

# BEYOND PROMISES

Transformative Reparations through a Gender-Inclusive Lens

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We extend our deepest gratitude to the survivors and victims in this research who trusted us with their stories, insights and experiences. Their courage, honesty and generosity shaped every part of this research and it is with profound respect that this report honors the vulnerability and strength they brought into each conversation. We also thank all of the participants in this research, community members, practitioners, policy makers, partners and advocates whose engagement, reflection and commitment enriched our understanding of the complexities of this work to further ground this study. Finally, we thank our continuing partnership with the Centre for the Study of Violence and Reconciliation for commissioning this important research to inform the field and guide this work in the future.

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# 1 Executive Summary

Gender-inclusive reparations offer practitioners and policy makers an opportunity to reckon with institutional failures and biases and provide recognition and acknowledgement of the hidden harms of gender-based violence.



*Gender-inclusive reparations offer practitioners and policy makers an opportunity to reckon with institutional failures and biases and provide recognition and acknowledgement of the hidden harms of gender-based violence.*

This report analyzes past and current reparations programs in South Africa, Rwanda, The Gambia, Kenya, Sierra Leone and Guinea to examine what progress, if any, has been made towards more equitable gender outcomes in their reparations programs. The intention is for the findings of this report to be applied to future and current processes to develop more holistic, transformative results particularly for survivors of gender-based and conflict-related sexual violence. These violations are disproportionately experienced by women and marginalized communities and are too often minimized and dismissed in formal transitional justice mechanisms.

This research will demonstrate that gender-inclusive reparations offer an opportunity to rectify the injustices endured by women in conflict and under authoritarian regimes, as well as the systemic conditions that facilitated those injustices. The report concludes with comprehensive recommendations developed by victims and survivors on policies and programs countries can adopt that promote and embody gender-inclusion.

## 2 Introduction

In November 2023, apartheid survivors and members of the Khulumani Support Group<sup>1</sup> began a permanent sit-in protest at South Africa's Constitutional Court demanding that the government honor its long-ignored commitment to reparations. Three protesters have died since their sit-in began. Largely led by women, the protest is a testament to the courage and resilience of survivors. For them this is not just a protest, but continuing the unfinished struggle to heal from apartheid. As one protester shared, “we are not here for money, we are here to be seen, to be acknowledged, to feel human again.” Their continued presence highlights the lived realities of survivors in South Africa and stands in stark contrast to South Africa's celebrated transition. Another Khulumani protester said “we are revictimized every day we are ignored.” More than 20 years have passed since the South African Truth and Reconciliation Commission delivered its recommendations to the public, reparations remain elusive and unfulfilled for many in South Africa.

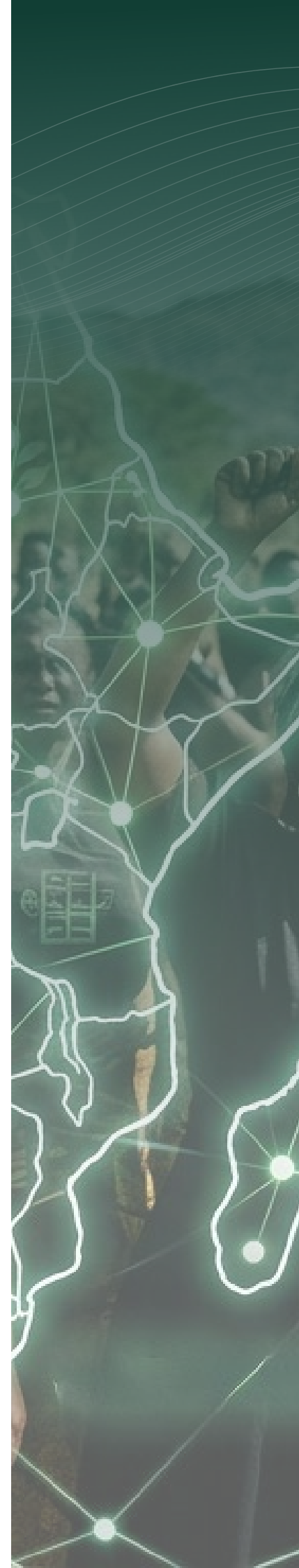


*More than 20 years have passed since the South African Truth and Reconciliation Commission delivered its recommendations to the public, reparations remain elusive and unfulfilled for many in South Africa.*

Khulumani's protest offers a poignant metaphor for victims and survivors across Africa who are acknowledged in principle, yet neglected in practice. Despite the documentation of the violations against victims in truth commissions or courts, the promised reparations either material or symbolic, have not materialized at scale. Reparations are not charity or pity, they are obligations of justice for victims. Without repair, justice is incomplete.

The following research was compiled to examine and interrogate existing reparations programs and mechanisms for delivery. The intention is for the findings to be applied to future and current processes to develop more holistic, transformative results particularly for survivors


<sup>1</sup> Khulumani is a membership-based, civil-society organization in South Africa, which campaigns for truth, healing, and redress for those damaged through our apartheid history, and for the advance of the ongoing struggle to create a democratic, non-racial and just society. The Khulumani Support Group was originally founded in 1995 by a group of survivors of apartheid human rights violations, to provide support and assistance to people testifying before South Africa's Truth and Reconciliation Commission (TRC). Source: <https://khulumani.net/about-us/>



of gender-based and conflict-related sexual violence. These violations are disproportionately experienced by women and marginalized communities and are too often minimized and dismissed. Reparations are an opportunity to rectify the injustices endured by women in conflict and under authoritarian regimes, as well as the systemic conditions that facilitated those injustices. This research builds on existing reparations literature that examines the tension between punitive and transformational justice, as well as between individual restitution and societal reform. It attempts to clarify what a gender-inclusive lens and gender-inclusive reparations look like in practice.

Reparations, when done thoughtfully and meaningfully, can have a transformative effect on victims' lives as well as the power structures that produce unequal relationships and reinforce marginalization of vulnerable people. As this research will demonstrate, when reparations are detached from the lived realities of survivors and victims, they remain surface-level and hollow. But when they are co-created and contextualized to empower survivors, they facilitate an environment conducive to healing, repair, and transformation. This report understands gender-inclusive reparations as policies and programs that respond to gendered harms, ensure redress for all survivors regardless of gender, and addresses the structural inequities that produce unequal outcomes for those with different gender identities. A gender-inclusive approach therefore expands the scope and design of reparations by rooting interventions in the lived experiences of victims, being aware of structural inequalities, and designed through inclusive, participatory processes. Gender inclusion here does not mean gender-blindness, where gender is not a factor in the design of reparations. Rather, it acknowledges that harms and violations are uniquely experienced between genders and offers remedy and redress for those harms accordingly. Gender-inclusion must be incorporated into comprehensive reparation initiatives that aim to attain justice, accountability, and healing for victims and survivors. If undertaken at scale by duty-bearers, gender-inclusive reparations are an investment in people and communities and an enduring commitment to non-recurrence and repair.

The following sections outline this report's research methodology prior to diving into a comprehensive literature review that identifies existing gaps in reparations literature. This will be followed by an in-depth analysis of the opportunities that gender-inclusive reparations offer the field, with support from the original research conducted for this report. The report will then engage in a comparative analysis of past and current reparations programs in South Africa, Rwanda, The Gambia, Kenya, Sierra Leone and Guinea that examines what progress, if any, were made towards more equitable gender outcomes in their reparations programs. Finally, the report will conclude with comprehensive recommendations for policies and programs countries can adopt to promote and integrate gender-inclusion. It is the hope of this research that practitioners and policy makers utilize the findings outlined here to design, implement and tailor the recommendations in this report to fit the needs and priorities of victims and survivors in their context.



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### 3 Research Methodology

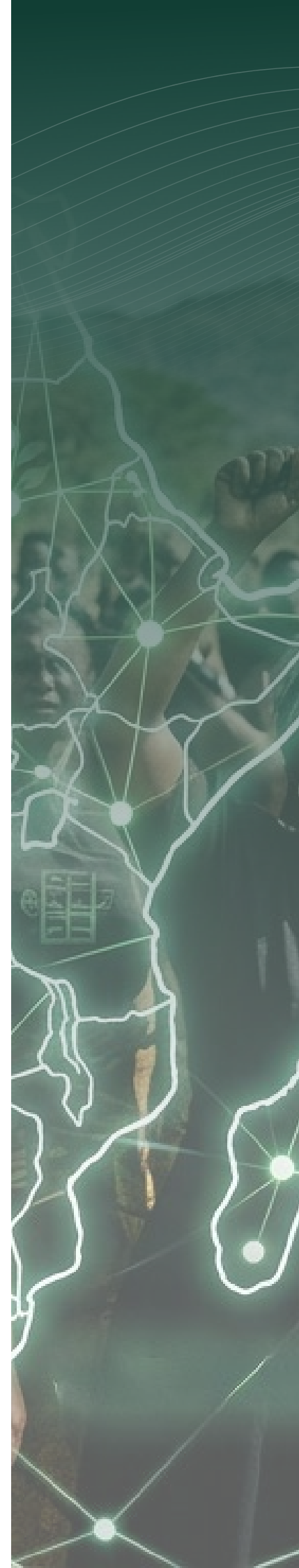
This report explores how gender inclusive reparations have the potential to address gender-based violence, gendered harms, and promote trust and reconciliation in societies healing from conflict. To analyze the efficacy and shortcomings of reparations in this context, this report uses a literature review, interviews, and focus groups to capture academic, professional, and personal perspectives on reparations processes and their impacts. Data was gathered from international experts on transitional justice and reparations processes using country-specific case studies. The contexts used as case studies for this report focused on African countries and were selected based on previous transitional justice processes in each. The countries included in this study are: South Africa (Annex 1), The Gambia (Annex 2), Rwanda (Annex 3), Kenya (Annex 4), Sierra Leone (Annex 5), and Guinea (Annex 6).

The literature review investigates theoretical frameworks on gender and reparations, defines specific reparations measures (i.e restitution, compensation, access to justice, rehabilitation, outreach, acknowledgement, etc), and explores how a gender-sensitive approach impacts communities. This research also examined how reparations can address gender barriers in a society such as limitations on women's mobility, education, entrepreneurship, and more. Lastly, the literature review provided relevant background information on past and current approaches to reparations in the countries being used as case studies for this report.



*This report and its researchers made the intentional choice that the content of this report be survivor and victim informed. It is their contributions and insights that give this report a rich and unfiltered insight into the transformative potential of reparations.*

The primary methods of data collection employed for this report include interviews and focus group discussions which were conducted in-person and virtually. Over 165 people participated in this research and victims and survivors accounted for 76% of our sample. This report and its researchers made the intentional choice that the content of this report be survivor and victim informed. It is their contributions and insights that give this report a rich and unfiltered insight into the transformative potential of reparations. The participants represent a diverse range of stakeholders from each country. Each participant was classified based on



their relevant experience with reparations processes and categorized by the following descriptions: faith-based organizations, transitional justice commission representatives, reparations recipients, women's networks, victim/survivor networks, government stakeholders, civil society organizations, and/or international organizations. Interviews included participants from all case study countries and stakeholder types. However, focus groups were limited to South African, Gambian, and Rwandan participants due to funding constraints that limited conducting focus group discussions in additional countries. All focus group discussions were conducted in-person and prioritized meeting with survivors and victims as well as community networks working on gender inclusion.

A uniform and structured interview schedule was used for all interviews. The only variation in the questions was the addition of two country-specific questions and condensing the questions due to time constraints. In select cases, the interview questions were answered via written response to increase participants' ability to contribute to the report. All interviews and data collection methods employed a trauma-informed and gender-sensitive approach and took measures to protect the identities of participants to ensure the safety and wellbeing of all stakeholders who contributed to this report. Researchers explained that interviewees and focus group participants did not have to answer any questions they felt uncomfortable with or that were triggering for them and that they could skip any question they wished without it affecting their overall participation in the research. During the focus groups researchers made it clear that the session could be paused at any time, offered regular check-ins and that we can refer them to mental health support should they need it.

The primary limitations faced during the data collection process included resource constraints and barriers to participants being able to speak freely, or participate at all. Limited funding restricted the ability of researchers to include more in-person focus group discussions and personnel to analyze and synthesize research data. In Tunisia and Morocco those who were contacted for interviews cited that repressive political surveillance and hostile attitudes towards transitional justice in their countries made it challenging for them to participate in interviews. Due to these safety concerns, research could not be conducted in Tunisia and Morocco as originally planned. Similarly, in Kenya international researchers must first obtain a permit from the government in order to conduct research. Unfortunately, due to time constraints researchers were unable to obtain such a permit and as a result participation from Kenyan subjects was lower than other case study countries.



