

CONFERENCE REPORT

REPARATIONS FOR CONFLICT-RELATED SEXUAL VIOLENCE: LESSONS FROM THE WESTERN BALKANS



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TABLE OF CONTENTS

INTRODUCTION	6
Background and Context	8
Different Reparations Programmes: Priorities and Analysis	9
Guiding Principles	11
THE WESTERN BALKANS AS A LABORATORY FOR REPARATIONS	20
Good Practices for Reparations	20
Laws on Reparations for CRSV in the Western Balkans	21
Challenges to Reparations	30
NEW WAYS OF THINKING ABOUT REPARATIONS: RECOMMENDATIONS TO KEY ACTORS	32
Designing Gender-sensitive Reparations Programmes and Drafting Gender-responsive Legislation:	32
Destigmatizing CRSV in Communities:	33
Engaging Civil Society Including Health Workers, Media, etc.:	33
Restoring Survivors' Agency:	34
Addressing Survivors' Multiple Needs	34
Developing Regional Approaches:	34
Establishing the Evidence Base for Justice:	35
CONCLUSION	36
REFERENCES	37

ACRONYMS AND ABBREVIATIONS

BiH	Bosnia and Herzegovina
CRSV	Conflict-related sexual violence
CSO	Civil society organization
DDR	Disarmament, Demobilization and Reintegration
GBV	Gender-based violence
GN	Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence
ICC	International Criminal Court
IDP	Internally displaced person
INGO	International NGO
IOM	International Organization for Migration
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner on Human Rights
RS	Republika Srpska
SFRY	Socialist Federal Republic of Yugoslavia
SGBV	Sexual and gender-based violence
SSR	Security Sector Reform
SV	Sexual violence
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
VAW	Violence against women
WPS	Women, peace and security

INTRODUCTION

Sexual violence is deeply rooted in gender-based discrimination. Grounded in stereotypical sex-roles, it is used to subjugate and humiliate its victims. The stigma attached to sexual violence, building on pre-existing gender-based discrimination, exposes victims to life-long disempowerment and marginalization. In conflict, sexual and gender-based¹ violence is frequently used as a weapon of war. Women and men who survive its immediate effects struggle with long term trauma, insecurity, economic and social disempowerment and general challenges to obtain justice and an effective remedy, to which they have a right. In such situations, survivors² find it difficult to or are obstructed in reconnecting with their family, friends and communities.

The additional hurdles survivors' face on the path to justice, fuel a vicious cycle of impunity and social unacceptability. Reparations have the **potential to break that cycle** and help survivors to overcome the structures of inequality and discrimination that fuel it. They can help address the consequences of sexual and gender-based violence in the lives of survivors, restore their sense of dignity and justice, and help dismantle deep-rooted patterns of gender-based discrimination.

Several UN Security Council resolutions on women, peace and security (WPS) emphasize the necessity to protect all those living in conflicted-affected areas from sexual violence, and to provide support and reparations for survivors.³The call for action in these Security Council resolutions is solidified in the 2014 Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence⁴ (GN), which presents strong recommendations for the way forward in developing reparations for survivors. In his 2016 report on WPS to the United Nations Security Council, then UN Secretary-General Ban Ki Moon heralded instances where reparations provisions were included in peace agreements (Colombia, Mali,

Myanmar and South Sudan), while underlining that widespread sexual violence is a reality that destroys the very fabric of society in conflict and post conflict settings. At the same time, he referred to his most recent report on conflict-related sexual violence⁵ where he brought to the Council's attention 19 situations of concern and an updated listing of 48 parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict.

Conflict-related sexual violence (CRSV) is a persistent scourge that remains present in most conflicts. Increasingly, it has become as much a weapon of war as a tactic of violent extremism. It is now well recognized globally that it can constitute a war crime, a crime against humanity, or an act of genocide. This stark reality underscores the importance of action not only to prevent sexual violence, but also to implement reparations programmes that serve survivors, their families and communities, as set forth in the GN.

Sexual violence was systematically employed in the armed conflicts in the former Yugoslavia. It is only now, two decades later, that comprehensive efforts are being made by

1 Gender-based violence includes any harmful act directed against individuals or groups of individuals on the basis of their gender. It may include sexual violence, domestic violence, trafficking, forced/early marriage and harmful traditional practices.

2 Throughout this report, the term 'survivor' is used most frequently in reference to women and men who experienced sexual violence in conflict. Survivor is the preferred term to victim or other labels, which may be disempowering to survivors and which do not accurately reflect the agency and power that those who have experienced war-time sexual violence often feel that they have achieved.

3 United Nations Security Council Resolutions 1820 (2008), 1888 (2009), 1960 (2010), and 2106 (2013) deal explicitly with conflict-related sexual violence.

4 United Nations (2014). Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June. Available from: <http://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>

5 United Nations (2016). Report of the Secretary-General on Conflict-related Sexual Violence, S/2016/361, 20 April. Available from: https://unama.unmissions.org/sites/default/files/20042016_report_of_the_secretary-general_on_conflict-related_sexual_violence.pdf

the region's governments, together with civil society and survivors, to implement full and comprehensive reparations programmes. For two decades, women's organizations, community-based groups and survivors themselves have worked tirelessly to create support mechanisms for survivors and advocate for their rights in the halls of justice at the national, regional, and international levels. Finally, governments beginning to fulfill their legal obligations to provide effective remedies, including reparations to survivors, such as one-off financial support, monthly stipends, access to health services and social assistance.

Even before the cessation of violence in the 1990s, civil society actors and professionals, including health-care providers, psychologists and lawyers, were the 'first responders' who provided immediate relief to survivors. This transformed into long-term support and advocacy. The progress made on reparations in the Balkans would not be possible without the sustained, dedicated and extremely knowledgeable work of these critical actors.

The experience of the Western Balkans is especially valuable today for countries affected by conflict or exiting wars. It has revealed the utility of coordinated solutions that embody transformative, gender-sensitive, and survivor-centered approaches, including in criminal justice; as well as complementary and equally central processes that place less of a burden of proof on survivors; and require less complex, lengthy and costly court appearances. It is less onerous for survivors if their testimony is considered in good faith by a review committee made up of technical experts. They can grant reparations on a lesser standard of proof that appropriately acknowledges the context, reality, and type of evidence victims are likely able to obtain and/or provide in conflict contexts.

Background and Context

This report is the outcome of a two-day conference on reparations for survivors of conflict-related sexual violence (CRSV). The conference took place on 8 and 9 June 2016 outside Sarajevo, in Jahorina, Bosnia and Herzegovina, and was organized by UN Women, the Office of the High Commission on Human Rights (OHCHR) and the office of the International Organization for Migration (IOM) in Bosnia and Herzegovina. The meeting served as the fifth and final launch of the UN Secretary-General's *Guidance Note on Reparations for Conflict-Related Sexual Violence*, and considered the application of its recommendations in the Western Balkans and the broader region.⁶ Civil society representatives, government authorities, experts from international organizations and individual advocates and survivors discussed the successes of reparations programmes, setbacks, good practices and lessons learned.

The Guidance Note of the Secretary-General on Reparations for Conflict-Related Sexual Violence (GN) was published in June 2014, and was the product of joint work by UN Women and OHCHR carried out since December 2010, when the two agencies were tasked by the Secretary-General's Policy Committee to develop the GN after conducting an extensive mapping of what UN agencies and others were doing in this area. The GN provides policy and operational guidance for UN engagement in the provision of reparations for survivors of CRSV, including activities to advocate for and/or support the design, implementation, monitoring and evaluation of reparations programmes. The GN is intended to complement other UN tools and Guidance Notes to create a comprehensive package for UN Agencies to use to design programming and develop normative frameworks for survivors of CRSV. It seeks to inform the UN's systemic engagement, and details general principles that constitute good practice for reparations.

The GN is organized around eight guiding principles which are described below in detail.

Although most of the conflict-related sexual violence in the Western Balkans may have happened over 20 years ago, it has only been in the last few years that legislation has been established that can be considered to be adhering to the GN's principles—including increasing survivors' access to justice, and allowing for the repairing of some of the most

egregious economic and social damage. Some of these advancements include:

- In Croatia, a 2015 law was passed on the rights of survivors of sexual violence during the armed conflict, which includes a provision for the payment of compensation to survivors.
- In Kosovo, a law (with implementing legislation) was enacted in 2016, which recognizes and provides benefits to the survivors of CRSV. Work is now underway to establish a commission to review survivors' claims.
- In Bosnia and Herzegovina, there have been two recent victories in the courts with verdicts against former soldiers for rape, sentencing them to jail time and awarding compensation to the survivors. In addition, authorities there have recognized the need to take a systemic approach to reparations and the legislation in the Federation of BiH has been amended and made more favorable for survivors.
- In the Brcko District of BiH, there has been a recent amendment of the Decision on Civilian Victims of War of Brcko District, which eliminated the condition of obtaining final criminal judgment against the perpetrator as the main evidence in receiving status as victims/survivors.
- In Republika Srpska, a new law currently under development that covers victims of torture, will for the first time ever, encompass survivors of CRSV.
- In Serbia, while the original law on the rights of civilian invalids of war—which does not yet directly recognize the categories of survivors of CRSV—is still in place, there is movement towards amending the necessary provision to provide CRSV survivors with legal redress.

This report provides a basic outline of the reparations mechanisms existing in the region in 2016. It aims to serve as a resource for persons working on this issue in other conflict contexts, including Ukraine, Turkey and Cyprus (from where a few conference participants came) as well as other regions of the world. The conference was an empowering opportunity for practitioners and a few survivors to share experiences, exchange information and relate ideas and good practices around their successes and challenges on the long road to providing

⁶ The first launch was in London, followed by New York, Guatemala, and in early June, 2016, Tunisia.

reparations. There was much discussion on how reparations could be better designed.⁷

Participants included representatives from civil society groups, ministries and government agencies from Bosnia and Herzegovina⁸, Croatia, Kosovo,⁹ and Serbia. Representatives from Cyprus, Turkey, the United Kingdom and Ukraine also attended, as well as experts from UN Women's HQ, Regional Office for Europe and Central Asia (ECA) and field offices, UNDP, IOM, UNFPA and OHCHR's HQ and field offices.

Different Reparations Programmes: Priorities and Analysis

Reparations are measures that are intended to 'repair'—or to redress—past violations, in particular the systematic human rights violations commonly associated with periods of conflict or repression (these are *gross and serious violations* of international human rights and humanitarian law, as opposed to sporadic violations which also occur before, during and after conflict). Reparations, which provide measures for justice, resources for recovery and a message of equality, are one of the best-developed tools for victim-centeredness. Yet, they are also the most under-funded.

The GN highlights the transformative purpose and potential of reparations programmes and the need for reparations, including their modalities, to be gender-sensitive and survivor-centered—survivors' participation is crucial for ensuring that benefits are accessible, equitable and effective; and criteria and procedures for accessing and delivering reparations must be gender-sensitive. Reparations should be designed taking into account the gender-specific nature of the harm suffered by survivors, including stigmatization and social exclusion. In striving to be transformative, reparations, where possible, should assist in overcoming structural and systemic inequality and discrimination.

States have a legal responsibility, under international law, to provide a remedy and reparations for survivors. International law establishes

different modalities of reparations to redress the harm and injustice done to survivors. These include: restitution, compensation, satisfaction, rehabilitation, and guarantees of non-repetition. These forms of reparations have distinct impacts and objectives and can affect the way a reparations programme allocates resources to survivors. There are also often legitimate reasons why some survivors may want to privilege one form of reparation over others. Comprehensive programmes which combine individual, collective, material and symbolic benefits can maximize the possibilities of redress for a larger numbers of survivors. The GN elaborates on the five primary modalities for delivery of reparations. While each on its own can provide relief to survivors, these modalities are nonetheless, designed to be used comprehensively. In other words, we should avoid looking at different types or modalities of reparations in isolation, but rather in concert, where possible and appropriate.

