

UN's Basic Principles and Guidelines on Reparations

The United Nations sought to establish consensus internationally on the concept of reparations. The **United Nations General Assembly adopted Resolution 60/147 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** (hereinafter referred to as **UN's Basic Principles and Guidelines on Reparations**) which **recognises reparations as a right**.

While not exhaustive, the UN's Basic Principles and Guidelines on Reparations usefully **identifies five forms of reparations**: restitution, compensation, rehabilitation, victim satisfaction and guarantees of non-repetition.

Restitution

Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

Compensation

Compensation should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

- a) Physical or mental harm;
- b) Lost opportunities, including employment, education and social benefits;
- c) Material damages and loss of earnings, including loss of earning potential;
- d) Moral damage;
- e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

Rehabilitation

Rehabilitation should include medical and psychological care as well as legal and social services. Given the importance of rehabilitation, it is clear that victims should be entitled to receive the necessary material, medical, psychological, legal and social assistance and support they need.

Victim satisfaction

Victim satisfaction represents the fourth form of reparations and covers a wide range of non-monetary measures. The first is self-evident in that **violations need to be terminated if they are ongoing**. The other seven measures may be grouped in three categories: truth-seeking, accountability, and symbolic reparations:

- **Truth-seeking**, including verification of the facts and full and public disclosure of the truth;
- **Accountability**, including judicial and administrative sanctions against persons liable for violations;
- **Symbolic reparations**, such as public apology, including acknowledgment of the facts and acceptance of responsibility; commemorations and tributes to the victims.

Guarantees of non-repetition

The last form of reparations in the UN's Basic Principles and Guidelines on Reparations is guarantees of non-repetition, which comprises numerous measures designed to promote, reform and restructure the society in order to prevent repetition.