

REPORT OF THEMATIC BRIEFING TO CEDAW ON THE CHALLENGES FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE TO REALISE THEIR RIGHT TO REPARATION

Briefing Paper

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REDRESS

Ending torture, seeking justice for survivors

GLOBAL SURVIVORS FUND

FOR AND WITH SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE



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– A survivor of from Colombia

“ Yes, in theory, we could approach the judiciary. But in actual reality, we cannot ask the justice system for anything at all because we don't even know how something like that is done.

– A survivor from Côte d'Ivoire

“ I want to see that reparation before death arrives, before I stop living in this world.

– A survivor from Guatemala

“ The most embarrassing thing is the stigma and discrimination I face in the society, which is an unbearable pain, honestly. There are certain pains that an individual might go through, and you even prefer to die than the shame. This has made my life different.

– A survivor from The Gambia



WHO WE ARE

REDRESS is an international human rights organisation that delivers justice and reparation for survivors of torture, challenges impunity for perpetrators, and advocates for legal and policy reforms to combat torture and provide effective reparation. As part of its Discrimination and Reparation programmes, REDRESS works to push for accountability and reparation for victims of conflict-related sexual violence. REDRESS has recognised experience on reparation and has conducted four of the Global Survivors Fund’s 20 country studies on reparation for survivors of conflict-related sexual violence which demonstrate the common challenges described in this report.

The Global Survivors Fund (GSF) was launched in October 2019 by Dr Denis Mukwege and Ms Nadia Murad, Nobel Peace Prize laureates in 2018. Its mission is to enhance access to reparation for survivors of conflict-related sexual violence around the globe and ensure they have access to comprehensive reparative measures addressing their urgent needs in the meantime, thus seeking to fill a gap long-identified by survivors. The GSF acts to provide interim reparative measures in situations where States or other parties are unable or unwilling to meet their responsibilities. The GSF advocates also for duty bearers, as well as the international community, to develop reparation programmes, and provides expertise and technical support to guide States and civil society in the design of reparations programmes. The GSF’s survivor-centric approach is the cornerstone of its work. The GSF has conducted studies on the status of and opportunities for reparation for survivors of conflict-related sexual violence in more than 25 countries.

A NOTE ON TERMINOLOGY

In this publication we use the term “survivor” to reinforce the self-determination, dignity, and strength of individual victims and to emphasise the possibility of healing and rehabilitation. This terminology is in no way intended to diminish the legal status of persons as victims of international crimes, either individually or collectively, nor to exclude specific groups of victims, such as children born of conflict-related sexual violence. All such groups are encompassed within our use of the term “survivor” in this publication.

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INTRODUCTION

During the 88th session of the United Nations (UN) Committee on the Elimination of Discrimination against Women (CEDAW or the Committee), REDRESS and GSF held a thematic briefing with the Committee focused on reparation for survivors of conflict-related sexual violence.

The thematic briefing aimed to highlight the legal, practical, and structural challenges that survivors of conflict-related sexual violence face in seeking and obtaining reparation. This constructive dialogue underscored CEDAW's pivotal role in advancing the rights of survivors of conflict-related sexual violence, particularly their right to reparation. The thematic briefing also sought to encourage the Committee to continue its efforts to address these challenges by providing further guidance to States on effective measures to secure reparation for survivors, for instance through a General Recommendation on the topic.

This briefing paper builds on the discussions from the thematic briefing. It highlights the challenges faced by survivors of conflict-related sexual violence and the existing gaps in law and practice that hinder the fulfilment of their right to reparation. By analysing the relevant practice and jurisprudence from CEDAW, this briefing presents potential solutions and recommendations for the Committee to further support survivors in obtaining reparation.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The traumatic experiences endured by survivors of conflict-related sexual violence have profound and long-lasting impacts. Reparation is a critical component of their recovery process. As documented by GSF through its Global Reparation Study in more than 25 countries,¹ survivors of conflict-related sexual violence stress the importance of promptly acknowledging the devastating harms they suffer. They also emphasise that various forms of recognition and reparation, both individual and collective, are key priorities to restore their dignity and rebuild their lives.

The right of survivors of conflict-related sexual violence to reparation – including compensation, satisfaction, restitution, rehabilitation, and measures of non-repetition – is well-established under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention), amongst other international treaties.

However, for the majority of conflict-related sexual violence survivors this right remains unrealised. Through our work with survivors around the world, we have identified overarching issues that result in survivors being deprived of reparation in multiple contexts. These include a lack of adequate avenues for reparation due to insufficient political will, legal and institutional barriers, stigma, limited access to essential assistance and care, ongoing conflicts and insecurity, and underreporting. Additionally, children affected by conflict-related sexual violence, including those born of rape, encounter specific challenges.

Identifying common challenges and showcasing successful practices can contribute to elevating global standards and practices for providing reparation to survivors of conflict-related sexual violence. As recently reported by REDRESS and GSF, the failure to implement reparation leads to adverse effects on survivors, such as “frustration, disappointment, shame, discouragement, re-victimisation, and dissatisfaction”. Addressing this gap is urgent.

Recognising CEDAW’s instrumental role in advancing the rights of women and girls, including those affected by conflict-related sexual violence, we believe that the Committee has the potential to address this gap by providing further guidance to States in ensuring adequate, prompt, and effective reparation for conflict-related sexual violence survivors in compliance with the CEDAW Convention.

Substantive Recommendations

In essence, CEDAW is encouraged to continue developing its work and provide actionable guidance on how States can:

1. Guarantee the well-established right of survivors of conflict-related sexual violence to receive adequate, prompt, and effective reparation in practice. Specifically we encourage CEDAW to outline the specific legal, policy, institutional, and practical measures States should take in this regard, including good practices to address the implementation gap and overcome obstacles in realising this right.
2. Implement mechanisms and procedures to ensure reparation is co-created with survivors and reflect a truly survivor-centred approach, with their meaningful participation at every stage of the reparation process, both in administrative programmes and judicially awarded reparation.