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## 4 Reparations in Theory and Practice

Reparations are widely considered the most victim-focused instrument of transitional justice. Their purpose extends beyond remedying individual violations to acknowledging harm, restoring dignity, and rebuilding communities harmed by conflict or authoritarian rule. Yet, traditional reparations, as defined under the Rome Statute of the International Criminal Court (ICC) and the United Nations (UN) Basic Principles and Guidelines on the Right to a Remedy and Reparation are often conceptualized in legal terms and identify several forms of reparation designed to provide redress including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.<sup>1</sup> Restitution aims to restore victims to the original situation that existed before the violation occurred, including the restoration of liberty, employment, property or residence.<sup>2</sup> Compensation provides financial redress for economically assessable harms such as loss of earnings, property damages or lost opportunities as well as moral damages.<sup>2</sup> Rehabilitation includes access to medical and psychological care and legal or social services that support recovery.<sup>3</sup> Satisfaction encompasses a range of symbolic and restorative measures, including truth-seeking initiatives, the search for the disappeared, public apologies, memorialization and judicial or administrative accountability measures.<sup>4</sup> The ultimate goal is to provide material and symbolic redress, however imperfect, to victims and survivors of violence.<sup>5</sup>

Despite being the global standard, these frameworks have severe limitations when applied. The focus on restoring victims to their original state before the violation overlooks the systemic nature of violations. In cases like South Africa and Rwanda where discrimination and marginalization were codified in law, a pre-violation state puts victims in harm's way. When reparations focus only on restoring victims to their "original state" it creates a blind spot which ignores the need to rectify the structures, laws and systems that facilitated the environment for violations in the first place.

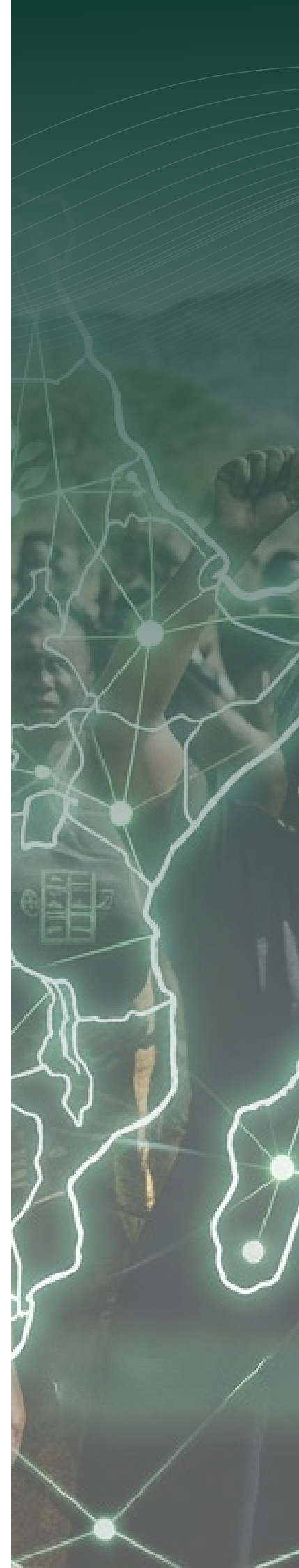
<sup>1</sup> Office of the United Nations High Commissioner for Human Rights. Reparations. United Nations Office of the High Commissioner for Human Rights, <https://www.ohchr.org/en/transitional-justice/reparations>

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ibid

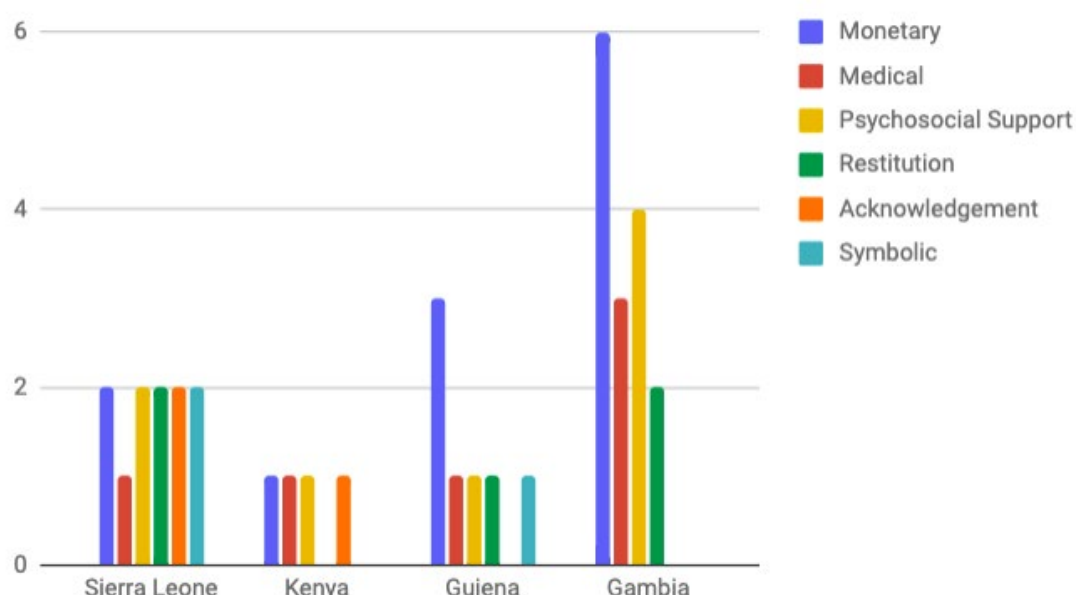
<sup>5</sup> Fernandes Veloso, Jéssica. (2025) *From Recognition to Transformation: Strengthening Gender- Based Violence Reparations through Decolonial- Intersectionality in the Inter-American Court of Human Rights* <<https://nva.sikt.no/registration/0198f4575b58-46533f3e-0745-46c8-9a26-ff919d6b2cea>>



Building from the international framework, the African Union’s Transitional Justice Policy expands the concept of reparations by emphasizing the need for reparative justice as both a material and social process aimed at restoring dignity and supporting recovery for individuals and communities affected by conflict and repression.<sup>1</sup>

In addition to the forms of reparations outlined by the UN, the policy highlights the importance of healing processes, recognizing that recovery from violence involves addressing physical, psychological, emotional and moral harms. It further emphasizes rehabilitation through victim specific services, including medical and psychological support, particularly for women and children.<sup>2</sup> The policy further deepens opportunities for redress through rebuilding community infrastructure, restoring communal lands, and supporting livelihoods in affected communities. Most importantly, the policy underscores that reparations programs should be transformative, participatory and equitable, addressing structural inequalities and ensuring reparations are responsive to the diverse needs of victims and affected communities.<sup>3</sup>

Chart 1: Types of Reparations Provided



During this research, when asked to describe what reparations were offered or made available in each context, respondents listed compensation, rehabilitation and restitution as the most common (Chart 1). However, when asked what reparations means for them, they overwhelmingly agreed that to truly evaluate the effectiveness and impact of reparations is to measure and account for the victim’s personal satisfaction with the reparations provided and whether or not it actually meets their needs.

<sup>1</sup> African Union. African Union Transitional Justice Policy. African Union Commission, 2019, [https://au.int/sites/default/files/documents/36541-doc-au\\_tj\\_policy\\_eng\\_web.pdf](https://au.int/sites/default/files/documents/36541-doc-au_tj_policy_eng_web.pdf). Pages 13-14

<sup>2</sup> Ibid, page 13

<sup>3</sup> Ibid, pages 13, 14

As Ida Persson, Special Advisor on Transitional Justice for the Gambian Ministry of Justice, said in our interview with her:

*"I know there's a textbook definition of reparations, but based on my work in The Gambia, I believe a key component is satisfaction for the individual who has been harmed. Yes, it is about addressing human rights violations committed by state-sanctioned actions, but more than that, it's about trying to meaningfully respond to the needs of the individual, their physical, emotional, socioeconomic, civic, and political needs. Of course, the standard definition includes the recognized forms of reparation: compensation, restitution, rehabilitation, and so on. But ultimately, reparations should take a holistic approach, one that seeks not only to repair harm but to transform, to heal, and to genuinely satisfy the individual who has suffered."*

In almost every interview conducted for this research, respondents acknowledged that there can never be full repair of the harms experienced. One interviewee used an analogy of broken glass to describe the repair process, "though you may be able to put some of the pieces back together, you'd still see that it was broken to begin with." Satisfaction of victims is extremely hard to measure and can change over time. However, if the primary purpose of reparations is to ensure that victims feel a sense of repair, acknowledgement, and satisfaction with the remedies delivered to them, then practitioners and duty bearers need to rethink the reparations that are on the table.

Too often the design of and recommendations for appropriate reparations fall into a trap of modelling what has been done in other contexts. Effective reparations rely on a specific context in order to best assess the crime or violation and what is needed to repair it. Across all contexts observed in this study, the dominance of monetary and financial compensation when discussing reparations was overwhelming. When asked what comes to mind when you think of reparations, over half of all respondents mentioned monetary compensation. In The Gambia, one practitioner noted that "financial compensation and reparations are used interchangeably."



*The one-off payments were described as 'insulting and insufficient' in the face of decades of trauma, chronic illness, and poverty. When asked about their experiences with reparations, others echoed that they are surface level and materialistic, underscoring the need for something deeper.*

However, a majority of survivors across the research expressed that reparations that solely focus on financial compensation are incomplete. While many acknowledged that monetary payments are a tangible form of recognition from the state, as one survivor in The Gambia reflected, "money is not enough, it will never repair the damage." In South Africa, participants emphasized the inadequacy of the reparations proposed by the TRC.

The one-off payments were described as ‘insulting and insufficient’ in the face of decades of trauma, chronic illness, and poverty. When asked about their experiences with reparations, others echoed that they are surface level and materialistic, underscoring the need for something deeper. These reflections reinforce the idea that attempts at reparations through purely monetary means feel transactional and materialistic attempts at remedy by the state.

Survivors who participated in this research see reparations as both a personal and community endeavor. In The Gambia, survivors described reparations as “healing and repairing [of] what has wounded me as a person” and as something that “allows us to stand up and be healed.” Others linked reparations to restoration of social belonging, particularly when referring to the stigma surrounding SGBV, with one survivor noting: “being marginalized is one thing, but if you are a victim, you are no longer part of your community.” When we look at reparations through this lens of recognition, reintegration, and repair, monetary compensation falls short in fulfilling survivors’ expectations. Across all focus groups, survivors spoke about the need to be acknowledged and their “need to repair our outside and inside.”

Another major critique of existing reparations programs found during this research is the chasm that exists between what is promised and what is delivered. Across all case studies, there was a persistent pattern of acknowledgement without action and though many victims were recognized or participated in truth commissions, it was followed by neglect. Often governments cite logistical, fiscal, political, and administrative barriers that prevent reparations programs from moving forward. While this research does not discount or minimize that these are real constraints facing reparations programs, particularly in post-conflict contexts where there are competing rebuilding and development needs, the reality is that survivors often view this as a second betrayal. One survivor from The Gambia remarked, “They told us to wait, that reparations are coming. We are still waiting, our suffering has not stopped.” Survivors see the lack of implementation of reparations as the government deprioritizing their needs.

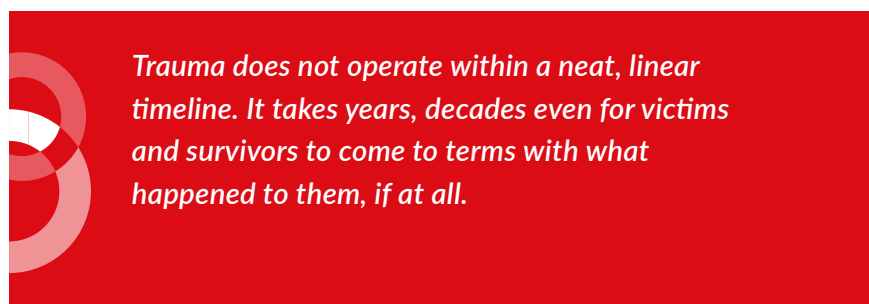
Practitioners and duty bearers must understand that victims experience extreme trauma and grief from the violations they have endured, and when institutions make promises and do not keep them, it reinforces feelings of isolation and mistrust that victims feel. A survivor in our South Africa focus group noted, “apartheid may have violated our rights, but our current government has failed us even more,” she went on to say “we just want what was promised to us in the TRC.” When reparations remain unfulfilled, as in all of the case studies examined in this research, it erodes trust and the credibility of efforts to repair, particularly when there is a decades-long gap between the violation and delivery of reparation.

A variable that is severely underrepresented in reparations literature and research is the impact of trauma, specifically how trauma prevents survivors from coming forward and trusting in institutions tasked with distributing reparations. In cases like South Africa where

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survivors have been waiting more than 20 years for reparations, their trauma is rooted in more than events that occurred during apartheid. Now, it is compounded by what has happened in the decades that have passed because of the lack of support from the state that victimized them in the first place. As such, a major limitation to many reparations programs and commissions studied in this research is their timeline.

Often Reparations Commissions are conducted no more than a few years after the completion of other transitional justice mechanisms, like truth commissions. This severely limits the victims and survivors that can be represented in these commissions, and by extension those that can claim the benefits.



*Trauma does not operate within a neat, linear timeline. It takes years, decades even for victims and survivors to come to terms with what happened to them, if at all.*

Trauma does not operate within a neat, linear timeline. It takes years, decades even for victims and survivors to come to terms with what happened to them, if at all. Though of course Commissions cannot remain open indefinitely because of funding and resource constraints, they often have incomplete records of who are the victims and what are their needs. Integrating a trauma-informed approach will be explored more on integrating trauma-informed approaches to reparations in the “Acknowledgement” section. The following section will deepen our understanding of the practice of reparations by exploring the gaps and opportunities that a gender-inclusive lens provides.



