

SURVIVING SEXUAL GENDER BASED VIOLENCE.

A STUDY OF SOCIAL IDENTITIES, WAR NARRATIVES AND RESILIENCE.

CASE STUDY: KOSOVA

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Abstract

War rape is a sexual gender based violence (SGBV), which is systematically used in war. SGBV is perceived as identity-violating, leading to stigmatisation and exclusion of survivors from their families and communities (Kellezi & Reicher, 2014; Schmitt et al., 2020). For example, in the Kosova war in 1998/1999 an estimated 20,000 persons experienced SGBV (Amnesty International, 1993; Human Rights Watch, 2000; Shanks & Schull, 2000; Swiss & Giller 1993). However, very few survivors have spoken publicly and less than 2000 have received professional support. In this context of stigmatisation and silence, it is important to understand what long-term strategies can help survivors overcome the impact of their experiences. Reflective on the collective nature of the SGBV, this thesis uses the Social Identity Approach (SIA; Tajfel & Turner, 1986) as applied to Health and Wellbeing (Jetten et al., 2012) to understand the impact of and responses to SGBV.

Study 1, interviews survivors of SGBV to identify what long-term strategies they used to cope with the trauma and the stigma in the aftermath of the war. Results show that twenty years after the war, war rape survivors were still confronted with negative consequences of war rape trauma and revictimized as a result of stigma attached to it in almost every aspect of their life. However, survivors were also actively engaging in overcoming the collective processes leading to harm (i.e., Social Curse) and using the collective nature of their context to draw on positive group based strategies of coping and appraisal (i.e., Social Cure).

Study 2 analysed interviews with professionals and strategies they used to negotiate support for SGBV survivors in a stigmatized social and political environment. The most successful strategies are those that account for the impact of stigma and the need to protect

the anonymity of SGBV. The study findings also suggest that long-term strategies to combat stigma, while resulting in positive change (e.g., new law to recognize war rape survivors), have limited their agency and discursively reproduced exclusion in the process. Both study 1 and 2 point to the important of systemic and systematic change such as the law amendment.

In study 3 of this thesis, political discourses on formal and legal recognition of war rape experiences are analysed. Study 3 argues that subordination of women within the construct of nation building is discursively reproduced by both those who support and object the legal recognition of war rape survivors.

The three studies combined provide a multi-perspective qualitative analysis on the long-term impact and strategies used to address stigma. The theoretical and practical implications of the findings have been discussed.

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Chapter 1: Conceptualising Sexual Gender Based Violence (SGBV) during War

*“The strong did what they could,
the weak suffered what they must”
- Thucydides -*

The United Nations (UN) recognises that sexual gender based violence (SGBV), and rape specifically, is used as a weapon of war during ethnic cleansing and genocide campaigns against entire communities (Rittner & Roth, 2012). This chapter will explore variations in definitions, conceptualisation, and prevalence of SGBV. Next, it will explore historical narratives and gender theories on war rape experiences. Further, it will discuss transitional justice processes for SGBV survivors in the post-war period, as well as the social and political implications of these processes. Finally, it will introduce socio-psychological models that account for the cultural and gendered context of the strategies people use to cope with the trauma and stigma associated with war rape experiences.

1.1 Conceptualisation and Prevalence of SGBV/GBV

In its broadest sense, the term ‘sexual and gender based violence’ (SGBV), as well as the more general (often interchangeable) term ‘gender based violence’ (GBV) refers to violence that targets men and women based on their gender and their gendered status in society (Rumbold, 2008; Russo & Pirlott, 2006). SGBV explicitly refers to experiences of violence that are of a sexual nature. While GBV can also include sexual violence, the term also refers to non-sexual forms of violence such as domestic, physical, emotional and other abuse. Although the above definitions indicate that SGBV and GBV can victimise both men and women, the focus in the literature tends to be on the victimisation of women. For instance, the UN defines GBV (which also

encapsulates SGBV) as: *“Any act that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life”* (UN, 1995, p.2). This definition conceptualises GBV as a form of violence that exclusively victimises women, and the term ‘gender’ is invoked in relation to ‘women’. However, men too have been subjected to sexual violence, directly and indirectly (Bassiouni, 1994; Carpenter, 2006; Moser & Clark, 2001) both during war and in peace time¹ and their absence from the definition leads to exclusion from the processes of support and peacebuilding and transformative justice in the aftermath of the war.

The definition of SGBV from Human Rights Watch (2002) provides a more inclusive approach to understanding SGBV, as it recognizes male victims (but not victims of non-binary genders): *“Gender based violence is violence directed at an individual, male or female, based on his or her specific gender role in society”*. (Human Rights Watch, 2002, p.8). Further, this definition highlights that both SGBV and GBV describe forms of violence towards individuals based on their gender in any social and political context, in wartime or peacetime.

Because this thesis focuses on war rape, the terms SGBV and war rape (rather than GBV) will be used throughout. While this thesis recognises and includes both men and women as victims of SGBV, it also appreciates that the predominant focus within the literature is on the victimisation of women and that war rape experiences and the aftermath, are linked to pre-existing structural gender inequalities that disadvantage women in particular. Additionally, this thesis will focus on war experiences of SGBV, while regarding also the wider context of peacetime SGBV that women may experience. This will be addressed in the next section.

¹ It could also be argued that the systematic wartime killing of men of reproductive age (e.g., Srebrenica), leads to loss of ethnic continuity which blurs the lines between GBV and SGBV.

1.1.2 SGBV During Peacetime

The UN's Declaration on the Elimination of Violence against Women (1993, Article 2, p. 2) defines violence against women as:

“(a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

(c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

This definition incorporates and recognises that violence against women can take many forms and can be committed by intimate partners and/or other family members, friends or other acquaintances as well as by non-partners, strangers, within family, community and event state context.

According to international organisations reporting violence against women (see e.g., WHO, 2021) sexual violence against women by a partner/male family member is the most prevalent form of violence against women. The World Health Organisation (WHO, 2021) reported that about one in three women (31% of women aged 15 and older) globally will experience some form of sexual violence from their partner or non-partner at least once in her life. The report used data drawn from 137 countries and 227 nationally representative based studies, including

88% of the global population of women for the years between 2000-2018. Based on WHO's calculations, this amounts to 852 million women worldwide, at a level they define as a 'pandemic'. This kind of violence against women occurs in all countries in various levels and across different demographics.

1.1.3 Lifetime Prevalence

Drawing from data from 154 countries, WHO (2021) estimates that 40%-53% of women aged 15 -49 years have been subjected to physical and/or sexual violence at least once in 19 of those countries. The high-prevalence countries included: Kiribati (53%), Fiji (52%), Papua New Guinea (51%), Bangladesh and Solomon Islands (both 50%), the Democratic Republic of the Congo (47%), Afghanistan (46%), Uganda (45%), Liberia (43%), Bolivia (42%), Gabon, South Sudan and Zambia (all 41%), Burundi, Lesotho and Samoa (all 40%). Countries with the lowest lifetime prevalence were ranked between 10 and 14%. Armenia and Georgia had the lowest prevalence reported, at 10%, followed by Singapore (11%), and then Albania, Bosnia and Herzegovina, and Switzerland (12%), followed by Kosova, Hong Kong, Croatia, North Macedonia and Poland (13%), and the highest among this group being Azerbaijan, Cuba, and the Philippines (14%) (WHO, 2021).

1.1.4 Non-Partner Violence

Non-partner violence is defined as physical and/or sexual violence, which can include rape, attempted rape, sexual harassment, and/or forms of verbal sexual abuse by someone other than a current husband, intimate partner and/or male family member. The lifetime prevalence of non-partner sexual violence globally is estimated at around 7% of women and girls over the age of 15 years (Abrahams et al., 2014). WHO (2021) estimates a 6% lifetime prevalence rate for non-partner sexual violence for the years 2000 to 2018. The highest estimated lifetime

prevalence rate for non-partner sexual violence was reported in high income regions, such as Australia and New Zealand (19%), North America (15%), Latin America and the Caribbean (11%), and Northern Europe (10%). While the lowest prevalence estimates were reported in regions such as Sub-Saharan Africa (6%), Northern Africa, South-Eastern Asia and Western Asia (4%), and Central Asia and Southern Asia (2%) (WHO, 2021). This difference between richer and poorer countries could be due to variations in reporting of non-partner sexual violence. In many developing societies the stigmatisation of sexual violence is closely interlinked with underreporting due to survivors fearing that they will face blame, further abuse, social exclusion, and loss of social support (see e.g., Kellezi & Reicher, 2014; Schmitt et al., 2020; Clifford, 2008). On the other hand, high-income countries may have established better mechanisms that have improved the interrelated factors that contribute to higher disclosure (e.g., health services, justice processes, counselling etc.), resulting with higher reporting (WHO, 2021).

Nevertheless, the above statistics show the high levels of SGBV that women experience in peacetime globally. However, at war, SGBV against women often becomes even more prevalent, especially since war rape is used as a weapon of war. Next, I will present what is known about SGBV at war and how wartime SGBV has been recorded through historical and political war narratives.

1.2 SGBV in War

In wartime and post-war contexts, SGBV can take many forms such as rape, sexual slavery, forced trafficking, unwanted pregnancy and miscarriage, and disease transmission (Liebling, 2004). Rape and sexual abuse are the most prevalent forms of violence (Rehn & Sirleaf, 2002). Sexual violence against women has been an integral part of warfare throughout history

(Brownmiller, 1986) and into the present day, used for ethnic cleansing and genocide through torture, intimidation, humiliation, and degradation of the individuals and groups to which they belong.

During World War II (WWII), for example, Japanese troops systematically raped civilian women in Korea, China, and the Philippines (Brownmiller, 1986; Siefert, 1994). In Germany, rape was systematically used by the Soviets as a weapon of war to defeat, humiliate and/or obtain revenge against the enemy (Grossmann, 1995; Heinemann, 1996; 2001; Hitchcock, 2004; Kuwert & Freyberger, 2007; Messerschmidt, 2006). It is estimated that at the end of WWII, about 1.4–1.9 million German women were raped by the Red Army soldiers (Kuwert & Freyberger, 2007; Messerschmidt, 2006; Sander & Johr, 2005).

SGBV has been prevalent also after WWII in many wars and conflicts: it is estimated that around 57% of women in Cote d'Ivoire; 9% in Sierra Leone; 22.7% in East Timor; 50% in Uganda, and 40% in DRC, have experienced war rape and other forms of sexual violence (Amowitz et al., 2002; Banwell, 2012; Hossain et al., 2014; Johnson et al., 2010; Peterman, Palermo, & Bredenkamp, 2011). In a random sample of 205 Liberian girls and women, 15% reported to have experienced rape during the Liberian civil conflict (Swiss et al., 1998). There are many other post-WWII examples of rape being used as weapons of war to defeat, humiliate and dominate the enemy, such as Bangladesh in 1971; Somalia in early 1990s; the Kashmir armed conflict in 1947 and post 1988; the civil war in Peru since 1980 onwards; the civil war in Sudan (from 1983-2005) (El Jack 2003; McGinn 2000; Human Rights Watch 1995; 1996; Sharlach, 2000; WHO, 2021).

It is important to emphasise that these statistics only represent reported cases. Actual rates are probably much higher, but remain underreported due to stigmatization. As an example, only 6% of rape victims in Rwanda (of an estimated 3-400,000 women; Human Rights Watch

1996) and 7% of victims in East Timor have reported their experiences to the authorities or in medical centres (Hynes, et al.,2004; Ward & Marsh, 2006).

Most of the aforementioned studies have argued that rape and other forms of sexual violence (occurring both in conflict and non-conflict contexts) are also to be seen as a consequence of a broader socio-political pattern of human rights violations associated with the impunity attached to sexual crimes, and human rights violations in general (see e.g., Freedom from Torture report, 2014; 2018; Shanks & Schull, 2000). For example, in the former Yugoslavia wars during the 1990s, an estimated 12,000 to 50,000 women and men were raped systematically in Bosnia and Herzegovina, and 20,000 in Kosova (Amnesty International, 1993; Human Rights Watch, 2000; Shanks & Schull, 2000; Swiss & Giller 1993). Systematic war rape in former Yugoslavia was used for the purpose of ethnic cleansing with the aim to destroy whole communities through terrorising families and as an instrument of extortion to push people to leave their homes and country (Fitamant, 1999; Lončar et al., 2006; Salzman 1998).

Although women are more often a systemic target based on their gender and are increasingly victims of sexual violence in war situations, men are affected too (Jansen, 2006; Liebling et al., 2007). Despite the lower prevalence of men war rape victims and presumably bigger underreporting than women (which will be addressed shortly), research has documented conditions under which men become war rape victims. According to Carlson (2006) men were mostly sexually assaulted in war prison camps. In former Yugoslavia sexual assault and violence on men was so frequent that, in Carlson's (2006, p. 16) words it constituted "*war making itself*". Evidence from the war in Bosnia and Herzegovina shows that men were castrated, and prisoners of war were forced to become sexual slaves. Further, according to the report by Bassiouni (1994) men were also forced under life threatening circumstances to rape their own female family

members. Similar war experiences have also been reported in other countries (see Ward & Marsch, 2006) however documentation is very difficult. Most recent reports of war rape and other forms of sexual violence have become known from the war in Ukraine (UN, 2022).

Documenting war related SGBV is very challenging due to the complex ethical, safety, and stigma issues, ultimately resulting in it being underreported (Nordås & Cohen 2011). It is therefore difficult to obtain reliable statistics about SGBV at war (Refugee Council, 2009) and it has to be assumed that actual numbers might be much higher. War rape, while in general underreported, is more frequently reported by women than men (Carpenter, 2006). The wider gender inequalities in society also contribute to the differences in war experiences by men and women. Some of those will be discussed next.

1.2.1 Additional Gender Vulnerabilities in War

Men of fighting age are more likely to be drafted and subsequently killed or injured fighting in conflict. However, most victims of armed conflict and war are civilians, women and children (ICRC, 1991). This occurs either directly as fatalities and casualties, or indirectly when family and community systems disintegrate (Byrne 1996). For example, the majority of victims of war related SGBV are women and girls who live in camps or have been internally displaced (UNHCR, 2001).

Liebling and colleagues (2007) argue that one explanation for women and children's wartime vulnerability stems from the patriarchal nature of the society within which many wars occur. Specifically, while men are involved in combat (Liebling et al., 2007), women are often left physically unprotected while tending to their gender-normative role of taking care of the children and the elderly. Moreover, in most cases, women do not have the same resources as men and the socio-economic power to control their environment.

Patriarchy is observed globally, and even in more developed countries: latest movements on abortion laws, whether in countries such as Poland (strictest abortion laws in Europe) (Sieniawski, 2022) or the USA (Werbel, 2022), are some examples of political oppression against women's freedoms and rights in society in peacetime. That said, warfare as such, both as a representation of political power and assertion of values, remains widely a patriarchal practice worldwide which defines war experiences within the socio-cultural context of gender norms (Turshen & Twagiramariya 1998). Furthermore, the patriarchal structures of societies determine how narratives of war (SGBV experiences at war) are constructed and shared publicly (or silenced).

1.3 Historical Narratives of War Related SGBV

Historically, war rape and other forms of SGBV have been silenced and rarely documented (Sinnreich, 2008; Waxman, 2003). For example, studies of female Holocaust survivors (Ephgrave, 2016; Jacobs, 2010; Goldenberg, 2007) have shown that many war rape victims remained silent because they felt that their rape stories were not worthy of mentioning compared to the millions of killings during the war (Banwell, 2016; Ringelheim, 1999; Sinnreich, 2008). These feelings are reflected in the overall historical narratives of war which have ignored or side-lined women's experiences (Waxman, 2017). Consequently, war experiences of being subjected to sexual violence are often excluded from public, collective, and formal commemoration, while war narratives that portray experiences of male heroism are frequently documented (Kellezi & Reicher, 2014; McDowell & Braniff, 2014; Muzaini & Yeoh, 2005).

The inequality of women's and men's war experiences in historical narratives reflects gender inequality in power structures (e.g., political, social, economic etc.) and in society in general (Butler, 1990; van Dijk, 1993). Women have had less access to power and thus to

dominant discourses and knowledge which have shaped societies (Butler, 1990). Women's experiences of violence were ignored and for too long did not even inform the universal principles of Human Rights (MacKinnon, 1993). For example, documents from the WWII Nuremberg and Tokyo War Crime Trials did not include war rape as a specific crime (Levy, 1994). The topic of war rape would become naturally then one of the key preoccupations for feminist scholars and activists, who reflected on the overall underrepresentation of women's war experiences in historical narratives and public discourses post war.

1.4 Feminist Perspectives and Discussions on War Related SGBV

One of the major debates amongst feminist scholars was whether SGBV should be understood as an opportunistic crime facilitated by the general breakdown of social order during war (see e.g., Butler et al., 2007; Cohen, 2013), or as a war strategy used purposely to attack and destroy socio-cultural values of opposing groups (see e.g., Allen, 1996; Bloom 1999; Farr, 2009; MacKinnon, 1994; Sharlach 2000). Most arguments suggest that despite some opportunistic components, in most cases it is a systematic violent attack on whole communities and ethnic groups (Davis & True, 2015; Farr, 2009). The very public nature of most SGBV, undertaken in the presence of family or community members with the aim of humiliating and shaming the victim in presence of others (Kellezi & Reicher, 2012) supports the argument that war related SGBV is more than an opportunistic act.

Another crucial debate amongst feminist theorists relates to whether war related SGBV is sexist or genocidal. Those who argued that war related SGBV are sexist crimes were concerned that viewing war rape as genocidal would risk ignoring victims from the other ethnic group. For instance, Brownmiller (1993) argued that instead of focusing on the race of the perpetrators and

the victims, one should pay attention to the perpetrators' gender, particularly their male identity. Copelon (1994) also advocated in favour of a gender-focused approach. Due to the difficulty in substantiating accusations of rape, she claimed that defining war related SGBV as genocide would risk making the act of war rape invisible and unpunishable because the act of proving genocide requires engagement with complex and slow political and judicial processes. Copelon (1994) also reiterated that women were raped more frequently because of their sex than their ethnicity.

However, those academics and activists who argued that these rapes should be considered acts of genocide (e.g., MacKinnon, 1994) argued that the perpetrators (e.g., Serbs) were deliberately raping identity-specific women (e.g., Bosnian Muslims) as a method of ethnic cleansing. As such, these war rapes were not the same as peacetime rape, where the gender-focused approach appears to be more appropriate. This is not to say that gender is not a factor in war experiences, but rather that war based SGBV when used systematically, is, by its very nature of what it intends, genocidal. For instance, she argued, that what distinguished war based SGBV in Bosnia from other instances of SGBV was that the Serbian regime used it as a weapon in their genocidal war against the Bosnians for political and territorial control over Bosnia (1994). Other academic and scholars have also supported the view that war related SGBV is used as an instrument of warfare and a deliberate collective strategy against a group of people for political and military purposes (see e.g., Davies and True 2015; Farr, 2009).

Other scholars focused more on the militarization and power of one group over another arguing that conflict intensity and militarisation drive collective rape (Green, 2006). It has been also suggested that the presence of ethnic divisions alone is not strongly correlated with the occurrence of SGBV in war (Green, 2006), supporting the hypothesis that it is the group's status and the power imbalance between groups and militarisation that explains the occurrence of war

related SGBV (Davies & True, 2015). Considering how most wars involve groups that are not equal in power, the emphasis on the power and status of one group over the other can explain not only war experiences but also underlying factors that lead to them, especially considering how wars are preceded by some form of group domination/discrimination through, for example, political and social oppression of smaller/less powerful groups. However, neither of these different arguments should be read isolated. Often, all these different factors (e.g., gender inequality; group power; militarization; cultural norms of sexual purity and honour; ethnic background etc.) are interlinked and together are used to instrumentalize war rape as a weapon of war.

In sum, the prevailing view today, which informs policies, is that war rape and SGBV at war is an attack on individual integrity, but that it is also aimed at fostering an atmosphere of fear and submission within a broader group of people who are attacked because of their identity and group status (e.g., ethnic, religious, etc.). Furthermore, it has been widely acknowledged that patterns of war related SGBV are not random, but rather show a strategy of militarisation, with the purpose of indirectly attacking and destroying the opposing group, especially when this group feels a duty to protect their own members (Manjoo & McRaith, 2011). War related SGBV thus attacks the group's cohesion and the sociocultural fabric that gives meaning to a particular group identity.

What most feminist scholars agree on is that regardless of how war related SGBV is characterized (e.g., motivated by ideology, group status, or opportunistic factors; see Butler et al., 2007; Cohen, 2013; Farr, 2009) it is a form of political violence facilitated by structural gender inequalities in family, society, and state (Davies and True 2015; Enloe, 2000). In line with this, True (2012) argues that the social, political, and economic factors that cause a person or group to select certain victims for this particular kind of violence should not be undervalued, regardless

of whether sexual assault is supported by individual, group, systemic, or opportunistic dynamics. Legal definitions are also important in these arguments as the next section outlines.

1.5 Key Legal Developments in Addressing War Related SGBV

Although the *1948 Convention on the Prevention and Punishment of the Crime of Genocide* (UN, 1948) defines forms of torture that create serious physical and mental harm based on ethnic, national, or religious identity as genocide, it fails to explicitly recognise rape as genocide, ignoring the well-documented physical and psychological consequences for the survivors of rape, as well as for their families and communities (Sharlach, 2000). However, since 1948, and especially in the past twenty years, there have been developments in political actions taken to first legally recognise war rape as a destructive war tactic used to systematically harm whole communities, and then to condemn the use of war rape as a weapon of war and recognise the rights of victims for justice, as well as to engage states to work towards future prevention of war rape.

Thanks to the lobbying efforts of women's organisations, the 1998 Rome Statute which established the International Criminal Court, is the first international legal document to recognise war related SGBV as an act of genocide (Article 6), a crime against humanity (Article 7), and a war crime (Article 8) (International Criminal Court, 2011). In 1998, mass rape in war was also recognized as an act of genocide (defined as genocidal rape) by the International Criminal Tribunal for Rwanda (ICTR) (Chalk, 2007). In 2001, the International Criminal Tribunal for former Yugoslavia (ICTY) in the case 'Prosecutor v. Kunarac, Kovac and Vukovic' found the accused guilty on charges based solely on crimes of sexual violence against women (Ellis, 2007; ICTY, 2001). This was the first time in the history of international war crime prosecution, that sexual violence was exclusively prosecuted as a war crime and a crime against humanity. These legal changes

following the wars in Rwanda and Ex-Yugoslavia are also the first indication of a narrative shift in international political and legal discourses in relation to war rape and sexual violence.

In 2000 the UN Security Council adopted the Security Council Resolution 1325 (UNSCR, 2000), which states that the understanding of the impact of war on women and girls should inform institutional mechanisms to protect and secure their participation in peace building processes and thus contribute to international peace and security. The document makes a call to UN members to include a gender perspective and participation of women (and girls) in peace building processes. It was felt that participation of women would lead to the reduction of existing gender power imbalances and a better understanding of how men and women experience war and peace differently due to socio-political factors that perpetuate their inequalities. These and other developments (e.g., Resolution 1820 aiming at prevention strategies of SGBV at war, UNSCR, 2008) mark a positive step toward addressing war related SGBV by influencing policies that can ensure that victims receive justice, and by ensuring that countries have more democratic and inclusive approaches to justice post-war and conflict, known as Transitional Justice Processes (Annan, 2004).

Transitional Justice Processes are complex processes that relate to a post-war/conflict/dictatorship society and its socio-political efforts to deal with the past in terms of bringing justice to victims, establishing truth, ensuring accountability, offering reparations to survivors, and reaching reconciliation and peace (Clark & Ungar, 2021). They are often intergenerational processes which are integral to healing and building resilience in post war societies (Wiebelhaus-Brahm, 2017). Most societies struggle to implement these processes, and victims remain dissatisfied with progress (Manjoo & McRaith, 2011). In terms of criminal justice processes, very few perpetrators are prosecuted and sentenced for war rape and SGBV at war.

For example, despite an estimated 20,000 SGBV victims of the 1998-1999 war in Kosova, it is only in 2021, that the first perpetrator of SGBV was convicted with 10 years' imprisonment (Humanitarian Law Center Kosova, 2021). Part of the challenge with criminal justice processes relates to the underreporting of war related SGBV (Kellezi & Reicher, 2014; Schmitt et al., 2020). In addition, political processes, such as for example, the hesitation of the State to challenge cultural structures and recognize and support war rape victims play also an integral role in defining the outcome of justice processes.

Lack of justice and legal recognition also translates into limited support for victims and additional negative consequences. For instance, being denied formal recognition negatively affects victims' strategies for reframing their sense of self after the war (Gray et al., 2019), as well as negatively affecting the reactions of their communities towards them (Kellezi & Reicher, 2014), both of which hinder healing and recovery (Wiebelhaus-Brahm, 2017). Supporting this observation, formal recognition of victims and support for justice-seeking has been shown to contribute to reductions in social stigma and in long-term improvements in war rape survivors' wellbeing (Sharlach, 2000). The next section will review evidence of the social impact of war related SGBV in more detail.

1.6 Social Consequences of War Related SGBV

As a collective experience, war destroys societal, economic and political structures affecting whole communities and states (Sideris 2003; Summerfield, 2000). Within this context, SGBV represents an additional social challenge due to long-lasting consequences for the victims themselves, but also for whole communities that share same cultural (ethnic) identity (Campbell et al., 2001; Kellezi & Reicher, 2014; Sideris 2003; Summerfield, 2000). Clifford (2008) identifies

sexual violence against women as an assault on 'body-politics' that aims to destroy an entire sociocultural system and is therefore directed at collective identity and integrity. Given that in many societies, particularly those with strong patriarchal values, women are viewed as family caregivers and as being responsible for the upbringing and education of children, when women are raped, the damage is felt on an individual, but also on the family and ethnic/national level (Kellezi & Reicher, 2014; Sideris, 2003). Moreover, there is stigma surrounding sexual violence which results in exclusion and social isolation, preventing help-seeking and receiving the necessary support (Albutt et al., 2016; Kellezi & Reicher, 2014; Schmitt et al., 2020). In addition, stigma contributes to the low rates of sexual violence reporting, because in addition to shame and blame, survivors fear further abuse and violence in the aftermath (Kellezi & Reicher, 2014; Siders, 2003).

