice in the individual case, but also to garner recognition of the systemic human rights and broader challenges that underpin them.⁷⁶ It encompasses both legal and non-legal techniques, incorporating national, regional and international advocacy efforts, community engagement, and media and communication work.

A holistic approach to strategic litigation seeks to place the individual survivor and broader communities at the centre of the activities undertaken, to the extent that they are willing to do so. This approach recognises the essential involvement of survivors and victims in the design of strategies to achieve reparation and the modalities for delivery. It centres around the needs and wishes of survivors, and includes the provision of medical and psychosocial support, the facilitation of interim relief where needed and to the greatest extent possible, and the promotion of their empowerment, among other key aspects.

Strategic litigation can be used to implement reparation decisions. There is no uniform implementation plan that works in every case. Each case is different and, therefore, it is key to consider the specific context, legal

⁷⁵ REDRESS, Practice Note 2: Holistic Strategic Litigation Against Torture, June 2021.

⁷⁶ OHCHR, 'Strategic Litigation for Sexual and Gender-Based Violence: Lessons Learned' (2019), para. 1.

framework, political reality, stakeholders involved, situation and needs of survivors, reparation awarded, and nature of the decision adopted, among other factors.

Using Human Rights Litigation to Promote Implementation

The lack of enforcement of a national decision is a reason to access regional and international human rights mechanisms, all of which have decided on cases related to the lack of implementation of domestic decisions awarding reparation, as a violation of the right of victims in these cases to access justice.⁷⁷ Regional and international human rights litigation can be useful to overcome the practical and legal obstacles set out above. It can also raise the profile of the case, with a supranational mechanism verifying the compliance of the decision in light of human rights standards.

This is illustrated by the case of Eugénie Chakupewa et al. v. DRC, which involved sexual violence during a military operation by the DRC forces in Rwanda.⁷⁸ Some of the victims reported the case to the authorities, and consequently, five of the perpetrators were convicted to life imprisonment and ordered to pay compensation to the victims, in solidarity with the State. However, the domestic decision on compensation was not enforced as domestic legislation affords the authorities discretion in implementing decisions against the State. The UN Human Rights Committee found that the DRC government had failed to ensure an effective remedy and redress for survivors of CRSV. It also noted that the lack of provision of reparation exacerbates the vulnerability, marginalisation, and stigmatisation of victims of these crimes. In the Bosnian⁷⁹ and Congolese cases, it is evident that international human rights litigation allowed the recognition of additional measures of reparation directly and indirectly related to the lack of implementation, including rehabilitation measures and legal reforms. In both cases, such litigation allowed the treaty bodies to identify the structural and legal obstacles to the implementation of reparation, and their consequence on the marginalisation of CRSV survivors.

Human Rights Reporting. Another strategy to raise awareness on the failure to implement reparation - and thereby exert pressure on the State - involves the use of regional and international monitoring mechanisms such as shadow reports to UN or regional bodies, UN Special Rapporteurs and Working Groups. Engagement with international and regional mechanisms can raise the profile of a case and create pressure for the enforcement of decisions. Additionally, it can contribute to the adoption of new recommendations by these bodies, involving them directly in the follow-up of the implementation of reparation measures. For example, during the third cycle of the Universal Periodic Review on Chad, human rights organisations reported on the lack of implementation of the criminal domestic decision that awarded reparation to 7,000 survivors of the Habré regime.⁸⁰ In his 2022 annual report on CRSV, the UN Secretary General reflected on the impact of the case of Jineth Bedoya decided by the IACtHR, noting the importance of the recommendations issued by the Court, and recommending the full implementation of the case.⁸¹

77 IACtHR, *Mejía Idrovo v. Ecuador. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of 5 July 2011. Series C No. 228; ECtHR, *Grivneac v. Moldova* (Fourth Section), no. 35994/03 (9 October 2007); African Court on Human and Peoples' Rights, *Antoine Bissangou v. Republic of Congo* (Decision), no. 253/2002 (November 2006); Human rights Committee (HRC), *Eugénie Chakupewa et al. v. Democratic Republic of Congo* (Decision), no. 2835/2016 (December 2021) (HRC Chakupewa/Congo 2021 Decision); CAT A/BiH 2019 Decision.

78 HRC Chakupewa/Congo 2021 Decision.

79 CAT A/BiH 2019 Decision.

80 UN Human Rights Council, 'Matrix of Recommendations. Universal Periodic Review Third Cycle – Chad' (2018).

81 UNSG 2023 CRSV Report, UN Doc S/2023/413, para. 30.

Promoting Participation of Survivors

Where done well, strategic litigation can be a tool to ensure the participation and empowerment of survivors and victims. In many cases, survivors and their civil society allies, have been able to overcome stigma and re-traumatisation and “have been the engines for change in social and State practice as well as international norms.”⁸² Ensuring the safe and full participation of survivors in the implementation process is critical to realise effective reparation. The participation of CRSV survivors in legal proceedings, including the implementation phase, bolsters their status as “subjects of law”.⁸³

