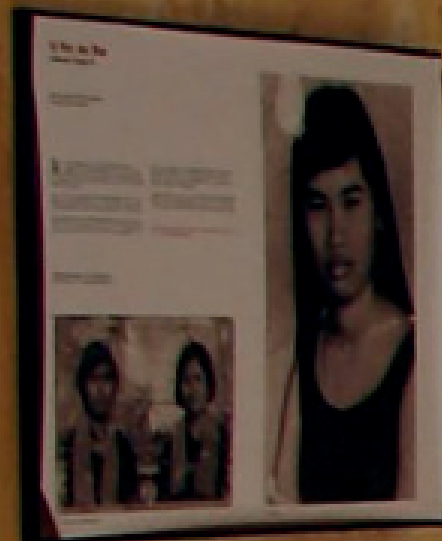




TRANSITIONAL JUSTICE
ASIA NETWORK



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Workbook 5

Reparations to Strengthen Peace

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Workbook 5

Reparations to Strengthen Peace

Asia Justice and Rights

Transitional Justice and Peacebuilding Workbook Series

Edition

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Transitional Justice and Peacebuilding Workbook Series

- 1. Transitional Justice and Peacebuilding**
- 2. Strategizing for Justice and Peace**
- 3. Truth-Telling to Sustain Peace**
- 4. Prosecutions and Peacebuilding**
- 5. Reparations to Strengthen Peace**
- 6. Institutional Reform for Guarding Peace**
- 7. Gender Justice and Peace**
- 8. Emerging Approaches for Climate Justice and Indigenous rights for peace**

**Each volume is written as an interactive companion workbook to the chapters
in [Transitional Justice Handbook](#)**

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Introduction

Transitional justice and peacebuilding emerged as coherent disciplines along a similar timeline. Practitioners in each field gained experience working after periods of violent conflict, repression, and mass violations of human rights. Especially since the 1990s, ad hoc mechanisms and activities developed into more integrated and strategic approaches.

However, while transitional justice and peacebuilding often take place in the same context, they do not always work hand-in-hand. Tensions between the approaches, or a lack of joint planning, often prevent the two fields from working in complementary ways. Materials often target practitioners in one field or the other

A second gap in the literature concerns local action. Studies of peacebuilding often focus on the big picture. They examine strategies and actions by international entities, such as Security Council, peacekeeping missions, and UN agencies, and national actions and bodies such as peace agreements, constituent assemblies, parliaments, and special commissions. While these subjects are all important parts of peacebuilding, often the most profound and transformative actions are by individuals and families at the local level.

The same can be said for transitional justice, such as a victim-survivor learning to come to terms with her pain and loss, developing her agency, and living a full life within family and community. Change is experienced and consolidated at the local level, where everyday life is lived, even while national strategies provide critical frameworks.

These workbooks address both these challenges. First, they are designed for NGOs and civil society organisations that focus on transitional justice, while operating within peacebuilding contexts. Second, the workbooks encourage analysis and offer practical ideas and strategies for local action. Examples demonstrate that in the complex political, security and institutional settings created by conflict, meaningful local civil society action is not just possible, but essential.

Purpose of This Workbook

Drawing on Chapter Five of the 2023 AJAR Handbook on Transitional Justice, this Workbook explores the crucial role that reparations and support to victims of human rights violations occupies in peacebuilding. The purpose of the workbook is to:

- Provide a background on the right to reparations;
- Demonstrate how fulfilling the right to reparations aligns with peacebuilding objectives;
- Prompt NGOs to think strategically about opportunities to leverage peacebuilding processes for both long-term, comprehensive reparations and more immediate help;
- Help NGOs plan local action to assist victim-survivors.

The workbooks are tools for reflection and analysis by individuals and small groups. Activities prompt practical ideas and strategies for local action, while examples demonstrate possibilities to achieve significant results even in challenging conditions.