Restitution: Restitution measures are intended to "restore the [survivor] to the original situation before the gross violations...occurred".¹⁰ For example, reparations based on restitution can include: *Restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return of one's place of residence, restoration of employment, and return of property.*

For crimes of sexual violence, the goal of restitution in the sense of returning the individual to the *status quo ante* can often be problematic as the status of women even before the conflict is often one of systemic disadvantage. Sexual violence during war is a product of structural gender inequalities and multiple and intersecting forms of discrimination that existed during peace, and can often be an extension and exacerbation of ongoing gender-based violence (GBV) that women experienced *before* conflict erupted. In addition, sexual and gender-based violence (SGBV) during conflict will often extend into the post-conflict period, with an increase in reports of rape, domestic violence and other forms of GBV. Therefore, reparations programmes focused solely on restoring a person to their status before the conflict may in fact have a

7 Since June 2016, when this meeting was held, several members of the experts Commission for the Victims of Sexual Violence in Croatia were removed from their posts by the new government.

8 Including representatives from the Republic of Bosnia-Herzegovina, Republika Srpska and Brcko District, all autonomous regions within the Federation of Bosnia and Herzegovina.

9 All references to Kosovo shall be understood in full compliance with UN Security Council Resolution 1244 (1999).

10 OHCHR (2005). 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. Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>

negative impact by institutionalizing GBV and violence against women (VAW) in post-conflict settings.¹¹ To be sure, sexual violence in conflict is also perpetrated against men and boys, so reparations should be designed to include all targets of this kind of violence. That said, women and girls remain disproportionately targeted for SGBV in conflict situations.

Compensation: Reparations include the provision of compensation “for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case”.¹² Such damage includes: *Physical or mental harm, lost opportunities, material damages and loss of earnings, moral damage, cost of legal, medical, psychological, and social services.* In trying to compensate such harms, attention must be paid to not reinforcing existing stereotypes and cultural norms to the detriment of victims. For this reason, it is important to carefully identify the harm to be remedied through compensation, and to consider the way in which compensation repairs the harm suffered by victims of conflict-related sexual violence.¹³

Rehabilitation: The right to rehabilitation includes *access to medical, psychological and social services and legal assistance.* However, in post-conflict contexts, the infrastructure to ensure access to these rehabilitative reparations is often lacking, having been destroyed or decimated during war. As the discussion below highlights, infrastructure and post-conflict rebuilding can be critical areas of engagement with and for development actors. In addition, in communities coming out of conflict, there is often a dearth of qualified professionals who can provide medical, psychological or social services. It is equally likely that many professionals still *in situ* would need capacity building and sensitization training to provide services to survivors of CRSV in a manner that does not re-traumatize or stigmatize them. This, too, can be an important area for engagement with development and international actors, with the understanding that international cooperation and assistance should not be a substitute for the role that States must play

in reparations, including acknowledgement of responsibility for violations and using their financial and institutional capacity diligently to repair the harm.

Satisfaction: Satisfaction covers a variety of measures, which include: *the cessation of human rights violations and abuses, truth-seeking commissions or other mechanisms, searches for the disappeared, recovery and reburial of remains, judicial and administrative sanctions, public apologies, commemoration, and memorialization.* Within each of these measures, the engagement and meaningful participation of survivors at every stage—from conceptualization and design, to implementation, to monitoring and evaluation—is critical. Satisfaction measures can quickly become meaningless gestures and even cause harm or perpetuate harmful stereotypes, without the involvement of those whom they are meant to serve and an adequate understanding of the cultural setting where reparations are to be provided, and unless they are consistent with principles of gender equality.¹⁴

Guarantees of non-repetition: Guarantees of non-repetition are arguably among the most important of reparations measures for survivors, their families and the viability and sustainability of peace and transition. For some survivors, measures ensuring non-repetition are prioritized even before their own physical, emotional or financial well-being, because it is a guarantee that their children and grandchildren will not have to suffer the same traumas in a recurrent conflict.

These measures can include reforms to ensure the prevention of future abuses, such as *establishing civilian control of the military and security forces, strengthening an independent judiciary and the rule of law, protection of civil service and human rights workers, legislative reforms, the overall promotion of human rights standards, and the establishment of mechanisms to prevent and monitor social conflict and conflict resolution.*

11 United Nations (2015). “Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture”, para. 54. Available from: <http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf>

12 OHCHR (2015). 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.

13 United Nations (2014). Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June, p. 16. Available from: <http://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>

14 United Nations (2014). Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June, p. 18. Available from: <http://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>

Guiding Principles

We know that sexual violence occurs before, during and after conflict. If we want to move beyond business as usual, we need to start looking at forms of reparations through the lens of transformation and through what it actually means to empower survivors.

Alison Davidian

Policy Analyst

UN Women

While reparations programmes are used for all civilian victims of war, reparations programmes for survivors of CRSV are particularly important because they can:

- Acknowledge survivors' rights as equal citizens, and promote inclusion;
- Provide a measure of justice;
- Provide crucial resources for recovery; and
- Contribute to transforming underlying gender-based discrimination and inequalities in post-conflict societies, particularly those which lead to women being targeted.

However, despite the internationally recognized legal right to an effective remedy (including reparations), the importance of reparations to survivors, and their potential to effect transformative change, to date, reparations programmes have too often failed to involve, reflect and address the specific experiences, needs and priorities of women, or to adequately respond to the gender-specific harms suffered during periods of conflict. Gender-sensitive design, implementation, and delivery is still missing in many reparations programmes, as is acknowledgement of survivors of sexual violence that respects their dignity, privacy and agency. The fact that reparations are largely under-utilized provided the impetus for the development of the Guidance Note (GN), and has spurred the ongoing dialogues, workshops and conferences bringing together communities of survivors, practitioners and authorities to work towards fuller, more transformative implementation.

The GN centers on eight principles for reparations which were discussed at length at the June conference:

1. Adequate reparation for victims of conflict-related sexual violence entails a combination of different forms of reparations.

"The UN should promote comprehensive programmes which may also include all or some variation of individual, collective, symbolic, and material reparations as well as priority access to services. Given the seriousness of the harms inflicted on victims of conflict-related sexual violence, the combination and interplay of different forms of reparation is necessary. Reparations have the potential to be transformative and to assist in overcoming structures of inequality and discrimination." Guidance Note, pg. 6

Sexual violence in conflict is complex and, while there is no universally agreed definition, it can include a variety of violations including rape, sexual assault, sexual exploitation, simulated rape, forced pregnancy, abortion or sterilization, genital mutilation, sexual exploitation, trafficking, forced prostitution or nudity, and several other physical and psychological traumas. The short-mid-long term effects of surviving sexual violence are also different from person to person and context to context.

All of us have multiple identities. You are not just a woman, you could be woman who identifies herself as a doctor, as a doctor. You can have all these multiple identities at the same time, and you choose which one you are in at the moment. The same is true of your experiences during conflict. Everyone experiences conflict differently, but a lot of the impact on them is very similar, what happens to people, the content is the same. If you are a survivor of CRSV, that is one identity, but it's not the only identity that you have...Multiple identities, all of which should be identified, some of which need to be supported.

Madeleine Rees,

Secretary General of the Women's International League for Peace and Freedom

The response, therefore, must consider the varieties of CRSV and the multiple and aggregate manifestations of ensuing trauma. Reparations should include a comprehensive package of support and services adapted to the local context and specific needs. This should include taking into account the full needs of the survivor (and family members), rather than

simply addressing the immediate consequence of the crime. Indeed, family members such as children or partners, children born as a result of pregnancy from rape, as well as other persons who depend on the survivor may also suffer as a consequence of the harm inflicted through the violation. The response should also include persons who have suffered harm in intervening to assist victims and survivors in distress or to prevent victimization. Conference participants agreed that survivors themselves can play a critical role in designing the most appropriate reparations. Several panelists observed that reparations should consider how CRSV impacts family members and communities over the mid-to-long term—reparations should therefore be forward-looking and inclusive, in addition to transformative and empowering.

2. **Judicial and/or Administrative Reparations should be available to victims of conflict-related sexual violence as part of their right to obtain prompt, adequate and effective remedies.**

“When gross violations of human rights and/or serious violations of international humanitarian law, including conflict-related sexual violence, take place on a large scale, administrative reparations programmes have the potential of being more inclusive and accessible than courts. These programmes are in fact capable of reaching a larger number of victims and are more victim-friendly as their procedures are more flexible, and evidentiary standards and costs are considerably lower. They imply recognition of the harm suffered, without subordinating it to the judicial establishment of the responsibility of the perpetrator. Nevertheless, administrative reparations programmes should not preclude victims of conflict-related sexual violence from obtaining reparations through courts; all victims should have access to effective judicial remedies which include adequate, prompt and full reparation for the harm suffered. Domestic or international courts should take into account and complement reparations awarded by administrative reparations programmes when deciding on redress for victims of conflict-related

sexual violence.” Guidance Note, pg. 6

[CRSV] is chosen by perpetrators to hurt and humiliate survivors...sexual violence causes long-lasting, severe consequences to survivors organic and psychological health, family relationships, social functioning, work capability.

Survivors of different forms of trauma, including sexual violence need us, not only [as] professionals, but also [as] human beings. Therefore, we need both professionalism and education to adequately respond to their needs and to facilitate the achievement of their rights.

Marijana Senjak

Co-founder Medica Zenica

Judicial reparations allow for prosecutions in criminal courts or civil courts. For some survivors, recourse through the courts provides recognition and acknowledgement under the law that a violation was committed against them. For others, however, the requirement—or risk—of revealing their identities as survivors and confronting their perpetrator/s can be too strong a deterrent, so that these survivors forego their right to judicial reparations all together. There are several other barriers to judicial reparations for CRSV. For example, in some contexts, only survivors associated with successful prosecutions of a perpetrator for sexual violence may be eligible for judicial reparations (the Lubanga case¹⁵ tried at the ICC is an example of this). Moreover, many survivors must overcome logistical, financial and emotional obstacles to bring cases to court.

In the context of the Balkans, as several participants noted, evidentiary standards and, in some contexts, statutes of limitations for prosecutions present difficult or even insurmountable obstacles. Moreover, as was discussed, at the time the conflicts were taking place, there were few official government-led attempts to collect and process evidence of

15 On 14 March, 2012, the ICC found Congolese warlord Thomas Lubanga Dyilo guilty of the war crime of enlisting and conscripting children under the age of 15 years and using them to actively participate in hostilities in the DRC between September 2002 and August 2003, for which he later received a 14 year prison sentence. On 7 August 2012, in the first-ever reparations process at the International Criminal Court, the Trial Chamber I (TC I) issued its first order for reparations for harm suffered as a result of the crimes for which Lubanga was convicted. TC I ordered reparations to be made “through” the Trust Fund for Victims (TFV), as well as for the TFV to develop a reparations implementation plan, including the convening of international consultations, as well as harm assessments and consultation with affected populations. However, the following and first appellate judgement in March 2015 amended the order for reparations, holding that sexual and gender based violence cannot be defined as a harm resulting from the crimes for which Lubanga was convicted and therefore that Lubanga could not be liable for reparations on these bases. Judgment on the appeals against the “Decision establishing the principles and procedures to be applied to reparations” of 7 August 2012 with AMENDED order for reparations (Annex A) (March 3, 2015) para. 196.

CRSV. Instead, much of this work was led by women's organizations. Incomplete evidence has limited successful prosecutions and civil proceedings. In several contexts, the burden of proof placed on the survivor is too demanding.

At the same time, there is insufficient public awareness of the laws and how to navigate legal processes to access judicial reparations. Processes should therefore be simplified, which may require new legislation or the allocation of substantial resources to assist survivors to obtain their rights through the courts.

In most cases the perpetrator is unknown and even in cases when they are known they do not have income. That is why Croatia put the focus on the victim and not the perpetrator.

Visnja Misin

Assessment Committee, Croatia

Finally, in several contexts where judicial reparations programmes are in place, survivors must first go through criminal proceedings to find perpetrators guilty of violations. Only after the criminal process can they be referred to civil proceedings to seek damages. This requires survivors to navigate two judicial processes, which can be emotionally traumatic, lengthy and financially unviable. At least in the case of Bosnia and Herzegovina, survivors in civil proceedings also lose their right to protect their identities.