In Uganda, civil society has played a significant role in empowering victims of the armed conflict by disseminating information about their rights and the available avenues to access such rights. Civil Society Organisations (CSOs) have provided safe spaces for victims to debate and share their experiences, facilitating both healing and collective empowerment.⁸⁴ Despite significant obstacles, including corruption, this mobilisation has enabled certain victim groups to access justice and obtain redress.⁸⁵

In Colombia, the group known as “*Las madres de Soacha*” emerged after their children were victims to extrajudicial executions during the armed conflict, commonly referred to as “*falsos positivos*”. These women have employed various forms of creative expression, such as social demonstrations and artistic performances, to seek justice, honour their relatives, and denounce the grave human rights violations committed.⁸⁶ Through mobilisation and strategic litigation, they have achieved milestones, including obtaining declarations of crimes against humanity and sanctions against implicated National Army members.⁸⁷ The journalist Jineth Bedoya became an activist for CRSV survivors in Colombia through her case before the Inter-American system, and took part in public hearings before the Commission and the Court. She also made statements before the IACTHR related to reparation and closed the victims’ oral arguments by emphasising the importance of investigating and prosecuting perpetrators and adopting other satisfaction and non-repetition measures.⁸⁸ She has participated in the implementation of the judgment before the committees established by the Ministry of Foreign Affairs of Colombia.⁸⁹

In Guatemala, the “*Abuelas*” movement in Sepur Zarco, consisting of indigenous community members survivors of CRSV and other human rights violations, broke the silence around sexual violence. Supported by feminist and human rights organisations, they staged a public mock trial, the “*Tribunal de Conciencia*,” to challenge the stigma against survivors and raise awareness around the need to hold perpetrators to account.⁹⁰ Their efforts led to the creation of a resilient indigenous survivor community, inspiring others to seek justice. After this, the *Abuelas* and CSOs decided to claim justice through criminal proceedings that resulted in the conviction of former military members for sexual slavery and sexual violence as war crimes,⁹¹ and an order for transformative reparation measures for survivors, with the *Abuelas* taking a lead role in promoting their effective delivery.⁹²

82 Moffet, *Reparation and War*, note 132 citing: J Mendez, ‘Victims as Protagonists in Transitional Justice’ (2016) 10(1) *International Journal of Transitional Justice* 1.

83 SáCouto, Ford Ouoba and Martin, para. 58.

84 Moffet and Oola, *Cul Pi Bal*, para. 28.

85 Uganda GSF Study, para. 55.

86 Centro Nacional de Memoria Histórica, ‘*Así Recordaron en Ocaña las Madres de Soacha*’, 15 January 2020.

87 Colectivo de Abogados José Alvear Restrepo, ‘*Ejemplar condena ratifica que jóvenes de Soacha asesinados no eran delincuentes ni combatientes*’, 4 April 2017.

88 IACTHR, ‘*Audiencia Pública. Caso Bedoya Lima y otra Vs. Colombia. Parte 3*’ (YouTube video, 23 March 2021).

89 Cancillería, ‘*El Estado Colombiano Avanza en el Cumplimiento de la Sentencia Proferida por la Corte Interamericana de los Derechos Humanos en el Caso ‘Bedoya Lima y Otra vs. Colombia’*’, 8 May 2022.

90 SáCouto, Ford Ouoba and Martin, para. 16.

91 *Mujeres Transformando el Mundo*, ‘*Sentencia por el Caso Sepur Zarco queda en Firme*’, 18 November 2018.

92 SáCouto, Ford Ouoba and Martin, para. 111.

In Bosnia and Herzegovina, strategic litigation processes enabled CRSV survivors to receive reparation for CRSV. The survivors highlighted that their participation during the criminal proceedings was positive. They viewed themselves at the centre of the process and noted that their participation contributed to pressuring State authorities to implement reparation, including rehabilitation measures.⁹³

Participation in Monitoring of Implementation

Each human rights mechanism has its own follow-up procedure, designed to monitor the implementation of decisions adopted. The efficacy of these procedures is typically linked to the active involvement of CSOs.⁹⁴ CSOs can contrast the information provided by the State during the implementation process, explain to the human rights mechanism the progress in the enforcement of the decision, the effectiveness of the measures adopted by the State, the victims’ needs, and the obstacles encountered.