Learning Outcomes of This Workbook

- A refreshed knowledge of the right to reparations
- An understanding of how reparations support peacebuilding.
- An understanding of any government programs that can help victim-survivors.
- An assessment of the needs of victim-survivors.
- Increased knowledge and ideas about how NGOs can advocate for and deliver reparations in peacebuilding contexts.
- A review of the obstacles, opportunities, and allies in the fight for reparations.



What Are Reparations?

Transitional justice puts victim-survivors at the centre of its processes. Restoring the agency and dignity and, as far as possible, the lives of victim-survivors, their families, and their communities, is the priority. Reparations is a means to do so.

The state's most fundamental duty to its citizens is to protect them from serious harm. When agents of the state commit mass violations, or fail to prevent them, then the state owes a duty to its citizens to repair the harm that results, as enshrined in international law.

Reparations may include material benefits as well as symbolic acts that acknowledge the experiences of victims and seek to repair the harm. Reparations should help restore the dignity and physical integrity of victims, compensate them for their losses, and recognise the irreparable harms they have suffered. They should also help change the social and economic conditions that may have led to their victimisation.

Comprehensive reparations schemes are usually delivered through government policy, backed by legislation and funded through state finances. In some instances, such as in the Philippines, criminal or civil courts may order reparations from the ill-gotten wealth of perpetrators. Some support for victim-survivors comes through existing government programs for socially disadvantaged people. While not reparations as such, they offer critical and timely support.

Reparations and Peacebuilding

Peacebuilding usually focuses less on individual victims than on the whole of society, such as through structural reform and broad economic development. This society-wide approach still provides opportunities to push for reparations. NGO advocacy can argue that fulfilling the right to reparations is an important element in re-establishing trust in the rule of law. Communities see the state fulfilling legal obligations, with benefits based on legal rights rather than politics or membership in a favored group.

Reparations can also help to address the root causes of conflict to consolidate peace. Helping to restore the lives of victim-survivors, and their place in society as equal and active citizens, aligns with these peacebuilding aims.

Peacebuilding programs do not always focus on victim-survivors. Many have a forward looking agenda to support the bulk of the population, such as through programs for large-scale poverty reduction, health, or education programs. Even without an official reparations program, NGO advocacy may influence governments and partners to initiate assistance to victim-survivors, or to adapt existing programs for poor and vulnerable people. Ideally assistance will include official recognition of their right to reparations, though practical help can be critical to them even without it. Peacebuilding programs have supported victim-survivors through programs for poverty reduction, single mothers, housing, education, and health.

Peacebuilding programs also increasingly address discrimination and violence against women and girls, and encourage the participation of women in public life. NGOs can leverage such programs to assist women and girl victim-survivors. Peacebuilding efforts also increasingly recognise the need to address historical discrimination and marginalisation of minorities. These groups include Indigenous peoples, ethnic and religious minorities, LGBTQI+ people and people living with disabilities.

The rights of people with disabilities is an area where mainstream transitional justice and human rights NGOs can do much more to assist victim-survivors. Conflict spurs greater numbers of people living with physical and mental disabilities, with specific needs and recognised rights. But since many countries resist a rights-based approach, NGO solidarity and advocacy is critical.

More must also be done to assist victim-survivors in remote rural communities. They are among the most disadvantaged when it comes to assistance, as government offices and even human rights NGOs often do not reach them. Some victim-survivors in such areas, such as women and girl survivors of sexual violence, suffer acute stigmatisation and social exclusion, compounding their suffering.

An illustration of a woman with dark hair, wearing a light blue t-shirt and a brown skirt, pointing her right hand towards a text box. The text box is a dark teal rectangle containing white text. The woman is positioned on the right side of the page, and the text box is to her left.

The right to reparations is enshrined in human rights treaties such as the Convention Against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the International Convention for the Protection of All Persons from Enforced Disappearance. The ICC has formulated principles on reparations for victims of crimes within its jurisdiction, and in 2005 the UN General Assembly adopted Basic Principles and Guidelines on the Right to a Remedy and Reparation.

