



Fonds au Profit des Victimes
The Trust Fund for Victims



TFV Strategic Plan 2014-2017

Approved by the TFV Board of Directors

The Hague, August 2014

TFV Strategic Plan 2014-2017 - Outline

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Background - about the purpose and development process of this Strategic Plan

Purpose

The Trust Fund for Victims (TFV) strategic plan for 2014-2017 is based on a strategic management process that helped to gather information to identify opportunities and challenges; brainstorm to find options for future directions; set priorities and establish agreement around intended outcomes/results; find ways to measure results; focus efforts and resources; strengthen operations; ensure that the TFV Board of Directors and Secretariat, implementing partners and other stakeholders are working toward common goals; and assess and adjust the organisation's direction in response to a changing environment.

The new plan is informed by the impact and achievements gathered as a result of the first strategic plan implemented from 2009-2013. The document outlines the new vision; modified mission, strategic goals and cross-cutting programme themes; reaffirms the TFV's dedication to supporting and redressing the most vulnerable victims under the jurisdiction of the ICC; and considers the regulatory framework and operational mandates conferred by the Rome Statute and adjudicated by the International Criminal Court (ICC).

The purpose of the strategic plan is to communicate the organisation's goals, the actions needed to achieve those goals and all of the other critical elements developed during the planning exercises. Effective strategic planning articulates not only where the TFV is going and the actions needed to make progress, but also how it will know if it is successful.

The TFV Secretariat will report annually to the Board of Directors on the strategic plan's performance indicators. A Mid-Term Review will also be conducted at the beginning of 2016, which will allow for a newly elected Board of Directors to deliberate on the possible need for revision or adaptation.

Development process

The methodology used for managing the TFV's strategic management process included a comprehensive review of on-going activities and processes, which helped to inform the development process.

The strategic planning development process is only one part of a comprehensive strategic management process, which involves: 1) analysis and assessment of the current internal and external environments, 2) strategy formulation 3) strategy execution, where the high level plan is translated into more operational planning and action items, and 4) evaluation or management phase, where on-going refinement and evaluation of performance, capacity, communications, data reporting, and other strategic management issues will occur.

There were several key events and activities during the 18-months of the strategic planning process as further outlined.

During a staff retreat in January 2013, the TFV Secretariat initiated the development process of the strategic plan by conducting a comprehensive analysis of the organisation's strengths and weaknesses and of the opportunities and threats emanating from the organisation's environment. The Secretariat also conducted a detailed review of programme strategies, including grants management processes, assessment methodologies, the management structure of field operations and options for partnership development. The Secretariat also carried out a visioning exercise as a first step towards imagining how the TFV might look like in 2017.

In March 2013, the TFV Board of Directors agreed to extend the existing Strategic Plan (2009-2012) until 2013 in order to develop a new strategic plan covering the four-year period from 2014-2017. This allowed for the TFV to engage with the newly elected Board of Directors and take into consideration the outcomes of the following processes:

The TFV commissioned an independent external evaluation of the assistance programme in northern Uganda and in the Democratic Republic of the Congo (DRC). The evaluation was conducted by the

International Center for Research on Women (ICRW) and focussed on a) determining the significance and assessing the impact of TFV programmes; b) identifying areas for strengthening and improvement of TFV programmes; and c) providing evidence-based recommendations to inform the design of the next TFV Strategic Plan. The results of the programme evaluation were published in a report and presented at the meeting of the ICC Assembly of States Parties meeting in The Hague in November 2013.¹

The development of a comprehensive risk management framework for the TFV, including the identification and assessment of priority risks and control measures, was facilitated by Deloitte Risk Service BV. The risk identification process involved an engagement with the Secretariat at the January 2013 staff retreat and with the Board of Directors during the annual meeting in March 2013. Individual interviews with key stakeholders at the TFV and the Court reviewed a list of 114 risks. These were consolidated to 32 risks that were reviewed in a workshop in May 2013 with the participation from the Court and the TFV. Several stakeholders, including States Parties and civil society organisations, contributed by responding to a survey. The assessment workshop rated risks in terms of likelihood, impact and vulnerability, which resulted in a list of priority risks arranged according to highest impact. During the third quarter of 2013, the Secretariat conducted an in-depth analysis of the priority risks, developed appropriate control measures, and established the action owners and risk management timelines.

From December 2013 to January 2014, the TFV issued an online survey, which aimed at gathering insights and feedback from various stakeholders, including ICC staff, States Parties, donors, implementing partners and other civil society organisations. While the survey's responses were not deemed to be entirely representative, they did provide valuable external insights that were useful for the development of the strategic plan.

Based on the outcomes of the above initiatives, in January 2014 the TFV Secretariat engaged external consultants to assist with facilitating discussions and planning for developing the key elements of the strategic plan, including the TFV's vision, mission, values, SWOT (strengths, weaknesses, opportunities and threats), strategic goals, cross-cutting themes and risk management priorities. A further consultation was conducted with key staff at the ICC Registry in February 2014.

The TFV Board of Directors reviewed the new draft strategic plan at its annual meeting from 18-20 March 2014. The draft strategic plan was adjusted based on the discussions during the Board of Director's meeting and shared with external stakeholders for their information and review. This consultation process included a dedicated session at The Hague Working Group's facilitation on victims in March 2014. The Board of Directors adopted the final version of the Strategic Plan 2014-2017 in May 2014.

¹ Available at http://www.trustfundforvictims.org/sites/default/files/media_library/documents/pdf/ICRWTFVExternalProgEvaluation2013Final.pdf.

Part 1 – Achievements, Successes and Analysis

Since its inception in 2002, the TFV has evolved from an innovative feature of the Rome Statute into an effective institution that is playing a substantive role in addressing the harm suffered by victims and their families of crimes within the jurisdiction of the ICC.

The focus of the TFV's operations has been on implementing the assistance mandate, following the pattern of the ICC's jurisdictional development. Programmes were developed and implemented in northern Uganda and in the Democratic Republic of the Congo (DRC), reaching over 110,000 beneficiaries by the end of 2013. For the Central African Republic (CAR) situation, a programme was also developed focusing on victims of sexual and gender-based violence, and implementing partners were selected. However due to the deteriorating security situation in CAR, the TFV suspended this programme until further notice in March 2013 while maintaining the related financial reservation.

The TFV's reparations mandate has remained inactive due to the fact that none of the ICC's cases have been adjudicated through to the completion of reparations proceedings.

The TFV's first strategic plan, adopted by the Board of Directors in 2009, covered the period 2009-2012. The first strategic plan involved a wide range of consultations with stakeholders in 2007 and 2008 given it was the first opportunity to translate theory into practice by creating the trust fund, its programmes and business processes. Since it was developed at a time when the TFV was creating the organisation, the first strategic plan unavoidably lacked evidence based information which could inform the projected results to be achieved. Yet the plan was able to derive and incorporate important insights and experiences from other domains concerned with the engagement and provision of services to vulnerable groups in conflict and post-conflict situations. These inspired the articulation of a mission statement and the setting of strategic goals, cross-cutting strategies guiding the actions of the TFV, programme and project granting strategies, and a performance monitoring plan were developed to help guide the work.

The resulting TFV Programme Framework (2009-2012) read as follows:

Mission statement

To support programs which address the harm resulting from the crimes and the jurisdiction of the ICC by assisting victims to return to a dignified and contributory life within their communities.

Strategic goals, driving the implementation of the TFV assistance and reparations mandates

- Identify and raise awareness on the situation of victims of genocide, crimes against humanity and war crimes
- Mobilize resources and partners in reaching out to these victims and helping them to rebuild their lives and the ones of their communities
- Advocate for, and facilitate a dignified reconciliation within the affected families, communities, states, striving to prevent the reoccurrence of such crimes in the future.

Cross-cutting issues

- Promoting community reconciliation, acceptance; and rebuilding community safety nets
- Mainstreaming gender to include addressing impact of gender-based violence and other sexual violence of women, men and children
- Integrating and rehabilitating child soldiers and abductees into communities, including support of intergenerational responses
- Addressing issues of victims' stigma, discrimination and/or trauma

1.1 Programmes

The TFV started its field operations related to its assistance mandate in northern Uganda and Democratic Republic of Congo (DRC) in 2008. Following submissions to the Pre-Trial Chamber in 2008, the authority was provided by the Pre-Trial Chamber to launch victims' assistance in these two situations under the ICC's jurisdiction.² The TFV's assistance programme is restricted in terms of how the projects were filed and approved by the ICC Pre-Trial Chamber, including ensuring that the location of the interventions, victims, types of crimes, and types of assistance cited on the filing are maintained.

Prior to issuing grants, field assessments were carried out to ensure projects directly addressed the harm caused by the conflict under the ICC jurisdiction and targeted the most vulnerable and marginalized victims. In 2008, Chambers approved 34 projects for both situations, and some of these projects have either been completed or phased out.³ After six years of implementation, numerous victims, their families and their communities have benefited from the TFV projects implemented.

The TFV's grant-making process emphasised: *participation* by victim survivors⁴ in programme planning, *sustainability* of community initiatives, *transparent* and *targeted* granting according to the Court's Financial Rules and Regulations, and *accessibility* for applicants that have traditionally lacked access to funding, addressing the *special vulnerability of girls and women*, *strengthening capacity* of local grantees and *coordinating* efforts to ensure that the selection and management of grants was strategic and coherent.

There were substantial efforts made to build and strengthen business systems and processes in consultation with the ICC Registry to include establishing project granting and procurement procedures; project proposal, budgeting and reporting formats; project design and planning methodologies and field assessments; financial management processes including the design and establishment of SAP Grants Management module and modifications for IPSAS compliance; development of project contract and donor agreements; design of a TFV logo, branding, website and video; production of bi-annual public programme reports; drafting of donor proposals and the launch of the first global donor appeal in 2008; and the management of representational events including the Rome Statute Review Conference in Kampala in 2010 and high-level VIP missions with States Parties, CBF members and ICC Principals to northern Uganda and DRC in 2010 and 2013.

From 2010 to 2011, the TFV designed and conducted a **baseline survey and impact assessment** of the rehabilitation assistance delivered to victims in northern Uganda and the Democratic Republic of the Congo. There were 2500 victim beneficiaries interviewed and the study measured the impact of the violence experienced by victim survivors, and their perceptions of justice, reconciliation and reparation. This was an important learning opportunity for the TFV, not only to gain information about the relevance of its assistance projects and explore lessons to inform a future Court order for reparations. Summary findings included [source Fall 2010 Programme Progress Report]:

- Interestingly, the TFV's results clearly showed a gender dimension related to the impact of violence. Violence, that is, impacts men and boys differently than it impacts women and girls; and the findings suggested that among the Trust Fund's beneficiaries, female victims had experienced more severe psychological and social consequences. This, in turn, showed that women approach the issues of justice, rehabilitation, reparation and reconciliation differently than men. This finding reiterated the importance of considering the cultural and social contexts surrounding the role of women and girls, and their access to basic services and information when designing a reparation award and implementation process.

² See Annex 6 for the TFV Pre-Trial Chamber Project Annexes (DRC & Uganda)

³ See Annex 7 for full list of TFV projects and the status of the activities

⁴ Throughout this document, the terms "victims" and "victim survivors" are used interchangeably and both are based on the legal definition of the term "victim" in Rule 85 of the Rules on Procedure and Evidence

- The results also suggested that both the very real and urgent needs that victim survivors live with day-to-day in resource poor settings, and the violence that they have experienced during conflict, together influence opinions of justice, reconciliation, reparation and accountability. They confirmed the importance and interdependence of rehabilitation and reconciliation to the transitional justice process, and the need to take into account the special needs and vulnerabilities of children and youth, including those abducted and made vulnerable by conflict and victimized by sexual and gender-based violence.
- The study documented the value of community outreach and meaningful involvement to ensure that victims, families and affected communities understand the difference between rehabilitation assistance and reparation; and that reparations are responsive to the diversity and variety of experiences ensuring that victims participate and have ownership over the reparation process in a meaningful way.

This was an important learning opportunity for the TFV to gain information about the relevance of its projects within the framework of its assistance mandate and to gain the following insights on how this may inform the operational realities of a future ICC reparations order⁵:

- The importance of a *gender dimension* to ensure women are involved in the design, implementation and monitoring of the reparation process, and that reparations are responsive to the particularities of women's vulnerability and their roles vis-a-vis their communities;
- The importance and interdependence of *rehabilitation and reconciliation* to the transitional justice process;
- The need to take into account the *special needs and vulnerabilities of children and youth*, including those abducted into fighting forces and also those made vulnerable by war and victimized by sexual and/or gender-based violence;
- The value of *integrating collective and individual approaches to reparation* by structuring awards that take into account not only the violence suffered, but also the consequences of violence and its impact on the social contexts in which victims live; and
- *The value of outreach and meaningful involvement* to ensure that affected communities understand the difference between rehabilitation assistance and reparation; that reparations are responsive to the diversity and variety of victims' experiences; and that victims have a stake in and ownership over the reparation process in a meaningful way.

The above insights have been instrumental in shaping the various filings that the TFV has submitted on the principles and procedures on reparations to be observed by the Court, as part of the first reparations phase conducted by the Court in the case against Mr Thomas Lubanga.

The TFV also commissioned the first **external programme evaluation** conducted in 2013 by the International Center for Research on Women (ICRW). The purpose of the evaluation was to determine significance and assess impact of the programmes in DRC and northern Uganda; identify areas for strengthening and improvement of the programmes; and provide evidence-based recommendations to inform the design of the next TFV strategic plan.

ICRW developed a mixed methods evaluation approach that employed participatory monitoring and evaluation (PME) activities, in-depth interviews (IDIs), and secondary review of existing documentation and data. Through the fieldwork in both countries, more than 750 individuals participated in IDIs and/or PME activities. These included victim survivors, other programme beneficiaries, implementing partners, and representatives of government agencies.

The evaluators recorded that the TFV has managed a successful translation from theory into practice, which speaks to the relevance and feasibility of the strategic goals as formulated in the TFV Strategic Plan 2009-2013. The TFV's continuous investment in strengthening the capacities of its implementing partners was thought to have enhanced the effectiveness and impact of the TFV's implementation.

⁵ TFV Fall 2010 Programme Progress Report, available on TFV website

The evaluators noted the benefits of adopting a holistic approach to addressing harm by integrating services available under the TFV assistance mandate and ensuring that the specific circumstances of victims, their families and their communities were addressed. The fact that the affected communities themselves actively participated in the development and implementation of projects, including the identification of the most vulnerable victims, was noted as a particularly striking feature of TFV assistance programmes. This approach helped to mobilise community resources and foster the promotion of local ownership and sustainability.