## 5 Gendered Reparations

### 5.1 Gender Gaps in Transitional Justice Literature

Feminist and gender justice scholars have long called out the gaps in and limitations of gender-neutral approaches to reparations. In many transitional contexts, women's experiences of conflict and authoritarian violence have been rendered invisible or secondary to "public" harms affecting primarily men. While men are typically seen as political actors and victims of imprisonment or execution, women's suffering, especially sexual and gender-based violence, is often regarded as collateral or private.<sup>1</sup> The neglect of rectifying these injustices furthers gendered hierarchies and solidified patterns of exclusion. As our interview with Emily Kenney, a Rule of Law and Transitional Justice Policy Specialist for UN Women, points out:

*"Gender-based human rights violations are often so pervasive that they become invisible. For instance, girls not accessing education is so commonplace in many parts of the world that it doesn't even register as a rights violation. It's just seen as the norm. There's a collective blindness to gender-based human rights violations precisely because they are so widespread."*

As defined by the 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparations, standard reparations systems cover restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Historically, these categories were understood without regard for gender, assuming a universal victimhood and ignoring gender-specific experiences and obligations.<sup>2</sup>

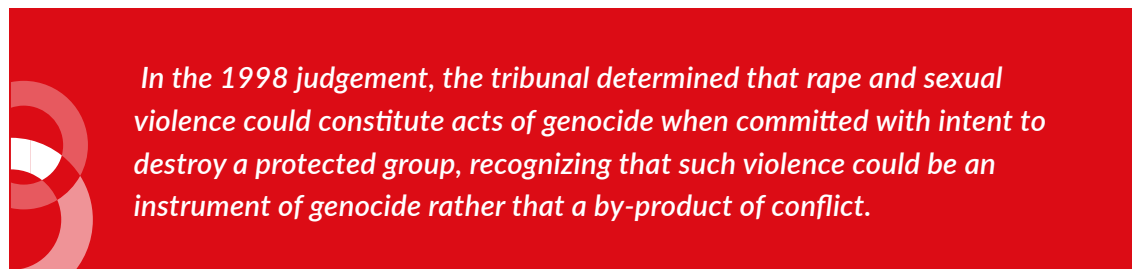
This framework has been fundamentally contested by feminist legal experts and human rights organizations.<sup>3</sup> The fundamental issue at the heart of the discussion is the question: what constitutes the "repair" of gendered harm?

<sup>1</sup> Walker, M. U. (2009). Gender and Violence in Focus: A Background for Gender Justice in Reparations. *International Journal of Transitional Justice*, 1(1), pp.123–139 ; Goldblatt, B. (2006). Evaluating the Gender Content of Reparations: Lessons from South Africa. In Rubio-Marín, R. (ed.) *What Happened to the Women?: Gender and Reparations for Human Rights Violations*. SSRC and ICTJ.

<sup>2</sup> UN General Assembly (2005). *Basic Principles and Guidelines on the Right to a Remedy and Reparation*. A/RES/60/147 ; Charlesworth, H. and Chinkin, C. (1993). *The Gender of Jus Cogens*. *Human Rights Quarterly*, 15(1), pp.63–76

<sup>3</sup> Aoláin, F.N., O'Rourke, C. and Swaine, A., (2015). *Transforming reparations for conflict-related sexual violence: Principles and practice*. *Harvard Human Rights Journal*, 28, pp.97–146

Historically, reparations have followed a restorative concept anchored in tort law: a victim is restored to the position they would have had had the breach not taken place. As stated in the previous section, this thought process falls short when the offense results from systematic injustice. In such cases, restoring the former state might cause damage rather than repair.



*In the 1998 judgement, the tribunal determined that rape and sexual violence could constitute acts of genocide when committed with intent to destroy a protected group, recognizing that such violence could be an instrument of genocide rather than a by-product of conflict.*

A prominent example advancing the recognition of gender-based harms in international law is the landmark case *Prosecutor vs. Jean-Paul Akayesu* argued before the International Criminal Tribunal for Rwanda. In the 1998 judgement, the tribunal determined that rape and sexual violence could constitute acts of genocide when committed with intent to destroy a protected group, recognizing that such violence could be an instrument of genocide rather than a by-product of conflict.<sup>1</sup> The decision marked a turning point for international criminal law and formally incorporated gender-based harms into legal interpretations of atrocity crimes.<sup>2</sup>

Another important legal development occurred in the prosecution of former Chadian president Hissène Habré before the Extraordinary African Chambers in Senegal. In 2016 the court convicted Habré of crimes against humanity, war crimes, and torture, including acts of rape and sexual slavery committed during his rule from 1982-1990, and ordered reparations for thousands of victims.<sup>3</sup> Together these cases helped solidify legal recognition of sexual and gender-based violence as serious international crimes and contributed to the evolving legal and policy frameworks that support gender-responsive justice and reparations.

Despite legal advances, reparations mechanisms often fall short in providing female victims with fair compensation. Even in cases when sexual violence is acknowledged in truth commissions or court systems, reparations usually do not materialize or are given in ways that ignore obstacles to access.<sup>4</sup> In Sierra Leone for example,

*“Sierra Leone is a country where the war impacted nearly 95% of the population. In fact, we often say that everyone who lived in Sierra Leone at the time, even some who didn’t, were affected in some way. But, as we know, reparations cannot be granted to*

<sup>1</sup> The Prosecutor v. Akayesu, Judgement, 2 September 1998, paragraph 731, 732 [https://hrlibrary.umn.edu/instreet/ICTR/AKAYESU\\_ICTR-96-4/Judgment\\_ICTR-96-4-T.html](https://hrlibrary.umn.edu/instreet/ICTR/AKAYESU_ICTR-96-4/Judgment_ICTR-96-4-T.html)

<sup>2</sup> International Crimes Database. The Prosecutor v. Akayesu, Summary. <https://www.internationalcrimesdatabase.org/Case/50/Akayesu/>

<sup>3</sup> Amnesty International. Hissene Habre Verdict: Landmark Decision Brings Justice for Tens of Thousands of Victims. 30 May 2016, <https://www.amnesty.org/en/latest/press-release/2016/05/hissene-habre-verdict-landmark-decision-brings-justice-for-tens-of-thousands-of-victims/>

<sup>4</sup> Mazurana, D., Atim, T., Brunet, A. and Kezie-Nwoha, H. (2013). Making Gender-Just Remedy and Reparation Possible: Upholding the Rights of Women and Girls in the Greater North of Uganda. Isis-WICCE and Tufts University; Guillerot, J. (2006). Linking Gender and Reparations in Peru: A Failed Opportunity. In Rubio-Marín, R. (ed.) What Happened to the Women? SSRIC and ICTJ.

*every Sierra Leonean. Even with this definition, there were major shortcomings. For example, out of a little over 3,000 survivors of sexual violence who were documented, just over 2,900 were given financial reparations at the time...other forms like medical and psychosocial support were made available but were not comprehensive and short-lived. That gives you a sense of how limited the implementation was, despite the legal and moral clarity offered by the TRC."*

*Bernadette French, Director of Programs  
- Campaign for Good Governance (CGG) - Sierra Leone*

The historical marginalization and limited engagement of women in reparation commissions is extensively documented. For decades, transitional justice processes have exhibited a limited understanding of injury, primarily focusing on civil and political rights violations that predominantly impact men, such as imprisonment, torture, or enforced disappearance.<sup>1</sup> This concept concealed the pervasive, gendered damage experienced by women during and after conflict, such as sexual violence, forced displacement, reproductive violence, and prolonged socio-economic distress.<sup>2</sup>

Sometimes violence directed against women is not recognized as compensable damage. Though sexual assault is acknowledged in some legal systems, it is often minimized, underreported, or seen as a personal or cultural issue rather than a violation of international law.<sup>3</sup> Early reparations projects in South Africa used gender-neutral compensation systems that ignored the particular needs of women, therefore reinforcing their marginalization<sup>4</sup>. Even when sexual violence is recognized as a key violation, it is often prioritized over other gendered violations like forced marriage, female genital mutilation, forced labor, child marriage and other harms that more often affect women.

Feminist scholars have shown that assuming a universal victimhood hides women's unique experiences.<sup>5</sup> Institutional prejudices and the predominance of legal-centric models that usually ignore social, cultural, and economic forms of violence disproportionately affecting women worsen this failure.<sup>6</sup> Furthermore lacking in many reparations schemes are clear gendered consequences including economic dependency, social humiliation, declining reproductive health, caring duties as well as sexual abuse.

Gender-inclusive reparations approaches have evolved to incorporate specialized modalities that address the distinct effects of conflict on women. The measures include individual compensation, collective restitution, symbolic reparations, and service-oriented initiatives such as healthcare and vocational training that are specifically designed for survivors of

<sup>1</sup> Rubio-Marín, R. (2006). What Happened to the Women?: Gender and Reparations for Human Rights Violations. SSRN and ICTJ

<sup>2</sup> Walker 2009

<sup>3</sup> Goldblatt in Rubio Marin 2006; Rombouts, Heidi. "Women and Reparations in Rwanda: A Long Path to Travel." In What Happened to the Women? Gender and Reparations for Human Rights Violations, edited by Ruth Rubio-Marín, 194-245, New York, NY: Social Science Research Council, 2006

<sup>4</sup> Goldblatt in Rubio Marin 2006

<sup>5</sup> Gerodetti, N. (2016). Whose Reparation Claims Count? Gender, History and (In)justice . Australian Feminist Law Journal, 42(1), 97–118. <https://doi.org/10.1080/13200968.2016.1196532> ; Charlesworth, H. and Chinkin, C. (1993)

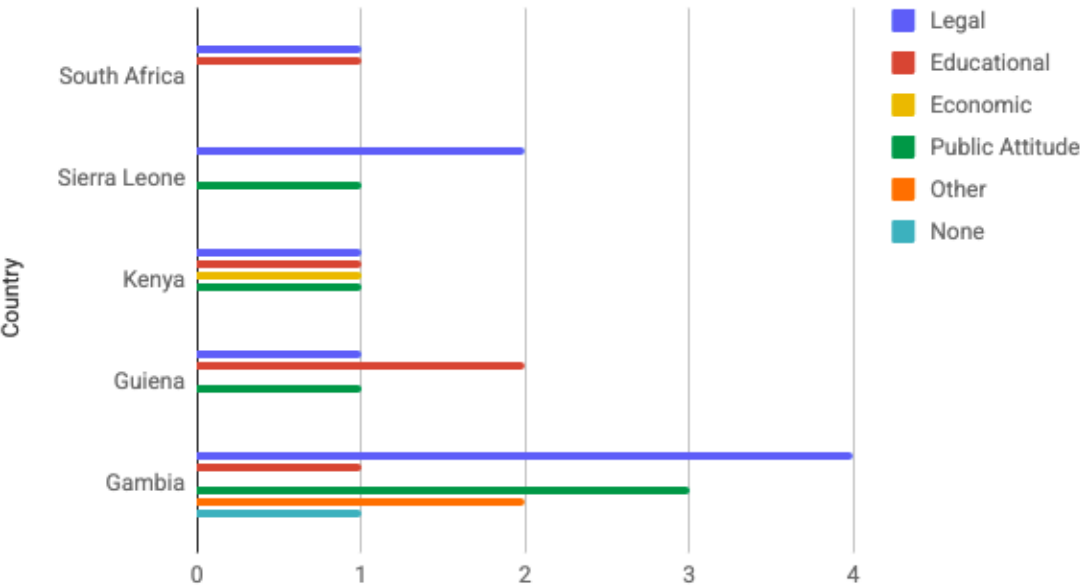
<sup>6</sup> Jones, E. (2020)

sexual abuse. The UN Women Reparations Guidelines (2014)<sup>1</sup> emphasize the significance of survivor-centered methodologies that incorporate emotional support, medical assistance, and economic empowerment. The ICTJ emphasizes the need of public recognition and restorative measures that uphold dignity, including apologies, memorialization, and guarantees of non-recurrence.<sup>2</sup>

To reinforce this, survivors and victims in our focus groups noted that while financial compensation was important it is only a part of a broader set of measures that would be meaningful like land restitution, health care, education, vocational training and long-term mental health support. Reparations must be formulated with direct contributions from impacted communities to prevent the perpetuation of existing hierarchies or the reinforcement of stigma.

In addition to remedying historical injustices, gender-inclusive reparations can serve as tools for societal development by tackling systemic gender disparities. Researchers Christine Bell and Catherine O'Rourke argue that gender-sensitive reparations have to be contextualized within comprehensive initiatives aimed at dismantling patriarchal structures and redistributing power.<sup>3</sup> Respondents in our research highlighted the need for reparations to also focus on reforms to laws, education policies, economic incentives and public attitudes that reinforce and reproduce gendered harms (Chart 2). This corresponds with the feminist demand for “transformative reparations,” which aim not merely to compensate, but to reconfigure gendered power dynamics thus promoting conditions for enduring peace and justice.<sup>4</sup>

Chart 2: Additional Reforms to Accompany Reparations



<sup>1</sup> United Nations. Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence. UN Women, June 2014. <https://www.unwomen.org/en/docs/2014/6/reparations-for-conflict-related-sexual-violence>

<sup>2</sup> Impunity Watch Guatemala Office Gender Program. Guidelines on Transformative Reparations for Survivors of Sexual Violence. 2019

<sup>3</sup> O'Rourke, C., 2017. Transitional justice and gender. In: S. Buckley-Zistel, T. Koloma Beck, C. Braun and F. Mieth, eds. Research Handbook on Transitional Justice. Cheltenham: Edward Elgar Publishing, pp.117-141.

