



Fonds au Profit des Victimes
The Trust Fund for Victims



**Mobilising Resources and Supporting the
Most Vulnerable Victims through
Earmarked Funding**



**Programme Progress Report
Winter 2012**

www.TrustFundforVictims.org

ACKNOWLEDGEMENTS

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We gratefully acknowledge the contributions and personal commitments made by the victims, families, affected communities and intermediaries who have worked tirelessly on behalf of the Trust Fund for Victims often under very challenging circumstances in northern Uganda and the Democratic Republic of Congo (DRC).

The information and photos presented in this report reflect the efforts of our partners and staff. The pictures are of actual TFV victims and activities so thank you to the partners and staff for thoughtfully documenting this important work.

We would also like to express gratitude for the support provided by the Board of Directors and colleagues from the International Criminal Court (ICC), especially the Registry staff who helps to support the TFV's administration and operations.

And finally, none of this work would be possible without support from the donors whose contributions ensure that the victims under the jurisdiction of the ICC are recognized and supported by the Rome Statute System.



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I. EXECUTIVE FOREWORD

Ten years into the existence of the Rome Statute institutions – the International Criminal Court (ICC) and the Trust Fund for Victims (TFV) - the notion of reparative justice for victims is now very much debated in Court. The ICC's first-ever decision on reparations was delivered in last August, in the case against Mr Thomas Lubanga, who has been convicted for charges related to the use of child soldiers. The decision has been hailed as a milestone - and was immediately appealed by the various parties to the trial.

Clearly, the nascent ICC judicial reparations regime does not promise to be a quick fix for the victims concerned, who have already had to endure the longevity of the trial itself. Legal complexities abound. There will also be the significant operational challenge of implementing the awards, for which the Trial Chamber I has determined a pivotal role for the TFV. The Chamber's decision on the principles and procedure of reparations does offer the perspective to address the long-term affects of victimization, including at the community level. It also indicates the transformational potential of awards that seek to address the harm suffered by victims.

In this regard, the reparative value of the Trust Fund's non-judicial assistance mandate is of paramount importance. Thanks to the tireless efforts of the Secretariat's programme team and of our implementing partners, TFV interventions in northern Uganda and in eastern DRC – and soon in the Central African Republic – are successful in demonstrating that a victims-centered approach can achieve substantive rehabilitation results, in the often extremely challenging circumstances of poverty or post-conflict.

Whatever shape the reparative justice dimension of the Rome Statute may take, it will not find itself in a void. It must be relevant to the contexts of national processes of criminal and transitional justice, post-conflict reconstruction and development. We firmly believe that the Trust Fund's interventions under its assistance mandate can prepare the ground for the fair and effective implementation of Court-ordered reparations – and may well inspire national reparative initiatives in situation countries. Moreover, the TFV assistance mandate will continue to reach out to victims and communities who are within the jurisdiction of the Court, but who may not find themselves to be directly connected to the Court's judicial proceedings.

Ms Elisabeth Rehn, Chair of the Board of the Trust Fund for Victims, recently asserted that international justice for victims is a feasible proposition - as long as there is no over-promising, and as long as it is actually delivered. And, last but not least, provided that the international community puts value to the notion of reparative justice. May the Assembly of States Parties rise to the occasion.

The present term of the TFV Board of Directors is coming to an end this year. A new Board will be elected during the ASP meeting in November. On behalf of the TFV Secretariat, I wish to acknowledge the constant leadership and support provided by the Board to the TFV in the past three years, which have been of tremendous value in charting the TFV's path as mandated by the Rome Statute. We are excited to continue on this path under the guidance of the newly elected Board.

Pieter de Baan
Executive Director, TFV

II. PROGRAMME UPDATE

This winter 2012 issue of the Programme Progress Report (PPR) deals with the use of earmarked funding as a catalyst to mobilize resources for supporting the most vulnerable victims. Earmarked funding has been received for supporting victims of sexual and gender-based violence, former child soldiers, and rehabilitation assistance more generally, and building the institutional legal capacity of the TFV.

Earmarked funding has constituted an important share of the TFV resources and has helped to rehabilitate the most vulnerable victims in the DRC and Uganda by designing transformative programme approaches. This report will highlight some of the innovative results achieved using earmarked funding through the general assistance mandate. This reporting period covers the second half of 2012 (July to December).

(A) OVERVIEW OF THE REHABILITATION MANDATE

The Trust Fund for Victims is progressively monitoring its programme transition in northern Uganda. The programme team engaged with implementing partners in Uganda on discussions around their sustainability and exit strategies. The TFV is moving towards a more integrated programme approach in the DRC. As a consequence, the TFV is consolidating the programme with the aim of strengthening interrelationships between the general assistance mandate and Court-ordered reparations.

The procurement process in Central African Republic for supporting victims of SGBV has advanced. With the release by Pre-Trial Chamber II received on October 23, 2012 in response to the "Notification by the Board of Directors in accordance with Regulation 50 (a) of the regulations of the Trust Fund for Victims to undertake activities in the Central African Republic," the projects have been submitted for final consideration to the ICC's Procurement Review Committee (PRC).

The commitment towards high quality service delivery to victims under the jurisdiction of the International Criminal Court is still driving the Fund's programmatic approach. The staff of the Secretariat undertook several field monitoring visits and missions to ensure a proper oversight of project implementation and to promote the TFV and its partners locally, nationally and internationally.



Many of AMAB's beneficiaries select cooking and catering as an income-generating activity. Each woman receives cooking supplies (such as oil, pictured above left), equipment (such as pots and utensils), and some raw materials, along with training (above right).

The TFV supported tens of thousands of victims of international crimes in Uganda and Democratic Republic of Congo during this period. The projects continue to target the victims, their families, as well as, their communities. All projects under the assistance mandate intend to promote the wellbeing of victims and affected communities, social cohesion and reconciliation, social and economic reintegration into the community, and healing and rehabilitation.

The amount of direct beneficiaries is approximately 83,400 victims reached through the

assistance mandate. This figure includes both newly identified beneficiaries and beneficiaries from the previous years who are still benefitting from the support of implementing partners in eastern DRC and northern Uganda.

The 28 active projects that are running through 2012 will receive cost extensions between 6 months to one-year into 2013 after the programme staff has conducted a thorough internal review of their achievements and strategies. One international implementing partner in the DRC has decided to phase out their partnership with the TFV because of security concerns for their Darfur operations. Thus the projects managed by this partner were evaluated and redesigned to either engaged new partners or integrate the activities into existing projects for projects TFV/DRC/2007/R2/031, TFV/DRC/2007/R2/033, TFV/DRC/2007/R2/043, TFV/DRC/2007/R1/026 and TFV/DRC/2007/R2/028.

The target beneficiaries of the TFV interventions have been maintained as victims defined according to the jurisdiction of the ICC as described in the Rome Statute in Articles 6, 7, and 8:

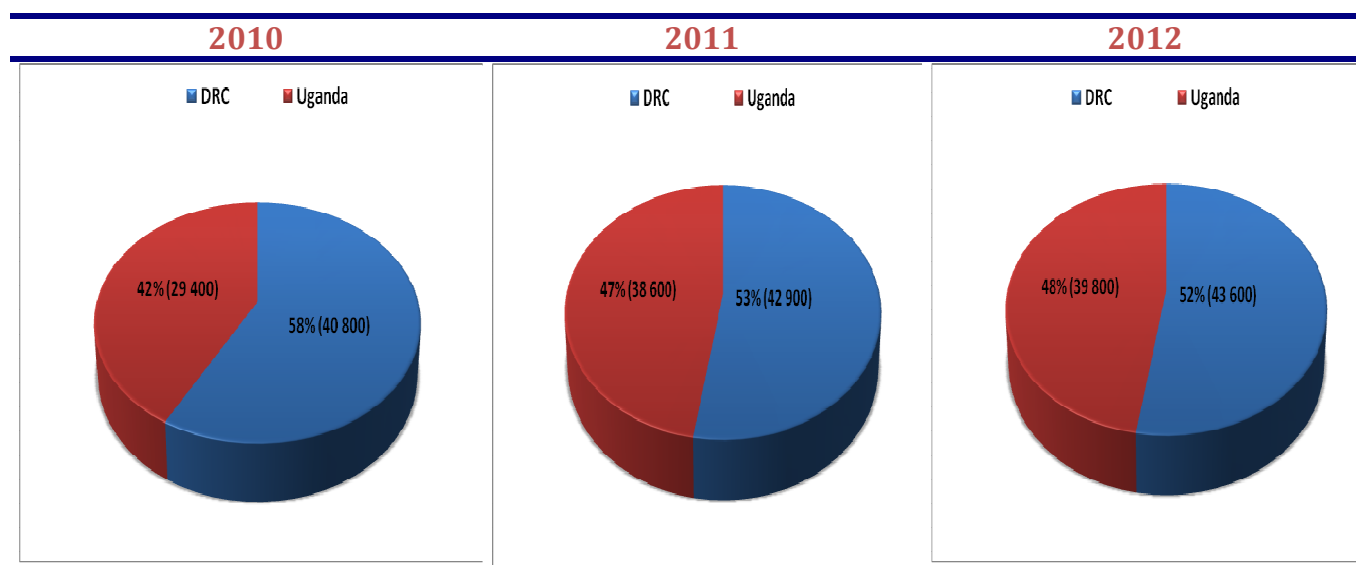
- **SGBV:** victims of sexual and gender-based violence, including rape, forced pregnancy, sexual slavery; also including girls abducted and/or recruited into armed groups and forcefully impregnated;
- **Widows/widowers:** whose partners were killed;
- **Former child soldiers/abducted youth:** children and youth forced and/or recruited into armed groups under the age of 15 (regardless of their particular role(s) played during abduction or conscription);
- **Orphans and vulnerable children:** children whose parent(s) were killed or children otherwise made vulnerable by the violence;



- **Physical and mental trauma:** victims who suffered a physical injury and/or who were psychologically traumatised by violence;
- **Family and other victims:** family members of victims (with the exception of widows and orphans) and others who do not fall in the above categories, but affected by violence.

The figures from the PPR Summer 2012 were maintained because there is no significant increase in terms of new beneficiaries. The implementing partners are still working with the same number of beneficiaries (victims/families).

FIGURE 1: DIRECT BENEFICIARIES (INDIVIDUAL AND COMMUNITY), 2010 – 2012



The TFV provides three types of legally defined assistance to victim survivors: physical rehabilitation, psychological rehabilitation and material support. A victim-centred approach combined with an integrated community-based approach remains two guiding strategies for the implementing partners. The information about the type of assistance is described below:

- ❖ Provision of psychological support to victims through both long-term counselling and emergency clinics, addressing stigma and discrimination through community sensitisation and information campaigns. This includes broad-based community education on sexual violence as a tactic of war and the links between peace, reconciliation and rehabilitation;
- ❖ Ensuring that victims receive referrals for medical assistance and materials, including plastic surgery, orthopaedic fitting, fistula repair, services for HIV and AIDS and other sexually transmitted infections (STIs), sanitary supplies and more;
- ❖ Providing material support for income generating activities and implementing training programs that help survivors sustain economic empowerment;
- ❖ Implementing special initiatives for children born out of rape and children who, themselves, have been victimized by sexual and gender-based crimes under the ICC's jurisdiction, including access to basic services, education, and nutrition support, and inter-generational responses and stigma reduction programs;
- ❖ Building up the capacity of implementing partners and victims as a strategy to reinforce the sustainability of the interventions;
- ❖ Engaging community dialogue and reconciliation to foster peace within and between the communities that create a suitable environment for prevention of crimes.

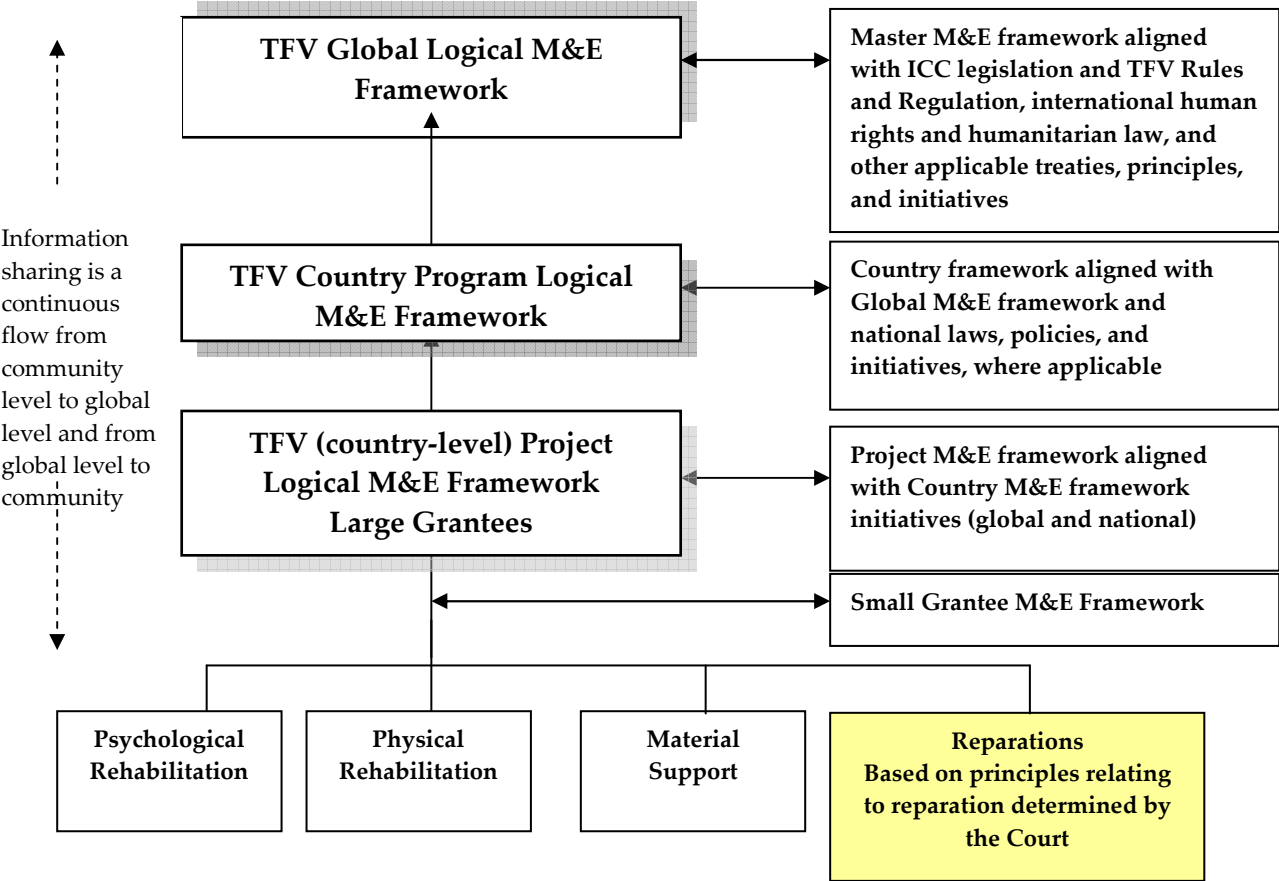
(B) EVALUATION, MEASURING IMPACT AND PERFORMANCE MONITORING

The Trust Fund for Victims Performance Monitoring Plan (PMP) evolves out of the context of the felt needs and rights of victim survivors with the aim of understanding which interventions and strategies are most effective and sustainable in accordance with the mandate of the TFV and the rules and regulations. Indicators are reviewed and revised and/or added on an annual basis, depending on project activities and local context.

