



Fonds au Profit des Victimes
The Trust Fund for Victims



TFV Strategic Plan 2020-2021

Adopted in July 2020

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I. Context

The Trust Fund for Victims (TFV) is an instrument of the Rome Statute established by the Assembly of States Parties to ensure that voluntary funds and funds of persons convicted by the International Criminal Court (ICC), are channelled through the Trust Fund to implement reparative measures to the benefit of victims of the most serious crimes of concern to the international community.

This is the TFV's third strategic plan. It is aligned, in particular, by the end period, with the ICC's strategic plan, 2019 – 2021, that provides the context for the strategic plans of the Registry and of the Office of the Prosecutor.

In March 2020, the Board of Directors of the Trust Fund for Victims (TFV) approved the Strategic Plan for the period 2020-2021, seeking correspondence with the ICC's strategic plans and building on previous strategic orientations and on the intermediate goals developed at the TFV staff retreat in 2019. The current version is an update, adopted by the Board of Directors (Board) in July 2020, incorporating the recommendations of the Internal Oversight Mechanism and taking into account recent operational developments, and, in particular, the impact of the COVID-19 pandemic on the TFV operations.

Since the outbreak of the COVID-19 pandemic, the TFV continued its activities and successfully adapted to remote ways of working. A particular focus, strongly supported by the Registry, was on the procurement process in relation to the selection of implementing partners for reparations and assistance programmes, leading to a considerable increase in active projects in the second half of 2020. A further focus was on the Board of Director's decisions on the eligibility of beneficiaries for reparations in Lubanga and Al Mahdi. The TFV also conducted an initial assessment for an assistance programme in Mali, assessed with a partner the national reparation programme in Côte d'Ivoire and launched the assistance programme in the DRC. The impact of the COVID-19 pandemic was primarily felt in the current assistance programme in Uganda and through travel restrictions. Projects were temporarily stalled because of the strict Ugandan Covid-19 measures, affecting in particular the health sector. However, the Trust Fund supported the implementing partners in taking precautionary measures, by e.g. providing protective masks and establishing ways of continuing their services to victims, including by means of remote counselling sessions. Due to the travel restrictions, the TFV used intermediaries in Mali in order to continue collecting applications for individual reparations.

This strategic plan takes fully into account the COVID-19 pandemic and its consequences on the TFV's work. The pandemic will have programme-related and funding-related consequences:

- Programme-related: Having concluded procurements, the TFV will start in the second half of 2020 the implementation of reparation awards in *Lubanga* and *Al Mahdi*, and new assistance programmes in the DRC, CAR and Côte d'Ivoire. COVID-19 measures in these situation countries may impact the start of these projects and their performance. The TFV currently provides implementing partners with the opportunity to adapt their projects to the realities of each situation country's COVID-19 measures, but will start the programmes, including, where necessary, through remote kick-off and training sessions. The TFV will thoroughly monitor these projects and support the implementing partners in finding ways to assist the relevant groups of victims, also during COVID-19.
- Funding-related: The success of these programmes will depend on continued and increased funding, in particular on continued voluntary contributions of states, but also of private donors. As COVID-19 has severely impacted states' financial situations, the TFV is aware that

it will need to increase its efforts in approaching public and private donors and takes these considerations into account in this strategic plan and further TFV key documents, in particular the fundraising strategy.

In keeping with guidance of the Board, the TFV Strategic Plan 2020-2021 is a concise document, building on the previous strategic orientations, in particular on the TFV's previous *Vision, Mission* and *Values* set out in Part B. The *Values* are further explained in Annex A.

The two strategic goals of the TFV are set out in Part III. The strategic setting is delineated in Part IV.

Part V focuses on an explanation of each of the two strategic goals. In achieving the overall strategic goals, the TFV has certain intermediate goals set out thereunder. The specific activities necessary to achieve the intermediate goals are included in the Activity Tracker (Annex B). They are related by paragraph to the intermediate goals. Having referred to risks already above, they are concisely addressed in Part VI.

The TFV will align the monitoring and tracking of the strategic goals and the preparation of the next three-year strategic plan with that of the ICC and its organs. The accompanying Activity Plan (Annex B) is inspired by the tracking instrument in use at the ICC Registry.

II. Vision, mission, values

The vision and mission of the TFV remain as follows:

VISION

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

MISSION

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

In fulfilling its mission and working towards its mission, the TFV is driven by the following

VALUES



The TFV values are further described in Annex A to this strategic plan.

III. The two strategic goals:

1

Impact

As a result of the implementation of reparations awards and assistance programmes, victims and their families overcome harm, lead a dignified life and contribute to reconciliation and peacebuilding within their communities.