The TFV's physical rehabilitation services resulted with an extensive degree of healing as well as contributed to the social reintegration of victim beneficiaries. The evaluators observed a high degree of effectiveness in the psychological support services and that they were likely to achieve sustainable impact in the long term. The provision of material support achieved or surpassed objectives and demonstrated a clear recognition of the livelihood needs faced by victims and their families as a result of the harm they suffered.

On the TFV programme strategy's cross-cutting themes, promising results were documented in community reconciliation due to the inherent and powerful will of community members to contribute to peace-building efforts. The importance of mainstreaming gender throughout all interventions was central to the institutional strengthening of TFV implementing partners. At the individual level SGBV survivors indicated that the assistance they received helped them stop blaming themselves for the crimes they had experienced, regained their self-esteem and started to sustain their own economic livelihood.

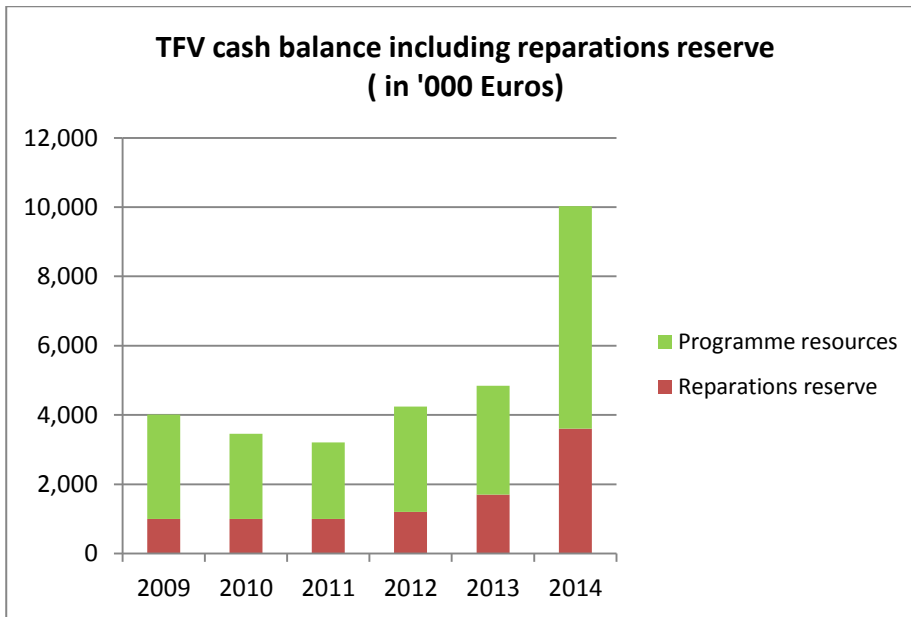
The evaluators recommended further prioritising the participation of victim beneficiaries and their communities in programme design and monitoring. Project achievements should be better linked to the overall strategic framework by establishing a standardised project monitoring tool and a management information system. Other recommendations include the development of a multi-annual programme funding practice, a review of current in-country management structures and to streamline communication efforts to raise the in-country awareness about the TFV.

According to a 73% majority of respondents to the **TFV online survey**, which was conducted from December 2013 into mid-January 2014, the TFV has been achieving its goals in full or in part. It was noted that while victims might still greatly outnumber TFV beneficiaries in ICC situation countries, the current projects are a step towards the recognition and remedy of harm suffered by victims, which is important for reconciliation. Survey participants underlined the need for multi-annual funding allowing the TFV's implementing partners to engage in long-term planning in line with the type of harm they are addressing.

The need for ensuring transparency throughout the design and implementation of the mandates was stressed, as well as monitoring and evaluation to consistently generate empirical evidence on outcomes of TFV supported programmes. Respondents also highlighted that the TFV should engage earlier in ICC situations countries, increase local and global visibility, and clarify its relationship with the ICC. Asked about the main values that the TFV should stand for, respondents stated that the TFV should deliver results in terms of dignity, empowerment, justice and hope.

1.2 Resource development

Voluntary contributions by States Parties have been the major driver for the development of the TFV's resource base. Contributions from private donors have remained modest so far, also because the Secretariat lacked the capacity to operate in these markets. Revenue from Court-ordered fines, forfeitures and reparations awards has not yet been realised for the TFV.



The TFV resource base grew from EUR 4 million in 2009 to slightly over EUR 10 million in July 2014. A number of trends have characterised this development. Many donors have stayed with the TFV throughout the years and so paved the way for various types of engagement, sometimes by invitation of the TFV. While unrestricted funding has remained the norm, the possibility of earmarking contributions has met with a solid donor response, in particular in regards to supporting victims of sexual and gender based violence (SGBV) and the TFV’s reparations reserve.

Donors are increasingly engaging with the TFV, based on their particular policy priorities, which may range from recognising the TFV’s reparative justice mandates to an essential part of the Rome Statute system, and to specific policy concerns such as on sexual violence in armed conflict. For example, in 2013 the UK, having already provided the TFV with sizeable unrestricted funding in previous years, made a connection between earmarking contributions to the TFV for SGBV survivors and the launch of its *Preventing Sexual Violence Initiative (PSVI)*, which was highlighted during the G8 Ministers meeting in March 2013.

Moreover, aligning national policy priorities with TFV mandates and strategies has induced States Parties to finance their voluntary contributions to the TFV from Official Development Assistance (ODA) resources. This, in turn, has made it possible to develop multi-annual donor agreements with countries such as Sweden and Finland.

Outside of the traditional donor community, a growing number of States Parties are providing voluntary contributions, reflecting a wider distribution of moral and political support for the TFV across the ICC Assembly of States Parties regions.

Throughout the years, civil society organisations have also individually and collectively advocated with States Parties to make voluntary contributions to the Trust Fund for Victims.

1.3 Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis

The following achievements and insights contribute to the TFV's assessment of its strengths, weaknesses, opportunities and threats related to organisational performance and the institutional environment.

In January 2014, the TFV Secretariat reviewed and assessed the results of a SWOT analysis carried out in 2013 and, benefiting from the knowledge gained from the initiatives implemented during that year, including the external programme evaluation, development of a risk management framework, and the TFV online survey. As a result of this review process, the Secretariat identified the following key characteristics for each category:

Strengths

- The TFV mandates put victims at the centre of justice
- Our achievements reflect efficiency, credibility and show that trust has been built with our partners
- Our team is professional, committed, diverse and dynamic

Weaknesses

- A lack of clear internal communication within TFV that hinders team cohesion
- A lack of clarity between roles & responsibilities that sometimes overlap or leave gaps resulting in lack of coordination
- Outdated human resources structure and allocation of tasks

Opportunities

- To develop and implement a fundraising strategy which strengthens and professionalises TFV fundraising on all levels and in all possible areas
- To expand geographically in light of TFV 's increased resources and the expanding number of ICC cases and situations
- To use the TFV's specific experience, insights and technical know-how together to build capacity in the areas we work so that at the end TFV assistance is no longer needed, which includes the empowerment of beneficiaries and building the capacity of stakeholders and key partners, including domestic agencies.

Threats

- TFV, implementing partners and/or ICC Registry have insufficient institutional and technical capacities to ensure the delivery of meaningful victims' assistance and reparations, resulting in organisational, programmatic and reputational risk
- ICC judicial decisions could inadvertently harm victims and affected communities and threaten the TFV's ability to implement its mandates.
- Dependency on the Court's managerial decision making related to policy development, budgeting and prioritizing operational support could threaten operations if TFV is not considered, consulted, prioritized and included in the Court's plan (administration, field operations and security assessments).

Part 2 - Trust Fund for Victims regulatory framework and legal mandates

“[I]n honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith and human solidarity with victims, survivors and future human generations, and reaffirms the international legal principles of accountability, justice and the rule of law.”⁶

The Rome Statute reflects the international consensus that justice for victims of the gravest human rights crimes cannot be achieved without their participation in the judiciary process, and without their direct involvement in defining and implementing the most appropriate means of reparation and rehabilitation. The acknowledgement of the rights of victims and the inclusion of a central restorative mandate are key elements of the Rome Statute. This is a significant departure from other international criminal tribunals, and one that is likely to have a major impact on the course of justice before the International Criminal Court.⁷

In 2002, the Rome Statute created the International Criminal Court (ICC) and the Trust Fund for Victims (TFV). The legal basis for the TFV is stated in article 79 of the Rome Statute, which provides for a *“Trust Fund...for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims.”*⁸

2.1 Regulatory framework

ICC-ASP/1/Res.6: Establishment of a fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims. Through this resolution, the first Assembly of States Parties (ASP) in September 2002 reiterated the will to establish a Trust Fund for Victims. The ASP established the five-member Board of Directors elected by the Assembly to which the Board reports. The Resolution notes that the Registrar of the Court participates in Board meetings in an advisory capacity.

As to the management of the Trust Fund’s resources, ICC-ASP/1/Res.6 noted - in a further development of Article 79 (2) of the Rome Statute - that the Trust Fund may be funded by voluntary contributions by governments, international organisations and private donors, next to the proceeds from fines, forfeitures and awards for reparations such as ordered by the Court. This resolution also stipulated that the Court’s Financial Regulations and Rules (FRR) “apply mutatis mutandis to the administration of the Fund except as otherwise provided in the present resolution”.

ICC-ASP/3/Res.7: Establishment of the Secretariat of the Trust Fund for Victims. The third ASP, held in September 2004 in The Hague, decided to establish a Secretariat “to provide such assistance as is necessary for the proper functioning of the Board of Directors in carrying out its tasks.” It also stated that the Secretariat shall operate “under the full authority of the Board of Directors in matters concerning its activities” and that “for administrative purposes, [it] shall be attached to the Registry,” while noting that “[mindful] of the independence of the Board and Secretariat, the Registrar of the Court may provide such assistance as is necessary for the proper functioning of the Board and Secretariat.” The resolution also “calls upon governments, international organizations, individuals, corporations and other entities to contribute voluntarily to the Fund.”

⁶ Preamble, The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms - Final report of the Special Rapporteur, M. Cherif Bassiouni, submitted in accordance with Commission resolution 1999/33, 18 January 2000, E/CN.4/2000/62.

⁷ See also “The International Criminal Court’s Trust Fund for Victims – Analysis and Options for the Development of Further Criteria for the Operation of the Trust Fund for Victims”, Discussion Document, December 2003, REDRESS.

⁸ For information on the TFV’s legal basis, see: <http://trustfundforvictims.org/legal-basis>

ICC-ASP/4/Res.3: Regulations of the Trust Fund for Victims. At the fourth plenary meeting on 3 December 2005, the Assembly of States Parties adopted a resolution to articulate the regulations of the Trust Fund. The resolution describes the management and oversight of the Board of Directors in more detail; and the functions of the Secretariat and policies related to the uses of voluntary contributions and resources collected through reparations awards.

Further to RPE 98 (2) and (5), Regulation 47 RTFV specifies that revenue originating from other sources than Court decisions are to be considered to constitute the “other resources of the Trust Fund”, which the Board and Secretariat are expected to proactively solicit from public and private donors.

Regulation 56 RTFV provides for an important qualification of the Board’s responsibilities in regard of its decisions on the management and use of these “other resources”, stating that “without prejudice to its activities” under the Fund’s assistance mandate, the Board “shall make all reasonable endeavours to manage the Fund taking into consideration the need to provide adequate resources to complement payments for [reparations] awards.”

ICC-ASP/4/Res.5: Procedure for filling vacancies in the Board of Directors of the Trust Fund for Victims. At the fourth plenary meeting on 3 December 2005, the Assembly of States Parties adopted a resolution to clarify the procedure in the event of a vacancy on the Board of Directors.

ICC-ASP/4/Res.7: Amendment regarding the term of office of members of the Board of Directors of the Trust Fund for Victims. At the fourth plenary meeting on 3 December 2005, the Assembly of States Parties adopted a resolution to clarify the procedure in cases where the term of office of a Board member expires before the election of a new Board can take place.

ICC-ASP/6/Res.3: Amendment regarding voluntary contributions earmarked for specific purposes. At the seventh plenary meeting on 14 December 2007, the Assembly of States Parties adopted a resolution to allow for earmarked contributions by governments and other sources when the funds have been raised at the initiative of the members of the Board of Directors and/or the Secretariat.

In terms of reporting, the Board submits an annual report on the activities of the TFV to the Committee on Budget and Finance, the External Auditor and the Assembly of States Parties [Regulation 76 RTFV]. Furthermore, the Board submits the proposed operating budget for the Secretariat for review by the Committee on Budget and Finance; and the annual statement of accounts and financial statements for review by the External Auditor [Regulation 77 RTFV].

With respect to the TFV's assistance mandate, the TFV Regulations specify that before undertaking activities to provide physical and psychological rehabilitation, and/or material support to victims under the jurisdiction of the ICC, the Secretariat is required to carry-out an assessment [Regulation 49 RTFV] and the Board of Directors is required to formally notify the Pre-Trial Chamber of its intentions in the situation [Regulation 50 RTFV].

According to Regulations 57 and 58 RTFV, the Board of Directors submits to the relevant Chamber a draft reparations implementation plan for Court-ordered reparations. These reports are reviewed and approved by Chambers; and the Board is responsible for submitting regular narrative and financial progress reports.

2.2 Legal mandates – Assistance & Reparations

With the unique roles of implementing both Court-ordered and assistance to victims of crimes under the ICC’s jurisdiction, the Trust Fund for Victims fulfils two mandates:

1. Reparations: implementing Court-ordered reparations awards against a convicted person when directed by the Court to do so.
2. Assistance: using voluntary contributions from donors to provide victims and their families in situations where the Court is active with physical rehabilitation, material support, and/or psychological rehabilitation.

Victims are defined in Rule 85 of the Rules of Procedure and Evidence (RPE). The RPE are part of the body of applicable law in accordance with Article 21 of the Rome Statute and provide additional detail for various elements of the Court's functioning, including, inter alia: a definition of victims (Rule 85), a subsection on reparations proceedings (Rules 94 to 97), and an elaboration on the two mandates of the Trust Fund (Rule 98).

Rule 98 (5) RPE stipulates that the “other resources” of the Fund may be used for the benefit of victims. This Rule refers to Article 79 Rome Statute and thus includes the families of such victims. Regulation 50 (a) RTFV highlights the discretion of the Board to consider and provide “physical or psychological rehabilitation or material support for the benefit of victims and their families”, as well as the role of the relevant Chamber in determining whether or not the proposed activities “would predetermine any issue to be determined by the Court”.