The PMP plan links to the Rome Statute, key ICC instruments, the Regulations of the Trust Fund for Victims, international human rights and humanitarian law, national frameworks, key UN Resolutions (e.g. 1325) and other applicable treaties, principles and initiatives. Through the collection and analysis of performance data, the TFV promotes a reflective learning process where information is accumulated and disseminated to provide better strategic and operational planning practices at every level.

Through the collection and analysis of performance data, the Trust Fund promotes a reflective learning process where information is accumulated and disseminated to provide better strategic and operational planning practices at every level. Figure 2 demonstrates how each M&E Logical Framework is aligned with international and/or national initiatives and how they mutually support and reinforce each other, i.e., information from the grassroots level is channelled up to the global level with lessons learned applied to TFV programmatic development and fed back down into the community-based activities.

FIGURE 2: PERFORMANCE MONITORING LINKAGES TO INTERNATIONAL AND NATIONAL INITIATIVES¹



¹ Please note that the TFV will be developing country program logical M&E frameworks based on the results of the external programme evaluation in 2013.

As previously reported, the TFV carried out a quasi-experimental, longitudinal impact evaluation of all projects in 2010, including those three targeted especially to survivors of SGBV. The findings of this study have been used to help inform project design and the TFV plans to conduct a second run of the research to assess change over time in consultation with implementing partners in 2013. The study will utilize a random survey representative of the total population of victims of specific crimes currently benefitting from TFV assistance,² in-depth interviews (individual and group), and consultations with stakeholders and secondary sources, to measure the TFV's impact across five cross-cutting impact areas:

- **Transitional Justice:** victims' experiences with and perceptions of the ICC and TFV, knowledge of their rights, empowerment, perceptions of local conflict, and attitudes toward key concepts like *justice, reconciliation, reparation, peace, and rights*;
- **Gender Mainstreaming:** victims' experience of gender justice, attitudes toward sexual and gender-based violence, and knowledge of their rights;
- **Physical and Mental Health:** victims' physical health, attitudes toward forgiveness and reconciliation, and cognitive functioning;
- **Economic Security, Food Security, and Shelter:** victims' access to economic security, food, and shelter; and
- **Social Support and Integration:** victims' social support and integration in their families and communities.

(C) EXTERNAL TFV PROGRAMME EVALUATION 2012-2013

The Board of Directors approved at its annual meeting on March 2012 an open tender for conducting an external programme evaluation of the TFV's assistance mandate activities in the DRC and northern Uganda.

From 2008-2012, the TFV has significantly contributed to the process of rebuilding the lives of victims and their families in both the DRC and northern Uganda. Its programming approaches have deepened and moved beyond immediate rehabilitation assistance to transforming lives and creating a sense of justice and recognition for victims. This programme evolution involved the TFV's implementing partners and beneficiaries to ensure that projects were designed in a participatory manner and reflected both the local context and the emerging needs of victims.

The external TFV programme evaluation will aim at determining the significance and the impact of the programmes in northern Uganda and eastern Democratic Republic of the Congo since 2008. This evaluation is intended to improve the programme performance and impact through feedback and lessons learned. It will provide a basis for accountability and transparency around the management of the voluntary contributions and approved activities under the assistance mandate. The outcomes of the programme evaluation will also serve to inform the TFV's strategic plan, performance and monitoring plan and the country strategies. The programme evaluation considers the OECD DAC evaluation criteria, which are: *relevance, effectiveness, efficiency, impact and sustainability*. A combination of descriptive, normative and cause-and-effect evaluation questions will help to capture the logic of intervention, as well as, the theory of change behind the programme.

In August 2012, the ICC's Procurement Unit for this initiative launched a "Call for Interest" publicly. Twenty organisations indicated their interest to submit full proposals, and then a call for tender was released to these groups in September 2012. Six organisations out of the twenty qualified for technical review. A thorough technical review has been completed and the results of the selection process have been submitted to the ICC's Procurement Review Committee for consideration in November 2012.

² TFV projects currently target two broad, overlapping categories of victims pursuant to Rule 85 of the Rules of Procedure and Evidence: (1) victims of "specific crimes" for whom assistance is targeted to the need stemming from the crime, and (2) "community peace builders" for whom assistance is targeted at the community level and entails mostly symbolic assistance (e.g. peace building initiatives).

(D) SITUATION UPDATES

DEMOCRATIC REPUBLIC OF THE CONGO (DRC)

The Trust Fund is consolidating and scaling up its interventions in the Democratic Republic of the Congo especially in preparation for Court-ordered reparations. The TFV is working in close collaboration with other key sections and organs of the Court to adequately plan for implementing reparations. Meanwhile, TFV implementing partners are providing access to physical and rehabilitation and material support to former child soldiers, affected communities, victim survivors of sexual and gender-based violence, child mothers and their children, and others.



The TFV has been providing rehabilitation assistance to victims of crimes under the jurisdiction of the ICC in the Democratic Republic of the Congo since 2008. An estimated 43,600 victims are currently benefiting from TFV-funded interventions. The integrated rehabilitation assistance provided to victims is implemented through a network of international and local partners based in the eastern part of the country. Referral networks have also been established between organisations to ensure a proper coverage of different assistance for victims especially for the provision of healthcare by specialized medical organisations.

The village savings and loan scheme integrated into the assistance mandate interventions called the *System of Mutual Solidarity* or *MUSO* (*Mutuelle de Solidarité*) is becoming more and more established within the areas of intervention. The MUSO approach which is similar to village savings and loans association is part of the TFV's programme sustainability strategy. The MUSO contributes to creating strong social ties among the members as well as rebuilding trust. For example, AMAB a local organisation based in Bunia fostered the establishment of 81 MUSO with a majority of women victim survivors leading these cooperatives.



Local partners distribute and transport the contents of reintegration kits. These contain supplies needed to develop and sustain various income-generating activities (IGAs).

All the MUSOs were established with seed capital from the TFV. For instance, the MUSOs managed by AMAB were able to cumulate saving to the amount of \$14,386. In addition, KAF a local NGO based in South Kivu facilitated the establishment of 20 MUSOs with 365 people to match these resources with around \$6490. ACIAR another local organisation has strong capacity in programming and managing MUSOs and therefore provided support to 3639 participants including 264 for child soldiers totalling 101 MUSOs in the region.

The chain of solidarity created through this network of victims of mostly women and former child soldiers promotes a sense of self-determination focusing on the ability of the group to support each other. With the increasing amounts of money collected through the regular

savings of the members, the MUSO model is an excellent case study because the results of this programme approach allows the victims, their families and communities to fully participate and benefit from rehabilitation assistance.

NORTHERN UGANDA

The TFV continued providing assistance to victims of crimes under the jurisdiction of the ICC in the situation of northern Uganda. An estimated 38,900 victims in Uganda have benefitted from TFV-funded material support, psychological and physical rehabilitation since 2008.

Since 2006, northern Uganda has experienced an absence of crimes within the jurisdiction of the ICC. In 2012, the TFV Board of Directors took a decision to phase out the material support activities in northern Uganda. However, this transitioning process is being managed in such a way to mitigate the impact of this phasing out on victims and affected communities through developing sustainability plans for each of the initiatives.



The TFV will continue to support physical and psychological rehabilitation assistance projects until further notice. Local and international implementing partners will also continue to offer integrated assistance to victim survivors of gender-based violence. They also foster community awareness and reached over 100, 000 people.

This large-scale outreach activity with traditional leaders, women's grassroots organisations and other community groups was designed to sensitise them about the rights of women and particularly the victim survivors of sexual and gender-based violence.

The TFV's implementing partners are currently designing their plans and extensions to meet the programmatic requirements to ensure sustainability of the interventions. With this in mind, the TFV has been meeting with its partners in northern Uganda to revisit the relevance and the appropriateness of previous strategies in order to adjust them for transitioning.

Apart from providing technical support, the TFV Secretariat is advocating to find potential donors who may be interested to take over some of the projects. In the meantime, efforts have shown the key role played by the TFV in northern Uganda in the empowering victims and restoring their dignity significantly increased the attention people give to the work achieved.



Members of Lapit pe Kun VSLA group in Kitgum district during a loan disbursement in one of their saving days

In addition, the Trust Fund for Victims held a Partnership Workshop in Gulu, Uganda from 6-7 November in collaboration with the Office of the Prime Minister (OPM), Justice Law and Order Section (JLOS), and district Governors. The workshop provided an opportunity to review the TFV’s programmatic achievements in Uganda with local leaders and other donors, design plans for the future, and to explore avenues of greater partnership and collaboration between various service providers across northern Uganda.

In addition to Government representatives, UN agencies participated and in particular the OHCHR, UN Women, and the UN Area Coordinator because their responsibility over similarly related assistance objectives in northern Uganda. The workshop examined lessons learned and shared experiences regarding implementation of the integrated rehabilitation assistance projects.

CENTRAL AFRICAN REPUBLIC (CAR)



The TFV launched a three-month Call for “Expressions of Interest” (EOIs) from May-August 2011 to support the rehabilitation of victim survivors of sexual and gender-based violence in the Central African Republic. The process of reviewing the EOIs was completed in late 2011. Out of 19 organisations, only nine fulfilled the set of criteria. Those selected organisations were invited to an orientation workshop for the development of their proposals in February 2012. The TFV ensured that the selected organisations were able to: i) have a common understanding of the role of the TFV vis-à-vis the ICC; ii) learn more about the TFV programmatic framework; iii) apply gender mainstreaming and survivor-centred approaches into their proposals.

The Board of Directors approved the outcomes of the different steps of this technical review. In addition to the procurement process, the Board of Directors submitted on October 10, 2012 to the Pre-Trial Chamber II a filing on the "Notification by the Board of Directors in accordance with Regulation 50 (a) of the regulations of the Trust Fund for Victims to undertake activities in the Central African Republic." The Chamber issued its approval decision on October 23, 2012 and the projects have been submitted to the Procurement Review Committee for final consideration. The programme planning workshop with grantees will take in Q1 2013 in Bangui.



(E) PROJECT UPDATES

DRC Project Number(s)	Partner(s)	Location	Project Duration	Obligated	Funded by	Description and Comments
TFV/DRC/2007/R1/001 TFV/DRC/2007/R1/031 TFV/DRC/2007/R2/036	Catholic Relief Services and sub-grantees	South Kivu	11 Dec 2009 - 10 Aug 2013	\$600,000	Denmark Germany Finland Common Basket	<ul style="list-style-type: none"> • 1,500 victims of SGBV receiving material support and psychological rehabilitation; • 725 Community peace builders trained to promote victims' rights;
TFV/DRC/2007/R1/019	Missionnaires D'Afrique	Ituri & North Kivu	1 Nov 2008 - 31 Jul 2013	\$572,864	Common basket	<ul style="list-style-type: none"> • 1,900 children and youth associated with armed forces or made vulnerable by war reached through "School of Peace"; • An estimated 15,000 other children and community members
TFV/DRC/2007/R1/021	ALT	South Kivu	1 Nov 2008 - 30 Jun 2013	\$694,974	Denmark Finland Norway Common Basket	<ul style="list-style-type: none"> • 400 victims of SGBV receiving small grants and psychological rehabilitation; • 800 of their children receiving education grants.
TFV/DRC/2007/R1/022	AMAB	Ituri	1 Dec 2008 - 30 Jun 2013	\$445,770	Finland Norway Germany Common Basket	<ul style="list-style-type: none"> • 300 victims of SGBV receiving material support and psychological rehabilitation.
TFV/DRC/2007/R1/004 TFV/DRC/2007/R2/027	Réseau Haki Na Amani	Ituri	1 Nov 2008 - 30 Apr 2013	\$878,960	Common basket & Netherlands	<ul style="list-style-type: none"> • 800 beneficiaries of counselling; • 10,500 victims benefitting from material support; • 40,000 community members benefitting from community reconciliation activities.
TFV/DRC/2007/R2/028 TFV/DRC/2007/R2/029	COOPI	Ituri	1 Nov 2008 - 28 Feb 2013	\$1,111,257	Denmark Finland Germany Norway Common Basket	<ul style="list-style-type: none"> • 187 girls associated w/ armed groups, and 183 of their babies, who have received or are receiving accelerated education and material support to rejoin Ituri school system; • 150 children and youth formerly associated with armed groups; • 50 children and youth made vulnerable by war (e.g. orphans)

DRC Project Number(s)	Partner(s)	Location	Project Duration	Obligated	Funded by	Description and Comments
TFV/DRC/2007/R1/011 TFV/DRC/2007/R2/026 TFV/DRC/2007/R2/030	ACIAR	Ituri	1 Nov 2008 – 31 Jul 2013	\$833,404	Common basket & Netherlands	<ul style="list-style-type: none"> • 400 children and youth formerly associated with armed groups; • 200 children and youth made vulnerable by war (e.g. orphans); • 400 people from families caring for children orphaned by war;
TFV/DRC/2007/R2/032	KAF	South Kivu	1 Nov 2008 – 30 Jun 2013	\$251,647	Common basket	<ul style="list-style-type: none"> • Counselling and vocational training for 150 victims of torture and mutilation
TFV/DRC/2007/R2/043	CAF	North Kivu, DRC	9 months	\$35,000	Common Basket	<ul style="list-style-type: none"> • Currently awaiting preparation of the contract
TOTAL: 12 active projects (out of 16 approved)						43,600 direct beneficiaries (est.)