Because the immediate needs of victim-survivors cannot wait, NGOs usually need a two-track approach:

- 1 A long term advocacy strategy for comprehensive reparations programs, based on the human rights of victim-survivors
- 2 In the immediate and shorter term, advocate for and sometimes directly deliver practical assistance.

The challenge for victim-survivors to attain reparations

The struggle for reparations is also likely to face resistance from states, alongside a lack of understanding of their obligations. Perpetrators often maintain political influence, blocking acknowledgement of the truth, as well as reparations.

In peacebuilding contexts, governments and international donors may consider reparations a minor but knotty issue. This tendency to focus on other priorities is compounded by the fact that victim-survivors are usually not a politically powerful force.

Governments need to acknowledge that reparations are not an optional policy decision, but a government obligation and a legal right of victims. NGOs and civil society organizations must persist, creatively showing governments and donors how to deliver reparations. Furthermore, while advocating for long-term, comprehensive reparations schemes, it is important that NGOs work for recognition, relief and practical support in the interim period. Such programs may be imperfect and piecemeal, but vulnerable victims cannot wait years or decades for support.



Worksheet 1: building awareness of reparations programs

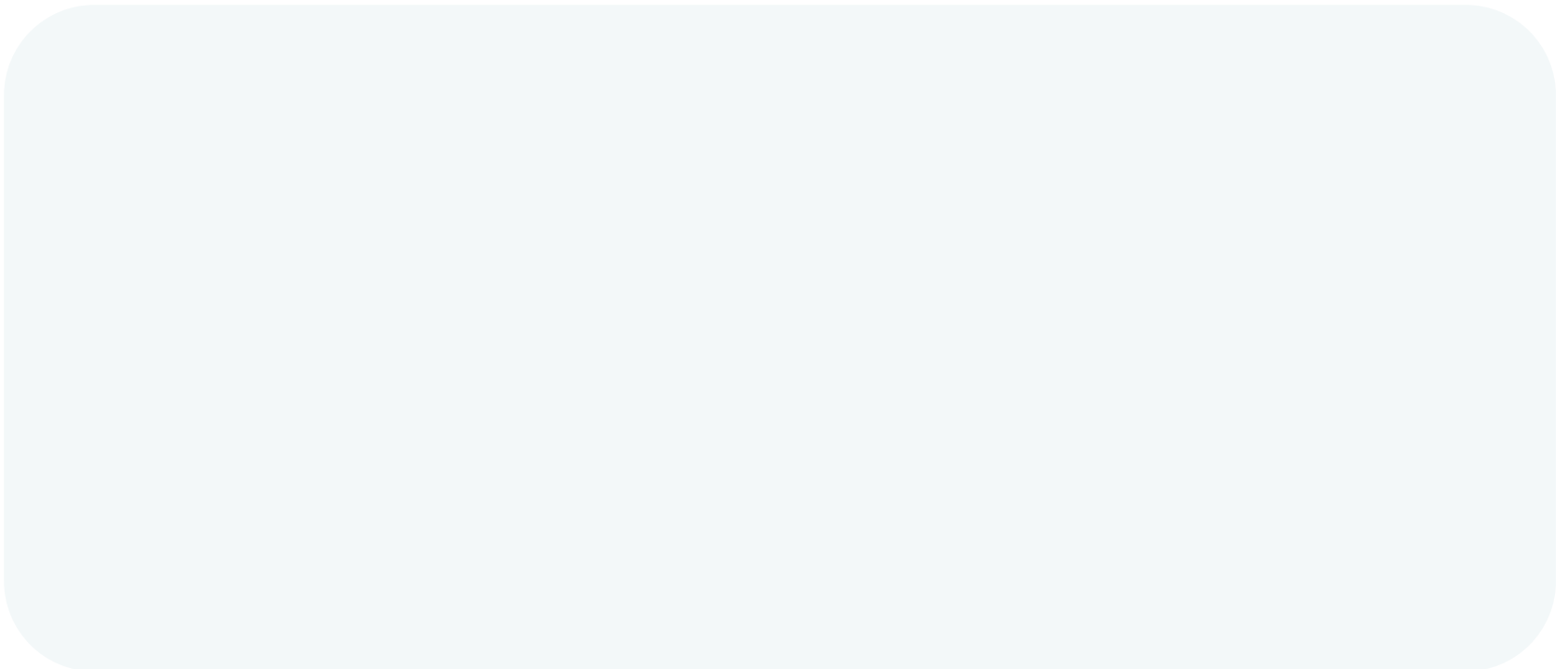
How well do members of parliament and senior officials understand the right to reparations and the state's obligations? Is there political resistance to the idea, or an expectation that the international community or another state should be responsible?