Rule 98 (1-4) details the Trust Fund's mandate with regard to reparations awarded by the Court against a convicted person. The TFV's mandate to *implement reparations awards* results from the conviction of an accused person(s) by the Court, and a subsequent decision on reparations awards if this is done in accordance with Article 75(2) of the Rome Statute indicating that the award be made through the Trust Fund. Rule 98 RPE addresses the possible modalities of the TFV's involvement in the implementation of reparations awards; and Regulations 59 through to 75 RTFV provide more detail on relevant procedures to be followed.

While both TFV mandates depend on the Court's jurisdiction in a particular situation, only the reparations mandate is directly linked to particular cases adjudicated before the ICC. By definition, the identification of beneficiaries of reparations awards will be based on a determination of the harm resulting from the crimes on the case. In contrast, the TFV's assistance mandate is not linked to a prosecutorial strategy, is implemented before the conclusion of a trial, and is not limited to victims and their families who suffered harm from the convicted crimes. This mandate serves as a very immediate response to the urgent needs of victims and their communities who have suffered from the worst international crimes.

2.3 Governance

The Assembly of States Parties has provided the Trust Fund for Victims with a regulatory framework containing features that are distinctly different from the Court's own governance structure. The Board of Directors, directly accountable to States Parties, is responsible for the overall management of the Fund's resources and activities.

Yet by way of the Rome Statute's legal framework, the Fund's assistance and reparations mandates are inextricably linked with the jurisdiction and judicial decisions of the Court. The TFV may also engage with a much wider victim population than considered in judicial proceedings before the Court, which can expand the scope and relevance of the Rome Statute's reparative justice function.

Furthermore, the TFV does not possess an independent legal personality from the ICC. Therefore, its organisational performance is governed by the same rules and regulations that apply to the Court. The Board and Secretariat's successful exercise of their responsibilities in accordance with the specific mandates of the TFV will depend on the existence of a truly collaborative partnership between the TFV and ICC. This relationship should be characterised by a mutual respect and understanding of each other's roles and responsibilities, as well as by a positive commitment to address and resolve any ambiguity that may result from the regulatory framework that they share.

Part 3 – TFV vision, mission statement, strategic goals, cross-cutting themes and core values

Vision

We envision a world where the rights of individuals are fulfilled and where survivors of the gravest human rights violations are empowered to live a life of hope, dignity and respect.

Mission Statement

The TFV responds to the harm resulting from the crimes under the jurisdiction of the ICC by ensuring the rights of victims and their families through the provision of reparations and assistance.

Strategic Goals

1. Victims and their families overcome harm, lead a dignified life, and contribute towards reconciliation and peace-building within their communities;
2. Public and private donors, as well as fines and forfeitures, provide the Trust Fund for Victims with sufficient resources to operate its assistance and reparations programmes in ICC situations.
3. The Trust Fund for Victims is a powerful advocate of the rights of victims and their families in the public domain, in particular the global justice system and humanitarian sector;
4. The Trust Fund for Victims, acting in a collaborative partnership with its strategic partners, ensures good governance, accountability and transparency throughout its activities.

Together with the strategic goals, TFV programmes will be informed by the legally defined interventions under each mandate and eight programmatic principles, which are described in detail in Part 4.3 below.

1. **Support the advancement of women’s human rights; increase the participation of women and incorporating gender perspectives including addressing disparities; and the impact of sexual and gender-based violence** in line with *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and UN Security Council Resolutions on women, peace and security.
2. **Restore dignity and promote peace building, community reconciliation, acceptance, and social inclusion** through conflict-prevention, the rebuilding of community safety nets, and mitigation of stigma, discrimination, and trauma.
3. **Support the rights of children affected by armed conflict** by supporting intergenerational responses for integrating and rehabilitating former child soldiers and other war-affected youth in line with the *UN Convention on the Rights of the Child (CRC)*.
4. **Develop and implement communications and outreach initiatives** for cultivating relationships, enhancing visibility, mobilising communities, changing attitudes, managing crisis, generating support, and encouraging financial contributions.
5. Based on best practice and evidence-based programming, **link grant-making to technical and organisational capacity building** activities to ensure sustainability.

6. **Work with implementing partners to assess, mitigate and evaluate the likely environmental impact** of a proposed project or programme, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.
7. **Facilitate action learning through participatory approach (planning, research, programming, monitoring and evaluation)** by safeguarding a dynamic, interactional, and transformative process between people, groups, and institutions that enables victims both individually and collectively, to realize their full potential and be engaged in their own redress.
8. **Conflict sensitivity: 'Do no Harm'** is a fundamental principle of the implementation of all TFV programmes to which it is fully committed. TFV programming should **not contribute to the creation of further harm, neither for the victims themselves, nor for the society in which they live.** Therefore, TFV ensures that implementation of all its supported activities has no negative impact and thus does not escalate tensions between beneficiaries and non-beneficiaries to a conflict.

Core Values

Values are the standards that guide the Trust Fund for Victims' conduct in a variety of settings. The values might be thought of as a moral compass for its business practices, including formal and informal engagement with third parties. While circumstances may change, ideally values do not. Vision and mission statements provide direction, focus, and energy to accomplish shared goals, and values express the integrity that individuals and the Trust Fund for Victims believe in. They serve as a decision-making tool that guides behaviour in daily interactions.

Respect - The Trust Fund for Victims will value each person for their thoughts, opinions, diversity, and personal needs. Respect is often thought of as earned or built over time. Often, continued caring interactions are required to maintain or increase feelings of respect among individuals, communities, and institutions.

Trustworthy - is a value and virtue of a person or institution in whom you can place your trust and rest assured that the trust shall not be betrayed. A person can prove their trustworthiness by fulfilling an assigned responsibility - and as an extension of that, not to let down expectations. In general, in order for trust to be earned, worth and integrity must be proven over time. The Trust Fund for Victims commits to being a high-trust organization driving its relationships, leadership, structure, actions, rewards and key processes.

Transparency - is defined as the extent to which ethical and unethical behaviour and its consequences are visible to those managers and employees who can act upon it. Transparency should include (but not be limited to) sharing information about programmes, services, actions and finances with the public.

Collaboration - The Trust Fund for Victims recognizes collaboration and teamwork as the key to synergy ensuring we work with each other to achieve shared goals, or where organizations work together to realize shared goals by sharing knowledge, learning and building consensus.

Accountability - is both a promise and an obligation to deliver specific, defined results. Accountability starts with aligning our services and programmes with the mission and strategic goals and ensuring they are successful. We accept ownership for our actions and decisions. Accountability, as we define it, does not apply in an abstract way to departments, work groups, or entire organisations. Accountability belongs to everyone and is first and foremost a personal commitment to the organisation and to those that the organization serves and for its results.

Integrity - The Trust Fund for Victims will foster trust and honesty in all interactions, and behave according to established professional standards of excellence. Integrity includes the quality of being honest and

having strong moral principles; and the state of being whole and undivided. We will be truthful, dependable and fair in all actions to ensure good governance, transparency, and accountability, acting with honesty and honour without compromising the truth.

Part 4 – TFV Global Programme Strategies

Goal 1: Victims and their families overcome harm, lead a dignified life, and contribute towards reconciliation and peace-building within their communities

Countries emerging from violent conflict often have weak or non-existent rule of law, inadequate law enforcement, insufficient capacity in the administration of justice, and increased instances of human rights violations. This situation is often exacerbated by corruption, a lack of public confidence in State authorities and institutions, and a shortage of resources⁹.

Conflict also tears apart the social fabric of communities, through the loss of family members, including elders who provide intergenerational leadership and support. Conflict may sometimes also force an unexpected redefinition of gender roles, not through a process of gender-based transformation and empowerment, but due to necessity with the departure of male family members who join or are forced into armed groups or killed, and thus leaving women as the primary bread winners and the only decision-maker in the immediate family¹⁰.

Sexual violence, predominantly committed against women and girls, is the most common form of gender-based violence, and one of the most widespread forms of criminality experienced in armed conflicts. Rape has become a "weapon of war" used to punish communities for their political loyalties, or as a form of ethnic cleansing. The long-term consequences of sexual violence are medical, as well as psychological and socioeconomic. Widespread poverty and long-term trauma, in turn, erode the stability of communities trying to establish a road to peace and reconciliation.

Added to this is the challenge of the stigma attached to children born during abduction or having fought in the rebel ranks. In Ituri, eastern DRC, inter-ethnic violence has significantly impeded the peace-building and reconciliation processes. Conflict affected communities in the DRC and northern Uganda continue to grapple with the stigma faced by survivors of sexual violence, the children born as a result of rape, and (to varying degrees) former child soldiers and girls associated with armed groups¹¹.

These are just some of the profound challenges faced by communities emerging from conflict where both remedies to justice and support for victims are urgently needed. Issues of transitional justice are necessary as a key focus of the post-conflict context, both to confront and address the culture of violence and impunity; and to begin a healing process within the community through rehabilitation, truth and reconciliation, accountability and reparations.¹²

The Rome Statute reflects the international consensus that justice for victims of the gravest human rights crimes cannot be achieved without their participation in the ICC judiciary process; or without their involvement in defining and implementing the most appropriate means of reparations and rehabilitation. In accordance with rule 98 of the Rules of Procedure and Evidence, the TFV fulfils two main mandates:

⁹ Rule of Law Tools for Post-Conflict States Reparations Programmes, OHCHR (2008), p. V.

¹⁰ External Evaluation Trust Fund for Victims, (2013), p. 37.

¹¹ *ibid*

¹² SOCIAL DEVELOPMENT PAPERS - Conflict Prevention and Reconstruction, Rule of Law Reform in Post-Conflict Countries Operational Initiatives and Lessons Learnt, Kirsti Samuels, Paper No. 37/ October 2006.

- To implement awards for reparations ordered by the Court against a convicted person;¹³ and
- To use its “other resources” for the benefit of victims subject to the provisions of article 79 of the Rome Statute.¹⁴

4.1 Reparations Mandate

For the very first time in history, a possibility has been created to address the wrongs which have been committed, through a claim for reparations against the individual convicted by an international criminal court, including an option to claim restitution, compensation and rehabilitation.¹⁵

Of all the justice mechanisms, reparations are unique because they directly address the situation of the victims themselves. Reparations, if well designed, acknowledge victims’ suffering, offer measures of redress, as well as some form of compensation for the violations suffered.¹⁶ Reparations not only provide material benefit to victims but also recognition of the injustices that have occurred, which is an important step towards making amends, healing and reconciliation. Reparations serve as an acknowledgement and a record of the injustices¹⁷.

Delivering meaningful reparations will be fundamental for the ICC’s credibility in the eyes of victim communities and the public at-large. Reparations principles address philosophical and practical challenges stemming from the judicial nature of the reparations before the Court – and the Trust Fund for Victims will have a key role to play in working with victims and the ICC to implement the Court’s reparations orders.

The TFV’s reparations mandate is linked to a case at the ICC. Resources are collected through fines or forfeiture and awards for reparations are complemented with "other resources of the Trust Fund" if the Board of Directors so determines.¹⁸ Reparations to or in respect of victims can take many different forms, including restitution, compensation and rehabilitation. This mandate leaves room for the ICC to identify the most appropriate forms of reparation in light of the context of the case and the rights and wishes of the victims and their communities.

Reparation is in no way limited to individual monetary compensation; it could instead include collective forms of reparation and symbolic or other measures that could promote reconciliation within divided communities. The Court may order that an award for reparations against a convicted person be deposited with the TFV where at the time of making the order it is impossible or impracticable to make individual awards directly to each victim¹⁹.

4.2 Assistance Mandate

The assistance mandate of the TFV envisions the possibility for victims and their families to receive assistance separate from and prior to a conviction by the Court, using resources the TFV has raised through voluntary contributions. While this support is distinct from awards for reparations, in that it is not linked to a conviction, it is key in helping repair the harm that victims have suffered because: 1) the TFV can provide assistance to victims in a timelier manner than may be allowed by the judicial process; and 2) assistance is targeted to victims of the broader situations before the ICC, regardless of whether the harm they suffered stems from particular crimes charged by the Prosecutor in a specific case.

Because of its direct experience in assisting victims in the situation through this mandate, the TFV is a valuable source of operational and programmatic expertise for the Court, especially vis-à-vis the design and

¹³ Rule 98 (2), (3), (4) of the Rules of Procedure and Evidence

¹⁴ Rule 98 (5) of the Rules of Procedure and Evidence

¹⁵ See the Coalition for the International Criminal Court <http://www.iccnw.org/?mod=trustfund>.

¹⁶ De Greiff, P. (2006). *The Handbook on Reparations*. Oxford: Oxford University Press.

¹⁷ Carranza, R., quoted in: Institute for War and Peace, Reporting, *Lubanga Verdict Prompts Debate on Reparations*, 30 April 2012,

¹⁸ Regulations 43 to 46 and 56 of the Regulations of the Trust Fund for Victims

¹⁹ Rule 98 (2) of the Rules of Procedure and Evidence

implementation of reparation awards. The obvious difference between the assistance and reparations mandates is that reparations are linked to accountability, springing from individual criminal responsibility of a convicted person, and the assistance mandate is not.

The resources used for the TFV's assistance mandate are "*resources other than those collected from awards for reparations, fines and forfeitures,*" as defined in Regulation 47 of the Regulations of the Trust Fund for Victims. They are used in accordance with Regulation 48, to benefit "*victims of crimes as defined in Rule 85 of the Rules, and, where natural persons are concerned, their families, who have suffered physical, psychological and/or material harm as result of these crimes.*" Earmarked funding has constituted an important share of the Trust Fund's resources under the assistance mandate, especially for supporting victims of sexual and gender-based violence.²⁰

Regulation 50 of the Regulations of the Trust Fund for Victims provides that "the TFV shall be considered to be seized" when the Board of Directors considers it necessary to provide physical or psychological rehabilitation and/or material support for the benefit of victims and their families, and has consulted with any relevant Chamber of the Court in accordance with the procedure specified.