Public and political discourses play also an integral role both in shaping as well as maintaining the stigma felt by survivors of war related SGBV. Analysing refugees' discourses from the Democratic Republic of Congo, Gratton (2008) noticed that male war rape survivors were described as 'homosexual', thereby implying some level of collaboration between the victim and the perpetrator as well as a sense of 'weakness' and loss of 'manhood' within a culture where homosexuality is perceived as anti-normative. Meanwhile, female war rape survivors were described as 'worthless', 'prostitutes', etc. (Gratton, 2008). This is in line with what Sideris (2003) observed in women's testimonies from Mozambique, who expressed views that a raped woman has lost her 'purity' and therefore has dishonoured her family. Similar observations were made by Kellezi and Reicher (2014) regarding experiences during the Kosova war in 1998/'99, where rape remained unspeakable, thus underlining the important roles played by culture and gender roles in affecting how war rape is understood and responded to within

patriarchal societies (Sideris, 2003). Moreover, even when there is a sense of compassion for the victim and an understanding of the trauma they have endured, society still labels these victims as 'damaged goods' (Bennett et al., 1995).

Consequences of SGBV affect more than the individual. For example, Bennett et al. (1995) have argued that by raping women at war, perpetrators aim to 'dishonour' women and thus violate the legacy of their husbands/fathers/brothers as protectors of their families' honour. This means that family members also suffer the negative social consequences associated with the stigma surrounding war rape, because they have failed to prevent it. However, consequences of war rape (exacerbated by stigma) are also psychological and involve both survivors directly as well as family members as evidenced in the next section.

1.7 Mental and Physical Health Consequences of War Related SGBV

SGBV has long-term health-related consequences for survivors adding to the other (Kellezi & Reicher, 2014; Summerfield, 2000) health-related consequences of war in general. For example, nearly half of war survivors suffer from some form of psychological difficulties in the aftermath (WHO; 2005). A meta-analysis (Hoppen & Morina, 2015) estimated that of the 1.45 billion people who have experienced war between the years 1989-2015, 345 million adults (one in four) suffered from posttraumatic stress disorder (PTSD) and/or major depression. Following the war in Kosova, around 37.3 % of the general adult population had major depression and 18.2 % were suffering from PTSD related to their war experiences (Priebe et al., 2010). While remission of PTSD can occur in the years following war (Kessler et al., 2017) over half of war survivors continue to suffer from PTSD many years after the war (Hoppen et al., 2021).

War rape is argued to be associated with higher levels of PTSD and/or other disorders (Breslau et al., 1999; Brewin et al., 2000; Tolin & Foa, 2006). For example, among a sample of

Congolese women who had reported experiencing sexual violence, 67% had major depression and 76% had PTSD (Johnson et al., 2010). Similarly, high prevalence of PTSD (31%) and major depression (76%) was observed among war rape survivors in Bosnia (Lončar et al., 2006). This is concerning considering that many war survivors are not able to receive needed psychological help in countries where, for multiple reasons, there is a lack of capacity and/or ability to support survivors appropriately (Kellezi & Reicher, 2014; Morina et al., 2014; WHO, 2005).

Rape can also lead to additional risks for women such as HIV/AIDS (Cohen et al., 2015; Heise, Ellsberg, & Gottemoeller, 1999) and other sexual and reproductive diseases (Ba & Bhopal, 2017; Brittain, 2003; Johnson et al., 2010; Kohli et al., 2012; Mukwege & Nangini, 2009). For example, in Rwanda, 17% of women who were displaced, and 67% of rape survivors were HIV positive (McGinn, 2000). Being HIV positive is associated with further stigma, and also bears the risk of prolonging the legacy of the rape by spreading the virus to others. In fact, it has been shown that spreading HIV and impregnating women was used as deliberate ethnic cleansing tactics (Rehn & Sierlief, 2002).

Another factor that often negatively impacts the health and wellbeing of war rape survivors is poor access to healthcare and limited medical resources (Kohli et al., 2012). Research has shown that limited access to healthcare impacts women's reproductive health, with serious implications for their general health, including unwanted pregnancies and premature mortality rates (Kohli et al., 2012; McGinn 2009), traumatic genital injuries, rectal and vaginal fistula, sexual dysfunction, back injuries, burning and cutting marks, to name a few (Ba & Bhopal, 2017; Kinyanda et al., 2010; Mukwege & Nangini, 2009).

However, understanding psychological consequences of war related SGBV and how survivors cope in the aftermath, requires consideration of wider socio-cultural factors which

maintain stigma and influence the environment where survivors live, as stigma is both a collective and cultural phenomenon. Most research on collective traumatic experiences, especially war experiences, has applied individualist and/or Western models to investigate survivors' experiences. Their contributions and limitations will be discussed in the next section.

1.7.1 The Limitations of Individualistic Perspectives and the Advantages of Identity Based Approaches in Understanding War Related SGBV and Its Consequences: A short summary

Most research investigating the impact of collective traumatic experiences such as war have for a long period applied individualist Western medical models (e.g., biological, cognitive, behavioural) to understand the experiences of war trauma survivors (Summerfield, 2000). While Western understandings of PTSD do have merits (as elaborated above), their reliance on individualist concepts has caused concerns in how well they can explain the complex nature of trauma in societies that nurture more collective lifestyles (Bracken et al., 1995; Kellezi et al., 2009; Summerfield, 1995; 2000). For example, the Western PTSD models fail to acknowledge that, despite having significant high trauma symptoms, many victims of war engage in coping strategies and remain active in trying to maintain their social world (Summerfield, 1995).

Summerfield (1995) has also argued that PTSD symptoms can mean different things in different cultures. For example, research has shown that survivors' feelings of vulnerability and their appraisals of social support and evaluation by others, differ between societies that are more individualist oriented than those who are more collectivistic in nature, also because of the cultural beliefs attached to their traumatic experiences, for example, shame associated with rape (Schnyder, 2016). Research has also shown that the social and cultural structures which provided people with emotional stability and a sense of security, are destroyed during wars (Sideris, 2003; Summerfield, 1995; 2000). As such, war psychological trauma cannot be fully understood outside

the socio-cultural context in which it occurs (Schnyder, 2016). Critical approaches to psychological trauma and feminist scholars have highlighted the dangers and limitations of such individualistic approaches.

Firstly, research on war rape consequences has shown that socio-political patterns of patriarchal structures and gender constructions; the impunity attached to sexual crimes, and human rights violations in general (see e.g., Bennett et al. 1995; Enloe, 2000; El Jack 2003; Davies and True 2015; Kellezi & Reicher, 2012; 2014; McGinn 2000; Sharlach, 2000; Shanks & Schull, 2000; Swiss et al., 1998) have been integral to understanding war rape consequences and investigating processes of coping with trauma in the aftermath (Campbell et al., 2001; Kellezi & Reicher, 2014; Sideris 2003; Summerfield, 2000) involving victims, their families and the community they live in (Bennett et al., 1995).

Secondly, many studies have shown that survivors have kept their experiences silent fearing they will be misunderstood or judged (Ephgrave, 2016; Jacobs, 2010; Goldenberg, 2007; Banwell, 2016; Ringelheim, 1999; Sinnreich, 2008) leading to exclusion from public, collective, and formal commemoration, while war narratives and discourses empowering images of male heroism dominated the public sphere (Kellezi & Reicher, 2014; McDowell & Braniff, 2014; Muzaini & Yeoh, 2005). While challenging the lack of representation of war rape in collective historical narratives was important, another problem was identified by feminist theorist pertaining to ways of representation. Feminist scholars critiqued that the discourses on war rape position victims as vulnerable, sensitive, powerless and in need of protection (Brown, 1995; Carpenter, 2006; Halley, 2008; Henry 2014). These representations lead to denial of survivors' agency and resilience, often leading to further exclusion from representations and redress practices (e.g., when they do not fit within these 'ideal' images) (Soh, 2008).

Feminist theorising and critical approaches to individualistic understanding of trauma, have led the way towards a paradigm shift in understanding SGBV at war and its consequences as collective experiences that are linked to group processes which develop in given social, political and cultural contexts (Sideris, 2003; Kellezi & Reicher, 2014) (as opposed to for e.g., clinical or sociobiological models focusing on genetically/ biologically and motivational factors). In addition, they have also contributed to challenging gendered dominant discourses where the subjectivity of victims was limited within images of passive victimhood.

Building on previous research that has shown that identity based process (e.g. gender norms) impact how people cope and appraise war (Kellezi & Reicher, 2012; 2014) the Social Identity Approach (Tajfel & Turner, 1986), a social-psychological model that accounts for group processes as well as the social, political and cultural context, is applied in this research to investigate more in-depth the long-term psychological consequences of war rape and stigma for affected people, their families and the communities (e.g., Engelbrecht & Jobson, 2014; Kellezi & Reicher, 2012 Summerfield, 1995; 2000).

The Social Identity Approach (SIA; Tajfel & Turner, 1986), which is an umbrella term used to describe the central tenets of Social Identity Theory (SIT; Tajfel & Turner, 1979) and Social Categorization Theory (SCT; Turner, Hogg, Oakes, Reicher & Wetherell, 1987) allows for exploration of these different group factors impacting on the health and wellbeing of the individual and their groups. Furthermore, it provides an explanation for how the individual and their social world interact, and how these interactions shape meaning making and coping with trauma. SIA also provides an understanding of how different systems, influence trauma exposure and post-traumatic reactions. SIA enables investigation of the impact of social identities on health and wellbeing and offers a more comprehensive perspective for understanding the

consequences of war trauma in general and war rape experiences in particular, by conceptualising these processes as interlinked dynamics between the individual and the social groups to which they belong (Kellezi & Reicher, 2012; 2014). The next chapter will introduce SIA and its application to the topic of health and wellbeing.

Chapter 2: Social Identity Approach to Health and Wellbeing (SIAH)

This chapter introduces the SIA as a whole and then moves on to explore the Social Identity Approach to Health (SIAH), also known as The Social Cure approach (Jetten et al., 2012). The potential harming effects of groups, better known as the Social Curse processes (Kellezi & Reicher, 2012; Stevenson et al., 2014) will also be introduced. Both SIA and SIAH comprise of large bodies of literature so this chapter will focus on those developments and findings that are key to understanding experiences of SGBV.

2.1 The Traumatic Origins of Group Process Theories

Between the years 1933 and 1945 around six million Jews, along with Romani people, homosexuals, people with disabilities, political enemies, and other ideologically undesired groups by fascists, were murdered in Europe. In the state of collective trauma and despair after WWII, social psychologists tried to understand how such appalling acts of purposeful harm to others could have occurred.

At that time, the predominant social psychological theories that could help understand what happened, focused on prejudice arguing that prejudiced behaviour is caused by personality traits (e.g., Allport, 1924). Such individualist approaches were driven by the work of Adorno and his colleagues (1950), which led to the identification of the 'authoritarian personality' who they argued was at the root of the hatred exhibited in WWII. The authoritarian personality was seen as the outcome of a strict and harsh upbringing, and an authoritarian individual was defined as someone who is outwardly respectful of authority, but internally despises it (Adorno et al., 1950). While influential, the personality explanation for prejudice had significant shortcomings, such as

the failure to explain how a whole generation of people suddenly become authoritarian Nazis and committed such widespread crimes. In short, these theories talked about processes of upbringing but avoided mentioning culture and social context in which upbringing was a social phenomenon and merely focused on the individual.

Research before WWII produced a social psychology and theorizing which was dominated by individuality of psychological processes and ignored the social realities in which the individual was imbedded. The idea of exploring human behaviour by investigating group dynamics was not popular before WWII. Indeed, many years before Adorno's research, Allport had influentially concluded that "*there is no psychology of groups which is not essentially and entirely psychology of individuals*" (Allport, 1924, p.4, see Hoggs & Williams, 2000), thus leading to social psychology having a strong interpersonal and intrapersonal focus for decades.

The shortcomings of individualist approaches were addressed by social psychologists who understood that the group context within which prejudice occurs might be more important than the personalities of the individuals involved. Ultimately, WWII atrocities led to more social psychologists becoming increasingly interested in exploring the role played by group dynamics in the development of prejudice and discrimination. For instance, Sherif et al. (1961) believed that prejudice originated from competitive intergroup relationships, and explored this idea with the famous Robbers Cave Experiments (Sherif et al., 1961). From these experiments, Sherif developed the Realistic Group Conflict Theory of intergroup relations (Sherif, 1966), which posits that intergroup conflict, prejudice, and discrimination arise in situations where groups are in competition for scarce resources or power or have conflicting goals. However, while this was a valid theory to explain conflict when there is competition for resources, it still did not explain intergroup conflict and prejudice when there is no competition between groups for resources.

Influenced profoundly by the events of WWII, Tajfel wanted to develop a clear understanding of how extreme acts of prejudice leading to genocide came about (Billig, 2002; Tajfel, 1981). Tajfel was deeply suspicious of the personality theory of prejudice: he had personally witnessed the millions of 'ordinary' and 'non-authoritarian' people who sympathized with the Nazi regime (Tajfel, 1981; Tajfel & Turner, 2004). Further, while he appreciated intergroup conflict theory's consideration of group dynamics, he noted that the groups involved in WWII were not in competition for resources to the extent that it would justify such extreme favouritism towards the ingroup and prejudice towards the outgroup.

2.2 Social Identity Theory (SIT) – Social Psychology Turned Towards Society

The Social Identity Theory was developed following a series of group studies, also known as "the minimal group studies" (Tajfel, 1970) that investigates minimal conditions under which group discrimination can occur.

2.2.1 The Minimal Group Paradigm Studies

Tajfel and colleagues wanted to explore whether people exhibit group identification (i.e., a subjective sense of belonging to a group) and ingroup bias (i.e., preferential treatment of one's fellow group members over out-group members) when the groups in question were essentially meaningless. These minimal groups were created arbitrarily in the laboratory: their members had no pre-existent group norms, no particular values, no history, and no future common goals. This meant that there was no cause for competition between groups, nor any rational reason for participants to feel as though they belonged to the group in question (Tajfel et al., 1971). In Tajfel and colleagues' (1971) well-known minimal categorisation experiment they recruited forty-eight 14- to 15-year-old schoolboys who were all strangers to each other. The boys were

then shown six paintings in pairs (one Klee and one Kandinsky, although the boys did not know which was which). Based on their preferences for one painting or the other, each boy was placed in the 'Klee group' or the 'Kandinsky group'. However, this placing was entirely random. Tajfel and Turner (1985) referred to these groups as purely cognitive and therefore "minimal", because one's belonging to the group was void of any socio-historical rationale or conflict. All there was to the group membership was the knowledge that they belonged to one group as opposed to the other. The boys in the two different groups were told to distribute resources made available to them between members of the ingroup and outgroup. Studies were designed to allow participants to divide their resources:

a) equally between the two groups to achieve the maximum joint profit for the two groups

or

b) by trying to maximize the own group's profit.

c) by sacrificing the maximum ingroup profit to maximise the difference between the ingroup and the outgroup's resource allocation (Tajfel et al., 1971).

Tajfel and colleagues (1971) found that option 'c' was the most frequent choice. This was surprising, as it meant that the boys left the experiment with less money than they would have if they had all given each other the largest possible amount of money. This desire for intergroup differentiation in a minimal group context was an important finding. While it seems straightforward to understand why acts of prejudice may occur between long-established social groups which share historical narratives and have complex sets of norms and values, Tajfel and colleagues (1971) showed that even the most trivial criteria were enough to encourage members of one group to favour their group and discriminate the other. This calls into question the

assumption that people only demonstrate discriminatory behaviour for personal gain (Tajfel et al., 1971). Instead, it suggests that humans have a deep-seated need to maximise the perceived differences between their group and other groups, whatever the nature of those groups might be (Tajfel & Turner, 2004).

As a result of a range of minimal studies that followed, Tajfel and Turner concluded that being assigned to a particular group motivated the participants to develop a positive and distinctive social identity attached to that group, through the process of categorizing themselves as members of one group and acting upon it by e.g., differentiating how many points are allocated to the two groups (Tajfel, 1972). In summary, the findings of the minimal group studies proposed that social categorisation was sufficient for in-group favouritism and out-group discrimination (see Billig & Tajfel, 1973; Tajfel et al., 1971; Tajfel & Billig, 1974).

The minimal group findings suggested that social categorisation is central to explaining biased and prejudiced behaviour and that the effects seen in the minimal group studies were underpinned by *social identity*: the sense of self that one derives from the social groups to which one belongs (Tajfel et al., 1971). Having established that self-categorisation is enough to trigger discriminatory and biased behaviour based on group memberships, Tajfel went on to investigate the many questions that arose from the minimal group findings. For example: why would people show ingroup bias in a context where the categorisation of people into ingroup and outgroup was entirely trivial, and where they had nothing in common with their fellow group members (beyond them all sharing a preference for Klee or Kandinsky)? Why would a member of a group care more about maximising the difference between their group and the outgroup, rather than focusing on maximising the overall economic gain for their group? It was the investigation of questions like these that led Tajfel and Turner (1985) to develop Social Identity Theory (SIT) and

Social Categorisation Theory (SCT). The tendency for people to divide their social worlds (including themselves: *self-categorisation*) up into categories was defined as 'Social categorisation'. According to Tajfel and Turner (2004, p. 283) social categories "*also provide a system of orientation for self-reference: they create and define the individual's place in society.*"

In other words, social categorisation provides information to an individual that help them make meaning of others and themselves in a given context through group identities. For example, someone identifies themselves, or someone else as a female, attributing pre-existing gender beliefs on what a female is, and based on the context where that particular identity is considered to be relevant.

2.3 Main concepts of Social Identity Theory (SIT)

Social identity theory has been developed with the aim to explain how social identities affect people's thoughts and behaviours in relation to their ingroup and the outgroup. Social Identity Theory postulates that when people consider a particular group membership to be central to their self-concept and they have a strong emotional attachment to it, the social identity deriving from it is more influential in their thoughts and behaviours (Tajfel, 1966).

Whereas personal identity refers to an internalised sense of themselves as individuals (the 'I' and 'Me'), social identity is the individual's knowledge of belonging to a group (the 'We' and 'Us'), membership of which has an emotional value for them (Tajfel & Turner, 1985). The minimal group studies showed that group behaviour derives from the cognitive processes that enable individuals to define themselves in terms of internalized group memberships (Tajfel & Turner, 1985).

A key principle in SIT is the notion that people categorize and define themselves and

others into social groups and strive to have their group more valued than other groups (Tajfel & Turner, 1985). It is argued that one's social identity is key to fostering self-esteem and a sense of belonging to the social world (Tajfel, 1978). To explain how people evaluate themselves and others as part of an in-group and out-group, Tajfel & Turner (1985) have identified three strategies: social identification, social comparison and social categorisation.

Social identification underlines the fact that once people identify with certain groups and associate with them, their collective identity becomes what the in-group represents for them in terms of values, norms and culture (Tajfel & Turner, 2004). This process also involves developing an emotional attachment to the identification with the group(s) through which self-esteem is tied up to group membership (Tajfel & Turner, 1979).

Social categorisation explains how people place themselves and others into social categories based on different criteria and stereotypes to make sense of the social world (Tajfel & Turner, 1979). One of the main functions of stereotypes, for example, is to help us categorise people quickly. The process of categorisation divides the social world into 'us' (in-group) as being different from 'them' (out-group) (Tajfel & Turner, 1979; Turner, 1985). We see this kind of categorisation in our social worlds every day and engage in it constantly (Tajfel, 1981; Tajfel & Turner, 1979). This means that we make a distinction between groups that 'we' belong to and groups that 'we do not' belong to (Tajfel & Turner, 1979; Tajfel, 1981). The context of these self-categorisation processes is sensitive to social identity, as it is in comparison with 'others' that we derive meaning regarding who 'we' are (Haslam & Turner, 1992).

Social comparison relates to people comparing the group(s) they identify with, with other groups. It is by comparison that group members attempt to boost their self-esteem and sense of group belonging, thereby enhancing their social identity (Tajfel & Turner, 1979). Indeed, one's

striving for a positive self-concept underlines the psychological need to associate the in-group with positive connotations and the out-group with negative connotations (Tajfel & Turner, 1979). Key processes associated with evaluations of social groups to boost self-esteem, relate to the social pressure (e.g., in fear of being marginalized due to stigma) to conform to the ingroup's norms (known as within-group assimilation) and to intergroup bias concerning the tendency to evaluate one's ingroup more positively in comparison with the outgroup (known as ingroup favouritism) (Brewer, 1991; Everett, 2015; Leaper, 2011; Picket et al., 2002). For instance, one may focus on the ingroup's positive traits while simultaneously focusing on the outgroup's negative traits. They will also display discriminatory behaviour and prejudice towards the outgroup if doing so helps make the in-group look better and thus increase the value of the in-group, even when there is no economic gain or historical conflict of interest that underlies the intergroup context. The mere awareness of the existence of the outgroup makes it possible to compare the ingroup and outgroup, and thus members of both groups will strive to achieve higher 'value' for their group than for the outgroup (Tajfel & Turner, 1979).

2.4 Self-categorization And Contextual Factors

Group processes must be understood within their historical, cultural, and social context, as these contexts are key to the human social experience (Tajfel, 1982; Wetherell, 1982). Turner and colleagues (1997) saw the concept of self as embedded in the reality of human experience and in the variability of realities that are always moving and changing. The authors argued that self-categorisations differ based on contextual factors (Turner et al., 1987; Turner & Oakes, 1997). When social contexts change with time, because of diverse factors (e.g., war, job loss, injuries, ageing, migration etc.) our meaning of group memberships changes as well (Turner et al.,

1987). As a result, through self-categorisation we will seek to 'harmonize' with values and norms that give meaning to ourselves as a member of society; or group, in this new social context (Turner et al., 1987). In other words, it is within a given social (cultural, political) context that social identities get their meaning. For example, depending on the social context personal or social identities may be more salient (Hewstone et al., 2002). For example, among close friends, personal identity may be more predictive of the behaviour one shows, while when interacting with colleagues at work, social identity pertaining to the professional group's norms and values becomes more salient.

The salience of social identities determines the experience and behaviour of individuals and groups. For example, research has shown that prejudice and discrimination are more likely to occur when social identities are salient, while when intergroup differences are downplayed, they can mitigate prejudice (Hewstone et al., 2002). Furthermore, the more people define themselves in terms of shared social identity, the stronger the influence they will have on each other (Haslam et al., 2018). For example, the more one identifies with one's gender, the stronger the social influence on each other, due to perception that they share gender based discrimination, or have a better understanding of each other better.

2.5 Responding to Identity Threat

One key aspect of SIA (Turner et al., 1987; Tajfel & Turner, 1987) which is relevant to this thesis relates to what strategies are used when group members are confronted with and perceive a threat to their identities. As discussed earlier, people strive for positive self-esteem attached to their identities and group memberships. To restore and/or maintain a positive identity people use different strategies that are available to them within a given social context.

2.5.1 Threatened Social Identities – Strategies of Restoring Positive Identity

According to SIA people will try to regain their positive identity when it has been compromised or undermined (e.g., through discrimination). For example, research with American citizens conducted by Branscombe and Wann (1994) showed that stronger identification with national identity or a sports team, was linked with decreased self-esteem when these groups performed poorly or were threatened by out-groups (Branscombe & Wann, 1994; Wann & Branscombe, 1990). However, when e.g., the Americans felt threatened by a Russian outgroup, they responded with a higher motivation to engage in group behaviour to increase their self-esteem and positive identity by using derogatory language to attack the out-group (Branscombe & Wann, 1994; Haslam et al., 2018). Other studies showed similar results (e.g., Ethier & Deaux, 1994): when members perceived their group identity was threatened, they engaged in collective activities to restore their positive identity by, for example, coming closer together, challenging the perceived collective threat and reframe the meaning of their identity through ingroup connectedness.

This shows that the impact of identity threat, or the perception of threat while being associated with negative consequences for those associated with it, can also have positive outcomes for people of a group that comes together to challenge it. There are, however, different factors that play a role in how strategies for restoring positive identity are used and what outcome they produce depending on the context in which individuals and groups find themselves when confronted with an identity threat (Tajfel & Turner, 1979).

According to the social identity approach, people will use three different strategies to restore a positive identity and improve their self-esteem (Tajfel & Turner, 1979; Turner, 1982). The first

strategy is concerned with individual mobility. The second one is related to social creativity and the third refers to social competition. These strategies are dependent on different contextual factors and processes which include permeability of group boundaries, groups status and stability and legitimacy of group relations.

Permeability of group boundaries relates to whether an individual can leave a group that he/she belongs to and/or join another. The level of social identification plays a key role in whether people will consider leaving a group or not. The more a group means to the members, the less likely they will use a strategy that involves leaving the group. So even if the group boundaries are permeable (changeable), the strong identification with the group will limit people's perceptions of individual mobility. In other words, perceptions of permeability are influenced by social identification (Haslam et al., 2018).

Another key factor that impacts the perception of permeability of group boundaries relates to the status of the relevant group in a wider social context. Here too, even if the boundary is perceived to be permeable, people will hesitate to use the strategy of individual mobility and leave the group, if the group in question is associated with a high status in society. For example, studies have shown that in societies where marriage is highly valued women tend to remain in abusive relationships amongst others, because of their overall disadvantaged positions in society as women (lack of education; lack of employment etc.) and because of lack of support from others (see e.g., Zink et al., 2003).

