

APPENDIX

Questionnaire for the Preparation  
of Country Studies

**WOMEN'S AGENCY IN THE ARTICULATION OF REPARATIONS MECHANISMS  
AND IN THE DESIGN OF REPARATIONS PROGRAMS**

- A) How active have women been in the movement/discussions on reparations in your country? Have there been significant differences concerning different groups of women, e.g., urban versus rural?
- B) What were the main causes around which different groups of women mobilized when reparations were discussed? What were their perspectives in terms of the kinds of harms that should be the object of reparation? What did they perceive the main goal of reparations to be?
- C) What were women's main motivation in participating in the reparations debate (search for truth, material compensation, access to services, search for family members or remains thereof, proper burial of family members, search for recognition of experience of harm, etc.)?
- D) How did different groups of women mobilize and what were the main obstacles/facilitators in their mobilization for reparations?
- E) How involved were different women's organizations in discussions on reparations? How involved were women in victims organizations? Was there a dialogue between both types of organization? What were the main civil society organizations on which women relied to claim reparations?
- F) What was the role of children's and youth organizations in the discussion on reparations and to what extent did they focus on girls' concerns?
- G) What were women's main strategies of mobilization for reparations (national/international legal actions, lobbying for governmental support, etc.)?
- H) Were different groups of women's organizations consulted by the government or UN agencies concerning the design of reparations programs or

other reparations mechanisms? Were victims organizations consulted and have victims organizations given adequate voice to women and women's concerns?

- I) Were women more prone to mobilize in relation to crimes committed against their family members (husbands, children) than against themselves?
- J) Were different groups of women included in the agencies and commissions leading the transitional/post-conflict process (e.g., peace negotiation tables, truth commissions, reparations agencies, prosecutions, etc.)?
- K) Have there been official attempts to encourage and assess women's participation in such processes, including rural women?

**GENDER-SENSITIVE DEFINITION OF THE HARMS AND CRIMES THAT DESERVE REPARATION**

- A) What were the main claims expressed by women's organizations and victims organizations with regards to the crimes that had to be repaired?
- B) Were women and girls subject to specific forms of abuse and crimes during the time of conflict or political repression? Which forms? What were the specific contexts that rendered women and girls more vulnerable to human rights abuses (e.g., prison, displacement, war, etc.)?
- C) What is the definition of victims in the (discussed/adopted and/or implemented) reparations program and how well does it reflect the experience of women and girls? Were the conditions to prove the model of victimhood too onerous/restrictive/tightly constructed so that women could not place themselves within the category of those deserving reparations?
- D) What were the criteria used to decide which crimes to repair? Were they explicitly stated? Did they take into account the experience and the reality of women and girls?
- E) Has the list of crimes covered by the (discussed, adopted, and/or implemented) reparations programs incorporated those crimes committed separately against women? Were the definitions given for those crimes adequate to reflect the reality of the harm experienced by women and girls?
- F) Were women and girls affected distinctively by some crimes committed against both men and women, especially taking into account demographic,

cultural, or religious contextual elements? How? How have other factors, including race, ethnicity, or class, shaped their concrete experience of harms and oppression? Has their distinctive experience of oppression been taken into account in the design of the reparations programs?

In answering the previous questions, consider the following harms as a nonexhaustive list:

- rape
  - sexual slavery
  - forced labor, including gender-specific forms of forced labor
  - forced impregnation
  - forced abortion
  - forced sterilization
  - forced incest
  - forced marriage
  - internal displacement
  - abduction or loss of descendants
  - torture, including gendered forms of torture (e.g., sexualized forms of torture or torture through harms done targeting motherhood feelings)
  - illegal detention and imprisonment, including gendered forms of harms linked to the experience (e.g., abuses committed against female political activists in prison for breaking gender roles)
  - disappearance, including disappearance of children and husbands and/or partners
  - amputation, mutilation, including sexualized forms of mutilation
  - dispossession of property
  - serious violations of socioeconomic rights
- G) Were these harms conceptualized as independent categories of crimes or rather subsumed in larger, less differentiated legal categories often shaped according to male experiences (such as torture, forced labor, etc.)?
- H) What are the main “secondary” harms which have derived for women and girls from the crimes committed against men and women during the time of conflict or political repression? Have these been taken into account in the (discussed, designed, and/or implemented) reparations program? Have these harms been considered as primary and not just secondary harms in the design of reparations?

