

CONFLICT-RELATED SEXUAL VIOLENCE MULTI-PARTNER TRUST FUND

UN TEAM OF EXPERTS ON THE RULE OF LAW AND SEXUAL VIOLENCE IN CONFLICT

FINAL NARRATIVE REPORT COVER PAGE

Participating UN Organization(s): IOM	Project¹ Title: “Technical Assistance and Capacity Building for the Government of Ukraine – Developing and Implementing Interim Reparative Measures and Reparations for Survivors of Conflict-Related Sexual Violence” Project Number: RP.0120
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Project Budget: \$240,750	

¹ The term “project” is used for projects, programmes and joint programmes

Final Narrative Report Ukraine

I. Acronyms (in order of appearance)

HRV – Human Rights Violations
CRSV – Conflict-Related Sexual Violence
GoU – Government of Ukraine
IOM – International Organization for Migration
UN – United Nations
ToE – Team of Experts
MoSP – Ministry of Social Protection
MOJ – Ministry of Justice
IHRM - International Human Rights Law
IHL - International Humanitarian Law
ICL - International Criminal law
TF - Task Force on Comprehensive Reparations
OPG - Office of the Prosecutor General
CSO – Civil Society Organization
SRC - Survivors Relief Centers

II. Background

An increase in instances of human rights violations (HRV), including verified occurrences of rape and other forms of conflict-related sexual violence (CRSV) has been reported following the war in Ukraine which escalated in February 2022.

The Government of Ukraine (GoU) has made special efforts to address CRSV. In this regard, the GoU, represented by the Deputy Prime Minister for European and Euro-Atlantic Integration, Olha Stefanishyna, and the Special Representative of the Secretary-General on Sexual Violence in Conflict, Pramila Patten signed on 3 May 2022 a Framework of Cooperation on the Prevention and Response to CRSV between the GoU and the United Nations (Framework of Cooperation). Section VII of this Framework of Cooperation states that the UN would assist the GoU in “*strengthening the rule of law and accountability for sexual violence crimes through support to the justice sector including ... the design of reparations programmes for victims* (emphasis added).”

Aligned with the Framework of Cooperation, the GoU requested the International Organization for Migration (IOM) in September 2022 to provide technical expertise and advice on the development of a reparations framework in Ukraine, including policies, laws and mechanisms enabling the delivery of reparations to survivors of CRSV. The request formed the basis of a partnership between IOM and the UN Team of Experts (ToE) on the Rule of Law and Sexual Violence in Conflict, which enabled consultations, expert advice, and the delivery of preliminary products responding to CRSV taking place in the country. Initial efforts yielded a reparations framework for survivors of CRSV which was presented officially by IOM and ToE to the government and civil society during a validation workshop on 24 January 2023. According to the GoU’s implementation plan of the Framework of Cooperation, the next legal steps after the above efforts are for the GoU to draft and deploy a law and/or normative acts on reparations and provide compensation for urgent and long-term reparations measures. Furthermore, consultations with Government stakeholders revealed a continued need for capacity strengthening and technical advice. To continue supporting the GoU in this area, IOM and UN ToE extended their partnership

in 2023. The below outlines a range of key thematic achievements obtained under this follow-on phase of the project.

III. Objective/Outputs

To address the needs of the survivors of CRSV in Ukraine and respond to the request by the GoU by contributing to the development of reparations mechanisms for CRSV survivors that are aligned with the Implementation Plan of the Framework of Cooperation, the project provided delivered on its objective *to endow the GoU with context-specific tools, knowledge, and a strategy to develop and implement inclusive, timely, and effective policies and legal frameworks that facilitate the provision of reparations to conflict-affected people*. This was done through technical assistance and capacity-building to the GoU by ensuring the constant availability of reparations expertise in the country and by delivering a set of outputs listed below:

Outcome: Improved access to remedies, reparations, and redress mechanisms for survivors of conflict-related sexual violence

Output 1: The GoU is supported in transforming the validated reparations framework into a comprehensive reparations policy and appropriate legislation in line with pillar 5 of the implementation plan.

Activity 1.1: Provide technical assistance to Ukrainian lawmakers for the development of CRSV stand-alone or integrated reparations legislation and/or other administrative measures.