Under the assistance mandate, the TFV may provide three forms of support: *physical rehabilitation, psychological rehabilitation and material support*. This victim's assistance is legally defined, and based on TFV programme experience, project activities could include:

- **Physical Rehabilitation** focuses on supporting victims who have suffered physical injury in order to recover and resume their roles as productive and contributing members of their societies. Activities may include the provision of reconstructive and general surgery, bullet and bomb fragment removal, prosthetic and orthopaedic devices, and referrals to medical services for survivors of sexual violence.
- **Psychological Rehabilitation** responses in this area aim to offer cost-effective psychological, social and other health benefits; and a means to educate local populations about the needs of victims and the resources available to assist in their recovery. Activities may include training and mentoring in the provision of professional trauma counselling, provision of both individual and group-based trauma counselling, school-based participatory peace promotion with the goal of promoting a culture of peace and non-violence within schools and communities, and community-led healing of memories initiatives, and community sensitization around the rights of victims to promote reconciliation.
- **Material Support** activities respond to the destruction of property, and the consequences of displacement and loss of income-earning family members, which diminished the sources of livelihood and subsistence. Programme activities within this area include the establishment of community-based savings and solidarity groups as a primary intervention, access to safe shelter, vocational training, reintegration programmes for former child soldiers, education grants, and classes in accelerated literacy.

The TFV programme activities related to each of the three categories of assistance (physical rehabilitation, psychological rehabilitation, and material support) constitute a relevant response to the major effects of the conflict under the jurisdiction of the ICC envisaged within the TFV's assistance mandate. These programmes fill an important void by addressing the needs and rights of victims and their families and often no other civil society or governmental agency is addressing. The integration of multiple forms of support also strengthens the relevance of programme activities in recognizing that the effects of the conflict did not occur in isolation.

In keeping with an integrated approach, the TFV global programme strategy will be used as a guide to the participatory programme planning, monitoring and evaluation process so that implementing partners and victim beneficiaries design interventions within the designated responses – physical and psychological rehabilitation and material support.

²⁰ TFV Regulations 27 and 28

4.3 Programmatic Principles

The design of each project funded by TFV will be informed by this overarching strategy and defined by specific types of assistance or reparations to be provided and the cross-cutting themes to be addressed. This approach will address seven prominent cross-cutting themes as outlined below:

1. Support the advancement of women's human rights, increase the participation of women and incorporating gender perspectives including addressing disparities and the impact of sexual and gender-based violence in line with *the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and UN Security Council Resolutions on women, peace and security.

The TFV will continue to strengthen gender mainstreaming across all programming, and specifically target crimes of rape, sexual enslavement, forced pregnancy, forced sterilisation and other forms of sexual and/or gender-based violence. Both are key steps in achieving the TFV's mission of addressing the harm resulting from crimes under the jurisdiction of the ICC.

The TFV informs its approach to gender mainstreaming using the Inter-Agency Standing Committee's Gender Handbook in Humanitarian Action (IASC's Gender Handbook) and the World Health Organisation's Ethical Standards and Procedures for Research. In doing so, the TFV takes care to promote women and girls' empowerment and address the specific needs of male and female victim survivors in different age groups – a fundamental requirement of any rehabilitation, reparations and peace-building process.

The TFV also supports the *Nairobi Declaration on the Right of Women and Girls to a Remedy and Reparation* to inform its programming. This Declaration, agreed upon in 2007 by human rights advocates and truth commission participants, develops principles on reparation for women and girls in relation to sexual violence. It expands on the *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, and puts all focus on the specificity of women. It adds key concepts to the principle of reparation, which the TFV utilizes as core elements of its programming strategy with victims' reinsertion into society, access to information, meaningful participation, consultation, and more.

To this end, the TFV will emphasize gender mainstreaming as a key requirement for implementing partners and their sub-grantees. In addition, the TFV will continue to invest in training and strengthening the capacity for gender mainstreaming among implementing partners at grassroots level. Other examples of gender mainstreaming will include aiming for a balanced participation of men and women in programme activities, requiring sex disaggregated data for all projects

Women cannot achieve gender equality and sexual and reproductive health without the cooperation and participation of men. Clearly, men need to be involved if gender equality is to be achieved and programmes supporting survivors of for sexual and gender-based violence are to succeed. Towards this end, the TFV programmes seek to increase men's sense of ownership over new initiatives that promote gender equity, equality and women's empowerment. They will aim to increase men's comfort with seeing themselves as responsible, caring, and non-violent partners. They will also recognize the diversity of men's reproductive and sexual health needs, including those of young men, and those who are economically deprived or displaced.

Effective programmes also recognize that gender roles and relations are dependent on social contexts in which cultural, religious, economic, political and social circumstances are intertwined. They are based on the idea that gender relations are not static and can be changed. Ideas about manhood are deeply ingrained. From an early age, boys may be socialized into gender roles designed to keep men in power and in control. Many grow up to believe that dominant behaviour towards girls and women is part of being a man.

Risk-taking and aggressive sexual behaviour on the part of young men are often applauded by peers and condoned by society. These stereotypes result in harm to both women and men, and erode possibilities of establishing satisfying, mutually respectful relationships. Ideally boys and young men can be encouraged to reflect upon and discuss issues surrounding masculinity, relationships and sexuality. Addressing these

dynamics will be a focus area of TFV's gender mainstreaming and can contribute to the deconstruction of negative, high-risk and sometimes harmful attitudes.

The TFV will also focus efforts on strengthening the gender analysis methodology capacity of its programme and implementing partners to ensure that this work is integrated into the initial needs assessment and project planning to guarantee a high degree of responsiveness to the gendered realities of potential beneficiaries. Such structured inclusion of gender issues from the design phase will reveal expanded or additional areas of intervention under both the assistance and reparations mandates, such as provision of care and support to both female and male survivors of SGBV, more tailored interventions to support the reintegration of child mothers and girls associated with armed groups, and a wider array of vocational and livelihood options.

In addition, this improved focus on gender issues will likely signal important change in the structure and leadership of village savings groups under the material support initiatives, creating more space for female ownership of this work. The TFV will also work with implementing partners to identify appropriate points of referral as well as bottlenecks and barriers that will prevent them from reaching their targets. This will ensure that the commitments they undertake for survivors of SGBV can be met with the available resources and in spite of structural limitations.

The TFV will consider the cultural and social contexts surrounding the role of women and their access to basic services and information when designing a reparation award and implementation process. For example, "women's greater difficulties in complying with formal requirements for obtaining reparations (such as identification, certificates, official documents, etc.); their greater difficulty in accessing information (linguistic barriers, illiteracy, etc.) or having a bank account; their degree of involvement in civil society organisations that function as intermediaries in either the identification and registry of victims or the delivery of services; and their geographical distance from the agencies that decide on reparations or deliver services."²¹

Expected Outcomes: TFV implementing partners adopt an explicitly gender sensitive approach throughout the design, implementation and monitoring of projects; capacity for gender analysis and gender mainstreaming strengthened; and women's participation in decision making processes in all programming levels enhanced.

2. Restore dignity and promote peace building, community reconciliation, acceptance, and social inclusion through conflict-prevention, the rebuilding of community safety nets, and mitigation of stigma, discrimination, and trauma.

Peace building, including reconciliation and reintegration, constitute very important components of the TFV's programming activities and are integrated into interventions by many implementing partners. These efforts include identifying male and female change agents within communities (e.g. community based trainers, facilitators, farmer group leaders, animators). This means that activities related to specific efforts to promote a culture of peaceful coexistence, forgiveness, and reconciliation are woven into the three core areas of the assistance mandate. This approach has been beneficial for community reconciliation and addressing gender norms about the role and competencies of women in community service and leadership. Prioritizing community participation, as appropriate, in identification of victim beneficiaries in need of support will also contribute significantly to the success of TFV-supported assistance and reparations efforts.

The TFV will continue to foster intercommunity dialogue aimed at establishing a community forum in areas most affected by the conflict under the jurisdiction of the ICC. The community dialogue provides an opportunity for victims and their families to discuss the underlying causes of the conflict, and to address community understandings and perceptions that can prevent or fuel conflict. This process will help to rebuild trust within and between communities, and foster reconciliation.

²¹ Gender and Reparations: Challenges and Opportunities, Ruth Rubio Marin, International Center for Transitional Justice, 2010, white paper.

Capacity development will emphasize expanding these types of initiatives to include a healing of memories component, aimed at enhancing the truth about the root causes of the conflict and social disorder. In many cases, these community-based activities will be directly linked to village savings groups and other structures supported by the TFV. On the whole, these efforts will be essential to the long-term success of TFV-supported assistance and reparations activities because they helped to restore the community cohesion and social networks.

Expected Outcomes: Affected communities actively pursue internal and inter-communal mediation initiatives, and contribute to the identification of victims and their families for the purpose of receiving assistance and/or reparations. Implementing partners, together with victims, families and affected communities acknowledge and respond to the specific vulnerability, stigma and trauma of victims of sexual and gender based violence; women and girls; former child-combatants; the elderly and disabled.

3. Support the rights of children affected by armed conflict by supporting intergenerational responses for integrating and rehabilitating former child soldiers and other war-affected youth in line with the *UN Convention on the Rights of the Child (CRC)*.

Children affected by armed conflict remain among the top global human rights priorities and a vulnerable group of victims under the jurisdiction of the ICC. The main reason is that armed conflicts still affect a great number of children and pose serious threats to their survival, development and life opportunities. The wounds inflicted by armed conflict on children include physical injury, gender-based violence, psychosocial distress, and disruptions in their growth, well-being and livelihoods. Children's well-being is best ensured through family and community-based solutions that draw on local culture and an understanding of child development.

The TFV will continue to promote physical and psychological recovery and social reintegration of a child victim. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child. Ensuring that health and nutrition, psychosocial well-being and education are priority components of assistance and reparations programmes will be the best way to ensure children's physical and psychological recovery and social reintegration.

Added to the overarching reconciliation and reintegration issues discussed above is the challenge of the stigma faced by young survivors of sexual violence, the children born as a result of rape, and (to varying degrees) former child soldiers and girls associated with armed groups. With implementing partners, the TFV will continue to focus efforts on assisting these young people and their children, and strengthening follow-up support, including engaging families and communities to prevent further traumatization and victimization.

Expected Outcomes: Overall improved protection of the rights of young people, including practical assistance and remedies for children who have already been affected by the armed conflict and prevention of future violations; and enhanced local capacity to effectively and efficiently provide youth-friendly support and remedies.

4. Develop and implement communications and outreach initiatives for cultivating relationships, enhancing visibility, mobilising communities, changing attitudes, managing crisis, generating support, and encouraging financial contributions.

The TFV will build capacity to effectively integrate communications initiatives throughout its instructional and programmatic responses. Positioning the TFV as a powerful advocate of the rights of victims and their families in the global justice system and humanitarian sector through the provision of reparations ordered by the ICC and assistance will be prioritised within the organisation and in collaboration with implementing partners. Managing expectations, mobilising communities, ensuring meaningful participation, promoting community reconciliation, and facilitating the rehabilitation and reintegration of victim survivors and their families will be the foci of programme communications.

Experience in DRC has demonstrated that the circumstance of the TFV's association with the ICC may pose security and/or reputational risks for both local and international implementing partners. This has contributed to a low visibility of the TFV in local communities, as well as to a lack of knowledge with beneficiaries about the legal and institutional framework of the support they are receiving. There are also multiple challenges with the internal coordination and communication of TFV with other ICC stakeholders.

At the situation level, this affects the extent to which there is a common understanding of the role that the TFV can play in assisting victims and how this differs from the core work of the ICC. This creates confusion among community members, who do not understand the distinction between TFV-funded projects and mandates, on-going ICC prosecution efforts, and the Disarmament, Demobilisation and Reintegration (DDR) process, and emergency response programming.

Therefore, the TFV will prioritise working toward greater clarity on these points to avoid misunderstandings and disappointments on behalf of the victims, their families and communities when assistance and reparations are being implemented. This might be achieved through developing a communication and outreach strategy for the TFV's mandates; greater coordination with the ICC PIDS team in each situation, and integration into the ICC's outreach and communication strategies; and/or through the assignment of programme communication staff or contractors specifically for the TFV in each situation. Given that resources are limited, it will also be important for the TFV and its implementing partners to explore existing formal and informal communication channels at the grassroots level that can be collaboratively employed to convey these important messages.

For reparations programmes, consultation, community mobilisation and outreach throughout the implementation process are critical, including prior to and during the reparations phase/hearing. If reparation orders are collective in nature, then community mobilisation approaches through a community action cycle (CAC)²² can be used to encourage victims, families and communities to work together to identify and prioritise issues related to reparations, define and identify the type of reparations and implementation modalities, and take action to improve or remedy the situation together with the ICC, TFV and implementing partners.²³

Community mobilisation at its best will not merely raise community awareness about the conviction and details of the reparation award. Rather, it will involve a comprehensive communications strategy that furthermore includes: carrying out careful formative research to understand the victims' community context and design the process entering the community; establishing credibility and trust; working with community leaders and others, including grassroots women, to invite and organise victim participation of those most affected by the Court-order; and exploring the issues to understand what is currently being done to support victims so that the community can assist the ICC to set priorities, planning, implementation, and monitoring and evaluating progress.

In addition, there will be multiple cultural, socio-economic, gender and language barriers to overcome in order to ensure the quality of consultations and outreach. For example, outreach will have to take a gender sensitive approach due to cultural factors since the risk of stigmatisation of girls, including within their own families, is even stronger than that of male victims. Special attention also needs to be given to the methods and means of communicating with victim populations, particularly in order to reach the most vulnerable victims who may be disabled, women, survivors of sexual and gender-based violence, children, elderly, and/or illiterate.

Expected Outcomes: Increased knowledge by various stakeholders and communities of the relationship between the TFV and ICC; the amount of information on TFV mandates disseminated at situation and global levels is increased; enhanced and more coherent TFV and ICC system-wide communications and outreach initiatives; public opinion and decision makers are better informed about the TFV and its work; participatory approaches are successful for delivering assistance and reparations, including women and youth in the decision-making processes.

22 Paul, S. (1987) 'Community Participation in Development Projects', World Bank Discussion Paper 6. Washington DC: World Bank.

23 IDS Bulletin 'Making Rights Real: Exploring Citizenship, Participation and Accountability', Vol. 23, No. 2, April 2002.

5. Based on best practice and evidence-based programming, **link grant-making to technical and organisational capacity building** activities to ensure sustainability.

The TFV will dedicate staff time and resources for capacity building and institutional strengthening of implementing partners to ensure appropriate responses, high-quality service delivery and empowerment. Each TFV grantee will undergo a capacity needs assessment to determine areas of improvement that may affect project performance. A package of capacity-building support will be provided to implementing partners as needed by mobilising technical support through a range of technical service organisations and consultants based in the region. This will ensure locally sustainable responses based on established good practice in specific technical areas.