Uganda Project Number(s)	Partner(s)	Location	Project Duration	Obligated	Funded by	Comments
TFV/UG/2007/R1/003	International partner and sub-grantees	Northern Uganda	2 Dec 2008 – 1 Dec 2012	UGX 3,228,683,029	Common basket	<ul style="list-style-type: none"> 7 projects managed by one international implementing partner based in Uganda; Project reaching estimated 5,900 victims through integrated physical, psychological and material assistance.
TFV/UG/2007/R1/005						
TFV/UG/2007/R1/006						
TFV/UG/2007/R1/016						
TFV/UG/2007/R1/020						
TFV/UG/2007/R1/025						
TFV/UG/2007/R2/035						
TFV/UG/2007/R1/014b	Watoto	Northern Uganda	20 Jan 2011 – 19 Jan 2013	UGX 417,000,000	Common basket	<ul style="list-style-type: none"> WATOTO provide medical rehabilitation to victims identified through other TFV projects, whose needs were too severe to be met by current interventions.
TFV/UG/2007/R1/014c	Centre for Victims of Torture	Northern Uganda	30 Oct 2009 – 29 Oct 2013	UGX 1,863,924,518	Common basket	<ul style="list-style-type: none"> CVT has been providing capacity-building services for several of TFV's partners since 2009; Under current contract, CVT stationed psychological counsellor in Lira, Uganda to work directly with 14 counsellors from 7 Uganda organisations (4 of which are current TFV grantees or sub-grantees).
TFV/UG/2007/R1/018	AVSI	Northern Uganda	1 Nov 2008 – 31 Oct 2013	€439,575	Common basket	<ul style="list-style-type: none"> Implementing two projects with the TFV since 2008, one identifying and mobilizing victims for physical rehabilitation (with TFV partner Interplast) and one providing victims with prosthetic limbs at GROW Centre in Gulu, Uganda.
TFV/UG/2007/R2/042						
TFV/UG/2007/R2/038	NECPA	Lira & Amuria Districts	1 Dec 2008 – 30 Nov 2012	UGX 865,544,000	Common basket	<ul style="list-style-type: none"> Supporting estimated 2,700 victims in the Lango and Teso Sub-Regions of northern Uganda through agricultural assistance.
TFV/UG/2007/R2/039	DNU	Gulu & Amuru Districts	5 Nov 2008 – 4 Nov 2013	UGX 525,856,200	Common basket	<ul style="list-style-type: none"> DNU provides "healing of memories" sessions to several hundred victims, in which groups speak collectively of their experiences during the war; DNU also provides scholarships to children abducted or injured or whose parents were killed during the war.
TFV/UG/2007/R2/041						
TFV/UG/2007/R2/040	COOPI	Oyam & Pader Districts	28 Nov 2008 – 27 Apr 2013	€300,000	Norway Finland Netherlands	<ul style="list-style-type: none"> COOPI has provided several thousand women with medical and psychological care in response to SGBV; COOPI also conducts outreach sessions through northern Uganda to inform community leaders about the nature of SGBV and the rights of victims.
TOTAL: 16 active projects (out of 18 approved)						38,900 direct beneficiaries (est.)

III. EARMARKED FUNDING AND SUPPORTING VICTIM SURVIVORS OF SEXUAL AND GENDER-BASED VIOLENCE (SGBV) AND FORMER CHILD-SOLDIERS

(A) INTRODUCTION

The ICC prosecution is only one element of justice and that without reparation, the justice process does not fully respond to victims’ needs. The TFV fulfils this role by providing assistance to victims and survivors. The TFV facilitates the transfer of resources to victims once the reparations have been ordered and it can also provide assistance during the lengthy trials. The TFV may also assist other victims of crimes under the jurisdiction of the court and currently the bulk of assistance is provided under this mandate.



The TFV does not have the authority to provide assistance to individuals, however, and a group-oriented approach is favoured. It was pointed out that this approach is more effective therapeutically as the community is best placed to assess the rehabilitation measures required. A large part of the TFV’s projects have gender-based violence as the main component. Importance is placed on creating opportunities for victims of sexual violence to speak out and denounce these crimes in order to break the silence and dispel taboos. Accompanying assistance and rehabilitation support provides them with the right to regain their dignity and ensure justice.

The TFV programme strategic approach is grounded in a paradigm that matures from crisis (emergency) to post-crisis (post-conflict/reconstruction) to long-term sustainable development and reinforces the TFV mandates. However, in some settings there is an admixture of emergency and post-crisis issues, which need to be dealt with simultaneously.

The challenge of working in conflict and post-conflict areas is demanding because of the multiplicity of issues encountered. This is accentuated by the legacy of the conflict and the loss of trust, confidence, dignity, and faith. Thus understanding the uniqueness of each setting is vital to ensure that the TFV country-specific projects achieve the Fund’s mandates: *1) implementation of other resources—physical rehabilitation, psychological rehabilitation, and material support, and the 2) delivery of reparations—restitution, compensation, and rehabilitation.*

Called the 'rape capital of the world' by the UN Special Representative on Sexual Violence in Conflict,³ the scale of rape and sexual violence in the Democratic Republic of Congo (DRC) appears unparalleled. Estimates of the extent of rape vary, but most estimates of the number of sexual violence victims from the past decade are in the hundreds of thousands.

While rape has been a feature of many conflicts, its scale and systematic nature especially in eastern DRC has led to it being described as a 'weapon of war' used to punish communities for their political loyalties, or as a form of ethnic cleansing. The scale and brutality of the sexual violence in DRC has been such that it has been argued to amount to war crimes and crimes against humanity.⁴ The ICC is in fact currently hearing the case of German Katanga and Mathieu Ngudjolo Chui, from the Democratic Republic of the Congo, both of who face counts of war crimes and crimes against humanity for sexual slavery and rape committed since 1 July 2002.

Sexual violence in the DRC has been perpetrated by "members of virtually all the armed forces and armed groups that operate in eastern Congo."⁵ According to the Human Rights Watch, "[s]uch crimes were committed by the former Congolese Rally for Democracy-Goma (RCD-Goma), a Rwandan-supported armed group that controlled large parts of eastern Congo during the war. The RCD-Goma and its Rwandan allies had a number of adversaries – Mai Mai rebels, and Burundian and Rwandan Hutu armed groups – who also committed widespread acts of sexual violence.

Further to the northeast, other armed groups fought for control over territory, and also carried out frequent acts of sexual. Among those was the Congolese Rally for Democracy – Kisangani – Liberation Movement (RCD-ML), the Movement for the Liberation of Congo (MLC), and the Union of Congolese Peoples (UPC) and the Front for National Integration (FNI) in the Ituri region. Members of the former government army, the Congolese Armed Forces (FAC), and of the new national army known as the Armed Forces of the Democratic Republic of Congo (FARDC) are also guilty of sexual abuse."⁶



Children of victims of SGBV receiving education grants through ALT present a play about children who suffered during the conflict in the Kivus but are now a source of pride for their families because they can return to school.

The UN Secretary-General's Report on 'Conflict-related sexual violence'⁷ confirmed that sexual violence, including mass rapes, was still continuing in North and South Kivu provinces of eastern DRC. According to the Report, "mass rapes appear to have been perpetrated as a form of retaliation by armed groups or by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) against the population for their alleged collaboration with the 'enemy'. Acts of sexual violence are also used as an instrument to assert economic or political control over the population."⁸

The UN Report noted that the Lord Resistance Army (LRA; originally from Uganda) combatants had also been actively involved in attacking villages in DRC's Orientale Province, aiming to loot supplies but also abducting adults and children, and subjecting them to sexual slavery, including forced marriages, during their captivity. Individual cases of rape had reportedly

3 BBC News, "UN Official Calls DR Congo 'rape capital of the world', 28 April 2010, available at <http://news.bbc.co.uk/2/hi/8650112.stm>, accessed on 10 May 2012

4 Human Rights Watch (2002), *The War Within The War: Sexual Violence Against Women and Girls in Eastern Congo*, available at <http://www.hrw.org/reports/2002/drc/>; Human Rights Watch (2005), *Seeking Justice: The Prosecution of Sexual Violence in the Congo War*, Vol.17, no.1(a), March 2005, both last accessed on 22 May 2012

5 Human Rights Watch (2005), p. 1

6 Ibidem, p.1

7 UN Secretary General (13 Jan 2012), "Report of the Secretary General: Conflict-Related Sexual Violence" [A/66/657], available at http://www.humansecuritygateway.com/documents/UNSC_ReporttotheSecretaryGeneral_ConflictRelatedSexualViolence_A66657.pdf, accessed last on 14 May 2012

8 Ibidem., p. 9, para. 27

also been perpetrated “by elements of the national security forces and armed groups against the farmers on their way to the fields.”⁹ Sexual violence was reportedly also perpetrated by FARDC elements “during patrols or when extorting supplier from the population.”¹⁰ The Report argued that “[t]he limited progress in the development of an accountable and professional security forces, the lack of regular payment of salaries and the weak command and control structure of the Congolese army contributed to continued human rights violations, including sexual violence.”¹¹



A beneficiary of ALT's microcredit and her family outside their home in Bukavu (the two with raised hands are now attending their second year of school through the project).

The UN had documented a total of 625 cases of sexual violence perpetrated by parties to the conflict during the year from December 2010 to November 2011, “representing 602 cases against women and girls and 23 against men and boys in the three conflict-affected provinces: North Kivu (299), South Kivu (167) and Orientale Province (159).”¹²

Amnesty International’s 2011 Report on the DRC also confirmed that “[r]ape and other forms of sexual violence were widespread, committed by government security forces, including the National Police, and armed groups.”¹³ According to Amnesty’s Report, “[b]etween 30 July and 2 August, more than 300 women,

men and children were raped in a series of attacks on 13 villages in the Walikale territory, North Kivu, by a coalition of the FDLR, Mayi-Mayi and deserters from the FARDC. During the attacks, villagers were rounded up, roads and communication were blocked and the assailants systematically looted houses and raped those seeking to hide or escape.”¹⁴ The Report continues: “[w]ithin one week in April, 16 cases of rape by government forces were reported, including a case of gang rape by National Police officers, during fighting in Mbandaka, Equateur province. On 6 August, 10 women were reportedly raped in Katalukulu, Fizi territory, by FARDC soldiers, apparently in reprisal for a Mayi-Mayi attack.”¹⁵

However, for many reasons (fear of filing complaints, stigmatisation of victims, the fact that most victims are in remote regions that are hard to access, the fact that some victims do not survive), it is impossible to make a precise estimate of the number of victims of rape and other crimes of sexual violence in DRC. Many more cases of sexual assault are likely to be unreported, considering the social stigma attached to rape and the fear of family rejection. Other sexual crimes are committed in remote areas where there are no medical services or victims are unable to seek help because of insecurity.

Although the military courts have recently rendered a small number of decisions on human rights violations, the reigning culture in DRC is one of generalised impunity. According to the UN Secretary-General’s Report, “[d]espite the increased efforts by the Government of the Democratic Republic of the Congo, supported by the international community including MONUSCO, to arrest

⁹ Ibidem., p.10, para 30

¹⁰ Ibidem., p.10, para. 30

¹¹ Ibidem., p.10, para 30

¹² Ibidem., p.10, para 29

¹³ Amnesty International Country Report 2011 on the Democratic Republic of the Congo, available at <http://www.amnesty.org/en/region/democratic-republic-congo/report-2011>, last accessed on 21 May 2012

¹⁴ Ibidem

¹⁵ Ibidem

and try perpetrators of sexual violence, a significant number of cases of sexual violence committed by armed groups and FARDC elements have not been followed up through judicial means.”¹⁶

Numerous suspects are released on bail and never reappear. The few that receive convictions generally receive very light sentences. Alarming numbers manage to escape from prison, whilst victims and witnesses are not given protection. Police and army chiefs and local authorities continue to encourage families of rape victims to seek an amiable settlement outside the courts.¹⁷



A SGBV survivor created her own sewing workshop used now as a training centre for GBV survivor and community members

In 2008, the TFV issued a global appeal to obtain earmarked funding to support victim survivors of sexual crimes under the jurisdiction of the ICC. To date, this appeal has raised €2,272,800 from the Governments of Andorra, Denmark, Finland, Germany and Norway. This report shows an increase in the earmarked donations year after year and continued commitment from donors.¹⁸ This report focuses on the earmarked funds raised from countries to support six of the TFV’s implementing partners between 2011 and 2012. However, in 2012, the Netherlands provided earmarked funding at € 25,000¹⁹ for supporting reconciliation activities. The achievements made through earmarked donations remain important in the TFV’s portfolio. Most of earmarked funding ended the first half of 2012, and the only on-going earmarked donation was from the Netherlands, which will end in 2013.

Victims supported with these earmarked resources include 200 girls abducted and/or conscripted and sexually enslaved by armed groups in north-eastern DRC and 780 children of women victimized by campaigns of mass rape and displaced from their communities in the Kivus. The TFV has also reached almost 20,000 grassroots community leaders and peace builders in both the DRC and northern Uganda through sensitisation and information campaigns designed to promote understanding and reconciliation.

¹⁶ Ibidem., p.11, para 32

¹⁷ Human Rights Watch (2005); Human Rights Watch (2009), *Soldiers Who Rape, Commanders Who Condone: Sexual Violence and Military Reform in the Democratic Republic of Congo*, available at <http://www.hrw.org/reports/2009/07/16/soldiers-who-rape-commanders-who-condone-0>, last accessed on 22 May 2012

¹⁸ As of November 1, 2012, no new resources were earmarked from donors for victims of sexual and gender-based violence (SGBV) in 2012. However, two proposals have been submitted to Norway and Finland for multi-annual funding earmarked for SGBV for 2013.

