

Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Economic, social and cultural rights in the context of transitional justice

Economic, social and cultural rights in reparation programmes

March 2025

Introduction

1. The Global Survivors Fund (GSF) submits this note as contribution to the Special Rapporteur on the promotion of truth, justice, reparation and non-recurrence's thematic report on "Economic, social and cultural rights in the context of transitional justice", responding in particular to question 2 and 3.
2. GSF was established in 2019 by Denis Mukwege and Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence (CRSV) around the globe and ensure they receive comprehensive reparative measures addressing their urgent needs in the meantime. GSF is dedicated to ensuring that reparation is pursued, designed, and implemented with survivors, that the measures are comprehensive, sustainably funded, inclusive of all age groups and gender, and that CRSV survivors access them urgently. GSF's work is grounded in its unique co-creation model and survivor-centred approach.¹
3. Considering GSF's mandate, this note focuses on the interlinkages between economic, social, and cultural rights and the right to reparation, as well as on the importance of survivor-centred approaches. While the emphasis is on reparation for conflict-related sexual violence, most considerations also apply to other types of violations of human rights. This submission draws on GSF's project work, the Global Reparation Study² and additional research.

¹ GSF, 'Annual Report 2023' (2024), https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/AR_2023_ENG_web_double_pages.pdf and GSF, 'Strategic Plan 2024-2030' (2024), https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/Strategic_plan_24-30_web_DP.pdf.

² Global Reparations Study available here: <https://www.globalsurvivorsfund.org/how-we-work/global-reparations-study/>

4. GSF's three key messages are the following:
- (i) Economic, social, and cultural rights, and the right to reparation, are deeply interlinked and mutually reinforcing. Violations of civil and political rights, like CRSV, frequently have impact on the ability of victims and affected communities to exercise and enjoy economic, social and cultural rights. Reparation should respond to both.
 - (ii) Reparation should be prompt, and should exceed the fulfilment of economic, social and cultural rights.
 - (iii) Survivor-centred approaches supporting co-creation and full, effective, and meaningful victim participation should be strengthened in reparation, as well as other pillars of transitional justice. Participation reinforces the opportunities for survivors and victims' to enjoy their economic, social and cultural rights.

Recommendations

- I- **Economic, social, and cultural rights, and the right to reparation, are deeply interlinked and mutually reinforcing.**
5. Economic, social, and cultural rights, and the right to reparation, are deeply interlinked and mutually reinforcing. Often, violations to the rights to life or personal integrity are motivated by an attempt to deprive communities or groups of certain economic, social, and cultural rights. This does not need to go as deep as root causes, but often have a very observable link. That is the case of Boko Haram campaign of killing, kidnapping, and committing multiple forms of CRSV against school age girls in their declared struggle against their right to education. In Colombia or Guatemala, violations were committed against rural communities or indigenous communities for the purpose of land grabbing or territorial control.
6. In those cases, reparations addressing violations of life or personal integrity need to also address the economic, social and cultural rights that accompanied or even lead to the violations.
7. Additionally, economic, social, and cultural rights, including the rights to housing, health, food, culture, and education, are critical components of reparation for gross

violations of human rights, including conflict-related sexual violence. Even where reparations have focused on violations of civil and political rights, they have included access to services or goods, such as health, education or housing, thus allowing survivors to enjoy some of their economic, social and cultural rights. Reparation therefore contributes to the realisation of economic, social and cultural rights, though it should go beyond to really fulfil its reparatory dimension.

8. The OHCHR 2014 Special Issue³ on this topic mentions several examples of reparation programmes, like the ones implemented by Chile and Peru, of which Colombia should be added. The land restitution and collective reparations programmes are of particular relevance. Compensation paid in the form of pensions or rehabilitation and health care provisions tailored to victims for life and not limited to a strict definition of direct consequences of the violations are good examples. The provision of education, to victims as well as to their children, is an important form of reparation not sufficiently considered. The impact of violations, like killings, enforced disappearance, torture, or sexual violence, on the ability of children of victims to receive education is a generally extended phenomenon.

