

W O M E N W I T H O U T B O R D E R S

POST-WAR LEGACIES OF SEXUAL VIOLENCE

*The lasting wounds of women survivors of
the Kosovo War*

A POLICY PAPER BY *ATIFETE JAHJAGA*
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THE POLICY CONTEXT.

The use of rape has been a common weapon of war throughout history. Despite being internationally recognised as a crime against humanity, sexual violence as a tool of warfare has endured. Against the background of the lasting psychological and physical toil of the many silent, silenced, and overlooked victims, there should be a renewed global commitment to bringing justice to survivors of sexual violence.

The experience of Kosovo makes the post-conflict policy need for a focus on survivors particularly apparent. In the 1998-1999 Kosovo War, the Serbian military and paramilitary forces used rape as a weapon of war, resulting in an estimated 20,000 survivors of sexual violence, the majority of whom are women. In the aftermath, the international community and Kosovo's institutions neglected this category. As a result, not enough was done to pursue a course of justice and hold the perpetrators accountable. Moreover, many survivors have been stigmatised by their families, communities, and society overall. Although institutional mechanisms now exist—including relevant medical and legal services as well as rehabilitation and reintegration support—public attitudes still demand our attention, especially with respect to the way in which the topic is addressed. This is critical in facilitating the rehabilitation and reintegration of survivors who continue to suffer in silence.

Throughout my career and beyond my tenure as Kosovo's first female president, I have devoted myself to sensitising the public at home and abroad, doing so with the aim of providing a platform for survivors to voice their rights and demands for justice. Based on my experience, I see that the international community needs to stop making concessions to countries that have committed and not been held accountable for using rape as a weapon of war. This policy could help to render cycles of violence against women more preventable.



THE POLICY RECOMMENDATIONS.

Building on the institutional support mechanisms that we set up in Kosovo, we now need to raise awareness around the issue of survivors of sexual violence. Kosovars have come a long way since the liberation by changing deeply rooted patriarchal norms. Yet we likewise need to change attitudes towards wartime rape in particular. Wrongly stigmatising and shaming victims will neither undo rape nor achieve justice; rather it will render healing impossible. Following the establishment of the institutional framework, grassroots activities have been scaled up to offer support

mechanisms to the victims. Only after this is achieved will we be able to encourage all survivors to register and have their status verified.

Conversely, institutions and all relevant actors should continue to bring this topic to the attention of the international community with the explicit demand that Serbia's integration into bodies like the European Union is tied to its readiness to deal with its past. Specifically, Serbia's leadership must recognise its historical record and sexual violence perpetrated. In so doing, Serbia could succeed in paving a path for reconciliation. As the aggressor in the 1998-1999 Kosovo War, Serbia must:

- I. acknowledge rape was used as a weapon of war & apologise publicly to the victims;*
- II. cooperate in bringing the perpetrators to justice;*
- III. offer compensation to the victims.*

These are a set of conditions that all regimes who committed atrocities against innocent civilians by using rape as a weapon of war should be compelled to fulfil.

GIVING VOICE TO THE VOICELESS

Upon my election as President of the Republic of Kosovo in 2011, I became Southeast Europe's first woman to hold the highest public office. Having previously served in Kosovo's police force—which I joined with no prior political background at its inception in 1999—I reflected on the most important topics at the time. My focus rested on the previously neglected institutional demands of a post-conflict society. When a group of survivors of sexual violence visited my office and shared their stories, I was horrified; by their trauma and the fact that their stories were hidden and untold while their wounds remained untreated. My responsibility to institutionalise their treatment and bring their voices to the international stage dawned on me in that moment.

The use of rape as a weapon of war was first recognised as a crime against humanity through the Rome Statute, and subsequently through the UN Security Council Resolution 1820 in 2008. Wartime rape—as old as warfare itself—inflicts pain and suffering on innocent civilians and is

among the cruellest forms of dehumanising ‘the enemy’. Classifying wartime rape as a crime against humanity took far too long in the light of

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how it has been used for millennia. Despite eventually being enshrined in international law, it continues to be alarmingly common in contemporary warfare.

An estimated 20,000 women and men were victims of rape during the Kosovo War. These innocent civilians were targeted by Serbian military and paramilitary forces and systematically raped, often in the presence of their families. This method tore through the social fabric by inflicting physical pain on the victim and psychological pain on society as a whole. In Kosovo, traditionally families form the core pillar of society, and the ‘moral compass’ of its members is a highly revered social norm. The Serbian forces’ rape of women and men in front of their loved ones brought widespread societal pain. To this day, the scars have haunted both the victims of rape and their loved ones, many of whom are direct witnesses to the crimes. Survivor stigmatisation has become part of survivor reality. Many survivors who were violated out of sight, on the other hand, never found the courage to confide in their partners or families; this group of survivors has had to endure the lasting effects of trauma in isolation and silence. Few will find a support system through family members. On the contrary: telling their stories opens victims of rape up to being ostracised and becoming more isolated; being judged for ‘(im)morality’ and ‘bringing shame’ on the family.