¹⁹ This amount of € 25,000 is the remaining and second instalment of a total commitment of € 250 000 made by the Netherlands in 2011

FIGURE 3: EARMARKED DONATIONS TO SUPPORT SURVIVORS OF SEXUAL VIOLENCE, CHILD SOLDIERS AND CAPACITY-BUILDING BETWEEN 2011-2012 (THOUSANDS OF €)

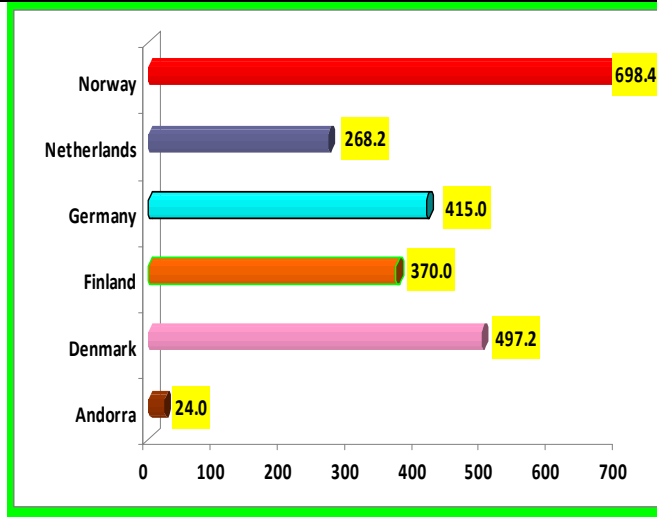


FIGURE 4: EARMARKED DONATIONS TO SUPPORT SURVIVORS OF SEXUAL VIOLENCE, CHILD SOLDIERS AND CAPACITY-BUILDING (THOUSANDS OF € PER YEAR.)

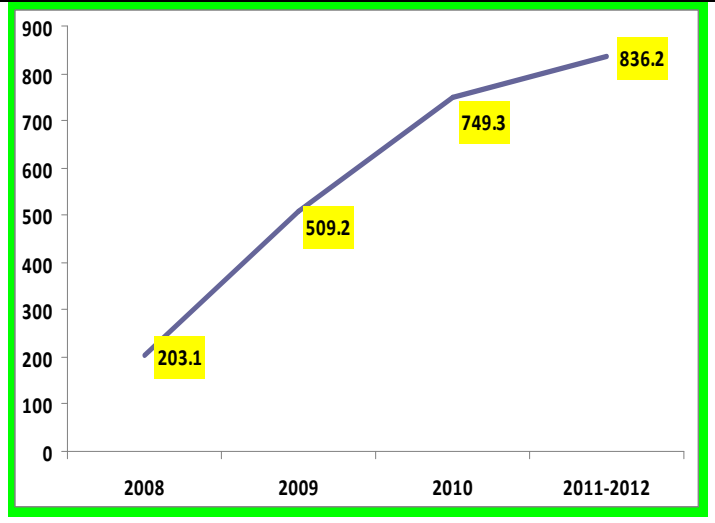
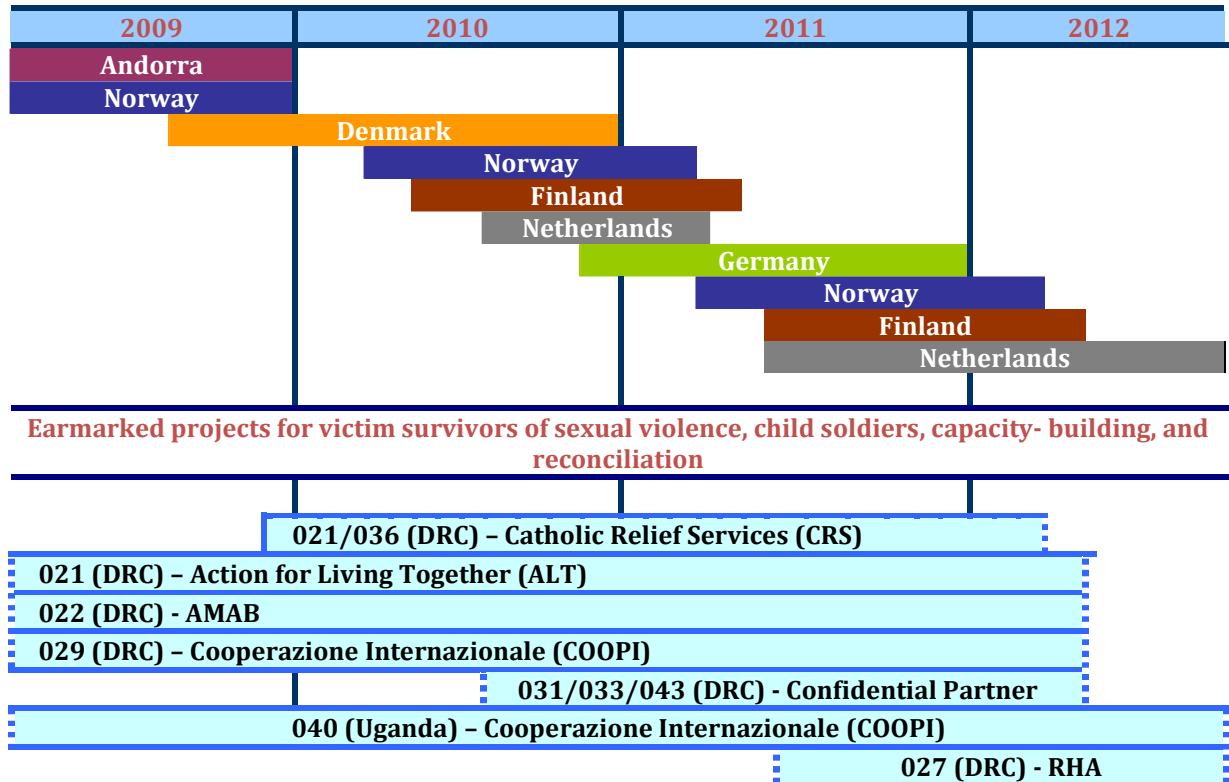


FIGURE 5: EARMARKED DONATIONS AND PROJECTS FOR SGBV, CHILD SOLDIER, CAPACITY-BUILDING



(B) REINTEGRATING FORMER CHILD SOLDIERS, ABDUCTED GIRLS AND CHILD MOTHERS

The earmarked donations provided by The Netherlands ensured the process of rehabilitation of some former child soldiers in eastern DRC. This process encompassed the promotion of reconciliation and addressed the issue of the rehabilitation at individual and community levels. Another component of the programme is education and socio-economic reintegration. The use of child soldiers especially abducted girls was common in the eastern part of the DRC. One of TFV's international partners in Ituri region used combined strategies to support former child soldiers and girls who were abducted and often returned with children.

The programme has been complimenting the demobilisation, disarmament, and reintegration (DDR) programme in eastern DRC. Education or literacy training, socioeconomic reintegration through accessing the village savings and loan or mutual of solidarity (MUSO), psychological therapy, education for peace, and awareness raising has been programmed to support these young people and assist with their social reintegration and transformation.

The TFV partner also provided support for school fees for 52 child mothers to attend formal education classes while nurses watched over their children. 106 other mother child formerly abducted girls participated into the socio economic reintegration activities. 285 former child soldiers benefited after a training a starting kit for their income generating activities. In addition, peace education activities create a better social environment in favour of increasing the community knowledge about the impact of their conscription, enlistment and/or abduction.

This component included into the project contributed to the reconciliation and reintegration of 469 former child soldiers and affected community members. The support for former child soldiers, abducted girls, and child mothers is funded by the earmarked funding as part of the TFV's sustainability strategy. It also constitutes a bridge between the assistance mandate and the forthcoming court-ordered reparations in the Lubanga case.



A former child soldier became a photographer

Abducted girls go back to school

(C) CONTRIBUTING TO SOCIAL COHESION AND RECONCILIATION

Bringing communities towards social cohesion and reconciliation in the aftermath of conflict is complex, challenging and needs a long-term investment strategy. Despite this fact, an attempt to significantly improve the social environment is a determinant factor for the TFV's interventions in eastern DRC.

One of the TFV's projects implemented through a local partner, Réseau Hakana Amani (RHA) a civil society network, receives earmarked funding to implement the Peace Caravan (Caravane de la Paix). The Peace Caravan manages the intercommunity dialogue, which fostered the establishment of a community forum in areas most affected by the conflict. The community

dialogue provides an opportunity for victims and their families to discuss about the underlying causes of the conflict, and community misunderstandings and misperceptions. This process has helped to rebuild trust within and between the communities, and foster reconciliation.

RHA has helped to build the capacity of community leaders in conflict resolution so that they can maintain a peaceful participatory approach in dealing with conflict within their communities. Moreover, the project is expanding to include a healing of memories component. This component aims at enhancing the truth about the root causes of the conflict and the social disorder. Thus, the process of social healing brought through the living collective memory helps heal the wounds of the past so that future generations can live without conflict. The reconciled story or healing of memories process is a four-stage approach combining different perspectives: historical, psychological, socio-anthropological, and storytelling. All actions pave the way for a sustainable peaceful society at individual and community levels.

(D) EARMARKED FUNDING FOR THE CAPACITY BUILDING OF THE TFW SECRETARIAT

From 2010-2011, Germany provided the earmarked funding to enable the Trust Fund to benefit from in-house legal expertise in the form of a Legal Advisor. The Legal Advisor regularly engaged with Chambers, sections of the Registry, such as the Victims Participation and Reparations Section, the Office of the Public Counsel for the Victims, counsel representing victims in trial proceedings pending before the Court and staff of the Office of the Prosecutor. The work carried out by the Legal Officer contributed to address in a systematic way crucial legal issues. She also played a leading role in coordinating the efforts of the TFW Secretariat in responding to the different filings submitted to the Chambers for both mandates.



IV. PROJECT SPOTLIGHT: SUPPORTING VICTIM SURVIVORS OF SEXUAL VIOLENCE IN NORTH KIVU- KEY LESSONS LEARNED AFTER THREE YEARS²⁰

In 2008, the Trust Fund for Victims contracted with an international NGO working with four local community-based organisations²¹ in North Kivu, Democratic Republic of Congo. The combination of projects implemented (TVF/DRC/2007/R1/026, R2/028 – 031 – 033 – 043) entitled “Physical and psychological rehabilitation, and material support of 550 victims of war crimes and crimes against humanity in the province of North Kivu.” The project was implemented in Goma and Karisimb for 300 victims, Masisi (Bihambwe, Kilimani, Lushebere, Buabo/Kihoma Méma, Bonde Hunde, Bulombo Murora, Nyabiondo) for 100 victims), and Beni (Axe Béni/Cantine, axe Béni/Kamango/Nobili et axe Béni ville/Oicha) for 150 victims.

The multiple wars and armed conflicts that have ravaged these areas in North Kivu. The proliferation of armed groups and militia has caused great divisions in society by exacerbating ethnic hatred and rivalries between communities or individuals.²²

The repetitive disturbances in North Kivu increased people’s vulnerabilities especially widowed women, victims of sexual violence raped people (women and girls, young children, and the elderly), former women combatants and/or those associated with armed groups, children formerly associated with armed groups, internally displaced persons, orphans and unaccompanied children, and children born of rape whose mothers were in many cases less than 18 years.

FIGURE 6: BASIC INFORMATION ABOUT THE PROJECTS

Number(s):	TVF/DRC/2007/R1/026* and TFV/DRC/R2/028 – 031 – 033 – 043
Partner(s):	International partner and four Congolese sub-grantees
Population:	550 victims of war crimes and crimes against humanity especially SGBV survivors in North Kivu
Location(s):	North Kivu, DRC (Goma, Masisi and Beni)
Duration:	Original: November 2008 – August 2010 Ext. 1: September 2010 - October 2011 Ext. 2: November 2011 - August 2012
Project Accounts:	Total Obligated Budget: \$ 1,185,416 - \$ 535,416 (original \$ 487,416 and 48,000 in 2010) - \$ 350,000 (ext 1) - \$ 300,000 (ext 2)

*The project TVF/DRC/2007/R1/026 was allocated to ACIAR in mid 2010

The TFV supported a project in this challenging setting seeking to remedy the suffering, stigma and the trauma experienced by these victims of war crimes and crimes against humanity in North Kivu. The holistic approach included providing psychological support, social and economic livelihoods and capacity strengthening of local partners. The overall aim was to empower and improve the lives of victims of international crimes with a specific attention given to sexual

²⁰ This section is summary of the end of project final report and evaluation report carried out after three years of implementation by an international and four local NGOs, all implementing partners involved with the TFV in combating sexual violence in North Kivu.

²¹ The international NGO and the four national NGOs are not named in this report for confidentiality and security purpose.

²² Coghlan, B. et al. (2008). Mortality in the Democratic Republic of Congo: An ongoing crisis. International Rescue Committee. Retrieved from http://www.rescue.org/sites/default/files/migrated/resources/2007/2006-7_congomortalitysurvey.pdf

violence survivors. The initial project, which began in 2009, was followed by two other cost extension phases with slight programmatic modifications.

The first strategy used was to collaborate with four local organisations for the implementation of the project. This step allowed the international partner to benefit from the in-depth knowledge of the local partner with grassroots access to victims and their communities. This arrangement also contributed to facilitate the creation of strong social ties and a relationship of trust with the beneficiaries.

Building and strengthening the capacity of local partners to provide quality service was also part of the strategy. This strategy aimed at ensuring the durability and sustainability of project activities after the withdrawal of the international partner. The last strategy was the adoption of a holistic approach to the reintegration of victims of sexual violence, including referrals to health care, psychological support, social and economic security. This was essential given the existing interdependence among the different aspects of the rehabilitation process. A dedicated team composed of international and national staff led the project.

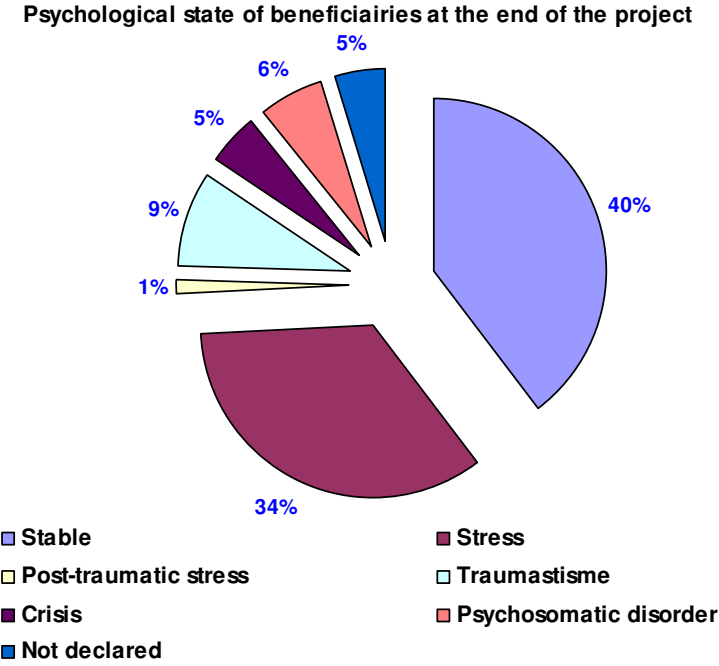
MAJOR ACHIEVEMENTS

Ensuring access to basic services for victims

Victims received access to various services, which included referrals to medical facilities for 89 beneficiaries for fistula repair, HIV and AIDS testing and support, and general health care. The project also provided trauma-based counselling services to 550 victims. Each implementing partner had six psychosocial workers available for victims. A psychologist who was responsible for strengthening the capacity of the local partners to provide this support supervised the initiative.