Impact is predominantly achieved by the use of voluntary contributions and private donations, as well as of fines and assets recovered in relation to ICC convictions.

2

Performance

The Trust Fund for Victims, acting in alignment with the ICC, ensures good governance, accountability and transparency throughout its activities and is assured of adequate capacities and resources to operate its reparative programmes, while adhering to exigencies of efficiency, effectiveness and proportionality.

Performance is predominantly achieved by the use of the regular budget of the TFV Secretariat, part of the ICC's budget, as constituted by the assessed contributions of States Parties to the Rome Statute.

The TFV's *advocacy*, cross-cutting impact and performance, and relating to vision and mission, is that the Rome Statute's harm-based, victim-centred approach to reparative justice is internationally recognised and finds adoption as a best practice.

Vision, mission, values, strategic goals and their related intermediate goals and activity milestones, together provide the framework for the TFV's theory of change, incorporating results based management through the Activity Plan (Annex B) that is adaptable to evolving circumstances, as well as performance monitoring and evaluation.

IV. Strategic setting

A. Responsibility to repair victims' harm

The aspiration of the Rome Statute's system of reparative justice for victims is grounded in the principle of 'responsibility to repair', which specifically concerns the harm suffered by victims of international crimes, and by their families and communities.

The TFV's strategy, as guiding its decisions to engage and to invest, reflects that the reparations and assistance mandates relate to the responsibilities to repair harm that are the primary obligation of other actors.

In ICC reparations proceedings, the responsibility to repair is placed with the convicted person, further to a reparation order that guides the TFV's activities in regard of the design, planning and delivery of awards, in particular where the convicted person is indigent. The TFV's financing of collective and individual awards to victims remains subsidiary to the convicted person's personal liability for reparations. However, as part of the Rome Statute's system, reparations also aim at the higher goal of restoring and healing the affected communities, thereby contributing to the prevention of future crimes.

For TFV assistance programmes, the responsibility to repair lies principally with the Government of a situation country, further to domestic law, ratification of international treaties and adherence to customary international law. TFV assistance programmes do not replace or displace a Government's responsibility to repair. Under this notion of reparative complementarity, TFV assistance programmes may complement and/or strengthen a Government's own reparative programmes or activities or the international community's efforts to alleviate the harm suffered by those communities and to restore these communities.

The TFV's activities have a particular focus on addressing the harm of victims of sexual violence since 2008. The newly developed programmes in the Central African Republic and Côte d'Ivoire, and, foreseeably, the reparation proceedings in the *Ntaganda* case will further build on this focus of the TFV.

B. Towards a globally resonating practice of reparative justice

The Rome Statute's reparative justice system is developed in accordance with and informed by external developments, such as insights obtained from other international criminal and human rights tribunals and courts, by concepts and practices in the domain of transitional justice, by international and domestic efforts promoting post-conflict recovery and stability in the aftermath of the commission of mass crimes, as well as by efforts to achieve the Sustainable Development Goals (SDGs) by 2030, in particular the SDG 16 on Peace, Security and Strong Institutions.

Similarly, the qualities and relevance of a harm-based, victim-centred approach in responding to victims' harm and their right to a remedy, as adopted in ICC reparations proceedings and in TFV assistance programmes, merits global acknowledgment and adoption. Such an approach enables long-term, stable and inclusive systems of providing meaningful reparative value to victims and affected communities.

The reparative value of international criminal justice, as an international public good, is ultimately defined by the appreciation of its beneficiaries. The TFV is mindful of the strategic importance of staying sensitive to the victims' perspective on the value of justice, which is easily

obscured by the institutional lenses of the various actors engaging with victims, or on their behalf, in the pursuit of justice. The TFV is mindful of the reparative value of victim related activities undertaken by the Organs of the Court, as well as their relevance for its activities. In turn, the TFV strives to work with the Court to avoid fragmentation and promote harmonisation and cohesion throughout the entire institutional 'chain of engagement' with victims, which runs from the Office of the Prosecutor's investigations, through the Registry's victim related activities, to the assistance and reparations activities of the TFV.