<sup>4</sup> O'Rourke 2017

Before continuing to what this looks like in practice, it is important to first dispel a common misconception when it comes to gender-inclusive reparations. Too often 'gender-inclusion' is used to describe the inclusion of women and girls and emphasizing their experiences during conflict or authoritarian regimes at the expense of men's experiences. But a gender-inclusive lens does not imply a focus solely on women, nor does it exclude the experiences of men, rather it expands and deepens the understanding of harm and how all individuals, women, men, boys and girls experience violations particularly within systems and institutions that reproduce harmful, patriarchal practices.

In many of our focus groups participants acknowledged that men are also victims, directly and indirectly, of enforced disappearance, arbitrary detention, torture and sexual violence. The cultural stigmas and gendered norms that often prevent women from coming forward, like stigma, isolation and shame are also equally present for men, silencing them from seeking acknowledgement and support. Gender inclusive reparations seek to provide remedies that include psychosocial support, income generation and community reintegration to benefit all victims and survivors, not women exclusively. A gender-inclusive lens and by extension gender-inclusive reparations seek to repair relationships, restore dignity, and rebuild communities for all. Now that the research has defined what gendered reparations are and how they can benefit the field, the research will now explore what this looks like in practice.

*But a gender-inclusive lens does not imply a focus solely on women, nor does it exclude the experiences of men, rather it expands and deepens the understanding of harm and how all individuals, women, men, boys and girls experience violations.*

## 5.2 Applying a Gender-Inclusive Lens to Reparations

Utilizing a gender-inclusive lens for reparations means moving away from conventional models that rely on gender-neutral one-size-fits-all remedies. A gender-inclusive approach recognizes that harm is often gendered, rooted in patriarchal norms, power imbalances that are reproduced by laws and institutions that disproportionately affect women. As the Nairobi Declaration on Women's and Girls' Right to Remedy and Reparation states, reparations "must contribute to a transformation of the structures of inequality and discrimination that affect women."<sup>1</sup> When we begin to apply a gender-inclusive approach to reparation remedies, we begin to see an emphasis on transformative reparations that moves beyond material compensation and focuses on systemic change. This approach redefines reparative justice as not merely a mechanism for compensation, but also as a viable avenue for acknowledgment, empowerment, and structural reform.<sup>2</sup>

Feminist theories on reparations propose a more dynamic, process-oriented approach. They stress the intricate identities of women, portraying them not just as solitary victims, but as

<sup>1</sup> Impunity Watch 2019

<sup>2</sup> Rubio-Marín, R. (2006). What Happened to the Women?: Gender and Reparations for Human Rights Violations. SSRN and ICTJ; Walker 2009; Jones 2020

integral community contributors.<sup>1</sup> These theories advocate for a dual-focused vision that addresses past wrongs and propels societal progress. The feminist perspective on “repair” calls for broad societal changes, ensuring that the discourse on reparations does not merely remain a retrospective endeavor but paves the way for a more inclusive future.<sup>2</sup> Feminist theories also underscore that gender-based violence is not limited to isolated or individual acts, but are embedded in systemic and structural dynamics rooted in historical patterns of oppression. In this context, structural and systemic violence refers to harm produced and sustained by institutional, social, and cultural arrangements that normalize inequality, discrimination, and exclusion.<sup>3</sup>



Nancy Fraser’s (2009) trivalent paradigm of justice; redistribution, acknowledgment, and representation; has been extensively embraced in transitional justice scholarship.<sup>4</sup> Redistribution tackles material disparities; acknowledgment upholds the dignity of victims and acknowledges their suffering; and representation guarantees victims’ involvement in the formulation and execution of reparations programs. Collectively, these characteristics constitute the foundation for what is currently termed transformative reparations, the core focus of this research.

### 5.2.1 Redistribution

To begin, redistribution addresses material inequalities, like economic exclusion, land ownership, quality of education etc. Transformative reparations must engage the institutional and structural conditions that facilitated the conditions of violence or authoritarian regimes, such as reforms in legal systems, the security-sector, enforcement of protective laws, awareness of harmful social/gendered norms through community-based outreach or awareness raising. Across all countries in this study (Kenya, The Gambia, South Africa, Rwanda, and Guinea), experts and survivors identified the economic impact of harm through loss of livelihood, loss or destruction of property, inability to afford medical care, or a life in poverty. In South Africa, members of the Khulumani Support Group spoke about abject poverty that most of them have spent their lives in without tangible redress from the South African government.

Women in Rwanda spoke about how their experiences of conflict-related sexual violence, exclusion from education, and loss of male providers exacerbated the extent of their economic vulnerability. Focus group participants noted that following the genocide in Rwanda, many

<sup>1</sup> Painter, G.R., (2012). Thinking about past rights: Towards feminist theories of reparations. In: M.A. Fineman and E. Zinsstag, eds. *Feminist Perspectives on Transitional Justice*. Farnham: Ashgate.

<sup>2</sup> Painter 2012

<sup>3</sup> Fernandes 2025

<sup>4</sup> Fraser, Nancy. 1995. “From Redistribution to Recognition? Dilemmas of Justice in a ‘Post-Socialist’ Age.” *New Left Review* 1/212:68-93

women suddenly found themselves as the new heads of households following the murder of their husbands, fathers, brothers, and other male family members. They needed capacity building in financial management and livelihood support, something they had never had education or training in. Prior to the genocide, Rwanda had very traditional gendered roles for men and women, where many women in urban and rural areas did not complete school or hold jobs that could support their families on their own.

As previously stated, these realities cannot be repaired by compensation alone, but something deeper. Survivors are acutely aware that you cannot put a price on their trauma or grief. However, in the cases of South Africa and The Gambia, where truth commissions were pursued in lieu of justice measures, reparations are the only official form of acknowledgement and redress that survivors can hope to receive. Focus group participants and those that were interviewed overwhelmingly acknowledged the importance and prevalence of monetary reparations, but this alone is insufficient. Participants in this research highlighted that insufficient monetary reparations mirror the lack of economic opportunity available to women. Participants in South Africa noted that men and women experience economic harm differently citing how the responsibility to care for their families is a main barrier to long-term employment and livelihood opportunities for women. Even when monetary payments were provided like in Guinea and The Gambia for example, survivors described being called up and told “your check is ready” and receiving checks they could not cash because they didn’t have the proper identification or a bank account to deposit funds into. Many survivors also noted that they would have preferred to receive monetary compensation the way you would a pension, with monthly payments rather than a lump sum. One participant noted that “a lump sum would be gone in five months, it does not help me long term.” The lack of consultation on which payment modalities make the most sense underscores why it’s so important that reparations be contextualized. In these particular cases, even though compensation was offered, survivors still had no way to access it, rendering these efforts meaningless.

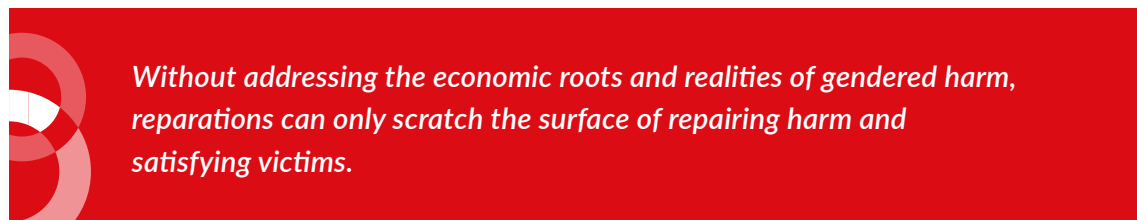
Gender-inclusive reparations must recognize and compensate for this imbalance through redistribution efforts that can reduce such barriers. For example, rather than simply writing a blank check to survivors, monetary compensation can be expanded to include child care services that empower survivors to work in addition to financial compensation. This way, reparations do not just compensate for the loss of heads of household and income, but address the on-going constraints that women struggle to overcome.

In cases of widespread violations, specifically sexual violence, there needs to be a shift from just individual compensation to broad societal reparation. In Rwanda for example, estimates vary between 100,000-500,000 men and women were victims of rape. The resulting trauma and children born as a result required specific care, support, and political reforms to address. Rwanda took a top-down approach to addressing these violations following the genocide. The creation of gender-focused ministries, family planning services and policies were cited

*For example, rather than simply writing a blank check to survivors, monetary compensation can be expanded to include child care services that empower survivors to work in addition to financial compensation.*

as significant progress following the genocide, highlighting that strong political will as a key to successfully centering gender-focused interventions. As one participant in Rwanda said “the needs following the genocide were clear, the government just needed to act.” Participants noted that gendered norms in Rwanda were severely underestimated, and the stigma and shame of being a survivor of rape remains strong even today. The post-genocide institutions still struggle to reach rural areas and destigmatizing sexual violence. In Sierra Leone, similar reforms and laws that were proposed did not directly address the specific needs of survivors of the war. One of the ongoing challenges one interviewee pointed out was the failure to effectively implement the recommendations of the Truth and Reconciliation Commission (TRC), and more critically, the failure to integrate these recommendations into the governance structures of the post-conflict state. Addressing gendered norms is uniquely challenging because they are not a result of conflict but have been normalized and socialized over decades, or in some cases, centuries. Unlearning these norms and restructuring institutions to be inclusive takes time. Still, political will is key to setting the tone to change and transform repressive, patriarchal laws, norms and institutions and it cannot be underestimated. It is important for victims, survivors and communities to see that the government and state institutions recognize the damages and failures on their part and work towards repair.

An additional element to consider within redistribution is the intergenerational harm resulting from violence and authoritarianism. Many of the women who participated in this research are mothers, aunts, and grandmothers who are the primary caregivers to children. An overwhelming portion of participants stressed that it is not just their needs they have to consider, but their children and grandchildren. Women described the uncertainty of raising their families without sufficient support. In South Africa in particular, because of the nature of apartheid and its structural exclusion of black people, exclusion did not evaporate once apartheid ended. Many explained that being excluded from education opportunities, land ownership, and employment opportunities has set them back from accessing sustainable sources of income post-apartheid. Though laws in South Africa may have been reformed to eliminate overt discrimination, it did not translate into practice. The recommendations made in South Africa’s TRC were made more than 20 years ago and remain unrealized. Even if they were to be fully funded and resources were made available to pay victims out today as they were written, those recommendations are no longer reflective of the South Africa that exists today.



Without addressing the economic roots and realities of gendered harm, reparations can only scratch the surface of repairing harm and satisfying victims. Practitioners and duty bearers need to reimagine power sharing, economic empowerment and gender norms in order to effectively redistribute resources and access to institutions that empower survivors and victims.