3. Ensure that reparation measures are gender-sensitive and age-responsive in practice, and the specific steps States must take to achieve this.
4. Adapt reparation measures to respond to the specific needs of children affected by conflict-related sexual violence, and ensure they are included in reparation processes.
5. Ensure reparation measures are financed comprehensively and sustainably, utilising all financing pathways – from traditional avenues such as budget allocations and taxation, to innovative avenues including confiscation and repurposing of frozen assets, as well as the use of fines and forfeiture for breaches of sanctions regimes.

Recommendations on CEDAW's Working Methods

We also encourage CEDAW to:

- 1. Consider issuing a General Recommendation on reparation for survivors of conflict-related sexual violence.**

While existing General Recommendations provide useful interpretation, there is no comprehensive guidance within the CEDAW Convention framework specifically addressing the right to reparation for these survivors. Such guidance would clarify State actions needed to overcome obstacles to ensure survivors of conflict-related sexual violence access and receive adequate, prompt, and effective reparation in practice. Experience worldwide demonstrates that a “structured and informed approach”, combined with “clear and concerted political will”, can result in meaningful reparation for survivors of conflict-related sexual violence (GSF, [Preliminary Findings](#)). A General Recommendation would not only provide authoritative guidance on what such a “structured and informed approach” means, but also underscore CEDAW's recognition of this global challenge, and place the topic at the top of the international agenda.

- 2. Consistently emphasise the significance of reparation for conflict-related sexual violence in all engagements with State parties, accounting for the various forms of reparation and the specific needs of survivors in the relevant context. Specifically, we encourage CEDAW to:**

- a) Standardise its practice on Issues ahead of a State's examination to specifically enquire about the State's efforts to provide reparation for survivors of conflict-related sexual violence where relevant, using the term 'reparation' and tailoring questions to the specific context.**

We encourage the approach adopted in the [2020 Issues to Ukraine](#) and the [Issues to South Sudan](#) as standard practice. The importance of reparation for survivors of conflict-related sexual violence should be underscored in all CEDAW's relevant enquiries and assessments. Therefore States should be encouraged and expected to update the Committee on the particular measures put in place to address legal, practical, and structural obstacles to deliver reparation for conflict-related sexual violence survivors.

- b) Clearly articulate the components of reparation and what they entail in all Concluding Observations, with a dedicated section on this topic.**

This approach will stress the relevance of reparation for survivors of conflict-related sexual violence and ensure States address it comprehensively and holistically, challenging the common misconception that reparation is limited to compensation. Addressing conflict-related sexual violence in a dedicated section of the Concluding Observations (COs) also allows CEDAW to examine the specific challenges faced by survivors in that context and ensure its response is adequately tailored to their needs.

c) Continue to recommend comprehensive and transformative reparation for survivors of conflict-related sexual violence in its Views adopted in Individual Communications.

We encourage the replication of the comprehensive approach to reparation adopted in *Alonso et al v Philippines* and *S.H. v Bosnia and Herzegovina*. We reiterate the importance of awarding reparation to individual survivors, and recommending transformative non-repetition measures to address root causes of conflict-related sexual violence and prevent recurrence.

d) Proactively follow-up on States' implementation of CEDAW Views related to reparation for survivors of conflict-related sexual violence, meaningfully engaging survivors in the process.

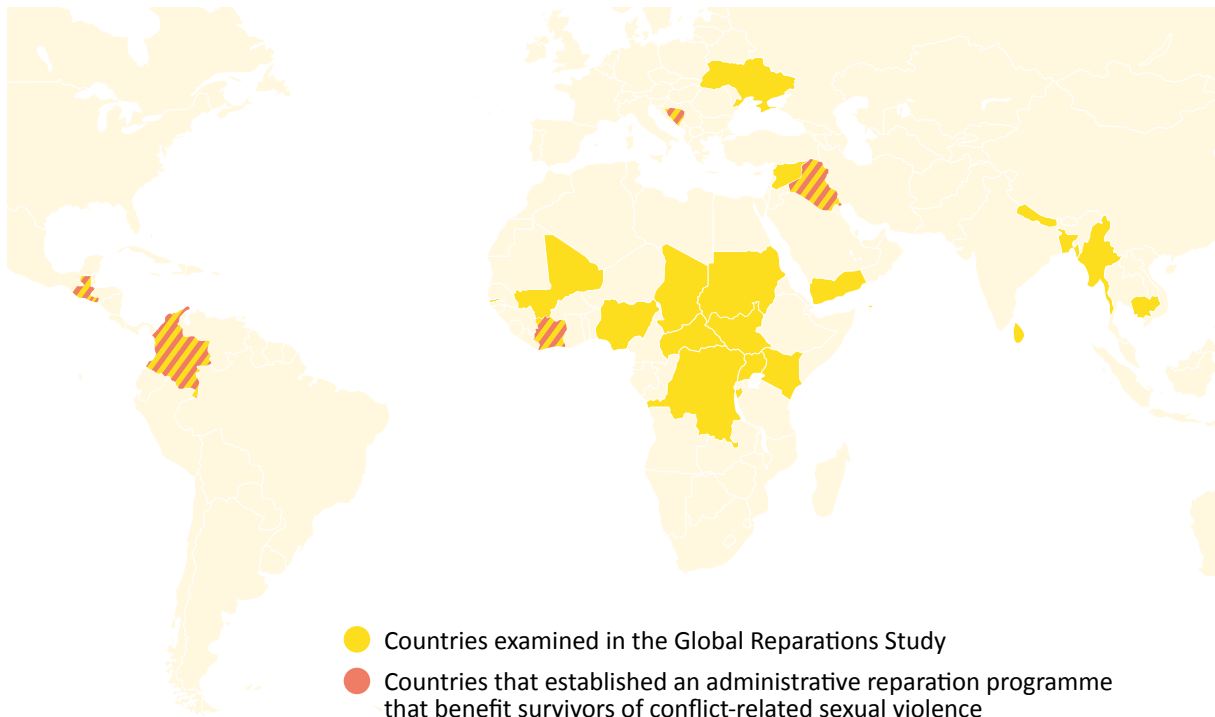
Prioritising CEDAW's Views on reparation in cases of conflict-related sexual violence in the Committee's follow-up procedure can incentivise States to deliver reparation in practice and allow closer monitoring of implementation by the Committee. We encourage the meaningful involvement of survivors to ensure their views and evolving needs are considered, and that no false expectations are raised. This would provide acknowledgment and have reparative value in itself.