Victims have expressed appreciation of this service and have found it useful to improve their psychological health and their well-being and relationships with their families and communities. In addition, the project offered a family mediation service to victims who expressed need. In fact, forty-five beneficiaries reported that their family relationships have been fully restored through family mediation. These families also obtained support to start an income generating activity to improve the economic security of families. This is also one of the main reasons that led victims to participate in the project and then psychosocial workers referred victims for mediation sessions.

FIGURE 7: INFORMATION ON THE PSYCHOLOGICAL STATE OF BENEFICIAIRIES AT THE END OF THE PROJECT



In total, 136 victims have benefited from this integrated community-based service, which has allowed many couples to reconcile the stigma and discrimination associated with rape. Many of the women experienced sexual violence and were often shunned and rejected by their husbands and families.

Another service offered as part of the project was the economic support through the distribution of reintegration kits allowing 550 women to undertake income-generating activities of their choice. The financial model allowed for mutual savings and loans among beneficiaries living in the same community. This model allowed for victims' to access savings and small loans in a place where banks refused to give loans to the least eligible.

The use of community discussions and solidarity groups already in place allowed the psychosocial workers to assist with obtaining community support for the income-generating activities. The other function of the solidarity groups is to create a community of trust that allows them to save money and take small loans to extend their activities. Another positive outcome was that people belonging to the group provided support to each other psychologically even if the psychosocial workers were no longer present.



Strengthening individual economic security and well-being:

All victims were beneficiaries of job training of their choice in order to effectively practice income-generating activities. A total of 39 training workshops were conducted in Beni (3), Goma and Karisimbi (30) and Masisi (6) for 550 victims. The type of training received included: *agriculture (7); culinary arts (10); poultry (11); bakery and pastry (14); embroidery (1); cafeteria (2); hairstyle (2); cutting and sewing (49); livestock (98); juicing (8); second hand clothes sale (14); carpentry (1); small business-economic training and credit (333); selling drugs (2); photography (1); payphone (1); soap making (16); weaving baskets (2); knitting (1)*. In addition, 30 beneficiaries chose to combine farming and small business and seven victims preferred to enrol in school. A major achievement of the project was that it contributed to the economic and psychological rehabilitation victims of sexual violence, through promoting their economic empowerment and improving psychological health.

Capacity development of local partner organisations to provide trauma-based counselling and support, and economic security programmes:

Throughout the project, staff from local organisations has received technical trainings in several areas. A significant number of capacity building sessions were completed in psychological support and follow-up. Moreover, the psychosocial workers received regular coaching from the psychologist. He completed trainings in psychotherapy, psychosocial assessment and facilitation of discussion groups. The staff from local organisations also gained experience from the trainings in management and monitoring of income generating activities they received.

Local groups were offered capacity building support in basic accountancy, and economics and credit risk management of a financial fund in microfinance and cooperative management. Capacity building of partners in communication skills and awareness-raising was also performed together with monitoring, evaluation, reporting, and project management. These trainings significantly improved the daily work of the local partners in the process of delivering quality assistance to victims.

As part of the sustainability strategies, the technical and managerial capacity skills acquired created a solid basis at the end of this project, on which the designated local partners can build upon. The local organisations are well positioned to obtain other donor support to continue delivering psychological and economic support to victims.

Positive social outcomes within the community

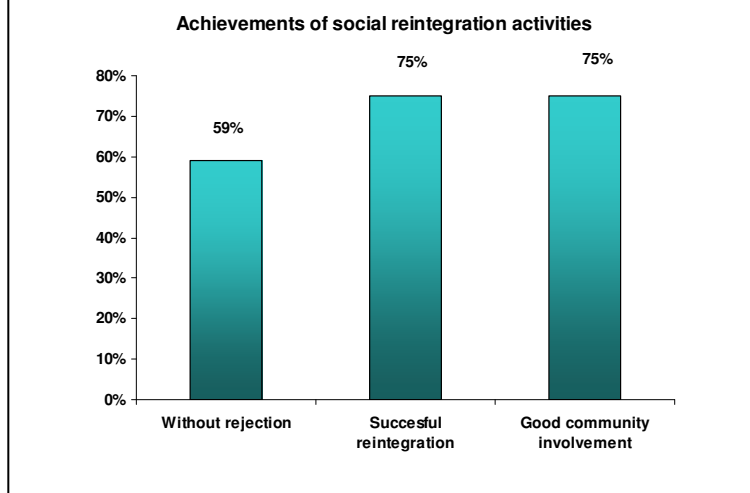
The project did not only benefit the victims of international crimes, but the families and communities also played a role in the social reintegration process. The beneficiaries' families and their communities also gained from the assistance provided by the TFV partners. Three out of four victims of sexual violence mentioned that they have really reintegrated back with their families and communities while two out of three victims stated that they did not experience the stigma and discrimination as they had in the past.

The indirect beneficiaries are estimated at 7,737 people, mostly children. Indeed, family mediation, when successful, benefitted victims, their spouses and children directly. The projects also helped to create a more supportive and friendly family environment as the spouses have been shown to share family responsibilities.

Economic security and livelihood achievements and lessons learned

All 550 victims received an economic reintegration kit as a starting point for their income generating activities. And all of them benefited from training according to their own choices. The TFV observed 20% success of the income generation activities throughout the different project extension phases. This was because in many instances the victims were not able to use the starting kit as a trigger for creating more revenues for their families. However, many beneficiaries either had a capital decrease or completely lost their initial capital. One of the main reasons was this low level of profitability of the chosen income generating activity due to an insufficient market analysis. Moreover, the most important factor for profit making was the heavy weight of family expenses (such as food, house renting, children education, medical care). This factor combined with poor

FIGURE 8: ACHIEVEMENTS MADE ON SOCIAL REINTEGRATION ACTIVITIES



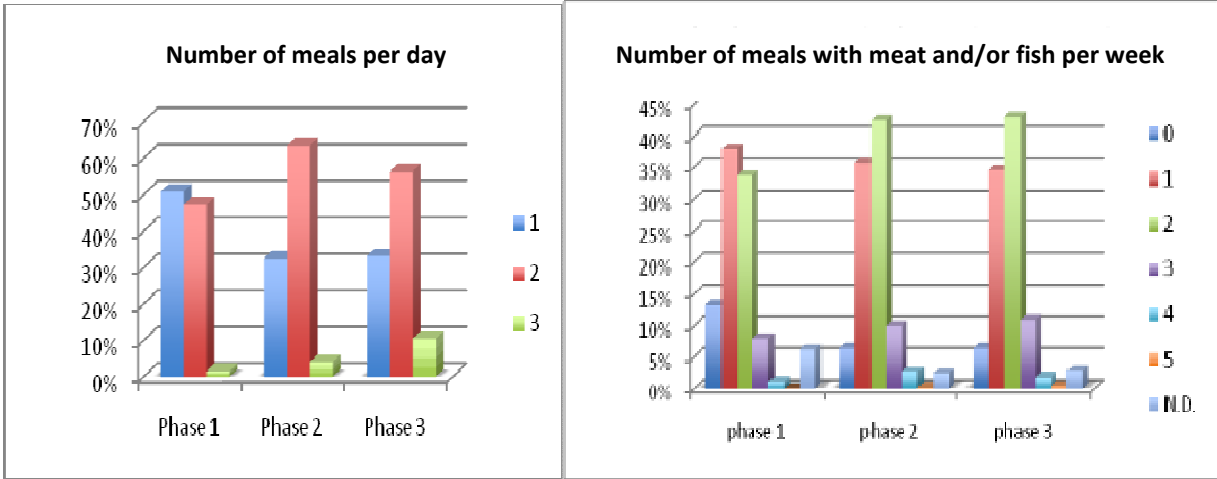
management practice meant recipients tended to spend all profits generated to meet their basic family needs. Therefore, 30 percent of the beneficiaries have changed economic sectors after receiving their starter kit to ensure an increase in their profit margins.

FIGURE 9: EVOLUTION OF THE ECONOMIC STATE OF BENEFICIARIES THROUGHOUT THE PROJECT

Implementing partners	Phase 1	Phase 2			Phase 3		
	Beneficiaries who received a kit value of 150\$	Beneficiaries whose kit gained a higher value regarding the initial capital	Beneficiaries whose kit lost value regarding the initial capital	Beneficiaries without a de kit (value 0\$)	Beneficiaries whose kit gained a higher value regarding the initial capital	Beneficiaries whose kit lost value regarding the initial capital	Beneficiaries without a de kit (value 0\$)
Local NGO 1	100	N.D.	N.D.	N.D.	11	26	28
Local NGO 2	150	65	69	8	43	48	50
Local NGO 3	150	1	146	1	2	117	29
Local NGO 4	150	21	104	25	15	99	36
Total	550 (100%)	87 (20%)	319 (73%)	34 (8%)	71 (14%)	290 (58%)	143 (28%)

Despite the challenges with generating profits, there were a number of external factors showing a significant change in the life of the victim beneficiaries and their families. The project observed that the percentage of victims who ate two or three meals per day increased from 49% during the first phase to 67% at the end of the project, and the percentage of those who ate two to five meals with fish or meat per week increased from 43% to 56% during the same period. Furthermore, the percentage of beneficiaries who were able to enrol at least one of their children to school has also increased during the project from 34% to 47%.

FIGURE 10: SOME IMPROVEMENTS IN THE LIVING CONDITIONS OF DIRECT AND INDIRECT BENEFICIARIES



Lessons learned and good practices

The implementation of the project through the local partner organisations has created a bond of trust with the beneficiaries, mainly through the close relationship between the victims and the psychosocial workers. This trust has facilitated the psychological rehabilitation of victims and family mediation. Beneficiaries appreciated a gender-sensitive approach used especially with the involvement of women psychosocial workers. The provision of literacy sessions for beneficiaries

who need early rehabilitation also facilitated the economic rehabilitation of victims because once literate, it was easier to practice and manage income generating activities.

Achieving full economic potential and a sustainable rehabilitation support in a conflict setting with recurrent insecurity is very challenging. In fact, the presence of armed groups causes victims to experience the constant threat of abuse while also remembering what they have suffered in the past. Victims do not feel safe in this region and it becomes difficult to experience full psychological and economic stability, which are often linked to rehabilitation.

Key recommendations and conclusions

As a whole, the project achieved positive results for victims and their families. Indeed, their psychological health was greatly improved, and there were several cases of successful family reunification. The economic conditions of many beneficiaries have also improved.

To consolidate the gains of the past three years, the project will continue for another year, although without the participation of the international partner. The project found that beneficiaries who were involved and invested in the project have generally fared better than other victims in the management of their economic activities. However, it might be necessary to reconsider the intervention sites because it is difficult to achieve true economic and psychological rehabilitation and instil a sense of relief for victims when they operate in a context where insecurity is chronic. In the future, it would be more advantageous to foresee at the outset of the project design a longer multi-year project, rather than extending the original project after six months to one year of intervention.

FIGURE 11: SUMMARY OF KEY ASSISTANCE PROVIDED

Type of Assistance	Phase			Number of beneficiaries					Implication in the lives of beneficiaries
	1	2	3	NGO 1	NGO 2	NGO 3	NGO 4	Total	
Medical referral	✓			50	2	32	5	89	- Got medical care through partnerships including Heal Africa and GESOM - Treated for injuries / infections, STIs and HIV / AIDS, caesarean delivery
Psychological support	✓	✓	✓	100	150	150	150	550	- Counselling - Contribution to the stabilization of the mental / psychological health - Contribution to the increase of victim's self-esteem
Family mediation	✓	✓	✓	10	15	47	64	136	- Family reunification (acceptance by the husband) for some of these beneficiaries
Material support (provision of an income generating activity starting kit)	✓			100	150	150	150	550	- Access to AGR - Increases the means to meet basic needs (food, education, housing) - Family reunification (some husbands return to their wives because of his kit)
Economic follow up	✓	✓	✓	100	150	150	150	550	- Give advice on the income generating activities
Beneficiaries solidarity groups		✓	✓	100	66	150	69	28	-8 created groups among the beneficiaries of NGO 1, 10 among NGO 2, 5 among those of NGO 3 and 5 among those of NGO 4 - Create a trust place for savings and have access to a small loan (as tontine) - Saving money to start a group income generating activity - Allows sharing of experiences between beneficiaries - Offer a psychological support, a moral support and a financial assistance

V. ENVIRONMENTAL IMPACT ASSESSMENT FOR THE TFV'S PROJECTS IN THE DEMOCRATIC REPUBLIC OF CONGO AND NORTHERN UGANDA



(A) BACKGROUND

While the International Criminal Court has no official 'green policy' or 'environmental policy', the Trust Fund for Victims would like to ensure that it adheres to, and complies with, international environmental standards in the design and implementation of the projects it funds.

The Trust Fund for Victims receives the majority of its funding for its assistance mandate programmes from the 28 member states to the Rome Statute. It is a requirement of some of the member states that detailed assessments of possible environmental impacts of the projects they fund be undertaken. For example, the Swedish International Development Cooperation Agency (SIDA) is among the agencies that require an Environmental Impact Assessment (EIA). In this context, the EIA is considered as an analytical process undertaken to examine the possible positive and negative impacts that a particular project and/or activity has on the environment.

"Environment" in this context refers to 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. Impacts may be positive and/or negative, direct, indirect, or cumulative.

The objectives of the EIA are four-fold particularly: i) to ensure that the Trust Fund adheres to, and complies with, the requirements of the funding States Parties; ii) to ensure to the extent possible that the Trust Fund's activities are contributing to sustainable development; iii) to explore in detail the environmental impacts, both positive and negative, of the projects funded by the Trust Fund; and iv) to explore possible ways that positive impacts could be developed and promoted further, and negative impacts prevented, mitigated or ameliorated.