Survivors of CRSV must be listened to—it is impossible to have evidence for the criminal process at this point. I worked on revision of judgments including financial compensation for survivors. 3 cases involved financial compensations during criminal proceedings so far: one verdict is now fully implementable, the second is in appeal, and the third will be probably appealed. In these cases women were given the status of protected witness—one in which the survivor has been awarded compensation and the perpetrators have been sentenced to over 10 years.

However, in case of unknown perpetrator an administrative process is needed. An administrative procedure would allow them to retain their dignity.

Zvezdana Antonovic

Court of Bosnia and Herzegovina (BIH)

Administrative processes can avoid many of these challenges. In several places in the Balkans, including Bosnia-Herzegovina, Croatia, and Kosovo, review commissions have been established, or are being established, to review individual claims and give them official status as survivors of sexual violence during conflict, that thereafter allows them access to a wide variety of services.

3. Individual and collective reparations should complement and reinforce each other.

“Reparations can be distributed both individually and collectively. Collective reparations can complement individual reparations. However, they tend to serve different purposes. As such, collective reparations are not a substitute for individual reparations.” Guidance Note, pg. 7

Both individual and collective reparations serve important purposes when it comes to the delivery of justice, as well as broader perceptions of justice. Reparations intended to address violations at the individual level are critical to provide individuals with a sense of justice served, acknowledge the crime(s) committed against them, and, in some measure, compensate for the violence they endured. They also include punitive measures for perpetrators which, ideally, contribute to a culture of deterrence to prevent future acts of CRSV. This can provide a sense of satisfaction to survivors, as well as help to ensure guarantees of non-recurrence.

“Imagine, before the Sarajevo Women’s [Tribunal] that happened, it was like five survivors who said to our organization ‘I want to go and testify.’ For me, that was so powerful, that they came to Sarajevo, they testified and they came home different. They came home different. Because they said, ‘we didn’t see legal justice, but we saw alternative justice, and we realized we are not alone.’ Because in Sarajevo, they met other survivors.”

Ms. Igbale (Ivo) Rogova,

Kosovo Women’s Network

In some instances, collective reparations can offer a broader sense of justice to communities that were targeted, and who suffered during conflict—particularly those communities that experienced sexual violence on a larger scale.

Collective reparations should be seen from the perspective of the larger community and encompass mechanisms and processes of justice aimed at helping societies to heal and recover from past violations to move toward a sustainable peace. Collective reparations can also link with development programming to re-establish infrastructure, housing and facilities that were physically destroyed or damaged. Importantly however, while there are opportunities to link with post-conflict development interventions to achieve goals set out in the design of collective reparations, such projects must retain a **reparative** quality, and specifically benefit communities as survivors and not simply aim to meet their basic and urgent needs as *citizens*, or they are not reparations at all.¹⁶

Collective reparations can also satisfy a community's need to replace sites where atrocities may have been committed, so that sites are not a constant reminder of the pain and suffering experienced during conflict. However, especially in instances of ethnic conflict, when designing collective reparations programmes, attention should be paid to ensure that they do not raise new tensions by creating a sense that one community is deserving of compensation while the other is not.

Both individual and collective reparations are powerful tools for justice, and here again, there are valid reasons why survivors may prioritize one form over the other. However, individual and collective reparations schemes work best when they complement and reinforce each other, depending on the context and preferences of the survivor/s.

BOX 1

Linking reparations to a broader, holistic transitional justice policy

Not only must individual and collective reparations complement and reinforce each other, reparation schemes must also complement and reinforce other elements of a comprehensive transitional justice policy,¹⁷ namely, any criminal prosecutions, institutional reform, truth commissions and memorialization, which a country might also undertake to address past crimes. For example, this means that criminal prosecutions for conflict-related sexual violence, like those which have taken place in Bosnia-Herzegovina, must be connected to transformative individual and collective reparations. Memorialization should be closely linked to and reinforce collective reparations for groups who have suffered harm, while truth-seeking mechanisms should recommend reparations schemes based on their findings.

The Women's Courts provide an excellent regional example of how transitional justice mechanisms can work. In the wake of nearly 10 years of ongoing conflict in the Western Balkans, activists and civil society leaders from across the region saw the need for survivors to come together and share their stories publicly to achieve, at least, a symbolic form of recognition for the crimes committed against them. After extensive awareness raising throughout the former Yugoslavia, from May 7-10, 2015, members from women's civil society organizations in the region¹⁸ organized a Women's Court in Sarajevo. Over the course of the three-day event, over 30 women gave public testimonies on the spectrum of ethnic, militaristic and sexual violence they experienced and provided accounts on behalf of other women victims of similar violence. 12 experts participated in the Women's Court, in addition to an international advisory board comprised of representatives from several EU countries, and 11 judges who shared recommendations and highlighted the current restrictive nature of traditional justice mechanisms.

16 United Nations (2014). "Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence", October 2014. A/69/518. See Operational Paragraphs 40 and 41. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/564/67>

17 See "What is Transitional Justice?", ICTJ. Available from: <https://www.ictj.org/about/transitional-justice>

18 Groups included: including the Mothers of the Enclaves of Srebrenica and Zepa, Women's Forum, and Foundation CURE from Bosnia and Herzegovina; the Centre for Women's Studies and the Centre for Women War Victims – ROSA from Croatia; the Kosovo Women's Network; the National Council for Gender Equality from Macedonia; Anima from Montenegro; Women's Lobby Slovenia; and Women in Black from Serbia. See <https://www.popularresistance.org/the-womens-court-a-feminist-approach-to-justice/>

Survivors from the conflict in Kosovo also attended the Women's Court and, for many, the experience was transformative. The Women's Court was tangible affirmation that they were not alone in their experiences of sexual violence or the trauma, isolation and stigmatization that followed. The Court also demonstrated to participants that they could find some justice outside traditional mechanisms, which many felt had failed them.

The success of the Women's Court contrasted with the limitations of existing judicial institutions, which tend to reduce women to victims. Women's Courts value the process, not just the findings. Those involved with the Women's Court highlighted that the Court was "not conceived to show women as victims, but as fighters." It not only provided a space for women survivors to come together to publicly testify about their experiences of sexual violence, but also operated as a platform for participants to explore the continuum of violence and the ways in which different forms of violence are intertwined before, during and after conflict. For instance, survivors discussed their continued victimization through the politicization and misuse of their testimonies by some.

Finally, as a result of the Women's Court, women's networks (across the region?) were strengthened and women were able to turn their deepest tragedy into joint action for justice and peace.

"[The Women's Court] is a feminist understanding of justice and accountability—women's courts are becoming the dominant actor and have challenged the dominant narratives about violence."

Ms. Stanislava Zajovic,
Women in Black, Serbia

4. **Reparations should strive to be transformative, including in design, implementation and impact.**

"Sexual violence often results from and perpetuates patterns of pre-existing structural subordination and discrimination for both men and women. For women, it is often rooted in beliefs about women's subordination and male sexual entitlement, combined with the disregard for the

equal enjoyment of human rights by women. Sexual violence against men is also rooted in stereotypes about masculinity and constructions of gender and sexual identity around power and domination. These inequalities can also aggravate the consequences of the crime. Reparations should strive to have a transformative effect on these inequalities, rather than reinstate or reinforce the structural conditions within society that uphold such practices and beliefs and that inform the perpetration of sexual violence. Reparations have the potential to trigger important changes even if they alone cannot transform the root causes of conflict-related sexual violence or the structural conditions that made such violence possible." Guidance Note, pg. 8

One of the core and cross-cutting principles included in the Guidance Note is the need for reparations to be transformative in impact. Transformative reparations must go beyond the single violation—beyond the discrete act of sexual violence—and address the broader context of inequality that makes women vulnerable to violence.

In almost all contexts, survivors of CRSV are disempowered and sidelined ... Disempowerment for CRSV survivors doesn't end after the cessation of hostilities; societal shame, stigma, individual fears, embarrassment, individual and collective dishonor, continue to disempower survivors.

Siobhan Hobbs

Gender Adviser, UN Women, Kosovo

In other words, for reparations to be transformative, they should not only consider the act of sexual violence, but must also work to dismantle contexts of inequality that render women more vulnerable to this kind of violence. This requires those who design reparations programmes to ask critical questions and identify ways to challenge and ultimately dismantle structural inequalities that increase women's vulnerability, in full collaboration with survivors. To begin to dismantle such inequalities will require reparations programmes to be much broader and more comprehensive than a one-off cash payment. Ultimately, transformative reparations mean investing in gender equality, because societies where there is sustainable peace, are invariably societies where men and women are most equal.

In aiming to be transformative, reparations programmes should also consider, depending on the context and views of survivors, land

restitution and land redistribution, inheritance rights for war widows and wives of the forcibly disappeared, as well as access to credit and education, skills and capacity building. Reparations should also provide access to income-generating opportunities so that survivors in both rural and urban areas can begin to rebuild their lives and their futures economically and socially—this can be an important means of enhancing women’s economic empowerment and autonomy. Furthermore, reparations programmes should include the provision of free health care, including mental health care, and access to sexual and reproductive health services (such as fistula surgery for survivors of sexual violence).

Sexual violence during conflict is, among other things, intended to disempower women and men and destabilize communities. It is used as a tool of war, because perpetrators understand how these acts have the destructive potential to break down individual, social and family structures through physical and psychological damage and stigmatization. Sexual violence is a way for combatants to humiliate and subjugate populations and mitigate resistance. It is an effective weapon because its effects last long after the initial act(s) of violence is committed; suffering and trauma continue well after conflicts end and peace negotiations are tabled. For reparations to be truly transformative, they must proactively empower disempowered individuals, families and communities.

In this regard, the reparations process itself can be a critical means of empowering survivors. This is especially true if they feel that they have agency to input into the processes that will determine how they are able to fully enjoy their rights and entitlements, and to share their perspectives on the needs for stabilizing societies and rebuilding. All too often, as several conference speakers noted, survivors are treated as subjects. Authorities and experts speak on their behalf, processes ignore them, agencies discount their inherent capacities, and their communities may continue to stigmatize them. Yet, as several civil society leaders shared, the process of engaging survivors in advocacy, negotiation, design, implementation, outreach and monitoring of the procedural rules and mechanisms for reparations—in addition to providing ‘traditional’ benefits including capacity building, training and technical skills education, physical health and psychosocial support, to name a few—was often a prime source of empowerment for survivors and transformation in the societies in which they live.

Finally, participants reiterated in several

discussions the need for all actors to avoid seeing survivors solely through their identities as survivors of sexual assault, but rather to recognize all of their experiences of conflict, all of their identities, and therefore value all of their diversity of experience and perspective that they bring to any process.

5. Development cooperation should support States’ obligation to ensure access to reparations.

“While reparations and development constitute two distinct and separate rights, creating linkages with development actors and programmes could be beneficial for delivering sustainable and transformative reparations, in particular in a country affected by massive violations of international human rights law and international humanitarian law, and widespread poverty.”
Guidance Note, pg. 9

Reparations and development are two distinct rights, yet they can be complementary and should work in synergy. The GN emphasizes that reparations programmes should link with development programmes to enhance the transformative impact of the reparations and deliver for mutual and long-lasting benefits.¹⁹

When designing reparations programming for survivors of conflict-related sexual violence, there may be opportunities to engage with development actors to ensure that development projects build capacity and infrastructure which will allow for survivors to access reparations from the State. For example, reparations in the form of scholarships for the children of survivors could link with local development projects to ensure that schools are accessible and have the capacity to receive these students. The GN also underscores the potential of development approaches that enhance respect for human rights and international humanitarian law to build the capacities of State actors to deliver on their obligations to survivors. Indeed, this point was stressed by participants over the course of the meeting. Such approaches further emphasize the importance of the centrality and participation of survivors, so that State and development actors can best identify where needs and gaps in capacity are most critical, and target interventions there accordingly.

Participants echoed that in addition to including survivors in the planning and design of reparations, including survivors in broader development planning and decision-making can enhance the potential transformative impact that development interventions may have. This has the dual benefit of improving development outcomes not only in terms of ensuring they

19 United Nations (2014). Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June, pp. 9-10.

better serve the needs of communities, including survivors, but also in providing empowerment opportunities for survivors themselves.