Active and consistent participation in follow-up procedures can exert pressure, potentially leading to the adoption of resolutions by human rights mechanisms, urging the State to take further action to implement decisions. A case in point is the pressure from petitioners, which prompted the ACommHPR to publish resolutions requesting Kenya to take effective measures for implementing the decision in the case of Endorois on indigenous peoples’ rights.⁹⁵ In the case of *Miguel Castro Castro v. Peru*, the IACtHR adopted a “reinforced supervisory” process on medical rehabilitation measures for six of the victims, after reports were submitted by the legal representatives documenting the applicants’ dire health condition.⁹⁶

In the case of *Rosendo Cantu v. Mexico*, related to sexual violence against an indigenous woman by Mexican soldiers, the Court published four orders on monitoring compliance with the judgment. The process has allowed direct participation of the survivor, reporting of information by the State, and the assessment of legal proposals by the State to reform military courts.⁹⁷

<i>Rosendo Cantu v. Mexico</i>, IACtHR¹⁰⁰	
Context	Militarisation of the State of Guerrero in Mexico, aimed at suppressing organised crime (from 1997 -ongoing at the time of writing). Armed forces violated rights of indigenous communities. Indigenous women were among the most adversely affected.
Facts	Valentina Rosendo Cantu, an indigenous girl, was approached by eight soldiers while engaged in domestic activities near her home. The soldiers interrogated her, seeking information about a criminal group. They threatened her with a firearm. Military members assaulted her with the weapon, and committed sexual violence against her, including rape. Despite reporting the incident to the authorities, her case was not properly investigated.

93 BiH GSF Study, para. 63.
 94 A Küçüksu, ‘Enforcing Rights Beyond Litigation: Mapping NGO Strategies in Monitoring ECtHR Judgement Implementation’ (2022) 22(2) *Human Rights Law*, 2.
 95 R Murray and D Long, ‘Monitoring the Implementation of its Own Decisions: What Role for the African Commission on Human and People’s Rights?’ (2021) 21 *African Human Rights Law Journal* paras. 836, 846.
 96 IACtHR, *Miguel Castro Castro Prison v. Peru*. Request for Provisional Measures and Monitoring Compliance with Judgment. Judgment of 29 July 2020. para. 40.
 97 IACtHR, *Rosendo Cantú et al. v. Mexico*. Monitoring Compliance with Judgment. Order of 12 March 2020; *Radilla Pacheco, Fernandez Ortega et al., and Rosendo Cantú et al. v Mexico*. Monitoring Compliance with Judgment. Order of April 17, 2015; *Fernández Ortega et al. and Rosendo Cantú et al v. México*. Monitoring Compliance with Judgment. Orders of 21 November 2014 and 25 November 2010.
 98 Public hearings are only very rarely used at the African Commission system.

Complaint date	10 November 2003	Decision date	31 August 2010
IACtHR decision	<p>The IACtHR:</p> <ul style="list-style-type: none"> - Held the State liable for sexual violence as torture, breaching the rights to personal integrity, access to justice, protection as a child, and protection against discrimination. - Emphasised the need for heightened due diligence in investigating cases of sexual violence, given the position of vulnerability of victims and inherent challenges in establishing the facts. - Highlighted the need for a differential approach to ensure that an indigenous woman whose first language was not Spanish could have effective access to justice. - Found aggravated State responsibility, as Valentina was a minor. 		
Reparation	<p><u>Individual:</u> Effective and swift investigations, prosecutions, and punishment through regular criminal proceedings, legal reforms, scholarship for Valentina and her daughter, compensation.</p> <p><u>General:</u> Protocol guiding authorities in cases of sexual violence, human rights trainings for the Mexican army, general medical treatment for victims of sexual violence, widespread awareness campaigns addressing the prohibition of discrimination against indigenous women.</p> <p><u>Status:</u> Some reparation has been delivered: public apologies with participation of survivor, reforms in the military protocols, payment of compensation, scholarships, among others.</p>		
Obstacles	Delays in criminal prosecutions, lack of political will to properly reform the military courts system, and to allocate adequate budget to health centres.		
What worked	<ul style="list-style-type: none"> - The victim's representative reported several times during the implementation process before the IACtHR, which led to several resolutions on compliance. - Valentina and other CRSV survivors presented information on implementation at public hearings. - Meetings of State and legal representatives on implementation. 		

Follow-up mechanisms of the Inter-American and, exceptionally, African systems may entail public or private hearings.⁹⁹ This offers several advantages, including the opportunity for direct participation of victims, engagement of crucial State actors, provision and disclosure of relevant information, and deterrence against States regressing on their commitments.¹⁰⁰

Participation in Advocacy Campaigns and Working Groups

Direct and consistent communication with key stakeholders, particularly State authorities, is vital for the effective implementation of reparation measures. This ongoing dialogue is challenging in contexts marked by a lack of political will or with unclear avenues for the enforcement of judgments.¹⁰¹

⁹⁹Public hearings are only very rarely used at the African Commission system.

¹⁰⁰ C Sandoval, 'The Power of Hearings: Unleashing Compliance with Judgments at the Inter-American Court of Human Rights', in Open Society Justice Initiative (OSJI) (ed.), *Implementing Human Rights Decisions: Reflections, Successes, and New Directions*, (2021) 13 (OSJI, *Implementing Decisions*).

¹⁰¹ Ibid.

¹⁰² REDRESS, 'COVAW, IMLU et al. v Attorney-General of Kenya et al'; GSF, Grace Agenda, *Civil Society Organisation Network, Kenya Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence*, May 2023.