Stability relates to perceptions of whether group status is considered to be changeable or not. While legitimacy refers to the extent to which the status position of a group is perceived to be legitimate/acceptable (Ellemers, Wilke & van Knippenberg, 1993). Existing social structures in society play a great role in people's perception of their possibilities to act in terms of social

identities (Haslam et al., 2018). For example, women who have internalized patriarchal values might be less willing to address and confront gender inequality, because they view their position in society to conform to social norms, maybe even stable (not changeable) therefore accept them as legitimate. On the other hand, women who see their undermined position to be illegitimate (unjust, unfair) and unstable (meaning: changeable) are readier to engage in collective action to achieve social change. Neither the stability nor legitimacy of groups are fixed. They are constantly challenged and change with time within the socio-cultural and political context. Taking gender as an example, the feminist movement in the early 20th century challenged the status quo and demanded equal rights for women (Kang et al., 2017). Considering these factors, next week look at each strategy to restore positive identity in turn.

2.5.2 Individual mobility

In the case of a perceived threat to positive social identity, when group status is considered to be unstable (changeable) and group boundaries impermeable, people will most likely use the strategy of 'individual mobility' by leaving the group (physically and/or psychologically). Studies have shown that people use this strategy for example to escape the stigma associated with their identity (e.g., disability), or to protect themselves from potential harm caused by identifying with a group (see e.g., Branscombe et al., 2012; Dingle et al., 2015).

2.5.3 Social Creativity

When group permeability is not possible and the position of the group in relation to others is seen to be stable (long-term; fixed; unchangeable) and legitimate (fair), the strategy of 'social creativity' will be most likely used to restore positive social identity. This has been demonstrated in different studies. For example, Branscombe and colleagues (2012) observed that people suffering from skeletal dysplasia who did not have the possibility of undergoing

surgery for limb-lengthening (impermeable boundaries) were more likely to combat the stigma attached to their identity, for example by engaging creatively in reframing their identity and group meaning (Branscombe et al., 2012). In sum, the social creativity strategy involves collective group actions that aim at reframing the stereotypes used against stigmatized identities. For example, stereotypes such as 'women are poor drivers' are reframed to a more positive image by showing how women are safer drivers. Other actions of this strategy can involve changing the ways how the ingroup is compared with others (e.g., comparing on some level, but not on all), and managing inferiority and low status by comparing with an alternative outgroup altogether.

2.5.4 Social Competition

In a context where the position of the ingroup is seen to be impermeable (cannot be escaped) and insecure (unstable/changeable and illegitimate/ unfair), it is predicted that members whose group identity is being threatened will most likely use the strategy of 'social competition' whereby they will try to achieve social change (Turner, 1982; Tajfel & Turner, 2004). The social competition strategy involves collective actions that aim to bring social and political change in the status position of the given group. This is often the case in political protests and campaigns where people seek to improve the rights of marginalized groups, or when people come together around different collective initiatives and demand more freedoms and equality (see e.g., Simon & Klandermans, 2001; van Zomeren et al., 2008).

As such, members have agency on shaping group identities and challenging meanings (e.g., fighting against discrimination directed at them as a group), all of which are by fighting together toward shared goals that might otherwise be difficult to be achieved by individuals acting on their own (Jetten et al, 2011). In such context, while belonging to discriminated groups can have negative impacts on the health and wellbeing of people, there is a possibility of gaining a positive

sense of self deriving from the shared goal of fighting against discrimination and injustice.

2.6 Social Identity Approach to Health (SIAH)

SIA has served as a platform for a broad range of research in different fields: from psycholinguistics (Hansen & Liu, 1997; McNamara, 1997) and gender studies (Breinlinger & Kelly, 1994) to architecture (Hauge, 2007), management (Ashforth & Mael, 1989) political psychology (Sindic & Condor, 2014), intergroup relations related to discrimination, prejudice, power and leadership among others (Reicher, Haslam & Hopkins, 2005). However, in the last two decades social identity based research has developed further into an ever-growing field on its own, looking closely at the impact of social identities and group memberships on health and wellbeing (see e.g., Bove et al., 2018; Haslam et al., 2012; Haslam et al., 2018; Jetten et al., 2012; Kellezi et al., 2009; Kellezi & Reicher, 2012; 2014; Kellezi et al., 2018; 2019; 2021a; 2021b; Sani et al., 2012; Seymour-Smith et al., 2017; Stevenson et al., 2018; Wakefield et al., 2019; Wakefield et al., 2011).

Increasingly this research has shown that both inter and intragroup processes can positively impact health and wellbeing (Haslam et al., 2009; Jetten, Haslam & Haslam, 2012). However, a strand of research deriving from SIA investigates the ways group memberships and social identities can undermine health and wellbeing via various pathways (termed as ‘Social Curse’ by Kellezi & Reicher, 2012).

2.6.1 Social Cure

Early ‘Social Cure’ research was influenced by ‘the Transactional Model of Stress and Coping’ developed by Lazarus and Folkman (1984) which argues that stress is dependent on two forms of appraisal that a person engages with when encountering a challenging situation: primary appraisal and secondary appraisal.

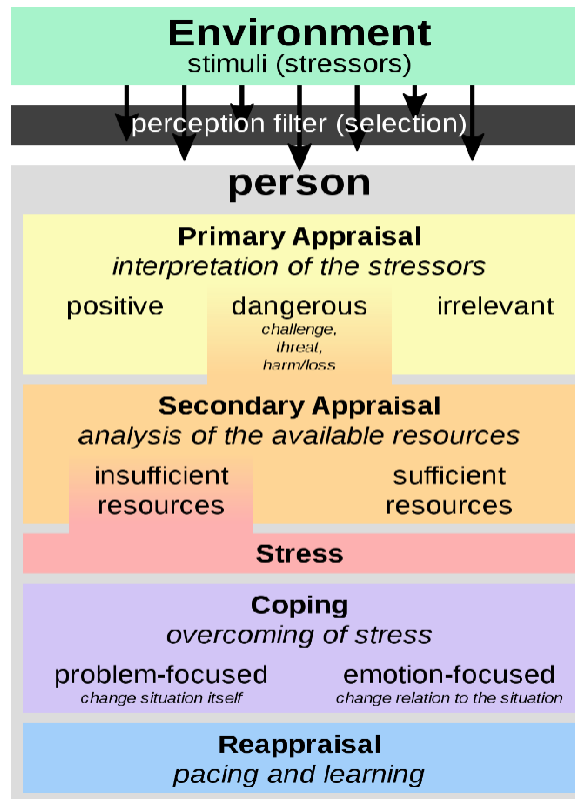


Fig. 2.1 Transactional Model of Stress and Coping (Lazarus & Folkman, 1984) Source: [https://commons.wikimedia.org/wiki/File:Transactional Model of Stress and Coping - Richard Lazarus.svg](https://commons.wikimedia.org/wiki/File:Transactional_Model_of_Stress_and_Coping_-_Richard_Lazarus.svg)

SIAH argues that stress appraisal will vary as a function of social identification. This means that to the extent to which a person identifies with a group and the circumstances of the relevant group in a given context will influence their primary and secondary appraisal (Haslam et al., 2018).

2.6.1.1 Primary Appraisal

In the situation of a challenging event, the first response is the primary appraisal which involves assessing whether the situation poses a threat to the individual. Using the social identity approach, a study by Levine and Reicher (1996) asked sports science students to report how distressing and life-changing they perceived different physical injuries. The researchers

manipulated their identity salience by telling one group of students that the study aimed at investigating the differences in responses between men and women (this way their gender identity was made salient) and another group was told that the study aimed at comparing the responses of athletes with non-professionals (this way their sport identity was made salient). In line with the social identity approach, the researchers predicted that participants' primary appraisal would result in participants perceiving an injury more distressing when it threatened a salient social identity. The finding supported their prediction. When their sports identity was salient, both genders perceived injuries that were threatening to women to be less distressing and when gender identity was salient, women perceived the same injuries to be much more distressing than men did. In sum, this study showed that the reactions to identity threats are dependent on the meaning given to an identity in a given context.

Similar findings were found in another research conducted by Haslam and colleagues (2005) which looked at how different occupational groups appraised the stress related to their work. They looked at how bomb disposal officers and bar workers felt about the challenges associated with their work (diffusing a bomb; working in a noisy environment). The findings suggested that bomb disposal officers did not view their work to be stressful compared to working in a bar or compared to how bar workers themselves felt about working in a bar. The researchers argued that the reason for the low perception of stress is related to the bomb diffusing officers viewing themselves through their work as members of an elite professional group (engaging in appraisal from a salient social identity; what others thought about the identity mattered) which enhanced their self-esteem and positive identity.

Another study conducted by Haslam and colleagues (2004) which involved students engaging in stressful mathematical tasks in a limited time, showed that experiences of stress

among students varied based on the encouragement (by in or outgroup members) on how to appraise the task, they received beforehand. This was done by showing them a video of a woman who supposedly had completed the task. In the 'threat' video she says she had found the tasks to be very stressful. In another video (more 'intellectual') she says she had found the tasks enjoyable. To some students she was presented as a fellow student (ingroup member), to others as a person with a stress disorder (outgroup member). The finding confirmed the prediction that salient group membership, as well as appraisal of ingroup members, impacted the appraisal processes. Participants in the ingroup condition found the tasks more stressful when they listened to the 'threat' video compared to those who had been shown the 'enjoyable' video. On the other hand, participants' stress levels from the outgroup condition did not show any difference between the 'threat' and 'enjoyable' video, and while they were high, they were lower than the ingroup from the 'threat' condition group (Haslam et al, 2004). This shows that what relevant others (ingroup members) think about the same situation impacts how one appraises a situation. Similar effects of social identity processes have been evidenced also concerning secondary appraisal.

2.6.1.2 Secondary Appraisal

In this process available resources and coping strategies (internal and environmental/external) to deal with the stressor will be assessed (ability to cope with stressor). It has been argued that key social identity processes influencing the outcome of secondary appraisal are related to perceptions people have about whether social support is available and meaningful (Cohen & Wills, 1985; Haslam, et al., 2018; Taylor, 2007). For example, research investigating people's stress after a natural disaster showed that only help perceived to be 'supportive' had a positive impact on reducing their stress levels (Cohen & Wills, 1985; Norris &

Kaniasty, 1996). The availability of social support in itself did not reduce stress levels (Kellezi et al., 2018; Wakefield et al., 2019).

Research has also shown that people are more likely to provide support to ingroup members than outgroup members (Levine et al., 2005; Wakefield et al., 2011). For example, Levine and colleagues (2005) study investigated the impact of social group memberships and inclusiveness of group boundaries on shaping helping behaviour. In their initial study, they confronted people with the dilemma of helping an unknown person who was wearing either a shirt of the same football team, a Manchester United shirt (in-group member); a rival football team Liverpool shirt (out-group member); or an unrecognisable shirt (undefined group membership) (Levine et al., 2005). The results showed that shared group identities influenced helping behaviour, with Manchester United fans were much more likely to help a person when he/she fell if that person was wearing a Manchester United shirt rather than a Liverpool or an unrecognizable shirt. However, when group boundaries were made more inclusive (all football fans) help was given also more often to the 'inclusive' group compared to out-group members (Levine et al., 2005). Other studies have shown similar results. For example, a study by Haslam and colleagues (2005) that explored stress among patients that had undergone heart surgery, showed that the patient's sense of shared identity with family and friends predicted how they perceived support they received, overall life satisfaction, and the amount of stress they experienced due to hospitalization. The higher the identification with family and friends, the level of support they perceived receiving and the satisfaction with life, the lower the reported stress about their hospitalization (Haslam et al., 2005). These studies have shown that positive social identities can play a protective role for people by reducing their perceptions of stress (primary appraisal) and allowing them to feel more supported (secondary appraisal) and cope

more effectively with stress. We turn to coping in more detail in the next section.

2.6.1.3 Coping

Depending on how the situation is assessed, the transactional model of stress argues that the individual will engage in emotion-focused or problem-focused coping strategies (Lazarus & Folkman, 1987). Research has shown that if people perceive that they can cope with a situation, their stress levels remain low, while if they think they cannot cope their stress levels increase (Haslam et al., 2005; Levine et al., 2005; Wakefield et al., 2019). Primary appraisal, secondary appraisal and coping often are investigated within the same research, such as in the context of mass gatherings in pilgrimage Magha Mela. Magha Mela is an annual festival in India held near riverbanks in January/February. Despite the risks of using overcrowded and very cold riverbanks, the study found higher self-reported good health after compared to before participation in the event (Khan et al., 2015). The appraisal of the stress regarding severe cold at Magha Mela was influenced by shared identities 'as pilgrims' which enhanced mutual support and in turn improved their coping with the cold (Pandey et al, 2014). Similar effects of protective qualities of group identification from negative effects of stress have also been observed in relation to stigmatized and discriminated groups.

Branscombe and colleagues (1999) and Schmitt and colleagues (2003) have argued that shared rejection of a disadvantaged group by dominant groups can lead to an increased sense of ingroup identification forming within the disadvantaged group. This, in turn, translates into positive outcomes for group members' health and wellbeing. By strengthening the sense of shared identity within an ingroup, members of a disadvantaged group(s) will work closely together (secondary appraisal) to reduce negative consequences arising from their social position

and eventually take collective action (coping) to change their shared disadvantaged circumstances (Branscombe et al., 1999; Schmitt et al., 2003). Based on these findings the authors developed 'The Rejection Identification Model', (Branscombe, 1999) which posits that members of disadvantaged groups transform the negative impact of stigma and discrimination that follows, by increasing group identification and finding support within the group (Branscombe et al., 1999).

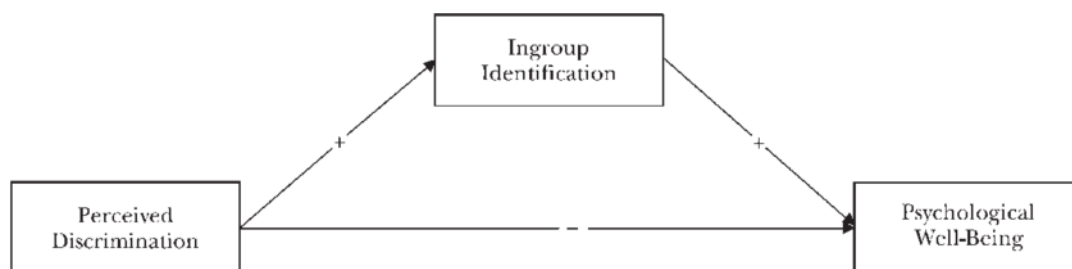


Fig. 2.2 The Rejection Identification Model (Branscombe, 1999)

One of the best-known studies that tested the model is the BBC Prison Study². The BBC

² *The BBC Prison Study was a core milestone in social identity theorizing, changing how we now think of social identities impact on human behaviour. Following a critical analysis of the Stanford Prison Study (Zimbardo, 1974) Reicher and Haslam (2006) argued that brutality is not a behaviour of natural occurrence over which people have no agency, but rather is mobilized by figures of authority/leadership and how people identify with them. However, people have a choice. For example, while in the Stanford experiment some guards chose to identify with the experiment, as the brutality asked of them was presented as a scientific need for a successful experiment, others rejected to accept to behave aggressively, showing that behaviour is influenced by the level of identification with a cause and/or group of people (invoked through shared ingroup identity by the experimenters by saying to the participants for example, that as a guard you are supposed to act this certain way), than by merely being assigned a role through a 'uniform' (Haslam, Reicher, Bavel, 2019). The more one identifies with a leading figure (experimenter in the case of the Stanford experiment) the more one will follow their lead and behave accordingly as requested. Following this reasoning, social psychologists like Haslam and Reicher (2006) (whose work takes a social identity approach to study human behaviour and how identities and group norms influence individuals' choices of behaviour) have argued that discriminatory/ authoritarian and generally harming behaviour against others does not occur as a 'natural' consequence, because someone was thrown in a role but is the result of dynamics that arise from internalized identification with leaders, causes they represent and groups to which one has formed a sense of belonging and shared identity. In other words, the theoretical assumption that each of us can turn into a brutal aggressive person must consider that the circumstances/conditions that might lead to that are also circumstances that we have some control and agency over. This is as true for the 'guards' and people in power positions, as well as for the 'prisoners' and generally people in lower-status positions. The BBC Prison Study (which not only proved that the Stanford experiment was flawed, as there was clear evidence in the Stanford experiment that the guards had been influenced by experimenters to act in a particular way) also proved that people will act based on their social identities to the extent that they identify with a group positively and have the possibility to benefit from support within the group. Being thrown into a role in itself (as the Stanford experiment argued) does not predict group*

Prison Study (Haslam & Reicher, 2006; Reicher & Haslam, 2006) consisted of 15 men who were randomly selected to be either prisoners or guards in a simulated prison, and aimed to explore the social and psychological consequences of unequal groups. The results showed that once the prisoners accepted that they could not escape their stressors (poor food; unequal status/treatment) they worked closely together with the result that their group identification became stronger giving them a sense of agency to attempt a change of the situation by challenging the outgroup (the guards). While the prisoners came closer together, their collaboration against the 'guards' (e.g., undermining their authority, bullying them etc.) led the members of the 'guards' group to detach themselves from the social identity of being a guard. This in turn led the guards to withdraw from each other's company and thus fail to provide social support to each other resulting in negative consequences for their wellbeing (burnout symptoms and higher level of stress) (Haslam & Reicher, 2006). The stress levels were higher among the 'guards' group than among the 'prisoners' group, where the 'guards' group had lower group identification, more disagreements about their given roles and could not depend on each other's support (Haslam & Reicher, 2006; Reicher & Haslam, 2006).

A key finding in understanding appraisal and coping processes from the group perspective was also the research conducted by Kellezi, Reicher, and Cassidy (2009) with war survivors in Kosova. They found that when primary appraisal of war was 'national-identity' affirming (i.e., war experiences being interpreted as a shared struggle and serving the greater purpose of liberation) people coped better with stress and showed lower levels of depression and anxiety and received more support (secondary appraisal), compared to those whose primary appraisal was not 'national-identity' affirming (i.e., war experiences being interpreted as personal suffering). This

normative behaviour, so to say 'prison guard behaviour'. Rather, group-based behaviour is predicted by the sense of shared identity and goals and perceptions of ingroup support.

shows that interpreting war experiences as shared experiences provides people with meaning and a purpose to their suffering that affects their reactions to it, but also the reactions of others towards them by offering them more support. Supporting this, Drury and colleagues (2009; 2016) showed that shared experiences were important to create a sense of common fate and encourage help-giving behaviour in emergencies (the 2005 London bombing) and natural disaster (the 2015 Chilean earthquake).

In Sum, SIAH predicts that when a person has a positive group identity (e.g., high status, political power, success) his/her social identity will function as a psychological resource with positive consequences for their well-being. However, when a group that shapes a person's social identity is negatively associated in some way (e.g., stigma, low status) social identity's function as a positive psychological resource will buffer the negative consequences for their well-being (Haslam et al., 2018). However, on some occasions, group processes can lead to a reduced function of social identities for psychological benefits, and even become a burden and impact primary, secondary stress appraisal, coping and health and wellbeing negatively.

2.6.2 Social Curse

While group identities are integral to stress appraisal and group memberships can impact our self-perceptions and ability to cope with stress positively, they can also have negative effects on us by making us feel unsupported, excluded and rejected, processes termed as 'Social Curses' by Kellezi and Reicher (2014). For example, their research shows that some experiences that are viewed as violating shared social norms (e.g., war rape), lead to group identities have become a burden and curse for its members (Kellezi & Reicher, 2014). These processes are even more pronounced depending on group permeability, sense of cohesion and level of support within the ingroup, and attitudes and behaviour of the outgroup. Some of the 'Social Curse' processes occur

at the intergroup level, and others at the intragroup level (Kellezi et al., 2021; Wakefield et al., 2019).

At the intergroup level, Social Curse processes relate to the negative impact of intergroup discrimination and stigma on the health and well-being of members of a given group by directly harming people and/or reducing their capacity to cope with stressors (Kellezi et al., 2019; Stevenson et al., 2014). However, as elaborated through the BBC Prison Study (Haslam & Reicher, 2006), and the Rejection Identification Model (Branscombe, Schmitt & Harvey, 1999) presented above, negative group identification and the negative consequences deriving from it can be overcome by generating collective action through increased ingroup social support and shared purpose (e.g., Branscombe, Schmitt & Harvey, 1999; Drury et al., 2009).

SIAH research tradition has shown that collective trauma can lead to a shared fate and to enhanced (e.g., community identity) or new emerging shared identities (Drury et al., 2009). These enhanced and new identities can then become sources of positive change (posttraumatic growth) and Social Cure through empowering a sense of connectedness and collective efficacy. These benefits are not observed when one's experiences are interpreted as norm violating (Kellezi & Reicher, 2014) and therefore a threat to collective group identity leading often to silencing of the victims because of stigma and thus undermining of their self-efficacy and agency in seeking support and justice. This silencing of victims undermines the identity-based potential for posttraumatic growth processes of meaning making, creativity and resilience which help survivors overcome trauma (Kellezi & Reicher, 2012; Muldoon et al., 2017; 2021). The silencing of victims also feeds into the dominating images of the 'ideal victim' (Christie, 1986) that needs protection from others (advantaged groups, i.e., men) which further seek to reinforce the survivors' submissive position (Schwöbel-Patel, 2018) and strengthen the legitimacy of

advantaged dominating groups.

Challenging the stigma and discrimination associated with war rape involves rather complex identity-based processes that can also lead to hostility by dominating groups (Jetten et al., 2001). This is especially the case when the dominating groups perceive an identity threat due to the changes that discriminated groups want to initiate. Studies have shown that members of an advantage group resolve this conflict by increasing hostility towards the low status group and oppose change so that they can maintain their self-esteem and positive identity (Branscombe et al., 1999; Onyeador et al., 2021).

The hostility of advantaged groups becomes a barrier to social change. To break these barriers of resistance of the advantaged dominating group, it has been suggested that advocacy groups need to focus on the role and needs of the stigmatised and discriminated group rather than on privileges of dominating groups (Phillips & Lowery, 2015). However, while advocacy strategies in the name of minority (e.g. low status groups) are usually used to combat injustice, advocacy practices using collective language on behalf of minority groups, can lead to exclusion and discomfort when spoken about in ways they feel do not represent them (Hornsey, Blackwood & O'Brien, 2005, 2006; Iyer & Tulsı 2021). Besides language as a mean of representation, the behaviour of representatives of powerful groups (e.g., overprotective professionals) can define exclusion and inclusion for disadvantaged groups (Blackwood, Hopkins & Reicher, 2013). This will be discussed further more in depth in the relevant analysis of Study 1 and Study 2.

Social Curse processes at the intragroup level relate to a number of processes presented in turn. Firstly, studies have shown that unhealthy group norms can negatively affect primary and secondary stress appraisals and through those processes impact negatively on health and wellbeing. For example, Livingstone and colleagues (2011) found that students who strongly

identified with their student group showed a stronger inclination to adhere to the perceived group norm of drinking. Similarly, Cruwys and Gunaseelan (2016) found, that identifying as depressed (a stigmatised identity) negatively influenced wellbeing by impacting help-seeking behaviour. This was also shown in a study conducted by Kearns and colleagues (2015) who found that the stronger students identified with their university the more they perceived seeking help from university mental health services as stigmatizing.

A second pathway of negative impact on health and wellbeing at the intergroup levels has been documented through the perceptions people have of the impact of sharing their experiences on valued members of the ingroup. In their research on UK immigration detention centres, Kellezi and colleagues (2019) evidenced that some detainees refused to share their negative experiences with other group members (even if this meant they missed out on much-needed support), because they did not want to pass on their stressed to others' they cared about. These findings suggest that people assess their need for support, against the impact that seeking support could have on other valued group members (Wakefield et al., 2019). Based on this analysis, they will sometimes choose to distance themselves from the group than take the risk of putting other group members in distress (Kellezi et al., 2019). The fear of upsetting and burdening group members with their own stories of negative experiences impacts appraisal and coping strategies used to overcome the stress (Wakefield et al., 2019). The implications are that people who require support do not receive it. As group members navigate help-seeking, they also recognise that only those that share their experiences and pain (in this case members of the detainee stigmatised group) can understand their experiences (Kellezi et al., 2019).

The third form relates to denial of support and exclusion. While many studies have shown that social support is more likely to have a positive impact when receivers and givers share the

same social identity (Haslam et al., 2009; Haslam et al., 2012) in Kellezi and colleagues research (2019; 2021) shows that Social Curse processes can hinder the transaction of help-seeking either by fear of harming ingroup members or by believing that only those group members who share the experience can understand them. In a research study with war survivors in Kosova, Kellezi and Reicher (2014) showed, that as a result of being perceived to have violated social norms, group members were actively denied support from other ingroup members (at different levels, from family, community and even nation). The shame and guilt associated with violation of group norms (e.g., men who failed to protect their family/country, or men and women who experienced sexual violence) led to a more negative appraisal of the war experiences, denial of ingroup support and exclusion from national war narratives and collective memories. This turned their aftermath experiences into what Kellezi and Reicher (2014) termed a “double insult” the first insult being the crime (e.g., sexual gender-based violence) perpetrated upon them by members of the outgroup (e.g., Serbian army) and the second the insult being the rejection of support and social exclusion from the ingroup in the aftermath of the war.

Exclusion from support and collective memory processes are one of the main responses of discrimination and marginalisation of war rape survivors which will be the focus of this thesis. Exclusion extends to the collective identity formation in the aftermath of war which is shaped based on the shared struggle and resilience (Ashplant, Dawson & Roper, 2000). Being excluded from these shared processes feeds to the sense of not belonging and likely undermines health and wellbeing (e.g., national identity turning into Social Curse). Identity processes such as belonging and trust in the community positively impact coping with trauma and stress (Benight & Harper, 2002) through empowering social support and help-seeking behaviour (Hobfall et al., 2007). Exclusion means that survivors cannot benefit from collective efficacy and a sense of social

connectedness (Kellezi et al., 2019).