Importantly, despite the importance of building synergies, development programmes are not, and cannot take the place of, reparations programmes. As mentioned earlier, care must be taken to be aware of the limitations and dangers in linking too closely, or conflating reparations and development. Neither can the involvement of development actors, including the UN system, substitute the role of States in delivering reparations as the responsible parties, nor absolve States of their duties to survivors or their duty to acknowledge responsibility for sexual violence (and other human rights violations).

BOX 2

Nothing About Us Without Us

Throughout the two-day meeting, the need to include survivors in all aspects of reparations design and implementation, but also in advocacy, outreach and awareness-raising efforts was a common refrain. For example, participants spoke of the importance of ensuring that survivors are leading the advocacy campaigns aimed at legislators and authorities to ensure that their experiences and their needs are communicated in ways that empower them. In addition, awareness-raising efforts to break down stigmatization of survivors, to ensure that survivors and their families know about and can participate in consultative processes, or simply that they are aware of the existing mechanisms available to them, must also be designed with the perspectives of survivors front-and-center. This will ensure that messaging does not lead to further stigmatization, or 'out' survivors in communities where stigmatization remains a major obstacle.

Indeed, to realize their transformative potential, reparations, and other transitional justice mechanisms, must be part of a long-term agenda of institutional reform and development anchored in changing the future, as well as addressing the past. In this regard, reparations must recognize and respond to the fact that women's empowerment and gender equality hold the greatest potential for both sustainable peace and development.

6. Meaningful participation and consultation of survivors in the mapping, design, implementation, monitoring and evaluation of reparations should be ensured.

"The UN should advocate for and support participation of and consultations with victims in order to ensure that reparations have the intended impact, are perceived as such, and that there is ownership of the process. This is also important to ensure that reparations are accessible and that they do not exclude or marginalize any group of victims.

Ensuring accessibility further requires adequately identifying the legal, cultural, economic and other obstacles found by victims, as well as their concerns, including lack of security conditions, lack of economic resources and fear of retaliation or ostracism. Victims of sexual violence may for example be internally displaced persons or refugees and therefore unable to participate or be easily consulted. Reparations policies and mechanisms should provide for special measures to address these obstacles to encourage and facilitate victims' participation and consultation." Guidance Note, pgs. 10-11.

Civil society actors working throughout the Balkans have a clear understanding of how and why it is critical to engage directly with survivors and include them in all aspects of advocacy, programme design, implementation and evaluation. During and after armed conflicts in the Western Balkans, individual service and health care providers, women's groups, and community-based organizations played crucial roles in supporting CRSV survivors in the absence of a coordinated response from international agencies or local authorities. These "first responders" not only provided medical, psychological, economic and at times legal support, but some also collected and preserved evidence on CRSV and survivors' testimonies.

International organizations and post-conflict governments did little in the immediate aftermath of the wars in the region to ensure meaningful participation of women, to say even less of survivors of CRSV, in decision-making on reconstruction, development, and the establishment of post-conflict governmental institutions. When laws on the civilian victims of conflicts were initially passed, survivors of CRSV were rarely consulted and consequently largely left out as a category deserving reparations. CSOs and survivors' groups had to advocate for two decades for the right to participate in legislation and policy drafting on reparations.

For example, in Kosovo, after the initial law

on civilian survivors of war was adopted in 2006—without any input from women survivors of CRSV—women survivors and women’s organizations mobilized to push for an amendment to the law²⁰ that would include survivors of CRSV as an eligible category for reparations programmes. Groups like the Kosovo Women’s Network advocated for survivors to be consulted in the drafting of the amendment, and helped implement a national advocacy campaign, which secured high-level government support for the amendment. The fourth President of Kosovo Atifete Jahjaga then proved to be an invaluable ally, by not only encouraging the Parliament to adopt the new legislation, but also forming a national Council for Survivors. The Council took a comprehensive and creative approach to tackling many of the existing obstacles preventing survivors from accessing services and benefits. The law is exemplary of the possibilities available to governments to serve survivors (*see the case study on Kosovo below*).

Another example comes from Croatia, where, as in Kosovo, in the immediate aftermath of the war it was civil society groups, led in part by the Center for Women War Victims, which took the lead in providing psychological care for survivors and collecting evidence. It was not until 2011-12 that Croatian authorities took a real interest in CRSV survivors and reparations. In 2011, the UNDP office in Croatia and the office of the President of Croatia organized a high-level roundtable in Vukovar on interdisciplinary aspects of sexual violence in the war, followed by discussions on measures of protection, recovery and justice for war rape survivors. UNDP, with the support of the office of the President of Croatia, gathered survivor inputs to not only help establish an accurate count of their numbers, but also to develop an evidence base and set of recommendations for survivor-centered reparations.²¹ At the same time, the Ministry of War Veterans established a working group on the rights of survivors of sexual violence during the conflict. Using the UNDP data, the Working Group began drafting new legislation on the rights of CRSV survivors, which was adopted in June 2015. It provided comprehensive administrative reparations, based on the principle of *Bona Fide*²², and stipulated the formation of a commission to review survivors’ claims. The commission included mental and physical health practitioners, as well as legal experts,

all of whom have extensive experience in working directly with survivors. The law greatly reduces the burden of proof on survivors, but importantly also ensures that survivors can seek reparations regardless of the ethnicity of their perpetrator/s (*see the case study on Croatia below*).

While international NGOs (INGOs), international agencies and some governments are beginning to be more inclusive of survivors’ voices and perspectives some 20 years after the conflicts, that it took so long contributes to the many obstacles to reparative justice and societal stability that continue today. By not engaging and including survivors in peace negotiations, for example, not only were their needs completely omitted, but a crucial perspective on the demilitarization and transition of societies was also lost. Several speakers urged the importance of the inclusion of women and survivors of CRSV at all levels and during all stages as international actors and combatants come together to negotiate cessation of hostilities, peace agreements, and development and reconstruction planning.

7. Urgent interim reparations to address immediate needs and avoid irreparable harm should be made available.

“Providing comprehensive redress to victims requires time, resources, coordination, expertise and political will. In most experiences to-date, reparations have been provided many years after the conflict or repression giving rise to the violations. For these reasons, the UN should also support efforts to make urgent interim reparations available to respond to the most urgent and immediate harm affecting victims of conflict-related sexual violence. Urgent interim reparations should be distinguished from social or humanitarian assistance measures, as they are based on the recognition of State responsibility and require State and political support.” Guidance Note, pg. 12

Well before the cessation of violence, before peace agreements are negotiated and agreed, survivors of conflict-related sexual violence need services, as many are internally displaced persons (IDPs) and refugees fleeing conflict. The first responders who provide these humanitarian services have an opportunity to gain valuable information about CRSV to help guide responses, including urgent, interim

20 This is an amendment to law no.03/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families. In Kosovo, survivors organized and advocated for amendments to existing laws rather than for new, separate laws, which they feared might further stigmatize them.

21 UNDP (2013). Assessment of the Number of Sexual Violence Victims during the Homeland War on the Territory of the Republic of Croatia and Optimal Forms of Compensation and Support to Victims. Zagreb. Available from: <http://www.hr.undp.org/content/dam/croatia/docs/Research%20and%20publications/socialinclusion/UNDP-HR-SEXUAL%20VIOLENCE%20IN%20CONFLICT-RESEARCH-ENG-2014.pdf>

22 The principle of *Bona fide*, meaning in good faith, without intention to deceive, to accept victim’s word and not require additional evidence such as medical records or police documentation, is seen as a positive advance for all survivors of GBV, as well as CRSV.

reparations. Examples of these interim measures include, but are not limited to, the distribution of emergency cash hand-outs to survivors or quick access to health services to administer anti-retroviral and other medications, perform fistula surgeries, and provide urgent psychiatric and psycho-social care.

In the chaos of conflict and post-conflict situations, it can be difficult, if not impossible, for authorities or international agencies to coordinate and deliver robust urgent, interim reparations. However, localized mechanisms, such as truth commissions and women's courts among others, can help provide a basis to administer interim reparations programming.

Survivors are ready to talk immediately. And we often lose this opportunity. If you don't capture their stories immediately, you miss a valuable opportunity. Immediately after the war, survivors are among many other survivors—their status as survivors are more normalized, but as time passes, as they begging to reintegrate into societies, their feeling of isolation as 'survivors' increases, they are around fewer survivors, the impacts of stigma increase, they close down and stop talking about their experiences. Keep in consideration that a momentum for monitoring and reporting on CRSV is during refugees' crises, when people are ready to talk about these issues.

Ms. Flora Macula

Head of Office, UN Women, Kosovo

It is critical, however, that the provision of urgent, interim reparations to survivors not be politicized, or used as justification for limiting or curtailing long-term reparations programming. A clear distinction should be made between the two forms of reparations, which should ideally supplement each other to provide the broadest-range of services to survivors, families and communities in both the short- and long-term.

8. Adequate procedural rules for proceedings involving sexual violence and reparations should be in place.

"...the UN supports the adoption of procedural rules specific to sexual violence in judicial and administrative proceedings in order to protect the interest of the victim, and taking the rights of the accused into account." Guidance Note, pg. 13

Following violent conflict and war, state institutions—including legal and justice systems, social protections and administrative programmes, as well as physical infrastructure and services—are substantially weakened, or even non-existent. It is this context of chaos that enables impunity as well as abrogates institutional and gender-sensitive pathways to justice for survivors and their families. As several participants emphasized, it is critical to begin the process of establishing, repairing or strengthening procedural rules that ensure the rights of survivors, and that enable them to access reparations mechanisms through courts (criminal and civil suits) as well as through administrative processes, early on.

In some places, authorities have recently revisited legislation that applies to survivors of sexual violence. For example, in Croatia, the 2013 UNDP-led study²³ on tools for reparations identified *lex specialis*²⁴ as the best legal framework to overcome the fact that legislation immediately following the war neglected to address the question of the rights of survivors of CRSV. In Bosnia and Herzegovina, Republika Srpska, Croatia and Kosovo, where reparations for CRSV survivors are currently under reconsideration or have recently been revisited, authorities seem to be taking care to include survivors' perspectives, favor procedures that mitigate further stigmatization, and establish mechanisms such as working groups and review commissions made up of qualified members, experienced in working with survivors of CRSV, to make further recommendations and review claims. In each of these contexts, international agencies, INGOs and local CSOs have provided technical support, capacity building, and training and advice to authorities, law-makers and service providers to sensitize them to the needs of survivors. While these are positive advances, much more still needs to be done to meet the challenges faced by survivors, their families and communities, and further stabilize their societies.

23 UNDP (2013). Assessment of the Number of Sexual Violence Victims... Available from: <http://www.hr.undp.org/content/dam/croatia/docs/Research%20and%20publications/socialinclusion/UNDP-HR-SEXUAL%20-VIOLENCE%20-IN%20-CONFLICT-RESEARCH-ENG-2014.pdf>

24 In international law, the concepts of *lex specialis* and *lex generalis* define the relationship between international human rights law and international humanitarian law during common article two, international armed conflict and common article three, non-international armed conflict as defined by the Geneva Conventions. In all situations of armed conflict, human rights law applies, however, when the *lex generalis* and the *lex specialis* are in opposition, the *lex specialis* is applied. See OHCHR (2011). International Legal Protection of Human Rights in Armed Conflict. Available from: http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf

THE WESTERN BALKANS AS A LABORATORY FOR REPARATIONS

Good Practices for Reparations

The dialogues resulting from the two-day conference were rich with identified good practices that participants eagerly shared. In summary, these good practices centered on several core recommendations:

- guaranteeing survivors' confidentiality;
- ensuring that procedures for design, implementation, and evaluation of reparations programmes are participatory and that survivors have the opportunity to contribute and be heard at each step;
- ensuring that reparations are tailored to the local context and needs, and that they are sufficiently complex and multi-faceted to respond to these needs;
- acknowledging the importance of recognition for male survivors of CRSV; and
- ensuring that reparations support transformative and egalitarian legal, judicial, security and economic reforms.

More information on recommendations from the conference are detailed below in the section on [New Ways of Thinking about Reparations: Recommendations to Key Actors](#).