Do you think civil society groups engaged with victims understand the right to reparations? Have they had training?



Do international agencies, donors, and other actors supporting peacebuilding have a good understanding of 1) the right to reparations and 2) the needs of victim-survivors?



Do victim-survivors understand they have a right to reparations? Are there organisations representing them? If so, to what extent does the state and civil society support them? Have victim-survivors identified their priorities for reparations?

Are there marginalized or hidden victim-survivors? These may include: children born of rape; families suffering intergenerational trauma, marginalisation, and poverty; survivors of sexual violence; LGBTQI+ people; people with disabilities; and Indigenous, ethnic, or religious minorities. Are they organised? Do they receive support from NGOs?

Worksheet 2: building awareness of reparations programs

Peacebuilding offers opportunities to link victim-survivors to new or existing programs in order to meet at least some needs. Opportunities include: ensuring humanitarian assistance reaches vulnerable and marginalised victim-survivors; adapting emergency health services to their physical and mental health needs; pushing housing and jobs programs to include victim-survivors; education assistance for poor and single-parent households; or leveraging social inclusion programs to involve marginalised victim-survivors.

Have any government programs supported victim-survivors? Did the programs recognize beneficiaries as victim-survivors of human rights violations, with a right to reparations?

What were the criteria for taking part in any government programs? Did this criteria exclude groups of victim-survivors, such as people with certain political backgrounds; people who cannot read or write; people in remote communities; stigmatised and marginalised groups such as survivors of sexual violence, children born of rape, Indigenous peoples, ethnic and religious minorities, LGBTQI+ people, or people living with disabilities?

What worked well in these programs? What were the major gaps or disadvantages?

Is there a role for NGOs to educate the potential beneficiaries, government officials, and others about the needs and rights of victim-survivors? Are there other ways to connect victim-survivors and programs?

Co-design of reparations with victim-survivors

An important emerging element of reparations programs, co-design means that victim-survivors work with the state to design and develop the programs. Victim-survivors influence the approach to reparations through representation and participatory processes. NGOs can play an important role by bridging the significant gap between the government and marginalised groups, including survivors of sexual violence and people from marginalised communities, such as ethnic or religious minorities, Indigenous peoples, people living with disabilities, and LGBTQI+ people.

For example, NGOs can:

- support victim-survivors to form associations for mutual support and advocacy;
- at the individual and community level, help victim-survivors heal and build confidence and sense of agency;
- provide training to victim-survivor associations on transitional justice, including the right to reparations; partner with victim-survivor associations and groups, and possibly government departments, to enable co-design of reparations programs.

Worksheet 3: Co-design of Reparations Programs

Do NGOs and government understand the concept of co-design of reparations with victim-survivors?

What is your understanding of co-design? Would training be helpful?

What are some steps your organization might take to encourage this practice?

Individual and Collective Reparations

Reparations can be delivered to individuals, or to groups or communities for their collective benefit. They can take many forms, from cash payments to health, housing and education services, to health clinics or agricultural support for affected communities.