There is also evidence that social cure and curse processes can co-exist within the same context (Kellezi et al., 2018). The interplay between Social Cure and Curse process is not simple and clear-cut and each of them can be reversed (a summary of Social Cure and Curse processes can be found in figure 2.3.). For example, the study conducted by Bowe et al. (2019) showed that volunteers in UK foodbank were able to turn the experiences of their highly stigmatized clients into 'Social Cure' processes by emphasizing shared intergroup values such as humanity across all people involved in the social transaction of providing and receiving their services.

However, changes at more national and cultural level are harder to predict (e.g., addressing war rape stigma faced by survivors in Kosova and many other countries around the world). The question that arises then is how do people cope and deal with the consequences of traumatic experiences such as war rape in the aftermath of the war, in a widespread stigmatized environment? This is especially problematic, considering that war experiences are widely seen as a collective experience and a key part of post-war societies in the many decades in the aftermath.

This thesis will try and address some of these questions. More specifically, it will examine a) what strategies are used by survivors and professionals working on supporting war rape survivors to combat stigma and Social Curse attached to war rape experiences of war, b) how political discourses construct war survivors' identity and meaning of war rape experiences? c) what is the relationship between political/public discourse, social norms, and health and wellbeing of survivors based on survivor's and professionals' perspectives? These questions will be addressed from three perspectives: the experiences of survivors themselves; professionals' perceptions and political discourse on recognition of war rape survivors. Given the collective nature of the war experiences in Kosova (based on ethnic identities), this thesis also examines how cultural and

political processes relating to the ethnic and gender identities inform dealing with the past and meaning-making of the violation experienced from the perspective of survivors. As gender based violence is highly stigmatised, there are many potential strategies survivors can use to deal with the stigmatisation which includes hiding aspects of their identity that can be stigmatised (Molero et al., 2011). Will such strategies be positive in the long-term or exacerbate the sense of exclusion and facilitate division as shown by Stevenson et al. (2014) in their analysis of negative interactions of disadvantaged community members with service providers? Service providers labelling people of a disadvantaged community as 'anti-social' created ingroup divisions and turned supportive ingroup encounters into negative inter-group experiences and exacerbated feelings of mistrust and misunderstandings that led to disengagement and conflict between residents and service providers. As many survivors relied on support from professional nongovernmental organisations (service providers), this thesis will also investigate the nature of the relationship with professionals and the impact of professionals' support for the improvement of survivors' position in community and society and their health and wellbeing. Before moving on to the empirical work, the next chapter explores the context of the war in more depth.

2.7 Conclusion

SIA has been applied extensively to understand Social Curse processes and some Social Curse processes (Bowe et al., 2019; Haslam et al., 2018; Jetten et al., 2014; Kellezi et al., 2019, 2021a, 2021b; Wakefield et al., 2019). Social identities and group memberships play a key role in making sense of traumatic experiences as well as in dealing with the consequences of stigmatized identities resulting from those experiences, by influencing appraisal, coping and help-seeking behaviour. However, it was also shown that 'Social Curse' processes can be reversed and turn into 'Social Cure' processes through reframing and fostering intergroup identities and creatively

or competitively challenging group boundaries (Bowe et al., 2019; Kellezi & Reicher, 2012; 2014). Furthermore, we know that processes of breaking group-based discrimination and Curse are also linked to collective strategies deriving from ingroup support and shared goals (Branscombe et al., 1999; Haslam & Reicher, 2006; Reicher & Haslam, 2006; Turner, 1982; Tajfel & Turner, 2004). This thesis will investigate the ways war rape survivors are dealing with the consequences of war rape and stigma in the long-term and have used these different group-based strategies to overcome the 'Social Curse'.

Chapter 3: Kosova - A Short Historical Introduction of The Socio-Political and Cultural Context That Shaped the War and Its Aftermath

In this chapter, I will provide a short introduction to Kosova's most recent history, with a specific focus on events that shaped and determined the outcome of the 1998-1999 war and its aftermath. I will highlight the intergroup dynamics involved, given how the research undertaken in this thesis investigates how group memberships and identities shape the experiences of war and coping in its aftermath. This chapter will also explore how group identities were shaped by historical narratives and political events, and how these ultimately led to the war. For the purpose of this thesis, in this chapter, I will focus mainly on the period that is often seen as the beginning of the end of Yugoslavia, which relates to Slobodan Milosevic's rise to power in the late '80s (Malcolm, 2011). In addition, I will also discuss socio-cultural aspects pertaining to the Albanian identity³⁴⁵, how they were impacted by historical experiences, and how they influenced the experiences of war rape survivors in the aftermath of the war. The chapter will end with a discussion of the rationale for this thesis, as well as its research questions and methodological approaches.

³ In this thesis I use the term 'Kosova Albanians' or Albanians in/of Kosova, instead of 'Kosovar' or 'Albanian' when referring to Albanians living in Kosova. This is because the term 'Kosovar' can apply to all (including non-Albanian) ethnicities living in Kosova, and the term 'Albanian' can refer to Albanians living outside of Kosova in other Balkan countries. However, when talking more generally about the Albanian identity and/or culture, the term 'Albanian' is used.

⁴ The situation in Kosova during 1998-1999 will be referred to as 'war'. Participants of the studies in this thesis address their experiences as experiences of war.

⁵ Throughout this thesis the name 'Kosova' (deriving from the Albanian language) instead of 'Kosovo' (deriving from the Serbian language) will be used.

3.1 Yugoslavia: The Revival of the Serbian Kosova Myth and the Downfall of Yugoslavia

The Socialist Federal Republic of Yugoslavia was comprised of six republics: Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia (including the regions of Kosova and Vojvodina), and Slovenia (Allcock, & Lampe, 2022; Ramšak, 2021). Albanians (an ethnic group primarily living in Albania, Kosova, North Macedonia, Montenegro, and Serbia, and sharing a common ancestry, language, history, and culture) were the third largest ethnic group within Yugoslavia. Yet, their status was defined as a 'nationality' and not as a 'nation', meaning that Kosova (which was comprised predominantly of Albanians) was not a republic (with self-governing power), unlike most of the other Yugoslavian ethnic entities which had their own republic status within Yugoslavia (Malcolm, 2011). It was only in 1974 that Josip Broz Tito (who was president of Yugoslavia at that time) provided both Kosova and Vojvodina (a province in Serbia mainly populated by ethnic Hungarians) with broader autonomy via a constitutional change. This change gave Kosova Albanians more rights, including political representation and authority over their public institutions, such as schools, hospitals, police, etc.

Even after this increase in autonomy, although the majority of the population in Kosova were ethnic Albanians (over 90%), most state positions and public institutions (especially the leading roles e.g., in courts, police, etc.) were occupied by Serbs (Malcolm, 2011). Furthermore, investments in infrastructure, education, well-being, and the overall economy were far inferior to other republics within Yugoslavia (e.g., Albanians in Kosova had the highest unemployment rates in Yugoslavia, and Kosova was the poorest region in Yugoslavia by far) (Malcolm, 2011).

Nonetheless, the autonomous status gave Kosova some protection, as it allowed citizens to represent themselves in the federal parliament of Yugoslavia. This was viewed by many

Albanians as a political chance to improve the status and freedoms of the Albanians in Yugoslavia. However, after Tito died in 1980, criticism and threats against the autonomy of Kosova within Yugoslavia began to grow among the Serbian political elite. Serbian politicians were using nationalism for their political gain. Slobodan Milosevic (leader of the communist party of Serbia at that time) put the revocation of Kosova's autonomous status at the centre of his political discourses and campaign for power (Mertus, 1999; Malcolm, 2011).

3.1.1 The Serbian Kosova Myth and the Downfall of Yugoslavia

In 1981, the Yugoslav constitution was amended to allow Serbia to revoke Kosova's autonomy. This was followed by mass Albanian student protests in Kosova, which initially involved the students demanding better conditions at the university, but were then expanded to include more freedoms, equality, and the status of a republic for Kosova. These protests were brutally broken down by Serbian police forces (Anderson, 1990). Many arrests, torture and deaths followed at the hands of the Serbian police (HRW, 1996). In addition, political trials became routine and were used to silence people as well as to drive their emigration from Kosova (Malcolm, 2011).

The Serbian government presented the student protests of Kosova Albanians in 1981 as a genocidal threat to Serbs living in Kosova (Malcolm, 2011). The rhetoric of constructing Albanians as a 'threat' was gaining political momentum in Serbia, not only among politicians but also in academia and among intellectuals. The period that followed placed the so-called 'Kosovo question' at the heart of Serbian Nationalist politics (Vučetić, 2021). This positioning was largely influenced by intellectuals, artists, and clerics of the Serbian Academy of Sciences and Arts (known by its Serbian acronym SANU), the Association of Serbian Writers (Čolović 2017; Dragović-

Soso 2002) and the Serbian Orthodox Church (Radić 2002). The Serbian Academy of Sciences and Arts, for example, produced a document called “The SANU Memorandum” in 1986 (Malcolm, 2011) which was presented as an analysis of the economic and political situation of Yugoslavia, and was an invited response to the Serbian political reforms aimed at shifting the power balance within Yugoslavia. This memorandum concluded among other things that: “*Serbs were undergoing genocide in Kosova*” (SANU Memorandum, 1986). In it, the 1981 students’ protests were framed as a:

“...total war, prepared by administrative, political, and legal changes made at various periods⁶, [that] was declared against the Serbian people”. (SANU Memorandum, 1986).

In conclusion, the SANU Memorandum read as an invitation to the Serbian leadership to take more control of Serbian interests within Yugoslavia, echoing the revival of Serbian nationalism in the Yugoslav political sphere after Tito’s death. Among others, it addressed Serbian politicians saying that “*Serbia cannot peacefully await their future in such a state of uncertainty*” and calling for a more proactive role of Serbs not to allow Serbia “*to be surprised by events*” (original document: SANU Memorandum, 1986). In the same year, hundreds of Serbian intellectuals, academics, and artists had signed a petition addressed to the Yugoslav and Serbian Assemblies demanding that an end be put to the suffering of Serbs in Kosova; a suffering described as the worst since the “*great migration*”⁷ (Anscombe, 2006, p.768). The SANU Memorandum, representing the Serbian elite and alluding to historical narratives about Kosova

⁶ Referring to the Yugoslav constitutional change that gave Kosova autonomy in 1974.

⁷ The foundation of Serbian nationalism is linked to myths pertaining the battle of Kosova in 1389, which according to the myth saw a great migration of Serbs from Kosova, because they were objected to genocide following the invasion of the region by the Ottoman Empire. Further, according to the same Serbian myth there were no Albanians in Kosova before the invasion of the Ottoman Empire, and the Albanians came after the Serbian “great migration” and took their land with the help of the Ottoman Empire.

legitimised nationalist discourses against the Albanians in Kosova, which viewed Albanians in general as evil and Albanian women in particular as “*primitive, weak and indiscriminately fecund*” (Mertus, 1999, p. 174). Among Serbs, these discourses led to a new wave of nationalist radicalisation which underpinned Serbia’s destruction of Yugoslavia (Morus, 2007).

In addition, in 1987 Milosevic visited Kosova during his populist campaign, and at a rally he proclaimed to the Serbian crowd: “*No one should dare to beat you!*” (Anscombe, 2006; Malcolm, 2011) alluding to same historical Serbian myth as the SANU Memorandum (according to which Serbs are victims of Albanian genocide and violent measures to protect themselves from ‘this threat’ were legitimized) (Morus, 2007). This phrase became a motto of nationalism in Serbia, and was also highly promoted by Serbian state television and media under the control and/or pressure of the Serbian government. Pertaining to the Kosova myth⁸, the so-called ‘anti-bureaucratic revolution’ spread, and was marked by widespread Serbian rallies in support of Slobodan Milosevic between the years 1987 and 1989 (Milosavljević, 2003; Ramšak, 2021; Vladislavljević, 2008). Furthermore, this public support emerged as anti-Albanian rallies and the use of insulting language to refer to Albanians, which for Albanians also evoked memories of past traumatic experiences under Serbian rule. Specifically, Kosova was incorporated forcibly into the ‘Kingdom of Serbs, Croats and Slovenes’ (also known as the first Yugoslavia) in 1912, and Albanians were subjected to derogatory remarks about their identity, as well as to violent Serbian policy in Kosova at that time. For example, in 1913, a Serbian politician and writer, Vladan

⁸ The Orthodox church played a crucial role in shaping this myth by acting as a protector of the Serbian nationhood, as well as by describing the Serbian prince Lazar (who led the Serbs into battle before being killed in 1389) as a Christ-like figure who sacrificed himself for the Orthodox faith and Serbian nation. This battle that was actually fought between different groups against the Ottoman Empire, but in the Serbian myth it is described as a solely Serbian experience. Not only is there no evidence to support these narratives, but rather there is evidence from different historical archives that oppose them (Mertus, 1999; Anscombe, 2006; Malcolm, 2011).

Đorđević⁹, published a book about Albanians in which he claimed to have found evidence that Albanians were “*violent, lazy and savage people, who are incapable of forming an independent national State*” and that up to the 20th century there were people with tails living the Albanian inhabited areas (Đorđević, 1913).

What has remained especially vivid in the collective memory of the Albanians is the period between the two world wars, which brought widespread destruction and suffering to Albanian villages and populations within the territory of Kosova at the hands of Serbian forces. For example, Albanians had no access to education in their own language in any of the of the countries that made up either the first or the second Yugoslavia. Furthermore, the governments of both the first and the second Yugoslavia followed a colonialist policy that forcibly sequestered large portions of land owned by Albanian families in villages throughout Kosova, and used this land to settle thousands of Slavic families from Montenegro, Bosnia, and other places (Marmullaku, 1975). Another particularly memorable period which is evoked through the rise of nationalism in the ‘80s and ‘90s in Serbia is what many Albanians refer to as the ‘Rankovic era’¹⁰ between 1946-1966, which saw Albanians subjected to genocide, being systematically tortured and killed, and their homes burned and destroyed. As a consequence of these events (as well as still fearing for their lives), tens of thousands of Albanians in Kosova emigrated to Turkey in the 1950s and 1960s, where due to an agreement between Yugoslavia and Turkey they were sure to be accepted as long as they declared themselves to be Turks and not Albanians (Marmullaku, 1975).

Immediately after his rise to power in Serbia, Milosevic started the process of the revoking

⁹ Mayor of Belgrade from 1884-1885; Prime Minister of Serbia from 1897 - 1900

¹⁰ Minister of the Interior and head of the secret police of Yugoslavia from 1946-1953, and he held other powerful political positions after that, until 1966.

of Kosova's autonomy (Anderson, 1990; Judah, 2000; Malcolm, 2011). In a concrete political action, the government in Serbia, anticipating that Kosova Albanians would not freely give up their status, ordered that the Albanian members of the Kosova assembly be banned from entering the parliament building (Anderson, 1990). Meanwhile they allowed Serbian politicians who were not members of the Kosova assembly to enter the assembly and vote in favour of the revocation (Malcolm, 2011; Vidmar, 2009). However, this did not produce the needed two-thirds majority for the vote to be legitimate. Nevertheless, the Serbian government accepted the result and effectively terminated the autonomy of Kosova, giving all jurisdiction over Kosova to Belgrade (Krieger, 2001; Malcolm, 2011; Vučetić, 2021). The abolishment of Kosova's autonomy in 1989 by Serbia led to political turmoil which was characterised by mass human rights violations, random police curfews, and systemic expulsion of Albanians from schools, universities, and other public institutions by Serbia including from the country itself. (Malcolm, 2011; O'Neill, 2002; Pilińska, & Siganporia, 2014).

3.2 Albanian Parallel System: The Peaceful Resistance

Following the abolishment of Kosova's autonomy by Serbia in 1989, and the resultant political and cultural oppression, the Kosova Albanians had to find ways to improve their status and self-esteem and build a stronghold against the experienced discrimination and threats to their culture, language, and existence. As a result, a parallel (illegal according to Serbian regime) State in Kosova emerged. This parallel system was funded by the so-called 3% tax, which was collected from Albanian households throughout Kosova and the Albanian diaspora. Key dates around the establishment of the parallel system are presented in Table 3.1.

Table 3.1

Key developments towards the parallel Albanian state system in Kosova

Date	Event
July 2 nd , 1989	Albanian members of Kosova's Assembly gathered in front of the Assembly building which they were not allowed to enter, and declared Kosova an <i>"equal and independent entity within the framework of the Yugoslav federation."</i> (Anderson, 1990; Malcolm, 2011, p. 433).
July 5 th , 1989	The Kosova Assembly, government, and subsequently all its self-governing organs were dissolved by the Serbian regime in Belgrade (Anderson, 1990; Malcolm, 2011; Vidmar, 2009).
September 7 th , 1989	Albanian members of the Assembly of Kosova adopted a new constitution of the Republic of Kosova (HRW, 2001). A clandestine Albanian government of Kosova was elected (Malcolm, 2011).
September 22 nd , 1991	Kosova Albanians held a referendum on independence and sovereignty. A majority of 87% of the electorate voted, with 99.87% votes cast in favour of the independence of Kosova (Vidmar, 2009).
October 19 th , 1991	Kosova's parallel government declared the independence of Kosova. Albania was the only country to recognize Kosova's independence in 1991.
May 24, 1992	Underground parliamentary elections were held in Kosova which reaffirmed the three-year-old Democratic League of Kosova (Lidhja Demokratike e Kosoves, or LDK) as the strongest Albanian party, and Ibrahim Rugova was named president (Malcolm, 2011).

The Albanian parallel system established healthcare and education systems (Malcolm, 2011), and provided a political framework for international representation of Kosova through the voice of Albanians (O'Neill, 2002). The parallel education system established by Albanians set up schools in private homes, businesses, and otherwise abandoned or retransformed buildings. This was met with brutal violence by the Serbian regime against teachers, school administrators, and

students. Owners of the houses which were turned into schools and/or classes were persecuted and arrested.

The newly political party elected by the parallel system, the Democratic League of Kosova, supported a peaceful revolt against the Serbian oppression. Its key political agenda was to internationalise the struggle of the Albanians in Kosova, for freedom and independence from Serbia (O'Neill, 2002). However, the oppression against Kosova Albanians by the Serbian regime continued through the use of different strategies. Many direct measures aimed to make the Albanian population leave Kosova, including closing schools, delegitimizing and criminalizing Albanian language usage in public institutions, using violence and threat of violence to make Albanians leave the country, systematically depriving Albanians of their jobs solely based on their ethnic identities, restricting access to healthcare, arbitrary imprisonment of intellectuals, etc. (Malcolm, 2011; O'Neill, 2002). Some can be viewed as in-direct measures that included administrative strategies. For example, by a special law Albanians were prohibited from selling or acquiring property (Malcolm, 2011). Another strategy was followed through a policy that aimed at settling Serb refugees from Croatia and Bosnia in Kosova (often against their will), while many Albanians were forced to flee from Kosova and emigrate to the West due to political persecutions as well as economic and social marginalisation (as part of the well documented Serbian ethnic cleansing campaign and colonialist policy in Kosova) (Malcolm, 2011).

3.2.1 Human Rights Violations Against the Albanian Population

Following unlawful arbitrary arrests by Serbian police, many Albanians would be physically abused in interrogation rooms for days and weeks without legal process (Human Rights Watch, 1996; Malcom, 2011). The Serbian regime denied that any human rights violations were

taking place in Kosova. The then Deputy Minister of information of Serbia, Rade Drobac is quoted as saying: *“The situation of human rights is excellent in Kosovo. Albanians have more rights than anywhere in the world.”* (Human Rights Watch, 1996, p.1). The violence and human rights abuses against the Albanians intensified toward the end of 1996, as did the Serbian government’s denial of these abuses.

The systemic violence against Kosova Albanians specifically targeted political activists and prominent Albanian intellectuals (e.g., writers, teachers, students, university professors) who spoke out against the oppression that Albanians were subjected to and demanded equal rights and more freedoms for Albanians. They were beaten, imprisoned (often for decades), and killed (O'Neill, 2002). One of the most well-known political prisoners was Adem Demaçi (awarded the European Parliament’s Sakharov Prize for Freedom of Thought, in 1991), a writer and political activist who (alongside hundreds of others) was imprisoned three times between 1959 and 1990, serving a total of 28 years in Serbian prisons (Elsie, 2010; Gashi, 2010). Another prominent political prisoner was Ukshin Hoti. Hoti was an Albanian politician, professor and activist who was imprisoned three times on political charges that were typical for that time, including *“endangering the constitutional order of Serbia”* because of his outspoken opinions on the independence of Kosova and his open support of the students in the 1981 protests (Elsie, 2004, p. 78). After his third imprisonment in 1994, nearing the day when he was supposed to be released in May 1999, he went missing. According to a report by Human Rights Watch (2001) and witnesses, he was last seen in the Dubrava prison in Kosova just before being transported to a prison in Niš, in Serbia. He is presumed to have been murdered by the Serbian regime (Elsie, 2004; Human Rights Watch, 2001). To date, his remains have not been recovered and the Serbian regime fails to give any information about what

happened to him, similar to hundreds of other people from Kosova who still count as missing from the period of the war.

The wave of violence and oppression against the Albanian population, following Milosevic's rise to power, was now being viewed by many Albanians as an affirmation of the belief that Serbia would never allow Albanians and Serbs to live together peacefully in Kosova. In short, between the early 1980s and late 1990s, Kosova had become a police state run by Belgrade (the capital of Serbia), and people in Kosova were starting to question the peaceful path that Albanians had chosen as a response to their political situation.

The situation in Kosova was worsening in the late 1990s due to random acts of Serbian police and military brutality against Albanian citizens. People were randomly shot at in the streets by local Serbs with almost total impunity. For example, this was the case with the medicine student Armend Daci in Prishtina, who in 1996 was shot by a local Serb from a balcony, while Daci was walking home one evening after celebrating his birthday (Human Rights Watch, 2001).

It was becoming clearer that the 'passive resistance' associated with the official political approach of Kosova under the leadership of the Democratic League of Kosova, which had the support of the majority of the population up until then (which was not passive, but rather peaceful), was not able to action change. The feelings of dissatisfaction and frustration caused by the situation eventually contributed to an increase in support for the newly formed active resistance among Albanians in Kosova.

3.3 KLA – the Armed Resistance of the Albanians in Kosova

The first official appearance of the KLA (Kosova Liberation Army) happened on November 28th in 1997 at the funeral of an Albanian teacher who had been killed by Serbian police in the

village of Llaushë (Bekaj, 2010). Tens of thousands of people attended the funeral, at which uniformed KLA fighters addressed the crowd publicly for the first time. At first, the KLA and their actions against the Serbian police were condemned as actions of a terrorist group, by Serbia, and the international community. But the international community retracted that term soon after, and the KLA political representatives were considered key partners in negotiations mediated by the international community that followed (Human Rights Watch, 2001). Very quickly the KLA had members that had joined its ranks, both from within Kosova and the wider region, but also in large numbers from the Albanian diaspora (Judah, 2000).

3.3.1 The Drenica Massacres: The Beginning of the War

On February 28th and March 1st, the Serbian (special/secret) police and military forces attacked two villages (Qirez and Likoshan) in the Drenica region, in Kosova. According to Human Rights Watch (1998) and Amnesty International (1999) reports, at least 24 Albanian civilians were killed in one action. The justification by the Serbian regime for these brutal attacks was that they were intended to kill ‘terrorists’. Based on witnesses’ accounts, Human Rights Watch (1998) reported that the Serbian police had engaged in fighting with some KLA members, but had entered the village, raided private homes systematically, and used helicopters and military vehicles to spray rooftops in the village with gunfire (Human Rights Watch, 1998). While the Serbian official version justified the attack as an operation against ‘terrorists’ and denied any wrongdoing, foreign journalists reported to Human Rights Watch (2001) that they had seen the bodies of civilian victims, including one pregnant woman, later identified as Rukie Nebihu (27 years old), who had been shot in the face. Further, at least four brothers had been killed while in police custody, and from the Ahmeti family alone ten members had been executed (Human Rights Watch, 1996). In the case of the killings of the Ahmeti family members, Natasa Kandic,

director of the Humanitarian Law Center in Belgrade, publicly accused a former investigating judge from the Prishtina District Court, Danica Marinkovic, of personally ordering the killing of several wounded men in Likoshan village, when she went to the village in her role as an investigating judge on the 28th of February 1998 (Kandic, 2002).

Only a few days later on March the 5th, Serbian special police forces and military attacked the house of Hamëz and Adem Jashari (two of the key founders of the KLA). Surrounding the village of Prekaz, the Serbian forces used heavy artillery to attack the house of the Jashari family, killing 58 people, among them women and children as young as 7 years old (Amnesty International, 1998; Elsie, 2010; Judah, 2000). The Jashari family killings by Serbian forces became a symbol of sacrifice for freedom, serving for many as a motivation to join the armed forces. While the earlier attacks in Drenica (which amounted to about 80 Albanians civilians being killed in a matter of days) attracted some international attention, intervention efforts were restricted to mere verbal condemnations.

After the attack on the Jashari family, for Albanians in Kosova there was no doubt that Kosova was at war with the Serbian regime. There was no certainty as to what was going to happen. The example of Bosnia had made the people less hopeful that the West would come to the rescue in time. The Serbian police and military forces (the Yugoslav army ceased to be Yugoslav by early 1992) were superior in numbers, training and ammunition to the KLA. However, the ultimate symbolism of the Jashari sacrifices increased Albanians' perception of fighting a just war, because their fight was about survival and freedom. In that regard, the less powerful KLA, and the vast majority of an unarmed population, appraised the war as a necessity for defense and as a fight for justice.