COVAW, IMLU et al. v Attorney-General of Kenya et al., High Court of Kenya, Constitutional & Human Rights Division¹⁰⁴

Context	Since the 90s, elections in Kenya are marked by political unrest and violence, including widespread and systematic sexual violence against women, children, and men. 2007-2008 electoral period: around 900 people identified as victims of sexual violence. Perpetrators both State and non-State actors.		
Facts	Six women and two men filed a complaint before the High Court's Constitutional Division in Kenya, in relation to the sexual violence they suffered during the 2007-2008 electoral and post-electoral period.		
Complaint date	20 February 2013	Decision date	10 December 2020
National decision	The High Court found: <ul style="list-style-type: none"> - Sexual violence in electoral and post-electoral periods constitutes torture. - Kenya had an obligation to protect victims. - The State is responsible for violating the human rights of three petitioners who suffered sexual violence at the hands of public officials. - State not responsible for the human rights violations of four petitioners victims of sexual violence by private actors, who had not reported to the authorities. - State also violated the human rights of one survivor who reported sexual violence by a non-State actor. 		
Reparation	High Court awarded: <ul style="list-style-type: none"> - Compensation for four petitioners in relation to whom it found a violation. - No compensation to the other petitioners. 		
Obstacles	Lengthy procedure for implementation and associated legal costs. Lack of political will to redress in cases related to CRSV. Budget allocations for reparation of CRSV survivors inadequate.		
Next steps	Civil society coordination and mobilisation. Domestic legal steps taken by victims to trigger implementation, including by filing a certificate of costs from court; submission to Attorney General; writ of mandamus. Domestic, regional and international advocacy being conducted. Domestic appeal pending in relation to rejected applicants.		

Consequently, a comprehensive advocacy strategy is crucial, offering an opportunity to engage and sensitise authorities, thereby promoting the enforcement of both national and international decisions. Advocacy activities, together with activism and communication campaigns, can also contribute to strengthening survivors' resilience and agency. These forms of mobilisation enable survivors to be informed of their rights, to raise awareness on, and mobilise support for reparation.¹⁰³ Advocacy campaigns require a comprehensive strategy, identifying key messages, and mapping key stakeholders, whether they are allies or detractors.¹⁰⁴

103 L Moffet, 'Handbook on Civil Society Organisations and Donors Engagement on Reparations' (2022) 19 (Moffet, Handbook).

104 REDRESS, Practice Note 4: Implementation of Decisions, May 2021.

Historically, CSOs and victim groups have played a crucial role through their advocacy on reparation during or after many armed conflicts. Their efforts have been instrumental in establishing reparation programmes,¹⁰⁵ triggering the recognition of specific forms of harm,¹⁰⁶ and the mobilisation of financial resources for reparation,¹⁰⁷ among others.

The case of Sepur Zarco stands as an example of successful advocacy on reparation. From the outset of the proceedings, the messages crafted by organisations and survivors played an important role in addressing stigma, underscoring the challenges in accessing justice, and demonstrating the continuity of the human rights violations due to impunity. The impact of the advocacy strategy and media campaign triggered support from influential figures, such as Nobel Peace Prize Laureates Jody Williams, Rigoberta Menchú, UN officers, and diplomats.¹⁰⁸

Given the absence of a clear mechanism to implement decisions of criminal courts in Guatemala, the organisations in the case of Sepur Zarco advocated for a socialisation strategy involving all public institutions responsible for implementing the judgment. They set up spaces to discuss the next steps for the implementation of reparation measures with public institutions. An inter-institutional mechanism for the enforcement of the decision was thus created.¹⁰⁹ This mechanism is still functioning and is a space for survivors, CSOs and public institutions to follow-up on compliance with the judgment. It also enables direct engagement and advocacy of survivors with key authorities.

“Technical working groups” were also established, each dedicated to specific themes covered by reparation measures, including education, health, land, and victims. These groups act as forums to oversee implementation, bringing together representatives from institutions and civil parties. Another result was the establishment of department working groups to promote the decision’s implementation at the local level, directly involving local authorities in the areas where the survivors are from.¹¹⁰

Organisations and survivor representatives in the case of Sepur Zarco have directly engaged with national institutions. This includes dialogues with the Vice-President of the Republic to follow up on the remaining implementation of reparation measures.¹¹¹

105 Moffet and Oola, *Cul Pi bal*, para. 22.

106 Moffet, *Reparations and War*, para. 247.

107 D Martínez and L Gómez, *A Promise to Be Fulfilled: Reparations for Victims of the Armed Conflict in Guatemala* (2019), para. 23.

108 SáCouto, Ford Ouoba and Martín, paras. 55, 56.

109 *Ibid*, para. 110.

110 *Ibid*.

111 *Mujeres Transformando el Mundo*, ‘Abuelas de Sepur Zarco Establecen Dialogo con la Vicepresidencia para dar Seguimiento a Reparación’ (5 March 2021).