There may be ways to leverage government programs for community services or infrastructure to address the needs of communities affected by the conflict, such as: building water or electricity infrastructure for isolated rural communities; micro-credit schemes for villages with many widows; public housing schemes for poor and single-parent families; scholarships for orphans or children of victim-survivors; and disability services in communities with many people disabled by conflict.

Reparations and Gender

There is always a risk that reparations programs leave behind the most marginalized of victim-survivors. If victim-survivors are not included in truth-telling or prosecution processes, they can become invisible to official institutions. Those pressured by social stigma and cultural taboos to remain silent are doubly victimised. This category includes many women and girl survivors of SGBV. It may also include male survivors of SGBV, as well as LGBTQI+ people, religious minorities, and other marginalised minorities.

NGOs can identify and support these marginalised groups, especially women, and bring gender expertise to government reparations programs. Transitional justice NGOs can also help secure support to victim-survivors from peacebuilding programs designed to reduce discrimination and violence against women and girls.



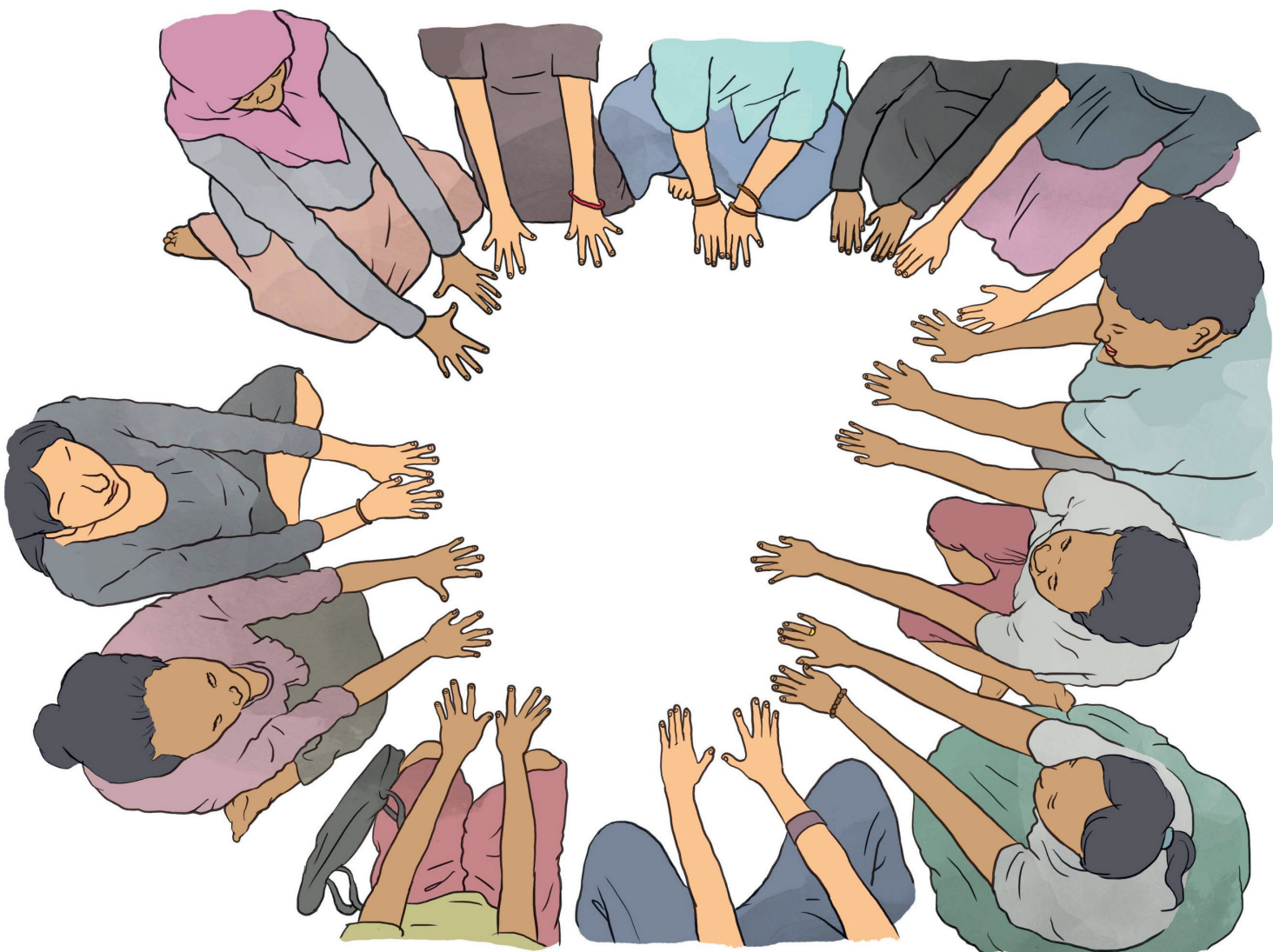
Worksheet 4: What are the unmet needs of victim-survivors in your context?