In terms of the involvement of the international community, a turning point was reached

following the Reçak massacre on January 15th 1999, where forty-five Albanian civilians were killed by Serbian forces. Eventually, international journalists, members of the 'European Union's Kosovo Diplomatic Observes Mission' (KDOM)¹¹ and observers of the 'Kosovo Verification Mission' (OSCE: KVM)¹² were allowed to enter the village and reported that about 45 Albanian civilians had been killed, including women and a twelve-year-old boy (HRW, 2001). According to the above- mentioned observers, several bodies had been decapitated. William Walker, then head of the 'Kosovo Verification Mission' described the massacre (as quoted by Smith, 1999 in the Washington Post; and Daalder & O'Hanlon, 2000, p.63) as follows:

"In a gully above the village, I saw the first body. It was covered with a blanket, and when it was pulled back, I saw there was no head on the corpse — just an incredibly bloody mess on the neck. Someone told me that the skull was on the other side of the gully and asked if I wanted to see that. But I said, "No, I've pretty much got this story." [Three more bodies were found.] They looked like older men, with grey hair or white hair ... They had wounds on their heads, and there was blood on their clothes. [Then a larger group of bodies.] I didn't count them. I just looked and saw a lot of holes in the head - in the top of the head and the back of the head. A couple had what appeared to be bullet wounds knocking out their eyes."

Following the reported observations of Walker, the international media reacted and put Kosovo in the front pages for the first time since the outbreak of the war (which for Albanians in Kosovo is intrinsically linked to the Drenica massacres). International journalists also provided first-hand accounts from observations made in Reçak. BBC reporter Jacky Rowland, for example, summarised his observations as follows:

¹¹ KDOM: European Union's Kosovo Diplomatic Observes Mission

¹² an unarmed observer force from the OSCE

“The massacre seemed to underline their [the Western powers] impotence, as one villager shouted, it is a pity you did not come before, now it is too late.”

There were organized attempts by the Serbian government to cover up the crimes committed in Reçak, and many journalists (e.g., Gall, 1999; Neely, 1999; Smith, 1999) reported on this. Having been reported and well documented by the OSCE mission, the Reçak massacre provoked an outcry in the western public. The international community condemned the massacre as a crime against humanity, which, eventually, after a few failed diplomatic efforts to find a resolution to the war, led to the NATO intervention in Kosova.

3.3.2 Talk Peace, Conduct War: The Rambouillet Conference

Between February 6th and 22nd 1999, a delegation of Albanians from Kosova led by Hashim Thaci, political leader of the KLA, representing various political fractions of Kosova, and a Serbian delegation led by Milan Milutinovic (as Milosevic refused to attend himself), were summoned in Rambouillet, France, for negotiations (Bekaj, 2010; Human Rights Watch, 2001). Both sides were presented with an interim agreement that had a provision that stated the final status of Kosova was to be worked out later at an international conference. Under pressure from the international community, the Albanian delegation signed the agreement on March 15th, while the Serbian delegation refused to sign (Weller, 1999). All the while Milosevic, talking about peace and conducting war, was building up military forces in Kosova preparing for a full-scale military offensive. The last diplomatic effort was marked by the U.S. special envoy Richard Holbrooke’s visit to Belgrade, where once again Milosevic was asked to sign the agreement proposed at Rambouillet, and he refused it once again. The next day, March 24th, NATO started their air strike campaign against Serbia and Serbian military forces/compounds in Kosova.

3.3.3 NATO Bombing

The systematic violence of Serbian forces against the Albanian population had already intensified, starting in 1989 and reaching the point where ethnic cleansing was already going on, through systemic oppression of basic human rights and freedoms in Kosova (Mertus, 1999). As a result, for the Albanians in Kosova, the NATO intervention marked a historical point of no return, and it was welcomed. As some participants in the studies in this thesis explain, people did not even mind being killed by NATO, as long as their country was going to be freed from Serbia and the Serbian military was going to be stopped. Rather than just being seen as a military intervention, it was also considered to be a political intervention that was correcting a historical wrong by recognising the struggle of the Albanian people for freedom. However, following the NATO bombings, in a last effort to succeed in their ethnic cleansing campaign, the Serbian war crimes in Kosova expanded into a full-scale violent offensive against the civil population amounting to genocide against the Albanians of Kosova.

3.4 War Crimes Committed by Serbia in Kosova

The Serbian army, Serbian police, and paramilitary forces committed many war crimes in Kosova, as did Serbian security structures and state security. Volunteers were recruited directly from Serbian prisons to fight in Kosova, especially within the paramilitary units which coordinated with the Serbian army and police forces. Aside from killing/executing people, police, military, and paramilitary forces also abducted, beat, tortured, and raped civilians, and burnt and/or transported the remains of victims to mass graves in Serbia in a bid to hide the evidence of war crimes. Police, military, and paramilitary forces were seen also looting homes, burning houses and crops, killing farm animals, and destroying public and private property (Human Rights Watch, 2001). Over 1.5 million (most of the population) people were forcibly expelled from their homes

and country between 1998 and 1999, with around one million becoming refugees in neighbouring countries (mostly in Albania and North Macedonia). Over 10,000 people were killed, and over 3,000 abducted and killed, their remains buried in mass graves within Kosova and Serbia (O'Neill, 2002; Suhrke et al., 2000).

In most cases, police and military forces separated the men from women and children. Interviews from survivors (in this thesis, but also Human Rights Watch, 1999, 2001) reported that all men suspected of being KLA fighters (due to their Albanian heritage) were killed on the spot. Furthermore, both men and women were beaten, raped, and tortured if they were suspected of supporting KLA fighters (Gashi, 2023, in print). According to Human Rights Watch (2001), Serbian fighters, when asked if they were ordered to rape, said their commanders knew about it and did not object.

Executions and massacres of Albanians were recorded throughout Kosova. The vast majority of the people killed and injured in the war were civilians (Gashi, in print; O'Neill, 2002). Women and children were killed in many of these massacres (Gashi, in print). For example, twenty members of the Vejsa and Caka families were massacred in Gjakova on April 1st, among them twelve children. Similarly, twenty-four members of the Berisha family in Suharekë were massacred on March 26th, among them eleven children (Gashi, in print). Prominent Albanians, such as doctors, human rights activists, politicians, writers, etc. were also targeted specifically. One of those cases was the killing of the human rights lawyer Bajram Kelmendi, who, on the night of the 24th March was abducted from his home in Prishtina, together with his two sons (Kastriot, aged thirty-one, and Kushtrim, eighteen) and killed.

Another prominent case was the murder of Fehmi Agani, who was a highly respected leading figure of the Democratic League of Kosova. Agani was selected from the crowd of

people who had forcibly been expelled from their homes, before being led away and murdered. His body was found on a road the next day (see Human Rights Watch, 2001).

3.4.1 The Trains: Ethnic Cleansing

In many cases, trains and buses were used by the Serbian forces to transport people across the Kosovan border. Survivors have reported that trains were overcrowded and police would beat people up and extort them of their money, jewelry etc. (Human Rights Watch, 2001). There were collection points which were set up by Serbian forces and used to facilitate organised transports of forcibly displaced people to Albania and North Macedonia. Many survivors have reported witnessing killings themselves, and/or seeing dead bodies as they left their villages/cities. Survivors also reported that identification documents were taken away from people forced to leave, and even car and tractor license plates and vehicle registration documents were destroyed (Human Rights Watch, 2001).

People would also be pulled from tractors in convoys and beaten up by Serbian forces, who would demand that they give them money as a guarantee for safe passage. People would be executed for failing to comply. Though, even those who handed over the money were killed. Witnesses reported that there was no way of predicting how one should behave in order to have their life spared. It was all arbitrary and pure luck whether one would survive. One former Serbian fighter is quoted by Human Rights Watch (2001, p.84) when asked about the matter of the forced expulsion, saying: *“The least harmful thing that happened in the war was when the army arrived and said you have two hours to get out. Those were the lucky Albanians.”* However, for many, this “luck” ran out during the process of leaving Kosova.

For example, in the ‘Studime e Epërme’ massacre, over 100 people were selected from the tractor convoys, and after they were robbed of their money and belongings, they were

executed in front of other family members (Gashi, in print).

3.4.2 Rape as a Weapon of War

Rape and other forms of SGBV were used as weapons of war in Kosovo in 1999 (Bolderson & Simpson, 2004; Human Rights Watch, 1998; 2000; 2001; Loeb & Smith, 1999; Watt, Traynor & O’Kane, 1999). According to testimonies from survivors collected by different organisations (Physicians for Human Rights, 1999; Human Rights Watch, 1998,2000, 2001) as well as journalists who collected evidence, rapes were committed frequently and deliberately by Serbian forces to terrorise the civilian population (Loeb & Smith, 1999; Watt Traynor & O’Kane, 1999). In most cases, as documented for example by Human Rights Watch (2001), but also based on testimonies of survivors recorded by other organisations (e.g., KRCT, forumZFD, Medica Gjakova) rapes often involved more than one perpetrator (KRCT & forumZFD, 2017, 2021; Medica Gjakova & Osmankaq, 2019) and evidence has been recorded from international organisations such as Medica Mondiale based on survivors testimonies, that there have also been cases of ‘rape camps’ established by the Serbian forces where entire female populations of villages have systematically been raped (Watt, Traynor & O’Kane, 1999). Serbian forces, as survivors have testified often raped women and girls (including children as young as 7), and sometimes men and young boys too, in front of their families, and in many cases also in front of other displaced persons (KRCT & forumZFD, 2017, 2021; Medica Gjakova & Osmankaq, 2019). In some cases, they would be selected, pulled out of the convoy, and raped in full view of others. In some cases, victims of rape have also been killed in the process or after the abuse. For example, in a village in the Drenica region, eight women who had been raped were then shot and thrown into a well (Human Rights Watch, 2001).

It has been estimated that about 20,000 persons were raped during the war in Kosovo

(Human Rights Watch, 2000). However, for almost two decades, war rape was not included in the wider war narratives and/or political war discourses, because, as mentioned previously, it was a highly stigmatised topic associated with norm violations of the traditional patriarchal code of honour and sexual purity (Kellezi & Reicher, 2014; Mertus, 1999). As a result, survivors were forced to hide their war experiences to avoid social stigma and negative consequences attached to it (Kellezi & Reicher, 2014; Mertus, 1999).

3.5 Impact of Tradition and Legacy on the Appraisal of War Consequences in the Aftermath

Kosova declared independence in 2008. The post-war period was dominated by public war narratives of heroism, and (predominantly male) veterans were celebrated for their struggle for freedom and independence, while women's experiences were silenced (Di Lellio, Rushiti, & Tahiraj, 2019; Krasniqi et al., 2020). While there have been visible advances in the position of women in Kosova after the war, their role remains bound to tradition and social norms that put the value of family at the core of a healthy nation.

Looking at the challenges that war rape survivors faced and still deal with in Kosova's post-war society, it would be inappropriate to ignore the historical legacy of the Yugoslavia/Serbia period, especially the period following the revision of Kosova's autonomy in 1989, which was marked by mass human rights violations. This period played a crucial role in highlighting how women's position in society was impacted by the political developments in Kosova. It is worth mentioning that during this period, the Serbian regime used State-run media propaganda to attack the Albanian family as an institution, by portraying Albanian women in particular, but gender behaviours of Albanians in general, as primitive and a threat to the Serbian nation (Mertus, 1999). For example, Albanian women were portrayed as stupid, uneducated, promiscuous, and baby factories, while Albanian men were portrayed as rapists. The use of

political propaganda to encourage rape and sexual violence in conflicts is well documented (Human Rights Watch/Africa and Women's Rights Project, 1996) and in the Kosova case has been achieved through claims that Albanian men raped Serbian women, a discourse that persists still today in the official Serbian political rhetoric (Vučić, 2022), despite there being no evidence to support such claims (Judah, 2000). These discourses contributed to the Serbian nationalist discourses in overall that sought to dehumanise the 'other' and fuel hatred between the Albanian and Serbian population (Mertus, 1999; Morus, 2007).

Finding themselves in a situation where they could not trust or depend on the rule of law of a State that was oppressing them based on their ethnic identity, Kosova Albanians drew on traditional customary law for their collective organisation, which in turn led to a re-patriarchisation of society (Krasniqi, 2014). Furthermore, the collective perception of threats based on shared ethnic identity took precedence over the need to deal with threats or injustices based on other social identities (e.g., gender), and even reinforced them. For example, based on the traditional code of conduct, women's rights were considered solely a family matter, and were pushed into the private/family domain, which exacerbated the silence around the injustices and inequalities women were experiencing (Krasniqi, 2014).

3.5.1 Albanian Customary Law: The Kanun¹³

The Kanun provides a set of rules that define the codes of conduct for membership in the Albanian community. Originally dating back at least 6 centuries, it provided a set of rules to bring the community together, especially under harsh situations of war, and provided some protection from foreign invasions and assimilation (such as the threat represented by the Ottoman Empire) (Elsie, 2014; Gjeçovi & Fox, 1989; Pupovci, 1972). To deal with the issues of insecurity and threats

¹³ A customary unwritten code. From 1913 onwards it was written by Shtjefën Gjeçovi, an Albanian Catholic priest, ethnographer and writer, until his political murder in 1929; his work was continued by Franciscan monks and published as a whole in 1933. (See also Elsie, 1995).

associated with the political oppression that they faced as an ethnic group, Albanians in Kosova acted as a group by going back to their 'roots', which in turn led to an increased salience of and identification with the Albanian ethnic identity (Tajfel & Turner, 1979), which in turn provided meaning to the collective experiences of the war.

The traditional customary laws can be regarded as a set of rules that function as a constitution in regulating the responsibilities of individuals towards each other, towards their community, and towards their land, by providing a common understanding of shared group identity, and of ways to fulfil the group's norms and values in a way that will allow one to be honoured as a member (Durham, 1928). The Kanun provides a social prescription of conduct, but it also defines rules of punishments for individuals who behave in a contra-normative way and threaten the cohesion of the group (Hasluck, 1954). One key characteristic of the Kanun is the non-state element of the code which leaves the implementation of the code in the hands of the people themselves. There is no governing third party to enforce the laws of the Kanun. However, the Kanun describes clear rules for different situations; of how punishments, for example, blood feuds, are to be enforced. Punishments are regulated, as well as rules regarding respect, status, position, and honour (Hasluck, 1954).

At the core of the code of honour lies the concern with the identity of the people as an ethnic group (i.e., defining what it means to be Albanian as opposed to e.g., a Serb), and also involves the questions of what it means to be an Albanian man and an Albanian woman. Breaking this code was considered an offence to the whole Albanian identity, and as damaging to the whole community. These rules persist, and are still enforced within families, especially rules associated with the honour of women. Such rules underpin the wider patriarchal system in Kosova, which despite some changes, remains unchallenged on many gender-related issues (see

for example, Kellezi & Reicher, 2014). For example, following the war in Kosova, many women had to deal with situations where the male members of their family had been killed and/or were missing, and the inheritance issue became a further burden that affected their dependency on family support. According to the Kanun, women are not entitled to inheritance. In line with traditional norms, men are seen as the transmitter of the family name, blood, and inheritance (Gjeçovi & Fox, 1989). Accordingly, in cases of divorce, the customary law defines that the woman cannot take her children to her parental home, and even if she was to be allowed to take her children with her, her parental home has to approve to decision and must be able to take care of her and her children economically. Also, in cases when the husband has died, the family of the husband will not allow the woman to inherit the marital property. She can choose to stay at her 'husband's home', in which case if she has sons, they will inherit it. Even though according to State laws in Kosova women are fully entitled to inheritance, the Kanun is mostly evoked in these issues, because inheritance is considered a family matter, and family is seen as a domain over which the State should not have any power.

Furthermore, many women abstain from making any inheritance claims anyway, because of their loyalty to the family. In other words, the discrimination that persists is not challenged widely, because it is not viewed as unstable or illegitimate (see Chapter 2). Aside from internalised family values in line with traditional norms, many women refuse to make inheritance claims because they fear to be shamed due to being seen as disloyal to their families, and thus to their Albanian community membership, leading to their group memberships being turned into a Social Curse. This is in line with research conducted in the field (Kellezi & Reicher, 2014) that has shown that contra-normative behaviour which violates social norms with which a group strongly identifies can lead to the norm-violating member of the group being isolated, shamed,

and excluded. When possible, to avoid being outcasted, people try to behave normatively within the socio-cultural context they live in.

3.5.2 The Social Price of Norm Violations in Kosova

The Kanun defines the honour of a woman as linked to the honour of the family. In this context, being raped, and therefore 'dishonoured', means that the whole family is 'dishonoured'. At the same time, the honour of a man is linked to his duty to protect the honour of his wife (and daughter, sister, mother). Viewed from this perspective, war rape is a violation of both rules (the rule of woman's purity; and the rule of a man's duty to protect the honour of 'his' women). The Kanun clearly states that those who do not follow the rules are dishonoured and excluded. This becomes problematic, of course, when men are unable to protect the honour of their wives and to 'punish' or bring to justice those responsible for the rape due to powerful political systems within which the Kanun is not legally binding.

Kellezi, Reicher and Cassidy (2009) have shown that traditional cultural norms played a crucial role in how war survivors in Kosova experienced and appraised the war in its immediate aftermath, as well as how communities reacted to those experiences by providing or withholding support war survivors. Their research highlights how, consistent with traditional norms deriving from the Kanun, war experiences that were seen to affirm Albanian norms and values (such as war veterans who fought for the nation) were greeted positively and respected. On the other hand, war experiences that were seen to violate traditional norms and values (such as war rape) were silenced and shamed, and people who experienced such things were denied ingroup support as a form of punishment. Interestingly, Kellezi and Reicher (2014) also noted that this silencing allowed the husbands/brothers/sons of raped women to avoid community-based

punishment themselves, because it prevented the vocalising of accounts that would highlight men's failure to protect women (which in itself is a norm violation). In many cultures, rape is considered so shameful and destructive to the whole community so that in some cases family members even prefer the death of their affected family members over having to live with the shame of being a war rape victim (Drakulic, 1993; Williams, 1999).

While the crime of war rape has been widely condemned by society, the survivors were not supported, and based on individual case reports, they were even judged and shamed for dishonouring their families. Some of the bigger substantial societal change, following many years of negotiation and disagreement between government representatives and civil society activists in Kosova was achieved in 2014 with the amendment of the "*Law on the status and the rights of the martyrs, invalids, veterans, members of Kosova liberation army, civilian victims of war and their families* (Law No. 04/L-054; Republic of Kosova)". This law was amended to include survivors of war rape and recognize them officially as civilian war survivors. Four years later, in February 2018, the application process for recognition was opened for the survivors. Initially, war rape survivors had five years to apply for the status within this law. In 2022, the government of Kosova promised to extend the deadline for another two years.

It is the purpose of this thesis to investigate how the law amendment, the main form of societal change on the issue relating to war rape, was experienced by war rape survivors. Looking at survivors' perspectives covering a period of twenty years post-war, this thesis will also investigate the meaning of the law amendment from the perspective of war rape survivors, and professionals from civil society and others, who were engaged in initiating the law change as means to combat stigma attached and address social injustice relating to recognition and support of war experiences.

3.6 Thesis Rationale

In the previous chapter the SIAH (Social Identity Approach to Health) was discussed as a theoretical basis upon which this thesis investigates survivors, and professionals' perspectives in coping with war rape and stigma in the aftermath of the war in Kosova. The use of SIA enables taking into consideration that social factors and the context in which they occur are important in understanding war experiences especially in relation to events that are highly stigmatized such as gender based violence (Kellezi & Reicher, 2014; Sideris, 2003; Summerfield, 1995).

SIAH postulates that social identities and group memberships can have a positive effect on health and wellbeing in overcoming trauma, based on processes which are known as the Social Cure processes (Bowe et al., 2020; Haslam et al. 2012, 2018; Jetten et al., 2012; Kellezi, Reicher & Cassidy 2009; Kellezi et al. 2018; 2019; 2021; McNamara et al., 2021; Stevenson et al., 2014; Wakefield et al., 2019). However, as already elaborated in chapter 2, groups memberships and social identities can also have harming effects on health and wellbeing. These processes are known as the Social Curse processes (Kellezi & Reicher, 2014; Kellezi et al., 2021; Stevenson, McNamara & Muldoon, 2014; Wakefield et al, 2019).

This thesis builds on the Kellezi et al.'s work which has investigated the experiences of war rape survivors in the immediate years after war and by engaging mostly with secondary accounts (Kellezi, Reicher, Cassidy, 2009; Kellezi & Reicher, 2014; Williams, 1999). Instead, this thesis investigates the first-hand accounts of survivors' own personal experiences in the longer term. In addition, this thesis investigates the perspectives of professionals who have worked with survivors and engaged in social activism to combat stigma on societal and political level, as well as at political discourses of recognition of war rape survivors at State level. The investigation of these different perspectives is divided into three studies which will be introduced next. The thesis

will include two different qualitative methodologies which are also introduced briefly here and described in detail in the respective chapters (Chapters 4, 5 and 6).

3.6.1 Overview of the Thesis' Studies

Study 1: Thematic Analysis of war rape survivors' perspectives on dealing with the trauma and stigma in the aftermath of war

The first study involves investigating war rape survivors' experiences and perceptions in the aftermath of the war. The analysis focuses on the strategies that war rape survivors used to deal with the trauma to overcome the stigmatisation they experienced in the aftermath of the war. It also explores survivors' perceptions of norm change following the law amendment which recognised them as civilian war victims officially, and the meaning of the law change for them. Furthermore, it looks at survivors' perceptions regarding political discourses about war experiences in the aftermath of the war.

The interviews, as well as the analysis of the data, were guided by the following research questions:

- How do survivors cope with consequences of war time rape in the long-term?
- How do social, cultural and gender norms impact survivors' perceptions of their war experience?
- What strategies do survivors of war rape use to cope and negotiate support especially in relation to 'norm-violating' experiences?

Study 2: Thematic Analysis of professionals' perspectives on supporting war-rape survivors

Study 2 involves interviews with different professionals (mostly civil society organisation members and/or independent human rights activists), who work or have worked with war rape survivors. It investigates strategies used to provide support to war rape survivors in a stigmatised environment, and strategies used to combat the stigma associated with war rape on a collective level. The interviews, as well as the analysis of the data, were guided by the following research

questions:

- How do professionals negotiate help provision or advocate in the name of the survivors?
- How do professionals shape the public/political discourse on war rape?
- What are key challenges that professionals face in their work?

Study 3: A Critical Discursive Approach to investigating political speeches on war rape recognition in the parliament of Kosova

Study 3 analysed recognition discourses of war rape survivors, based on parliament discussions on the law amendment, investigating how a) they construct the identity of war rape survivors, b) construct meanings of war rape experiences, and c) construct meanings of formal recognition of survivors' status.

Following research questions guide the analysis:

- a) How do politicians in Kosova talk about victims/survivors of war rape and sexual violence?
- b) How do politicians in Kosova construct the meaning of the formal recognition of victims/survivors of war rape and sexual violence in Kosova?
- c) How do politicians in Kosova construct the meaning of war rape experiences?

3.7 Overview of the Methodologies

Studies 1 and 2 were analysed using Thematic Analysis (TA). TA can be applied inductively and theoretically (deductively), and from an experiential and constructivist perspective (Braun & Clarke, 2013; 2021; Clarke, Braun & Hayfield, 2015). I adopted a contextualist framework guided by Social Identity Approach. This framework enables investigating the experiences and

perceptions of participants from their viewpoint, including of how they make sense of the world. The contextualist framework enables providing a deeper critical analysis of perceptions of reality by assuming that the perceptions of reality are socially constructed and mediated by socio-cultural meaning. Furthermore, this framework allows for consideration of language in the analysis as a factor of meaning shaping of social life (Clarke, Braun, & Hayfield, 2015). TA was considered appropriate for these two interview studies because it offered the possibility of an in-depth analysis of the participants' meanings, thinking and feelings related to their experience while also allowing to account for the social context (Braun & Clarke, 2013, 2021).

Study 3 uses a Critical Discursive Approach to analysis of political discourse, because it is interested to investigate political speeches relating to war rape survivors' recognition by the State, following a proposition for a law amendment brought forward in the parliament of Kosovo. This law (and the debate) focused on the formal recognition of war rape survivors as civilian war victims in Kosovo, for the first time since the end of the war in 1999.

Using Thematic Analysis and Discourse Analyses combined in studies is not uncommon (Taylor & Ussher, 2001). Nevertheless, in this thesis the combination of methods is not occurring within one study. Instead, for the three distinctive, yet interlinked studies two different methods to investigate respective research aims are used. The methods serve the purpose that is being investigated in the studies. In study 1 and 2, I am using Thematic Analysis because I am interested at survivors and professionals' perspectives on coping with war trauma and stigma attached to war rape experiences, and my aim is to identify and select patterns that participants talk about as most relevant to their experiences with focus on underlying ideologies and concepts that inform the topics. While in study 3, using a Critical Discursive Approach, I am investigating political discourses and rather than asking what is being said, as I do in study 1 and 2, my focus

in on what is being done with language (with what is being said) and to what purpose; what constructs are being evoked and maintained and how are identities of survivors being constructed within the social and political context of Kosova. Furthermore, I am also looking at interaction and subject positioning in talk by looking at how speakers position themselves and others within the discourse (Davies & Harré, 1990).

The three studies are also interlinked. While study 1 and 2 focuses on the survivors' experiences and the experiences of those who tried to bring about change and support survivors, these experiences took place in a specific social context. As such, an analysis of political discourses on recognition of war rape is important to understand the social and political context in which stigmatized war experiences exist. Such a study would investigate how survivors' identities are discursively constructed in and through political language and what is accomplished by them in and through those discourses, as well as what ideologies are represented and/or contested by those discourses.

3.8 Conclusion

Following the revision of Kosova's autonomy in 1989, Kosova Albanians were subjected to many human rights violations that motivated them to respond collectively as a group, which in turn led them to turn back to the Albanian customary law: the Kanun, for security. The Kanun is in its nature a patriarchal set of rules which positions women as carers of family honour and has clear rules as to what constitutes a violation of norms, as is the case of war rapes.