CHALLENGES FACED BY SURVIVORS IN SEEKING AND OBTAINING REPARATION

“ We declare that reparations are vital in acknowledging our humanity, status as rights-holders as well as full equal citizens of the state. (Kinshasa Declaration)

Reparation for survivors of conflict-related sexual violence can be pursued through two main avenues: administrative reparation programmes and judicial proceedings. These avenues can be pursued in parallel when available.

Administrative reparation programmes have the potential to address the harms suffered by a larger number of survivors than court-ordered reparation. When well-designed and implemented, administrative reparation programmes are more attuned to the situations and realities of survivors, offering prompt, cost-free access to reparation with a lower evidentiary threshold than required before courts, thus making them more accessible to survivors. The existence of administrative reparation programmes is not widespread, particularly those that include survivors of conflict-related sexual violence. As demonstrated in the map below, only six of 26 countries examined in the Global Reparations Study have established an administrative reparation programme, albeit flawed, that includes survivors of conflict-related sexual violence as beneficiaries:



Whether through administrative or judicial avenues, most survivors of conflict-related sexual violence face significant hurdles to receive any form of reparation. While survivors have diverse experiences, perspectives, and needs, with varying challenges encountered in different contexts, common challenges have been identified. This section explores these obstacles by illustrating how they have manifested in different contexts. The examples provided are not exhaustive, but serve to highlight the broader scope of these challenges.

A. Lack of avenues for reparation

Lack of political will

Despite repeated calls from international and national organisations, in many contexts lack of political will to address conflict-related sexual violence remains a significant challenge to achieving justice and providing reparation. Total denial by some governments has rendered it impossible for survivors to access reparation, forcing them to seek relief from other actors.

In Burundi, the State neither acknowledges the events since 2015 as a political crisis nor the perpetration of sexual violence, thus failing to recognise the existence of survivors. This is despite repeated calls by the UN Commission of Inquiry on Burundi to take immediate action and establish a reparation programme.

In Syria, due to the regime's failure to acknowledge conflict-related crimes, including large-scale sexual violence committed by its own agents, survivors have turned to other governments, the international community, the UN, and civil society for reparative measures and support. For example, since 2020, GSF and its partner, the Association of Detainees and Missing Persons of Sednaya (ADMSP) run a project of interim reparative measures in Southern Türkiye co-created with Syrian survivors of detention and conflict-related sexual violence. In the absence of prospect for a government-led reparation programme by the Assad regime, GSF and others are advocating for the establishment of an international fund for Syrian survivors. As one survivor expressed:

 **The whole world is responsible. The whole world has had a hand in the Syria situation.**

In 2013, CEDAW urged Cambodia to provide effective redress to victims of sexual and gender-based violence committed during the Khmer Rouge regime. However, the Cambodian government did not take action and, in its 2018 report to CEDAW, referred to projects run by non-governmental organisations as evidence of its compliance. These externally funded projects were recognised by the Extraordinary Chambers in the Courts of Cambodia as contributing to survivors' rehabilitation, reintegration, and restoration of dignity. Despite the significance of these initiatives, the State has been eluding its obligations and many survivors in Cambodia are still waiting for reparation.

Perceived lack of resources to finance reparation

States often refer to a lack of financial resources to justify their failure to provide reparation to survivors of conflict-related sexual violence and other victims. However, alternative mechanisms for financing can be pursued to secure reparation for survivors. Our experience shows that when there is political will, resources can be mobilised through traditional and innovative pathways over time to deliver reparation.

An area of growing attention in this regard relates to the confiscation and repurposing of frozen assets following human rights sanctions. Sanctions at the UN, regional, and domestic levels, empower and direct international

institutions and governments to designate individuals and entities for violating international law, including by committing gross human rights abuses such as conflict-related sexual violence. Assets that have been frozen pursuant to sanctions regimes could be confiscated and repurposed to fund reparation for victims.

For example, in 2019 the Gambian Government allocated \$1 million derived from the sale of the former President Yahya Jammeh's assets to the Truth, Reconciliation and Reparations Commission (TRRC), signalling its commitment to provide reparation for victims of human rights violations, including conflict-related sexual violence, perpetrated by his regime. However, by the end of the TRCC's mandates, these funds have not been disbursed.

Another alternative to finance reparation involves the repurposing of penalties for breaches of sanctions. This consists in the use of funds derived from penalties imposed by States for breaches of sanctions or terrorist financing legislation to finance reparation for victims of international crimes, including survivors of conflict-related sexual violence. For example, in the U.S. Justice Department's first Corporate Material Support for Terrorism prosecution, Lafarge S.A. and its Syrian Subsidiary admitted to a revenue-sharing agreement with ISIS and agreed to pay \$778 million USD in fines and forfeiture. There have been calls from survivors and civil society to have this money repurposed for reparation for victims of ISIS.

In 2023, the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, endorsed these solutions for financing reparation. His report – Financing of reparation for victims of serious violations of human rights and humanitarian law – encourages States to consider both these alternatives to finance reparation, amongst other possibilities, such as taxation, and allocation of State budget post-conflict to provide reparation to survivors.

B. Legal and institutional challenges

Inexistent or inadequate legal frameworks

In many contexts, there are no legal frameworks to address conflict-related sexual violence or to provide reparation to survivors and victims. When legal frameworks do exist, they are often inadequate and fail to meet international standards or to incorporate a survivor-centred approach. This represents one of the major challenges faced by survivors in accessing reparation.

For instance, in Uganda, despite the adoption of the National Transitional Justice Policy in 2019, which includes provisions for establishing a reparation programme for victims affected by conflict, the Ugandan Parliament has yet to enact legislation to operationalise this and other measures outlined in the policy. In addition, survivors are left to receive reparation as ordered by the International Criminal Court (ICC), but these are limited to the specific crimes for which Dominic Ongwen was convicted, meaning that many survivors will not be eligible for ICC reparation.

Additionally, in several contexts sexual violence is primarily treated as an ordinary criminal offense. In some countries, survivors may face criminal charges for adultery and are required to prove the use of force or resistance. Further, the law may not recognise oral sex or the use of objects to commit rape as elements of the offense, nor acknowledge command responsibility or other modes of liability. National frameworks at odds with regional and international standards present challenges for survivors of conflict-related sexual violence.