Activity 1.2: Provide technical assistance to GoU officials to integrate expert views, civil society inputs, and survivors' expectations into reparations legislation and/or other administrative measures as well as the legal process of delivery of such reparations.

Output 2: The GoU is supported in creating the legal and technical mechanisms for reparations and interim reparative measures

Activity 2.1: Provide legal, technical, and policy assistance and expert advice for the creation and/or capacitating of existing and/or new institutions in the GoU to implement interim and long-term reparative measures.

Activity 2.2: Assess the legal and technical capacity gaps of the institutions identified in legislation as responsible for implementing reparations or interim reparative measures and long-term reparations measures.

Activity 2.4: Provide continuous troubleshooting support through technical assistance and expert advice both in the field and from UNHQ in New York.

IV. Progress/Results

A. Narrative of activities

Outcome 1: Improved access to remedies, reparations, and redress mechanisms for survivors of conflict-related sexual violence.

Over the course of nine months and following up on the results from the project's phase I "*Developing a Comprehensive Reparations Legal and Policy Framework for Survivors of Conflict-Related Sexual Violence*", IOM provided continuous technical assistance, expert support and capacity building for the GoU, civil society and survivors' associations to develop and implement interim reparative measures and comprehensive reparations

mechanisms for survivors of CRSV. Jointly drafted legal instruments, such as memos and draft laws, as well as the frameworks for survivors of CRSV were validated by GoU, and through close collaboration and substantive expert support, IOM's partnership with the GoU was strengthened. With the project support, a Task Force was established to monitor and support the development of remedies, reparations and redress mechanisms for all forms of victim categories caused by the war against Ukraine, including survivors of CRSVt, including survivors of conflict-related sexual violence led by the office of the Ombudsperson and supported by civil society and survivor focused organizations.

Output 1.1: The GoU is supported in transforming the validated reparations framework into a comprehensive reparations policy and appropriate legislation in line with pillar 5 of the implementation plan.

Within the scope of this project, IOM provided technical assistance to Ukrainian lawmakers working on the reparations policy, administrative measures and appropriate legislation by incorporating expert views and civil society inputs as well as by advising on the set-up of the legal process behind the delivery of such reparations. Capacity-building sessions were provided throughout the project implementation period to core government stakeholders involved in designing the reparations framework. The need was identified, and the support requested by the GoU the government-to-expert workshop facilitated by IOM during phase I of the project and attended by relevant experts, practitioners, civil society, and the GoU.

From March to October 2023, IOM provided technical support through 14 expert consultations to relevant governmental stakeholders such as the Ministry of Social Policy (MoSP), the Ministry of Justice (MoJ), several parliamentarians and the Ombudsperson's Office. Such consultations covered specific issues such as the need for a domestic register on losses and damages that feeds information into the international register. Ultimately these efforts aided the legislative process in framing the domestic reparations mechanism. Through the project, IOM provided capacity building, technical advice, and feedback on two draft laws on the issues of reparations to victims of HRV, including CRSV, which were inspired also by the reparations framework for survivors of CRSV and victims of other human rights violations. The Framework is a working document that is constantly updated to integrate the views of civil society and, eventually, survivors. It is composed of different chapters and lays the foundations for subsequent work on transitional justice and reparations led by the Government and is the basis for future policies, draft laws, and implementation mechanisms and was developed under phase I of this project. To strengthen the capacities of the office responsible for drafting such laws, IOM delivered ad-hoc training, and engaged the office representatives in meetings and briefings with relevant stakeholders at the country level, increasing their expertise and national coordination. As a result of the extensive work performed by the Parliament, the Draft Law proposed by the Office of the Member of Parliament Maryna Bardina on the [Legal Status of CRSV Victims and Urgent Interim Reparative Measures](#) was successfully registered in the Parliament of Ukraine under the reference code #10132 on 9 October 2023. Additionally, as a result also of IOM's technical feedback and advice to the MoSP, the definition of victims of CRSV was expanded to also include families of the survivors as well as children born as a result of the violation. Moreover, important contributions were made to enable victims who suffered violations before 24 February 2022 to be registered and eventually receive compensation, and to introduce urgent interim reparations for particularly vulnerable categories of victims. Such provisions were reflected in the Draft Law on [Unified Domestic Register of Losses and Damages](#), registered in Parliament under the reference code #10256 on 13 November 2023. When adopted, these laws will enable the GoU to register claims on human rights violations and provide both interim and longer-term reparations for survivors and affected populations, eventually providing the bedrock for transitional justice and both national, community and individual healing.