This section is a summary of the key findings of the EIA carried out in 2012 for the assistance provided to victims and families in eastern Democratic Republic of the Congo and northern Uganda.

(B) METHODOLOGY

The Environmental Impact Assessment (EIA) was designed in five steps. A desk review of about the environmental impact related to the TFV core areas of interventions was conducted to give an overview of the topic. Then, the design of the survey questionnaire took into consideration the nature and the type of interventions currently delivered to victims in the field. It also considered the TFV's information needs, as well as, donor requirements.

In addition, the draft questionnaire was pre-tested in the field during a workshop session before its validation. It was created both in French and English to meet the language requirements in the intervention sites. The administration of the questionnaire was online-based. There is no sampling strategy. The questionnaire was sent to all principal TFV grantees and their sub grantees in both situations. The validated questionnaire was released to implementing partners and their

sub-grantees for a period of two weeks. Once completed, the completed questionnaires were sent back to TFV headquarters for their review and analysis. The completed questionnaires were processed with statistical software (SPSS) and analysed. Throughout the process, the TFV programme team used a consultative and participatory approach involving implementing partners and their sub grantees, TFV field staff and headquarters staff.

(C) FINDINGS

i. Overview

In total, 22 organisations (12 principal grantees and 10 sub grantees - 5 international NGOs and 17 local network of organisations) took part in the survey. Ten organisations operated in the eastern Democratic Republic of Congo while 12 were based in northern Uganda. Participating organisations have implemented activities in the three main areas of intervention of the TFV assistance mandate: physical rehabilitation, psychological rehabilitation and material support. The survey gave an opportunity for implementing partners and their sub grantees to share their practices, their perspectives, and their concerns.

GREEN AGRICULTURE BY A GROUP OF WOMAN IN BUNIA, DRC



Many organisations suggested the need for communities to be educated about the environmental impact of their agricultural methods and other income generating activities, and trained in ways that they could conserve resources, environment, and climate, and thus improve the sustainability of their livelihood activities. In particular, organisations mentioned the need to protect, preserve and/or conserve water, soil, energy, trees, and climate, and diversifying forms of production and income generating activities to environmentally more sustainable ones.

ii. Inclusion of an environmental component in the project design

The survey showed that about a third of the Trust Fund funded organisations reported having an environmental component in their project design. All of these organisations were operating in northern Uganda. None of organisations in the DRC reported to have an explicit environmental component in their project design. Examples of such a component in the project design included training in soil and water conservation, distribution of trees, fruit and trees seedlings, setting up plant and tree nurseries, inclusion of such issues as animal traction, water management and sanitation, and land use and agriculture in the project design.

iii. Project environmental impact

The absolute majority (about 4/5) of the Trust Fund funded organisations reported their projects to have some form of influence or impact – positive or negative – on the environment.

Positive or negative impact / influence on the environment in northern Uganda

In Northern Uganda, about five out of six organisations reported their projects to have an impact, either positively or negatively on the environment; and the same number of organisations reported this impact to be of positive nature. Many organisations with a

material support component in their projects indicated that their activities resulted in increased vegetative cover, positive for climate change. They promoted more sustainable agricultural practices with reduced environmental degradation, improved soil fertility with natural fertilizers, production and promotion as well as use of environmentally friendly technology and environmental conservation more generally.

The organisations undertaking projects in areas of physical and psychological rehabilitation reported to have positive environmental impacts as well. An organisation working with trauma victims, for instance, reported how the improvements in the 'human environment' can positively create change into the living environment. Those projects dealing with livelihood activities have positive influence on the environment since the project provides alternative source of livelihood to the victims other than depending on natural resource like trees for charcoal, which is very distractive to our environment.

While some organisations in Northern Uganda felt that they had maximized the positive impacts to the extent possible in light of their resources, over half of the organisations gave suggestions for ways to further maximize the positive impacts. The suggestions for improvement generally include an element of training, education, and/or advocacy. Community sensitisation about the environment and the climate, coupled with advocacy for improved methods or techniques in agriculture, were mentioned as the key issues by most organisations.

Positive or negative impact / influence on the environment in eastern DRC

In DRC, the majority of the partner organisations (7/10) acknowledged their projects to have an influence, either positively or negatively, on the environment. The influence is predominantly indirect - therefore exerted by implementing partners and beneficiaries- and it often involves deforestation, overexploitation of agricultural land and waste management.

Some organisations mentioned how improvements of livelihoods of the population resulting from the implemented projects have led to a reduction in the environmental degradation associated with their survival (i.e. deforestation, soil erosion). Among the positive impacts, the DRC partners stressed the ameliorated health conditions of the population, the decrease of waterborne diseases as a result of individual and collective education on health and clean environment. Finally, waste management has remarkably improved thanks to sensitisation taking place at the community level.

In addition, the majority of DRC partners (8 out of 10) agreed that positive impacts could be maximized. To accomplish this end, some partners suggested improving the livelihood of the population together with their technical skills in waste management. An organisation suggested that reforestation projects should be set up in the future as a standard for all projects funded by the Trust Fund.

Negative influence/impact on the environment pointed out in both countries

In Northern Uganda, many of the material support projects involve agricultural activities, and the negative environmental impacts are related to those activities. Some organisations mentioned such issues as soil erosion as a result of brick and charcoal making activities that erode and expose the land, and

SOME EXAMPLES OF GOOD ENVIRONMENTAL PRACTICES INTO THE PROJECTS

"As part of our contribution to [conserving] the eroding environment with support from SIDA, we saw as a need to cultivate in the hearts of young people the importance of having a green environment. The child rights clubs from selected schools were supported with seedlings to plant around their school compounds and at their homes. Reports indicate that the seedlings have become plants and the pupils enjoy the fruits and shades and the comparative advantage here is that these schools have been selected to be host for athletics competitions since they have good shades. Many schools and homes have taken this activity up since it comes with a lot of advantages. Actually in almost all the homes, [...] there is a fruit tree because the children initiated it. This was quite a good move towards conserving the environment because if we instil [it] in the hearts of the young people, then tomorrow will be a greener world as the journey has begun in these few schools."

"Our organisation has a solid experience in food security. We are working with grassroots communities in recycling plastic bags."

"Our organisation carries out periodically for the Headquarters offices and overseas offices a carbon footprint analysis. In addition to that, our Headquarter regularly sends messages to draw our attention on minimizing the consumption of electricity, water as well as on recvclina anv kind of reusable materials."

drainage of nutrients from the soil and increased soil salinity due to the choice of seeds, crops and chemicals used for agriculture. Only a small number (1/5) of agricultural projects used chemical products or fertilizers in their activities.

About half of the organisations in the area of physical rehabilitation, involving for instance reconstructive surgery, mentioned that their projects produce medical waste that had to be disposed of in a careful manner for health and safety reasons.



On the other hand, several organisations, in northern Uganda, asked about the acceptability, permanency, and possible alternatives and ways to mitigate the negative aspects. They also discussed the importance of mitigating any negative environmental impacts through regular community sensitisation and training. For instance, they mentioned that those outreach activities should deal with sustainable and modern farming practices, environmental conservation and protection, and alternative income generation or business models. Advocacy, awareness raising, skills training, as well as environmental regeneration initiatives were all mentioned as ways of responding to negative environmental impacts in the longer run.

In DRC, over a half of the partner organisations acknowledged their projects to have some negative impacts on the environment. Pollution, deforestation and overexploitation of agricultural lands are the most common negative effects resulting from the implementation of the projects. Beneficiaries of economic reintegration projects and micro credits engage in activities in which the consumption of energy and wood may put stress on natural resources and contribute to pollute the environment. While implementing its physical rehabilitation activities, one organisation reported risks related to the use of toxic chemicals, which are not easily degradable, or bio accumulating, including medical waste. Those toxic chemicals and medical waste could be accidentally spread to the environment both by air and by water, the risk being partially due to the lack of sufficient recycling.

Suggested mitigating measures

According to many implementing partners, pollution could be minimized by the use of renewable energy sources (solar energy or solar panels, biogas, windmills), by avoiding the use of polluting means of transport and by launching awareness raising campaigns at the community level, and gradually replacing fire woods with more energy efficient and environmentally friendly stoves. The majority of DRC partners agreed upon the need to set up an environmental policy which includes, in its design, a situation analysis, a list of measures to be undertaken, project monitoring and follow-up measures.

iv. Inclusion of a component of environmental awareness raising/education/sensitisation in project

The majority of TFV partner organisations (about ¾) reported the projects not to include a component of environmental awareness raising, education or sensitisation. However, about half of the organisations have an explicit green or environmental policy in place.

In Northern Uganda, one organisation reported having a component of environmental education or sensitisation in their programs. Nevertheless, many organisations reported engaging in awareness raising on issues such as climate change and its link to agricultural production and other human activities; promotion of, and training in, environmentally friendly and sustainable farming practices; and education on the importance of environmental protection and conservation. Another organisation discussed its initiative of involving victim communities in cleaning local public places as charity work. One organisation also suggested including adequate gender dimension in awareness-raising about environmental issues to ensure structural and sustainable behavioural change. Actually, the major role played by women in the social and cultural pattern could positively affect the conditions to promote environmental practices

The majority of DRC partners agreed upon the need to set up an environmental policy, which includes, in its design, a situation analysis, a list of measures to be undertaken and project monitoring and follow-up measures. Among the TFV partners, a small number of organisations include a component of environmental awareness raising, education or sensitisation in their projects. In this regard, one organisation set up recycling education trainings in the city of Goma and another organisation, which is a member of the “*Forum du Bassin du Nil*” on the protection of the environment, hosted a workshop in Bunia on deforestation, food security, and oil exploitation.

v. Partnerships around environmental issues

The majority of the Trust Fund’s implementing partners have or had partnerships with other agencies that are specialized in environmental issues. In Northern Uganda, these partnerships were mainly co-operational arrangements aimed at information sharing, advocacy and capacity building for the benefit of their project beneficiaries and their communities. A large number of the organisations that reported having these environmental partnerships reported these also to be for the benefit of Trust Fund funded projects.

In DRC, almost all the partner organisations have partnerships with other environmental specialized agencies. Partnerships are manifold in nature; partners reported collaborations with agencies at the implementation, consultation, financial, and operational level. Nevertheless, only a small number of partners are using the partnership for the benefit of Trust Fund funded projects.

SUGGESTIONS TO IMPROVE ENVIRONMENTAL FRIENDLY ACTIVITIES

A key issue mentioned by many organisations in this regard was the lack of possible environmentally friendly income generating activities, which often left individuals and communities to engage in unsustainable activities like relying on charcoal burning for a livelihood. Many organisations thus mentioned the diversification of income generating activities as central to improving the environmental aspects of these, and highlighted the importance of facilitating this process through provision of capital and training. Organisations also mentioned the importance of increasing individuals’ and communities’ knowledge and skills in modern agricultural practices, as some more traditional farming methods had been identified as destructive to the environment. Some organisations also mentioned such developments as energy savings stoves that use less wood as major developments in local contexts. One organisation mentioned the importance of extensive and organized fruit and tree planting, while another organisation mentioned their success in advocating for more incinerators for medical waste disposal.

vi. Limitations

The survey had some limitations and possible biases. The small size of the sample of respondents and the way they were chosen could not allow the TFV to extrapolate the results of this survey to the general community, which means the results are specific to the interventions of the TFV. Descriptive analyses and comments constituted the basis for reporting on the findings. The possible bias that may occur is the influence the principal grantee might have on the answers of their sub grantees. To mitigate this issue, the questionnaire was sent online to each implementing partner at the same time with clear precisions about the fact that the sub grantees have to consider only their approaches in dealing with environmental issues. A quick review of the answer between principal recipient of the grants and the sub grantees showed personal answers for each of them.

(D) CONCLUSIONS

Though the International Criminal Court does not yet have a “going green policy,” the Trust Fund for Victims has tried throughout the past five years to work with implementing partners on implementing environmental friendly projects.

In fact, the findings of the survey showed that all the implementing partners were fully aware about the needs to align the daily management of their project with national and international environment standards. Despite this willingness, they pointed out some challenges requiring coordinated efforts and means to have an upper hand on those issues.

The Trust Fund has taken stock of all these dimensions that is why the institution formally put the respect of environment as a key condition in the selection process of potential implementing partners for the upcoming interventions in Central African Republic. This will later include the setting up of a monitoring mechanism related to the respect of the environment during the implementation phase. In addition, the Trust expects to establish a community of practice among its partners to promote the sharing of experiences and good practices.



VI. HEADQUARTERS' ACTIVITIES

The Headquarters staff maintained technical, financial and operational support to field staff and implementing partners. The Programme Assistant worked closely with field staff and TFV funded organisations in northern Uganda to assist them in improving their financial reporting system in accordance with the new SAP rules and guidelines. Improving the accountability mechanisms of the TFV implementing partners both technically and financially remains a priority of the programme work in the field. The Monitoring and Evaluation Advisor focussed on strengthening the capacity of local organisations in Ituri, DRC and on establishing effective reporting systems.



From 10 to 11 September 2012, the President of the Assembly of States Parties Ambassador Tiina Intelmann hosted a Seminar entitled “10 Years of the International Criminal Court: A Focus on Victims”. The seminar was organized by the President, the Foreign Ministries of Estonia and Finland, the Estonian Foreign Policy Institute and the Estonian Institute on Human Rights. This focus on victims comes at a crucial junction for the International Criminal Court as its Trial Chamber I has, on 7 August, issued the first-ever decision on the principles to be applied to reparation, in the case of *The Prosecutor v. Thomas Lubanga Dyilo*.

As H.E. Mr. Erkki Tuomioja, Minister of Foreign Affairs of Finland stressed at the opening of the seminar on 10 September, the Lubanga verdict and reparations decision were long-awaited by the victims.

Speaking also at the opening of the seminar H.E. Mr. Urmas Paet, Minister of Foreign Affairs of Estonia noted that the process of the Court’s work must be meaningful for victims. In four panel discussions over two days, practitioners from different parts of the world, including the Court’s situation countries, discussed how the meaning that the various stages of the Court’s proceedings have for victims, and formulated recommendations to help the Court, its States Parties and civil society live up to the promise of the Rome Statute.

Having heard a keynote speech by Ms. Elisabeth Rehn, Chair of the Board of Directors of the Trust Fund for Victims, participants reflected on the stewardship of States Parties and keeping the cause of victims at the centre of attention of the international community. The lessons learned from the Court’s first trial were also examined, as were the Court’s prosecutorial strategies in the light of gender-based crimes. Discussions were rounded off by a reflection of domestic responses to mass victimization and the concept of complementarity.