In Sudan, for example, amendments to the Criminal Act 1991 reformed the definition of rape, ostensibly de-linking it from offence of adultery (*zina*). However, women who report sexual violence have nevertheless been frequently

charged with adultery. The 2019 Constitutional Document also retained reference to *hudud* crimes (including adultery) that are punishable under Sharia law, thus continuing to expose women to discriminatory customary norms, religious beliefs, and social practices. In conflict contexts, as is currently the case in Sudan, the definition of rape as a war crime in the revised Criminal Act 1991 is vague and fails to properly elaborate on the different forms of coercion, lack of consent, as well as the acts of penetration which have been internationally recognised.

On the same note, in Syria, the absence of specific legal provisions to address sexual violence as an international crime presents a significant challenge for survivors. Sexual violence is not recognised as a crime against humanity, war crime, or as a constituting element of genocide in the Syrian Penal Code and thus, it can only be charged as an ordinary crime, which hampers efforts for effective prosecution.

Revictimisation by State agents

Survivors often describe the process of seeking justice and reparation as re-victimising. Such systemic failures, usually caused by a lack of trained personnel, inadequate registration policies, or a reluctance or plain refusal to register sexual violence claims, undermine survivors' trust in the justice system and hinder the opportunity for the process to have a reparative value in itself.

In Côte d'Ivoire, law enforcement officers' reluctance to address sexual violence creates a significant barrier to accessing justice and reparation. Survivors' accounts highlight instances where authorities intimidated survivors, discouraged them from filing complaints, protected perpetrators, or committed sexual violence themselves. Similarly, in Sudan, police stations lack trained officials or female personnel to handle cases of sexual violence, and often victims received threats and retaliation to force them to drop their cases. In Colombia, survivors have reported experiencing bureaucratic violence and feeling alone, reprimanded, and re-victimised when they reach out to the Unit for Comprehensive Victim Support and Reparation, which discourages them from initiating the registration process to which they are entitled.

C. Challenges regarding the implementation of reparation

Even when reparation measures are granted on paper, they are often not implemented, inadequate or insufficient, not sustainably funded, or implemented long after the events, diminishing their effectiveness. As a result, survivors grapple with enduring and often irreparable harm and exclusion. In some cases, delays cause re-traumatisation to survivors, while others die while waiting for the reparation they are entitled to.

Administrative Reparation

When established, administrative reparation programmes often face significant challenges to their effective implementation, such as convoluted and fragmented procedures, burdensome documentation requirements, a restrictive scope that excludes survivor groups, and the absence of legislation or funding allocations necessary to operationalise the delivery of reparation.

In Colombia, for instance, over ten years after the enactment of Law 1448 of 2011, known as the Victims' Law, survivors continue to face challenges due to the fragmented implementation of reparation measures and unnecessarily prolonged processes, which frustrate and discourage survivors. As one Colombian survivor expressed:

“ I think the State needs to be more serious, it needs to also speed up the process. Because I think that what they are looking for is for you as a victim to get bored and finally give up, and to leave things as if nothing had happened.

The experience of survivors in Colombia is compounded by a serious funding gap and a restrictive scope of the reparation programme. As outlined in 2023 *Dejusticia* [paper](#), there are important lessons learned on the challenges of calculating and forecasting budget allocations, the complexities of disaggregating data and the need to limit the operational cost of a reparation mechanism. Additionally, the difficulty in accessing reparation due to the programme’s restrictive scope is exemplified by the case of Helena, a survivor whose registration was initially denied based on her age at the time of disassociation with an armed group, as per article 3.2 of Law 1448. A protection action (*acción de tutela*) had to be filed and the Constitutional Court of Colombia recognised Helena’s status as victim and her right to reparation.

In *Côte d’Ivoire*, there is also an absence of dedicated budgets and prioritisation of resources for reparation. This has resulted in ineffective responses to survivors of conflict-related sexual violence, leaving commitments largely unfulfilled for over a decade. The frustration as a result is echoed in the words of a survivor:

“ Where is the State? There is no State here! I have no State. You [as a representative of an international NGO] are my State ... you are the one facing me today, so you are the State, and it is you who I am asking.

Furthermore, the Côte d’Ivoire National Commission for Reconciliation and Compensation of Victims (CONARIV) imposed a very high standard of proof, requiring survivors to provide unrealistic documentation, making it extremely difficult to qualify for reparation. Survivors were expected to provide evidence beyond their own statements, such as a medical certificate, a medical or psychological file, or testimony from a religious or community leader. However, few survivors had access to medical or psychological care, and obtaining — or affording — a medical certificate was a significant challenge. Even if possible, few survivors would pursue this route due to the associated stigma and repercussions.

As of March 2019, 9,400 out of approximately 49,000 victims had received some form of reparation in Côte d’Ivoire through the individual reparation programme called Operation ‘Yako’ initiated in October 2017. Only 150 of these recipients, equivalent to 5% of the gender-based violence cases registered by the CONARIV, were survivors of sexual violence. Since then, progress has been minimal, and no official figures are available.

In Iraq, in 2021 the government adopted the Yazidi Female Survivors Law, an administrative reparation programme aimed to provide reparation for survivors of ISIS captivity. Although the law is one of its kind, it has several [shortcomings](#), including the requirement that survivors must file a criminal complaint to be eligible to apply for reparation. Additionally, the law excluded survivors from certain communities (Sunni, Shia, and Kakai) and children born of conflict-related sexual violence (see later). In *Nepal*, a compensation scheme, the Interim Relief Programme, was instituted in 2008 to provide benefits to conflict victims, but survivors of torture and conflict-related sexual violence were excluded from such scheme.

In *Timor-Leste* and *the Gambia*, while efforts have been done to repair the harms experienced by survivors through urgent reparation schemes, these are insufficient to realise survivors’ right to full, adequate, prompt, and effective reparation. Despite concerted efforts by civil society actors, including survivors’ organisations and movements,

domestic reparation programmes are yet to be established. In Timor-Leste, the Commission for Reception, Truth and Reconciliation (CAVR) recommended in 2005 the creation of a national reparation programme in its final report. Almost 20 years later, this recommendation has not been realised.