As the Draft Law #10256 is expected to be adopted in 2024, the MoSP requested IOM in August 2023 to advise on establishing institutional capacity at the Cabinet of Ministers level to implement the Draft Law. In response to this request, IOM drafted and presented a “Memo on Activities of the Secretariat” ([Annex 1](#)). The four core goals of the Secretariat, as identified by the Memo, are to (1) develop a full list of crimes, violations, and definitions of human losses in line with international human rights law (IHRL), international humanitarian law (IHL) and international criminal law (ICL); (2) develop victim-centric eligibility criteria and evidentiary standards, forms, templates and modalities for submission and intake of claims; (3) develop an information management system and decision-making procedures, including algorithms for grouping and prioritization of claims; and (4) assess institutional capacities, including listing available resources and identifying capacity gaps, and provide additional capacity building training based on international experience and best practices.

Output 1.2: The GoU is supported in creating the legal and technical mechanisms for reparations and interim reparative measures.

Under Output 1.2, IOM, through a well-established partnership with the Office of the Ombudsperson of Ukraine, continued providing expert support and advice on a comprehensive technical mechanism for reparations. IOM’s direct support was particularly important in the design of a Task Force on Comprehensive Reparations (TF) consisting of Government representatives, parliamentarians, civil society, and the international community, established by the Office of the Ombudsperson’s. The core aim of the TF is to develop comprehensive reparations legislation, which includes survivors of CRSV as the most vulnerable category of victims, and further provide practical recommendations to the Parliament and the Government of Ukraine on reparations legislation and implementation. As such, IOM has drafted and validated with the Ombudsperson’s Office a detailed Action Plan for a Task Force on Comprehensive Reparations ([Annex 2](#)), providing for the optimal set-up and functioning of such structure. The Action Plan led to the establishment of the Ombudspersons office’s Task Force for Compensations and Other Forms of Remedies for Victims Under Armed Aggression against Ukraine the purpose of which is to coordinate and monitor on the legislative developments and practical implementation of reparations for survivors of CRSV and other categories of victims of HRV occurring in Ukraine since the onset of the conflict in 2014. The first meeting of this Task Force was held in December 2023 and included key Government Stakeholders, IOM, Civil Society, and other international partners.

Through direct consultation with the key GoU stakeholders, IOM assessed gaps and needs towards which to direct its technical assistance. Based on data collected from the MoSP and Office of the Prosecutor General (OPG), IOM held three technical in-person training sessions between July and August 2023 for the personnel of the MoSP and the Pension Fund of Ukraine (branch of the MoSP) on the topics of intake, processing and delivering of reparations. Additionally, in July 2023, IOM provided another in-person training session for the OPG staff on the core concepts of reparations as administrative legal remedy as opposed to criminal justice remedies.

One of the key results achieved under this output is the development of an online training on reparations, which builds on ongoing mentorship, technical expertise, consultations and troubleshooting with various stakeholders. The training was delivered online on 7 September 2023 with the attendance of 400 local prosecutors of Ukraine (204 men and 196 women). During the final evaluation of the online training, 94 per cent of the respondents reported being satisfied or very satisfied with the course material and its usefulness (rating of four or higher on a scale of five).

In order to further address emerging challenges related to the implementation of the framework and urgent and long-term reparations for survivors of CRSV and other forms of victims and survivors of HRV, such as risks of re-traumatization, protection of survivors as well as categorization and prioritization of different victim groups, IOM provided ongoing capacity building for several state bodies. IOM has additionally designed and delivered an online Educational Module called "Reparations (compensation) for survivors of CRSV: administrative and criminal procedure". The online Educational Module was designed based on the video recording from the one-day online training delivered in September 2023 and was published on [YouTube](#) in English and Ukrainian.