112 Commission for Historical Clarification, ‘Guatemala Memory of Silence’ (1999) 19; SáCouto, Ford Ouoba and Martín; Tribunal Primero de Sentencia Penal, ‘Narcoactividad y Delitos Contra el Ambiente de Guatemala’ (Sentencia), C-01076-2012-00021 (26 February 2016).

Sepur Zarco v. Guatemala, Guatemalan Criminal Tribunal¹¹⁴

Context	<p>Armed conflict in Guatemala (1960-1996) between revolutionary movements and the government and paramilitary groups, resulting in around 200,000 deaths and disappearances. Conflict due to structural injustice, closed political space, and racism, among others.</p> <p>CRSV systematic against women, particularly members of indigenous communities.</p>		
Facts	<p>In 1982, the Guatemalan Army launched an attack on the indigenous communities of Sepur Zarco, mainly inhabited by Maya Q'eqchi' people. Men advocating for their ancestral land rights were detained on charges of supporting subversive groups. Subsequently, soldiers detained nearly all the men, subjecting them to torture, killings, and enforced disappearance. The soldiers subjected women to repeated sexual violence. Women were forcibly taken to military bases, where they endured sexual violence and forced domestic labour, often in front of their children or in public. In 2011, supported by CSOs, survivors filed a criminal complaint alleging crimes against humanity and war crimes.</p>		
Complaint date	30 September 2011	Decision date	28 November 2018
National decision	<p>Guatemalan Tribunal:</p> <ul style="list-style-type: none"> - Found two former military officials guilty of crimes against humanity, including sexual violence, sexual slavery, domestic slavery, deprivation of life, and enforced disappearance. - Emphasised need for transformative forms of redress. - Directed the majority of the reparation orders to the State. 		
Reparation	<p><u>Individual:</u> Compensation, investigations and prosecution of perpetrators, search for missing persons.</p> <p><u>General:</u> Construction of a health centre, improvement of education centres, bilingual institution for education of girls and women, cultural activities for women, ancestral land titling, school curriculums on story of the women, documentary, commemoration day of CRSV survivors, monuments, training for security forces, translation of decisions in indigenous languages, among others.</p>		
Obstacles	<p>Absence of adequate legal mechanisms for enforcing reparation concerning human rights violations perpetrated by the State. Lack of political will within State agencies, compounded by pressure from certain military groups who oppose the reparation measures ordered by the tribunal.</p>		
What worked	<ul style="list-style-type: none"> - Survivor-centred and led litigation process. - Social movement and the empowerment of the Abuelas. - Transformative sensitization and socialization. - Engagement with international actors. - Creation of roundtables and groups with civil society, legal representatives, survivors, and national authorities. - Creation of an ad-hoc follow-up mechanisms implementation. - Documentation and media strategy around the process. 		

Another example of a successful advocacy campaign is the implementation of the decision in the case of *People v. Ivory Coast*, decided by the ACommHPR, on discriminatory legislation on statelessness and measures adopted against the descendants of migrants in Ivory Coast. While this case is not related to CRSV, its implementation offers a good example of effective advocacy techniques. In particular, the organisations and applicants led advocacy on measures of non-repetition, including constitutional amendments, improvements in registration systems, ensuring access to justice, and introducing sanctions against the authorities that promote discrimination against victim groups.¹¹³

CSOs, with the support of the UN Office of the High Commissioner for Human Rights in the Ivory Coast, established a coalition aimed at advocating before public institutions for the implementation of the ACommHPR decision. This coalition facilitated direct engagement and dialogue with the government. In this case, the ACommHPR created and coordinated roundtables, providing crucial momentum for enforcing the decision. All stakeholders, including the applicants, CSOs, and public institutions, engaged in an honest dialogue to collaboratively work towards adopting non-repetition measures. The success of the advocacy was arguably facilitated by the political will of the State to engage and overcome difficulties. This led to constitutional amendments in alignment with the African Charter, ratification of human rights treaties related to citizenship and statelessness, and the adoption of policies and legislation to address the situation in the country.¹¹⁴

The implementation of the case of Jineth Bedoya also showcases effective advocacy in the Colombian context. While Colombian legislation outlines a mechanism to coordinate the implementation of decisions of human rights bodies, maintaining strategic dialogues with key institutions is crucial. The IACtHR's judgment involves complex measures, requiring significant budget and political will. Accompanied by a communication campaign, Jineth Bedoya and her movement "*No es Hora de Callar*", together with her legal representatives, have collaborated with national entities including government ministries, and held strategic meetings since the adoption of the decision.¹¹⁵ Thanks to these advocacy efforts, the Colombian government presented a draft law to create a fund to protect women journalists, paid the compensation awards, initiated a training for public officers on freedom of expression and sexual violence, and designed a museum to memorialise victims of CRSV.¹¹⁶

Sensitizing stakeholders responsible for the implementation of decisions is key to foster political will. Creating and enhancing constructive dialogue spaces with the authorities involved also appears to be an effective strategy for the implementation of decisions. These dialogues should be continuous and, as illustrated by successes in Sepur Zarco and Jineth Bedoya, should place survivors at the centre of the implementation process.