Judicial Reparation

While court-ordered reparation is crucial for delivering justice for survivors, numerous obstacles prevent its implementation in practice. In particular, this is due to a lack of political will, poor coordination among State institutions responsible for implementation, the absence of domestic procedures to enforce both international decisions and domestic awards, insufficient resources or a lack of budget prioritisation, among other issues.

Additionally, survivors' access to justice is often hindered by procedural complexities and financial constraints preventing access to legal assistance. Without adequate legal assistance, attempting to engage with the justice system becomes a daunting and often fruitless endeavour, frequently leading to exhaustion and abandonment of the pursuit.

As shared by a survivor in Côte d'Ivoire:

“ Yes, in theory, we could approach the judiciary. But in actual reality, we cannot ask the justice system for anything at all because we don't even know how something like that is done.

In Chad, survivors also faced considerable challenges in accessing judicial reparation, with many unable to apply as civil parties during trial proceedings due to various obstacles. In the trial of the late President Hissène Habré, many civil parties were not recognised due to the lack of identification documents, among other reasons. This is also expected to be a challenge in the disbursement of reparation, which is long overdue. While conflict-related sexual violence dates back to the 1980s, seven years after the landmark conviction in May 2016 of Habré in Senegal, the African Union Trust Fund has not been operationalised and survivors are yet to receive court-ordered reparation. Many survivors are dying due to long-lasting medical harm, compounded by economic distress, without seeing their right to reparation fulfilled.

Implementation of reparation is also lacking in other historic convictions. For instance, in February 2016, a Guatemalan court convicted a military officer and a military commissioner of sexual violence and sexual and domestic slavery committed in the 1980s against 15 Maya Q'eqchi indigenous women from the community of Sepur Zarco. Both individual and collective reparation measures were ordered as part of this landmark judgment. However, eight years after the judgment, not all reparative measures have been implemented by the government, and others have only been partially or inadequately fulfilled. This lack of compliance has aggravated the stigma and social isolation suffered by the survivors. As mentioned by a survivor:

“ I want to see that reparation before death arrives, before I stop living in this world.

In Côte d'Ivoire, the Criminal Tribunal of Abidjan sentenced Amadé Ouérémi in April 2021 to life in prison for 'crimes against the population', including rape. While at least two survivors of conflict-related sexual violence were granted compensation, they have not received it as Ouérémi does not have the funds to pay, and the judge ruled that the State is not liable for this reparation.

Similarly, in the Democratic Republic of the Congo's case of Songo Mboyo, the Military Court of the Équateur province ordered in 2006 the payment of compensation by members of the armed forces to survivors of sexual violence perpetrated in 2003. However, it took more than a decade for compensation to be disbursed, reflecting the prolonged and often frustrating journey for justice faced by survivors.

In Kenya, some survivors of conflict-related sexual violence in the context of post-election violence were awarded compensation in civil proceedings against the State. The survivors who were awarded compensation have not yet received the money due to the difficulty and cost of engaging in implementation proceedings. Others who were denied compensation in the same lawsuit are still waiting for their appeal to be heard.

D. Additional structural challenges

Stigma

Social stigma faced by survivors of conflict-related sexual violence often results in feelings of shame and secrecy, and ultimately contributes to underreporting (see section on underreporting). There is often a lack of empathy and understanding in communities about survivors' trauma and needs, resulting in fear of public exposure, potential additional harm, and rejection by the survivors' community. Stigma is closely linked to patriarchal attitudes and a culture of victim-blaming. In those few countries where reparation programmes are available or judicial avenues exist to seek reparation, this fear of stigma and the lack of adequate confidentiality and other protective measures to mitigate the risks, can make survivors reluctant to pursue such options.

A survivor from The Gambia shared that

“ The most embarrassing thing is the stigma and discrimination I face in the society, which is an unbearable pain, honestly. There are certain pains that an individual might go through, and you even prefer to die than the shame. This has made my life different.

Survivors in Kenya have explained how “[t]hey carry the burden of repairing their own image”. In South Sudan, survivors reported that the community distances itself from them and think they “did it willingly” and are responsible for the sexual violence they suffered.

In Bosnia and Herzegovina, stigma also prevents survivors from speaking out as they “fear being labelled and marked”; this “further deepens the sense of humiliation and degradation” on survivors and hinders their rehabilitation. In Myanmar, female survivors are often considered bearers of misfortune, unlike their perpetrators. Many have reported being blamed for what happened to them, with State officials suggesting that they were not wearing “good clothes”.

In Côte d’Ivoire, victim-shaming is so ingrained in communities that survivors self-stigmatise and isolate, even where no explicit negative acts or words are directed at them. In Ukraine, survivors reported distancing from family, friends, and communities, due for example to a “presumption that the survivor has sexually transmitted diseases (STDs) or acquired immunodeficiency syndrome (AIDS)”.

Lack of resources to meet essential needs and access basic services

Survivors of conflict-related sexual violence often lack the resources to meet their essential needs, and those of their families, including income, housing, access to suitable healthcare, psychosocial support, transport, and education. As mentioned previously, they also face challenges such as social exclusion and structural inequalities. Their access to resources is further impacted by the humanitarian context in which they live, as well as factors like socioeconomic status, gender, and sexual identity.

Economic struggles directly stem from sexual violence, as highlighted by survivor accounts. Geographical constraints and financial limitations impede access to suitable medical and psychological support, as well as other services. In Myanmar, for example, survivors felt unable to resume work due to fear or stigmatisation. The poverty experienced by survivors in Cambodia compounds the difficulty of accessing healthcare, legal assistance, and other support services. In Sudan, survivors in regions such as Darfur and South Kordofan, face difficulties in accessing medical, legal, and psychological services, as they are only available in a few urban areas.

Addressing these fundamental needs is crucial to enable survivors to effectively pursue justice and reparation.

Ongoing conflict, insecurity and post-conflict instability

In several countries, ongoing conflicts and violence, or post-conflict instability, pose substantial risks for survivors seeking justice and reparation. Survivors have voiced concerns about their personal and family safety when pursuing reparation, due to fears of retaliation from perpetrators who often remain in positions of power, a lack of trust in national authorities, and even potential attacks from their own communities.