The seminar was co-moderated by TFV Executive Director and the Senior Programme Officer presented on the gender dimensions of the Trust Fund’s assistance and reparations mandates. The seminar’s outcome document was disseminated in the public domain in advance of the November 2012 meeting of the Assembly of States Parties.

Also in early September 2012, the Senior Programme Officer participated in the Women's Initiatives for Gender Justice and UN Women *Strengthening Gender Justice through International Prosecutions* Symposium. The event brought together key actors, including practitioners from the international courts and tribunals, experts in the fields of gender justice and international law, jurists, States Parties, donors, academics and local advocates from conflict and post-conflict states, offering a rare opportunity to consider, from a practitioner's perspective, the current and future progress, challenges and successes in international prosecutions, particularly in relation to gender-based crimes.

In October 2012, the Executive Director and the Regional Programme Officer for DRC met with the DRC Minister of Justice, Ms Wivine Mumba Matipa. The Minister welcomed the activities of the TFV in the DRC and expressed her intention to support the TFV in its mandate to implement Court-ordered reparations.

The TFV staff also had a constructive meeting with the DRC Minister of Gender, Family and Child Affairs, Ms. Genevieve Inagosi Bulobambi, who is responsible for matters related to former child soldiers.

The Embassy of Sweden in Kinshasa also hosted a round table on the TFV's reparations mandate. At a national conference on occasion of the 10th commemoration of the ICC, the Executive Director presented on the TFV's mandates.



TFV Senior Programme Officer presenting on gender and reparations at the Strengthening Gender Justice through International Prosecutions Symposium



TFV Executive Director and Regional Programme Officer with ICC Judge Ms. Diarra in Kinshasa meeting with the Minister of Gender, Family and Child Affairs and the Ministry of Justice

VII. UPDATE ON REPARATION PROCEEDINGS IN THE LUBANGA CASE

Since the Trust Fund's last Programme Progress Report in summer 2012, there have been some important legal developments regarding reparations in the Lubanga case. In particular, on 7 August 2012, Trial Chamber I of the International Criminal Court issued the Court's first ever decision on reparations for victims²³, in the case against Thomas Lubanga. Thomas Lubanga had earlier been convicted for enlisting and conscripting children under the age 15 years and using them to participate actively in hostilities in the Eastern Democratic Republic of the Congo (the "DRC").

Elisabeth Rehn, Chair of the Board of the Trust Fund for Victims, called the decision "a historic milestone for victims of international crimes". She welcomed the important role and responsibilities given by the Court to the Trust Fund and observed that to repair harm after mass victimisation adequate resources will be required.

Trial Chamber first decision of 7 August 2012 sets out important principles for reparations, confirming that victims should be at the centre of reparation proceedings, and that the needs of vulnerable victims, including women, children, and victims of sexual and gender-based violence, must be addressed as a priority. It also maintains that reparations should promote, whenever possible, reconciliation. Many of the observations that the Trial Chamber made on the reparations principles reflect what the Trust Fund had advocated for in its submissions,²⁴ including the explicit recognition of the need for gender- and child-sensitive measures to ensure equal access to justice.

As the title indicates, the decision of 7 August 2012 also contains the Trial Chamber's findings related to the procedure to be applied in the reparation proceedings of the Lubanga case. In particular, it sets out a community-based approach for assessing the harm and identifying appropriate forms of reparations, allowing victims to have a voice. This process is to be carried out in the affected localities in Ituri under the guidance of the Trust Fund for Victims. The Chamber notes that it is of the view "that the TFV is well placed to determine the appropriate forms of reparations and to implement them" and makes reference to the Trust Fund's relevant experience under the assistance mandate. It orders that the outcome of the consultative process is to be presented to a newly constituted Chamber for approval. Reparations shall then be implemented, funded through resources of the Trust Fund for Victims. However, the judges do not quantify how much of its reparations reserve²⁵ the Trust Fund should use for funding reparations in the Lubanga case.

The reparations regime of the ICC is still uncharted terrain. Indeed, many aspects of the reparations mandate, both legal and practical, will need further interpretation and jurisprudence. Practice will only develop over time. It is therefore no great surprise that the decision of 7 August 2012 has already been subject to several appeals, including by the defence, the Office of the Public Counsel for the Victims and by the legal representatives of victims in the case.

In response to these appeals, on 17 September 2012, the Appeals Chamber issued its "Directions on the conduct of the appeal proceedings."²⁶ It asked the various legal representatives of victims to indicate whom they represent in proceedings. It further invited comments on procedural issues that will determine inter alia the scope of reparation proceedings and whether the Appeals Chamber shall grant "suspensive effect," as requested by the defence. If such "suspensive effect" is granted this would result in a halt of preparations to implement the decision of 7 August 2012 until the appeals are resolved.

²³ Decision establishing the principles and procedures to be applied to reparations, 7 August 2012, ICC-01/04-01/06-2904

²⁴ For a more detailed analysis of the Trust Fund's submissions see the summer 2012 Programme Progress Report, "The Trust Fund's proposal for options to move forward with reparations in the Lubanga case", p. 35 f.

²⁵ The Trust Fund's reparations reserve currently stands at 1.2 Million Euros, roughly one third of its available funds. However, this reserve must satisfy all cases currently pending before the Court.

²⁶ Directions on the conduct of the appeal proceedings, 17 September 2012, ICC-01/04-01/06-2923

By 1 October 2012, all requested parties and participants had submitted their legal views and arguments. At the time of writing, the Appeals' Chamber's determination of the procedural issues is still outstanding. However, it can be expected that the Appeals Chamber will rule on the question of a "suspensive effect" fairly swiftly.

Whilst the Trust Fund in its submission has advocated for "suspensive effect" to be granted so that important legal issues could be clarified at an early stage, the Trust Fund is crucially aware of how any delay may draw upon the patience of victims and their communities. Indeed, the Trust Fund intends to be prepared to immediately make reparations for victims as reality once all legal matters are clarified. It is therefore currently proceeding to establish a network of experts on the multi-disciplinary dimension of the design and implementation of Court-ordered reparations and may hold consultative meetings around these issues. To the extent possible, the Trust Fund will also continue to engage within the ICC to prepare and align administrative processes related to the unprecedented implementation phase of Court-ordered reparations.

KEY FEATURES OF THE LUBANGA REPARATIONS DECISION

The Trial Chamber indicated that reparations should be collective, addressing the harm victims have suffered on an individual and collective basis, and should reach currently unidentified victims.

The Chamber endorsed the phased approach to the implementation of reparations awards as proposed by the TFV, which outlines a plan to execute the reparations order:

1. The TFV, the Registry, the OPCV, and experts to be determined by the TFV should establish which localities will be involved in the reparations process.
2. There should be a process of consultation in the localities that are identified.
3. An assessment of the harm suffered by victims should be carried out to determine the needs of the victims.
4. Public debates should be held in order to explain the principals of the reparations order and to address the victims' expectations.
5. Finally, there will need to be collected proposals for the reparations developed in each locality, which will then be presented to the Chamber for approval.

Finally, the Chamber has decided not to examine or perform a judicial analysis of the individual applications for reparations. Instead, the Chamber instructed the Registry to transmit to the TFV all the individual application forms thus far received. It is up to the TFV to decide whether to include them in any reparations programs that are to be implemented.

Where does the process stand at the moment?

A total of four appeals to the decision of 7 August were filed. (2 by the defence –request for leave to appeal to TC1, which was granted on 4 issues and direct appeal to the Appeals Chamber1 by OPCV jointly with Victims Counsel 02 and one by Victims Counsel 01). Currently all parties and participants are waiting for the appeals decision to be delivered

What the TFV is currently doing in that respect - or what it will do if the Appeals Chamber confirms the TC's decision?

It is important to avoid an interrupted or (partially) reversed implementation process, as this could result in a re-traumatisation of victims and affected communities and pose operational problems. Therefore in its submission to the Appeals Chamber, the TFV supported the request for suspensive effect requested by the defence. Also, the victims counsel & OPCV supported the suspensive effect; the OTP did not. It is now up to the Appeals Chamber to decide on this issue, which will determine when next steps are taken to implement the decision of 7 August 2012. This will hopefully happen soon.

In terms of preparation: while the TFV advocates for suspensive effect to be granted, the TFV is critically aware of how it may affect the victims and their communities, both in terms of their expectations and patience.

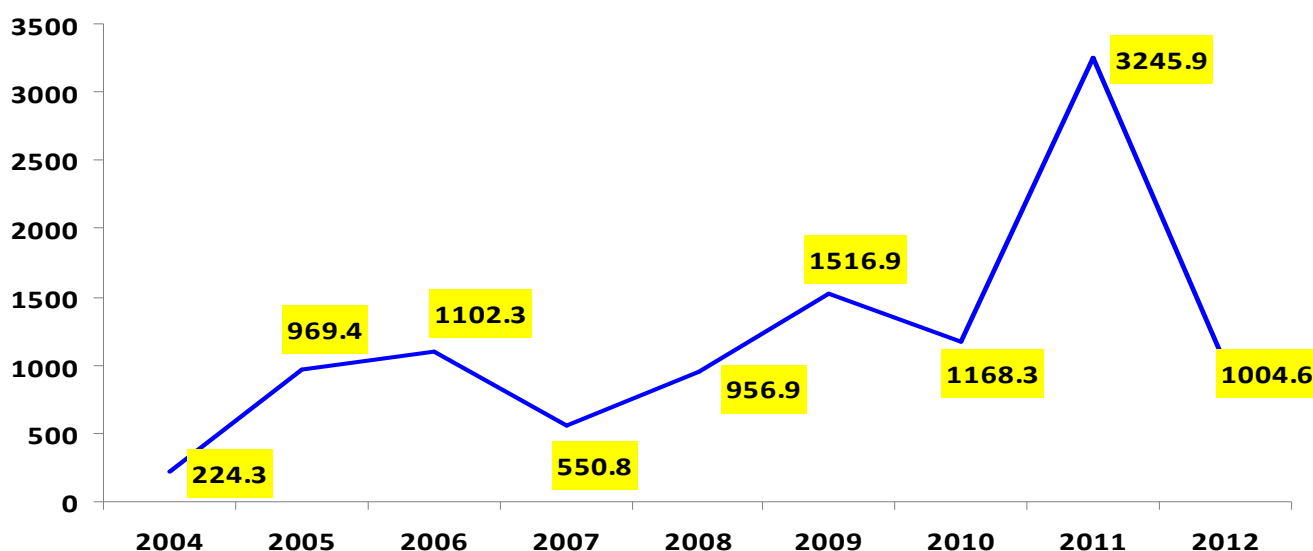
- The TFV therefore intends to prepare to make reparations an immediate reality once all legal matters have been clarified. Furthermore, the TFV is currently in the process of establishing a network of experts on the multi-disciplinary dimension of the design and implementation of Court-ordered reparations during which it may hold consultative meetings regarding these issues.
- In addition, the TFV will also continue to remain engaged with the Registry in terms of preparing and aligning the administrative processes related to the unprecedented implementation phase of the Court-ordered reparations. It has informed the Appeals Chamber accordingly.
- The TFV with the Registry (PIDS, VPRS) are working on a common outreach strategy. In this context there has also been exchange with civil society to come up with common messages and to keep those affected informed even though the appeals process is on-going, factually halting implementation at present.

VIII. FINANCIAL UPDATES

Continuing its growth trend since 2009, the TFV recorded its highest level of cash contributions in 2011, with € 3,246,151 from 18 countries. However, the contributions provided in 2012 have been the lowest to-date with only €957,800 new contributions received as of October 31, 2012. In total, thirty countries have contributed to the TFV since 2004.²⁷

The TFV's Euro account as of 30 October 2012 had a balance of €736,000.61; the US Dollar account had a balance of \$71,450.55, and the savings account had a balance of €3,220,000. In-kind and matching donations provided by implementing partners to-date is €495,590 and income from interest is €16,672.21.

FIGURE 12: COUNTRY CONTRIBUTIONS IN THOUSANDS OF €



* TFV also receives private donations, which are not reflected in this figure.

The €3,246,151 raised from member states in 2011 represents the highest yearly amount in the TFV's history, at 32% of the total € 10,739,400 raised from member states since 2004. Germany is still the TFV's largest single contributing country with € 2,014,794 contributed since 2006. Sweden is the largest single contributor at SEK10 million or €1,107,000 in 2011.

Both Finland and Norway maintain their earmarked support for victim survivors of sexual and gender-based violence. In 2012, the United Kingdom provided a single contribution of £500 000 at the commemoration of the 10th anniversary of the International Criminal Court. During this period, the total of amount of voluntary contributions received was only € 813,500.

The TFV Board of Directors approved programme budget for both northern Uganda and DRC: 2009: € 1,6 million; 2010: €1,805 million; 2011: €1,223 million; and 2012: €1,306 million. Funds obligated for the Central African Republic: €600,000 (programme under development). The current reserves to supplement Court-ordered reparations: € 1.2 million.

²⁷ Andorra, Australia, Austria, Belgium, Dem. Rep. of the Congo, Denmark, Finland, France, Germany, Ireland, Jordan, Latvia, Liechtenstein, Luxembourg, Mexico, Namibia, Netherlands, Norway, Poland, Senegal, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Trinidad and Tobago, United Kingdom.

TOTAL EARMARKED CONTRIBUTIONS (INCLUDING SGBV):

Countries	2008	2009	2010	2011	2012	(in thousands of €)
Andorra	12.0	12.0				24.0
Denmark		497.2				497.2
Finland			170.0	200.0		370.0
Germany			305.0	110.0		415.0
Netherlands			20.5	247.7	25.0	268.2
Norway	191.1		253.8	253.5		698.4
Sub-total countries	203.1	509.2	749.3	811.2	25.0	2,272.8

BREAK DOWN OF SGBV EARMARKED FUNDS AND DONORS:

Countries	2008	2009	2010	2011	(in thousands of €)
Andorra	12.0	12.0			24.0
Denmark		497.2			497.2
Finland			170.0	200.0	370.0
Germany			150.0		150.0
Norway	191.1		253.8	253.5	698.4
Sub-total countries	203.1	509.2	573.8	453.5	1,739.6

PERCENTAGE OF EARMARKED FUNDS FOR SGBV OVER THE TOTAL CONTRIBUTIONS RECEIVED:

1. Percentage of earmarked funds for SGVB against total earmarked contributions: **76,50%**
2. percentage of SGVB earmarked funds in 2011 against total earmarked cash contributions (including SGVB): **19,95%**
3. percentage of SGVB earmarked funds in 2011 against total SGVB contributions received up to date): **26,07%**

IX. PROJECT ANNEXES

Assistance for victims of sexual and/or gender-based violence

Project(s)	TFV/DRC/2007/R1/001, TFV/DRC/2007/R1/031 and TFV/DRC/2007/R2/036
Partner(s)	Catholic Relief Services (CRS) and sub-grantees
Amount	USD 600,000
Location(s)	South Kivu, DRC
Description	<ul style="list-style-type: none"> • 1,500 victims of SGBV receiving material support and psychological rehabilitation; • 725 Community peace builders trained to promote victims' rights; • Extended to incorporate project TFV/DRC/2007/R1/031, which was closed in August 2012.