Participation in Media and Communication Strategies

Media and social networks are crucial to promote the implementation of decisions related to CRSV.¹¹⁷ Increasing general awareness of a decision can create pressure and sensitise the authorities responsible for reparation.¹¹⁸ It can also help defeat obstacles, such as the stigma experienced by survivors. To develop an effective media

113 A Sesay and A Dongo, 'Addressing Cote d'Ivoire's Statelessness Problem: Utilizing Multiple Tools to Support Implementation of Judgments', in OSJI, *Implementing Decisions*, paras. 29-35.

114 *Ibid.*, 34.

115 Semana, 'Cancillería Refrendo Compomiso de Cumplimiento sobre la Condena por Caso Jineth Bedoya' (3 August 2022); CEJIL, 'Tras seis meses de sentencia de la Corte IDH, en el caso de la periodista Jineth Bedoya, culmina primera ronda de trabajo con el Estado colombiano' (18 April 2022).

116 *El Tiempo*, 'Así va el Cumplimiento de la Sentencia de la Corte IDH', (3 August 2022).

117 OHCHR, 'Strategic Litigation for Sexual and Gender-Based Violence: Lessons Learned' (2019) 11.

118 FA Nkongho, 'Reflections on the Role of Civil Society Organisations in Implementing Cases from the African Commission and Court', in OSJI, *Implementing Decisions*, para. 26.

strategy, it is relevant to identify key media stakeholders, including journalists, simplify messages, summarise decisions, and highlight the importance of reparation in the particular case and beyond.¹¹⁹

Communication strategies must adhere to the consent given and confidentiality boundaries requested by survivors, avoiding revictimization and ensuring their safety. When planning a communication campaign, it is crucial to assess whether it is advisable to raise the profile of some survivors or if maintaining anonymity is a better approach.¹²⁰

The organisations involved in the case of Sepur Zarco meticulously developed and documented their communication strategy. Among their initial steps was the dissemination of messages to shift blame onto the perpetrators and highlight the challenges by the victims in accessing justice. These messages were conveyed through various channels such as posters, buttons, radio spots, billboards, media coverage, and more. The communication efforts, coupled with advocacy, reached every stage of the trial, sharing information about the case with the general public in Guatemala. The organisations engaged with directors and media companies, conducted press conferences, and circulated newsletters detailing the case and its progress. Media pieces were translated into French and English to reach international stakeholders, and the trial received coverage from radio stations.¹²¹

The organisations involved in the case of Sepur Zarco also employed various social media campaigns to enhance the political profile of the case, using hashtags to document and post updates about the case.¹²²

In the Inter-American System, CSOs and legal representatives regularly engage the press to publish the advances in, or lack of implementation of, judgments adopted by the IACtHR on sexual violence. For instance, in relation to the case of *Azul Rojas v. Peru* regarding sexual violence based on sexual orientation perpetrated by the police, the partial implementation of some of the reparation measures by the State was covered by the press, including public apologies, the opening of investigations, and the presentation of law reforms to Parliament.¹²³

The case of Jineth Bedoya was also extensively covered by national and international journalists.¹²⁴ The public hearings held by the IACtHR were transmitted by several media, including those where Jineth used to work as a journalist.¹²⁵ The case was reported on by the legal representatives and the survivor on social media under the hashtag *#NoEsHoradeCallar*, the name of Jineth Bedoya's movement to denounce sexual violence. The implementation of the judgment was also covered by the press, and the monitoring process was reported on through social media under the same hashtag, including the committee meetings with the Ministry of Foreign Affairs and the implementation hearings before the IACtHR.

119 REDRESS, *Practice Note 4: Implementation of Decisions*, May 2021, para. 29.

120 OHCHR, *'Strategic Litigation for Sexual and Gender-Based Violence: Lessons Learned'* (2019) 11.

121 SáCouto, *Ford Ouoba and Martin*, paras. 55, 56.

122 *Ibid.*

123 La Ley, *'Proyecto Cita Caso Azul Rojas Marin vs. Peru para formular agravante al delito de discriminacion: cuando victima sea integrante de la población LGTBIQ+'* (8 February 2023); La Republica, *'Caso Azul Rojas: Estado peruano pidió disculpas a mujer trans y prometió cumplir reparaciones'* (12 August 2023); *'Caso Azul Rojas: Fiscalía inicia investigación contra 3 policías por tortura y violación a mujer trans'* (12 August 2023).

124 *Semana*, *'Cancillería refrendo compromiso de cumplimiento sobre la condena por caso de Jineth Bedoya'* (3 August 2022); *El Tiempo*, *'Por "Innación" de Fiscalía, Jineth Bedoya desiste de investigación por amenazas'* (13 October 2023); CNN Español, *'El Difícil Camino de Jineth Bedoya durante 21 años en busca de justicia por su secuestro y abuso sexual'* (19 October 2021).