## 5.2.2 Acknowledgement

Across all interviews and focus groups, participants in this research overwhelmingly saw acknowledgement as a key pillar in reparations programs. Survivors and victims repeatedly described feeling unheard, not believed, or treated as pariahs in their communities. Acknowledgement in reparations affirms victims' dignity by recognizing the victim's suffering, trauma and making visible the gendered harm experienced like forced marriage, sexual exploitation, or discrimination. South African survivors said that reparations for them are about "restoring our human dignity" and being seen after decades of being ignored. As Apolline Pierson, Team Leader of the VOICE Program at the Dr. Denis Mukwege Foundation said:

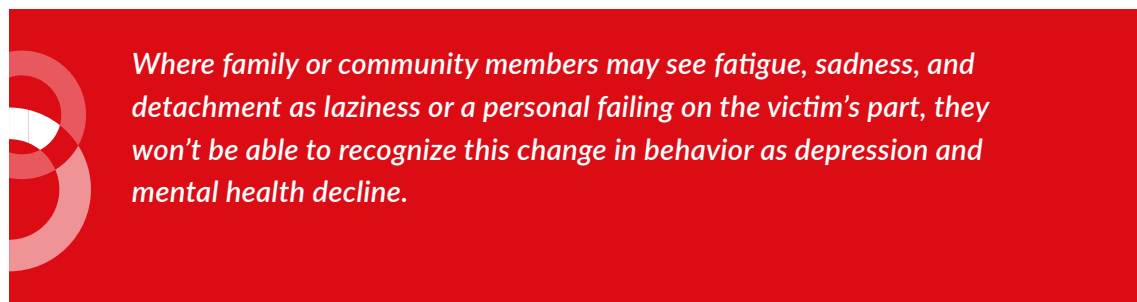
*"The first step that comes in is the recognition of the harm that's suffered. And especially for gendered crimes, such as sexual violence...because sexual violence survivors suffer from very high level of stigmatizations, they're very afraid to speak out about what happened to them. They are ostracized by their community so any reparations program acknowledging that they are a victim, that it's not their fault, in itself is quite transformational."*

Participants underscored that acknowledgement must also go beyond just their violation, but the trauma they carry from it. Particularly with sexual violations, trauma is a direct outcome of that violation. The stigma, fear and loss of community that follow compound and often exacerbate that trauma. This is critical to recognize for practitioners and duty bearers seeking to engage survivors in reparations programs, because survivors are prone to mistrust and isolation thereby making it difficult for them to come forward to speak in front of commissions or receive reparations programs should they become available. A major constraint of reparations programs and commissions is the limited time frame that reparations commissions operate which on average is about 5 years. This is not a realistic timeline considering the needed psychological healing and ability to acknowledge trauma internally or speak about it with others. Trauma and grief do not operate on a neat timeline and are non-linear processes, particularly when you consider the scale of crimes and violations that many experience. As Fatouh Baldeh, Executive Director of Women's Liberation and Leadership (WILL) in The Gambia notes:

*"When it came to SGBV, many victims found it difficult to speak openly due to the culture of silence and the fear of stigma. This was true not only for SGBV survivors but also for victims of the witch hunts and those affected by the HIV alternative treatment program. Victims from all three of these groups often struggled to disclose what had happened to them. Because of this fear and stigma, many did not give full statements during the TRRC process. For instance, I was in a training just last week, in a safe space setting, and two victims shared how, during the TRRC, they only spoke about their prolonged wrongful detention but did not disclose the sexual violations they endured. Meanwhile, another victim who had been detained with them did speak openly about the sexual violations and ended up receiving more reparations. They came to understand that the amount and detail of information shared in their statements directly affected how their cases were categorized, and ultimately, how much reparations they could receive."*

Trauma is a major barrier affecting victims' ability to participate in formal mechanisms and it is consistently ignored or underestimated by formal, state-led processes. Though in a few cases commissions have had mental health and psychosocial support units like in The Gambia, many only provided one-off support to enable survivors to give their testimonies, and not beyond that. Trauma has debilitating effects on a person's ability to trust, manage their emotions and their overall feeling of safety. When left untreated or neglected this reinforces and exacerbates feelings of isolation, shame, guilt, mistrust and lack of autonomy. Participants in our Rwanda focus groups, noted the "hidden wounds" of depression, isolation, fear, and lack of confidence followed them long after the end of the genocide. Despite this, they told us that women still felt pressure to reconcile and move on so as not to disrupt the community or family further.

When there is a lack of awareness among family or community members on the psychological effects of trauma, family members can misunderstand survivors' behavior. Participants in our focus groups described that the stigma and shame from their community keeps them silent and isolated. Where family or community members may see fatigue, sadness, and detachment as laziness or a personal failing on the victim's part, they won't be able to recognize this change in behavior as depression and mental health decline. This means that acknowledgement processes need to include community sensitization to trauma, how to recognize it and how to provide support to those affected.



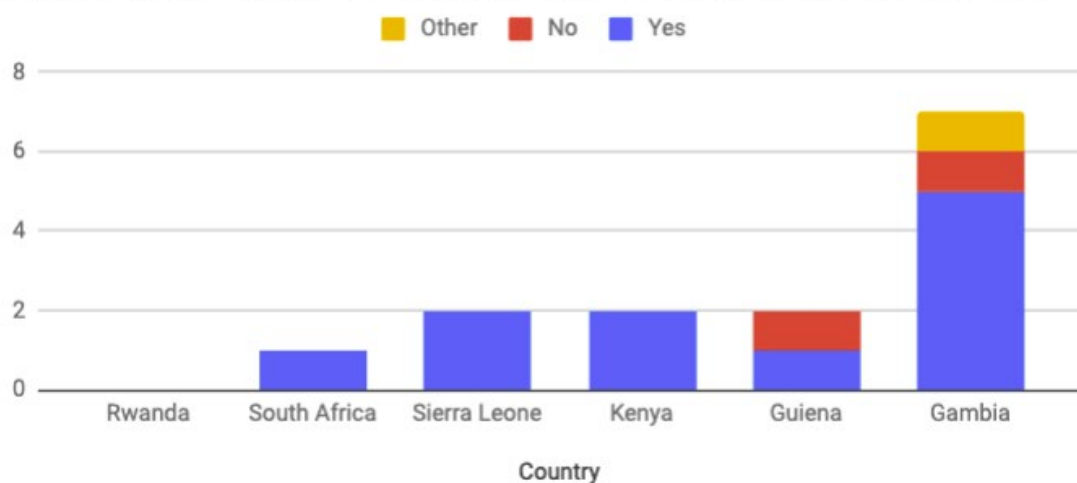
Despite the scale of violations that are widespread and felt by whole communities, victims still feel isolated in their experience, particularly in cases of sexual and gender-based violence. Often, we've observed that survivors are afraid to be disbelieved and dismissed when asked to tell their stories, their trauma makes it hard for them to trust that others will believe them.

Duty bearers of reparations programs must be aware of this to better understand why survivors don't come forward in large numbers or are hesitant to share their stories and proactively provide care in order to support victims in processing their trauma, otherwise they won't be able to meaningfully participate in any truth commission or reparation program. They need to recognize that acknowledging a victim's whole experience means also acknowledging their trauma.

### 5.2.3 Representation

Finally, representation guarantees that survivors have meaningful involvement in the design and implementation of reparations. In every country observed in this research, women were included and pursued as part of the design of reparations (Chart 3), however it does not seem to have had an effect on the satisfaction and impact of these programs. Survivors noted the lack of adequate consultation and outreach with victims by reparations commissions. One survivor in The Gambia notes “when the TRRC started drafting recommendations, they were doing it for them, not for us...it should be what we want, not what they assume we want.”


Chart 3: Were women involved in the TJ/Reparations Process?



A dominant theme throughout this research also highlighted the lack of trust and at times anger survivors and victims feel towards the institutions that are meant to provide redress and remedy to them. They spoke about feeling side-lined and unheard rather than active participants in the process. As Bernadette French notes:

*“This is why participation is so critical. As the saying goes, ‘nothing about us without us.’ If reparations are being planned, the people they are meant for must be involved from the beginning. They should be the ones defining what reparations mean to them, what forms they should take. And this includes not just urban survivors, but also those living in remote rural communities, women in villages whose voices are rarely heard but are just as essential to shaping a reparations process that is truly effective and inclusive.”*

When survivors and victims are not meaningfully involved in either the consultation, design, administration or implementation of reparations, it undermines the integrity and credibility of the programs itself. Reparations cannot be designed in isolation from the people they are intended to benefit. This means that survivors and victims must be involved from the beginning to define what reparations mean, what forms they should take and how they should be delivered. It must also be inclusive of those in urban areas who may have greater access and proximity to policy makers and those based in rural areas who have more limited access to decision makers. Consultation processes can take a significant amount of time and



*True representation also means that survivors and victims have real and shared decision-making power when it comes to reparations programs.*

often it's time that commissions don't have. While it is unrealistic to expect every single victim will be consulted, consultation processes should be open, inclusive and widely publicized to encourage the participation of as many victims and survivors as possible. Even when it's time to move from consultation to design, it is important to still have an avenue for public commentary and to have a place for survivors who weren't able to participate in the consultation process to still provide their input on the reparations that should be pursued.

True representation also means that survivors and victims have real and shared decision-making power when it comes to reparations programs. If survivors and victims are only included in the consultation phase but have no influence over the design and implementation of reparations, then the consultation process is meaningless and falls into the trap of tokenism. Here, true representation means that the administration and governance models of reparations are designed where survivors have shared decision making power alongside policymakers to define the commission's priorities, oversee and influence the design and forms of reparations made available and design the implementation and outreach processes. There is a significant need to shift from symbolic participation to having real power given to survivors to truly be a part of reparations programs. This does not mean that policymakers are no longer involved or don't have any power on commissions, it instead means elevating survivors and victims to also hold the same power on these commissions. The results of this can be two-fold: first is that it demonstrates the commission's commitment to reparations that are reflective of the lived experiences of survivors and second, provides credibility to the process and trust that the commission is centering survivors and victims from beginning to end.

Similar to how trauma is a barrier that prevents survivors and victims from coming forward, gendered barriers also further prevent women in particular from participating in reparations processes. Representation and inclusion in reparations commissions is not as simple as asking survivors to come and participate. Women have responsibilities of taking care of their families, as Ida Persson notes:

*"The entire process, since 2018, has to some degree felt like drawing blood from a stone, because of deeply rooted patriarchal notions of women's roles in society, being domestic, not in leadership, being silent victims of crimes. So even with a transitional justice program promoting participation, you're acting against centuries of patriarchy. It will take sustained, concerted effort to overturn that."*

Participants in this research noted that participation in these processes requires time away from caring for their parents and children, work, and taking care of their households. Women have to consider multiple priorities in order to participate in any reparations process. When women are invited to participate, it's not just the woman who is to be considered. When asked about the barriers they have experienced to participation, survivors and victims in our focus groups had to consider: Who is going to look after my children when I go? How much income will I lose from not being at work? Is that loss going to compensate for the



lunch money I'm going to give my child? Will there be a transport refund sufficient enough to cover the costs to participate?, and so on. Even though participating in consultations or design of reparations programs may benefit them in the long run, it does not alleviate their immediate day-to-day needs. As Mariamah Jorbertah notes:

*“There needs to be more effort made in identifying those barriers and those challenges that prevent them from participating when they want to. Not just say, “Okay, just come to this event.” That doesn’t make a woman come. Even if you intentionally invite them, you need to go beyond just inviting them and look at what would prevent them from accepting your invitation to come. That’s where we are nowadays, making a more conscious effort in inviting women, but we’re not addressing the issue of what would prevent them from accepting that invitation.”*

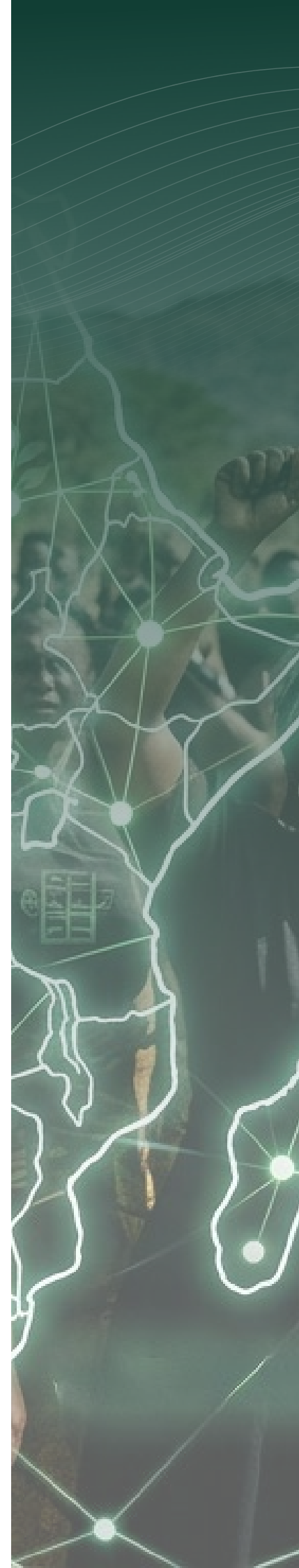
True representation means that survivors and victims are active architects of reparations programs and not just recipients. Representation requires sustained, intentional and thoughtful efforts to remove barriers to participation and redistribute power in order for reparations to be truly survivor centered. Applying a gender-inclusive lens to reparations by utilizing the redistribution, acknowledgement and representation framework provides a holistic, transformative framework that future reparations programs can utilize. Prior to diving into recommendations for what this can look like, the research will examine what has taken place to date in the case study countries this report reviewed.

## 6 Reparations to Date: A Comparative Overview

Across all case studies in this research (South Africa, The Gambia, Guinea, Rwanda, Kenya and Sierra Leone) reparations efforts reflect both the ambition and limitation of transitional justice mechanisms attempting to confront large scale violations. While each country's political system, institutional capacity and scale of violence differ, each case demonstrated that reparations programs are consistently underfunded, irregular and partial. Survivors frequently described support as "delayed" or "insufficient". Even where robust frameworks and guidance exists in truth commission reports, full implementation and gender-sensitive redress remain incomplete.

South Africa's transitional justice process ([Annex 1](#)) is arguably one of the most recognizable and yet also hotly contested among survivors. Although the TRC's recommendations included symbolic and community reparations, the government's implementation was narrow and largely limited to one-time payments. Nearly two decades later, monetary reparations are unspent, prosecutions have been minimal due to the granting of amnesty and persistent inequality and gender-based violence reveal a profound gap between the TRC's transformative vision and its limited delivery. Similarly in Kenya ([Annex 4](#)) much of The Truth, Justice, and Reconciliation Commission (TJRC) report has been unimplemented and the promised Restorative Justice Fund has not been operationalized. In 2025 a court judgement awarded compensation to just four survivors of post-election sexual violence. Though certainly a legal victory for those survivors, the precedent has not, thus far, translated into a larger systemic response. The lack of political will to move reparations forward has halted any reparative efforts for both contexts.

