



Editorial

Treating survivors of wartime sexual violence in Ukraine: insights from the Balkan wars on improving social welfare programs

Linda Abazi-Morina^{1*}, Natallia Sianko² , Mark Small³¹ AAB College, Faculty of Psychology, Pristina, Republic of Kosovo² Clemson University, Department of Sociology, Anthropology & Criminal Justice, Clemson, SC, USA³ Clemson University, Department of Psychology, Clemson, SC, USA

As the war in Ukraine deepens and spreads to more regions across the country, evidence of sexual violence continues to mount. In January 2023, the New York Times reported widespread accounts of “rape, forced nudity, sexual torture” inflicted upon men, women, and children (Gall, 2023). The reporting came just months before the United Nations High Commissioner for Human Rights issued a special report documenting 133 cases of conflict-related sexual violence (85 men, 45 women, 3 girls) (UN Human Rights Office of the High Commissioner, 2022). With numerous investigations currently underway to document the extent and nature of sexual violence that has occurred since the start of the war, consideration should now begin for how to treat survivors of wartime sexual violence based on past experiences in the Balkans.

Social welfare programs for survivors of wartime sexual violence in the Balkans

Before specific social welfare programs were introduced at the country-level in the Balkans for survivors of wartime sexual violence, medical and psycho-social services for survivors were provided mainly through the established social service providers in the country. In Kosovo, national and local non-governmental organizations (often with crucial assistance and support from international donor organizations and agencies) were instrumental in filling service gaps (Rames, 2013). Unfortunately, the mainstream approach of providing services through traditional service programs faced challenges, including limited resources and sometimes the lack of expertise to deal with highly sensitive sexual violence cases. As the war in the Balkans concluded, the countries of Croatia, Bosnia, and Kosovo all made efforts to improve services by enacting special programs to assist survivors of wartime sexual violence.

Croatia

In June 2015, the Croatian government passed “Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War”

(1991–1995), which provides for the payment of compensation to survivors of wartime sexual violence. The law is considered comprehensive as it pays special attention to the physical and psycho-social recovery of survivors and provides them with completely free health care services. As noted by Clark (2016), “The explanation attached to the final draft of the law makes it clear that those behind this new legislation wanted to address the problem of stigma, with the provision of psychological assistance to survivors (and their families) who are stigmatized” (p. 14). The law is overseen by the Croatian War Veterans’ Ministry and provides survivors with a one-off payment of \$14,504 and a monthly allowance of \$376. They are also entitled to free counseling and legal and medical aid (Radosavljevic, 2015). As of June 2019, 249 requests have been filed and 156 approved (Vladislavljevic et al., 2019).

Kosovo

In Kosovo, in March 2014, an amendment of the law on the rights of combatants and other civilian victims of war, which included the rights of the survivors to reparation and compensation, was fully recognized. The amended law provides women and men survivors the right to apply for benefits. Although the law passed in 2014, survivors had to wait until January 2018, to apply to receive monthly compensation. The legislation excludes the necessity of proving any type of physical injury as a qualification for eligibility. Survivors receive a monthly payment of 230 euros, which is around 90% of the average salary of women in Kosovo. Given the country’s socio-economic situation, Amnesty International considers this, in principle, a just and dignified amount (Amnesty International, 2017a). The law also excluded those who were raped after the war’s ending date of June 1999, and may have excluded a number of survivors who were raped thereafter, predominantly Kosovo Serbs, Roma, and some Albanian women (Amnesty International, 2017a). The law has other shortcomings, mainly, access to free or affordable healthcare services. While other civilian victims of the war in Kosovo receive free primary and second-

* **Corresponding author:** Linda Abazi-Morina, AAB College, Faculty of Psychology, Pristina, Republic of Kosovo;

e-mail: lindaabazi@gmail.com

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dary health care, survivors of wartime sexual violence are denied these services. Furthermore, the law does not provide for psychosocial and psychological assistance, which is critical to recovery. Additionally, most survivors do not fulfil the criteria for rehabilitation-related employment, which is provided by the law, and is designed for those who have been seriously physically disabled by the war. The application period ended in February 2023, and as of April 2023, around 1,935 were submitted with 1,406 being successful and 529 applications rejected. In July 2023, the application deadline for recognition of the status of persons of sexual violence during the war was postponed for another two years.