Expected Outcomes: Implementing partners (a) engage affected communities in the identification of beneficiaries in accordance with the legal requirements of the TFV mandates; (b) involve affected communities as well as beneficiaries in the design, implementation and monitoring of assistance projects and collective reparations awards; (c) collaborate with each other to exchange knowledge and capacity in order to improve programme quality and effectiveness; and (d) ensure transparent and accountable management of grants in accordance with TFV standards. Local change agents mobilise and raise awareness within communities in support of victims and their families, and actively support initiatives that allow for a dignified and contributory life within the community.

6. **Work with implementing partners to assess, mitigate and evaluate the likely environmental impact** of a proposed project or programme, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

The ICC does not yet have a “*going green policy*,” but TFV has tried to progressively integrate an environmental dimension into its interventions. This has meant that the TFV has adopted a broad definition of the ‘*environment*’ in the context of its operations to consist of such aspects as human beings, cultural environment, and biological diversity, in addition to land, water and air. Impacts are changes in one or more of the above aspects resulting from an undertaking of a particular project activity, and may be positive and/or negative, direct, indirect, or cumulative.

A number of key challenges remain with respect to fully integrated environmental concerns into all TFV-supported activities. First, the lack of a monitoring mechanism related to these issues during the implementation phase is a serious hindrance to meaningful integration and sustained attention to the environment. Second, there are the limited resources (including expertise, funding, and time) available to dedicate specifically to environmental issues. In this next phase of programming, the TFV will pay particular attention to putting in place a structured monitoring system that matches its stated priorities and goals for environmental impact, as well as its budgetary constraints.

Expected Outcomes: Negative environmental impact of TFV activities is mitigated by a prior environmental impact assessment of project activities, and by the monitoring and reporting on environmental impact throughout the lifetime of the project.

7. **Facilitate action learning through participatory planning, research, programming, monitoring and evaluation** by safeguarding a dynamic, interactional, and transformative process between people, groups, and institutions that enables victims both individually and collectively, to realize their full potential and be engaged in their own redress.

Holistic community approaches through **participatory assessments and programme planning will be strengthened and formalised** for both assistance and reparations mandates. Directly associating victims, their families and communities in the design, implementation and monitoring of both assistance projects and reparations awards ensures that the TFV’s interventions will not only be responsive to the rights of victims, but also to their local social, cultural and political realities.

Using a consultative and participatory approach furthermore could contribute to the mitigation of the risk of further harm, including stigmatisation, discrimination and the re-ignition of conflict. The experience from the TFV's assistance mandate demonstrates that the adoption of this approach has worked well to provide for a holistic, yet tailored response to harm. Therefore, the TFV considers a similar approach of a participatory engagement to be important in the design and implementation of reparations awards subject to approval by the Court in reparations proceedings. This focus on participatory engagement should also explore options for developing the skills of beneficiaries to serve as trainers and to become local agents of implementing partners, which may offer longer-term and sustainable initiatives.

As the TFV moves toward putting its new strategic plan into action, it will be important to prioritise the documentation of the impact of assistance and reparations, assessing and replicating effective models, and scaling up to reach even more of the many thousands of victims who are still in need of assistance and redress.

Expected Outcomes: Implementing partners adopt, adapt and apply best practice delivery standards during design and implementation for high-quality and maximized impact; standardised project-based monitoring and evaluation systems are linked to the TFV Strategic Plan; and TFV regularly commissions impact surveys amongst beneficiaries of assistance projects and reparations awards, publishes the results and applies insights and lessons to future programming.

4.4 Moving toward Transformative Justice

Living the ideals of transformative justice means ensuring that the TFV's programmes move beyond their purely restorative function and take steps to work for peace in the midst of conflict. In the context of the crimes under the jurisdiction of the ICC, addressing the transformative dimension may serve not only as a form of reparative justice but also as an opportunity to overcome structural conditions of inequality, violence and exclusion.

It is often not appropriate to simply restore the *status quo* that gave rise to such crimes, in particular because the majority of victims of gross human rights violations will likely have been the powerless and dispossessed at the time when the conflict erupted. Therefore, combining reparations and assistance with structural transformative approaches will be of particular importance to those who have suffered irreparable harm and are marginalized in their communities, especially for many women and girls, and victims of sexual and gender-based violence.

Power analysis will be conducted as part of programme assessments; and authentic space will be given for the voice of those who historically have been victims of institutionalized racism, overt and covert sexism and gender inequity, intentionally marginalized economies and those on the frontline of the effects of armed conflict.

Local change agents play an important transformational role in this regard. Therefore, the TFV aims to build the capacity of community-based change agents - including traditional and faith leaders, women's grassroots organisations, educators, local government authorities and the media to mobilise communities, advocate, build coalitions, and raise awareness to the underlying causes to the crimes and in support of survivors and their families so that they may live a dignified and contributory life.

If appropriately designed and delivered, and with the aim of addressing underlying gender inequalities, reparations can also play a significant role in bringing about transformative change in the lives of women and girls.

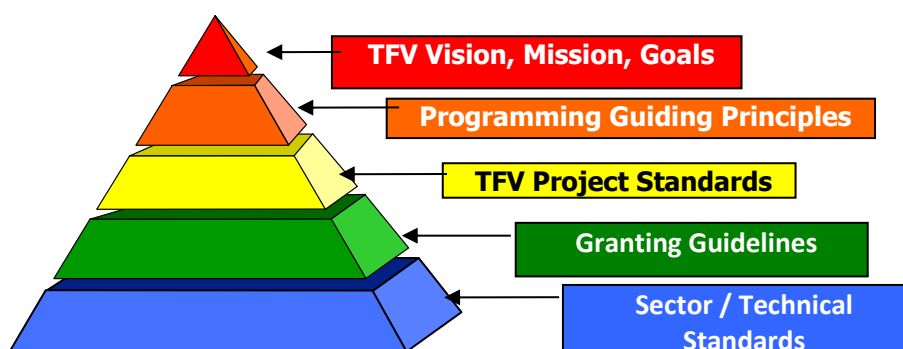
Reparation programmes could be broad in scope, to encompass all the violations that women face and be available for female relatives as well as male victims. Reparations that support women's economic

empowerment can contribute to transformative quality of reparative justice by placing them in a better position to break with historic patterns of subordination and social exclusion.²⁴

This does not mean that monetary compensation would be the most appropriate means of reparation because cash settlements can also create tensions if they are not administered sensitively. The same applies for access to land and other resources. It is important to ensure that women can actually access the resources, in contexts where they may not have bank accounts, the necessary forms of identification, or exercise little control over their own income.²⁵

4.5 Programme Standards and Implementation

While the reparations and assistance mandates may differ in legal definition, scope, and procedure, the TFV will maintain a global programme strategy to help inform programme substance and procedures. The TFV programme strategies relates to the TFV vision, mission, strategic goals and crosscutting themes, and will prioritise strengthening programming principles, project standards, granting guidelines and technical excellence.



Based on the external evaluation findings, the TFV will ensure that programming includes: 1) strengthening the participation of community members and victim beneficiaries in programme design and monitoring; 2) establishing a standardised project-level M&E framework; 3) commissioning structured research on programming models; 4) exploring the possibility of a multi-annual funding system; 5) establishing a Management Information System; 6) exploring alternative in-country management structures; and 7) streamlining communication efforts to raise awareness about TFV in-country.

4.6 Programming Guiding Principles

To fulfil TFV's vision, mission and strategic goals, programming should conform to the Programming Guiding Principles as much as possible. These principles, together with our core values as an organisation, are characteristics that should inform and guide, at a fundamental level, the way the TFV designs and implements assistance and reparation programmes unless otherwise predetermined by the Court.

Human rights perspective: Assistance and the right to redress are human rights based on the right of all people to an equal opportunity to participate in society through political, economic, social and cultural activities. Limited access to these opportunities created by attitudes and legal, social and physical barriers is a violation of these rights as protected by international human rights norms.

Inclusion: Victims should be included in decision-making processes that affect them; including the planning, design, implementation, monitoring and evaluation of projects and programmes. Victims' views should be heard and considered in decision-making and at programme and project design that refer to their rights.

²⁴ In Pursuit of Justice, Progress of the Women's World 2011-12, UN Women reference to UN Human Rights Council 2010c; Chinkin 2008.

²⁵ Ibid, reference to UN Human Rights Council 2010c.

Non-discrimination: Programmes and projects should not discriminate on the basis of any characteristic, or the person's civilian or military status, unless predetermined by the Court.

Gender and age considerations: Development of services and programmes should take into account the gender and age of the victims, and particular efforts should be made to ensure access to and availability of services. The provision of services should be proportionate to the gender and age balance in the victim population. Programmes should also consider the needs of the survivor's spouse/partner and children to ensure long-term support for the family's socio-economic development, health and well-being.

Integrated & Holistic: While victims' rights and requirements should be ensured through programmes for the general public as much as possible, special services should be provided where needed to ensure access to these services. Victim assistance and reparations should be integrated and holistic as much as possible, and linked to existing national and community programmes as much as possible to ensure sustainability.

Accessibility: Services and awards should be made accessible to as many victims who qualify as possible. In addition to access on a non-discriminatory basis, full accessibility includes:

Physical accessibility includes proximity to affected communities, provision of transport to facilities, and possibility for the facilities to be used by persons with disabilities.

Economic accessibility ensures services are affordable for victims, which may mean that victims have the ability to take leave from work and/or receive childcare to be able to access services.

Access to information guarantees that victims know what services are available and how to access them. Accessibility also means providing services in a manner that is appropriate to the local social and cultural context.

Variety, comprehensiveness and integrated nature of services: Programmes should be provided through an integrated approach. Referral systems and networks should be in place and reinforced to guarantee that victims obtaining one type of service can access all the other components of assistance they require.

Capacity building, sustainability and ownership: Programmes need to be conceived as a long-term activity since it will need to be undertaken through the lifetime of all current and future victim beneficiaries. Therefore, programmes should emphasize from the beginning the training, recruitment and retention of local workers to be responsible for all aspects of project planning, design, implementation, monitoring and evaluation.

4.7 Project Standards

These standards should be used to guide the work of project design; as a checklist for approval of project proposals; as a tool for periodic project self-appraisal; and as a part of project evaluation. The emphasis should not be only on enforcement but also on strengthening capacity to be able to meet these standards for programme quality. Each TFV assistance and reparations project should:

1. Be consistent with the TFV Programming Principles.
2. Be clearly linked to the TFV Strategic Plan and/or longer-term planning.
3. Ensure the active and meaningful participation and influence of victims and other relevant stakeholders in its analysis, design, implementation, monitoring and evaluation processes. This includes **community participation** in identification of victim beneficiaries for support.
4. Have an integrated design that is based on a holistic analysis of the needs and rights of victims and their families and the underlying causes of their harm and social injustice, including assessing power and gender relations. It should also examine the opportunities and risks inherent in the potential interventions.
5. Use a logical framework that explains how the project will contribute to an ultimate impact upon the lives of the victims and their families.
6. Set a significant yet achievable and measurable final goal.

7. Be technically, environmentally, and socially appropriate. Interventions should be based upon best current practice and on an understanding of the social context and the needs, rights and responsibilities of victims and their families. There should also be a focus on capacity building and institutional strengthening to ensure local sustainability.
8. Indicate the appropriateness of project costs, in light of the selected project strategies and expected outputs and outcomes.
9. Develop and implement a monitoring and evaluation plan and system based on the logical framework that ensures the collection of baseline, monitoring, and final evaluation data, and anticipates how the information will be used for decision making; with a budget that includes adequate amounts for implementing the monitoring and evaluation plan and ensuring the participation of the victim beneficiaries in the process.
10. Establish a baseline for measuring change in indicators of impact and effect, by conducting a study or survey prior to implementation of project activities.
11. Use indicators that are relevant, measurable, verifiable and reliable.
12. Employ a balance of evaluation methodologies, assure an appropriate level of rigor, and adhere to recognized ethical standards.
13. Be informed by and contribute to on-going learning within and outside the TFV, work with community resources and promote local ownership.

4.8 Programme Partnership and Granting Strategy

The TFV grant-making process emphasizes: *participation* by victims in programme planning, *sustainability* of community initiatives, *transparent* and *targeted* granting, and *accessibility* for applicants that have traditionally lacked access to funding, addressing the *special vulnerability of girls and women*, *strengthening capacity* of grantees and *coordinating* efforts to ensure that the selection and management of grants is strategic and coherent.

Prior to issuing grants, field assessments are carried out to ensure projects directly address the harm caused by the conflict, target the most vulnerable and marginalized victims according to the International Criminal Court (ICC) jurisdiction, and/or respond to specific criteria established by the Court in a reparations order.

The TFV will continue to manage a grant-making mechanism supported by a locally based field staff with support from a Proposal Review Committee and Secretariat staff. The tenders will be developed in consultation with the ICC Procurement Unit, in accordance to the ICC's Financial Regulations and Rules (FRR), and following a field-based needs assessment process to include consultations with local stakeholder communities and humanitarian organisations.

Grants will be issued using an open and transparent process through the release of tenders (request for proposals - RFPs) to support locally registered organisations already present in the situation. Prospective grantees will draft proposal applications in response to specific programmatic, geographic and budgetary requirements, which will be fully described in the RFP. Each proposal application will be evaluated and scored against the selection criteria specified. The RFP open review and evaluation process permits the TFV to allocate resources to grantees in a transparent and effective manner. The TFV will also leverage and complement existing programmes supported by other donors and national initiatives— especially targeting partnerships where implementing partners are able to provide matching resources from other donor support in the situation.

The TFV field staff will ensure RFPs are reviewed by the expanded UN Country Team and national sector committees (i.e. Justice, Health, Education, Gender). The number of grants to be approved will be identified during participatory planning. The TFV programme staff will also conduct project planning meetings with grantees. The local planning process will include grantee orientation and guidance to comply with the grant

guidelines, programme strategy, technical standards and best practice. Programme and financial reporting formats and procedures will also be disseminated.

The Secretariat also ensures the monitoring of grants in accordance with Regulation 72 of the TFV to review implementation of the specified activities and address the service gaps and needs of grantees. Eligibility criteria for TFV partners include that they should be locally registered, have been operational for at least two years, possess a proven programme-financial-administrative capacity, and pose no conflict of interest to either the TFV or the ICC by way of their (other) activities or associated staff. To avoid conflict of interest, the TFV implementing partners should not engage as intermediaries with the ICC's organs or sections.