V. Strategic Goals

A. Strategic Goal 1 - Impact

As a result of reparations and assistance programmes, victims and their families overcome harm, lead a dignified life, and contribute towards reconciliation and peace-building within their communities

1. The TFV's impact is predominantly achieved through implementing partners, which are selected and monitored throughout the implementation phase by the TFV's multidisciplinary staff – in the field and at the Court's seat, as well as through its collaboration with civil society and non-governmental organizations in the affected communities. Voluntary contributions and private donations are the source of funding for the assistance and reparation programmes. Reparation programmes may also be funded through fines and assets recovered in relation to ICC proceedings. The TFV reports on the use of funds and the implementation of assistance and reparation programmes to its donors, the Assembly of States Parties and, in addition, on reparation implementation to the competent Chamber.
2. Convictions at the ICC prompt the activation of the implementation phase of reparations, including the TFV's mandate to plan and implement awards and to decide on a complement to the payment of the reparations awards, in instances that the convicted person is indigent. Reparations awards are varied in scope and form. Their implementation is set in challenging operational theatres, marked by on-going conflict, post-conflict dynamics and/or public health emergencies. Court decisions and operational realities inform the TFV's requisite staffing needs and of appropriate modalities of implementation, including direct delivery by the TFV and modalities of procurement of services by implementing partners.
3. The Rome Statute's reparative justice system still finds itself in the early stages of development compared to the Court's overall judicial work, which has the further benefit of lessons learned from previous and concurrent international(ized) criminal tribunals. In contrast, judicial reparations are a relatively novel feature of international criminal law, for which there existed only limited judicial or administrative blueprints, and no tested benchmarks for their efficient and effective implementation: procedurally at the Court, as well as in terms of the delivery of awards by the TFV in often unstable operational settings. The TFV develops monitoring and evaluation criteria to measure the impact of these reparation programmes and to develop future meaningful ways of redressing and repairing victims' harm and ensuring that the goals of court-ordered reparations are achieved.
4. The operation of the TFV's reparation mandate brought about new, different and more complex working relationships between the TFV and key stakeholders: the Judiciary and Registry at the Court, the legal representatives of victims, relevant Government authorities and the TFV's implementing partners.

5. The assistance mandate remains the bedrock of the TFV's reparative function, evolving along with the Court's jurisdiction and allowing the Fund to intervene in support of situation victims, prior to the conclusion of trial proceedings and the implementation of reparation awards, as well as outside of the boundaries of the specific crimes prosecuted before the Court. The TFV's assistance programmes address individual harm and focus on the consequences of sexual and gender-based violence and on individual capacity strengthening with a view to achieving sustainable development within the affected community.
6. The assistance mandate provides for particular reparative value in situations where acquittals block the prospect of judicial reparations. Available information about harm suffered by victims participating in proceedings may then help inform the scope and form of the assistance activities.

* * *

7. Reparations awards and assistance programmes deliver reparative value to victims in different forms – judicial versus administrative – and in a complementary fashion – case related versus situation based.
8. Regulation 56 of the Regulations of the Trust Fund is the only provision in the Rome Statute framework that explicitly juxtaposes the operation and financing of the TFV's reparations and assistance mandates. It provides that the Board is to ensure adequate resources to complement the payment of reparation awards without prejudicing the financing of assistance programmes. It will be essential for the Trust Fund and the Court, including the OTP, to create together an effective system to redress the situation victims' harm and the harm of victims in a specific case. Close cooperation between the Trust Fund and all organs of the Court from the start of a situation until the conclusion of cases will be essential for that, at the same time ensuring a system of funding that allows the Trust Fund to effectively finance the work of the relevant implementing partners.
9. In relation to both the assistance and reparations mandates, responsible fund management and investment decisions (further addressed under the Performance Goal) belong to the TFV Board's essential discretionary powers, the use of which should reflect the accountability to the TFV's key stakeholders: victims and their families, the States Parties and the ICC.

Intermediate goals

10. In pursuing the strategic goal, the Trust Fund has the following intermediate goals, which it strives to achieve through the activities set out in the Activity Plan (Annex B):

A	Victims are aware and have access to reparations awards and assistance services.
B	Victims have realistic expectations of the reparative measures implemented by or through the TFV.
C	Victims are satisfied by the reparative measures implemented by or through the TFV.
D	Victims contribute to peaceful harmony and stability within the communities where they reside.
E	Implementing partners deliver excellent quality of services to victims, based on appropriate technical knowledge and a relationship of trust with victim beneficiaries and their communities, and in full compliance with reparations plans and the programmatic frameworks of assistance programmes.
F	Chambers actively solicit the views and expertise of the TFV in reparations proceedings, including during the pre-order phase of proceedings.
G	The TFV has a collaborative working relationship with legal representatives of victims and seeks to coordinate the consultation, communication and liaison with victims, in particular during and in respect of the implementation of reparations awards.
H	The Registry's Finance, Treasury and Accounts Units provide support, including by proactively seeking creative solutions in collaboration with the TFV in relation to the financial aspects of the implementation of awards.
I	The Registry's Procurement and Legal Offices provide support to the TFV in jointly identifying implementation modalities that result in the timely implementation of reparations awards and which prioritize victim participation and their inputs in the selection of the relevant implementation modality.
J	The Registry's Victims Reparations and Participation Section provides support to key TFV processes in the design and implementation of reparations awards, including specified support in the identification and administrative eligibility screening of victims to benefit from individual reparations awards.
K	ICC Country Offices provide adequate support to the implementation of awards and programmes by the TFV, including liaison, outreach and engagement with national and local stakeholders.