Category	Unmet Need
Survivors of Torture	
Trauma Survivors	
Widows/Orphans/Widowers	
Family of the Disappeared	
Survivors of Sexual Violence	
Children Born of Rape	
People Living with Disabilities	
LGBTQI Community Members	
Indigenous Communities	
Others (e.g. ethnic and religious minorities, victim-survivors in remote rural communities)	

Examples of civil society's role in reparations in peacebuilding situations

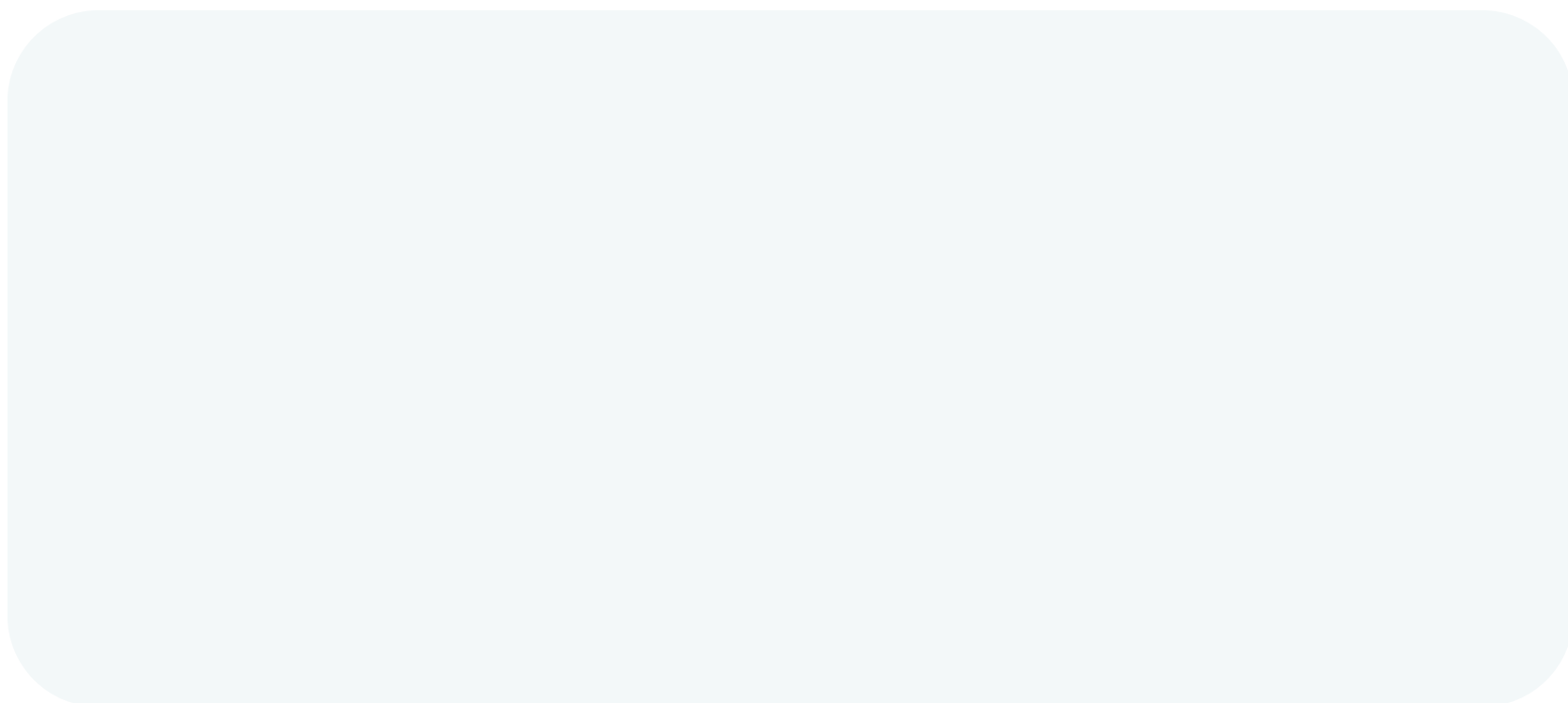
Especially when governments are reluctant to fulfill their obligations, the role of civil society in securing reparations becomes extremely important. Approaches may include:

- Advocacy for humanitarian programs to support victim-survivors, such as tailored assistance to women and girl survivors of SGBV in the form of emergency food, housing, education, and livelihood relief, as carried out for the Rohingya refugee community in Bangladesh.
- Advocacy for immediate government support to vulnerable victim-survivors. NGOs may advocate for existing programs for economically and socially disadvantaged people to include victim-survivors, as in Timor-Leste from 2006.
- Longer term advocacy for comprehensive reparations by the state, including by helping victim-survivors to organise and lead advocacy, as in Timor-Leste from 2009.
- Support to vulnerable victim-survivors to apply for government relief packages in times of crisis. During the Covid pandemic, NGOs in Indonesia helped marginalised victim-survivors of the 1965 mass violence to access government programs.
- Community education and other programs to promote the rights of victim-survivors. In Cambodia more than 20 community-based programs have emerged from reparations ordered by the Extraordinary Chambers in the Courts of Cambodia, funded by international donors. These programs support mental and physical healthcare, community-based creative arts, and documentation initiatives. Civil society organisations often led implementation, with the ECCC's victim support team jointly providing psycho-social support to victims of sexual violence during trials.
- In Timor-Leste, a coalition of NGOs, working with survivor-led organizations, have engaged the Centro Nacional Chega (CNC), to provide urgent reparations for victims of sexual violence. Using co-creation as their approach, survivors are part of the decision-making and accompaniment of vulnerable survivors.