II- Reparation should be prompt, and should exceed the fulfilment of economic, social and cultural rights

9. Providing access to services for guaranteeing certain rights is not enough. Actions guaranteeing social, cultural, and economic rights need to be accompanied by an explicit acknowledgement of the wrongs committed for them to be truly reparative. In addition, their focus needs to be addressing the obstacles victims face as result of the violations to enjoy those rights.
10. For example, education as a form of reparation must go beyond the provision to free access to education at primary level, that states are already obligated to provide. It requires tailored measures that address the unique needs of children and young people affected by conflict-related sexual violence, ensuring that the education they

³ Transitional justice and economic, social and cultural rights, 2014.
<https://www.ohchr.org/sites/default/files/Documents/Publications/HR-PUB-13-05.pdf>

receive is trauma informed, accessible, inclusive, and help remove consequences of the violations, like discrimination or stigmatisation. This means creating safe and supportive learning environments, offering psychosocial support, providing financial and material assistance to overcome barriers such as stigma, poverty, or displacement, adapting the curricula to victims who may not be of schooling age, implement measures to avoid discrimination or stigmatisation, and other measures, as the interim reparatory project GSF [is implementing in Nigeria shows](#). Some of the scholarships offered to victims to attend university in Peru⁴ included tutors and other form of support, even if implemented in insufficient scale.

11. Healthcare needs to be provided by staff that has the skills for empathising with victims or survivors, addressing the consequences that trauma can have on the medical conditions affecting them, as is the case of PRAIS⁵ in Chile, where teams of dedicated staff are the entry points to the provision of rehabilitation and healthcare services to victims.
12. Housing needs to incorporate adaptations for disabled survivors, as demanded by organisations in Sri Lanka⁶. Services directed to survivors of CRSV need to consider social discrimination that affects them and results on fear of being stigmatised, by providing security and confidentiality.
13. Victims of serious violations, and particularly survivors of CRSV, cannot wait for full blown transitional justice processes or reparations programmes. Some of the consequences that affect them require immediate action, as those consequences tend to worsen overtime. Early recognition of victims as right holders can also help sustain what is often a long struggle for a transitional justice process. The experience of GSF, through the implementation of interim reparative measures, shows the importance of acting promptly. In some cases, those projects have become inspiration and guidance

⁴ Victim Reparation Program in Education (Programa de Reparación de Víctimas en Educación), <https://www.gob.pe/789-programa-de-reparaciones-en-educacion>

⁵ Health Care and Repair Program (Programa de Reparación y Atención en Salud - PRAIS), <https://saludresponde.minsal.cl/programa-de-reparacion-y-atencion-en-salud-prais/>

⁶ Situational Analysis of the Rights of Persons with Disabilities in Sri Lanka, 2024. <https://unprpd.org/new/wp-content/uploads/2025/01/SriLankaSitAn.pdf>

for developing policies, as in [Guinea](#) and in [Ukraine](#), where a pilot project on urgent interim reparation is serving as a model for a policy created by law.

14. Similarly, refugees in camps like Cox Bazar in Bangladesh and those in Chad next to the Sudanese border require immediate response to the impoverishing and unsafe conditions they live. Bangladesh, Chad and the international community should respond to their obligation to provide minimum conditions of living, as well as recognition of their status of refugees and the rights that derive from them. Those immediate actions cannot wait for transitional justice policies but are precursors of them. Acting promptly is also a way to ensure that violations of economic, social and cultural rights do not continue to ensue, or at the very least acting promptly helps to prevent that such violations cause further harm.
15. Development programmes targeting affected communities is a relevant strategy for addressing the consequences of violations even if they are not necessarily deployed as reparation policies. Examples of this are “Juntos”⁷, a poverty alleviation programme implemented in Peru in areas affected by both, the internal armed conflict and historical marginalisation. Similarly, following the fall of the Fujimori regime, Peru implemented an ambitious educational policy⁸ for improving school enrolment and retention among indigenous communities, including the provision of bilingual education. Both programmes are partly the result of the finding made by the truth commission, linking the preponderance of violence and killings committed during the internal armed conflict with historically marginalised indigenous areas.
16. Another example is the Territorial Development Programmes (PDETS) (Programas de Desarrollo con Enfoque Territorial)⁹, established by the [2016 Peace Agreement](#), consisting on a localised development policy in the 170 poorest and most violent municipalities in Colombia. By covering affected areas, the programme goes beyond

⁷ National Programme of Direct Support to the Poorest (Programa Nacional de Apoyo Directo a los más Pobres – JUNTOS), <https://www.gob.pe/juntos>

⁸ National Plan for Bilingual Intercultural Education (Plan Nacional de Educación Intercultural Bilingüe), <https://consultaprevia.cultura.gob.pe/proceso/plan-nacional-de-educacion-intercultural-bilingue>