For example, in Myanmar, the ongoing conflict and surveillance by military forces discourage survivors from speaking out. In Kenya, many survivors have changed their identities due to fear of reprisals. In Chad, survivors who testified against former President Hissène Habré faced verbal and physical abuse upon returning home. In Uganda, survivors received threats from the Uganda People's Defence Force as a result of sharing their stories. In Bosnia and Herzegovina, the proximity of perpetrators to survivors instils fear, preventing many from pursuing compensation or publicly discussing their experiences.

Survivors in South Sudan and Uganda have shared that receiving reparation can put them at risk of revictimisation from family and their own community. Due to similar reasons, survivors in Sudan decided not to engage in consultations with the National Committee formed to investigate the Khartoum massacre of 3 June 2019.

In Timor Leste, women survivors risk suffering violence from spouses, family members, and communities if identified. They can also face backlash and social jealousy if they receive reparation or support that financially benefits them, given the widespread poverty in their communities.

The risk of reprisals also stifles advocacy and reporting efforts. In Côte d'Ivoire, survivors express that activism is dangerous due to immediate repression from local authorities. As one survivor expressed:

“ If we do activism here, we will end up victims again and again. Do you understand? Activism is very dangerous.

Underreporting

Many of the obstacles mentioned above prevent conflict-related sexual violence survivors from reporting their cases, which further hinders survivors' right to reparation. Official numbers on the scope and scale of conflict-related sexual violence only represent the tip of the iceberg. Underreporting is a pervasive issue in conflict-affected countries, presenting significant barriers to accessing justice and reparation for survivors. It also contributes to misconceptions about the prevalence and seriousness of conflict-related sexual violence.

In Bosnia and Herzegovina alone, it is estimated that at least 20,000 women were raped, gang raped, sexually enslaved, and forcibly impregnated during the 1992-1995 war. This number is much higher than the number of conflict-related sexual violence survivors registered in administrative and judicial mechanisms.

As mentioned above, underreporting of conflict-related sexual violence is also often linked to stigma. In Cambodia, for example, underreporting is tied to denial of its existence, influenced by a broader cultural norm of silence surrounding violence during the Khmer Rouge regime. In such environments, recounting the experiences often re-traumatizes survivors and exposes them to further stigmatisation.

Systemic and social obstacles also play a significant role in this issue. In Nepal, for example, the lack of trust in the justice system, mishandling of evidence by police, and pressure from family or authorities to drop charges discouraged survivors from coming forward. Similarly, in Sudan, a general culture of silence and law enforcement's inadequacies inhibit a supportive environment for survivors, leaving many cases unreported and unaddressed. Physical barriers to reporting also exist, when infrastructure has been destroyed, or when checkpoints hinder the movements of survivors who are located in areas remote from administrative or judicial mechanisms. In Uganda and Ukraine, the fear of persecution and retaliation by the Lord's Resistance Army (LRA) and the Russian military forces, respectively, contribute significantly to underreporting.

E. Specific challenges faced by children affected by conflict-related sexual violence

Children affected by conflict-related sexual violence represent a diverse and largely invisible community. Four categories of children affected by conflict-related sexual violence must be considered for reparation: children who were subjected to conflict-related sexual violence, children born of conflict-related sexual violence, children who have witnessed such violence, and children whose caregivers have suffered conflict-related sexual violence. In some contexts, they are the majority of victims of conflict-related sexual violence. Yet, this group is almost entirely overlooked in reparation initiatives worldwide that often fail to include specific forms of reparation that would serve their immediate and long-term well-being.

Due to the young age of victims, the impact of sexual violence on children is profound, long-lasting, and multidimensional. It goes beyond the immediate physical harm; it disrupts their education, causes long-lasting emotional and psychological distress, hampers their social integration, and jeopardizes their overall well-being. Child victims also often face stigmatisation, discrimination, and ostracization from members of their communities.

For children born of conflict-related sexual violence, specific additional challenges can arise. For instance, children born during the conflict, including those born of rape and forced marriage, are more likely to suffer from chronic diseases than others, which gives them unique needs. They may lack a legal identity and nationality, and have their rights often denied to them as a result. Without a legal identity, their access to reparation and other fundamental rights, including access to education, health, social protection, property, or inheritance, is severely hindered.

In Uganda, for example, the lack of birth certificates for children born in the LRA's captivity impedes their ability to prove citizenship and consequently access basic services such as education and healthcare. Another significant challenge is the lack of acknowledgment by governments of children born of conflict-related sexual violence as direct victims, as exemplified by the Iraqi context mentioned previously, where children born of conflict-related sexual violence are excluded from reparation under the Yazidi Female Survivor's Law of 2021.

In Cambodia, children born of forced marriage during the Khmer Rouge regime have faced social exclusion from communities. This has caused them additional trauma and has significantly hampered their access to reparation.

These examples demonstrate the urgent need for comprehensive child-responsive reparation programmes specifically tailored to the evolving needs and circumstances of these victims, including those who are now adults.

CONFLICT-RELATED SEXUAL VIOLENCE REPARATION: THE WORK OF THE COMMITTEE

While the CEDAW Convention does not explicitly include the right to reparation, this right of survivors is recognised by the Committee. Especially in recent decades, the Committee has expanded its jurisprudence on the interpretation of the right to access effective remedies, including the right to reparation, particularly in relation to survivors of conflict-related sexual violence. Its working methods allows the Committee to develop reparation standards in General Recommendations, Concluding Observations, Individual Communications, thematic reports, among other methods.

CEDAW General Recommendations

General Recommendations present an opportunity for CEDAW to provide detailed guidance to States on the fulfilment of their obligations under specific articles of the CEDAW Convention. A few CEDAW General Recommendations from recent years provide some guidance on the topic of remedies for violation of the CEDAW Convention, including reparation for survivors of conflict-related sexual violence.

Most significantly, General Recommendation 30, Recommendation on women in conflict prevention, conflict and post-conflict situations, 1 November 2013 (GR 30), reiterates that women's right to a remedy includes adequate, effective, and prompt reparation, and that States have the obligation to provide redress for violations committed by private individuals (paras 15, 17(a)).