Laws on Reparations for CRSV in the Western Balkans

KOSOVO	
Law/regulation governing CRSV	<ul style="list-style-type: none"> • 2011 – Law No. 04/L-054, The Law On the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims of War and their Families • 2014 – Law No. 04/L-172, Law on Amending and Supplementing the Law No. 04/L-054 On the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and Their Families • 2015 – Regulation (GRK) No. 22/2015 On Defining the Procedures for Recognition and Verification of the Status of Sexual Violence Victims During the Kosovo Liberation War • 2016 – Regulation (GRK) No. 10/ 2016 On Amending and Supplementing the Regulation (GRK) No. 22/2015 On Defining the Procedures for Recognition and Verification of the Status of Sexual Violence Victims During the Kosovo Liberation War
Under what category are survivors of SV covered?	<ul style="list-style-type: none"> • Sexual Violence Victims of War ²⁵
Definitions	<ul style="list-style-type: none"> • “Sexual violence victim of war” = “person who survived sexual abuse and rape within period 27.02.1998 until 20.06.1999”²⁶
Who is excluded?	<ul style="list-style-type: none"> • Among SV survivors, those who experienced sexual violence at any time other than the given window (between 27.02.1998 and 20.06.1999) and those who choose not to, or are unable to apply for verification.
Reparations Benefits	<p>Individual</p> <ul style="list-style-type: none"> • Personal disability pension (in line with pensions for civilian invalids)²⁷ • Health services abroad for health conditions that are a consequence of war and for which no domestic treatment is available • Priority in public and private employment • Release from property taxes (if economic conditions warrant) • Residential care²⁸ • Collective • None

²⁵UN Women (2016). “Reparations soon for conflict-related sexual violence survivors in Kosovo”, 15 March 2016. Accessed 13 December 2016. Available from: <http://eca.unwomen.org/en/news/stories/2016/03/kosovo--new-regulation-sexual-violence>.

²⁶Law No. 04/L-172, art. 4, 20 March 2014. Law on Amending and Supplementing the Law No. 04/L-054 On the Status and the Rights of the Martyrs, Invalids, Veterans, Members of the Kosovo Liberation Army, Sexual Violence Victims of the War, Civilian Victims and Their Families. Available from: <http://www.kuvendikosoves.org/common/docs/ligjet/04-L-172%20a.pdf>.

²⁷Ibid., art. 5.

²⁸Ibid., art. 6.

Do survivors of SV have to meet an invalidity threshold?	<ul style="list-style-type: none"> No, SV survivors are exempt from the degree-of-invalidity evaluation that other civilian invalids are subject to.²⁹
Amount of financial benefit/s	<ul style="list-style-type: none"> Base pension amount to be decided by the government.³⁰
Survivor Claims Review Mechanism	<ul style="list-style-type: none"> The law stipulated a government commission be established, composed of one representative each from office of Prime Minister, Ministry of Labour, Ministry of Justice, Ministry of Health, Institute for War Crimes, as well as a psychologist, a psychiatrist, a lawyer, and a civil society representative with SGBV support experience.³¹
Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> Five years from the start of the work of the relevant commission³² (unlike other categories of victims, who have one year).
Privacy Provision	<ul style="list-style-type: none"> Law requires the government to protect personal data and identity of those applying as SV survivors.³³

BOSNIA AND HERZEGOVINA	
Republika Srpska ³⁴	
Law/regulation governing CRSV	<ul style="list-style-type: none"> 1993 – Law No. 25/93, Law on the Protection of Civilian Victims of War³⁵ 1994 – Law No. 1/94 and 32/94 (amendments)³⁶ 2007 – Law No. 37/07 and 60/07 (amendments)³⁷ 2009 – Law No. 111/09 and 118/09 (amendments)³⁸ 2010 – Law No. 02/4.3-409 /10 (consolidated version)³⁹
Under what category are SV survivors covered?	<ul style="list-style-type: none"> Civilian victims of war

²⁹Ibid., art. 7. However, this is open for interpretation. The Albanian and Serbian versions of the law only exclude persons who suffered “rape” from invalidity testing, but not the broader category of “sexual violence.”

³⁰Ibid., art. 7.

³¹Ibid., art. 8.

³²Ibid., art. 9.

³³Ibid., art. 19.A (“Protection of data of the persons who have survived sexual abuse and rape”).

³⁴In Republika Srpska, a new piece of legislation is being developed to secure the rights of victims of torture. CRSV survivors will be a special category under this law.

³⁵International Commission on Missing Persons, Missing Persons Institute of Bosnia and Herzegovina, and Centre for Free Access to Information (2007). Guide for Civilian Victims of War: How to Enjoy the Right to Protection as a Civilian Victim of War in the Republika Srpska. Section I, para. 1. Available from: <http://www.icmp.int/wp-content/uploads/2014/08/guidebook-wictim-of-war-rs.pdf>.

³⁶Ibid.

³⁷Ibid.

³⁸Humanitarian Law Center (2004). Administrative Reparations in Serbia - An Analysis of the Existing Legal Framework, p. 4. Available from: http://www.hlc-rdc.org/wp-content/uploads/2014/03/Administrative_reparations_in_Serbia_an_analysis_of_the_existing_legal_framework.pdf.

³⁹The Law on the Protection of the Civilian Victims of War. Official Gazette, no. 79/07. Legislative Committee of the National Assembly of the Republika Srpska, 15 March, 2010. Available from: <http://pravnik.ba/wp-content/uploads/2015/03/ZAKON-O-ZASTITI-CIVILNIH-ZRTVA-RATA-RS.pdf>. This law has been drafted, but as of January 2017, not yet adopted.

Definitions	<ul style="list-style-type: none"> • Civilian victims = 1) persons who suffered physical damage because of abuse, rape, detention (imprisonment, concentration camp, confinement, forced labor), or while being forced to flee by an enemy suffered wounding, injury or trauma which caused damage to the body to an extent of at least 60%¹⁶ as well as people who in the stated circumstances were murdered, killed, died, or went missing; 2) Persons who suffered physical damage of at least 60%⁴⁰ as a result of wounds or injuries incurred in connection with military operations, like bombings, street fights, stray bullets, shelling; 3) Persons who suffered physical damage of at least 60% as a result of wounds or injuries caused by the residual war material or as a result of hostile acts of sabotage.⁴¹ • The rights set in the Law are also enjoyed by the family members of persons that were murdered, killed, died, or went missing in the above-mentioned circumstances and by family members of deceased persons that received the status of ‘civilian victim of war’.
Who is excluded?	<ul style="list-style-type: none"> • Survivors of sexual violence who cannot demonstrate at least 10% bodily damage in addition to psychological impairment (which is considered equivalent to 50% bodily damage).⁴² • Civilian victims, including survivors of sexual violence, who suffered bodily damage at a time other than (a) after 9 Jan 1992 (in case of citizens of RS) and (b) between 18 Aug 1990 and 9 Jan 1992 (in case of former citizens of SFRY as long as they have obtained RS citizenship and permanent residency).⁴³ • Civilian victims, including survivors of sexual violence, who did not apply for benefits before deadline expired in 2007.⁴⁴ • Civilian victims that do not possess medical records issued less than one year after the day when the damage was incurred, i.e. from the day of cessation of circumstances under which the damage occurred. • Civilian victims that are not registered as citizens of the Entity of Republika Srpska. • Identity of perpetrator is not a basis for exclusion, except in the case of refugees, where the perpetrator must be from the enemy force in order for the victim to be eligible for benefits.⁴⁵ The law also states that: “the rights set forth in this law cannot be enjoyed by persons who were members of the enemy forces or who helped the enemy.”
Reparations Benefits	<p>Individual</p> <ul style="list-style-type: none"> • Civilian disability allowance (family disability allowance) • Supplement for care and assistance by another person • Supplement for a family member incapable of earning a livelihood • Additional financial support • Supplement for single parents • Health care • Professional rehabilitation⁴⁶ <p>Collective</p> <ul style="list-style-type: none"> • None

⁴⁰ Ibid.

⁴¹ Supra note 37, section I, para. 4.

⁴² Amnesty International Secretariat (2009). Bosnia & Herzegovina: ‘Whose Justice?’: The Women of Bosnia and Herzegovina are still Waiting, p. 43. Available from: <https://www.amnesty.org/en/documents/EUR63/006/2009/en/>.

⁴³ International Commission on Missing Persons, Missing Persons Institute of Bosnia and Herzegovina, and Centre for Free Access to Information (2007). Supra note 37, section I, para. 9.

⁴⁴ Ibid.

⁴⁵ See United Nations (2014). Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. October 2014. A/69/518; and Humanitarian Law Center (2004). Administrative Reparations in Serbia - An Analysis of the Existing Legal Framework.

⁴⁶ Supra, note 37, Section III, para. 9.

Do SV survivors have to meet an invalidity threshold?	<ul style="list-style-type: none"> Survivors of sexual violence have to show at least 10% bodily damage to be eligible. The remaining 50% (to reach the 60% threshold) is granted on basis of psychological impairment.
Amount of financial benefit/s	<ul style="list-style-type: none"> Monthly benefits range from KM 100 to KM 350, depending on extent of bodily damage.⁴⁷
Survivor Claims Review Mechanism	<ul style="list-style-type: none"> Medical documents issued not later than one year after the day when the damage was incurred or the cessation of hostilities certifying the extent of damage are required.⁴⁸ Applications are decided by administrative municipal authorities in the region where the applicant temporarily or permanently resides.⁴⁹ Ministry of Labour and Veterans decides appeals.⁵⁰
Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> The initial application period closed in 2000. The application window was reopened for six months in 2007⁵¹ after which time it was closed again.
Privacy Provision	<ul style="list-style-type: none"> N/A
Federation of Bosnia and Herzegovina	
Law/regulation governing CRSV	<ul style="list-style-type: none"> 1999 – Law No. 36/99, Law on the Basis of (the) Social Protection, Protection of Civilian War Victims and Protection of Families with Children⁵² 2004 – Law No. 54/04 (amendment)⁵³ 2006 – Law No. 39/06 (amendment)⁵³ – Inclusion of special financial compensation for survivors of CRSV. In addition, CRSV was included as a separate sub-category under civilian victims of war without requirement to prove disability percentage⁵⁵ 2009 – Law No. 14/09 (amendment)⁵⁶ 2016 – Law No. 45/16
Under what category are SV survivors covered?	<ul style="list-style-type: none"> Victims of sexual violence, which is a separate sub-category under civilian victims of war.⁵⁷
Definitions	<ul style="list-style-type: none"> Civilian victim of war = “person who has suffered, during the war or the immediate threat of war, and due to wounding or some other form of war torture, damage to the body, including mental damage or significant deterioration of health, disappearance or death of such a person”⁵⁸ and person who suffers “some disease caused by abuse, deprivation of liberty, illegal punishment, illegal deprivation of liberty, imprisonment, detention in a concentration camp, forced labour during the war or under imminent threat of war, on the condition that the disease has led to ‘a significant impairment to health’”.⁵⁹

⁴⁷Supra, note 44, p. 43.

⁴⁸Ibid.

⁴⁹Supra, note 37, Section IV, para. 32.

⁵⁰Ibid.

⁵¹Supra, note 44, p. 42.

⁵²Bosnia and Herzegovina: Law of 1999 on Principles of Social Protection, Protection of Victims of War, and Protection of Families with Children. Available from: <http://www.refworld.org/docid/4d30226f2.html>.

⁵³Supra, note 39.

⁵⁴ „Službene novine Federacije BiH”, broj: 36/99. Available from: <http://fmrsp.gov.ba/s/images/stories/Zakon%20o%20osnovama%20socijalne%20zastite%20zastite%20civilnih%20zrtava%20rata%20i%20zastite%20obitelji%20sa%20djecom.pdf>

⁵⁵Mr. Dobrica Jonjic, Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina, Remarks made during the conference.

⁵⁶„Službene novine Federacije BiH”, broj 14/09 /11.3.2009. Available from: <http://www.fbihvlada.gov.ba/bosanski/zakoni/2009/zakoni/8bos.htm>

⁵⁷Saša Gajin (ed.) (2015). Model Law on the Rights of Civilian Victims of Human Rights Violations Committed During and in Connection with Armed Conflicts in the Period 1991-2001, at p. 26. Available from: https://issuu.com/dhrpraxis/docs/model_law_of_the_rights_of_civilian.

⁵⁸Supra, note 44, p. 40.

