

EXECUTIVE SUMMARY

Building Blocks for Reparations

Providing Interim Relief to Victims Through Targeted Development Assistance

September 2020



Cover Image: Billboards in Northern Uganda indicate future construction sites of development projects undertaken by the Northern Uganda Social Action Fund. (Nobert Dacan/Foundation for Justice and Development)

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About ICTJ

The International Center for Transitional Justice (ICTJ) works across society and borders to challenge the causes and address the consequences of massive human rights violations. We affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ envisions a world where societies break the cycle of massive human rights violations and lay the foundations for peace, justice, and inclusion. For more information, visit www.ictj.org

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The armed conflict in Northern Uganda, stretching across more than two decades, greatly affected the populations of Northern Uganda, which suffered multiple forms of war crimes and gross abuses of human rights. Violations included forced displacement, pillaging, looting and destruction of property, abduction, forced recruitment, slavery, forced marriage, sexual violence, psychological harms, mutilation, killings, torture, and cruel, inhumane, and degrading treatment. These violations have had long-term social and economic consequences for victims, affecting and impairing their functionality, livelihoods, schooling, physical and mental health, social skills, self-esteem, and interpersonal relations in the post-conflict period, with differential impacts on men, women, boys, and girls. This study assesses the opportunities for providing interim relief to victims of conflict-related human rights violations through targeted development programs, pending the establishment of a comprehensive reparations program.

Reparations are a response to gross human rights violations, meant to provide redress in its many forms, including compensation to victims.¹ Development assistance differs from reparations in that it is aimed at improving the general socioeconomic conditions of citizens more broadly. This report acknowledges the distinctions between reparations and development, while exploring intersections between the two that could be optimized to address the urgent needs of victims of human rights violations. It identifies substantive and practical considerations that government authorities at the national and local levels should take into account when designing and implementing reconstruction and development programs, and it proposes ways to maximize the potential of ongoing programs to address the immediate needs of victims and mitigate the effects of the abuses they endured. Finally, the study explains how existing recovery and development programs could increase victims' access, improve their implementation modalities, and address the various challenges and gaps that limit programs' effectiveness. If they are appropriately designed, local recovery and reconstruction programs can form a foundation upon which reparative approaches can be based and built in the future.

The data presented in this report are drawn from key informant interviews with selected central and local government officials and members of civil society organizations (CSOs) working with victims of the conflict in the four districts of Gulu, Omoro, Oyam, and Lira in Lango and Acholi subregions in Northern Uganda. Data also come from focus group discussions with victims of the conflict and other community members from the four districts studied.

¹ See UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, A/RES/60/147, March 21, 2006.

The study found that government-implemented development programs such as the Peace, Recovery and Development Plan (PRDP), Northern Uganda Social Action Fund (NUSAF), District Discretionary and Equalisation Grant (DDEG), and Operation Wealth Creation (OWC) are oblivious to the unique experiences and needs of victims of gross human rights violations. Long and cumbersome application procedures and requirements often prevent victims from benefiting from the programs. The design and implementation approach are mostly top-down, with minimal input from the affected communities and beneficiaries, which tends to result in the programs providing interventions that do not address community needs and priorities, limiting the impact on the intended beneficiaries. Only the NUSAF program is lauded for making an effort to develop interventions that are community driven. In addition, a lack of coordination between different programs has led to inconsistent and short-term assistance that is not context specific. As a result, victims who require consistent and lifelong assistance and support will not receive the help they need from these programs.

A lack of transparency and accountability further reduces the effectiveness of most programs. Across the different focus group discussions, participants complained of resource mismanagement in the various government programs by “corrupt” local government officials. The absence of transparency in the selection of beneficiaries in particular was a source of frustration for community members. In most cases, marginalized and vulnerable community members, such as victims, without powerful social networks were left out of the programs.

Further, the study revealed significant human and financial capacity gaps in some local government departments, especially the department of community service and planning. Government officials in the districts noted that district-level community service departments are understaffed and underfunded, yet they have a huge mandate to monitor and protect vulnerable populations, including victims of the conflict and children born of war, in their districts. This lack of capacity affects departments’ performance, limits their ability to assess and monitor government programs, and restricts their provision of the necessary support to vulnerable populations.

Most of the existing government recovery and development programs, such as the PRDP, are perceived to give priority to infrastructural and economic or livelihood support over efforts addressing victims’ unique needs. In fact, many of the programs did not consider the different ways in which gross human rights violations have changed the lives of victims, with lifelong consequences. In most cases, programs did not address victims’ health, psychological, and other immediate needs, which affect victims’ ability to take advantage of mainstream development and recovery initiatives.

Victims remain among the most impoverished and the least likely groups to access specialized treatment and assistance. Some victims even sold the livelihood assistance items that they had been given and used the money to pay for more pressing needs like medical care and school fees. Without an intentional victim-centered approach in the design and delivery of recovery and development assistance, victims are less likely to benefit from these programs or to have their needs and priorities met.

Recommendations

In light of these findings, the study makes the following series of recommendations to different actors.