The main purpose of the online Educational Module is to provide insight and knowledge on reparations, compensations, and transitional justice, with a particular focus on reparative measures for survivors of CRSV. It will be a useful tool for Ukraine's central and local state authorities and other interested stakeholders. The module on CRSV-related matters also covers reparations in general (discussing concepts, purpose, types, methods and ways of receiving reparations for victims of CRSV), administrative reparations program and criminal legislation of Ukraine, accountability, the interaction between criminal and administrative reparations processes (illustrating also the reparations programme for victims of CRSV in Iraq), providing possible answers to common dilemmas.

The partnership with key stakeholders was enhanced throughout the project timeframe and IOM participated in several international and national events that strengthened the collaboration towards shared objectives and increased visibility for the project aim and ToE ambition for the reparations file in Ukraine. The high-level United for Justice Conference in March 2023 was organized by the OPG and focused broadly on accountability, including the issues of reparations for all victims, deportation of children and environmental damage. In April 2023, IOM was invited by the Global Survivors Fund to a study visit in Geneva with representatives from key government Stakeholders such as the OPG, MoSP and members of the parliament as well as non-governmental organizations working on human rights in Ukraine. That event aimed to offer the space and the time to immerse key stakeholders in critical discussions related to eligibility criteria, evidentiary standards, forms of reparations, forms of harm and how to quantify moral damages, how to disburse compensation, the difference and complementarity between assistance and reparation, and on how to set up an urgent interim reparation programme that could help to set the foundations for a holistic domestic reparation programme for victims of human rights violations. Finally, IOM supported a scoping visit to Prague, Czechia, in May 2023 which enabled the GoU to assess the capacities and map services of Czech CSOs working on support for Ukrainian survivors of CRSV.

B. Monitoring Report

<i>Result Statement</i>	<i>Indicator</i>	<i>Target</i>	<i>Result</i>
Objective: To endow the GoU with context-specific tools, knowledge, and a strategy to develop and implement inclusive, timely, and effective policies and legal frameworks that facilitate the provision of reparations to conflict-affected people	% of project stakeholders reporting that they have increased context-specific tools, knowledge, and a strategy to develop and implement inclusive reparations policies.	60	62

Outcome 1: Improved access to remedies, reparations, and redress mechanisms for survivors of conflict-related sexual violence.	% of project stakeholders who report that the mechanisms in place to access remedies and reparations are improved	60	62
Output 1.1: The GoU is supported in transforming the validated reparations framework into a comprehensive reparations policy and appropriate legislation in line with pillar 5 of the implementation plan.	# of expert consultations held with key stakeholders	9	14
	# of reparations generic draft laws developed based on the framework	2	2
	# of specific by-laws, decrees, legislative decrees, etc. developed	1	1 ²
Output 1.2: The GoU is supported in creating the legal and technical mechanisms for reparations and interim reparative measures.	# of trainings held and thematic events supported for institutions responsible for reparations	3	4
	# of accessible tools filling capacity gaps of institutions responsible for reparations	1	1
	# of government structures established to create legal and technical mechanism for reparations	1	1

C. Lessons Learnt

IOM's independent Monitoring, Evaluation, Learning and Accountability team has conducted several monitoring exercises throughout the project duration. The findings indicate that the project achieved the expected results, obtaining overall positive feedback from partners and beneficiaries. Given the complex nature of advancing reparations in Ukraine, the project team has nevertheless identified a number of challenges, particularly in relation to finding a common understanding, allocation of resources, and contrasting political interests.

One of the challenges consisted in the Ukrainian institutions as well as the international and donor community encountering difficulties in building a collective understanding when contributing to drafting laws and initiatives to address losses and damages. Despite the current political context where a significant focus remains on the war efforts there is continued and growing interest of the GoU in establishing a reparations mechanism in Ukraine (i.e. the numerous emerging legislative initiatives, Task Forces and Working Groups focusing on reparations), the GoU capacities and resources remain limited for their implementation. The lack of human and financial resources has led to delays in the implementation and mechanisms that would be comprehensive to address both the urgent and long-term reparative measures for the survivors and victims of human rights violations. Acknowledging the fact that Ukraine has never experienced post-war recovery nor had transitional justice mechanisms in place, IOM focused its intervention on building the capacities of the GoU, providing technical expertise through consultations for core project stakeholders, providing feedback to legislation using international