⁵⁹Supra, note 40, p. 13, citing Article 5, Law on Amending the Law on Social Protection, Protection of Civilian victims of War and Protection of Families with Children, Official Gazette of the Federation of BiH, no. 39/06.

Who is excluded?	<ul style="list-style-type: none"> Persons who cannot show bodily damage of at least 60%,⁶⁰ except in cases of sexual violence.⁶¹ Identity of perpetrator is not a basis for exclusion.⁶²
Reparations Benefits	<p>Individual</p> <p>Minimum benefits are regulated by the framework law at the federation level. They are implemented by the cantonal law, which can provide for additional rights.</p> <ul style="list-style-type: none"> Individual disability allowance Family allowance Professional training Priority in employment and housing Psychological and legal help⁶³ Supplement for aid and assistance by another person; allowance for orthopedic supports; financial support for the costs of medical treatment and purchase of orthopedic supports; right to professional training (skills and competencies training and professional development) <p>Collective</p> <ul style="list-style-type: none"> None
Do SV survivors have to meet an invalidity threshold?	<ul style="list-style-type: none"> Survivors of SV are exempt from the 60% bodily damage threshold.
Amount of financial benefit/s	<ul style="list-style-type: none"> Benefit for rape survivors is around 500 BAM.⁶⁴
Survivor Claims Review Mechanism	<ul style="list-style-type: none"> With recent amendments, decisions regarding the status of CRSV survivors will be issued by a Commission. Previously, the procedure for applying as a victim of SV included certification by an authorized association through medical examinations and/or medical records.⁶⁵ This will no longer be the case under the new Commission. Bodies designated by canton regulate and disburse benefits⁶⁶ and all monies come from federal and cantonal budgets. Relevant federal ministry – Ministry of Labor and Social Policy⁶⁷ – monitors the implementation of the law.⁶⁸

⁶⁰Supra, note 44, p. 40.

⁶¹Ibid., p. 41.

⁶²Supra, note 40, p. 13.

⁶³ Ibid.

⁶⁴ Supra, note 44, p. 41.

⁶⁵ Ibid., p. 45.

⁶⁶ Law No. 36/99, arts. 8, 78, 6 September, 1999, “On Principles of Social Protection, Protection of Civil Victims of War, and Protection of Families with Children”. Available from: <http://www.refworld.org/pdfid/4d30226f2.pdf>.

⁶⁷ Aida Malkić and Tea Hadžiristić (2016). Intersecting Inequalities in Social Protection in Bosnia and Herzegovina: Results of an Empirical Study. ANALITIKA Center for Social Research, at p. 8. Available from: http://www.analitika.ba/sites/default/files/inequality_eng_-_izvjestaj_2403.pdf.

⁶⁸ Law No. 36/99, art. 9, 6 September, 1999, “On Principles of Social Protection, Protection of Civil Victims of War, and Protection of Families with Children”. Available from: <http://www.refworld.org/pdfid/4d30226f2.pdf>.

Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> • No deadline
Privacy Provision	<ul style="list-style-type: none"> • n/a
Brčko District	
Law/regulation governing CRSV	<ul style="list-style-type: none"> • Brčko Assembly Decision on Protection of Civilian Victims of War, from 8 August 2012 and Decision on Amending the Decision on Protection of Civilian Victims of War, from 3 June 2015.
Under what category are SV survivors covered?	<ul style="list-style-type: none"> • Civilian victims of war
Definitions	<ul style="list-style-type: none"> • A civilian victim of war is considered to be a person who has permanent psychological damage as a result of sexual abuse or rape, in which the resulting damage is not determined by percentage.
Who is excluded?	<ul style="list-style-type: none"> • Excludes those residing outside of the Brčko District.
Reparations Benefits	<ul style="list-style-type: none"> • (1) The basic provisions: <ul style="list-style-type: none"> a) civil disability allowance; b) family disability allowance; c) allowance for the care and assistance of another person; d) health care and relief from the costs of participation for use of primary and secondary health care; e) orthopedic aids; f) reimbursement for burial costs. • (2) In addition to the rights outlined in (1), additional rights will be determined including: <ul style="list-style-type: none"> a) financial assistance in covering the costs of treatment and procurement of orthopedic devices; b) vocational rehabilitation, retraining and additional trainings; c) special employment projects; d) priority housing; e) free legal aid.
Do SV survivors have to meet an invalidity threshold?	<ul style="list-style-type: none"> • No
Amount of financial benefit/s	<ul style="list-style-type: none"> • 70% of average monthly net salary in Brčko District (approximately 570 BAM but can vary depending upon fluctuation of average net salary). Costs of benefits shall be financed from the District budget.
Survivor Claims Review Mechanism	<ul style="list-style-type: none"> • The first instance body to deal with the request for status is the Department for Health and Other Services of Brčko District. The survivors then undergo the interview with the BD Commission for granting the status.
Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> • No deadline
Privacy Provision	<ul style="list-style-type: none"> • n/a

Republic of SERBIA	
Law/regulation governing CRSV	<ul style="list-style-type: none"> • 1996: Law No. 52/96, Law on Rights of War-disabled Civilians,⁶⁹ also known as Law on the Rights of the Civilian Invalids of War⁷⁰
Under what category are SV survivors covered?	<ul style="list-style-type: none"> • War-disabled civilians
Definitions	<ul style="list-style-type: none"> • War-disabled civilian = “a person with a physical impairment of at least 50%, due to wounds or injuries that have left visible traces and were caused by ill-treatment or detention by the enemy during war or military operations, or injuries sustained from remnants of war or enemy sabotage or terrorist acts”.⁷¹
Who is excluded?	<ul style="list-style-type: none"> • Victims who cannot show at least 50% bodily damage and visible traces of injury.⁷² • Those without written evidence from the time that the crime was committed⁷³, such as investigative reports.⁷⁴ • Non-citizens of Serbia. • Those injured at a time other than during the formal period of war, 24 March to 26 June 1999.⁷⁵ • Those injured outside of the territory of Serbia.⁷⁶ • Those injured at hands of groups not considered enemy groups by Serbia.⁷⁷
Reparations Benefits	<p>Individual</p> <ul style="list-style-type: none"> • Disability benefits • Allowance for care and assistance • Orthopedic aids • Reimbursement of funeral expenses • Health care • Discounted access to public transport⁷⁸ <p>Collective</p> <ul style="list-style-type: none"> • No collective benefits for civilian victims are foreseen by law or any other legal act
Do SV survivors have to meet an invalidity threshold?	<ul style="list-style-type: none"> • Yes

⁶⁹Supra, note 40, p. 2.

⁷⁰Humanitarian Law Center, (2014/2015). Victims' Right to Reparation in Serbia and the European Court of Human Rights Standards, p. 14. Available from: http://www.hlc-rdc.org/wp-content/uploads/2016/01/Izvestaj_o_reparacijama_2014_eng_FF.pdf.

⁷¹Ibid., p. 19 citing Article 2, Law on the Rights of Civilian Invalids of War (“Official Gazette of the RS”, No. 52/96).

⁷²Supra note 40, p. 5, citing The Law on Disabled Civilian Victims of War, Article 2.

⁷³As stipulated in Article 12 of the Law.

⁷⁴Mr. Relja Radosavljevic, Legal Analyst, Humanitarian Law Center, SRB, Remarks during conference.

⁷⁵Supra note 72, p. 23.

⁷⁶Supra note 40, p. 14.

⁷⁷Ibid., p. 6.

⁷⁸Supra note 72, p. 15; supra note 40, p. 22.

Amount of financial benefit/s	<p>The amounts of financial benefits vary depending on the degree of disability, and are calculated for each budget year.</p> <p>According to data* provided by the Ministry of Labour, Employment, Veteran and Social Affairs:</p> <p>Personal disability benefits ranged from RSD 79,499 (approx. USD 720) for Group I disability (highest) to RSD 10,335 (approx. USD 90) for Group VII disability (lowest).</p> <p>Allowance for care and assistance to a disabled person ranged from RSD 79,499 (USD 720) to RSD 36,569 (USD 330).</p> <p>*Data from December 2015.</p>
Survivor Claims Review Mechanism ⁷⁹	<ul style="list-style-type: none"> • The Ministry of Labour, Employment, Veteran and Social Affairs decides on appeal, and also has <i>ex officio</i> power to review the legality of first-instance decisions.⁸⁰ • Decisions upon requests for recognition of status of civilian invalid/victim of war are adopted by the municipal/city administration⁸¹. The Ministry of Labour, Employment, Veteran and Social Affairs decides on appeal, and also has <i>ex officio</i> powers to review the legality of first-instance decisions.
Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> • There is currently no deadline in place under current legislation. However, a ten-year deadline for claims has been set out in the proposed Draft legislation⁸², accompanied by a one-year interim deadline for submitting older claims, from the moment the Draft legislation comes into force.⁸³
Privacy Provision	<ul style="list-style-type: none"> • No particular provision regarding privacy exists in the current legislation.

⁷⁹The Survivor Claims Review Mechanism is regulated by two other Laws. Their texts, however, are not available in English. See Law on the Basic Rights of War Veterans, Disabled Veterans and Families of Fallen Combatants. Available from: http://www.osobesainvaliditetom.rs/attachments/023_Zakon%20o%20osnovnim%20pravima%20boraca,%20vojnih%20invalida%20i%20porodica%20palih%20boraca.pdf. See also Law on the Rights of Veterans, Disabled Veterans and Members of their Families. Available from: http://www.osobesainvaliditetom.rs/attachments/023_Zakon%20o%20pravima%20boraca,%20vojnih%20invalida%20i%20clanova%20njihovih%20porodica.pdf.

⁸⁰Statement of the Ministry of Labour, Employment, Veterans, and Social Affairs of the Republic of Serbia – Victim Assistance, 1 December 2015. Available from: <http://www.apminebanconvention.org/fileadmin/APMBC/MSP/14MSP/day3/02b-VICTIM-ASSISTANCE-Serbia.pdf>.

⁸¹Law No 52/96, on Civilian Invalids of War (“Official Gazette of RS”, No. 52/96). A new law has been drafted but has not yet been adopted. Available from: <http://www.minrzs.gov.rs/cir/aktuelno/item/1591-poziv-za-javnu-raspravu-nacrt-zakona-o-pravima-boraca,-vojnih-invalida,-civilnih-invalida-rata-i-clanova-njihovih-porodica>

⁸²Article 140 of the Draft Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War and Their Family Members (2015). Available (in Serbian) from: <http://www.rsjp.gov.rs/misljenja/1205/nac/Zakon%2022.10.2015%20-II.pdf>.

⁸³Article 237 of the Draft Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War and Their Family Members (2015). Available (in Serbian) from: <http://www.rsjp.gov.rs/misljenja/1205/nac/Zakon%2022.10.2015%20-II.pdf>.

Republic of CROATIA	
Law/regulation governing CRSV	<ul style="list-style-type: none"> • 2015: Act on the Rights of Victims of Sexual Violence during the Military Aggression against Republic of Croatia in the Homeland War⁸⁴
Under what category are SV survivors covered?	<ul style="list-style-type: none"> • Victims of sexual violence
Definitions	<ul style="list-style-type: none"> • Sexual violence = non-consensual or forced ⁸⁵“vaginal, oral or anal penetration with any part of the body or an object, sexual slavery, induced abortion and serious injury resulting in the mutilation in whole or part of a person’s sexual organ”.⁸⁶
Who is excluded?	<ul style="list-style-type: none"> • Those who are not Croatian citizens.⁸⁷ • Those who had not, at the time of the crime, begun the process of obtaining temporary residence in Croatia.⁸⁸ • Those who have been “convicted of involvement in enemy military or paramilitary units or for threatening the constitutional order and security of the Republic of Croatia” or “been a member, accessory or associate of enemy military or paramilitary units”.⁸⁹
Reparations Benefits	<p>Individual</p> <ul style="list-style-type: none"> • A one-time payment of 100,000-150,000 kuna⁹⁰ • a monthly allowance of 2500 kuna • counseling • legal aid • medical aid ⁹¹ • rehabilitative services⁹² <p>Collective</p> <ul style="list-style-type: none"> • None
Do SV survivors have to meet an invalidity threshold?	<ul style="list-style-type: none"> • No

⁸⁴Global Fund for Women, “Compensation for Croatian Survivors of Sexual Violence in Conflict, 20 Years after the War”. Available from: <https://www.globalfundforwomen.org/rosa-croatia/>

⁸⁵Janine Natalya Clark, “In from the Margins: Survivors of Wartime Sexual Violence in Croatia and an Early Analysis of the New Law,” *Journal of Human Rights Practice*, (2016) 8 (1): 128-147, Oxford University Press. p. 11. Available from: <http://jhrp.oxford-journals.org/content/early/2016/03/01/jhuman.huv022.full.pdf>.