⁹ Territorial Development Programmes (Programas de Desarrollo con Enfoque Territorial), https://www.minjusticia.gov.co/programas-co/ODC/territorios/Cuartoencuentronacionalsobrelapoliticadedrogasente/programas_desarrollo_enfoque_territorial_ART.pdf

collective reparations provided by the National Reparation Programme, complementing them but also linking the development projects to transitional justice efforts, under the peace agreement, such as restorative sanctions, to be implemented by the perpetrators with the highest degree of responsibility that appear before the Special Jurisdiction for Peace and acknowledge responsibility.¹⁰

III- Strengthen survivor-centred approaches and processes supporting co-creation and full, effective, and meaningful victim participation

17. GSF calls on national and international actors to strengthen survivor-centred approaches and processes supporting full, effective, and meaningful victim participation and co-creation at all stages of the transitional justice process. Survivors as rights-holders, should not only be consulted but instead be considered as co-creators of all policies and laws that affect them. Survivors are best placed to identify what forms of reparation, including economic, social, and cultural rights, are best tailored to their specific needs and to identify the obstacles they face for enjoying and exercising economic, social and cultural rights.
18. GSF defines co-creation as a set of processes whereby survivors have an effective influence on decision making, playing an active role in conceptualising, designing, implementing, monitoring, and evaluating reparation and other measures. Co-creation goes beyond participation through consultations or the provision of mere information to survivors or victims.
19. Co-creation and other forms of meaningful participation of victims in the design, implementation and monitoring of reparation programmes is essential to acknowledge victims, and further recognises their agency throughout these processes. Full, effective, and meaningful participation in reparation and transitional justice processes has reparative value.

¹⁰ Clara Sandoval, Hobeth Martinez, et al, TOAR Anticipados y Sanciones Propias: Reflexion Informada para la Jurisdiccion Especial para la Paz, (DEJUS, 2021), available at: <https://www.dejusticia.org/publication/toar-anticipados-y-sanciones-propias-reflexion-informada-para-la-jurisdiccion-especial-para-la-paz/> and Clara Sandoval, Hobeth Martinez and Michael Cruz, "The Challenges of Implementing Special Sanctions (Sanciones Propias) in Colombia and Providing Retribution, Reparation, Participation and Reincorporation", 14(2) Journal of Human Rights Practice (2022), 478-501.

Case study: education as a form of reparation in Nigeria

20. The Boko Haram insurgency in northeast Nigeria led to the abduction of girls and young women, often from their schools, homes, villages, farms, and markets. Many were targeted because of their pursuit of education, which Boko Haram vehemently opposes as part of its terrorist ideology. During their captivity, they endured harrowing ordeals, including systematic sexual violence, often over extended periods. For those who have been freed or managed to escape, their suffering did not end with their captivity. Instead, they face lasting consequences, including stigma, rejection of children born during captivity, and severe psychological and physical health challenges. These create significant barriers to resuming their education, perpetuating a vicious cycle.
21. But today, schools are being used as a venue for healing for children affected by conflict-related sexual violence. Answering to a call from survivors, the Global Survivors Fund (GSF) has partnered with the [Neem Foundation](#) since February 2024 to provide education as a form of reparation to 200 children aged 8 to 16 in Borno state. This six-year flagship project is a component of GSF's broader [interim reparative measures](#) project in Nigeria.
22. Recognising that traditional age-based classroom structures do not adequately support children who have endured prolonged absences from school, stigmatisation, and trauma, the project offers trauma-responsive flexible education. Children are given the freedom to learn at their own pace, with educational attainments measured over the course of six years instead of having to meet yearly goals to progress. Students follow an interactive curriculum, with classes centred on values including peace, integrity, honesty, respect and tolerance; the same values that were targeted by Boko Haram.
23. Students receive psychosocial and medical support, including through play-based therapy sessions, as well as support to obtain birth certificates; often a major barrier for children wishing to enter mainstream education. Additionally, teachers are trained to recognise trauma traits, and address them.

24. Schools are also used as starting point for wider healing and reconciliation. Parents and pupils, and families of survivors and former insurgents, are brought together to share their grievances and reckon with what they experienced.

25. While the project is still in its infancy, the symbolic value is clear. More than ten years after the Boko Haram attacks, children impacted by the atrocities are reclaiming what they are rightfully owed, and recovering in spaces that were singled out for violence. The project is a compelling example of the power of education as reparation. It clearly builds on the right to education and the right to health among others economic, social and cultural rights but goes beyond. It sets a vital precedent for how education can be used as a pathway for trauma to recovery.

26. What is being achieved in Nigeria can be replicated elsewhere. In other countries, survivors recognise their right to education as a form of reparation, and often list it as a priority for both them and their children.