Bosnia and Herzegovina

Unlike Croatia and Kosovo, Bosnia has not created a structured state-wide system of benefits for victims of wartime sexual violence. In the absence of a formal social welfare scheme, survivors apply under a complex system of social allowances at the district level or through individual judicial proceedings to receive some form of reparation and access to social welfare services (Amnesty International, 2017b). Survivors can apply for the status under separate laws in the Federation of Bosnia and Herzegovina, Republica Srpska, or the Brcko District. As of March 2022, only 1,000 survivors have obtained, or are in the process of obtaining, some form of reparations (Global Survivors Fund, 2022). Due to highly political disputes that are persistent at the country level, not all cantons have the same legislation and practices for compensating survivors. For example, the legislation in Republika Srpska does not recognize victims of wartime sexual violence as a separate category and has strict deadlines and the requirement to provide a high degree of physical disability (Vladisavljevic et al., 2019). In 2022, the Brcko District Assembly adopted a new law on civilian victims of war, which ensures that civilian victims receive comprehensive reparations and support, covering all categories of civilian victims, including survivors of conflict-related sexual violence. Moreover, this law specifically recognizes children conceived as a result of conflict-related sexual violence, which is the first in Bosnia and Herzegovina (United Nations Bosnia and Herzegovina, 2022).

Insights to guide service design and delivery for survivors of wartime sexual violence

Unfortunately, many reparation programs designed to benefit survivors remain under- or unimplemented (Rubio-Marín, 2012). Totalling up the numbers from disparate reports, it appears that very few (perhaps less than 10%) of an estimated 40,000–50,000 women from the three countries have been successful in receiving services. In reviewing the current state of programming, some insights emerge as to why there has not been more success.

Stigma

A primary challenge for reparation programs is the risk of re-traumatization and increased stigma when applying or being required to testify. Women face many personal obstacles to applying, and sometimes the stigma due to family humiliation prevents them from doing so. Several survivors in Bosnia talked about being verbally abused by their husbands and having problems with members of their local communities (Clark, 2016). The stigma is so overpowering that even survivors facing intense hardships of poverty and enduring distorted physical and mental health caused by the war will still not apply for economic benefits that could ease suffering (Haxhijaj, 2017; Moffitt, 1983). Even if the stigma can be overcome, the

lack of available services poses another challenge. As noted, by documenting the crime committed against them, survivors can be re-traumatized and there is no psychological counseling before, during, or after they apply.

Friendly legal framework

The brief overview of existing legal frameworks suggest improvements can be made. A legal framework should be established with specific guidelines detailing requirements of determining who is eligible for assistance, the specific benefits to be received, the requirements for applying for assistance, and reasonable timelines. The applicant should be able to attach any document considered relevant for the review and verification of the personal case, including, but not limited to, medical reports, psychological reports, legal reports, and witness statements. The application status should not rest solely on the necessity of specific evidence. A registered non-governmental organization whose mission is the protection of sexual violence victims and with experience in the field of protection of sexual violence survivors could be authorized to receive applications on behalf of victims.

Optimally, eligibility would include a timeline for applying. The program should be disseminated through social and mass media (printed and electronic media) and various campaigns, and should sensitize the public opinion about the time limit, manner, and application places. Various NGOs that work in this field should be engaged in supporting the government in disseminating the information. In this regard, it is essential that the media follow a sensitive human-based approach in addressing the issue, so the work of the commission and the application process is not jeopardized.

To determine eligibility, a commission should be established to verify the cases. The commission should include representatives of relevant ministries, a mental health professional, a lawyer, and a representative from civil society with experience in supporting and protecting the victims of sexual violence. The commission's members should receive mandatory training concerning the nature of wartime sexual violence and the best service options for treatment of the persons violated and traumatized. Data confidentiality should be taken into consideration throughout and after the process.

There are other more detailed nuances in the programs from Kosovo and Croatia that might provide guidance. For example, apart from a pension, victims of sexual violence in Kosovo do not enjoy many benefits that other categories of war enjoy. According to the current law, victims of sexual violence have the right to benefit from health services abroad, but only if the illness they have is related to the violence they suffered. Additionally, based on Kosovo Health Insurance Law, which is still not implemented, survivors are exempted from paying insurance premiums, but only in cases where they are in a poverty category, and they are excluded from this category by the very fact that they receive a 230-euro pension (Shabani, 2019).

The situation is better in Croatia, where there is a special law entitled "Law on the Rights of Victims of Sexual Violence during the Armed Aggression against the Republic of Croatia in the Homeland War". Within this law, the survivors are entitled to financial compensation, psychosocial support, legal aid, medical assistance, medical rehabilitation, physical examination, mandatory and supplementary health insurance, accommodation in an institution providing support and services to war veterans and victims, and compensation of transportation costs to exercise their rights. Future social benefits design should include all the compensations regulated in the Croatian

law, taking into consideration the country's context, and adopt it accordingly.

Conclusion

In conclusion, the suffering from wartime sexual violence in Ukraine has already begun. As the number of victims grows during the war, preparations can be made to ensure that short- and long-term harm is minimized. In the short term, insights and experiences from other war-torn countries suggest that data be collected in a manner that is victim-friendly and service focused. Moreover, reporting should be destigmatized and easily accessible. Long-term, legislation should be put in place to fund services for family and community well-being. By learning from mistakes in treating past survivors of wartime sexual violence, we can reduce future suffering.

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