Consider the following as a nonexhaustive list:

- pregnancy as un/intended result of rape
  - contraction of sexually transmitted disease as un/intended result of rape
  - bearing and raising of children as un/intended result of sexual crimes
  - loss of reproductive capacity as a result of sexual crimes
  - undergoing abortion as a result of rape
  - being targeted for mutilation or abuse as a result of pregnancy or loss of reproductive capacity
  - different forms of communal ostracism and stigmatization as a result of having been detained, tortured, raped, impregnated, mutilated, or forced into a marital-type relationship with member of the opposition group
  - repudiation or divorce by one's husband/partner as a result of having been incarcerated, tortured, raped, impregnated, mutilated, and so on, or immediately after the husband/partner is released from prison
  - taking in of abandoned children or children who have lost their parents
  - widowhood
  - orphaning
  - legal precariousness as a result of disappearance of spouse/partner
  - loss of means of livelihood
  - inability to marry/remarry as a result of having been subject to different forms of oppression during the conflict/oppression
  - harassment by official authorities for being or having been a victim's family member
  - loss of educational opportunities
  - loss of opportunity to have or raise one's own children (e.g., because of time in prison, displacement, etc.)
  - loss of possibility of political agency
  - loss of other opportunities linked to the amount of time/energy/resources spent taking care of family member in prison
- 1) Did the reparations program include reparations of these harms when committed by non-state actors? If so, in which ways was this especially relevant for women and girls?
  - 2) Have the experiences of female ex-combatants been taken into account in the (discussed, adopted, and/or implemented) reparations program/policy?

- K) Has the fact that women and girls were also subject to similar crimes in times of normalcy (sexual violence, domestic violence, forced marriages, etc.) had an impact on women's (self-) identification and their identification as victims by the state or by the official body designing the reparations policy?
- L) Have there been official attempts to keep records of these crimes and their concrete impact on women?
- M) Have crimes committed against children been included in reparations programs? Which ones? How? Have children or the foetus been conceptualized as separate victims?

#### **GENDER-SENSITIVE DEFINITION OF REPARATIONS BENEFITS AND BENEFICIARIES**

- A) What are the reparations measures and benefits that women and women's groups have mostly strived for? Have women claimed specific forms of reparations for specific kinds of crimes/harms?
- B) Have women mobilized specifically in favor of certain types of reparations measures (symbolic reparations such as official apologies; individual reparations; collective reparations; monetary compensation; medical or psychological assistance; homes or schools rebuilt, etc.)? On what grounds and in what contexts?
- C) Have women shown special resistance to/skepticism about certain forms of reparations (e.g., monetary compensation)? In what circumstances and on which grounds?
- D) Have the debates on the (discussed, adopted, and/or implemented) reparations programs or measures (formally or informally) distinguished between direct and indirect victims? Has this distinction had a foreseeable differential impact on women and how the harms they suffered are conceptualized?
- E) Do the material reparations measures in the (discussed, adopted, and/or implemented) reparations program emphasize social service packages or rather individual reparations payments, and has this choice had (will it have) a foreseeable differential impact on women and girls?
- F) Do the material reparations measures in the (discussed, adopted, and/or implemented) reparations program emphasize individual reparations payments consisting of one or several lump sums or, rather, (monthly)

pensions and has this choice had (will it have) a foreseeable differential impact on women?