The patriarchal society in Kosova struggled to accept 'the shame' that Kanun attributes to war rape survivors, and for almost twenty years refused to constructively talk about war rape publicly. Knowing this, and building on the research of Kellezi & Reicher (2014) which has demonstrated that the war rape experiences in Kosova have turned into a double insult for the

victims (by for example being rejected support), my thesis investigates what strategies survivors used to overcome those barriers and cope with the trauma and the stigma in the aftermath of the war (Study 1). Furthermore, this thesis also investigates how professionals working with or for war rape survivors negotiate support for them in a stigmatized social and political environment (Study 2). In addition, political discourses on war rape experiences and recognition are analysed and discussed in Study 3.

Chapter 4: Study 1 - Thematic Analysis of war rape survivors' perspectives on dealing with the trauma and stigma in the aftermath of war

“...the truth about the war [...] will be depended upon processes in the aftermath.”
Ukshin Hoti

4.1 Introduction

As elaborated on in the previous chapter, systematic rape of women and girls is used globally as a ‘weapon of war’, to terrorize the civil population and aid in ethnic cleansing, while leaving communities destroyed, humiliated, and in fear (Human Rights Watch, 2000; UN Security Council, 2008). This was an issue in the Kosova war in 1998-99. Local and international non-governmental organizations estimated that around 20,000 women were raped during this time (World Health Organization - Kosovo, 2000). It is very difficult to establish the exact statistics, because the consequences of sexual crimes in general leave survivors in fear of coming forward. Research done in Kosova evidenced some of the social consequences that the experience of rape during the war brought upon the survivors and their communities. Women who could not hide what happened to them were often divorced by their husbands or found their marriage prospects diminished (Kellezi & Reicher, 2014). These reactions are due to traditional values in patriarchal societies where women are expected to uphold certain values of virtue in relation to sexuality. The social stigma attached to rape means that survivors are often forced to deal with the trauma alone, and many survivors never receive the help they need (Kellezi & Reicher 2012, 2014; Sideris, 2003).

No research has investigated in detail how survivors managed the hardships associated

with their stigmatized war experiences in the long-term looking systematically at first-hand accounts. Furthermore, often survivors' perspectives have been reduced to passive victimhood and limiting the evidence of their resilience and coping strategies they used in the long-term.

4.2 The present study

The present study has involved collecting and investigating survivors' perspectives in terms of their experiences and perceptions in the aftermath of the war. The analysis focuses on the connection between how survivors of war rape feel and talk about themselves, their experiences in the aftermath of the traumatic event, as well as what strategies they used to overcome trauma and stigma associated with war rape. The interviews conducted, as well as the analysis of the data, were guided by the following research questions:

- How do survivors cope with consequences of war time rape in the long-term?
- How do social, cultural and gender norms impact survivors' perceptions of their war experience?
- What strategies do survivors of war rape use to cope and negotiate support especially in relation to 'norm-violating' experiences?

4.3 Methodology and Design

The study involved semi-structured interviews with survivors of war-rape in Kosova which were analysed with Thematic Analysis (TA). I adopted a contextualist framework guided by Social Identity Approach which enabled to address the research questions. This framework looks at experiences and perceptions of participants from the viewpoint while allowing to account for the social context. Furthermore, this framework allows for consideration of language in the analysis as a factor of meaning shaping of social life (Clarke, Braun & Hayfield, 2015; Terry, 2015).

4.3.1 Participants

Semi-structured interviews with survivors of war rape were conducted. A total of 20 survivors who were interviewed, by two participants retrieved their interviews few days later, so only 18 have been analysed.

The participants came from different regions of Kosova, both rural and urban areas, belonged to different age groups and gender. In terms of ethnic background all participants were ethnic Albanians. Thirteen out of eighteen participants were over the age of 18 when they were raped during the war. The youngest participant at time of interview was 36, and the oldest was 71. All participants were given pseudonyms, to preserve anonymity and confidentiality, as shown in Table 4.1.

Table 4.1

Study 1: Demographic information

Pseudonym	Age	Children	Marital status	Work	Gender
1. Flaka	36	3	Married	Unemployed	Female
2. Shota	43	4	Married	Unemployed	Female
3. Hekuran	55	2	Married	Unemployed	Male
4. Hana	48	6	Widowed	Unemployed	Female
5. Djella	42	2	Married	Unemployed	Female
6. Dora	49	2	Married	Unemployed	Female
7. Gentiana	40	3	Married	Unemployed	Female
8. Era	39	0	Married	Unemployed	Female
9. Lejla	51	6	Married	Unemployed	Female
10. Hila	47	4	Married	Unemployed	Female
11. Jona	47	3	Married	Self-employed	Female
12. Ulpiana	40	0	Single	Unemployed	Female
13. Vala	56	4	Married	Unemployed	Female

14. Besa	49	0	Married	Unemployed	Female
15. Bashkim	56	0	Married	Employed	Male
16. Uma	71	6	Divorced	Unemployed	Female
17. Enisa	54	7	Married	Unemployed	Female
18. Geta	42	3	Married	Unemployed	Female

4.3.2 Reflections on recruitment of participants

Out of the eighteen interviewees, sixteen were women, and two were men. My efforts to include more men in the research were unsuccessful. Some researchers have argued that prejudice could be even stronger for men, due to strongly-held cultural gender roles regarding masculinity, and its associations with strength and power: both of which can be stripped away by rape (Bassiouni, 1994; Carlson, 2006; Robson, 1993). This might suggest that social curse processes make male experience of war rape even more ‘unspeakable’. It seems important to note that for my study, although several male war rape survivors were identified and contacted, only Hekuran and Bashkim agreed to do the interview. In fact, from all participants contacted (over 70) only 18 agreed to be interviewed. I chose to include Hekuran’s and Bashkim’s perceptions and thoughts in the study, because I think that their experience can only enrich the gender discussion of this thesis.

In addition, the pandemic made it impossible to meet survivors face to face and online interviews impacted on trust (e.g., not being able to trust who else might be listening; not having a sense of control of the environment). Trust was a key issue in the relationship between the researcher and participants. Often, I would meet with the participants several times before conducting the interview, to introduce myself and my research and then offer them time to ask question relating to my research before they could make their decision.

Attempts were made to contact people from other ethnic backgrounds in Kosova who have experienced war rape, but these were unsuccessful. Several Serbian NGO's who work in the field of women's rights, domestic violence, and dealing with the past have been contacted (in English and Serbian) and asked if they had contact or knew of cases of Serbian war rape survivors who were living in Kosova. Both replied quickly saying that they do not know of such cases.

4.3.3 Materials

Data collection involved the use of semi-structured interview schedule (see Appendix 1) and an audio recorder. The interviewing was semi-structured in nature and responsive and flexible to participants own perspectives on what is most important to them to share at certain points (Braun & Clarke, 2021). The questions were designed to allow for participants to raise issues that I as a researcher had not anticipated and to engage them during the interview in a conversational manner that encourages them to share in-depth responses relevant to research questions on their own terms (Braun & Clarke, 2021). The interview topics included questions on the life situation in the immediate aftermath of the war; perceptions of stigma and responses of family and the community with time; perceptions of political and public discourses; the understanding of the law amendment and its impact on their life; perceptions of normative changes and collective memory and thoughts on justice and needs for change (see Table 4. 2 for example questions).

Table 4.2*Study 1: Interview Schedule Topic List*

Category	Question
Post war experiences and life situation	Can you please tell me something about your situation you found yourself in immediately after the war?
Perception of stigma and sharing experience with others	Have you shared your experience of war with anyone else before? How do you think has the society (your community) in Kosova handled the issue of war rape?
Perceptions of political/public discourses	Do you remember any speech, debate or written piece (political or not) where the issue of war rape was discussed in any public domain?
Law amendment discourse perception and effects on life	Have you followed the political discussion that preceded the law amendment? What does this amendment mean to you? How, would you say, has this amendment impacted you?
Perceptions of normative changes and collective memory	Do you think this law has made a difference in how people talk, feel and act upon, about survivors of war rape? There is a memorial in Prishtina named "Heroines". What do you know about that?
Thoughts on needs for change and justice	Is there anything else that needs to change in Kosova, whether political, cultural or socio-economical in order to improve the situation of war rape survivors in Kosova? What are your thoughts on what constitutes justice for the survivors of war rape?

4.3.4 Procedure

Prior to participation, participants received an information sheet (Appendix 2) which gave clear information on the purpose of the study and the participant's rights to anonymity, confidentiality, and to withdraw at any time up to one month after the interview without any

consequence for them. The information sheet also explained that the interview would be audio recorded with the participant's permission, that data would be stored securely and separately from their personal information (the signed consent forms: Appendix 3) to ensure anonymity, and that pseudonyms would be used to refer to the participants in any publications following the data collection. The participants were informed that all identifiable information of the individual participants that took part in the study will be removed in order to ensure anonymity.

At the end of the interview, the participants received a debrief sheet (Appendix 4) with lead researcher's contact details, and further contact details of different centres where they can get support if they would like to further discuss the issues raised during the interview. The interviews were conducted in private and safe spaces.

4.4 Ethical Considerations

Ethical approval was obtained from Nottingham Trent University's School of Social Sciences Research Ethics Committee (NTU's REC) before the interviews were conducted. All identifiable information was removed to ensure anonymity. The process of identifying possible participants, arranging the meetings according to participants needs and conducting the interview was determined by the need for protecting participants' confidentiality throughout. All the meetings with participants had to be justified in a way that covered the real aim given the level of stigma associate with war rape.

Ethical considerations regarding the psychological well-being of participants during and after the interview needed to be assessed. Questions such as whether the study would harm the participants were also important in the process in formulating the interview schedule, as they required me to consider what kind of question I could ask, as well as what kinds of question I should not ask in order to protect the wellbeing of the participants. In order to

address these concerns, I made sure that participants clearly understood that participation was entirely voluntary, and that they could choose to not answer any question or to stop the whole interview at any time without any need for justification. During the interview I also made it clear that I would not ask about the rape experience itself. Acknowledging the importance of a supportive network if needed, I aimed at recruiting the participants mostly through non-governmental NGOs which I knew had psychological services available. In cases where the recruitment did not go through an NGOs, I ensured all participants were informed about sources of support should they need it and had possibilities to access them.

4.5 Analytic Strategy

Interviews were conducted in Albanian and transcribed verbatim. I also ensured that I had complete copies of my field notes and reflexive journal entries. These helped me to record my analytical interests and thoughts in order to help me understand better the social dynamics that cannot be captured in the audio recording, but which I considered relevant to gaining a full understanding of the interviews. I read the transcripts several times before starting the analysis. However, I made notes during each reading, as well as during the transcription process. As recommended by Braun and Clarke (2021), I worked through the data set systematically, and I treated all data equally during this process. Throughout the text was coded to inform the development of the themes. I used this process to try to make sense of the data, and understand what the participants were saying, trying to say and how they said it by focusing on the obvious things said and describing it, as well as on the interpretative meaning of what was said (Braun & Clarke, 2021; Clarke & Braun, 2015). Thus, while I wanted my codes to capture the different perspectives and patterns in the dataset, I chose to use both descriptive (semantic) and interpretative (latent) codes. Initially starting with semantic codes, I moved to develop latent codes in the final stages of defining the selected themes, with the aim to

investigate underlying assumptions and concepts that informed the semantic codes in the data (Braun & Clarke, 2021). From this, I settled upon the final codes which I gathered in clusters relevant to the meanings they shared. I then categorised the codes into provisionally themes through identifying similarities, differences, connections and contradictions between different themes and revised this process until I was confident that the themes were distinctive from, but still related to each-other in providing an overall meaning to the research questions (Clarke & Braun, 2021). Two distinctive themes were developed, as shown in table 4.3.

Chapter 4 focusses on the level of suffering and long-term consequences of trauma over a period of twenty years following the war, and identity focused strategies used by survivors to overcome their low social status.

Table 4.3

Study 1: Thematic Structure of both chapters

1. Coping and appraisal following sexual gender-based violence at war	1.1 Long-term consequences of stigmatized identities for health and wellbeing 1.2 Importance of partner support 1.3 Managing 'the unspeakable' 1.4 Fear of passing consequences of trauma and stigma unto the next generation
2. Existing and emerging identities as possibilities for post-traumatic growth	2.1 Hope: Transcending trauma by focusing on wellbeing and the future of children 2.2 Growth: The heroine identity 2.3 Future: Perceptions of social change

4.6 Results

Theme 1 discusses coping strategies and appraisal processes in dealing with the trauma of the war stigma in the aftermath, and theme 2 discusses existing and emerging identities used to overcome social curse processes.

Theme 1: Coping and appraisal following sexual gender based violence at war

Participants discuss the level of their suffering and the long-term consequences of stigma during a period of twenty years following the war. They share experiences of exclusion, isolation, helplessness and shame within the community (subtheme 1) and the importance of partner support (subtheme 2). Strategies of negotiating support and building resilience to overcome social curse used by participants in face of stigma are discussed in subtheme 3. In subtheme 4 participants share their perceptions of the impact of their trauma on family members, with focus on their children and how the concern about them poses both a burden and additional worry.

1.1 Long-term consequences of stigmatized identities on health and wellbeing

In this subtheme participants share their experiences in the immediate aftermath and perceptions of feeling devalued as people based on their group identity as war rape survivors. In the following extract Jona gives an account of how her family life was impacted:

Extract 1:

"I was so afraid during nights. I did not dare to turn off the lights, so scared was I. Nor did I dare to look in the mirror for long. When I did look, it seemed like I could see their faces [the perpetrators] with their scarfs and colours. I would scream. [...] Back then we had frequently power cuts, every time that happened the children would rush to light candles, because <<mommy will be afraid>>. [...] also, the trees, when I would look at the trees outside in the garden, we had plenty, they would seem like police forces to me. I'd scream, the police, the police. I had the feeling people were pointing their finger towards me. Whenever I wanted to go out somewhere, I would return immediately. There were rumours. I was not even in the position to help my children; they were going to school, to help them with their homework, nothing. I stayed locked inside, just isolated, isolated. (Jona)

Jona's account is similar to other participants relating to the period in the immediate

period after the war. It highlights the psychological consequences of trauma leading to many survivors isolating themselves from social life and experiencing high levels of anxiety. In Jona's account, her fear from the dark and reliving memory of the event triggered by different objects or situations of everyday life impacted also other family members. However, as many survivors have reported, the immediate aftermath of the war was for many an experience of constant fear which was combined by untreated trauma and anticipation of stigma which led survivors to isolate themselves from their community.

In cases where they had children, most survivors reported that it impacted also the behaviour of their children, turning them to care-takers ("*children would rush to light candles, because mommy will be afraid*"), as well as influenced survivors' appraisal of being able to take care of them. Appraisal and coping processes occur in social context which can help and/or exacerbate trauma and negative feelings of self-worth based on group identity and group memberships when survivors' efficacy as parents are reduced due to trauma (Kellezi et al., 2019; 2021). If survivors feel that they cannot fulfil their part of duties/responsibilities within the group (e.g., being a good mother; helping children out etc.) it reflects on their health and wellbeing, by for example, as in this case, and many other survivors' reports, isolating themselves even from family members (Kellezi et al., 2021). In some cases, this has led to long-term consequences resulting with feelings of guilt towards the children ('not being able to help them').

Jona's account voicing the perceptions of many survivors, also emphasizes the psychological burden attached to the fear of being outed as war rape victim and being confronted with the prejudice against war rape in society, which was amongst the greatest fears all survivors reported. It has been argued that effects of stigma at their core threaten the loss of what most at stake (e.g., valued identities; respect in family and community) (Yang et al., 2007). This fear

exacerbated their isolation from community but also a number of other long-term consequences. One of those, mentioned by most participants in the study, relates to education and economic independence. In the next extract Ulpiana captures the consequences of her isolation as a result of her trauma:

Extract 2:

"I could have finished my education, I would have become independent; I would not be in the need to ask anyone to give me any money, or, I would have learned a profession, much earlier. I do not know for how many years I did not even go out of my front door. I stayed inside, closed in, closed in, closed in. How to tell you, I did not have any motivation to go to school, to work, to learn a profession, or anything else. [...] I was very young [during the war], in my best years. The war destroyed me utterly." (Ulpiana)

Like Ulpiana, survivors who were younger in age during the war, reported that the trauma that resulted from the experiences has impacted their abilities and possibilities to be educated and become economically independent. This is in line with research that has shown that trauma and stigma can affect people's access to education, employment, integration in the community, health care and so forth, with implications for their agency and ability to improve their living situation on their own resources (Clark et al., 1999). Economic dependency has not only limited survivor's agency to build an independent life but also forced them to make long-term decisions which often further exacerbated their suffering and fostered negative coping strategies. One of those decisions, that most of survivors speak of relates to marriage.

Extract 3:

"A year after liberation, they married me off. Horror; against my wish; that was my parents' decision. They found me a husband [...] <<we like the boy, we like the family; you are half human; he is polite; with him you could do, because the difficult one would not keep you>>; I went and took him. I never felt anything for him, nor do I feel now, but for the sake of the children one has to push life forward. What can you do? [...] As a result [of the rape], they gave me away to an older man [...] never thought about myself; did not think; never saw light with my eyes, because it's different when you love him, and different when someone imposes him on you. The imposition is the worst." (Flaka)

Flaka's parents' decision was an attempt to secure some protection for her from further insult (that they anticipated would have been the case if she had married a *"difficult one"*, who would eventually not keep her, by marrying her to someone who *"is polite"* and comes from a good family. The 'devalued attribution' attached to Flaka's stigmatized identity (*"half human"*) by her parents, whether they held such belief themselves or not about their daughter, reflects the socio-cultural context of their environment where they socialized and which they predicted they daughter will live in. One way of being protected from devaluation is concealing the stigmatized identity (Goffman,1963), but that is not always possible as was the case of Flaka. The marriage is a status statement in a patriarchal society like Kosova, many survivors found themselves confronted with prospects of marriage as a way of dealing with the devaluation of their identity by 'saving face' through marriage.

In regard to long-term consequences, in a society where divorce is stigmatized itself, marriage is considered a long-term consequence in itself. In her account, Flaka for example further explains that she was unhappy in the marriage, because she *"never loved"* him *"but for the sake of the children"* she submitted to the fate with a sense of self- sacrifice (*"never thought about myself; did not think; never saw light with my eyes"*). As a result, feelings of loss of agency during the war are relived again (*"what can you do?"*) in the aftermath. In line with literature on social curse processes, this is an example of how the war experience becomes a 'double insult' (Kellezi & Reicher, 2014) through stigma and further consequences in the aftermath such as an unhappy marriage that cannot be escaped.

It is known, that people's self-esteem and agency can be undermined by stigma (Tajfel & Turner, 1986). However, the impact of stigma on agency and self-esteem are dependent on social contexts and social forces, like group memberships and social identities, that direct it

(Branscombe, Schmitt & Harvey, 1999; Gergen, 1971; Haslam et al., 2018). Besides being a war rape victim, which poses a stigmatized identity to the extent that the experience in itself remains unspeakable, in patriarchal societies women are also systematically survivors of gender based discrimination that devalues their agency in decisions regarding their life and maintains the power that reinforces their dependency on others even when it seeks to protect them. A decision for marriage, twenty years ago, was one of such life decisions for many war rape survivors where the agency of a girl/young woman was limited and instead too often parents or other family members took a big role in determining the outcome.

All participants accounts revealed that their particular experiences of war impacted on the relationships with partners and families. While in the case of Flaka the family attempted to protect Flaka by marrying her off to a “*polite*” man, in Besa’s case she married in an attempt to protect her family from negative consequences of her war experience, mainly from being a psychological burden to them.

Extract 4:

“I married the father of seven children. I became worth nothing. [...] After the war, yes, I had no worth. The young would not take you. Damaged, no one will take you. [...] in my youth to go and take the father of seven children, is there anything worst? You did not have any other options. You had to lean somewhere. [...] my husband, I say something, he will immediately respond <<had you been any better, you would have married earlier, you would have not remained for me to take you>>. He puts me in the corner. [...] I did not have any other options. He knew. When I came, he knew what and how [that she is a war rape survivor]. Sometimes, you know, out of anger, by God, I say I should go out and kill myself. My flat is on the fourth floor. Often, I go out in the balcony, and say to myself, shall I jump, kill myself, not live anymore? [...] I said, let me just find someplace to lean on, so that I don’t remain a burden to my father. My father was never again able to get out of the bed after this happened to me. He suffered a lot from this.” (Besa)

Besa explains how her war experience, made her “*unworthy*” to marry in her own age group. In the cultural context of Kosova, where marriage is highly valued, for a young woman to marry a widower with children is an indication of lower status. Like most of the other

participants, Besa refers to herself as both “*worth nothing*” and “*damaged*” following her war experience. This indicates that she might have internalized the stigma associated with her victim identity, which further means that she believes the negative stereotypes attached to it.

Life experiences where devaluations of our identities occur to us based on our group identity (e.g., gender) shape our understanding and beliefs about the world and our self-image. As a result, we (as in this case Besa) learn to stereotype, not only others, but ourselves as well. Stereotypes attached to a stigmatized identity are learned and influenced by the socialization and education one is subjected to (Killen et al., 2010; Wahl, 2003) and social norms and cultural values passed on through generations play an integral role in their shaping.

Besa further explains that her husband knew that she was a war rape victim: (“*he knew what and how*”). This is an indication that she did speak out the ‘unspeakable’. On the other hand, while he accepted her to be good enough to take care of his children and fulfil the role of a mother, he does not value her as a woman, given her war experience. This comes across through the statement that: “*He puts me in the corner.*” when he tells her that if she had been “*any better, you would have married earlier, you would have not remained for me to take you*”.

Many experiences of war rape survivors in this study confirm the findings of Kellezi and Reicher (2014), the ‘double insult’ and the role of traditional gender norm in undermining women’s rights and worth. The data supports the argument that the systemic discrimination of women who are in positions of financial dependency and socio-economic disadvantage makes escape from such situations difficult. Besa’s thoughts of suicide are evidence of her negatively impacted psychological wellbeing as a result of her desperate sense of dependency which made her enter a marriage that confirmed for her the devalued identity.

It is well evidenced that when exposure to trauma is repeated or in some form sustained (in this case through insults and psychological abuse), it can be very damaging for the survivors impacting support and internal coping beliefs by for example reinforcing internalized stigma and negative beliefs about self (Kellezi & Reicher, 2014; Kellezi et al., 2019; Matheson, Jorden, & Anisman, 2008; Stevenson et al., 2020; Turner & Lloyd, 1995). Internalized stigma then is related to increased psychological distress (Gillis & Cogan, 2009; Lee et al., 2002; Quinn & Earnshaw, 2013). The evidence from this study shows that in the aftermath of the war patriarchal attitudes that systematically discriminated against women have impacted survivors' abilities to cope with the stress by influencing also long-term life decisions (e.g., 'unwanted' marriage).

While there were reports from previous research (Kellezi & Reicher, 2014; Sideris, 2003) on how women were divorced when their war experience became known to their husbands and families, the evidence brought here shows that even in cases where the women were not divorced, and in some cases, they even went into the marriage their husbands knowing about the stigmatized identity, this did not guarantee support from them. In most cases this only led to further insult and harm, turning the survivors' own home into a toxic environment where the ability for survivors to live a life of respect and fulfilment is challenged to the extent that their voice is undermined and family life rather than enjoyed and shaped, becomes a process to be endured. Keeping silent so that the stigmatized identity (the unspeakable) does not become a threat or a reason for insult, leaves many survivors in a powerless position in their own homes and turns post-war experiences within the family to another experience of 'unspeakable'.

The cultural relevance of marriage dictates that partner support can become important in determining whether and how war rape survivors can receive needed help for their psychological trauma, and will be discussed in the next subtheme.

1.2 Importance of partner support: the husband knows

While most of the participants did not have their partner support because their kept the victim identity hidden from them, or were living in an undermining and psychologically abusive relationship with their partners and their stigmatized identity was used against them, a few participants share experiences of having had the support of their partners. Even ‘passive support’ defined by ‘acceptance’ and lack of ‘rejection’ was perceived as very supportive. One such example is Gentiana’s account:

Extract 5:

“I was so lucky with my marriage; I told him, because I was in a relationship with him since shortly before the war started. And then, it [the rape] happened to me, but he knew that I; that nobody experiences this out of free will; that this was through violence. What else would you expect from the enemy? And I told him where they captured us, how they raped us; and how they transported us to ... [name of a village]. He, my husband, was a soldier, {...} and after the rape when I went back to the village, I told him what had happened to me. He saw me, I was beaten, bitten, my clothes were torn, all the terrible things you can imagine, and he said: be strong, do not worry, you have me, for life I will never leave you; we have been together for so long, and do not worry about this [...] He has given me such a strong support, and I grew strong; and again, after we married, he talked with me and supported me a lot.”
(Gentiana)

Gentiana’s account shows that even during the war, and immediately after the traumatic experience, support from valued others impacted how survivors coped and appraised their traumatic experience supporting work from Kellezi et al., (2019; 2021). The blame (and norm violation) is attributed to the enemy (“*What else would you expect from the enemy.*”). This shared understanding of the war also defines the support given (“*he knew that I, that nobody experiences this out of free will; that this was through violence*”) by enhancing the sense of meaning making of the trauma (Haslam & Reicher, 2006; Kellezi et al., 2009). In this case the partner support provides an emotional support that on one side validates the survivor’s innocence, but it also is based on basic human emotion such as love and sharing a history of affection together (“*be strong, do not worry, you have me, for life I will never leave you*”). This in turn impacts coping of

the survivor with the traumatic experience („I grew strong“). Most of the women who have reported to have had strong support from their partners, their partners were KLA fighters, and/or people who had themselves suffered great loss in family by the hand of the Serbian forces. This is elaborated in the following account given by Era:

Extract 6:

“This boy, with whom I am married today [...] it was by luck we were introduced. I went out with him, and told him, when we went on a date, I said [...] I have an issue, I said, I can’t tell to everyone. Whether this is a destiny or not, you know the war, you know more or less that everything happened. He said, I know, they killed my father. [...] I said but other stuff happened, too, not just killings. I know, he said, in [name of a village], there was a massacre. I said, different things, beyond a massacre. He said what are you trying to say? I said, I am like this [rape victim], I am telling him, I am victim of war. Eeiii, is that what u are worried about? [...] He said, I have asked about you and your family and everything, as long as you agree, I want to marry you. He said, it was war, my brother is wounded, my father is killed, two cousins, all this I know, but I accept you as you are, the question is do you accept my proposal.”
(Era)

It is likely that having a closer perspective of warfare, as can be assumed KLA fighters had, but also having experienced themselves great loss, influenced how partners interpreted the traumatic event. Mostly this was done by interpreting the events as a shared collective fate (e.g., by listing own losses). Here (and in other accounts) we see acceptance as well as being able to trust their partner with their ‘secret’ and that they will not use it against them. In the next extract, Era (continued from previous extract) elaborates on the issue of trust as follows:

Extract 7:

„I said, if you can give me your word of honour here, that only you and God, because, I said, only my mother knows. He said, only are you agreeing, because for life no one else will know. If he tells his mother, the sisters in law will find out, others will know, I’ll always be with my head down. [...] my husband supported me immensely. [...] this war very important. If I did not have his support, I do not know what I would have done. I think I would have gone mad. First, I had the support from my mother, who did not let me kill myself, over 100 times I have attempted.” (Era)

In Era’s account, it becomes evident that being able to trust someone your secret is a need to regain some self-control, despite the risk and unknowing how the person across might respond.