The Gambia ([Annex 2](#)), by contrast, represents a more recent and evolving model. Though The Gambia is only just beginning to implement the recommendations of the TRRC as of 2025, the government has set aside GMD 200 million for reparations, issued over 1,000 payments to victims and adopted a White Paper accepting most of the TRRC's recommendations. The Gambia is also piloting a more integrative approach by partnering with state institutions to embed reparations within existing programs to prevent reparations from being one-time, isolated events. Similarly, Rwanda ([Annex 3](#)) focused on long-term survivor assistance through financing education, housing and health care for tens of thousands of victims. Despite this, there was not a



targeted effort made for survivors of rape and sexual violence who remain underserved and isolated from their communities.

Guinea (Annex 6) presents a different type of reparative model where instead of a national truth commission like in The Gambia and South Africa, reparations revolve around the 2009 stadium massacre trial. The Dixxin Criminal Court decision in 2024 awarded roughly \$40 million USD in compensation, marking one of the most significant judicial reparations decisions in the region. Still, disbursement has been uneven and civil society remains skeptical that the state will fully honor the awards set to go to survivors. This feeds into the overall mistrust observed in all case studies for governments to follow through on providing tangible support to survivors and victims. In Sierra Leone (Annex 5) the government set aside \$13 million for reparations to victims falling far short of the TRC's recommendations. Despite being well funded, programs only reached 33,000 beneficiaries and left no long-term mechanisms for ongoing care, particularly for survivors of sexual violence.

Collectively these cases show that reparations in the past have been largely approached as one-time transactions and not long-term commitments requiring sustained resources, institutional partnerships and survivor-centered design. Though there are some that have opted for longer term solutions, gaps persist in the actual implementation of reparations programs. The following section hopes to provide tangible recommendations for these countries, as well as others, to close these gaps and provide meaningful repair to survivors and victims.



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## 7 Transformative Reparations: Recommendations from Survivors and Victims

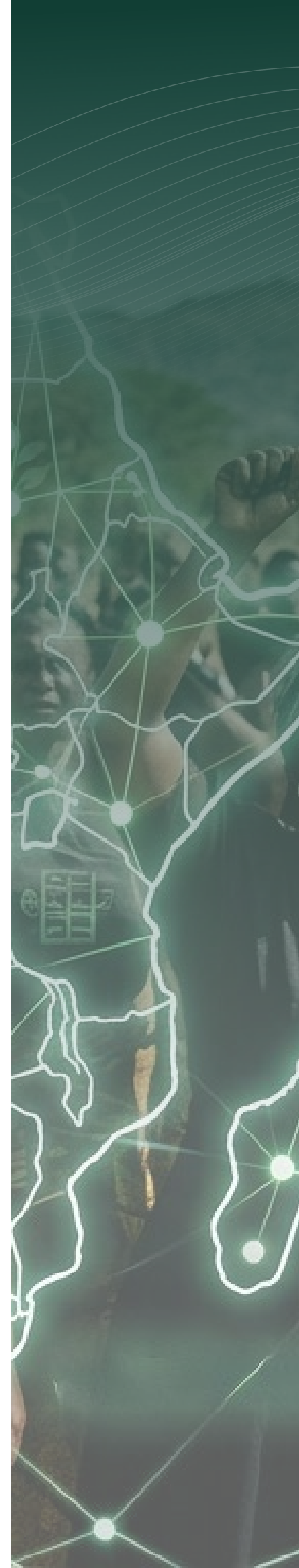


*This final section of the report outlines the recommendations and guidance that 139 survivors and victims put forward in our focus groups on what reparations would be meaningful for them if they were advising commissioners.*

As stated multiple times throughout this report, reparations must be contextually relevant, and the recommendations provided below may or may not be applicable to all contexts depending on where reparations are needed.

Across the board whether in interviews or focus groups, all respondents emphasized that meaningful reparations must be grounded in the lived experiences of survivors and victims. Out of the 165 people engaged in this research not one individual cited a reparations program or process that victims and survivors were satisfied with. Despite the painstaking efforts that went into the design of reparations commissions and recommendations, survivors and victims were not satisfied and this underscores the gap that exists between what is promised, what is expected and what is delivered. Though it is unrealistic to expect a 100% satisfaction rate when it comes to something as subjective as reparations, there is much more work to be done to close this satisfaction gap. Managing expectations of victims and survivors is extremely challenging and requires a committed effort from duty bearers in order to ensure these are managed appropriately.

Transformative reparations address multiple needs and must be participatory from start to finish. Respondents overwhelmingly agreed that reparations must integrate psychosocial support, legal reform, and structural transformation to be meaningful. Survivors and victims don't





*Contextualizing and localizing what needs exists is key to designing reparations that are responsive and meet victims where they are.*

want handouts or charity, they want what was promised to them, they want to contribute, they want a renewed purpose; and reparations can provide a vehicle for just that. Reparations must impact victims in their daily lives to be felt and recognized. Survivors who participated in the research called for stronger enforcement of gender-protection laws, economic empowerment programs, and the inclusion of men and boys in healing processes. They also underscored the importance of cultural specificity.

In Rwanda, participants advised that “countries should look inward for their own solutions, not copy and paste from others, and not outsource the work to international experts.” This was echoed by Gambian participants who called for the use of local dispute-resolution systems involving community elders, faith leaders and victim coalitions as implementing partners. Contextualizing and localizing what needs exists is key to designing reparations that are responsive and meet victims where they are.

Ultimately, the survivors and victims who participated in this research revealed that they view reparations not as closure, but as an ongoing process that demands political will, transparency, and survivor agency. As one Rwandan participant reflected, **“reparations are a continuous practice; they don’t end because a mandate has ended.”**

A Gambian survivor echoed this sentiment, urging, **“we need something active, not passive, something that helps us live again.”** They noted that a good reparations process strengthens survivors’ awareness that they are rights-holders. As a result, they may become more critical of institutions, not necessarily because they distrust them, but because they now feel empowered to demand more and hold them accountable. Reparations can increase survivors’ engagement with, and perhaps even trust in, state institutions. In many cases, it also opens the door for survivors to voice criticism more clearly and publicly. Once that “Pandora’s box” is opened, once survivors experience being recognized as rights-holders, they’re more likely to speak out when the state fails to meet its obligations. This is the transformative power of repair.



## 7.1 Lessons from The Gambia

At the time of this report, The Gambia is currently in a critical moment for their transitional justice process, the implementation of recommendations from the TRRC. In 2021 the TRRC submitted their final report outlining their recommendations for remedy and ways forward. A key recommendation of the report is granting reparations to victims and survivors under the Yahah Jammeh dictatorship. As a part of this research we met with the current Reparations Commission Chairperson, Dr. Badara Loum and Reparations Commissioner, Ayesha Jammeh, to discuss how the commission will operate in stark contrast to the TRRC but also its global predecessors.



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Following the TRRC many victims and survivors were extremely unhappy and unsatisfied with how the TRRC operated and included victims. The Reparations Commission is determined to learn from the TRRC's shortcomings and incorporate the feedback from survivors and victims into their operations. The Commission is attempting to embed gender inclusion into its structural design and day-to-day administration. First, in our interview with Dr. Loum and Commissioner Jammeh, they highlighted gender inclusive features like shifting from one-time compensation toward providing a menu of options for survivors that responds to their lived realities. They noted that paying for monetary reparations alone would likely result in just spending the sum all at once on daily expenses rather than investing in their healing. The Commission instead is partnering with the Ministry of Health to incorporate victims directly into the health care system so they can access services and care for chronic illness, disability and reproductive health. Bridging this gap helps to narrow the gaps in access to health care for women that can't afford to see care unless the expenses are covered. By reducing the financial burden of health on survivors, this aligns with a gender lens that prioritizes redistribution of access to services that women were not afforded prior.

The Commission is also integrating education support particularly in supporting children to pursue their studies by covering school and uniform fees and providing opportunities for women to retrain or finish their schooling. Women in our focus groups consistently noted the need to help support their children in ways they alone are unable to. They described that economic strain and loss of income as a result of the loss of their husbands severely limits their ability to support their families. By including avenues for educational support and vocational training this approach connects reparations to livelihood development and educational mobility. Furthermore, it touches on the generational dimension that reparations can take on.

Another gender-inclusive feature of the Commission is that it will have a Gender Committee that specifically looks at sexual and gender-based violence. This committee will not only consist of commissioners but will include members from victims organizations like Women in Liberation and Leadership (WILL) and Women's Association for Women and Victims Empowerment (WAVE-Gambia). This directly addresses survivors and victims' concerns about not having real influence or say in reparations that are distributed to them. By formally integrating victims organizations that operate all over The Gambia the Commission is ensuring inclusive design of reparations and shared decision-making power. Additional Committees will be formed around Rehabilitation, Compensation and Resource Mobilization to explore barriers for Gambian women to participate, specialized care that is needed and specific remedies to the violations outlined in the TRRC report.

In many ways the Reparations Commission in The Gambia embodies a truly gender-inclusive approach to reparations. By paying structural attention to gender, shared power with victims organizations and committing to longer term solutions rather than short-term payouts, it offers the field many lessons and a new approach to designing, distributing and implementing transformative reparations.



## 7.2 Ensuring Meaningful Participation

Across all three focus group countries in Rwanda, South Africa and The Gambia, survivors consistently described a lack of meaningful participation in designing reparations. While some said they were invited to participate in the consultation process, their presence did not translate into influence. Respondents that were able to participate described their experience in these consultations as superficial. They also expressed deep mistrust toward institutions tasked with delivering reparations, with one South African participant saying “I think they are just waiting for us to die out so they don’t have to pay us.” In addition many cited economic and family responsibilities prevented or limited their ability to participate. Taking all this into account, if duty barriers and practitioners want to meaningfully involve survivors in designing gender inclusive reparations they have to create an environment that facilitates their full participation and representation.



### Recommendations from Focus Groups:

#### Reduce Barriers

- Provide childcare stipends, transportation allowances and compensation for loss of income to compensate for their time spent during consultation
- Schedule consultations at times and places accessible to women, including markets, community centers etc
- Provide language interpretation as needed to ensure all can participate, not just those that are English speaking
- Design a low-barrier, accessible registration process and community outreach, through WhatsApp, SMS notification, radio, social media etc

#### Conducting Outreach

- Prioritize face-to-face outreach when conducting consultations
- Ensure that consultations have a sufficient timeline, at minimum one-year to ensure comprehensive awareness raising on the process and to conduct the consultations
- Bring the consultations to survivors rather than making them come to institutions or capital regions, particularly for those in remote, rural areas
- Identify networks that are embedded within communities like trade unions, women’s associations, professional networks, faith organizations, survivor support groups etc to identify people who may be overlooked and help to communicate what’s going on
- Regularly communicate timelines, challenges and opportunities for input. Identify the best methods of communication (WhatsApp, radio, newsletter, website etc) and provide updates through them, utilizing more than one

- Make sure that even when the consultations are completed victims have a way to communicate with commission representatives and that feedback loops remain open throughout the process
- Consider offering group consultations for communities, families, women, men, etc., where it is more appropriate

### Shared Decision-Making Power

- Establish survivor advisory groups with diverse representation of survivors and victims to advise reparation commissions
- Provide these bodies with formal decision making authority over reparations design, outreach methods, implementation plans and monitoring strategies
- Ensure leadership roles in commissions are accessible for women, including those from marginalized backgrounds
- Be transparent about why some recommendations from survivors were taken on and others were not
- Share drafts before they are finalized and solicit for input from the advisory board or the public for comment. Allow for up to 60-90 days for public comment and heavily publicize during this period for people's awareness
- Engage in participatory budgeting and program design. Identify as many opportunities to involve survivors in the staffing, oversight and administration of commissions



## 7.3 Acknowledging Harm and Trauma

All respondents in this research recognized the deep impact of trauma and that reparations must be inclusive of the long-term mental health consequences survivors and victims experience. A gender-inclusive lens as demonstrated previously in this report, recognizes that trauma affects survivors differently based on gender, social roles and family expectations. Many women carry trauma isolated from their support systems due to stigma, shame and fear of rejection from their community. When designing reparations, processes that exclude trauma fail to address an enduring impact of violence. A majority of participants in the focus groups cited lack of access to quality mental health services is difficult due to high costs, travel distance and health care responsibilities. Without the tools to enable survivors to navigate their trauma, it greatly impacts their ability to work, parent and participate in their communities.