125 *El Espectador*, *'Jineth Bedoya: "Yo sé a que me atengo por declarar ante la Corte IDH, mi vida sigue en riesgo"'* (YouTube video, 15 March 2021).

126 IACtHR, *Bedoya Lima et al. v. Colombia*. Merits, Reparations and Costs. Judgment of 26 August 2021. Series C No. 431; Colombia GSF Study.

<i>Jineth Bedoya v. Colombia, IACtHR</i>¹²⁸			
Context	Armed conflict in Colombia, over 60 years. Country with the highest number of journalists killed in last 90 years. CRSV systematic.		
Facts	<p>Jineth Bedoya was a journalist covering topics related to the armed conflict in Colombia, including those happening in “La Modelo” a prison in Bogota. Targeted on this basis, Jineth Bedoya was abducted at the entrance of La Modelo by paramilitary members. She was held captive for about 10 hours, during which she was subjected to various forms of torture, including gang rape and other types of sexual violence.</p> <p>The investigation by the public authorities met obstacles, including lack of due diligence, and gender stereotypes against Jineth Bedoya, among others.</p>		
Complaint date	3 June 2011	Decision date	26 August 2021
IACtHR decision	<p>The IACtHR:</p> <ul style="list-style-type: none"> - Found Colombia responsible for the kidnapping and torture, including sexual violence. - Found Colombia responsible for the lack of effective measures to investigate and prosecute the perpetrators. - Emphasised the special duty to protect women journalists in armed conflict by implementing gender-focused measures and acknowledging their heightened position of vulnerability. 		
Reparation	<p><u>Individual</u>: Investigation, prosecution, and sanction of perpetrators, compensation, public apologies, rehabilitation measures.</p> <p><u>General</u>: Annual scholarships for women journalists; rehabilitation; training on gender perspectives to investigations for public officials; a centre for memory and dignity dedicated to women victims of sexual violence and to investigative journalism; publication of disaggregated data on gender violence and threats of violence against journalists and human rights defenders in Colombia.</p>		
Obstacles	Lack of due diligence by the Attorney General’s Office to continue the investigations and prosecutions, including the intellectual perpetrators. Delay in the implementation of reparations by Parliament and other State institutions.		
What worked	<ul style="list-style-type: none"> - Jineth Bedoya actively participated in litigation and implementation. - The case has been covered by national and international media. - Jineth Bedoya created a movement to report and support cases. - Domestic mechanism for implementation of international decisions incorporates follow-up meetings with key national authorities, legal representatives, and survivors. 		

Another example of an effective communication campaign for CRSV took place in Liberia. Years after the civil wars, survivors filed cases against the perpetrators. To reach a broader audience and communicate information about the legal proceedings, emphasise the importance of breaking the silence, contribute to the empowerment of survivors, and promote young women’s leadership, organisations created a strip cartoon series. The series featured a 14-year-old girl and aimed to raise awareness about the violations committed during the civil wars.¹²⁷

127 OHCHR, ‘Strategic Litigation for Sexual and Gender-Based Violence: Lessons Learned’ (2019), para. 11.

Providing Interim Relief to Survivors

The process of implementation of reparation for CRSV is slow, uncertain, and depends on multiple factors. In the meantime, the consequences of sexual violence are severe and long-lasting and harms require immediate attention. A prerequisite to implementation is to ensure the safety and integrity of survivors and victims. As such, interim relief, often provided by civil society in light of the States's failure to do so, is necessary.¹²⁸

Ensuring the wellbeing of survivors is an essential component of holistic strategic litigation. In the case of *Azul Rojas v. Peru*, CSOs like Promsex provided Azul with psychosocial support throughout the legal proceedings.¹²⁹ Similarly, in the case of *Rosendo Cantu v. Mexico*, the Centro de Derechos Humanos de la Montaña "Tlachinollan", a co-petitioner in her case, provided Valentina with medical and psychological assistance.¹³⁰ In the case of *Purna Maya*, Advocacy Forum Nepal provided medical and psycho-social support to the survivor, even before the litigation process commenced before the HRC.¹³¹ In the case of *Sepur Zarco* in Guatemala, a crucial part of the success of the case was the psychological and medical support provided by different organisations, as it contributed to helping the survivors overcome the stigma, address the denial, and build resilience among the survivors and within communities.¹³²

<i>Purna Maya v. Nepal</i>, HRC¹³⁵			
Context	See R.R., K.R. and S.R. v. Nepal, HRC.		
Facts	In 2004, Purna Maya became a target of constant interrogations by the Nepalese forces, insinuating her association with the Maoist group. On 23 November 2004, a member of the Royal Nepalese Army arrested her and accused her of being a Maoist. Throughout detention, Purna Maya endured interrogation, insults, violence, and multiple instances of rape by soldiers. These acts inflicted severe harms upon her. Despite several attempts at reporting, the perpetrators were never brought to justice, in part due to the short statute of limitations.		
Complaint date	19 December 2012	Decision date	23 June 2017
HRC decision	The HRC found: <ul style="list-style-type: none"> - Sexual violence as torture by Nepalese armed forces. - Widespread occurrence of systematic sexual violence during the armed conflict, specifically targeting women suspected or perceived as Maoist or supportive of such groups. - Absence of investigations to establish the truth, failure to hold the perpetrators accountable, and lack of reparation provided to Purna Maya. - Statutes of limitation as an unreasonable barrier to justice. 		