⁸⁶Ibid.

⁸⁷Cyrille Cartiet, “Croatia’s Wartime Rape Law Raises Hope and Doubt”, *Women’s ENews*, 23 July 2015. Available from: <http://womensenews.org/2015/07/croatias-wartime-rape-law-raises-hope-and-doubt/>.

⁸⁸Ibid.

⁸⁹Ibid.

⁹⁰Supra note 87, p. 7.

⁹¹Zoran Radosavljevic, “Croatia passes law to compensate war rape victims”, *Reuters*, 29 May 2015. Available from: <http://uk.reuters.com/article/uk-croatia-rape-idUKKBN0OE1M820150529>.

⁹²Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (2015). “Croatia: Bill to Compensate Survivors of Wartime Rape a Welcome Step in Addressing the Legacy of Sexual Violence in Conflict”. Press release, 7 April 2015. Available from: <http://www.un.org/sexualviolenceinconflict/press-release/croatia-bill-to-compensate-survivors-of-war-time-rape-a-welcome-step-in-addressing-the-legacy-of-sexual-violence-in-conflict/>

Amount of financial benefit/s	<ul style="list-style-type: none"> • A one-time payment of 100,000 kuna⁹³ • a monthly allowance of 2500 kuna⁹⁴
Survivor Claims Review Mechanism	<ul style="list-style-type: none"> • Survivors applying for benefits are asked to fill a form describing in detail the sexual violence they experienced.⁹⁵ • A Commission for the Victims of Sexual Violence, which would have a four-year term, is charged with reviewing the information submitted to decide whether the prospective beneficiary would receive benefits.⁹⁶ • At minimum, the commission is to comprise of the following members who must be Croatian citizens with relevant experience: <ol style="list-style-type: none"> 1. One lawyer and his/her deputy 2. One psychologist and his/her deputy 3. One medical psychiatrist and his/her deputy 4. One medical doctor with another specialty⁹⁷ • Prospective beneficiaries are to participate in the review process and have the right to be heard in the manner (a) that they prefer, and (b) that is gender sensitive.⁹⁸
Deadlines or Statutes of Limitations	<ul style="list-style-type: none"> • n/a
Privacy Provision	<ul style="list-style-type: none"> • n/a

⁹³ Supra note 93.

⁹⁴ Ibid.

⁹⁵ Supra note 87, p. 8

⁹⁶ Ibid.

⁹⁷ Ibid., p. 7.

⁹⁸ Ibid., p. 8.

CHALLENGES TO REPARATIONS

Despite it being two decades since the end of the conflicts across the Balkans, it is only in the past few years that real progress has been made for survivors in the design and delivery of reparations programming. Throughout the two-day meeting, participants pointed to a number of ongoing challenges to reparations programming—in the Balkans and beyond. These key challenges include:

- **Lack of urgency, low priority** – Compared with other post-conflict and reconstruction processes, such as Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR), reparations rarely receive the same level of attention, priority or resources, despite their transformative potential.
- **Lacking gender-sensitive approaches** – There remains a lack of gender-sensitive approaches when it comes to post-conflict reparations. Reparations for conflict-related sexual violence must be gender-sensitive, taking into account the differential impact, experiences, perspectives and needs of women and girls, as well as men and boys, who have been subjected to sexual violence.
- **Inadequate capacity development of national institutions** around reparations – International agencies failed to adequately build the capacity of and sensitize national officials, foster transnational exchange, or support planning, implementation, and monitoring of reparations in the Balkans. According to many, this was a missed opportunity on the part of the international community.
- **Financing reparations** – Funding for financial reparations is lacking, and serious questions remain about the source of funding for future reparations, particularly reparations that are punitive and aimed at individual perpetrators.
- **Responsible parties** – In the Western Balkans, there has been much debate about which survivors which governments have the responsibility to compensate. Laws on reparations usually consider the ethnicity, citizenship, or residency of the survivor or the perpetrator, and/or the location where the violation took place as eligibility criteria for reparations. This is an obstacle to many, who cannot claim reparations because the violation against them occurred beyond present borders, or because they are no longer citizens of the territory where the crime took place.
- **Stigma** – Stigmatization causes many survivors to fear being ‘found out’ by family and community members. It prevents many from advocating or speaking openly about sexual violence, let alone about their own experiences. They may decline to seek out assistance or reparations benefits if they are forced to reveal their identities as survivors of sexual violence, hampering advocacy and accurate estimates of the numbers of people affected.
- **Access** – Access to reparations processes can be difficult if these processes are unclear and difficult to navigate. This is especially true for women who were traumatized, who are afraid of being stigmatized, and who lack sufficient information to understand complicated bureaucratic processes. Women survivors from remote and rural areas, who shoulder the burden of care for their families, lack transportation, and have emotional and financial challenges, are particularly likely to find access difficult.
- **Human capacity** – For survivors, the struggle for justice and access to benefits over many years can take a profound toll on their mental and physical health. It can also wear down those who work in this field. Burn-out and the attrition of qualified and capable people remains a challenge and can have serious consequences for sustaining the work that has already been done.
- **Maintaining and building momentum** – A key question for participants was not just how to maintain the current momentum, but how to build on it. In particular, they discussed ways to continue and increase the political advocacy for reparations for survivors of CRSV in Serbia and other conflict-affected parts of the Western Balkans where currently there is no legislation, as well as conflict-affected contexts like Ukraine where many are advocating for planning for reparations now, even while hostilities continue.

BOX 3

Cash versus services

Cash payments, whether one-off (even if significant) or ongoing monthly distributions, cannot fully provide redress for the crime of sexual violence, nor can they address the poverty experienced by marginalized communities, whether these communities were marginalized prior to the outbreak of violence, or may have become marginalized as a consequence of violence. So, while cash payments are vital to provide for the immediate and longer-term needs of survivors, so too are comprehensive services, including health care, education and technical training, counseling, legal support and economic empowerment activities. Services help guarantee survivors' reintegration into their communities' social and economic life. When services holistically integrate the diverse needs of survivors, including skills-building and education, physical health care and psycho-social support, they have the potential of being transformative, not just for survivors but also for their families and communities.

In Kosovo, for example, women-led civil society actors have been at the forefront of providing just this kind of holistic and transformative care. Medica Kosova, part of *Medica Mondiale*, has been supporting survivors since 1999, when, immediately after the war, they began providing desperately needed health care and psycho-social counselling to survivors. In 2004, they expanded to support the establishment of small self-help groups that would help the women they served (mostly in rural areas) gain agricultural skills and re-establish their lives so they could re-marry (something important for many women in the region). Medica Kosova provided cows and bees to the self-help groups, who then worked together to produce honey, milk and cheese. This allowed the women to earn a

basic income, and many reported that the process of caring for the bees and cows was itself therapeutic and contributed to their ability to reintegrate into their families and societies. In addition, the groups have access to a female lawyer who helps them resolve legal issues and supports mediation efforts between the women, their families and the court

In BiH, UN Women and UNDP are developing economic projects specifically for survivors of CRSV, which are tailored to their needs, resources and preferences. These projects link survivors with existing markets, so that they can have a steadier source of income. All survivors receive some sort of training, depending on the type of business they wish to engage in, and these trainings are always coupled with psycho-social support workshops and occupational therapy sessions. Most often the businesses which the survivors develop not only end up employing many of the survivors' immediate family members, but also enable the women to run the business and generate the income, which is symbolically important for their status in the family.

NEW WAYS OF THINKING ABOUT REPARATIONS: RECOMMENDATIONS TO KEY ACTORS

The meeting provided a strong platform for discussions on good practices, on what works and on new and innovative ways to conceptualize and deliver on reparations for survivors. Several strong recommendations specific to the Balkans region came out of the two-day conference, taking into consideration the legacy of war, the culture of impunity, and past missteps. While these recommendations were made in the context of the conflict in the Former Yugoslavia, there are lessons which can be applied to other contexts, particularly where thinking is just beginning on how to best support survivors of CRSV.

- Public recognition of the crime of CRSV is extremely important. An official public apology that recognizes accountability should be part of any reparations programme.
- Ending stigma and increasing awareness about available solutions to seek redress and obtain support is essential.
- Understanding and treating trauma's various dimensions is vital.
- Listening to service providers who have worked closely with survivors is key. They have experience and creative solutions for interacting with survivors in safe and enabling environments, and are uniquely positioned to build emotional connections and trust with survivors which far pre-dates discussions on reparations programmes.
- Governments and NGOs must work together to serve survivors and support community healing.
- Reparations are about survivors. While CSOs and others work with and advocate on behalf of survivors, survivors themselves must remain front and center in all considerations and should not be relegated to the background.
- Acceptance of and support for alternative solutions to institutional forms of justice (e.g. Women's Court) is important to allow survivors to choose their preferred ways forward.
- Survivors must be engaged in planning for the future and not only dwelling on the past. Many survivors indicated their

frustration that their participation is limited to past experiences.

In addition to the above recommendations, more specific and nuanced recommendations were made for practitioners and policy makers responding to CRSV:

Designing Gender-sensitive Reparations Programmes and Drafting Gender-responsive Legislation:

- Governments must be committed to passing legislation on reparations and guaranteeing implementation, despite any negative public backlash.
- As two landmark 2015 court rulings in Bosnia highlight, administrative reparations processes, in addition to criminal and/or civil court processes, are critical. In many instances, survivors may not know the identities of the perpetrator(s) of the crimes committed against them. Administrative reparations take the process out of the criminal or civil court system, while still providing survivors opportunity for redress.
- Review commissions which decide on the status of survivors, like those that have been set up in Croatia, BiH and Kosovo, should be comprised of technical professionals, including physicians and mental health practitioners, civil society

representatives, legal experts or specialized government officials.

- Legislation should refer to *survivors of conflict-related sexual violence* and not victims or persons with disabilities.
- Reparations are a right and should be scaled based on the views of the individual survivors or communities, rather than a subjective assessment of disability or the severity of the crime.
- Reparations programmes should fund reparations in innovative ways that are not dependent on the perpetrator's ability to pay. Although reparations programmes can be supported through international funding (loans and grants), local governments should also shoulder financial responsibilities and take over in the mid-to-long term.
- Those planning reparations programmes should make efforts to ensure that reparations schemes help build social cohesion and do not cause new divisions in communities between beneficiaries and non-beneficiaries.
- It is insufficient to only pass legislation on reparations. Instead, legal reform should also include a focus on the related bylaws, which can spell out incremental steps for full legal implementation of the reparations, including timelines and benchmarks.
- To mitigate potential politicization of reparations and to prevent further traumatization and stigmatization of survivors, the principle of *bona fide* could be adopted into administrative procedures for reparations. *Bona fide* claims shift more responsibility to the review committee and underscore the importance for it to be comprised of technical experts, with legal and psychology backgrounds, rather than political appointments.
- Attention to and engagement with the media is important early on to explain reparations programmes and ensure that misinformation is not spread that can likely lead to social tensions and more stigma for survivors.

Destigmatizing CRSV in Communities:

- Work with the children and parents of survivors to combat pervasive stigma against survivors, which can result in their being ostracized and cast out of their families. Family support is key for survivors to overcome fear, shame and

trauma.

- Engage with older women and men in communities, especially as they may inadvertently cause stigma to tickle down to younger generations, by for example, objecting to their children marrying into families where there are survivors of CRSV.
- Include religious leaders who may open discussions on sexual violence and discourage discrimination and stigmatization of survivors.
- Use innovative means to combat stigma and shame, including art therapy, theater and multi-media exhibits.
- Be attentive to language. For example, do not use words that may denigrate women as "broken" or "damaged", and hence reinforce patriarchal stereotypes about women and their bodies.
- The multiple identities inherent in each person should be recognized – survivors are not homogeneous. When survivors are only recognized in terms of their experience with sexual violence, this erases their other identities and prevents healing and moving on from their trauma and stigmatization.