GR 30 also emphasises that for reparation measures to be adequate, a gendered approach should be adopted when assessing the harm suffered by women in these contexts, both when provided by international courts and domestic administrative programmes (para 79).

Notably, GR 30 sets out relevant standards related to transformative reparation, acknowledging their potential impact in addressing structural inequalities and discrimination which contributed to the violations, responding to the specific needs of women, and building societies based on gender equality to prevent recurrence (paras 77, 79).

General Recommendation 33, Recommendation on women's access to justice, 3 August 2015 (GR 33), builds upon GR 30, outlining six elements necessary to guarantee women's access to justice—“justiciability, availability, accessibility, good quality, provision of remedies for victims and accountability of justice systems” (para 14).

GR 33 emphasises that the obligation to provide remedies requires justice systems to “provide women with viable protection and meaningful redress for any harm that they may suffer” (para 14(e)), including to:

- Ensure the provision and enforcement of remedies that are “adequate, effective, promptly attributed, holistic and proportional to the gravity of the harm suffered” and that “women have access to all available judicial and non-judicial remedies” (para 19(a)).

- Ensure that remedies include “restitution (reinstatement), compensation (whether provided in the form of money, goods or services) and rehabilitation (medical and psychological care and other social services)” (para 19(b)).
- Consider “unremunerated domestic and caregiving activities of women” when calculating damages for determining compensation (para 19(c)).

While GR 30 and GR 33, among other CEDAW General Recommendations, develop important standards on States’ obligation to provide redress for violations of the CEDAW Convention, to date no General Recommendation is devoted to addressing the specific challenges that conflict-related sexual violence survivors face to obtain reparation.

In our view, the structural obstacles to reparation identified globally (outlined in the previous section), the widespread nature of the lack of reparation for conflict-related sexual violence survivors all around the world, the situation of vulnerability of survivors and victims, and the pervasiveness of this problem are such that it hinders the effectiveness of the Convention for a significant group of women and girls. For that reason, we believe that CEDAW should devote a General Recommendation to examining the causes of the lack of reparation for survivors of conflict-related sexual violence and to provide guidance to States on how to address them in full compliance with the CEDAW Convention.

CEDAW Concluding Observations and List of Issues

CEDAW has added to its jurisprudence on the right to reparation for survivors of conflict-related sexual violence through its issuance of Concluding Observations (COs), and associated Issues and Questions / List of Issues Prior to Reporting (Issues) to the State.

Through COs, CEDAW provides concrete recommendations directly to States to assist them in the implementation of the CEDAW Convention and proposes specific measures to address particular concerns. As such, the Issues directed to States at the outset of the examination and the COs provide an opportunity for the Committee to directly address the issue of reparation for conflict-related sexual violence in a particular situation or jurisdiction. CEDAW is therefore able to inquire whether and how a State is providing reparation for survivors of conflict-related sexual violence, assess any obstacles, evaluate progress, and tailor their recommendations to the particular circumstances of the State.

While CEDAW has used COs to address the topic of reparation for conflict-related sexual violence, inquiries have been inconsistent on this topic. Adopting a more detailed and context-specific approach as standard could amplify the impact of CEDAW’s recommendations to States and contribute to comprehensive reparation being delivered in practice.

List of Issues

CEDAW does not always dedicate a section of the Issues to conflict-related sexual violence, even when this may be relevant to a State’s examination. Where Issues include a dedicated section on conflict-related sexual violence, the specific topic of reparation for survivors is not always raised.

However, in some instances, CEDAW has effectively leveraged this procedure to ask States about steps they are taking to provide reparation, including to survivors of conflict-related sexual violence. It would be very beneficial to standardise this practice across all examinations of States where conflict-related sexual violence may be an issue.

For instance, in the 2016 Issues to Ukraine, while CEDAW enquired about the State's efforts to (i) prosecute and punish perpetrators of conflict-related sexual violence, (ii) ensure access to justice, and (iii) ensure that armed and security forces comply with international law, there was no specific request regarding the State's steps to ensure survivors receive reparation.

Nonetheless, the 2020 Issues to Ukraine specifically requested information about "steps taken to provide reparations, including compensation, to women who are victims of conflict-related sexual violence." It also enquired about measures to "implement the 2019 strategy for the prevention of and response to conflict-related sexual violence in Ukraine, in particular with regard to the provision of referral mechanisms, forensic testing, medical treatment and other support services, including shelters, for women who are victims of conflict-related sexual violence" and to provide capacity-building to relevant professionals.

The Issues to South Sudan did not explicitly include the term 'reparation' for conflict-related sexual violence survivors. However, the State was asked about its efforts to provide protection from conflict-related sexual violence, "implement action plans", ensure accountability to perpetrators, including exclusion from the military, police, and other forces. The State was also asked about the establishment of the Commission for Truth, Reconciliation and Healing and the Hybrid Court for South Sudan, and measures put in place to strengthen the judicial system, to implement relevant laws, and "provide access for victims to shelters and medical, psychosocial and legal assistance, particularly emergency contraception and post-exposure prophylaxis, as well as measures taken to raise awareness on conflict-related sexual violence."

CEDAW has also enquired about the provision of reparation to survivors of conflict-related sexual violence in other sections of the Issues to varying degrees of detail, though it rarely adopts the term reparation in these enquiries. Referring to 'reparation' and clarifying what it entails and how it should be implemented can facilitate the understanding of the issue, highlight its importance, and distinguish the specific measures or practices related to this topic from other general measures.

The Committee is encouraged to strengthen this good practice and specifically enquire States – preferably in a dedicated section of the Issues – about steps taken to ensure conflict-related sexual violence survivors can access and receive reparation based on the specific contexts of States. This should enable a more detailed evaluation of the practical gaps and facilitate the issuance of more tailored recommendations.

Concluding Observations

In its COs following States' examinations, CEDAW often addresses the topic of reparation in broad terms, stressing that reparation should be "transformative", "appropriate", or "adequate", without fully explaining what these entail or what specific steps States must take to achieve such standards.