4.9 Sector and Technical Standards

To achieve the envisaged results, the TFV will use phased, comprehensive, coordinated approach to facilitate changes in competencies, capacities, attitudes, and structures related to implementing the Trust Fund mandates. The proposed activities will facilitate quality service provision and growing programme coverage for both assistance and reparations in line with the Rome Statute, judiciary decisions, related resolutions and frameworks, ICC policies and strategic plan, rules and regulations and international standards through:

- Strategic and structural analysis to identify areas for change
- Identification and integration of lessons learned and best practices from other policy-development and implementation processes that are related to victim assistance and reparations programmes.
- Targeted capacity building and awareness raising of implementing partners and other relevant stakeholders to establish competencies for change and best practice based on sector and technical standards
- Gradual establishment of holistic, integrated and community-based initiatives ensuring maximum impact, improved service delivery, collaboration and advocacy (security permitting).
- Funding innovative projects to pilot, implement, replicate and scale-up existing initiatives based on recognised guidelines and standards.

Some of the **guidelines and standards to be used to inform the design and implementation of assistance and reparations programmes** and capacity building efforts include but are not limited to: *Handbook on Justice for Victims: On the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*; *Inter-Agency Standing Committee (IASC) Guidelines on Mental Health and Psychosocial Support in Emergency Settings*; *IASC Guidelines on Gender-Based Violence in Emergencies*; *Minimum Standards for Education in Emergencies, Chronic Crisis and Early Reconstruction (MSEE)*; *SPHERE Humanitarian Charter and Minimum Standards in Disaster Responses*; and the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*.

4.10 Victim Beneficiary Identification

Since the Trust Fund's victims' assistance is not linked to a specific case, projects under this mandate can target victims and their families beyond the scope of the charges. Depending on their needs and the harm suffered the TFV will strive to assist victims both individually and at the community level.

The TFV may also target individual categories of harm: these might include victims of rape, or girls abducted into fighting forces that gave birth while in captivity. Or the TFV may target specific needs that cover a range of harm suffered. For example, village savings and loans can assist communities where people suffered many different kinds of violence and implementing partners can work together across ethnic groups to address the underlying causes of conflict, and foster healing and reconciliation.

And finally, the TFV can support a category of victim beneficiaries called community peace-builders given they participate in bringing communities toward social cohesion and reconciliation. Through these initiatives the TFV supports projects that aim to reduce the stigma and discrimination often faced by victims of grave human rights abuses.

In terms of the challenges this poses for implementing partners, one of the main difficulties is in the uneven application of and understanding of the eligibility criteria defined for victims under the assistance mandate. This of course will differ for reparations awards, given that the Court will make a legal determination of the victims who will qualify for the purposes of the reparations order and who must then demonstrably have suffered harm from the convicted crime.

The TFV will ensure that the appropriate guidance, tools and training will be provided to implementing partners so that there is clarity around victim beneficiary identification. The development of this programme methodology will help to ensure legal due diligence and should do no harm to victims, families and communities. The methodology will also need to be user-friendly; informed by vulnerability, needs and harm; and consider indirect and inter-generational harm and societal impact. The information will also be used to help inform capacity building, communications and outreach strategies once the methodology is developed and appropriately field-tested.

4.11 Sustainability Strategies

Addressing all three dimensions of the assistance mandate and incorporating cross-cutting themes ensures effectiveness and sustainability of the intended outcomes. It is therefore important to ensure that this integrated approach is applied consistently in all situations.

The TFV will continue to focus efforts with implementing partners to plan for sustainability and exit strategies that do less harm to victims, their families and communities. The TFV is moving towards a more integrated programme approach, with the aim of strengthening interrelationships between the assistance mandate and Court-ordered reparations.

Building up the capacity of implementing partners and victims as a strategy to reinforce the sustainability of the interventions will be strengthened. As part of the sustainability strategies, the technical and managerial capacity skills acquired will create a solid basis at the end of TFV projects on which the designated local partners can build upon. The local organisations are then well positioned to obtain other donor support to continue delivering assistance to victims.

A common challenge for the TFV has also been related to the lack of multi-annual funding affecting the implementation and sustainability of project activities. Therefore, linkages with government structures at district and community level should augur well for sustainability and complementarity efforts in the context of reparations programmes.

For reparations programmes, sustainability is about what lives on after delivering reparations. Some types of reparations will live on after the implementation ends (e.g. symbolic). Other types will be taken up by other stakeholders and transformed (e.g. rehabilitation). An assessment of which type of reparation should be sustained after the ICC Court-order ends in order to *do no harm* to the victims and communities.

Planning, implementation and monitoring of reparation and assistance programmes will need to involve local stakeholders such as governments, local authorities, community structures and representatives, victims' cooperatives, grassroots women's associations, local groups and beneficiaries. This will help ensure relevance and sustainability. An exit strategy will be planned with key stakeholders from design onwards; and communicating exit strategies with the victims and affected population during the early stages of programme implementation should be a priority in any outreach strategy.

4.12 Participatory Monitoring and Evaluation (PME)

The monitoring and evaluation framework for TFV projects has continued to be refined over the course of implementation, and the structure of project progress reports has been streamlined with the intention of making the reporting more uniform and aligned.

The TVF will formalise and employ a **participatory monitoring and evaluation strategy**, i.e., all key actors—e.g., victim survivors, families, TFV staff, implementing partners, and other relevant stakeholders—are involved in project development, implementation, monitoring and evaluation. The participatory monitoring and evaluation strategy is a collaborative process that brings the various actors—donors, beneficiaries, and implementers—together to decide what will be monitored and evaluated and how the monitoring and evaluation will be conducted. Jointly, the stakeholders gather and analyse data and assess the project goals, outcomes and outputs to decide if the interventions are on track or need to be adjusted.

Research has proven that participatory methods of monitoring and evaluation can contribute to promoting a better and more comprehensive understanding of complex conflict and post-conflict situations. Understanding these issues and applying local solutions and responses to rehabilitation and reparations have been found to be more effective, affordable and sustainable. In addition, they contribute to restoring dignity, confidence and faith in local capacities to cope and heal.

The TFV participatory monitoring and evaluation strategy:

- Creates opportunities for stakeholders (victims under the jurisdiction of the ICC) to participate in identifying their needs and local solutions;
- Encourages victims, their families, communities and local implementing organisations to assume ownership of the TFV assistance and reparations initiatives; and,
- Ensures collective decision-making regarding processes used and activities implemented.

To address M&E as holistically as possible, the TFV will focus on revising and **realigning the global performance monitoring plan (PMP) with project monitoring and evaluation**. What has yet to be developed is a package of PME capacity building that is standardised yet adaptable to the needs of implementing partners supporting victims and their families. Specific indicators, deliverables, and outcomes will anchor each project result with an overarching logistical framework operating consistently across results and contributing synergistically to the overall success of the project. In terms of guiding principles, the TFV will work to inculcate a culture of results-oriented thinking, which values and uses operations research and programmatic data to inform policies and to improve programme outcomes. Data analysis will systematically consider differentials in terms of gender, age and other key demographic, socioeconomic, and vulnerability characteristics based on the human right violation.

The TFV will **adapt tools and methods for facilitating grassroots participation** in the development of the PME into its programme planning and implementation. The development of monitoring and reporting tools that provide greater opportunities to capture outcomes so that implementing partners can better document successes will be prioritised.

Capacity building will be tailored to meet the individual needs, profile, and absorptive capacity of the implementing partners. At the same time, the TFV will deliver a package of M&E TA/capacity building across all result components that will be standardised with regard to key dimensions (e.g., core indicators, inclusion of PME, analysis guidelines in terms of disaggregation). Support may have to be provided to local partners to support IT structures (e.g., computers, software, and maintenance). At the end of programmes, the TFV fully expects that partners will be in a position to effectively manage and use data in order to (1) document outcomes and project effectiveness, (2) advocate for evidence-based policy reform, and (3) lead on innovation.

Commission structured research on programming models will also be prioritised by the TFV in order to invest in critical analysis of the assistance and reparations programme models it supports. This would include comparative analysis of existing models of material support to assess their relative value and impact, as well as developing a more structured approach to psychological rehabilitation. Such analyses might employ a Positive Deviant model, for example, to identify the individual characteristics that promote

healing, reintegration, and economic stability among some members of the community (including victim beneficiaries).

Another strategic opportunity to enhance the assistance provided through material support, for example, is for the TFV to work with partners to explore additional activities to revive livelihoods based on both market analysis and participatory research with potential victim beneficiaries to maximize the long-term potential for these areas of income generation. In this exploration, it will be important to make intentional efforts to integrate environmental protection efforts, as well as, a gender perspective to ensure an approach that is responsible to the environmental and cultural realities in each situation. Other relevant research would aim to identify the markers of healing and rehabilitation or other indicators of “success” as identified by survivors of war crimes. Together, these findings could then be incorporated into standards of care and follow-up for all TFV-supported interventions.

Establishing a Management Information System (MIS) to support the PMP at project and global levels is also crucial for both the assistance and reparations mandates. The lack of a Management Information System (MIS) for the TFV has proved a major challenge in the institution’s ability to effectively track data and progress across the projects. The TFV will invest in establishing an MIS that will allow for the collection, monitoring, and tracking of outcomes and impacts for individual beneficiaries. The MIS will minimize the challenges of managing multiple data sources according to projects by situation, and will eliminate the risks of double counting of victim beneficiaries at project level among others. This investment in an MIS will likewise provide the Fund with a foundation for strengthening its knowledge management process by building on its programme baseline data. These investments will also contribute directly to future impact evaluations.

Part 5 – TFV Business Plan

5.1 Achieving financial growth and sustainability

Goal 2: Public and private donors, as well as fines and forfeitures, provide the Trust Fund for Victims with sufficient resources to operate its assistance and reparations programmes in ICC situations.

The success and credibility of the TFV to ensure that the rights of individuals are fulfilled and that survivors of the gravest human rights violations are empowered to live a life of hope, dignity and respect strongly depends on its ability to develop and maintain its resource base, which is nurtured independently from the Court's regular budget.

The TFV raising funds will help deliver the vision, mission and strategic goals, and specifically aim to raise unrestricted and flexible income to fund innovative assistance and reparations programming and advocacy. The TFV strives to be a partner of choice by cultivating ambitious and pioneering partnerships with private and government donors. The TFV endeavours to inspire current and potential supporters with engaging communications efforts and programme impact and success.

Common Basket Approach

Unrestricted funds provided to the TFV are considered common pooled funds or common basket funding (resources from a number of donors pooled using one agreed set of procedures and reporting) in support of a specific set of activities potentially under both the assistance and reparations mandates. The TFV takes responsibility for coordinating and managing the pooled funds from the various donors; and funds are released by the TFV according to the need of victimized communities, an agreed granting strategy, and selection criteria.

The TFV will maintain a sector approach²⁶ as a way of working with local partners, donors and other stakeholders. It ensures local ownership of the support provided and all projects are aligned with national development policies and frameworks as part of the Trust Fund for Victims performance monitoring plan.

Restricted Funding

Grants or donations that require that the funds be used in a specific way or for a specific purpose are also managed by the TFV as earmarked contributions. Restricted funding is often accompanied with an agreement between the donating party and the TFV and ICC. Restricted funds can be tracked separately within the TFV's financial management system and specific reporting requirements can be met, when necessary. Examples of earmarked funding have included support for victims of sexual and gender-based violence (SGBV), funding for reparations, and support for former child-soldiers. Because of the complexities with managing earmarked these resources, the TFV ensures that earmarking is maintained below 25% of all donations managed by the fund, unless they are recovered assets for the purposes of fulfilling Court-ordered reparations.

Resource Development Priorities

The TFV resource development strategy for 2014-2017 aims to achieve further financial growth and sustainability of its resource base by focusing on the following priority outcomes:

²⁶ The sector approach is an established way as a way of working with partner governments, donors and other stakeholders and offers increased coherence between national policies, sectoral policies, resource allocation and spending practices.

Strengthened and diversified support by States Parties

To date, voluntary contributions by States Parties have been the TFV's main source of income. Over the past five years, this revenue stream has matured considerably from "traditional", mostly incidental, voluntary contributions on an annual basis, towards a situation of a policy based longer term engagement by States Parties, accompanied by more predictable voluminous funding arrangements, often boosted by the possibility of using official development assistance (ODA). The TFV aims to further strengthen this trend and extend it to all States Parties that are financially and administratively in a position to accommodate to these modalities.

At the same time, the TFV will continue its efforts to engage as donors the largest possible number of States Parties, including those who would consider themselves to be outside of the mainstream donor community. Financial support to the TFV, modest as it may only be, should first and foremost be considered a statement of moral and political support to the victims in ICC situation countries to whom the TFV reaches out.

Private institutional donor engagement

The TFV will actively pursue to engage with private institutional donors, next to States Parties, in line with its strategic choice to diversify its donor base.

While it is anticipated that the majority of funding will continue to flow from States Parties, achieving a solid private donor base will serve a dual purpose: next to boosting the Fund's reserve, to demonstrate that the Trust Fund's value proposition of reparative (and transformative) justice resonates well beyond governments into the public domain. This will help to strengthen TFV's profile and public support. In our view, engaging with public and private donors will be a mutually reinforcing fundraising strategy.

Market research carried out by the TFV indicates that relevant larger foundations and some specialised mid-size foundations fit well with TFV. Existing competencies at TFV in cultivating States Parties donors and in reporting would be adaptable to this market, and the links between foundations and governments mean that synergies may be possible with States Parties funders. A foundations programme could be started with modest dedicated staff capacity. The pattern of giving (few, large donations) would suit TFV's business model better than individual giving (typically many, small donations.) In the longer term, the TFV may use foundation funding as a test-bed for possible future private individual donations.

The focus of engaging with private donors should be on programme growth. Within current programmes there is room for growth. The TFV's message to foundations would in this case be; "we have tested this particular programme approach and shown that it works – now we want to expand to reach more victim survivors." Alternatively, TFV might focus on building fundraising around a theme – for example mental health amongst victim survivors, SGBV, or child soldiers.

Priority will be given to private foundations that have links to policy makers and decision takers in States Parties' governments. Goodwill ambassadors and the Board of Directors from both the global South and North should provide a high profile boost to these efforts.

Achieving results in private fundraising requires the development of dedicated resource development capacity at the TFV Secretariat, in order to formalize and maintain these resources regardless of staff turnover and attrition. This includes the development of supporting systems, such as a Donor Customer Relationship Management system and a Service Matrix with related protocols. The resulting expertise, experience and donor network should also enable the Secretariat to function as a conduit for the ICC to obtain private funding for specific projects. In addition, the TFV will be exploring options to ensure tax deductibility of private donations, for instance through the establishment of a "friends of the TFV" entity or the engagement with a fiscal sponsor in the European and U.S. markets.