### Recommendations from Focus Groups:

- Trauma should not only be addressed in psychosocial support programs, but integrated within compensation programs, livelihood support, health services, and institutional reforms

- Make available confidential options for sharing survivor and victim experiences, thoughts or inputs to reduce stigma and prevent re-traumatization
- Consider training survivors themselves to provide mental health support to other survivors in a peer-to-peer/training-of-trainers model to help decentralize MHPSS services and access to communities that may not trust state provided care
- Expand beyond a focus on individual trauma to include the collective trauma within communities as needed
- Explicitly name the harms and violations committed, don't try to hide or sanitize what happened
- Partner with the Ministry or Department of Health to extend mental health programs beyond a commission's mandate for continued support
- Subsidize medical and health care costs for survivors and victims so they are able to access the care they need
- Provide survivors and victims access to private clinics when public ones are overcrowded and under resourced
- Implement community sensitization programs to be able to identify trauma, provide direct support and care to family members, and be aware of referral networks and local service providers
- Identify what holistic mental health and psychosocial support looks like and provide the legal and legislative support to reinforce it. Partner with local providers to support this outreach
- Establish mobile clinics and increase community-based mental health practitioners to reduce travel barriers
- Establish local partnerships with key community stakeholders to normalize mental health support
- Provide family and group counseling as appropriate to help both the individual and other affected parties



## 7.4 Memorialization and Symbolic Reparations

Across all focus groups and interviews, survivors emphasized that reparations must go beyond just the individual. Violations that occurred were experienced by dozens if not hundreds of others, and in these instances communal reparations are one avenue to address this collective harm. Survivors repeatedly expressed frustration that 'official' narratives are not reflective of their experience and long-term trauma. Honoring these experiences through memorialization and symbolic reparations acknowledges these personal and collective truths, restores dignity and rebuilds trust between survivors and their communities. Symbolic reparations such as memorials, commemorations and truth-telling matter deeply to survivors particularly where material reparations have not materialized. Women in particular highlighted the need for greater visibility and for their experiences to be named publicly and truthfully. Recognition through story-telling, exhibitions and community memory work can be a cathartic and empowering process for survivors and victims to engage in.

Grounded in the recommendations shared by survivors and victims in this research, memorialization offers an inclusive, culturally rooted and responsive way forward for reparations programs to implement.



## Recommendations from Focus Groups:

### Co-design & Co-stewardship

- Curate memorials exhibitions, and story-telling spaces designed with survivors, not for them. Survivors should determine what stories are told, the format and how their stories are presented to the public
- Ensure that survivors are part of the necessary committees or boards that oversee the maintenance and daily activities of the memory initiative
- Utilize participatory design of memorials with dialogues, listening sessions or cultural mapping led by survivors
- Provide practical support for participation by offering transport stipends, child care support and accessible meeting times
- Ensure any initiative has transparent, clear and informed consent at every stage of the process to avoid extractive memorialization practices
- Ensure that trauma is recognized and integrated into the process and not treated as an add-on. This includes community initiatives, support groups, and training community leaders who are involved in the memory initiative
- Offer flexible participation models, survivors should not be forced into public story-telling if private or small-group formats feel safer

### Community-led Initiatives

- Fund community documentation projects where survivors maintain ownership over their stories using oral history techniques, video recordings and/or photo stories
- Ensure that community reparations complement and not replace material reparations. Pair memorials with compensation, rehabilitation or livelihood support initiatives
- Repair and protect significant community sites, either a building or space, that symbolizes survivors and victims' presence
- Encourage use of culturally relevant practices to memorialize experiences, like through art, music, prayer, dance, commemoration events, religious ceremonies



## 7.5 Economic and Livelihood Support

Many of the survivors and victims that were interviewed as part of our focus groups highlighted that monetary and livelihood support was a key concern for them. In many of the cases the women who participated are widows and/or lost brothers and fathers who were

the sole financial providers. In many cases those within the focus groups were not able to finish school either because of early marriage, disruption due to conflict or responsibilities to take care of their households and raise their children. This prevented them from being able to obtain and sustain long-term employment that could support their families. In South Africa one respondent noted that “our oppressors have their farms and hotels but we are left to starve in the streets.” As a result, obtaining monetary compensation for this loss as a result of conflict remained a top priority for them. For survivors it’s not just about money, many that we spoke to described having to choose between going to medical appointments or feeding their children and almost always women don’t choose themselves. Additionally, in our focus groups, survivors noted that they do not want handouts or charity, they want to contribute and work in their communities. As one survivor in The Gambia put it, “we just want an opportunity to provide for ourselves.” The recommendations they shared seek to strike a balance between the need to compensate for harm and experience while generating opportunities for income generation for women.



## Recommendations from Focus Groups:

### Monetary Compensation

- When monetary reparations are being distributed, prioritize direct financial support to survivors so they can choose and allocate according to their own needs. Ensure that the amount is commensurate with the cost of living
- Publicize and be transparent about what goes into calculating specific amounts for monetary reparations so survivors and victims understand what was included. Consider unpaid care work, family composition, social stigma, caregiving responsibilities, number of children and barriers to employment when making these calculations
- Coordinate with relevant ministries and departments (ex. Health, Justice, Agriculture, Interior etc) to examine existing budgets and identify where funds can be set aside to accompany and carry out recommendations for livelihood support programs
- Ensure that getting financial compensation does not prevent survivors and victims from getting other forms of support like medical care or livelihood support
- Avoid hierarchical payments that pay out different amounts based on the violation that took place. Many noted that this causes division and resentment among victims with some wondering “why is someone who is tortured given more than someone who is raped, why are we getting different amounts it doesn’t make sense to us”
- Invest a portion of the funds in interest-bearing accounts (like a high yield savings account) to keep them alive and to continue to provide for victims beyond commission mandates
- Provide options to survivors on whether they want to receive lump sum payments or payments over time
- Tax extractive industries that profited during the violence and use those penalties to fund reparations programs to give them back to victims

## Livelihood Support

- Partner with professional networks and trade unions to subsidize vocational trainings for survivors and victims. Offer skills training designed around women's existing responsibilities and schedules
- Invest in community-based economic initiatives that benefit groups and individuals. Ensure these community initiatives are led by community members
- Establish victims cooperatives with land, farming leases, and livestock for survivors and victims to work. They would be responsible for maintaining the land, growing crops for their own substance and then selling the crops to provide an income and give back to the community
- Provide easier access for income opportunities by giving out start up grants or zero-interest loans for survivors and victims that want to start a business. The government can also fast track business registration for survivors and victims as part of reparations programs
- Provide subsidies to CSOs and trade unions to carry out skills-building trainings. Since CSOs and trade unions often already have these skills and the government doesn't have the capacity to provide these trainings directly they can fill this gap by receiving grants and or tax/breaks from the government as part of a reparations program. Relevant areas that were recommended were: tailoring, textiles, carpentry, accounting, office management, business design, tourism, crafts, catering, cooking and the service industry.



## 7.6 Structural Reforms

Providing redress for past violations and harms is only one part of reparations, to truly repair also means to ensure that such violations and harms never occur again. What is needed for reparations then is to encourage reforming laws and institutions that facilitated violence and authoritarianism. Structural reform is a natural progression of reparations and survivors who participated in the research called for stronger enforcement of gender-protection laws, economic empowerment programs, and overhaul of the justice system in their countries. For instance, patriarchal norms often minimize the severity of sexual violence, yet states do not enforce laws that would punish perpetrators. Participants in our focus groups provided their recommendations on what reforms are needed.



### Recommendations from Focus Groups:

#### Institutional Reform

- Mandatory gender sensitive and MHPSS training for health workers, police, court officials or any other provider that would come into direct contact with survivors and victims to socialize gender sensitivity and trauma informed practices
- Establish survivor centered protocols for reporting, referrals and follow up

- Reform inheritance laws that disadvantage women's right to property, compensation or recognition of certain violations
- Embed gender committees in each department to ensure that gender-inclusion is considered for all departments
- In cases where amnesty of perpetrators was denied, provide pathways for justice for survivors to take on. This can include legal support, covering court fees and other costs related to prosecution
- Stricter screening mechanisms to ensure named perpetrators are barred from ever holding public office even in cases where amnesty is granted
- Require periodic, public reporting on implementation of recommendations from a truth commission
- Recognize and enshrine in law rape and sexual violence as a political crimes severely punishable by law

## Education Reform

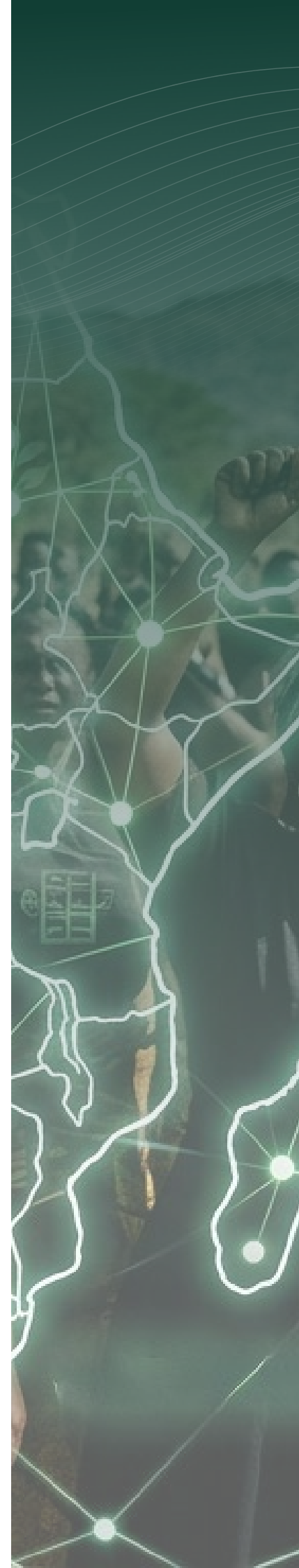
- Integrate gender-based violence prevention and civics education in school curriculum to aid in awareness and prevention
- Subsidize school fees for survivors' and victims' children to attend school
- Integrate memory, oral history and healthy gender norms into school curriculum using survivors testimonies (with their consent)
- Establish scholarships and technical training for children of survivors and victims for university education
- Flexible adult education programs including part-time or remote options for women seeking to retrain or complete their education
- Establish fellowships for specific focus areas like healthcare, teaching, entrepreneurship, mental health and psychosocial support to encourage survivors and victims to pursue careers that support long term stability

## 8 Conclusion

As this research has demonstrated, reparations are a process as much as they are a product. Working on combating gendered harms as this research has demonstrated, requires deep, meticulous work. Survivors emphasized that the harm they endured did not occur in a vacuum or overnight, but were rooted in societies that minimized women's experiences. As one Gambian interviewee noted the struggle for gender inclusion "is acting against centuries of patriarchy." Gender inclusion is not just a policy gap, it's a mindset shift and requires reimagining our institutions, norms and everyday life. Throughout this research, survivors and victims challenged us to think beyond what has been done before. They reminded us that reparations must be built from the ground up, shaped by those most affected and holistic to recognize the full range of their experiences.

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Gender-inclusive reparations offer practitioners an opportunity to reckon with institutional failures and biases and provide recognition and acknowledgement of hidden harms. In every country examined in this study, survivors shared their grief and trauma, but also their determination to make a better future for themselves and their children. Ultimately the promise of gender-inclusive reparations is not only in what they can deliver, but the reimagining of institutions that deliver justice, support and care for all survivors and victims. As one interviewee noted, "transitional justice offers moments where countries are coming out of conflict, bearing their heart and soul, and genuinely seeking to improve." Reparations are only the first step towards this reality, transformative change outlives commission mandates and donor cycles and is an everyday commitment to change.



# Annex 1 - South Africa

In 1994, South Africa's transition to democratic governance ended nearly half a century of apartheid. Yet today, the country remains marked by severe inequality: its Gini coefficient hovers around 0.65, among the highest globally, and unemployment reached 31.9% in late 2024, disproportionately affecting Black South Africans and women<sup>1 2</sup>( Stats SA, 2024). This social exclusion is compounded by one of the world's highest rates of gender-based violence. Official figures recorded more than 1,100 women murdered in just three months of 2024, making femicide a key indicator of South Africa's "unfinished transition".<sup>3 4</sup>

The Truth and Reconciliation Commission (TRC)--created by the Promotion of National Unity and Reconciliation Act (1995)--became emblematic of South Africa's negotiated transition. Over 21,000 victims submitted statements, and more than 2,000 perpetrators applied for amnesty.<sup>5</sup> The TRC's work, broadcast nationally, brought survivors' stories into the public sphere<sup>6 7</sup>. On reparations, the TRC recommended urgent interim relief, symbolic reparations, and long-term community rehabilitation. In 2003, the government authorized one-time individual reparations of R30,000 (≈US\$4,500 at the time) for each recognized victim, disbursed. While roughly R1 billion had been spent on reparations by 2012, survivor groups consistently criticized the narrow scope of victims eligible for reparations compared to the TRC's broader vision<sup>8 9</sup>(James, 2008; Villa-Vicencio & Doxtader, 2004).

Two decades after the TRC completed and published its report, implementation of its recommendations remains incomplete. Significant amounts remain unspent in the President's Fund, and post-TRC prosecutions have been minimal, despite ongoing litigation by victims' families. Many see the state's inaction as a betrayal of the TRC's promise, with survivors still waiting for community programs, symbolic memorials, and meaningful socio-economic redress. The persistence of extreme inequality, land injustice, and epidemic gender-based violence illustrates how South Africa's transitional justice settlement emphasized truth and reconciliation but left reparations and accountability unfinished.

<sup>1</sup> Seekings, Jeremy, and Nicoli Nattrass. *Class, Race, and Inequality in South Africa*. Yale University Press, 2005. SAHistory.org, [https://sahistory.org.za/sites/default/files/archive-files/professor\\_jeremy\\_seekings\\_nicoli\\_nattrass\\_classbookos.org\\_.pdf](https://sahistory.org.za/sites/default/files/archive-files/professor_jeremy_seekings_nicoli_nattrass_classbookos.org_.pdf)

<sup>2</sup> Statistics South Africa (2024). *Quarterly Labour Force Survey, Q4 2024*. Pretoria.