- G) What are the different reparations measures that the (discussed, adopted, and/or implemented) reparations programs contemplate to compensate women and girls for the crimes and secondary harms they were subject to? Please consider the list of crimes and harms in the previous section.
- H) What are the underlying (explicit or implicit) criteria that have been used to evaluate the harm and calculate monetary compensation in reparations programs (e.g., loss of potential income, moral harms, loss of different kinds of opportunities, irreplaceable goods, etc.)? Do these criteria have a foreseeable differential positive/negative impact on women?
- I) Do reparations measures explicitly take into account the stigmatizing effect that crimes committed against women and girls have on them and how they affect their status within the community? How? If not, how do you think they could be devised to do so?
- J) When pension schemes or compensation schemes are defined in such a way that women who were wives or partners of the victim receive a percentage of the total payment together with other family members, such as the children or the parents of the victim who are also defined as beneficiaries, how are the percentages decided? What is the conception of the family that underlies such a distribution? How does it impact women?
- K) When reparations benefits are dependent on the existence of certain family ties among the victims and the beneficiaries, has the program truly and sufficiently reflected the existing network of support units in society?
- L) Have the reparations programs distinguished between marriage, common-law marriage, civil unions, polygamous marriages, or other forms of marital unions? What is the gender impact of doing so?
- M) What has been the emphasis placed on individual versus collective forms of reparations? What are the gender implications of doing so, especially taking into account the fact that women often hold a vulnerable position within the larger communities that they are a part of (e.g., the family, the tribe, the religious community)?
- N) Have there been reparations measures granted exclusively to women or groups of women (e.g., pensions for widows but not widowers, reparations

- for raped or sexually abused women but not for raped or sexually abused men)? On what grounds? What is the foreseeable impact of doing so?
- O) Have the reparations programs made distinctions on the grounds of people's role and involvement in the conflict (e.g., between civilians and ex-combatants) and does this choice have a foreseeable positive/negative differential impact on women?
  - P) What types of reparations measures have been designed for children? In case of possible tension between the child's interest and the mother's interest, how have those tensions been resolved?
  - Q) Has the fact that women continue to be the main caretakers of children, the sick, the wounded, the amputees, the disabled, and the elderly been taken into account in the definition of reparations beneficiaries and the design of reparations measures?
  - R) In the case of children born out of sexual violence, given that women will be their main caretakers, and that this reality will have long-term impact on a woman's life, how is this reality taken into account in the definition of reparations beneficiaries and the design of adequate reparations measures?
  - S) Have women claimed or been granted specific forms of symbolic recognition and reparation? Which forms? Have they been fairly and adequately represented in commemorative endeavors? What aspect of women's unique experience has been captured in such symbolic forms of reparations?
  - T) Have women been granted individualized forms of symbolic recognition and reparation? Given the difficulty of recognizing women as individuals and not only as members of (and in functional relationship to) other collectivities such as the married pair/group, the family, the ethnic community, the tribe, the village, and so on, would an individualized form of symbolic recognition make particular sense? If so, in what forms?
  - U) How have women and girls been repaired for the different forms of sexual crimes committed against them? Were the conditions created for women to freely talk about those sexual crimes? Was abortion an option for women who became pregnant as a result of rape crimes? Has the stigmatizing effect of these harms been taken into account in the definition of the adequate reparation measure? Were these issues discussed?
  - V) In theory, one of the purposes of reparations is to return the person to how they were. What has been done in the case that the pre-conflict order

of reference did not afford an advantageous position for women to start with?