As part of a strategy to raise funds with private donors, the TFV will complete the development of donor due diligence vetting policy and procedure, in consultation with the ICC Registry. Ensuring that private

donors adhere to and live by the principles outlined in the TFV guidelines for private donations is of utmost importance to safeguard the TFV's reputation as an independent and neutral institution that is accountable to the highest moral standards.

Successful asset recovery and management

The TFV is not directly involved in the recovery of assets from convicted persons for the purpose of reparations awards; this is a task shared by the ICC Office of the Prosecutor and Registry. Yet the TFV has a direct interest in a successful ICC practice of asset recovery – not just from the perspective of its own resource development, but even more so from the perspectives of victims of the crimes for which a convicted person is held liable.

The principle of individual criminal liability extends to financial liability of the convicted person for reparations awards to victims. As such, it is the cornerstone of the ICC's reparations regime, which should be substantiated through successful and comprehensive asset recovery in order to become a meaningful reparative justice proposition. Moreover, successful asset recovery will bring out the right perspective on the role of the TFV, according to its Regulation 56, to financially complement Court-ordered reparations awards; which is indeed a role of a complementing quality, rather than being the default funding source of reparations awards.

Matching, in-kind donations and local sustainability

The TFV will leverage and complement existing programmes supported by other donors at the TFV and in the situation – especially targeting partnerships where implementing partners are able to provide matching resources and in-kind donations from other donor support and thus increasing the value and reach of the programmes. Donors looking to support the TFV like to see evidence of organisational sustainability for implementing partners in the situation. Therefore, part of the TFV's fundraising and resource mobilisation strategy is to work with implementing partners to pursue a healthy mix of revenue that will enable them to pursue their missions and sustain their support to victims and their families when appropriate. To this end, the TFV can also act as a broker of funds flowing directly to implementing partners within the framework of projects supported by the TFV.

Strategic Fundraising Approaches

The personal and professional networks of the TFV Board of Directors and Secretariat, as well as of key staff at the ICC, including its Principals, are of great value to the ability of the TFV to initiate and maintain relations with donors. Wherever suitable, the networks of TFV implementing partners can equally be a promising avenue for joint fundraising.

Through leveraging the value of these networks, key decision makers and thought leaders are engaged on the mission and mandates of the TFV benefiting victims of the most serious international crimes, as a crucial institution that merits both financial support and strong public and political backing.

To sustain financial sustainability, the TFV will actively seek to foster long term dynamic in donor relationships – both with governmental and private donors – which should be based on a sound appreciation of the TFV's mandates and the value they represent to victims and their families. Whether longer term donor relationships are captured in multi-annual funding agreements or achieved through more informal understandings, they will strengthen the TFV's position to build and maintain a multi-annual programming horizon. This in turn improves the quality and sustainability of assistance programmes and reparations awards, as well as further justify the TFV's investment in building the capacity of implementing partners.

The successful experience of advocating for earmarked contributions offers perspectives to further develop this practice. For example, supporting the victims of sexual and gender based violence has been an excellent rallying point for States Parties to frame their financial support in terms of national policies and international campaigns. The TFV believes that it can reinforce this dynamic - and expand it to include private institutional donors - by creating theme based, loosely structured based partnerships of likeminded

donors that will serve to sustain the TFV's efforts in a focused way, which may also facilitate donor accountability to their respective constituencies. Next to supporting SGBV victims, we may gather donors around themes related to child victims, mental trauma and mediation / reconciliation.

A similar approach can be followed for the TFV's reparations mandate. Since 2012, donors have been earmarking voluntary contributions to strengthen the reserve that the TFV maintains in order to be able to complement Court-ordered reparations awards. In case of a Court decision to award reparations to victims, and once the TFV implementation plan is approved by the Court, the TFV envisages to set up dedicated pledging funds, creating the opportunity to donors – public and private – to target their financial support in a meaningful way and fully in line with the core victim related provisions of the Rome Statute.

While earmarking contributions is useful for donors and the TFV alike, providing for focus and profile in relation to TFV interventions, unrestricted funding by States Parties will remain invariably important as the mainstay of the Fund's resource development. A proper balance between unrestricted and earmarked funding is important in order to sustain the ability of the TFV to respond to the wide variety of harms suffered by victims in ICC situations, as well as to consider entry and exit strategies for situations and programmes without being inhibited by earmarked resources.

The TFV will leverage additional resources by way of cost-sharing (matching funds) and brokering. Cost-sharing is already standing practice in current TFV projects, where partners contribute resources that they receive from other donors or from their own resources. Partners may also link their TFV funded support to other activities or programmes, e.g. the referral of victims to services provided under another initiative. Cost-sharing and matching funds help to enlarge the scope and relevance of Trust Fund support programmes and will continue to be actively pursued by the TFV.

Brokering means the channelling of resources – financial or in-kind - by third parties directly to TFV supported interventions. Direct engagement with implementing partners can be a convenient modality for both governmental and private donors in the case that they are not able to provide direct funding to the TFV.

5.2 Positioning the TFV in the global public domain

Goal 3: The TFV is a powerful advocate of the rights of victims and their families in the global justice system and humanitarian sector.

This section addresses strategic approach and objectives in regard of the TFV's institutional profile, while Part 4 on global programme strategies has discussed communication as a tool for outreach, consultation and mobilization of victims and communities in situation countries.

The TFV's cross-cutting Communication strategy will be completed by the third quarter of 2014. This section contains an indicative description of possible approaches and their expected outcomes during the strategic plan period, as well as the anticipated capacity requirements.

Strategic Communications Approach

According to TFV Regulation 20, "The Board of Directors shall ensure, through a variety of means, publicity regarding the Trust Fund and the plight of victims of crimes within the jurisdiction of the Court [...]"

Bearing in mind the overarching goal, specific goals will be articulated for subsequent implementation phases. The strategy will unfold at different levels (global and national) and refine its goals and messaging accordingly. However, its overall aim is to articulate the vision and mission of the TFV with a variety of stakeholders.

Global level: Increase public awareness about the rights of victims and their families in the global justice and humanitarian sector through the provision of reparations ordered by the ICC and the TFV's assistance mandate; increase public awareness of the TFV as a credible institution tasked to support victims and their families through its reparations and assistance mandates; and increase funding amounts (and sources) towards the TFV and its operational work.

From an institutional perspective the TFV will focus on increasing its visibility with key stakeholders in priority markets in order to augment voluntary contributions from among State Parties to the TFV, as well as donations by private parties. There exists a clear link between communication and fundraising: TFV fundraising must be supported by clear and articulate messages to existing and potential donors – public, private and individual - on what exactly it is that they are buying into; in other words, messages on the unique value, the added value and the impact value of the Trust Fund for Victims.

Therefore, in markets where the TFV is already established with national governments and members of the general public, the communication strategy will seek to be accountable to its donors by sharing impact stories and engaging with the press and the general public to further penetrate those markets. Furthermore, the TFV “brand” will seek to become a recognized and well-respected symbol that conveys the TFV's core values and principles.

Situation countries: Support the TFV in managing expectations of communities, mobilizing communities and ensuring meaningful participation in programmatic work, promoting community reconciliation and facilitating rehabilitation and reintegration of victim survivors and their families. Training in communications will build capacity of TFV partners to document the impact of their programs, work with local journalists on the ground and host foreign journalists if and when necessary. The TFV will seek to work in close coordination with the Public Information and Documentation Service (PIDS) of the ICC.

From a programmatic perspective the TFV communication and outreach efforts will aim to manage expectations about reparations and assistance among beneficiaries and communities in situation countries. Clearly, this strategy needs to be coordinated with PIDS. Efforts will also seek to clarify the TFV's position vis-à-vis the ICC by emphasizing its particular mandates of assistance and reparations to respond to the harm suffered by victims and their families. A joint strategy with the ICC will be required when communicating about specific reparations decisions.

Programmatically speaking, there is also a need to build the communications capacity of partner organizations in situation countries. This covers their capacity to document compelling narratives in multimedia formats, their ability to interact with the press and to host media visits if and when opportune, ensuring also that privacy and confidentiality of victims and their families is respected.

Finally, in situation countries the communication strategy can also contribute to the reconciliation process of the communities where the Fund operates by promoting dialogue, creating safe spaces for self-expression and facilitating the reintegration process of victims and their families through the use of media for development approaches.

The TFV is adopting a phased approach to strengthen its institutional communication capability. The TFV will continue to collaborate with the ICC to leverage its communications know-how and network for joint initiatives – for instance, communication and outreach related to reparations orders. The TFV will also strengthen its own communication and documentation capacity, including its ability to place impact stories in the public domain.

The TFV will further forge strategic partnerships with likeminded institutions in the domain of international transitional justice, by leveraging in-kind support from internationally recognized communication agencies and by engaging influencers in the field of international justice to provide content to the TFV and to share TFV content.

The TFV will develop the required communication vehicles to deliver the above and other messages in the international domain, such as a more interactive, fully bi-lingual (English & French) website and a multimedia approach, including social media, for telling the story of the TFV's impact on the ground.

5.3 Creating an Effective Organisational Structure

Goal 4: The Trust Fund for Victims, acting in a collaborative partnership with its strategic partners, ensures good governance, accountability and transparency throughout its activities.

Successful implementation of strategic goals requires an enabling environment and appropriate organisational structure. There are three factors that will determine the right approach for realising the new strategic plan - the organisational conditions in which the TFV operates, its resources and capabilities, and its strategic mind-set. The TFV also extends its commitment to learning and excellence to its own organisational successes and ambitions.

The TFV is working towards a new vision for 2017 to achieve even broader and deeper impact in our ability to provide assistance and reparations to victims under the jurisdiction of the International Criminal Court. We will listen to the voices of affected communities and the victim survivors and adapt our global governance structure to be more representative of the situations where we work.

The TFV values its staff and will work to strengthen organisational effectiveness and accountability so that we can better support victims, their families and vulnerable communities. We aim to value our staff by striving to be an employer of choice, providing a supportive working environment and continuously building their skills to help deliver our mission. The TFV also strives to maximise our investment in information technology, financial and human resources in order to achieve organisational success, efficiency, effectiveness and value for money, honouring our commitment to our donors and supporters.

Strategically, the TFV's organisational focus on its field operations and support is a logical choice deriving from its mandates concerned with supporting and redressing victims and their families in ICC situations. Operationally, a field-based focus is indispensable to ensure the meaningfulness, appropriateness and quality of reparations awards and assistance programmes undertaken by the TFV implementing partners. In addition to achieving greater levels of efficiency and effectiveness, ensuring an effective organisational structure for implementing the dual mandate will have important effects in terms of reducing risk exposure, improving safety and security, increasing productivity and bettering programmes.

A renewed emphasis on gender policy commitments will be prioritized by the TFV for promoting gender equality in all aspects of its work and operations. The TFV holds gender equality to be a fundamental requirement for addressing the needs and rights of victim survivors and their families, and the area in which we see a pressing need for organizational development and competencies in order to reach our vision. Across all our work, we will therefore deliver our commitment to gender sensitivity with a particular focus on women and girls.

Specifically, this priority is intended to improve the explicit incorporation of gender in programmatic and organizational practices. The TFV will ensure that key organisational policies, systems and practices including but not limited to budgeting, human resource recruitment, training and management, and decision making support gender equality. Applying these commitments within the TFV and across all programme areas will involve using integrated planning approaches and recognized gender sensitive tools. Techniques such as gender analysis frameworks, collection of age/sex disaggregated data, and results-focused design and evaluation will be prioritized.

The TFV needs to ensure culturally appropriate and locally relevant responses to specific harms suffered by victims of crimes under the jurisdiction of the ICC. Strengthening field presence and programme support, combined with expert implementing partners, are organisational qualities that effectively and demonstrably contribute to the TFV's ability to translate theory into practice.

The future field support requirements of the TFV have been developed through consultation between field personnel, implementing partners and headquarter secretariat staff to reflect programmatic priorities and requirements in the coming years.

To foster efficiency and effectiveness, the TFV will further strengthen its field based programme coordination structure with a regional scope of responsibilities. Over the years it has become evident that Kampala due to its central location, logistical services, a selection of commercial and UN aviation services, favourable and stable security posture, proximity to our programme areas of operation, and the presence of a reasonably well resourced field office should be considered as the regional base of TFV operations in East and Central Africa. Considering that the Court's management of its field operations may be based on a similar regional logic, the TFV envisages its future activities in the West Africa region to be managed from the ICC's office in Abidjan.

The regional office is a hub for information, technical expertise, oversight and coordination for the TFV situations. Professional officers in the regional office may support efforts to raise resources. They also provide technical oversight and support for field assessments, financial management, communication, planning, and programme monitoring and evaluation.

However, the results of the 2013 external programme evaluation revealed that for some situations characterized by on-going conflict, remoteness of intervention areas, lack of good governance there is a need for in-country management oversight in places such as eastern DRC to ensure proper monitoring of the TFV resources and programmes. Therefore, the TFV will maintain the option of strengthening programme management oversight in locations such as Bunia given that both the assistance and reparations mandates are likely to be operational in eastern DRC during this strategic plan period.

The TFV will advocate within the Court and with States Parties for the creation of National Professional Officers posts, which are normally locally recruited and perform functions at the professional level. National Professional Officers are nationals of the country in which they are serving and their functions must have a national context, i.e. functions that require national experience or knowledge of the national language, culture, institutions, and systems.

The organisational effectiveness of the TFV is greatly enhanced by its engagement with its implementing partners. Beyond operating as a grant-making mechanism, the TFV views the engagement of implementing partners to be an integral part of its organisational structure. The TFV employs a rigorous and transparent process to select and develop long-term relationships with its implementing partners, in accordance to the ICC's Financial Regulations and Rules.

The TFV invests efforts and resources in building the technical and institutional capacities of its implementing partners. The TFV provides targeted training and mentoring in key focus areas in order to ensure that organisations can manage their funding and contribute to the broader quality and sustainability of support to victims and their families. The areas to be strengthened include systems strengthening and governance, financial management, programme planning, coordination, granting, and monitoring and evaluation. The TFV also involves implementing partners in its risk management strategies, including security training, financial control, quality control and measuring results.

In The Hague, the ICC Registry's administrative support to the TFV – including, but not limited to human resource management, financial control, security and field office support, legal services and travel – allows the TFV Secretariat to focus on the core functions related to its mandates. The continuity, comprehensiveness and quality of ICC Registry support to the TFV are assumed to be maintained as a key deliverable in the Registry's *ReVision* project of 2014.