To the central government:

- Ensure a victim- and gender-specific approach to development programming by appointing subject matter experts who can advise on appropriate budget allocations and priorities, and gender-sensitive implementation guidelines that take into account the unique challenges faced by victims of conflict and how many victims are in each location.
- Adopt an inter-ministerial approach to development program design, planning, implementation, and monitoring to ensure that all government entities involved in such programs coordinate to avoid duplication of efforts and the creation of contradictory positions and actions.
- Adopt special measures to enable children born of war to obtain formal identification documents so that they can benefit from local government programs.
- Provide training on gender- and victim-sensitive approaches in development programming to the people who are tasked with implementing local development programs.
- Coordinate different interventions and programs (such as livelihood interventions and health care improvement), with appropriate layering and sequencing, to promote comprehensive, consistent, and long-term efforts that have the potential to offer sustained benefits for those who are most affected and have the greatest needs.
- Negotiate realistic and manageable terms for grants with donors funding development programs, considering the unique circumstances of victim communities, including their capacity to pay back loans and their ability to join community groups.
- Develop DDEG program-level indicators that specifically measure the targets of PRDP III in order to improve monitoring and evaluation.
- Establish mechanisms that promote the role of beneficiaries and communities in monitoring the delivery and implementation of programs at the community level.

To local governments:

- Undertake an assessment of the number of victims, the extent of victimization, and the long-term impacts of the human rights violations on the well-being and lives of victims, and use that assessment to inform the design and implementation of recovery and development programs.
- Accurately tailor services and livelihood assistance to vulnerable victims' situations, including victims with war-related disabilities, formerly abducted people, victims of sexual violence, and children born of war. This involves taking proactive measures to remove obstacles that might prevent victims from benefiting from development programs, such as transportation costs, application fees, and complex application procedures.
- Employ a human-rights-based approach to development, recovery, and livelihood assistance programming by constructively involving vulnerable victims—including formerly abducted women and girls, survivors of sexual violence, people with disabilities, and children born of conflict—in program planning in order to prioritize victims' needs.

- Develop a robust communication strategy and convene regular public dialogues and outreach sessions to disseminate information about development programs, application procedures and requirements, and implementation modalities, and to obtain feedback from communities regarding their priorities and concerns and how to make the programs more accessible and responsive to victims' needs.
- Encourage and monitor the participation of victims, including children born of war and formerly abducted mothers, in all community meetings and decision-making fora in order to give victims the opportunity to share their perspectives on development program implementation and, where possible, to discuss the challenges they face (for example, stigma) and how these can be addressed. Supporting victims' participation in discussions will also promote community cohesion.
- Organize regular community awareness dialogues to educate the larger community about the needs and realities of victims, especially formerly abducted women and their children, in order to eradicate stigma and encourage social acceptance and inclusion, which is vital for trauma healing and access to livelihood opportunities.
- Organize community sensitization dialogues—involving clan heads, area land committee members, and the broader community—on the land rights of victims, including children born of conflict and returnee mothers, while recognizing the important role played by cultural values and practices.
- Provide specialized health services to victims with debilitating physical and psychological injuries, including those with sexual and reproductive complications and with war-related disabilities. Assign trauma experts and counselors to each local government Health Center III and IV and provide treatment and surgery at a subsidized cost for victims nursing physical and trauma-related conflict injuries.
- Increase the capacity of local government to effectively provide and deliver support to the most vulnerable members of the community by increasing funding and human resources in the respective departments, especially community development offices with the mandate to work with vulnerable people. Invest in developing the ability of community development officers (CDOs) to provide sustainable and effective support to vulnerable victims.
- Adopt flexibility across all development programs to allow for victims below the age of 18 to benefit from programs when they are the heads of their families, have returned from captivity with a child, have been abandoned by their families, or have been forced by other conflict-related circumstances to fend for themselves.
- Integrate victims into community groups to limit the stigma that may arise from exclusively targeting them for outreach and support. Center the empowerment of victims and marginalized populations while taking the necessary steps to mitigate the tension with and possible backlash from the community due to victims perceived preferential treatment.
- Support trusted non-governmental organizations (NGOs) and civil society organizations (CSOs) that work with victims and victims' groups to design, prioritize, and deliver interventions that are accessible and beneficial to victims.

- In coordination with the Ministry of Education and Sports, closely monitor the enrollment of children born in captivity in free government education programs, such as Universal Primary and Secondary Education, and ensure that teachers in schools with a large population of children affected by war have specialized training in psychosocial support, trauma management, and empathy. This is essential to creating a safe learning environment for children and young people affected by conflict.
- Implement structures of supervision during beneficiary selection to prevent both nepotism and duplication. Establish feedback and grievance mechanisms to enable communities to raise concerns regarding the design and implementation of different programs and to provide suggestions to improve programs and enhance benefits. Set up desk offices at district levels where community members can anonymously report the challenges they face in accessing development programs.

To civil society:

- Strengthen civic education efforts with victim communities to inform them about their rights and responsibilities as citizens and, specifically, about the role they can play in holding local governments accountable. Provide information about the local government platforms victims can rightfully access to provide their perspectives on the implementation of the development programs.
- Provide data on children born of conflict-related sexual violence and their mothers to local governments for planning purposes, complementing the ongoing exercise to register children born in captivity.
- Regularly document past and current atrocity crimes, with the goal of identifying victims and connecting them with the local government for support.
- Provide information and data on victims to the government of Uganda and other development partners and assist in planning and developing targeted interventions that cater to the most affected people.

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