² A Memo on Activities of the Secretariat was provided to the MSP in support of the establishment of a Secretariat to support the drafting, monitoring and implementation of by-laws and decrees, the language of the memo can also be used for drafting laws based on the reparations framework.

best practices, and promoting the application of victim-centric approach and preparing for the efficient implementation of the reparations mechanism. For these reasons, further enhancement of cooperation and coordination among all the key and relevant stakeholders involved is needed. IOM Ukraine will use its presence and voice within the Task Force and Working Groups mentioned above to strengthen coordination and advocate for joint efforts. In addition, the planned consultations with CRSV survivors to be undertaken by IOM in coordination with GoU under the scope of this project will contribute to improving Ukraine's legal framework on reparations by building on the testimonies and voices of the victims and survivors and their needs for reparative justice.

Discussions on the next steps with project participants revealed that considering the rapidly changing situation and context, continued monitoring of the needs of the GoU, capacity building of relevant government entities and provision of technical assistance remain necessary. This was confirmed by the project evaluation findings, which revealed that additional technical assistance activities should be implemented, with continuity, to sustainably strengthen the capacity of the GoU on reparations. Some of the recommendations from the evaluation suggest expanding opportunities for knowledge and experience sharing with other countries to enrich the GoU's understanding of reparations through comparison with other cases, as well as including more practical modules in the training syllabus, which could support practitioners in the concrete implementation of various forms of reparations, with aspects such as the calculation of financial compensation for victims, based on other countries' examples. Another recommendation received from a trained beneficiary pointed to providing certified training to increase in-house expertise among the organizations working on reparations.

D. Visibility

1. Enhancing partnerships with key stakeholders

- 1.1 United 4 Justice Conference, March 2023 - [Photo Legal Rammstein](#)
- 1.2 Workshop in Geneva, Switzerland, April 2023 - [Photo Geneva](#)
- 1.3 1.3 Study Visit to Prague, Czechia, May 2023 - [Photo Prague](#)

2. Capacity building efforts

- 2.1. Training for MoSP and Pension Fund of Ukraine (PFU) – [Photo MoSP+PFU](#)
- 2.2. Training for Office of the Prosecutor General (OPG) - [Photo OPG](#)
- 2.3. Online Training for Local Prosecutors - [Record.mp4](#)
- 2.4. Online Educational Module (OEM) on CRSV - [Course](#); [LinkedIn post](#), [X post](#).

V. Conclusion

In alignment with the GoU's implementation plan, and based on expressed support from stakeholders, the subsequent legal steps addressed by this project phase involved support to the reparations law-making process with the ambition of creating mechanisms that will address both urgent and long-term measures. The plan also calls for the deployment of urgent interim reparations measures so that the legal tools such as the development of applications and establishing a process for adjudicating applications summoned are incorporated, ensuring the harmonization between proposals for an international claims commission and the necessary ground-level work on reparations in Ukraine.

Within the project, the GoU has benefitted from IOM's technical assistance, consultations, and expertise on supporting further efforts to utilize the reparations framework at the state level. Consequently, the intervention has successfully delivered planned outputs and achieved the envisioned outcome. Internal project reviews conducted with GoU partners affirm that respondents have tangibly benefited from these activities. IOM's evaluations have further confirmed that 62 per cent of project stakeholders reported that the mechanisms in place to access remedies and reparations have improved thanks to the project, such as the expansion of victim categories to include also children born out of CRSV and family members of survivors of CRSV. Through substantive collaboration and expert support, IOM has further strengthened its partnership with the GoU, positioning itself as one of the key partners to the GoU in advancing reparations in the country.

To sustain and enhance the ongoing efforts, IOM and the ToE have expanded the collaboration to contribute to the Government's Implementation Plan of the Framework of Cooperation by providing continuous technical assistance, expert support, and capacity building for the GoU, civil society, and survivors' associations. This encompasses the development and implementation of interim reparative measures and comprehensive reparations mechanisms for CRSV survivors. In addition, the survivors' consultations and the mapping of civil society capacities will be conducted by IOM and its partners through complementary interventions, including through an activity funded by the UN Action Secretariat.

List of Annexes:

- Annex 1 - Memo on Activities of the Secretariat (MoSP)