In 2011, the Board decided to formally delegate key elements of strategic and operational management to the Executive Director of the Secretariat, with further delegation to the Senior Programme officer. The core capabilities of the Hague-based Secretariat include the following:

Strategic management, regarding the positioning of the TFV in the collaborative partnership with the ICC and as the States Parties' key agency to address the harm suffered by victims of crimes within the jurisdiction of the ICC. Related to this is the positioning of the TFV as a powerful advocate of the rights of

victims and their families in the global justice system and humanitarian sector [see Part 5.2 for a detailed discussion].

A primary strategic objective is to ensure the TFV's financial sustainability, both in terms of its organizational capacity, resulting from Assembly's custodianship of the Fund, and the development of its resources for the benefit of victims and their families (voluntary contributions, private donations, fines and forfeitures). See Part 5.1 "Achieving financial growth and sustainability" for a detailed discussion on resource development.

Strategic management furthermore includes steering the legal development of the TFV as a non-judicial institution of which the mandates are nonetheless intrinsically linked to the Rome Statute's domain of international criminal justice and therefore require the adoption of a rights-based approach throughout its interventions. From a legal perspective, this involves the submission of filings to the ICC regarding proposed programmes under the TFV's assistance mandate and in relation to reparations proceedings before the ICC. For programme implementation, internal legal advice may be required to ensure appropriate beneficiary targeting under both mandates, as well as responsiveness to the legal parameters of Court-ordered reparations in particular. Finally, considering the novelty of the TFV mandates, the legal development of the TFV is continuously featured in a variety of substantive exchanges with external stakeholders, including States Parties, the ICC, international organisations and the wider international legal community.

The TFV's programme management under the supervision of the Senior Programme Officer (P-5) involves the oversight of the programme design and administration (assistance and reparations), granting, field operations and field staff. From the organisational perspective, the substantial amount of business processes associated with programme oversight needs to meet the requirement of the economic use of resources. As the TFV expands in terms of situations and implementing the reparations mandate, programme support in The Hague will need to be strengthened accordingly.

Central management of monitoring, evaluation and donor reporting is linked to project results and strategic goals and needs to be systemized through the design of a management information system (MIS). The establishment of a management information system aiming at facilitating the decision making process of the key stakeholders will complement the monitoring and evaluation system. This action will consequently require the creation of confidential database on the targeted groups of victims and their families. It will also help to put into correlation the intermediaries, their roles into the implementation of the program, the resources and the results achieved.

Financial monitoring is ensured through the SAP Grants Management system. Other data collection and reporting tools will be designed to capture essential data and information that will serve the different stakeholders. Proper programme reviews and reporting mechanisms will contribute to track achievements and also provide guidance for performance improvement. The Trust Fund, taking advantage of this opportunity to improve knowledge and learning will conduct periodic research using multidisciplinary approaches. Moreover, a data bank of lessons learned, best practices, photos, and videos will serve as an additional resource to inspire learning internally and externally.

With the rapidly growing use of social media, it is critical that the TFV leverage information and communication technology (ICT) in its efforts to implement assistance and reparations programmes, fundraise and advocate for and support the needs of victims and their families. The strategic integration of ICT at the TFV should be approached at three levels. The first is the application of ICT to make the operations of the TFV more efficient and effective through the use of ICT for organisational management, fundraising and enhanced programme management. This may include the use of the TFV website and or mobile phones for soliciting donations and providing a platform for social networking/mobilisation around issues that directly affect the TFV and the victims it supports. Resources will need to be prioritized for this endeavour and may include a TFV Intranet to manage internal communication, learning and knowledge sharing.

The second is to mobilise, conduct outreach, advocate for and raise awareness about the work of the TFV and the needs and rights of victims in relation to the dual mandate. This may include the use of the TFV

website and/or mobile phone campaigns to promote TFV and increase awareness on key issues of rehabilitation and reparations.

The third, but perhaps most important, is the integration of ICT to support TFV programme interventions that are implemented in ICC situations. Such integration may include, but is not limited to 1) the use of radio, video and television, MP3 players, Internet, satellite transmission, mobile phones to promote community dialogue, mobilisation, reparations and rehabilitation; 2) the use of CD-ROM, Internet, and MP3 players to support vocational training and e-Learning; and 3) the use of Internet and CD-ROM to improve access to a broad range of information resources, including web-based clearinghouses and portals.

The TFV's organisational performance requires good governance within the organisation, as well as in relations with other stakeholders ranging from States Parties, the ICC and donors, implementing partners, contractors, national institutions, local communities, victims and their families. Internally, the TFV shall ensure that reviewing and maintaining internal clarity on roles and responsibilities across the organisational structure reflect the evolution of its mandates. This requires prioritizing performance management and maintaining a practice of clear internal communications, transparency, teamwork and delegation.

The TFV's external governance is characterized by overall accountability by the Board of Directors towards the Assembly of States Parties and by adherence to the applicable regulations and rules of the Court as established by the Assembly. The TFV shall ensure transparency and accountability in regard of the development and use of its financial resources, whether they are directed towards the organisational functioning of the TFV (Major Programme VI in the Court's budget) or towards the financing of its mandate related activities.

No less important is the TFV's requirement to operate transparently and coherently in the perception and experience of victims, their families and their communities, as an essential strategy to manage and to meet their rightful expectations. This also regards the process of selection and monitoring of its implementing partners.

As part of an established practice of good governance, the TFV shall continue to develop its risk management practice, where applicable in collaboration with the ICC. Priority risks and the related control measures shall be reviewed and assessed annually.

The TFV believes that its capacity to deliver on its mandates and the related mission and strategic goals is a matter of concern to all States Parties. The creation of a Trust Fund for Victims alongside the International Criminal Court by way of the Rome Statute implies a stewardship role for the States Parties, which is to ensure that the TFV is responsive to the plight and to the rights of victims and their families so that international justice becomes a meaningful reality for them – as well as for their communities.

The core functions of the TFV are therefore to be assured through the assessed contributions of States Parties. These functions reflect the key systemic qualities of the TFV. The programme delivery structure of the TFV requires a solid structure to ensure accountability through appropriate grants and financial management systems and tools, the design and implementation of effective and transparent programmes, the management and quality control of implementing partners and the collection and verification of data in regards to monitoring, evaluation, reporting and learning. The TFV needs to maintain its capacity to address and interpret the legal dimensions of its mandates. The TFV also needs to further grow its ability to position the TFV as a relevant and bankable institution, meriting political and financial support at the global level in order to effectively to address the harm suffered by victims in ICC situations.

While the TFV's programmatic responses correspond to the development of the ICC's jurisdiction, they do not correspond to the development of trial proceedings at the ICC in two important ways. First, the TFV assistance mandate allows for a response to harms suffered by victims in ICC situations even if these are not the subject of the prosecutorial activities of the Office of the Prosecutor or addressed in ICC trial

proceedings. For instance, this enables the TFV to operate in northern Uganda. Second, the TFV reparations mandate is triggered by the actual *completion* of judicial proceedings. By definition this requires an operational effort – supported by the ICC’s field office structure - well beyond the life-time of trials.

In other words, while the TFV supported programmes are wrapped around the ICC’s judicial proceedings, they may at any time differ from these in their specific geographical and temporal scope. Yet, they provide an immensely valuable expression to the Rome Statute’s ambition of reparative justice for victims and as such they necessitate the sustained and unequivocal support by the ICC and States Parties.

For the period 2014-2017, the TFV identifies the following major drivers of its organisational development:

- Jurisdictional development of the Court as well as its rendering of reparations decisions in individual cases
- States Parties support to the TFV, as reflected by the level of assessed contributions to the Court’s programme budget
- Expansion of TFV activities under the assistance mandate, both in existing situations (e.g., DRC) and to new ICC situations
- Establishment of TFV’s delivery structure for reparations, requiring on-site dedicated capacity in situations to ensure a proper, meaningful and consultative process of design, implementation and monitoring of Court-ordered reparations awards
- Organisational need to develop internal and external communication, outreach, MIS and resource development (fundraising) capacities, in order to ensure the visibility, financial sustainability, accountability and transparency
- Occasional need to outsource expertise related to the TFV’s mandates and functioning
- Ability of the ICC Registry to align its systems and support structure with the TFV’s operational requirements, in terms of field operations, security, procurement of services, financial control and human resource management.

5.4 Implications for 2014-2015

The strategies and ambitions outlined in this plan require a careful appreciation of the capacity and resource needs of the TFV Secretariat.

In this regard, the TFV envisages to maintain a field based coordination structure based on a regional coordination model, working from the Kampala and (in the future) Abidjan offices. Coordinators with regional responsibilities should be supported by in-country national programme assistants/officers. Situation programmes that are complex from both a substantive and a situational perspective will require situation-based coordination capacity supported by national staff. This means that in order to be able respond to Court-ordered reparations awards, the TFV will have to have a delivery structure in place at the start of 2015, consisting minimally of one internationally recruited programme officer to be based in Bunia, eastern DRC.

The TFV Secretariat will also need to use its regular budget to further develop its reparations delivery structure in order to meet the specific requirements resulting from the Court-set parameters of each reparations award as well as the corresponding TFV implementation plan. This may include, but is not limited to, the engagement of experts and implementing partners, the facilitation of community-based consultations, communications and outreach efforts, and the development and management of award-specific monitoring, reporting, verification and data management systems and processes.

While the Registry continues to support the TFV in the financial control of its resources, the TFV maintains the responsibility to ensure the proper and transparent financial management of its assistance and reparations programmes. The foreseeable increase of the TFV’s programme related workload – increase of activities in existing and new situations, and implementation of reparations awards –unavoidably creates the prerequisite to strengthen the Secretariat’s administrative capacities, including systems strengthening and governance, financial management, programme planning, coordination, granting, monitoring and

evaluation, and risk management. The TFV's intention to strengthen its programme-based monitoring and evaluation function will require the development of additional tools as well as the related support capacity.

A review of current staffing and work surveys will be prioritised with an expectation that, in 2015-2016, the TFV is strengthening its capacity in the areas of programme management and administration, communications, fundraising, business process management and data management.

The positioning of the TFV in the public domain and the attraction of additional donors, including from the private sector, both require an investment that will ensure the development of these areas, based on the communication and fundraising strategies to be completed in the course of 2014. These strategies are believed to be of crucial value to the successful implementation of the TFV mandates. While occasional consulting services and ICC support will continue to be helpful, the TFV will need to develop its own core capacity to ensure the viability and sustainability of its positioning, awareness raising and resource development efforts. This means that from 2015 onwards, the TFV envisages retaining additional staff positions related to communications and business development.

Part 6 – TFV Risk Management

As described above in the section on the development process of this plan, the TFV has developed a comprehensive risk management framework and identified the priority risks to be addressed in the immediate term.

In terms of risk maturity, the TFV projected in 2013 to graduate from the current level of “specialist silos” to a level of “systemic risk management” in 2016. This is characterised by an integrated response to adverse events, performance linked metrics, rapid escalation, a cultural transformation underway, as well as bottom-up and pro-active responding to risks. A more detailed description of the TFV’s risk maturity and its prospective development is included in the (draft) Risk Management Framework annexed to this strategic plan.

The review and assessment was guided by the following considerations:

- Impact risk is the key determinate, as well as the short-term need to address the risk;
- Risks should be controllable by TFV (and ICC) ;
- TFV is final owner of the risks and the assessment should take into account the outcomes of risk session during the February staff retreat;
- TFV should acknowledge that some risks may be outside of direct TFV control - e.g., shared with ICC Registry - yet are crucial to TFV performance;
- Risks may be further consolidated – but consolidated risks should remain internally consistent and controllable.

For all top risks the current and additionally required control measures have been identified, including action owners and deadlines. These are described in detail in the annexed presentation on “Top risks, control measures and high level action plans”.

Below follows is an overview of the priority risks identified for the TFV, taking into account the previous TFV Strategic Plan, the initial results of ICC risk management and risk identification and assessment interviews and workshops held with TFV key personnel and key stakeholders in 2013. For each risk, a reference is included to the relevant part of this strategic plan.

Risk	Type	Impact	Description	Addressed in Strategic Plan
Risk of security to field operations, field staff, implementing partners and victim beneficiaries	Institutional, operational	7.85	Field operations are affected due to external / local security issues. Field staff and implementing partners are endangered and harmed.	Part 4 TFV Global Programme Strategies
Risk of insufficient funds	Institutional	7.4	The risk of insufficient funds due to lack of a clear and well-communicated fundraising strategy and/or to financial constraints with donors.	Part 5.1 Achieving financial growth and sustainability
Risk of loss of credibility	Institutional, operational	7.2	The risk of loss of credibility related to selection and monitoring of implementing partners; process, monitoring and fraud risks.	Part 4 TFV Global Programme Strategies
Risk of inappropriate programme activities in the situations	Institutional, operational	7.2	Programmatic risks can be grouped into two main areas – the risk of failing to achieve programme objectives, and the potential to cause harm to others. The risk of insufficient assessment preparing for programmes in situation countries, leading to inappropriate activities (cf. TFV mandates) and a	Part 4 TFV Global Programme Strategies

			negative impact on the reputation of TFV, victims and affected communities	
Risk of confusion in and about the relationship between TFV and ICC	Institutional	7.0	The risk of confusion in and about the relationship between TFV and the ICC, due to divergent strategies and objectives, governance ambiguities, lack of communication and divergent expectations of stakeholders, resulting in inefficiency and reputational damage	Part 2 Regulatory framework and legal mandates
Risk of not having enough resources / capacity at the Secretariat to fulfil the mandates and related activities	Institutional	6.6	The risk of not having enough resources / capacity at the Secretariat to execute the projects / activities in accordance with the TFV mandates.	Part 5.3 Creating an effective organisational culture Part 5.4 Implications for 2014-2015
Lack of clear roles and responsibilities	Institutional	6.8	The lack of clear roles and responsibilities and management vision inside the TFV and of communication on this, leading to a lack of clarity about accountability and responsibilities.	Part 5.3 Creating an effective organisational culture
Risk of unclear communication in relation to mandates and programmes	Operational	6.5	The risk of communications and interpretation errors between the TFV, implementing partners and victims, leading to a risk of unmet expectations with victims.	Part 5.3 Creating an effective organisational culture

The TFV intends to monitor the risk mitigation on the basis of the control measures and timelines that have been developed for each of the priority risks, and will report on this in its Annual Report to the States Parties.

By the end of 2014, the TFV will perform another risk identification exercise, involving a review and update of the current risk register.