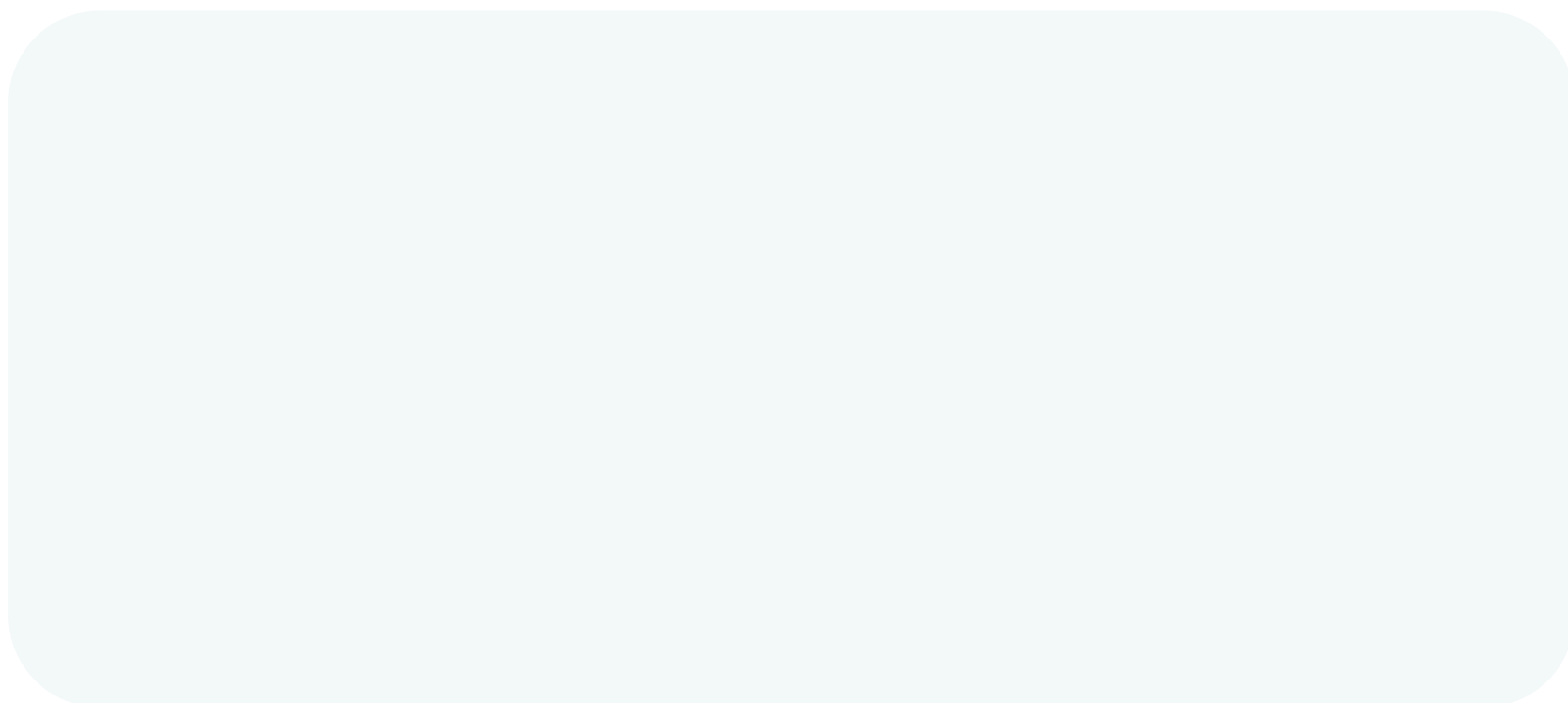


Worksheet 5: The Role of Civil Society

Are there examples of NGOs playing a role in creating or operating reparations programs, whether official or unofficial, in your context?



If not, would any of the above examples work? Is there a different model that would help meet the needs of victim-survivors?



Worksheet 6: Obstacles, opportunities, and allies

Major obstacles and targeted actions

What are the major obstacles to reparations programs in your context? Does the peacebuilding process itself present obstacles?

Make a list of up to five obstacles, in order of priority. List one or two actions to take to make progress on each in the next 12 months.

Leveraging peacebuilding to support victim-survivors

What opportunities exist to partner with peacebuilding programs to support victim-survivors? Consider different groups, such as rural families, women and girl victim-survivors of SGBV, survivors of torture, and displaced people.

Identify areas of common objectives. Which government programs and agencies can be influenced to develop new programs for victim-survivors? Are NGOs providing social services that could be adapted to help victim-survivors specifically?

International community and potential champions and allies

Are there international champions for reparations in your context? For example, OHCHR, UN Women, or other United Nations agencies; World Bank; international NGOs or religious agencies?

Can you engage with them for advocacy support, technical assistance, expertise or training and funding, such as small pilot reparations projects?

Workbook Five resources

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