Engaging Civil Society Including Health Workers, Media, etc.:

- Support women's organizations and community-based organizations that are at the forefront of the response to CRSV with skills, equipment, advocacy opportunities and funding. Advocate for funding for civil society, which is not short-term and project-based, but that ensures support for these organizations' core activities and operations.
- Ensure that civil society organizations have the necessary access, training and information-sharing outlets, including with the International Criminal Court and other major international legal mechanisms, to monitor and report on CRSV.
- Conference participants also came from Cyprus, Turkey and Ukraine, where there is either an ongoing conflict or where reparations programmes have not yet been developed. They underlined that for reparations to succeed, their governments, and local and international actors need a comprehensive understanding of

- the CRSV situation on the ground. Governments thus must work in partnership with local service providers to ascertain and document the levels of sexual violence, trends, targets, and impacts, so they can begin planning their responses.

Restoring Survivors' Agency:

- Government, civil society, researchers and representatives from international organizations, should be attentive to engaging survivors as equals, listening to them and designing support interventions together. One way to create mutually-beneficial relationships is by providing support or services, such as stress management wellness sessions.
- Survivors should be included in the conceptualization, planning, implementation and evaluation of reparations and other interventions directed towards them, but efforts should also be made to facilitate better linkages and cross-fertilization between survivor groups, women's organizations and other relevant organizations to support survivors' evolving roles as potential agents of change. They should be given opportunities to engage in interventions and activities, that look to their future and their community's development.
- In working with survivors, their security and privacy should be prioritized. Development actors, researchers, international agencies and other organizations should allow for suspension of some requirements (for example, requiring lists of names, addresses and/or other identifying information from participants or attendees to events aimed at reaching or discussing survivors of CRSV) in the interest of ensuring survivors' safety and integrity.⁹⁹

Addressing Survivors' Multiple Needs:

- Reparations should provide accessible, free or low-cost, high-quality and sensitive health care and psycho-social support, as well as other services such as child care and transportation, to survivors and their families to overcome

trauma and physical consequences of CRSV, especially as survivors are aging over twenty years since the end of the wars.

- Survivors should be empowered to engage in economic activities, through vocational training, inclusion in mentorships, access to micro-credit, support to establish and join business networks.
- International development actors can help provide the infrastructure for the effective delivery of reparations services, and include CRSV survivors in the development and implementation of rehabilitation/reconstruction efforts.
- The global context of conflict today has more people displaced from their homes than at any time in history. With this in mind, reparations must be designed with special provisions for IDPs, refugees and returning refugees, including covering necessary expenses for re-location or return, and programmes for integration or re-integration.
- Participants from outside the Balkans were also vocal in their recommendation to governments that reparations may also be symbolic, in addition to material. Symbolic reparations, such as public and high-profile apologies and acknowledgements can be instrumental in the national healing process post-conflict, as well as validate survivors.
- Reparations should not be combined with or subsumed under social protection schemes, as social protections and welfare systems can become politicized and dramatically altered through the political process and successive elected governments. Moreover, tying reparations with welfare programming can serve to disempower survivors by labeling them passive victims in need of charity, rather than active agents who are being compensated for wrongs committed against them.

Developing Regional Approaches:

- Ensure that all survivors of sexual and gender-based violence during the wars in the Western Balkans have access to reparations—despite their citizenship, residency and location of the crimes

⁹⁹ For example, event organizers should ensure that any vendors or others who may have access to survivors, such as interpreters, facilitators and other on-site service providers, should sign confidentiality agreements. In at least one example, survivors themselves asked for blank copies of these confidentiality agreements to use for other engagements.

they witnessed, the countries of the region should coordinate legislation and policies.

- Create a regional reparations fund to ensure that all survivors, regardless of where the crime took place or their current or former citizenship, enjoy their right to reparations. Raise awareness about existing UN-supported trust funds.
- Many participants described the value of exchanging experiences on addressing CRSV across different country contexts. They suggested that governments and regional organizations facilitate regional and transnational exchange to foster creative thinking and learning of good practices to craft and implement transformative reparations programmes.

Establishing the Evidence Base for Justice:

- Governments and other actors must understand the importance of information and evidence-gathering from the earliest stages of the conflict. To this end, governments, local and international actors should raise awareness among first responders and service providers, including police, mental and physical health care workers, and others, about CRSV and the importance of documenting violations.
- Participants observed that it is critical for both local NGOs and international agencies to push national governments to act quickly to respond to ongoing allegations of sexual abuse, as well as demands for redress. In addition, civil society actors must advocate with members of parliament and decision-makers to adopt legal mechanisms to handle cases of CRSV—if there is no political will to address CRSV, evidence and documentation should be collected and sent to regional or international judicial bodies, such as the International Criminal Court or the European Court of Human Rights.

CONCLUSION

The Dayton Peace Accords were signed mere months after the world mobilized in support and acknowledgement of women’s critical role in peacemaking through the passage of UN Security Council resolution 1325. Yet, women were completely absent from the negotiations, as they were again later from talks involving Serbian and Kosovo parties before Kosovo unilaterally declared independence in 2008. The absence of women’s needs and voices continues to reverberate today. This was clearly a missed opportunity, and one that survivors of CRSV have paid for dearly.

In the intervening years since then, individuals, civil society actors, governments and international institutions have continued to work—sometimes in cooperation, at times at odds—to provide care, services and justice to survivors of sexual violence. Twenty years on, some progress has been made, but much more needs to happen at the individual, community, national and regional levels to achieve fulfillment of the right to reparation for the many survivors across the region. Time and again participants from all over—and outside—of the Balkans spoke of the tremendous urgency to establish reparations mechanisms which are transformative and which recognize that women’s empowerment and gender equality hold the greatest potential for sustainable peace and equitable development.

In the chaos, pain and destruction that surrounds violent conflict, we have seen that

it is extremely difficult to lay the groundwork for repairing society. Government actors may lack the will to be forward-thinking and to look beyond rebuilding physical infrastructure; civil society and community-based organizations may be overwhelmed with the increased demand for their services; and individuals are often too focused on merely surviving. None of this makes planning ahead for reparations—let alone *transformative* reparations—very easy.

In the Western Balkans, there is a deep understanding of the time and effort it takes to overcome the multiple dimensions of trauma. This knowledge and experience is now needed in other parts of the world, and it is hoped that through the efforts and discussions of the participants at this conference, others will learn from the mistakes and successes here as they move forward to repair the lives of survivors of conflicts on their own soil.

REFERENCES

- Amnesty International Secretariat (2009). *Bosnia & Herzegovina: 'Whose Justice?': The Women of Bosnia and Herzegovina are still Waiting*. Available from: <https://www.amnesty.org/en/documents/EUR63/006/2009/en/>.
- Bartlett, William (2013). *Gap Analysis in the Area of Social Protection and Inclusion Policies in Bosnia and Herzegovina*, UNICEF. Available from: <http://www.unicef.org/bih/GAPanalysis-1.pdf>.
- Cartiet, Cyrille (2015). Croatia's Wartime Rape Law Raises Hope and Doubt. *Women's ENews*, 23 July. Available from: <http://womensenews.org/2015/07/croatias-wartime-rape-law-raises-hope-and-doubt/>.
- Clark, Janine Natalya (2016). In from the Margins: Survivors of Wartime Sexual Violence in Croatia and an Early Analysis of the New Law. *Journal of Human Rights Practice*. (2016) 8 (1): 128-147, Oxford University Press. Available from: <http://jhrp.oxfordjournals.org/content/early/2016/03/01/jhuman.huv022.full.pdf>.
- Gajin, Saša, ed. (2015). *Model Law on the Rights of Civilian Victims of Human Rights Violations Committed During and in Connection with Armed Conflicts in the Period 1991-2001*. Available from: https://issuu.com/dhrpraxis/docs/model_law_of_the_rights_of_civilian.
- Global Fund for Women. *Compensation for Croatian Survivors of Sexual Violence in Conflict, 20 Years after the War*. Available from: <https://www.globalfundforwomen.org/rosa-croatia/>
- Humanitarian Law Center (2004). *Administrative Reparations in Serbia - An Analysis of the Existing Legal Framework*. Available from: http://www.hlcrdc.org/wpcontent/uploads/2014/03/Administrative_reparations_in_Serbia_an_analysis_of_the_existing_legal_framework.pdf.
- Humanitarian Law Center, (2014/2015). *Victims' Right to Reparation in Serbia and the European Court of Human Rights Standards*. Available from: http://www.hlc-rdc.org/wp-content/uploads/2016/01/Izvestaj_o_reparacijama_2014_eng_FF.pdf
- International Commission on Missing Persons, Missing Persons Institute of Bosnia and Herzegovina, and Centre for Free Access to Information (2007). *Guide for Civilian Victims of War: How to Enjoy the Right to Protection as a Civilian Victim of War in the Republika Srpska*. Available from: <http://www.icmp.int/wp-content/uploads/2014/08/guidebook-wictim-of-war-rs.pdf>.
- International Court of Transitional Justice. What is Transitional Justice? Available from: <https://www.ictj.org/about/transitional-justice>
- Malkić, A. and Tea Hadžiristić (2016). *Intersecting Inequalities in Social Protection in Bosnia and Herzegovina: Results of an Empirical Study*. ANALITIKA Center for Social Research. Available from: http://www.analitika.ba/sites/default/files/inequality_eng_-_izvjestaj_2403.pdf.
- Ministry of Labour, Employment, Veterans, and Social Affairs of the Republic of Serbia – Victim Assistance (2015). Statement. 1 December. Available from: <http://www.apminebanconvention.org/fileadmin/APMBC/MSP/14MSP/day3/02b-VICTIM-ASSISTANCE-Serbia.pdf>.
- Office of the High Commissioner on Human Rights (2005). *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*. Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>
- Office of the High Commissioner on Human Rights (2011). *International Legal Protection of Human Rights in Armed Conflict*. Available from: http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf
- Office of the High Commissioner on Human Rights (2014). *Guidance Note of the Secretary-General: Reparations for Conflict-Related Sexual Violence, June*. Available from: <http://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>

Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict (2015). Croatia: Bill to Compensate Survivors of Wartime Rape a Welcome Step in Addressing the Legacy of Sexual Violence in Conflict. Press release, 7 April. Available from: <http://www.un.org/sexualviolenceinconflict/press-release/croatia-bill-to-compensate-survivors-of-wartime-rape-a-welcome-step-in-addressing-the-legacy-of-sexual-violence-in-conflict/>

Radosavljevic, Zoran (2015). Croatia passes law to compensate war rape victims. Reuters, 29 May. Available from: <http://uk.reuters.com/article/uk-croatia-rape-idUKKBN0OE1M820150529>.

United Nations (2014). *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, October*. Available from: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/564/67/PDF/N1456467.pdf?OpenElement>

United Nations (2015). *Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture*. Available from: <http://www.un.org/en/peacebuilding/pdf/150630%20Report%20of%20the%20AGE%20on%20the%202015%20Peacebuilding%20Review%20FINAL.pdf>

United Nations (2016). *Report of the Secretary-General on Conflict-related Sexual Violence*. 20 April. Available from: https://unama.unmissions.org/sites/default/files/20042016_report_of_the_secretary-general_on_conflict-related_sexual_violence.pdf

United Nations Development Programme (2013). *Assessment of the Number of Sexual Violence Victims during the Homeland War on the Territory of the Republic of Croatia and Optimal Forms of Compensation and Support to Victims*. Zagreb. Available from: <http://www.hr.undp.org/content/dam/croatia/docs/Research%20and%20publications/socialinclusion/UNDP-HR-SEXUAL%20-VIOLENCE%20-IN%20-CONFLICT-RESEARCH-ENG-2014.pdf>

UN Women (2016). *Reparations soon for conflict-related sexual violence survivors in Kosovo*. 15 March. Available from: <http://eca.unwomen.org/en/news/stories/2016/03/kosovo--new-regulation-sexual-violence>.

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