However, CEDAW has taken a more comprehensive approach in some COs. For example, in the COs on Nepal, the Committee referenced the varied forms of reparation for conflict-related sexual violence survivors, calling upon Nepal to ensure access to "interim relief and full and effective reparations, including restitution, compensation, rehabilitation and guarantees of non-recurrence" to women and girls victims of the armed conflict – recommendation included in a section on women, peace and security.

The COs on the Democratic Republic of the Congo (DRC) were similarly comprehensive, acknowledging the "lack of access to reparations for victims of conflict-related sexual violence, the absence of a comprehensive national policy aimed at ensuring adequate reparations to victims and the complexity and high cost of the procedure, as

well as the fear of stigma and reprisals for reporting cases of sexual violence, which prevent the victims from seeking reparations” – a recommendation also included in a section on women, peace and security.

Accordingly, CEDAW urged the DRC to “effectively combat impunity, by promptly and thoroughly investigating violations of women’s rights perpetrated in conflict areas, in particular sexual and gender-based violence” and prosecute and punish those responsible, including those with command responsibility, with appropriate penalties.

Upholding victims’ right to reparation, CEDAW recommended the DRC to “[e]nsure that victims and their family members have effective access to justice and remedies and receive adequate reparations, in particular by ensuring the immediate payment of the reparations established and provided for in judicial decisions issued by the courts, especially in cases in which a State agent or the State is found responsible, and establishing a comprehensive national policy to provide reparations to victims of sexual crimes and ensuring the availability of funding for its implementation.” CEDAW further called for victims to have access to medical treatment and psychosocial support and to be included in peacebuilding processes.

These two examples represent good practices that we encourage CEDAW to mainstream across States and carry forth into all relevant future COs. They comprehensively outline the forms of reparation survivors are entitled to, recognise the obstacles they face in accessing and obtaining reparation in those specific contexts, and provide concrete and actionable recommendations to the States to ensure that survivors’ right to reparation is realised and their needs addressed.

CEDAW Individual Communications

In relation to States that ratified the Optional Protocol to the CEDAW Convention, the Committee can “receive and consider individual communications, also known as complaints, from or on behalf of a person or a group of persons claiming to be victims of a violation of the Convention by a State party”. This mechanism provides CEDAW the opportunity to express their concerns and recommend specific reparation measures for alleged violations of the CEDAW Convention.

Furthermore, CEDAW’s follow-up procedure to individual communications, by which the Working Group on individual communications maintains a dialogue with States regarding the implementation of the Committee’s Views (also referred as decisions), is critical to ensure that reparation measures recommended by the Committee are fully implemented in accordance with the needs and priorities of survivors.

Individual Communications

The Committee’s approach to reparation for conflict-related sexual violence in individual communications has been comprehensive.

In both Alonso et al v Philippines and S.H. v Bosnia and Herzegovina, CEDAW recommended that the State provide both individual reparation to the victims or survivors and general reparation measures to prevent re-occurrence. CEDAW’s decisions in both cases recommended the State to establish a nationwide reparation scheme to provide all forms of redress, such as social benefits and support measures to victims of war crimes, including sexual violence, ensure that authorities “remove restrictive and discriminatory provisions from their legislation and policies relating to redress for civilian victims of war, including survivors of wartime sexual violence,” and establish a fund to provide compensation to women who are victims of war crimes. Each decision made additional recommendations related to the particular circumstances of the case and the country’s context.

This comprehensive approach to reparation in CEDAW’s decisions on individual communications is commendable and should be replicated in COs to ensure that States are consistently providing all dimensions of reparation to survivors of conflict-related sexual violence, not only in individual cases.

Follow-up procedure

Under the Optional Protocol and CEDAW’s rules of procedure, a State party has six months from the Committee’s issuance of Views to submit a response, including information on any action it has taken in light of the Views. If the State fails to submit a response within six months or the responses are not deemed satisfactory, the Working Group will maintain a dialogue with the State party and review any developments at each subsequent session.

According to CEDAW’s info note on its follow-up to Views, throughout this process, the Committee systematically sends the State party’s replies to the authors of individual communications for their comments. The participation and involvement of survivors is critical to ensure that their perspectives and needs are considered in the implementation of reparation and in the assessment of State’s compliance with CEDAW’s Views.

However, in principle, this follow-up procedure will not continue longer than three years and the dialogue may even be closed without implementation if the Working Group “considers that a State party does not give effect to its views and it considers that further efforts regarding follow-up appear to be vain.” Termination of the follow-up procedure after only three years and without implementation limits both the State’s accountability for a violation and the opportunity for victims’ voices to be heard.

Despite its limitations, CEDAW’s follow-up procedure provides an important mechanism to address the challenges faced by conflict-related sexual violence survivors in specific countries. By maintaining a structured dialogue and ensuring the involvement of victims and survivors, this procedure offers opportunities to highlight ongoing issues, press for necessary changes, and hold States accountable. This ongoing engagement is crucial for the continued advocacy and support of survivors of conflict-related sexual violence, ensuring their needs and perspectives remain at the forefront of reparation efforts.

CONCLUSION

The need for more robust and detailed guidance from CEDAW is evident and pressing. As demonstrated above and in GSF's Global Studies, most survivors of conflict-related sexual violence remain without the reparation they are entitled to.

By providing explicit recommendations on overcoming the barriers to reparation, CEDAW can enhance its already impactful role in shaping global standards. This guidance should emphasise the necessity of survivor-centric approaches, ensuring that measures are not only adopted but also effectively implemented and accessible to all survivors. Enhanced guidance will also assist States in fulfilling their obligations more effectively, promoting justice and healing for survivors of conflict-related sexual violence.

In conclusion, the call for CEDAW to issue more comprehensive guidance on reparation is both a legal imperative and a practical necessity. Addressing the gaps and challenges identified will require concerted effort and clear, actionable directives. By stepping up to this challenge, CEDAW can lead the way in setting a higher standard for justice, ensuring that the promises of reparation to survivors of conflict-related sexual violence are not merely aspirational but become a reality for survivors worldwide.

Photo cover by Sikha Bhattarai/GSF
Survivors in the Eastern Rukum District,
Nepal, participating in a vicarious trauma
training session. This initiative aims to
empower and support individuals affected
by conflict-related sexual violence.

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](#)

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