B. Strategic Goal 2 – Performance

The Trust Fund for Victims, acting in alignment with the ICC, ensures good governance, accountability and transparency throughout its activities and is assured of adequate capacities and resources to operate its reparative programmes, while adhering to exigencies of efficiency, effectiveness and proportionality.

11. The organisational performance of the TFV is defined by:
 - responsiveness to the distinctive exigencies of reparation awards and assistance programmes;
 - timely and satisfactory delivery of reparative value to victims;
 - proportionality of indirect cost – at the Secretariat, and with implementing partners – in relation to programme investment value;
 - efficiency through cooperation and assistance from the Registry and in respect of the selection and use of implementing partners;
 - increased and sustained TFV visibility and fundraising;
 - staff well-being.
12. Responsiveness requires the TFV to make the best possible use of budgetary resources obtained through assessed contributions by States Parties, and to increase its visibility and fundraising to make the best use of resources obtained through voluntary contributions and donations, fines and forfeitures, or receivables in kind.
13. The further development of the TFV as a multi-donor trust fund requires a long-term perspective that includes the build-up of adequate financial reserves in support of a diverse and steadily growing portfolio of multi-annual reparation and assistance programmes.
14. The TFV's fundraising and resource development strategies are informed by the current and anticipated value of Court-ordered reparation awards, the volumes of the multi-annual assistance programmes and the responsibility to build up sufficient reserves for the payment of future awards and programmes.
15. They also require codification of decision-making in relation to fundraising, investment in reparation and assistance programmes, based on parameters of responsiveness to victims' rights and needs, impact value, operational feasibility and resource development.
16. This strategic plan will be the foundation for the TFV Fundraising strategy, comprising revenue from public and private donors, as well as for the TFV Fund Management and Investment Policy, which codifies and strengthens the Fund's key evidence-based decision making, including prioritisation of types of activities and their investment trajectories on the basis of reparative value and responsiveness to judicial developments at the ICC with as main triggers situational jurisdiction and case related reparations orders.

Intermediate goals – organisational component

17. In pursuing the strategic goal, the Trust Fund has the following intermediate goals in relation to the TFV’s organisational component, which it strives to achieve through the activities set out in the Activity Plan (Annex B):

A	The TFV has the structure and capacity in place to be in compliance with the regulatory environment of the Court, donor agreements and reparations orders.
B	The TFV Board of Directors confidently and effectively exercises its roles of supervision and guidance in relation to the Secretariat, accountability to States Parties and the Court, and fundraising and advocacy in relation to donors and the international community.
C	The Court, States Parties and donors recognise the TFV as a reliable and effective institution, demonstrating good governance, accountability and transparency.
D	The TFV’s internal control environment, which incorporates both the activities of implementing partners and the cooperation and assistance received from the Registry, inspires confidence as well as the moral, political and financial support from States Parties and donors.
E	The TFV has standardised policies and streamlined procedures in place in the areas of procurement, finance and administration and private and public fundraising.
F	The TFV ensures organisational and operational effectiveness and efficiency through the Cooperation and Assistance Framework with the Registry, through optimal use of staff capacity and implementing partners, and through committed care for staff well-being.
G	Accurate, timely and insightful reports serve to inform donors, other stakeholders and the general public about TFV activities and to build and sustain trust in the TFV’s adequate responsiveness to victims’ harm.
H	The TFV implements the HR initiatives of the Registry.

Intermediate goals – resource development

18. In pursuing the strategic goal, the Trust Fund has the following intermediate goals in relation to the TFV's resource development, which it strives to achieve through the activities set out in the Activity Plan (Annex B):

A	Responsible fund management: the Fund Management and Investment Policy integrates resource development and fund investment activities, including evidence-based decision making processes to guide, prioritise and sequence investment in reparations awards and assistance programmes.
B	Resource planning and management: adoption of calendar-year based planning process for resources from voluntary contributions, fines and forfeitures, synchronised with and separate from STFV budget.
C	Increase of number and volume of multi-annual funding agreements with public and private donors, wherever possible using official development assistance (ODA) resources.
D	Diversification of TFV donor base amongst States Parties to include more non-traditional donors as well as non-States Parties.
E	Innovative financing models are established in consultation with States Parties, the Court and key market actors.
F	States Parties allocate adequate assessed contributions to the STFV budget, based on and in accordance with the TFV's capacity and operational needs to implement its activities.