<sup>3</sup> Jewkes, R., Morrell, R., Hearn, J., Lundqvist, E., Blackbeard, D., Lindegger, G., ... Gottzén, L. (2015). Hegemonic masculinity: combining theory and practice in gender interventions. *Culture, Health & Sexuality*, 17(sup2), 112–127

<sup>4</sup> South African Police Service (2025). *Quarterly Crime Statistics*. Pretoria.

<sup>5</sup> Republic of South Africa (2003). *President's Fund Report*. Pretoria.

<sup>6</sup> Truth and Reconciliation Commission of South Africa (1998). *Final Report*. Cape Town: Juta.

<sup>7</sup> Boraine, A. (2000). *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission*. Oxford: Oxford University Press.

<sup>8</sup> James, W. (2008). *Inclusion and Exclusion in the South African Transition*. New York: Routledge.

<sup>9</sup> Villa-Vicencio, C. & Doxtader, E. (eds.) (2004). *Pieces of the Puzzle: Keywords on Reconciliation and Transitional Justice*. Cape Town: Institute for Justice and Reconciliation.

## Annex 2 - The Gambia

The Gambia's population of approximately 2.6 million people, endured 22 years of authoritarian rule under Yahya Jammeh from 1994 to 2017. These years were marked by arbitrary detention, torture, enforced disappearances, sexual violence, and the persecution of journalists and political opponents at the hands of the Jammeh regime.<sup>1</sup> Since Jammeh's exile, the country has undergone a fragile but significant democratic opening, with GDP growth rebounding to 5-6% in 2024 and remittances sustaining household livelihoods.<sup>2</sup>

The Truth, Reconciliation and Reparations Commission (TRRC), established in 2017, investigated human rights violations committed during Jammeh's rule. Between 2018 and 2021, it collected 2,600+ statements and conducted 392 public hearings, documenting torture, sexual violence, witch-hunts, extrajudicial executions, and corruption. Its final report (November 2021) recommended prosecutions and reparations estimated at GMD 205 million (≈US\$3.2 million)<sup>3</sup>. The government's White Paper (May 2022) accepted most recommendations, committing to both accountability and reparations.<sup>4</sup> By 2022, it had allocated GMD 50 million, later increasing the total contributions to GMD 200 million toward reparations. By mid-2023, over 1,000 victims had received some form of compensation, ranging from lump-sum payments to medical support<sup>5 6</sup>.

Implementation has been irregular and controversial. While funds have been disbursed, many victims—especially survivors of sexual violence—argue that reparations are slow and insufficient. At the international level, accountability is advancing. In May 2024, Switzerland's Federal Criminal Court used evidence collected through the TRRC to convict former Interior Minister Ousman Sonko of crimes against humanity.<sup>7</sup> Further, in December 2024, ECOWAS leaders approved the establishment of a hybrid Special Tribunal to prosecute Jammeh-era crimes. Domestically, the Ministry of Justice has adopted an implementation plan, but civil society warns of delays, underfunding, and the risk of political fatigue. Victims' associations continue to press for comprehensive reparations and justice, fearing that momentum may fade if prosecutions stall.

<sup>1</sup> Amnesty International. *Dangerous to dissent : Human rights under threat in Gambia* [AFR 27/4138/2016]. Amnesty International, 2 June 2016

<sup>2</sup> World Bank (2024). *The Gambia Economic Update*. Washington, DC: World Bank.

<sup>3</sup> Truth, Reconciliation and Reparations Commission of The Gambia (2021). *Final Report*. Banjul

<sup>4</sup> Government of The Gambia (2022). *White Paper on the TRRC Recommendations*. Banjul: Ministry of Justice

<sup>5</sup> International Commission of Jurists (2022). *Submission on the TRRC White Paper*. Geneva.

<sup>6</sup> Jallow, F. & Sarr, A. (eds.) (2022). *The Gambia in Transition: Towards a New Era of Human Rights and Democracy*. Dakar: CODESRIA

<sup>7</sup> TRIAL International (2024). *Judgment Summary: The Ousman Sonko Case*. Bern.

## Annex 3 - Rwanda

The 1994 genocide against the Tutsi killed an estimated 800,000 people in 100 days, leaving deep demographic, social, and economic scars in Rwanda<sup>1</sup>. Rwanda has since rebuilt with strong state capacity, achieving near-universal primary education, health coverage, and GDP growth averaging 7% for two decades. However, the political sphere remains tightly controlled, and debates around memory, justice, and reconciliation remain contested.

Following the genocide, Rwanda pursued a dual justice approach with efforts through international and domestic mechanisms. Internationally, the ICTR (1994–2015), based in Arusha, tried 93 individuals, convicting 62. Domestically, the Gacaca Courts (2002–2012) processed approximately 1.9 million cases, involving around 1.2 million suspects, making it the most extensive community-based accountability process in history<sup>2 3</sup>. Reparations were institutionalized through the Fund for the Assistance of Genocide Survivors (FARG), established in 1998, initially financed by 5% of national domestic revenue.<sup>4</sup> By 2012, FARG had funded education for 109,000 children of survivors, built over 40,000 houses, and supported thousands with health care and income projects.<sup>5</sup>

Although the Gacaca Courts closed in 2012, survivor assistance continues through FARG and its affiliated programs. Despite this, survivor associations stress that reparations remain inadequate, particularly for women raped during the genocide who contracted HIV, and for children born of wartime sexual violence. The International Residual Mechanism for Criminal Tribunals (IRMCT) continues to prosecute fugitives abroad, while Rwanda actively pursues extraditions. International debates continue over the due process deficits of Gacaca and the state's use of genocide memory as a political tool, but the scale of accountability is unprecedented.

<sup>1</sup> International Criminal Tribunal for Rwanda (2015). Completion Report of the ICTR. Arusha: United Nations.

<sup>2</sup> Ingelaere, B. (2016). Inside Rwanda's Gacaca Courts: Seeking Justice After Genocide. Madison: University of Wisconsin Press

<sup>3</sup> Clark, P. (2010). The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda. Cambridge: Cambridge University Press.

<sup>4</sup> Republic of Rwanda (1998). Law Establishing the Fund for the Assistance of Genocide Survivors (FARG). Kigali

<sup>5</sup> Longman, T. (2017). Memory and Justice in Post-Genocide Rwanda. Cambridge: Cambridge University Press.

## Annex 4 - Kenya

Despite Kenya having long been East Africa's economic hub, with GDP growth averaging 5% in the past decade, elections remain flashpoints for violence. The 2007–2008 post-election violence killed 1,133 people, displaced 650,000, and was marked by widespread sexual violence and police shootings<sup>1 2</sup>. The 2010 Constitution sought to address governance failures with new checks and balances, but issues of impunity, land dispossession, and inequality persist.

The Truth, Justice, and Reconciliation Commission (TJRC) was established by the 2008 Act and reported in 2013, documenting human rights violations that occurred from 1963 to 2008. The final report detailed gross violations of human rights, historical land injustices, economic crimes, and election violence, recommending prosecutions, reforms, and reparations. In March 2015, President Uhuru Kenyatta issued a state apology and announced the creation of a KSh 10 billion Restorative Justice Fund (~US\$100 million at the time) to provide reparations to victims.<sup>3</sup>

The TJRC's recommendations have remained largely unimplemented. Parliament has yet to adopt the final report, and despite repeated pledges, the Restorative Justice Fund has not been operationalized. In 2025, however, a landmark judgment under Petition 122 (2013) awarded KSh 16 million (≈US\$120,000) to four survivors of post-election sexual violence—the first government compensation for CRSV victims in Kenya's history.<sup>4</sup> While hailed as precedent-setting, survivors' groups note the sum is modest relative to the harm endured by victims and continue to stress the need for systematic reparations rather than case-by-case litigation.

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<sup>1</sup> Kenya National Commission on Human Rights (2008). *On the Brink of the Precipice: A Human Rights Account of Kenya's Post-2007 Election Violence*. Nairobi

<sup>2</sup> Office of the High Commissioner for Human Rights (2008). *Report from OHCHR Fact-Finding Mission to Kenya*, February 2008. Geneva: UN.

<sup>3</sup> Truth, Justice and Reconciliation Commission of Kenya (2013). *Final Report*. Nairobi.

<sup>4</sup> High Court of Kenya (2025). *Petition 122 of 2013 Judgment on CRSV Reparations*. Nairobi: Judiciary of Kenya

## Annex 5 - Sierra Leone

From 1991 to 2002, the civil war in Sierra Leone killed over 50,000 people, displaced two million, and was infamous for amputations and systematic sexual violence. Since then, the country has achieved relative stability and gradual institutional reform. Progressive legislative changes have been recent hallmarks, including the abolition of the death penalty in 2021 and the Gender Equality and Women's Empowerment (GEWE) Act (2022/23), which mandates 30% women's representation in public office and advances women's economic rights.<sup>1</sup>

The Truth and Reconciliation Commission (TRC) (2002–2004)<sup>2</sup> operated in conjunction with the Special Court for Sierra Leone (SCSL) (2002–2013)<sup>3</sup>. The TRC highlighted the centrality of child soldiers and CRSV during the war, recommending reparations for amputees, war widows, children, and SGBV survivors. The reparations program, implemented by the National Commission for Social Action (NaCSA)<sup>4</sup> with donor support, disbursed benefits to over 33,000 beneficiaries, including 10,753 cash grants in 2012 alone (IOM & PBF reports)<sup>5</sup>. However, the approximately US\$13 million of funds available were far short of the TRC's vision, leading to limited coverage and discontinuation after 2013

Victims' groups emphasize that reparations were partial and time-bound, with insufficient provisions for sustainable health care, psychosocial services, or livelihoods. The adoption of the GEWE Act and abolition of the death penalty<sup>6</sup> have been hailed as normative progress, but survivors note that transitional justice promises remain incomplete. Calls persist for a permanent reparation trust fund and for gender-sensitive support tailored to survivors of CRSV, who remain among the most marginalized.

<sup>1</sup> Government of Sierra Leone (2022). Gender Equality and Women's Empowerment Act. Freetown

<sup>2</sup> Sierra Leone Truth and Reconciliation Commission (2004). Final Report. Freetown

<sup>3</sup> Special Court for Sierra Leone (2013). Final Completion Report. Freetown

<sup>4</sup> National Commission for Social Action (2013). Final Report on the Reparations Program. Freetown: NaCSA

<sup>5</sup> National Commission for Social Action (2013). Final Report on the Reparations Program. Freetown: NaCSA

<sup>6</sup> Government of Sierra Leone (2021). Abolition of the Death Penalty Act. Freetown

## Annex 6 - Guinea

Since achieving independence, Guinea's history has been dominated by authoritarian rule, military juntas, and contested transitions. While the country is resource-rich in bauxite, gold, iron ore, it remains among the world's poorest, with poverty affecting 43.7% of the population in 2023<sup>1</sup>. However, the most emblematic atrocity shaping justice debates is the 28 September 2009 stadium massacre<sup>2</sup>, where security forces opened fire on an opposition rally in Conakry, killing at least 156 people and committing widespread sexual violence against more than 100 women<sup>3</sup>.

Guinea has not undertaken a nationwide truth commission. Instead, accountability efforts center around the 2009 massacre. After years of delays, the trial opened in September 2022, with 11 senior officials charged, including then-junta leader Moussa Dadis Camara. On 31 July 2024, the Dixinn Criminal Court convicted 8 defendants, including Camara, of crimes against humanity. Sentences ranged from 10 years to life imprisonment<sup>4</sup>. The court also ordered victim compensation totaling roughly US\$40 million, with the state made jointly liable.<sup>5</sup>

In early 2025, the Guinean government announced it would cover compensation awards, however, thus far disbursement has been uneven and victims' associations remain skeptical of full fulfilment of the awards. Appeals are ongoing, as civil society stresses that reparations must include health care and psychosocial support for survivors of sexual violence. In March 2025, President Doumbouya granted a health-based pardon to Dadis Camara, which while not annulling convictions or compensation orders, sparked national debate. The case remains one of the most notable examples of nationally led atrocity trials in West Africa, yet simultaneously illustrates the fragility of transitional justice in volatile political environments.

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<sup>1</sup> World Bank. FY 2023 Guinea Country Opinion Survey - Pulse Report : Tables with Data Breakdowns (English). Washington, D.C. : World Bank Group. <http://documents.worldbank.org/curated/en/099130301102415304>

<sup>2</sup> Human Rights Watch (2010). Bloody Monday: The September 28 Massacre and Rapes by Security Forces in Guinea. New York: HRW

<sup>3</sup> United Nations (2009). Report of the International Commission of Inquiry on Guinea. Geneva: United Nations

<sup>4</sup> Amnesty International (2023). Guinea: Justice for the September 28 Massacre. London: Amnesty International

<sup>5</sup> JusticeInfo (2024). "Guinea Stadium Trial Verdicts." JusticeInfo.net, 31 July 2024

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