- W) More generally, what was the transformative impact of reparations measures on women? In other words, did they enable women to enjoy opportunities that were previously closed to them or at least set the preconditions for them to do so (think of remedies aimed at ensuring women's economic self-sufficiency such as microcredit or skills training or human rights education programs with an emphasis on gender justice)? Were there legal obstacles that made this kind of transformative remedy impossible (e.g., restriction of the legal capacity of women to hold title, other forms of ownership, or to be fully autonomous legally speaking)? In view of your country experience, what concrete forms of reparations could have had the largest transformative potential?
- X) What kind of reparations benefits have women been granted in the most important cases brought to national or international courts regarding the crimes that they were subject to under the authoritarian regime or violent conflict?
- Y) Have women or groups of women expressed a clear view as to who should be responsible for reparations (e.g., where the money to pay compensations should come from or who should apologize)? What does this say about the broader societal and structural factors that determine the context within which harms are perpetrated against women?

#### **GENDER-SENSITIVE IMPLEMENTATION OF REPARATIONS PROGRAMS**

- A) Have women been included in the implementation bodies of reparations programs? At what level and stage and in what numbers (e.g., as decision makers or secretaries; how many at high, mid, low levels)?
- B) Has there been any monitoring or follow-up mechanism to ensure the implementation of reparations for women?
- C) Have the existing implementation/monitoring bodies actually prioritized women's reparations?
- D) Have women availed themselves of reparations programs? Have there been official attempts to assess this (for instance, by disaggregating the data on the number of victims that have participated in reparations programs along gender lines)?

- E) What are the reasons for satisfaction/dissatisfaction that women and women's organizations have expressed regarding the implementation of reparations programs or other reparatory mechanisms?
- F) Have women encountered formal or informal constraints in accessing reparations benefits?

Consider the following nonexhaustive list of possible obstacles:

- lack of information
  - illiteracy
  - lack of full legal autonomy of women under the state law or under other legal regimes to which women may also be subject, such as customary or religious law
  - informal pressure exercised by the tribe, the family, the racial group, or the religious or ethnic community the women belong to
  - lack of necessary documents, such as identification cards
  - lack of formally recognized status (for instance, as wife or partner of a disappeared person)
  - fear of stigmatization and other forms of communal ostracism
  - fear of reprisal
  - lack of trust in the process
  - constraints deriving from customary law or practice
  - complexity of the administrative procedure
  - fear of secondary victimization during the procedure
  - lack of confidentiality of the procedure
  - difficulty in accessing the administrative agency because of geographical distance or the inability to take time off from work or leave families
  - lack of sex-segregated data collection
  - inaccuracy of official census
  - standards of proof
  - difficulty of distinguishing between different forms of violence against women (private versus political, ordinary versus extraordinary, etc.)
- G) Have the reparations procedures been designed in such a way as to avoid secondary victimization of women or indeed to actually empower women? Consider some of the options of how this can be done:
- ensuring the adequate representation of women in the agencies that have to adjudicate and implement reparations claims

- preserving the confidentiality of the names of victims in registration procedures
- allowing different ways of providing testimony, including in camera testifying for certain crimes
- training personnel in charge of taking testimony of female victims
- ensuring that such personnel be mostly women
- designing adequate standards of proof
- establishing adequate statute of limitations norms
- incorporating support services, such as counseling

#### **GENDER, REPARATIONS, AND OTHER TRANSITIONAL JUSTICE MECHANISMS**

- A) Has there been a connection between women's participation in peace negotiations, in prosecutorial mechanisms, in truth commissions/reconciliation commissions (especially when this participation was aimed at ensuring notions of gender justice), and the attempts to incorporate a gender dimension into existing reparation programs?
- B) In those cases where victims could choose between criminal prosecutions and/or accessing reparations programs, have women shown a tendency to focus their energies more around one or the other? What are the factors that explain women's choices in this regard?
- C) Judging from your country's experience, is there evidence to believe that including the goal of gender justice in the mandate of the relevant commissions/administrative agencies makes a difference in its output in terms of gender?
- D) Judging from your country's experience, what types of reparations measures can have a greater impact in triggering or facilitating broader institutional reforms aimed at ensuring long-term gender justice?
- E) Has there been a link between women's participation in reparations programs and their participation in truth-telling mechanisms? How do women assess the reparatory potential of truth-telling mechanisms?