128 Moffet, Handbook, para. 19.

129 IACtHR, *Azul Rojas Marín et al. v. Peru*. Preliminary Objections, Merits, Reparations and Costs. Judgment of 12 March 2020. Serie C No. 402, para. 272.

130 Escrito de Solicitudes Argumentos y Pruebas de la Representación de las Víctimas para la Corte IDH. *Case Rosendo Cantu v. Mexico*, para. 165.

131 HRC, *Purna Maya v. Nepal*. 'Views Adopted by the Committee Under Article 5(4) of the Optional Protocol, Concerning Communication No. 2245/2013' (2017) UN Doc CCPR/C/119/D/2245/2013, para. 2.8 (HRC Purna Maya Decision).

132 SáCouto, Ford Ouoba and Martin, para. 16.

Reparation	<p><u>Individual:</u> Investigation into the facts, compensation, including medical expenses, psychological rehabilitation and medical treatment.</p> <p><u>General:</u> Abolition of the 35-day statute of limitation to report rape, elimination of obstacles hindering reporting and access to justice for victims of sexual violence and confidentiality, increasing the number of female police officers and prosecutors, interim relief to victims of CRSV, national dialogue on sexual violence against women and awareness campaigns, and adequate protection to victims, among others.</p>
Obstacles	<p>Lack of clear domestic implementation mechanisms.</p> <p>Lack of political will in Nepal to recognise and provide reparation to CRSV survivors.</p> <p>Ineffective follow-up mechanisms at UN level.</p>

Crucially, the provision of assistance or interim relief by CSOs or other actors does not absolve States of their obligation to provide comprehensive reparation and fulfil their other obligations towards survivors. Nor is it a satisfactory solution given the difficulties of sustaining and financing it over time.

133 REDRESS, 'Purna Maya v. Nepal'.

CONCLUSION

Justice for CRSV survivors does not end with a judgment or a reparation award. In practice, enforcing decisions and delivering effective reparation to CRSV survivors can be a complex and uncertain process. In this context, it is essential to understand the main and common obstacles that survivors face in the implementation of reparation decisions, which are typically consistent across contexts.

Learning from past practices and designing comprehensive strategies that acknowledge the existence of these obstacles and the opportunities to overcome them is crucial. These strategies should involve identifying and engaging with key stakeholders, strengthening victim and survivor movements, conducting communication campaigns, and utilising legal and advocacy tools for the enforcement of decisions, among others.

From the cases and contexts analysed in this report, effective implementation of reparation awards consistently entails sustained open dialogues involving: the authorities in charge of implementing the decision, victims and survivors, their legal representatives, CSOs, and the bodies which issued the decision. Since this is not always possible, external efforts are key. They include sensitisation, sustained reporting to human rights bodies, advocacy, media campaigns, and in some cases further litigation. These strategies can contribute to galvanise the political will required for the delivery of reparation.

In CRSV cases, implementation strategies must place survivors at the heart of the action, and be designed through a gender lens. The safety and confidentiality of the survivors should be assessed, and to the extent possible, their urgent needs addressed. Survivors should, to the extent that they want and can, participate in all stages of the implementation process.

REDRESS works with its national partners to promote strategies for the implementation of some of these cases, prioritising situations where an opportunity exists to build and deliver an implementation strategy.

REDRESS and its national, regional and international partners started crafting strategies for the implementation of a group of selected cases related to CRSV through 2023 and 2024. Through this process, REDRESS and its partners are collaborating closely, and seeking to maintain a survivor-centred approach. In some cases, REDRESS is promoting a direct dialogue between the stakeholders and the national authorities towards the implementation of the decisions. This is done through a combination of techniques, which include workshops, policy briefs, advocacy, meetings and legal action. The acquired insights and experiences from designing and executing these strategies will be documented and reported by the end of 2024.

REDRESS

Ending torture, seeking justice for survivors



Photo cover by Josue Delavele/Reuters.
People react after a verdict was given in
the Sepur Zarco case in Guatemala.

redress.org

REDRESS
87 Vauxhall Walk
London, SE11 5HJ
United Kingdom
+44 (0)20 7793 1777
info@redress.org

 [REDRESSTrust](#)

 [redresstrust](#)

 [company/REDRESS](#)

globalsurvivorsfund.org

Global Survivors Fund
Route de Ferney 140
1202 Geneva, Switzerland

 [glsurvivorsfund](#)

 [globalsurvivorsfund](#)

 [company/globalsurvivorsfund](#)