C. Cross-cutting – Advocacy

The Rome Statute’s harm-based, victim-centred approach to reparative justice is internationally recognised and finds adoption as a best practice.

19. In recognition of the plight of victims of unimaginable atrocities that deeply shake the conscience of humanity, the TFV forcefully advocates for adequate, comprehensive and inclusive reparative actions to the benefit of the victims of these atrocities.
20. The TFV strives to advocate for such actions as part of their daily work in interacting with partners, civil society and in particular through TFV communication activities, be it on the field and in situation countries or through social media.
21. The TFV communication activities will build on current strengths and rely on the TFV’s role as a facilitator of financial and operational partnerships to increase the reparative value and impact of the TFV’s work, in particular in the eyes of victims and civil society, and collaborate with its vital base, including public donors, implementing partners, supporters, volunteers and citizens engaged in our networks. TFV will reinforce communication efforts to advocate for reparative justice for victims based on the principles of the ‘responsibility to repair’ harm suffered by victims of international crimes.
22. To be a more visible institution in an already crowded and competitive public domain is a resource-intensive challenge to meet. Considering the TFV’s communications baseline situation, characterised by an absence of internal communications staff and a reliance on limited Registry support capacity, choices will be made towards creating simple and effective initiatives requiring modest capacity investment yet yielding tangible results in awareness raising, increased visibility and private donor engagement.
23. Members of the Board and Secretariat staff will be involved in communication activities, including internal information exchanges aiming to develop a more compelling, activity-based narrative about the relevance and impact of the TFV mandates for reparative justice.

Intermediate goals

24. In pursuing the strategic goal, the Trust Fund has the following intermediate goals in relation to the TFV's communication, which it strives to achieve through the activities set out in the Activity Plan (Annex B):

A	The TFV develops a plan for the implementation of communications and outreach initiatives for cultivating relationships, enhancing visibility, reporting on results, mobilising communities, influencing attitudes, managing change, generating support, and encouraging financial contributions.
B	TFV legal submissions emphasize a harm-based, victim-centred approach and advocate for such as approach to be included in Court decisions in in reparations proceedings.
C	Traditional and social media communicate and demonstrate harm suffered by victims within the framework of the importance of guaranteeing that their right to justice includes a remedy to their harm.
D	The TFV leadership promotes the adoption of a harm-based, victim-centred approach in reparative initiatives at the community, civil society, national and international levels.
E	The TFV carries out outreach activities in relation to its programmes to increase the programmes' reparative value and ensure inclusion of victims and civil society.

VI. Risks

Risk management at the TFV involves both mandate specific risks as well as risks jointly managed with the ICC.

The existing risk management framework and risk priority overview will be updated following the adoption of the strategic plan and will align with the Court's risk management framework. The risk management framework is subject to separate review and approval by the Board of Directors.

Primary risks identified for the 2020-2021 period are:

- **Conflict**, including lack of security and personal safety – especially in eastern DRC, northern Mali and the Central African Republic;
- **Public health**, especially *COVID-19*, a global phenomenon affecting impact and performance, including resource development (TFV), and well-being and livelihood (victims and their communities); as well as *Ebola*, especially in eastern DRC.
- **Funding**, short-term: in relation to sustaining a growing portfolio of reparations awards and assistance programmes; long-term: ensuring the systemic viability of the Rome Statute's reparative justice component, particularly in anticipation of responding to large-scale victimisation in future reparations cases.

ANNEX A
TFV CORE VALUES



Fonds au Profit des Victimes

The Trust Fund for Victims



Core Values:



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

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

Gender equity – The Trust Fund for Victims commits to pursue gender balance and equity in staff positions at all levels in the Secretariat, as well as access to professional and career development for all staff members. Furthermore, the TFV will advise implementing partners, as needed, on the adoption and implementation of policies and measures ensuring organisational gender balance and equity.

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

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

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

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

Integrity - The Trust Fund for Victims will foster trust and honesty in all interactions, and behave according to established professional standards of excellence. Integrity includes the quality of being honest and having strong moral principles; and the state of being whole and undivided. We will be truthful, dependable and fair in all actions to ensure good governance, transparency, and accountability , acting with honesty and honour without compromising the truth.

ANNEX B
ACTIVITY PLAN
(EXCEL TABLE SEPARATE- internal use)