Project(s)	TFV/DRC/2007/R1/021
Partner(s)	Action for Living Together (ALT)
Amount	USD 694,974
Location(s)	South Kivu, DRC
Description	<ul style="list-style-type: none"> • Safe shelter for victims of SGBV seen at Bukavu's Panzi Hospital • 400 victims of SGBV receiving small grants and psychological rehabilitation; • 800 of their children receiving education grants.

Project(s)	TFV/DRC/2007/R1/022
Partner(s)	AMAB
Amount	USD 481,370
Location(s)	Ituri, DRC
Description	<ul style="list-style-type: none"> • 300 victims of SGBV and vulnerable women receiving material support (through <i>Mutuelles de Solidarité – MUSO</i> and economic activities at the community level) and psychological rehabilitation.

Project(s)	TFV/DRC/2007/R2/029
Partner(s)	Cooperazione Internazionale (COOPI)
Amount	USD 1,111,257
Location(s)	Ituri, DRC
Description	<ul style="list-style-type: none"> • 187 girls associated w/ armed groups, and 183 of their babies, who have received or are receiving accelerated education and material support to rejoin Ituri school system; • 150 children and youth formerly associated with armed groups; • 50 children and youth made vulnerable by war (e.g. orphans); • Extended to continue providing accelerated education and to incorporate former child soldiers and vulnerable children from project 028, which was closed in early 2010.

Project(s)	TFV/DRC/2007/R2/031, *NEW PARTNER* TFV/DRC/2007/R2/033 *CLOSED* TFV/DRC/2007/R2/043 *NEW PARTNER*
Partner(s)	<i>TFV/DRC/2007/R2/031 now integrated into TFV/DRC/2007/R1/001 and TFV/DRC/2007/R2/036</i> TFV/DRC/2007/R2/043 has been transferred to CAF and is currently awaiting preparation of the contract
Amount	USD 35,000
Location(s)	DRC
Description	TBD

Project(s)	TFV/UG/2007/R2/040 *EARMARKED*
Partner(s)	Cooperazione Internazionale (COOPI)
Amount	EUR 300,000
Location(s)	Oyam District, Lango Sub-Region, Uganda
Description	<ul style="list-style-type: none"> • COOPI has provided several thousand women with medical and psychological care in response to SGBV; • COOPI also conducts outreach sessions through northern Uganda to inform community leaders about the nature of SGBV and the rights of victims; • This project is now funded in its entirety by an earmarked contribution from the Government of The Netherlands. It was previously co-funded with Finland and Norway.

Assistance for children & youth

Project(s)	TFV/DRC/2007/R1/019
Partner(s)	Missionnaires D'Afrique
Amount	USD 572,864
Location(s)	DRC
Description	<ul style="list-style-type: none"> • 1,900 children and youth associated with armed forces or made vulnerable by war reached through "School of Peace"; • An estimated 15,000 other children and community members

Project(s)	TFV/DRC/2007/R1/026 and TFV/DRC/2007/R2/028 *NEW PARTNER*
Partner(s)	CONFIDENTIAL
Amount	<i>Now integrated into TFV/DRC/2007/R2/030 and TFV/DRC/2007/R2/029, respectively</i>
Location(s)	DRC
Description	<i>Now integrated into TFV/DRC/2007/R2/030 and TFV/DRC/2007/R2/029, respectively</i>

Project(s)	TFV/DRC/2007/R2/030
Partner(s)	ACIAR
Amount	USD 833,404
Location(s)	DRC
Description	<ul style="list-style-type: none"> • 400 children and youth formerly associated with armed groups; • 200 children and youth made vulnerable by war (e.g. orphans); • 400 people from families caring for children orphaned by war; • Extended to incorporate former child soldiers and vulnerable children from project TFV/DRC/2007/R1/011, which was closed in late 2009 and project TFV/DRC/2007/R1/026, which was closed in early 2010.

Assistance for victims of torture and/or mutilation

Project(s)	TFV/DRC/2007/R2/032
Partner(s)	KAF
Amount	USD 251,648
Location(s)	DRC
Description	<ul style="list-style-type: none"> • Counselling and vocational training for 150 victims of torture and mutilation

Project(s)	TFV/UG/2007/R1/14(b)
Partner(s)	Watoto
Amount	14(b): UGX 417,400,000
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • Victims of torture, mutilation and/or attack who are receiving or will receive medical care, including reconstructive surgery;

Project(s)	TFV/UG/2007/R1/14(c)
Partner(s)	Centre for Victims of Torture (CVT)
Amount	UGX 1,863,924,518
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • Initiated in October 2009 to provide certified trauma-counselling training to TFV implementing partners;

Project(s)	TFV/UG/2007/R1/018 and TFV/UG/2007/R2/042
Partner(s)	The AVSI Foundation
Amount	EUR 439,575
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • 563 victims of torture, mutilation and/or attack who are receiving or will receive medical care, including prosthetic limbs; • Integrated projects to identify, transport, care for and follow-up medical patients;

Project(s)	TFV/UG/2007/R2/039 and TFV/UG/2007/R2/041
Partner(s)	Anglican Diocese of northern Uganda
Amount	UGX 525,856,200
Location(s)	Gulu and Amuru Districts, northern Uganda
Description	<ul style="list-style-type: none"> • “Healing of Memory” sessions for about 100 victims of torture and mutilation to express their trauma in small groups and help each other reach a point of forgiveness and reconciliation • Vocational training and school fees for about 100 victims of torture or mutilation • Referrals to healthcare services for victims who are still in need of physical rehabilitation

Assistance to help victims rebuild their communities

Project(s)	TFV/DRC/2007/R1/004 * NEW PARTNER*
Partner(s)	Africa Initiative Programme (AIP)
Amount	<i>Now integrated into TFV/DRC/2007/R2/027</i>
Location(s)	Irumu, Djugu, Mahagi and Aru Territories, Ituri District, DRC
Description	<i>Now integrated into TFV/DRC/2007/R2/027</i>

Project(s)	TFV/DRC/2007/R2/027 * EARMARKED*
Partner(s)	Réseau Haki na Amani (RHA)
Amount	USD 878,960
Location(s)	Irumu, Djugu, Mahagi and Aru Territories, Ituri District, DRC
Description	<ul style="list-style-type: none"> • 800 victims of war receiving psychological rehabilitation; • 10,500 victims benefitting from material support; • 40,000 persons will be mobilized around pacification and reconciliation issues through large scale “Peace Caravan”.

Project (s)	TFV/UG/2007/R1/003, TFV/UG/2007/R1/005, TFV/UG/2007/R1/006, TFV/UG/2007/R1/016, TFV/UG/2007/R1/020, TFV/UG/2007/R1/025 and TFV/UG/2007/R2/035
Partner(s)	International NGO overseeing seven small grants
Amount	UGX 3,228,683,029
Location(s)	northern Uganda
Description	<ul style="list-style-type: none"> • 5,900 victims of war receiving integrated support, including vocational training, medical care, village savings training and more; • This set of integrated projects is overseen by one international partner; • Additional UGX 51,000,000 obligated and disbursed in 2010 for 8 surgeries that were too expensive for the original budget;

Project(s)	TFV/UG/2007/R2/038
Partner(s)	Northeast Chilli Producers Association (NECPA)
Amount	UGX 865,544,000
Location(s)	Lira and Amuria Districts, Uganda
Description	<ul style="list-style-type: none"> • Counselling, training, seeds, animals, and farm tools for about 2,700 victims in the process of rebuilding their communities. • Victims work through farmers' collectives to sell their crops and establish durable sources of livelihood

X. OVERVIEW OF THE TRUST FUND FOR VICTIMS

The Trust Fund for Victims is the first of its kind in the global movement to end impunity and promote justice. At the end of one of the bloodiest centuries in human history, the international community made a commitment to end impunity, help prevent the gravest crimes known to humanity and bring justice to victims with the adoption of the Rome Statute.

This treaty - voted for by 120 nations in 1998 - created the International Criminal Court to prosecute those responsible for genocide, crimes against humanity and war crimes. For the people who suffer most from these crimes, and who too often are forgotten, it set forth the mandates of the Trust Fund for Victims. In 2002, the Rome Statute came into force and the Assembly of States Parties established the TFV. The TFV works in partnership with national and international implementing partners to fulfil a global promise of justice, assisting victims and their families in rebuilding their lives and communities.

Civilians often bear the brunt of the crimes of war. Adults and children witness their loved ones being killed, tortured, and raped. Children are forced to join fighting forces. Women and girls, and sometimes men and boys, are victims of sexual violence. People see their property and livelihoods destroyed. Victims feel stripped of their dignity and may be shunned by their communities. Conflict tears apart the social and economic fabric of societies.

Marginalisation makes it harder for victims to be heard, to get help, and rebuild their lives. Those who are stigmatised and vulnerable even in times of peace suffer more acutely in times of conflict. Widows returning to their villages, for example, have to struggle to get their homes back because women rarely hold title to the family property. Crimes may compound existing vulnerabilities, or may lead to victims being ostracised from their societies. Rape victims often refrain from mentioning their plight to avoid being shunned by their families. Victims of mutilation can be rejected by their communities. Often, people are victims of multiple crimes.

The TFV listens to the most vulnerable victims of genocide, crimes against humanity and war crimes, and amplifies their voices in the international arena. It raises public awareness and mobilizes people, ideas and resources. It funds innovative projects through intermediaries to relieve the suffering of the often forgotten survivors. The TFV works closely with NGOs, community groups, experts, governments, and UN agencies at local, national, and international levels. The TFV aims to directly address and respond to victims' physical, psychological, or material needs. It develops its activities with the victims themselves as partners. The TFV does not dispense charity; it provides the tools for victims to help themselves regain their dignity, livelihoods, and place within their families and communities. By focusing on local ownership and leadership, the TFV empowers victims as main stakeholders in the process of rebuilding their lives.

The basis for the Trust Fund for Victims is laid down in article 79 of the Rome Statute of the International Criminal Court, 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."²⁸ The TFV supports activities, which address the harm resulting from the crimes under the jurisdiction of the ICC by assisting victims to return to a dignified and contributory life within their communities.²⁹ The TFV develops its activities with victims themselves as partners, helping them rebuild their families and communities and regain their place as fully contributing members of their societies.

To do this, the TFV fulfils two mandates: (1) administering reparations ordered by the Court against a convicted person³⁰, and (2) using other resources for the benefit of victims subject to the provisions of article 79 of the Rome Statute.³¹ Both mandates provide support to victims of

²⁸ For more information on the TFV's legal basis, please see <http://trustfundforvictims.org/legal-basis>.

²⁹ Victims are defined in Rule 85 of the Rules of Procedure and Evidence.

³⁰ Rule 98 (2), (3), (4) of the Rules of Procedure and Evidence

³¹ Rule 98 (5) of the Rules of Procedure and Evidence.

genocide, crimes against humanity and war crimes committed since 1 July, 2002.³²

REPARATIONS MANDATE

The TFV's first mandate is linked to a case. Resources are collected through fines or forfeiture and awards for reparations³³ and complemented with "other resources of the Trust Fund" if the Board of Directors so determines (see figure below).³⁴

Reparations to or in respect of victims can take many different forms, including restitution, compensation and rehabilitation. This broad mandate leaves room for the ICC to identify the most appropriate forms of reparation in light of the context of the situation and the 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 victim. The TFV shall take receipt of resources collected through awards for reparations and shall separate such resources from the remaining resources of the TFV in accordance with Rule 98 of the Rules of Procedure and Evidence.

REHABILITATION ASSISTANCE MANDATE

The dual 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, in particular for two reasons. First, the TFV can provide assistance to victims in a timelier manner than may be allowed by the judicial process. Second, 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.

The resources used for the TFV's second 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."

Regulation 50 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. The main objectives relating to TFV-issued reparations and assistance is to ensure that as many victims as possible are able to exercise their rights in relation to these provisions and to benefit from them as active stakeholders.

Under its non-Court ordered assistance, the TFV is presently employing two targeting strategies to ensure victims fall within the jurisdiction of the ICC: (1) assistance to specific categories of victims, including victims of sexual violence and children and youth associated with armed forces; and (2) assistance to affected communities, including villages victimized by pillage, massacre, and/or displacement. This category also includes communities reached through sensitisation, healing of memories or reconciliation activities at community levels. Through these initiatives the TFV supports projects that reduce the added stigma and discrimination often faced by victims of grave human rights abuses.

³² As defined in Articles 6, 7, and 8 of the Rome Statute.

³³ Regulations 43 to 46 of the Regulations of the Trust Fund for Victims

³⁴ Regulation 56 of the Regulations of the Trust Fund for Victims

MAKE A DONATION TO THE TRUST FUND FOR VICTIMS

The survivors of the gravest human rights crimes need your help. We welcome financial contributions from private individuals, foundations, corporations and other entities, and we will use these voluntary contributions to fund projects to the benefit of victims.

You can make a financial contribution through the following TFV accounts:

€ account

Bank Name: ABN AMRO
Account Holder: Trust Fund for Victims
Currency: Euro (€)
Account Number: 53.84.65.115
IBAN: NL54ABNA0538465115
Swift: ABNANL2A

US \$ account

Bank Name: ABN AMRO
Account Holder: Trust Fund for Victims
Currency: US dollar (US \$)
Account Number: 53.86.21.176
IBAN: NL87ABNA0538621176
Swift: ABNANL2A

Bank address:

Postbus 949

NL-3000 DD Rotterdam

Netherlands



For more information, please visit www.trustfundforvictims.org

or contact us at trust.fund@icc-cpi.int.