Viewed within the cultural context, Era's account shows that survivors had agency which they wanted to use in shaping their future on mutual agreement with their potential partners. The support of the partner here takes a position of an alliance. It is her and him against the world. As in the previous account, here too, trust is based on the shared suffering and understanding of war as a collective experience. The meaningful support provides safety and meaning to life: life becomes worth living. One is not alone with the burden of the secret. Furthermore, this secret is protected by the word of honour, the 'Besa', which in the traditional Albanian culture is viewed as sacred; as a result, the bond becomes sacred. Here, and in other accounts where women were supported from their husbands, the support provides a validation of innocence, bound to the meaning of war in which victimisation occurred based on a shared group identity (ethnic identity). Key factor in their partners' support was the understanding that the rape was a form of violence and had occurred under circumstances which could not have been prevented and were aimed at them as a group. It seems that the context of war being understood as a shared threat to their identities promoted the partner bond in cases where the partner has a stronger identification with their ethnic group than their gender. Research has shown that distressful situations that target whole groups based on their identity can promote increase of identification with that group identity (Hogg et al., 2011) and some members of the KLA and others who have suffered great loss during the war seem to appraise the war more from within their ethnic than gender identity. In some cases, partner support resulted in active support, yet in others, as for example in Dora's account, the result was a passive support, which was nevertheless highly valued because of what it entailed.

Extract 8:

"With my husband, to tell you the truth, I did not talk; he was embarrassed, I was embarrassed. He knew what had happened; [...] That is how I became a victim, because they were looking all the time for him (claps her hands). He

saw what they did to me; what I experienced [...] when this [the rape] happened, there at the moment, when he came; just as they [the Serbian army] left, before I regained consciousness, he, he was there. From that day till today he cannot stand to see any blood. [...] in the beginning my husband did not want to let me to come to the organisation [women's NGO that support war rape survivors], because he would say you could become public, then you will not have any life worth living here anymore, because of what will happen as a result. He did not know where I was going. Then I took him with me. if I would have any problems with my husband I would maybe not have dared to come [...]. If I would not have had the support from my husband, my life would have been extremely difficult. This has saved me. (Dora)

Dora's account also emphasizes that having the support of the husband, even if passive (not being able to talk about because of embarrassment) but the husband not causing any barriers for the survivors to receive the help they need from elsewhere, for example, the NGO who supports the survivors. This of course is very relevant in a socio-cultural context where gender inequality in matters of freedoms and independence prevails (with women being undermined) as is the case in the relationships between wife and husband in patriarchal societies where many women have to have the permission of their husband to be able to go freely and participate in activities and events outside the family domain.

The fact that her husband understood her, means he did not blame her for what happened. Not being blamed for what happened, together with not becoming an obstacle for her to receive the help she needed in the organization becomes the social cure she needs to be saved: (*"this saved me"*). This reveals that the silent support and understanding of her husband was key for her to be able to access the help she needed and overcome her trauma.

Dora explains that she did not talk to her husband, because they both felt embarrassed. However, the rape was also perceived as a form of punishment for not giving her husband up, and her husband might feel guilty for being 'the reason' why they raped her (*"That is how I became a victim, because they were looking all the time for him"*). Partially the difficulty of talking about war rape can arise from the fact that rape is also perceived as a failure of men (and family)

to protect the women, a norm violation itself (Kellezi & Reicher, 2014) and the guilt associated with it.

Dora's language is an attempt to construct a new meaning of her war experience by reframing that the rape experience is more meaningful to her, through nurturing feelings of pride about having saved her husband. This gives her some of the control back and helps her to minimize feelings of guilt, shame and weakness. Further, it is important to emphasize that like Dora, most of the other participants avoid mentioning the word rape. Instead, the experiences of war rape, is explained through words like for example, "*This thing that happened*".

Shota too shares her thoughts on the meaning of partner support.

Extract 9:

"There was the pain, the illness, problems, the fear that my husband would change his mind. Things like this could happen. [...] Only my soul knows how I worried. Maybe there were things that were very heavy to bear, but I never said a word. [...] Nor do my sisters know, nor my children, nobody knows other than the people in this organisation and my husband. Never in life has my husband ever mentioned this to me again. [...] because, if it came to the worst, no one can bring you in a worst situation than your own husband. The problem is always with the husbands. To us; happened what happened to us, now if even the husbands treat us badly, what is left for us is to go and kill ourselves. [...] when I see some of my friends; there are some who have been divorced; they left their children even. Without children one cannot live. It is for them that we are living. [...] we are constantly with tears in our eyes till the day we die. Something that we did not want, but you did not have any choice, your hands were tied. You did not have any choice." (Shota)

Even when the husband knows and has accepted that his wife has been a war rape victim, there is the fear among survivors that he might change his mind as he is going against normative behaviour in supporting her. The social norms in this context (as discussed in chapter 3), stand above laws (Cialdini & Trost, 1998). They are formed and maintained through generations because they fulfil a continuity of cultural identity and/or a function connected with the survival of a group through time (Cialdini & Trost, 1998). As long as the stigmatized identity is hidden it is easier for all involved to pretend that they are behaving within the valued social norms. This

is another evidence of the immense pressure survivors find themselves trying to avoid potential negative consequences of the war rape experience to be extended to other family members which in turn might affect their behaviour towards them (Siders, 2003; Kellezi & Reicher, 2014). This fear led Shota being submissive in situations at home on other issues, she would always give in just to avoid risking any further conflict that might lead to her secret come out. Shota expresses her fear of losing her children. Given the women's economic dependency and precedence given to fathers in case of divorce for custody of children (Elsie, 1995; Gjeçovi & Fox, 1989; Hasluck, 1954) because the children's blood line is considered to belong to the father's family by traditional norms (Albanian Customary Law; Gjeçovi & Fox, 1989; Hasluck, 1954). For Shota the meaning of her life amounts to her love for her children (*"Without children one cannot live. We live because of these children."*). As a result, many survivors who are mothers consider the relationship within the marriage as impermeable and stable and are forced to endure a bad situation in order to avoid a worse one which would attack their most valued identity of being a mother. By enduring a difficult marriage and avoiding divorce, survivors are seeking to protect themselves from social stigma associated with being divorced which in their case would amount to a double stigmatisation: once for being a rape victim, second for being divorced. Their strategy of enduring a rather submissive position in marriage is a reflection of a wider socio-political status of women in society.

Like many other participants, Shota too, shares the perception that husbands can have a crucial role in the aftermath (*"The problem is always with the husbands. if even the husbands treat us badly, what is left for us is to go and kill ourselves."*).

Men are not exempt from traditional gender roles attached to marital status, either, especially in the case where a stigmatized identity (being a rape victim) is seen as violating gender

norms for men, too. Bashkim's account provides insight into a male perspective, which differs only slightly from the position of many women survivors.

Extract 10:

"I decided to tell only my very close family members. Because, my wife (whom he met after the war), for example, she is from another family, I did not want her to know, or anyone else in ... [name of the city] to know, nor other relatives. Only my siblings, and that doctor where I was treated, no one else knows [...] because this has to do with morality; your integrity will be hurt, same with the female gender, as the male gender; we all are bound to morality. Morality is morality. You cannot buy it, nor sell it, only in these wars like this, war does not ask when and who [...] I wanted to protect my morality, because morality is a person's dignity, personality, and because I did not want to become once again victim of this dishonour, so I decided to not tell anyone, only my closest family members and that is it." (Bashkim)

In Bashkim's case, fear of his war rape survivor identity coming out, relates also to his wife and other members of his wife's family finding out which might result with him being insulted again due to stigma („I did not want to become once again victim of this dishonour“). While there are only two male participants in this study, their accounts show that war rape affecting men is highly stigmatized, too. It is possible that the nature of gender identity violation is different, as here there is a violation of the concept of manhood and strength and might lead to negative perception of the survivors (Bassiouni, 1994; Carlson, 2006; Robson, 1993). In any case, it is not surprising that both men and women remain silent and the war rape becomes 'unspeakable'.

In the next subtheme I will look closer at strategies survivors used to cope with their trauma, to negotiate support and to build resilience to overcome social curse consequences of stigma, whether within the family and/or wider community.

1.3 Managing 'the unspeakable'

It is evident from the interviews with war rape survivors that soon after the war, most participants found themselves hiding what had happened to them and in fear to talk to someone. Most of them did not know of any sources of formal support, and some of them focus their efforts

in maintaining the secret, as highlighted in the next account.

Extract 11:

„I was badly beaten, my breasts, everywhere, so I took some of my clothes and covered myself and went out the door. I was not sure where to go, so I went outside the house, I said better dead so if they see me getting out, they will at least shoot me. I barely managed to get home, slowly, dragging, and hiding when I arrived, since our house was full of people [...] When my mother saw me: <<what happened?>>; <<nothing they just beat us>>. She took me inside the room, all I was saying was, <<no one should see me>>; <<no one will see you>>, she would say. <<What happened?>> she would ask, I would not tell her. <<They only beat us a lot and nothing else happened>> I would tell her. [...] She cleaned me up like that somehow, for a week I did not get out of the room, not once. I'd stay in that room, waiting for the blue marks to get away so that no one can see them. At least the marks on my face and my breasts would heal somehow so that no one will see me like that. When those healed, I started getting out of the room again and help my mother with household chores. <<What happened, what happened>> they'd ask. <<Nothing, they beat us badly>> I'd say, this is war; and like that the days passed. [...] I needed help, but I did not know about any centre anywhere, because somehow, I was only looking to hide it. I was not much interested; looking to hide it so that the community wouldn't know, because I would tell myself that they would shame me. Those girls who were with me, never; when I registered with the organisation, I told them I cannot destroy anyone's family, because I know who they are, they were my cousins. I will talk only about my body.” (Era).

Era (like other participants) explains how her fear of being shamed made her conceal the stigmatized identity even as her mother was treating her wounds. And this resulted with her not being able to seek further help later on. In dealing with her trauma, her focus was in trying to hide what had happened to her so that the community she lived in wouldn't know. Research has shown that anticipated stigma, increased salience of negative identities are strong predictors for psychological distress (Quinn, & Chaudoir, 2009). In many cases (like that of Era) the concealment was barely possible, yet the efforts to conceal the stigmatized identity were accepted by others. In other words, even when there was evidence of what had occurred, others chose to believe the version of survivors that “*nothing has happened*”. This possibly makes the ‘unspeakable’ a public secret. This does not mean that concealment was not possible in any case, rather just that in most cases the norm defining the ‘unspeakable’ as such, allowed for ‘concealment’ and even reinforced it as a strategy, to protect social norms.

Jona's account reveals how survivors protected self and each-other through concealment of the stigmatized identity:

Extract 12:

"There were hundreds of women in this camp where the police were holding us captive; women from other villages, and they come here [at the organisation where she gets help] to receive counselling [...] we swore when we got out of there, and when we were heading to Albania, we gave each-other the word that neither of us would talk about either of us. We gave our honour word on this! (Jona)

All the accounts provided by survivors in this study suggest that there seems to be an unwritten agreement and solidarity among survivors to conceal each-other's identities in regard to shared experiences of war rape. Upon applying for the recognition status through the organisations where giving a detailed testimony of the event is required, many survivors refused to talk about the other women that were with them when they were raped, and who were also raped. In face of the law requirement to produce evidence/witnesses this means that they withheld information which would help their application to be successful.

Research has shown that following a traumatic experience, the emergent sense of common fate leads to an increase of a strong sense of shared identity among survivors (Drury et al., 2016). In the aftermath of the war rapes, the same connectedness seems to have occurred here, which then was used to conceal the stigmatized identity of each-other as well, in a sign of solidarity and as strategy of coping. By choosing not to talk about each-other, on one hand the survivors do so out of fear of (Extract 12, Era: *"destroying their families"*), thus of sense of obligation to protect each-other (ingroup), which gives them a sense of control, but at the same time they also recognize each-other's agency in deciding whether to tell their stories to anyone or not. Women formed an alliance of silence not to talk about each-other using the code of honour by giving the 'Besa' to each other (giving the word of honour to keep a promise, which is

highly valued in the Albanian culture). This might have also led to reinforcing the beliefs that war rape should not be talked about. This often also meant that they also did not talk to each other, with the result being that they became even more socially isolated and were alone in dealing with their trauma.

This supports previous research who found that stigmatized identities survivors faced difficulties to find similar others and exchange support (Frable et al., 1998). One of the strategies used by many participants, can best be summarized through Dora's experience, where she explains how she managed the 'unspeakable' and concealed her stigmatized identity in the community by a) avoiding certain social events and b) preferring certain social events.

Extract 13:

"Do not express yourself with anyone, do not talk with anyone; just hold it in, hold it in, never; I never [talked]; for me the first thing that I did after the war was going to death ceremonies. I did not go to weddings, because I was thinking that, God knows; that that had happened to me, I thought in my mind, that everybody knows; [...] death ceremonies I attended [claps her hands]. Because, how to say it, I was full; when I went to one of those death ceremonies, whether the deceased was a friend, or a nephew, brother or; I went to ceremonies even when the person who had died was barely remotely related to me, [...] I would only cry. Till recently, that I have gathered myself a little, when I would go to the psychologist, I would only cry, cry, cry, because I felt it was helping. (Dora)

In Dora's case, her experience is linked to two social events that are of high importance to the social life in the context: death ceremonies and weddings. Dora strategy to deal with her trauma and overcome social curse in the immediate aftermath of the war involved avoiding social events where happy faces were expected and life was celebrated and attend those where she could express her grief and pain, without risking disclosure of her stigmatized identity in the community. She did not worry about going to funerals and death ceremonies, because her feelings of sadness and need to cry correspondent with social expectations for such events and she felt more freely to express her sorrow through crying, which in face of not having anyone else to confide her pain to, provided a relief.

Djella also expressed her sorrow related to her war trauma while hiding in 'plain sight'. The context in which she found herself in life made it possible that other family members and her children in particular, would not understand why she was so sad about, and assume that it was relating to something else.

Extract 14:

"I would always hide away, also from my elderly children I would hide away. Always I would hide, because I feared that they would find out. They thought because of my sorrow that I lost my son [one of her son's died after a long period of illness]. And, they would always look after me, how to say, they would think it had to do all with my son's death." (Djella)

Djella, as many other participants, unable to speak about her pain related to her war experiences, when feeling low would hide away from her children, because she feared that the children would be able to recognize why she is feeling the way she felt. However, because she had lost a child to an illness, the children assumed that her depressive moods were reactions to the loss of her son, and would look after her with that in mind. Dora and Djella alike, met their need to cry and/or express their feelings of sorrow and sadness while managing to conceal their victim identity and found reasons for doing so in a social context that fit normative behaviours like crying. Other participants made use of the possibilities to talk to someone about their pain, when their stigmatized identity was not concealable, because the relevant others were witnesses of their experience.

One such example is Flaka:

Extract 15:

"Other than with my mother, who is still alive, and my sister-in-law who is a very good person; she was at the event, when it happened, when it unfolded; the case that happened to me; with her I talk often. When I talk, she cries, I cry, and well, it goes away a little bit, because when you cry with tears, it goes away. there are too few people that will understand your pain. This thing, it's difficult that someone will understand it." (Flaka)

Being able to share and cry with someone helped her pain "go away". However, talking

to someone about the pain was deemed possible only when the other person was considered to be someone who understands. In this regard participants, were very selective in whom they can trust and whom they can talk to. Like Flaka, most of the participants share the perception that others will not understand your pain. This confirms findings from Kellezi and colleagues (2019; 2021) that many survivors of trauma believe that only those that share your experience and pain can understand the severity of the trauma you suffered.

Research has also shown that the emerging sense of shared social identity that is created following shared experiences (e.g., collective trauma) impacts the ability of individuals to move forward in the aftermath (Muldoon et al., 2017; Drury et al., 2012, 2016) by joining forces to overcome the trauma. Among others, this is because the extent to which people perceive that they share identities with others influences their appraisal of certain situations and this in turn influences their coping strategies (Pandey et al, 2014; Kellezi & Reicher, 2014). However, looking at this from survivors' perspectives, forming an alliance with ingroup members (others who share the experience) to not talk and protect each-other from disclosure in the aftermath of the traumatic event is a coping strategy which helped many survivors regain a sense of trust and agency through the formed bond with ingroup members (other survivors) even though it prevented them receiving direct help and even talk to each-other.

We know from research on gender differences in relation to symptoms in posttraumatic stress disorder that in regard to identity undermining experiences such as rape, in societies where traditional norms define masculinity and femininity more rigidly, women tend to underreport the experiences because of fear of being judged (Norris et al., 2001). However, considering how estimates of war rape prevalence are often used on reports provided by survivors, the underreporting seems also to be a result of survivors being silent about other people's

experiences, even when they talk about their own.

Like Flaka, all other participants, expressed their opinion that they want to be able to talk and have the positive supportive and accepting responses from people when they talk to them about their experiences, but at the core of this thought is the assumption that one needs to be very careful in choosing a supportive person to talk to. While positive experiences of disclosure can bring upon positive results and help shift identities in a more positive light (Beals et al., 2009) negative results can lead to poorer mental health (Ilic et al., 2014) and reinforce the stigma that is associated with the experience. Most survivors have made experiences from both sides.

However, even in cases where the stigmatized identity is disclosed and there were no negative consequences that resulted with rejection of help or shaming, like in the case of Flaka in relation to some of her family members, the lack of 'common fate' becomes a central argument for her strategy of coping with trauma by avoiding to talk to people who do not share her experience because "*they will not understand*". Even if family members know of her experience and are willing to help, because they do not share her experience they are not considered for support. As a result, the family becomes a place where the victim is 'together alone' with her trauma and does not draw on the collective effort of healing together with the family's support. Flaka's account confirms what previous research has shown, namely that support has to be interpreted as meaningful by survivors (e.g., survivors need to feel that others are able to understand) and this is only the case if survivors can trust others to even share with them their thoughts and feelings related to their stigmatized experiences (Cohen & Wills, 1985; Norris & Kaniasty, 1996).

However, as the next account shows, meaningful support is not just about actively sharing the stigmatized experience with others and or helping similar others conceal it.

Extract 16:

“It is easier now. You see, when you stay all day in the same place, your mind is stuck only on that one thing; but when one goes out a little, as little as it might be your mind clears some. When I get sad, trust me, when I come here for some other things, I come here to the and when I return back home afterwards, I feel a little better then. Because, it’s difficult, it’s difficult to be isolated; we have friends who are not allowed to get out of their door; that is like death to them, because you are constantly trying to protect yourself from everyone, fearing they will find out, fearing they will say something, fearing this and that.” (Shota)

For Shota, and many other survivors, meaningful support means also having a common trusted place of being together and disconnecting from own thoughts about the past. So being together in an environment of trusted people, and engaging in different activities that allow for new identities to emerge (e.g., forming a cooking group; a knitting group etc.), is also perceived as a way of being able to escape the past by building something else together (Haslam et al., 2018). However, being able to participate in those groups, is a privilege (mostly bound by at least some support within family) that not all women have. Ulpiana provides the following account:

Extract 17:

“We were silent. When we were in Macedonia, we saw a doctor. My father brought us there. He died after the war. [...] also because of sadness, he was very sad about what had happened to us. We simply kept it for ourselves. We did not talk to anyone about what has happened to us. Neither here or there. We did not even mention it to each-other; once, it happened, about two years ago, I asked my sister, otherwise we did not even talk to each-other about this. [...] because I had heard her with my ears when she told the Serbs <<Let them go [referring to Ulpiana and their mother] and do whatever you want to me and kill me>>. But she never admitted this, [...] We [other women that visit the NGO] do not ask each-other even where you are from, or what is your name, or anything. Not even simple questions like that. I, for example, if I would meet one of the women that comes to the organisation; if I would see her, I would not greet her, because I would think that maybe she is in the company of someone that will then ask about me <<who was that?>> and this and that.” (Ulpiana)

Even with family members who shared the same experiences talking about the experience has been reported by many participants, like Ulpiana, to be very difficult and a rare occurrence and the whole experience is rather silenced. Moreover, also among other people who share the experiences, in NGO groups, there seems to be a silent agreement not to talk to each-

other directly about the experience. It is possible that the 'shameful' nature of the experience in socio-cultural context where sexuality and all sexually related topics are considered tabu and kept very private, makes it difficult for people to find appropriate language to talk about the topic in the first place. It is also possible that the survivors know of the emotional burden of the experience and the psychological trauma related to it that they fear that if they talk with other survivors, they might expose them to the pain relating to the memory of the experience (burden of sharing, Kellezi, et al 2019). Evidence in Extract 7 and 12, in relation to the alliance to protect each-other, the solidarity among ingroup members to protect each-other's identity becomes evident when Ulpiana explains how she even protects survivors by not greeting them in the street in case this raises questions that are difficult to answer about their relationships. Having limited, or close to no active lives outside of their family homes, because most of the participants are not employed, makes it even harder to explain acquaintances with other people who are not from the same community, village, or town.

The appraisal processes in regard to breaking the silence on war rape are based on perceptions whether talking or not to talking to relevant others will result with positive experiences (Cohen & Wills, 1985; Haslam, et al., 2018; Taylor, 2007). Research has shown that when the perception of having received support from group members one identifies strongly with is high (e.g., family), it leads to better health and wellbeing (Haslam et al., 2005). Bashkim elaborates as follows on the positive reinforcement through family support.

Extract 18:

"My family supported me. I am thankful to my sister who took care of me as if she was a physician [...] I did not want to come [at the organisation that has supported him with the application process for formal status recognition by State] and share. We are a society that; even in Austria [where he lives] I did not want to disclose, I hesitated to talk, because this elates to morality. This has to do with morality, it touches, it violates your human integrity, you know. But then, I decided to talk, because war, everywhere else where there has been war, things like this happen, and one should talk the truth. [...] because

we are those who have experienced this political war at the hands of the Serbian regime, we are the ones who have survived, and it is better to tell the truth, than to hide it. [...] so that your status will be valued. The world should know, what price we paid.” (Bashkim)

For Bashkim the process lasted about ten years and his account above gives a picture of how survivors have coped with the ‘unspeakable’ within a longer period. Bashkim talks about the support from family members he received, about the meaning of war rape as a violation of the integrity of a person and about the prevalence of war rape as a norm in many wars and the truth. So, the shift that occurred in Bashkim’s case, in his war appraisal (“*we are those who have experienced this political war at the hands of the Serbian regime*”) and society (“*we are the ones who have survived*”), similar to many other survivors, seems to be attached to empowerment through family support and perceived political necessity to speak out the truth for psychological reasons: (“*so that your status will be valued. The world should know, what price we paid*”). This account shows that psychological processes of dealing with war rape in the aftermath of war, from the survivors’ perspectives, are attached to an understanding of war rape as political violence that needs to be known (“*The world should know*”) so that their position in society is recognized. This in turn means, that political developments that control possibilities for survivor’s war rape experiences to be recognized are influential in how survivors appraise their war experience within a wider historical and political meaning.

In relation to their perception of the future many survivors fear that the good that might come out of talking to someone, comes with the high risk of being harmed further, not just themselves but also their family members. As a result, they rather choose to remain silent to protect what they value: group members (e.g., children; other survivors).

Keeping silent and thus minimizing the risk of disturbing the cohesion of the family, also gives them some control in preserving the social life as they knew before the war (e.g., preventing a

divorce; preventing separation from their children etc.). This is in line, with that Summerfield (1999) has argued, that following extreme traumatic experience, survivors will first try to regain some self-control and dignity, achieved in part through the preservation of their culture and social life. A core motivation in preserving their culture and way of life is projected through the care, protection and future of their family and specifically their children.

In the next subtheme participants share their perceptions on how they see their children being at risk because of their traumatic experience and what they are doing to prevent them from any harm. Further, their effort to conceal the stigmatized identity, is related to their fear of harming their children through their trauma, and/or through the negative social consequences that might be extended to how others might treat their children.

1.4 Fear of passing consequences of trauma and stigma unto the next generation

The appraisal of the situation through the lens of the motherhood has brought for many survivors upon feelings of fear, guilt and insecurity. Further, participants elaborate on how these feelings have been an important motivation for them to keep their identity concealed from their children a) to protect them from trauma as a result of burden and pain that they might feel for them and b) to protect them from stigma as a result of their association with them.