Non-governmental organisations have treated, supported, and empowered survivors in Kosovo since the end of the war. However, institutional support for survivors only started in 2014 when as President of the Republic I decreed the formation of the National Council for the Survivors of Sexual Violence in Conflict. The Council aimed to: (I) coordinate activities on status and other issues relating to survivors of wartime sexual violence; (II) identify and coordinate activities in support of survivors of wartime sexual violence;

“ *Survivor stigmatisation has become part of survivor reality.* ”

(III) establish priorities and policies for the implementation of the legislative agenda in support of survivors of wartime sexual violence; (IV) coordinate the work and activities of responsible institutions to strengthen existing mechanisms to support survivors of wartime sexual violence; and (V) heighten awareness around survivors of wartime sexual violence.

In 2017, Kosovo's government established the *Commission for Recognition and Verification of the Status of the Raped Persons During the Kosovo Liberation War*, whose main task was to recognise, verify, and bring justice to all whose body, mind, and spirit had been impacted. The

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Commission supports survivors in various capacities, including through a dedicated pension scheme. Yet the Commission had not anticipated two significant hurdles. First, a widespread culture of stigmatisation makes victims reluctant to register, especially in cases where families remain in the dark about the rape. Second, already registered and verified victims whose families remain unaware of their trauma have difficulties in explaining the origin of their pension scheme income.

The ensuing challenges complicate countering the Serbian leadership's denial of war crimes perpetrated on Kosovo's civilian population. To date, Serbia has not admitted to its crimes, has not apologised publicly, and has not paid retributions for crimes committed against the civilians of Kosovo. In this classic example of an institutionalised attempt to bring justice to the victims, the international community has failed to hold Serbia accountable for its crimes during the Kosovo War. Adding insult to injury, Europe has aided Serbia in glossing over these crimes by making concessions. The European community has done so in a calculated move to ensure that Serbia remains committed to its European path rather than moving closer towards Russia, its traditional ally. Twenty-four years following the liberation, the people of Kosovo must live with open wounds, owed in no small measure to Europe's

concessions. Families of missing persons and the victims of rape are the two most neglected and vulnerable groups. A course of relative inaction to date has served to preserve and elongate pain, making a return to a sense of normality more cumbersome and less feasible.

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Despite the formation of both the National Council and Governmental Commission, the road to justice is long and full of roadblocks. A lack of justice served prompted me to make the prevention of rape as a weapon of war and bringing justice to survivors the priority of my tenure as Kosovo’s president. Following the end of my mandate as the Fourth President of Kosovo, this policy focus became my life’s mission.

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About the Author:

Atifete Jahjaga served as the fourth, and the first woman, President of the Republic of Kosovo. Jahjaga is Kosovo's first non-partisan candidate, the first female head of state in the modern Balkans, and the youngest female world leader to be elected to the highest office. Jahjaga consistently participates in national and international conferences and initiatives aimed at empowering women and supporting the survivors of sexual violence during the war.

Throughout her presidency, Jahjaga worked diligently to bring women to the forefront of Kosovo's political, economic, and social life as a means of ensuring a long-lasting democracy. In this context, in 2012, she hosted the International Women's Summit "Partnership for Change—Empowering Women," which was attended by 200 leaders from Kosovo, the wider Europe, North America, Africa and the Middle East. The summit provided a venue for women from the region to cross ethnic barriers and come together to launch and promote a platform for their empowerment as women throughout the Balkans. The discussions led to the creation of the Pristina Principles which affirm the rights of women to political participation and representation, economic resources, and access to security and justice, and calls for actions to make these principles a reality. These principles were adopted as a resolution by the Kosovo Assembly.

Jahjaga is a member of the Council of Women World Leaders since 2012 and is a recipient of numerous honours and awards. In March of 2018, President Jahjaga established the Jahjaga Foundation—an initiative that focuses on youth and women empowerment towards achieving social change in Kosovo.

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Women without Borders (WwB) is an international nonprofit organisation headquartered in Vienna. Since 2001, WwB has been building capacity through women leadership and empowered dialogue efforts to address gender-based violence and violent extremism, the world over.