Extract 19:

“When my first child was born, I looked after him, and my stress went away a little; but when he died, then I turned back to that phase [depression], because, I always feared if my trauma would affect my baby. [...] Three months after it was born, it died. [...] and when the baby died, I did not think any more; I did not want to have any other children. [...] and then eventually I went on with my life and I gave birth to a boy. Now I was afraid to let him even walk on the grass; or to sit on a pillow alone; I was afraid, because I was telling myself, ‘What if he dies, too?’. I was fixated on the idea that my trauma was doing something to my children.” (Flaka)

Flaka was able to find some stress relief in taking care of her new-born baby, but the baby’s death led to depression and she was consumed with the idea that her trauma had had an

impact in the death. As a result, this affected her behaviour towards her other children in years that came. The economic difficulties faced could also have impacted on concerns about raising children. Like in many other cases, also in Flaka's case, the war left the families in very difficult socio-economic conditions, where homes and all property were lost.

This fear has some basis in previous researching showing that violent traumatic events impact may be transmitted through different pathways across generations. Based on the experience of the Rwandan genocide in 1994, researchers observed, that the ways that mothers communicated with their children about the trauma, whether they were silent or encouraged hope about the future had effects on the children. There were also changes that impacted the socio-economic structure in society, and family dynamics in the community as a result of the genocide (Berckmoes et al., 2017; see also Danieli et al, 2016).

In Flaka's case, her worry about her trauma affecting her child's health, therefore the daily care of her child, was a constant reminder of her stigmatized traumatic experience. Research has shown that increased salience of the stigmatized identity might result with increased psychological distress (Quinn & Chaudoir, 2009). To put this in context of Flaka's experience, this might translate into her overprotective behaviour towards her second child. Other participants were mainly concerned with their children being traumatized by the story of their mother's war trauma, as Vala explains:

Extract 20:

"I'd be embarrassed. The children were small then, [...] the eldest was 10 years old, he did not know anything. Now the children know [the meaning of rape], if they would hear something, they would know, they understand stuff. Why should the children get my trauma? Children can be traumatized too, when they know what their mother suffered. So, I do not want to put this in the children's head; them to know what I have experienced." (Vala)

Keeping her stigmatized identity hidden from her children is important for Vala to protect

her children from being traumatized from the knowledge of what their mother has suffered. Further, the lack of ability and agency to control the reaction of children, if they knew, brings fear that now that they (“*understand* [what rape is]”) they might have difficulties to process the pain and suffering their mother went through, alongside the social and cultural stigma associated with it in the aftermath.

Many participants in this study expressed thoughts that the best way to protect their children from the negative consequences of their trauma was to hide the experience from them, and this resonates with the social and cultural context. As a result, in addition to fear of their children being traumatized by knowing about their mothers’ experiences of war, many participants feared that their children might be impacted by stigma associated to their stigmatized identity, as well. Hana expressed her views as follows:

Extract 21:

“My children did not know what happened; that it happened to me, that thing. And they still do not know. Also, the reason as to why I go to the organisation, they do not know. Why should they? I don’t want them to know. See, I am a grandmother now; I have the daughters in law, my own daughter is married; I don’t want to disturb my daughter’s peace; because the house of the husband has a lot of work, words; so, I kept it in my heart, I kept it in my heart and I will keep it in my heart for as long as I live.” (Hana)

Referring to her rape experiences, similarly like many other participants, as “*that thing that happened to me*”, Hana explains that her grown up children do not know of her war experience. Hana’s concern with protecting her children relates to her good knowledge of the cultural norms and traditional views of her community where war rape is viewed as identity undermining and shameful. She fears that her daughter might be shamed and blamed for being the daughter of someone who is a war rape victim, and thus suffer ill treatment from her husband family. In order to protect the peace of her daughter’s life, in regard to her relationship within the family she is married into, she rather keeps her secret undisclosed. In this statement also lies a sense of agency and control over the situation, where she takes pride that she would rather

keep her secret in her heart undisclosed to protect their children from anticipated stigma.

This evidence shows that survivors fear that the social curse that falls upon war rape survivors attached to social stigma associated with war rape can be transferred to their children and extended family by association with them. Furthermore, the behaviour driven by this fear already impacts their family relationships in different ways, as for example, hiding own suffering from the children and other members; trying to be overprotective of them; not being able to share very deep personal issues with otherwise close members etc. Instead, and maybe as a way of dealing with the feelings of guilt associated with having to keep a secret from their close family members, many survivors have reframed this as a behaviour to be proud off, by focusing on the protective aspect of it. Research has shown that trauma weigh heavily on parents that fail to fulfil their protector role towards their children (Kellezi et al., 2021). In this case, protecting the children from trauma and stigma by association with a war rape survivor, helps survivors reframe their silence into a positive meaning and fosters feelings of agency and control.

In the next theme, processes of overcoming Social Curse will be discussed more in detail, where participants share their perceptions and experiences of resilience, strength and exclusion in face of their traumatic experience through existing and emerging identities.

Theme 2: Existing and emerging identities as possibilities for post-traumatic growth

Processes of overcoming the Social Curse on their victim identity are discussed through the meaning of existing and emerging identities. Participants emphasize the role of motherhood in overcoming social curse and coping with trauma, whereas their children's care gives life a purpose (subtheme 1). In subtheme 2 participant perceptions on the meaning of the emerging "heroine" identity are discussed. Then participants also share their perceptions on changes in the

mentality and public awareness in regard to their social status and stigmatized identity (subtheme 3).

2.1 Hope: Transcending trauma by focusing on wellbeing and the future of children

Following the experience of sexual violence at war it is through the motherhood identity that many survivors of war rape seek to restore their self-worth and find purpose in life in face of the devaluation of their gender identity due to the rape experience. Shota expresses her way back to a meaningful life as follows:

Extract 22:

“Again, I had to turn back to normal life, you don’t have any choice. Either die, or go back to normal. For the sake of the children, I mean; a person can overcome everything for the sake of the children. You don’t have any other choice than to go on living.” (Shota)

Many survivors reframe the meaning of motherhood to justify the will to live despite having experiences something that is deemed very shameful and traditionally solved through suicide¹⁴ rather than living with the shame of the event. Furthermore, it also is a reference to internalized images of victimhood which dictate that life has ended for those who have been victims of such a crime, and they shall not have any pleasure in life anymore. The way Shota expresses herself, echoing the voice of many other participants, the choice to live on is justified as being done for the sake of the children. The undertone, in many of the participants thoughts, is that after the rape experience, life is not worth living itself. It is through the role of mothering that female war rape survivors find meaning in life as Dora explains:

Extract 23:

“For the sake of the children you have to eat, drink, talk, laugh and everything; as they say, you know, to make them happy, to have them; so that they can have a better life ahead. Because, as for us, life has had it.” (Dora)

¹⁴ Alluding to legends and folk narratives of women praised as heroines for jumping from cliffs to save their honour and not fall in the hands of the enemy. For e.g., “Princesha Argjiro” by Ismail Kadare.

It is for the sake of the children that all normality in life, which is associated with eating, drinking, laughing etc. has to occur so that their children can have a better future. As a result, their own future is projected into the happiness of their children and their future. The ways participants justify their will to return to a normal life, is rather done as a duty and obligation from a motherhood perspective, almost as a sacrifice. This view reflects also cultural and social norms in society that expect that someone who has experienced something as norm violating as war rape can't have a life of pleasure and happiness after what they have experienced (*"for us, life has had it"*). The destruction of their "worth" through the rape, has also destroyed their right to excel and enjoy and have a meaningful happy life, unless this is justified as a sacrifice for the sake of a higher goal, such as the future of their children. It is clear from the participants' opinions that the motherhood identity has not only provided a new meaning for life being worth living, but also helped them turn their trauma and social curse experiences into growth and strength by providing for their children. For Hila, as for many other participants, it is through her children that she finds her willpower to live on hoping for a better future for them.

Extract 24:

"For me, the children were the force that guided my will to move forward and keep myself together, and not kill myself. The children. The will that they gave me, because when I see how they are going to school, getting and education, having their future in front of them; and they are healthy; that is the willpower that keeps me going. because, as they say in your husband's house, sometimes life is poison, sometimes it's honey [...] sometimes you might enjoy months that go by perfectly well, then it happens, might be that when you are feeling at your worst moments, that you cannot stand him; you cannot because you yourself are overburdened; and then I go mad, but still, it's alright, what else can you do, this was our fate." (Hila)

Hila's account shows that the 'motherhood identity' has helped some survivors escape their submissive role in their own home which she refers to as *"husband's house"*, where *"his wish"* alone predicts whether life for her there feels like *"poison"* or *"honey"*. Hila describes her children as *"the force"* that kept her together. It is through her motherhood identity that she

found the strength to turn social curse into cure in projecting her wishes for a better life for them and in anticipation of the joy their success in life will bring her, into having one life for herself and not kill herself. This shows what many survivors have spoken about, how their motherhood identity has helped them cope with the 'damaged woman' identity following the experience of war rape and the devaluation of their gender identity as a result. This was especially the case when survivors reported that their relationships with their partners were stable (defined by traditional gender roles) but impermeable (not changeable). In general, as already discussed above, the partner support (or lack of it) was seen as crucial in determining survivors' life in the aftermath. In some cases, even the passive support was viewed as a blessing, because it allowed for the motherhood identity to continue. For example, Gentiana account in the next extract shows that in the case where the partner support was prevalent and helpful.

Extract 25:

"Because of the children one has to become strong; for the sake of children, for the sake of the husband, since he has given me such a good and strong support, you have to become strong; you have to leave what happened in the past behind and be strong." (Gentiana)

In addition to being strong for the children, Gentiana mentions here also her husband, from whom she has had strong support, as another motivation to leave *"the past behind and be strong."* The undertone here is that, both children and husband are affected by whether one is weak or strong, and their interdependent relationship as members of one group (family) serves as a motivator and empowerment to be strong and be able to leave the past behind (*"you have to leave what happened in the past behind and be strong."*). Therefore, discussing the meaning of children in how it impacted war rape survivors' self-esteem and resilience cannot be fully separated from other relevant members of the family, especially partners. In many cases survivors reported that considering war rape threatening the motherhood identity, as

understood traditionally through norms of sexual purity, partner support (active and/or passive) served as protection from that threat both in normative way as well as practical: normatively it serves by offering a continuity of family (Sani et al., 2008) and group cohesion and protecting the survivor from the devaluation associated with war rape (e.g., worth being a kept as a wife; worth being a mother). Practically this translates into possibilities for survivors to be able to keep their existing identities as mothers (e.g., by not being divorced), concealing their stigmatized identities from others (e.g., reason of divorce) and avoiding another highly stigmatized identity especially for women (e.g., being a divorcee). Other identities outside the family unit were also important in dealing with the impact of war rape, and they will be discussed in the next two subthemes.

2.2 Growth: The heroine identity

Public commemoration can be an important way of fighting stigma and symbolizing recognition and acknowledgement for people who have experienced war trauma and suffering. In an attempt to commemorate women's experiences of war in Kosova, both civilians and non-civilians, the "Heroinat" memorial in Prishtina was inaugurated. Initially the "Heroinat" memorial was dedicated to all women who have in some way or the other 'contributed' to the nations freedom and been an inspiration for future generations. It was not intended to commemorate war rape survivors exclusively, but with the Law amendment and other changes, the monument was rebranded to represent the war rape survivors. Alongside the memorial, the heroine identity emerged, which was used to address war rape survivors. Participants referred to the identity and monument in their accounts. For example, Hekuran expresses his views on the "Heroina" memorial:

Extract 26:

"The 'heroine' memorial represents every person who has felt, who has experienced; at least a little bit you see that

the State has made this an everlasting sign. That memorial [...] even, even its colour is somehow like that, like black, like always, always sad; and somehow, I really felt like I saw my whole world in it; you know thinking: we exist, too; we too; we, too are someone; for us too, something was built 'Heroines'; but it could have been a more general [...] to include the men, too. [...] We are stepped on, I am telling you, in this issue, we are even more oppressed.” (Hekuran)

For Hekuran, the memorial represents a way of the State recognizing and commemorating the existence of war rape survivors and their war experiences publicly (“*we exist, too; we too; we, too are someone; for us too, something was built.*”). However, Hekuran finds male victims are being excluded by the State (who commissioned the memorial). As a result, Hekuran sees himself excluded not only from the whole narrative of the war in general, but now also from the narrative of war rape experiences in particular. The risk with reframing identities, is that it can maintain the exclusion of experiences, amounting, to an exacerbation of the feeling of being doubly insulted. In this case the context implies, being forgotten and not mentioned for almost two decades, and then being overlooked when ‘mentioned’. While Hekuran’s account speaks of a gender perspective in particular, other survivors, also women, have also expressed a similar sense of exclusion, the only difference, their perception was not that the exclusion was direct based on their gender, but rather that they did not feel they could live up to the image of ‘heroism’ and what it represents in this particular context [being brave to speak out publicly]. Djella’s account, speaking for many others, captures this feeling the best:

Extract 27:

“This sounds to me, ‘heroine’, seems to me like something big. That, yes, one has achieved something. [...] but I don’t know how to say, it’s good, it sounds good, but; no, to be called that in public I don’t want that. No, publicly, no, absolutely not. I don’t want to be called that; not at home even, I don’t want my husband to call me that; I, I can’t bear to receive this word. But like when I hear it on television, it seems to me like someone has; done something big [laughs].” (Djella)

Djella, like some other participants, thinks that the meaning of the word itself, is a positive one, it describes a person that has done something great for others. At the same time however, she fears that as long as it used to identify her as a rape victim, she does not want to be called a

'heroine'. The undertone is that if survivors are called "heroines" just in context of them being survivors of rape, this word then risks to become publicly stigmatized as well, rather than help shift the mentality of people towards more positive and respecting views towards war rape survivors.

One other key reason, why some survivors find it difficult to identify with the 'heroine identity' is that it became established as a few war rape survivors spoke publicly about their war experience in national TV. Many participants assume that in order to become a heroine, one needs to speak publicly about their war experiences and if one is not willing to do so, then they are not 'entitled' to this term. Hekuran's account illustrates this point:

Extract 28:

"We are not strong like; we cannot be; she has her brother's support [referring to a survivor who spoke out publicly and her brother supporting her publicly]. [...] If you come out now and tell someone <<I have been raped>> [...] if you tell someone the truth of what happened at war; [...] Oh, he he; You will lose your authority. If there is a wedding, an event somewhere, you say, you talk: this is what happened at war; because, now they have respect for you, because even now in the village wherever I go, when they start talking about the war, they say, <<look at this great man>>; I will lose that. From <<look at this great man>> to <<look at him who was raped>> so, instantly I will fall down. You cannot live anymore, I swear that if someone were to find out, you do not have a minute of living anymore. You do not need the status anymore; nor do I want the money, nor nothing at all [...] Our mentality is like that, that this cannot happen to a man. As a male: you have the pride, and it is different you could have stopped them, you could have killed them, you could have taken their weapon away. It is not like that of course; to tell you the truth I did think of it, I did think of doing something but at that moment your mind is not working properly; when, when [...] when he has a weapon in his hand and you want to fight him; while he has a weapon in his hands; I was unarmed." (Hekuran)

Among the key reasons for not being able to live up to the image of hero/heroine, the supportive network has been mentioned. However, research has shown that gender stereotypes on war rape affect male survivors also and often their voices are double silenced and/or underrepresented: once as war rape survivors in general, and second as male rape survivors who in the context of war rape being understood predominantly as women's experience, are

overlooked (see e.g., Carlson, 2006). This is also in line with theorizing that has analysed gender perspectives on war narratives and emphasized that patriarchal values dictate war narratives of male heroism (McDowell & Braniff, 2014; Muzaini & Yeoh, 2005) and thus them becoming war rape victims is viewed as norm violating even more so, because, instead of being fighters they were victims (*"As a male: you have the pride, and it is different you could have stopped them."*).

While Hekuran clearly speaks from his gender perspective, his feelings and thoughts resonate with other (female) participants in this study, showing similarities in the consequences such as prejudice and stigmatization when experiences are seen to have violated gender norms. Hekuran emphasizes that his situation does not allow him to speak publicly, because he fears to lose respect from within his community in the village where he lives. The support from relevant close others, especially a brother's (representing traditional gender norms according to which support from the male line of family members is seen as more powerful in validating a truth) is seen as key factor to overcome the social curse and publicly challenge the mentality and speak out.

This fear of losing his status in the community impacts his ability to embrace the emerging 'heroine' identity which is associated with the *"truth"* of his war experience. Hekuran points out to the power of gender norms in how blame on the survivors for what they have experienced during the war is shaped. He also makes a reference to the effect of trauma during the experience while stating that *"your head does not work"*, which as a reply to the prejudice about the gender expectations on how a man should behaved in a traumatic situation like that serves to protect his self-esteem by highlighting how circumstances impact first the state of mind, but also masculinity (gender norms): (*"I was unarmed"*). This aspect of mentality, that attributes blame to the survivors through its definition of gender norms and roles alone, as Hekuran described not

only impacts his experience in the community by keeping him silent and in fear of losing peoples' respect, but is also influences how he can experience social/political changes (e.g., the law amendment) in the wider society in which others from the ingroup, whose different circumstances ("*her brother's support*") allow them to embrace the emerging 'heroine identity', become now '*a new group*' divided from the ingroup and can be distinguished from: ("*We are not strong like [...] we cannot be.*").

The memorial and the emerging heroine identity through public discourses associated with the symbol of the memorial, meant as a reframing for war rape survivors' identity, in connection with being brave to speak out publicly, has not reached many survivors. Almost half of the survivors had never heard about the memorial nor could elaborate anything on the 'heroine identity' as relevant to them. The participants' thoughts and perceptions of social change and mentality shift in the community will be elaborated in the next subtheme.

2.3 Future: Perceptions of social change in society

While some of the participant focus more on discourses when referring to mentality (changes) in the wider society, others focus on how community mentality has impacted survivors' behaviour in the community where they live in. Era for example expresses her view as follows:

Extract 29:

"There is a lot of changes. Back then, right after the war, if they knew they would have looked at you differently. And now, I can see that it has become better. They are supporting them much more now. Immediately after the war it was very bad, but now is much better, they are supporting women more now. I listen to news a lot, and you can hear there is much more support now [...] I can see that women are much freer now. Those who this has happened to and others who this did not happen to, back then, they were all much more restricted in their liberties. [...] now I feel a little bit better, because they are mentioning you somewhere, they are raising their voices somewhere. (Era)

For Era, as for many other participants there is a perception that the situation for rape survivors in Kosova has changed for the better in overall. The perceived collective support

mentioned here is referring to the law amendment and the increase of support in the public discourse that followed: (*“they are mentioning you somewhere, they are raising their voices somewhere.”*). Further, Era, as many other participants, emphasize that being mentioned more is having an impact on how they feel: (*“now, I feel a little bit better”*). This is evidence to the influence of public discourse on the well-being of war rape survivors, through breaking social curse processes such as the silence around war rape experiences in the public domain and fostering feelings of inclusion. In addition to feeling better, Era defines the changes she perceives in the mentality also as freedom. However, her view is that women in general are freer now than twenty years ago, which brings the argument forward that the changes in the mentality of the communities towards war rape survivors are not only result of the increase on the discourses and actions regarding war rape experiences (e.g., law amendment), but that the discourse and the law amendment are also a result of changes already occurring in the emancipation of women in Kosova. However, she also highlights the fact that there are still places that women are not free to go anywhere alone, which in terms of how this impacts war rape survivors it means that they are restricted in receiving in-group support, applying undetected for the status, or getting any psycho-social or medical help they might need.

The need for information and education about war rape is one of key factors that many survivors speak about. Most of the survivors believe that there are different ways that education of the people about the subject can be done, with public discourses being emphasized, and it should focus on challenging stigma:

Extract 30:

“Now that they have come out on TV, that they gave interviews publicly, now I think that everyone understands now a little bit more: knows what the issue is about. [...] I think, a lot more needs to change still. [...] The mentality first and foremost. [...] So that people don’t think of the subject, how to say it; we are all women, but somehow the

moment someone mention sexual violence, instantly everyone thinks who knows what: this needs to change in people, they need to be told that this is normal, that it is something that happened without our will; to raise awareness among people.” (Djella)

For Djella, the fact that war rape survivors have shared publicly their war and post war experiences, she believes, has reached people and moved them to understand a little bit more what this experience is about. This is also an argument that public discussions can influence a shift in mentality. She points out that further changes need to occur which shift the mentality regarding the sexuality of the experience, implying the social norms that stigmatize the experience, arguing for a need in mentality turning the focus on the subject on the violence of it rather than on the sexual nature of it which in society is viewed as a tabu topic.

Many survivors, like Djella, say that the nature of sexual gender based violence should not be reduced to the sexuality and be attached to the norms relating to sexual purity and such, but rather be seen from a broader perspective in which sexual gender based violence happens in a given context and that context (e.g., war) is defined by other group dynamics (e.g., status of groups and ethnicity). Gender theorists have debated on whether sexual gender based violence is to be seen as gender driven or context driven (Copelon, 1994; MacKinnon, 1994). Most war rape survivors seem to agree with both, or rather align these two views in one (Davies & True, 2015; Manjoo & McRaith, 2011), according to which war rape is to be seen within its wider context of war in which gender positions are unequal and shape their experiences, both at war and in the aftermath, however the context of war itself is bound by ethnic group identities. In other words, ethnic identity which defined the war experiences in Kosova, is viewed as key factor alongside gender in determining war experiences: *“e.g., nobody experiences this out of free will; that this was through violence. What else would you expect from the enemy? (Extract 5, Gentiana)”*.

Similarly, Hila expresses that there are visible changes in mentality as compared to the immediate aftermath. Hila herself, is one of those examples that could not go to the NGO and receive the help she needed for many years after the war due to the stigma in her family and community:

Extract 31:

“I think that people have changed a little bit; if it had been like it was before, even going to the organisation would not have been an option at all, I would have suffered alone at home and would have not gone out at all. But I think that small changes are visible; maybe also because people are going abroad, are seeing things, hearing things; and since they started going abroad visiting their sons, their daughters, and are seeing how life is over there, and when they come back they don’t want to imprison you anymore. [...] and I think also due to, you know our people who live abroad, that come and visit, you know the diaspora” (Hila)

The financial and cultural bond between the local population in Kosova with its diaspora is very strong. In her account Hila argues that exposure to more open cultures through the Albanian diaspora has impacted processes of change in Kosova. Drawing on her own experiences, and resonating with the experiences of many other participants, Hila explains that if things had not changed, she *“would have suffered alone at home”*. This is an indication that changes that are occurring in Kosova are already showing positive outcomes in ways how war rape survivors appraise their situation and are able to cope with trauma and stigma associated with it, as they now feel freer to share their suffering with someone. Hila attributes the changes in mentality, similarly as Era and other participants, rather than just directly on the law amendment. She attributes changes on the experiences of people with different cultures (via migration) who bring new worldviews with them that slowly change and replace traditional views that impact women’s position in society in general. With more freedom for women in general comes also improvement of the situations of war rape survivors, as when they are freer to go out and find support that they need within groups they identify with. The key undertone is that with the

improvement of the group status as a whole, as women gain more voice in shaping and redefining social norms, war rape experiences become much more acceptable into the public and political discourse and this in turn influences also the self-image of war rape survivors, most of whom were women/girls.

4.7 Discussion

This study aimed to explore the long-term consequences and coping responses used by war rape survivors following the war in Kosova. The participants gave accounts of their experiences and challenges they faced, due to the trauma and stigma associated with war rape, within families and communities. Some of the key challenges relate to survivors' immediate behaviour and coping following the rape; their immediate and long-term strategies in concealing the rape victim identity; maintaining and/or building relationships with relevant others; protecting other victims from disclosure and protecting family members from secondary trauma and stigma.

The findings suggest that the concealment strategy was used as a way to protect self and others from the perceived negative consequences of stigma associated with war rape. When concealment was not possible, survivors reported relationship problems which exacerbated their fear of exclusion, rejection and blame leading to re-victimisation. However, there were also reports of good and supportive relationships with relevant others who knew about the rape experience, resulting in active or passive support. This support, though well intended, was not always positive, as was the case of the valued partner support which could develop over time. This might be due to what Remer and Ferguson (1995) describe as a period of disorientation in which the intimate partner or other close family members need time to adjust to the fact that

their loved ones were victimized. Sexual assault, being highly stigmatized, affects intimate relationships in particular, because it is also perceived as an assault on the partners' integrity (Holmstrom & Burgess, 1979). Research shows that stress, anxiety, followed by feelings of guilt and shame are prevalent among male partners of rape survivors (Maltas & Shay, 1995; Nelson & Wampler, 2003) which might explain partly why many male partners hesitate and/or do not know how to support their partners who have been rape victims. These feelings and concerns are exacerbated by socio-cultural stigma and gender norms, which guide behaviour in case of norm violations (e.g., rejection for war rape survivors). Scholars argue that sexual violence is perceived as an act of violence that aims also to destroy a whole cultural community by attacking their socio-cultural norms (Kellezi & Reicher, 2014; Summerfield, 2000). In Kosova, as perhaps in many other societies, family is the centre piece of the community.

The findings suggest that female survivors in particular focused on strategies aiming at improving/protecting their children's well-being. This also helped reframing their silence as a meaningful tool to protect their children from harm. Motherhood, was thus key in helping survivors build their resilience and find purpose in life. On the other hand, sharing stories within private and safe setting (e.g., the NGOs that support survivors) on one side helped remembering the past and making sure their suffering was not forgotten or ignored by everyone and make meaning of it.

Many survivors identified NGOs as useful sources of support for receiving psychological treatment, and engaging in group activities which helped temporarily distract from the painful past and socialize with others by providing a safe space to also be able to perform other identities and create and join groups that identify with shared interests of unrelated topics to their war experience. However, even for these participants who were receiving support from the NGS,

there were no services in the first years following the war or even decades after. Overall, Kosovo lacks adequate health services and psychological support for war rape survivors, who rely solely on family support (if available). This confirms previous findings that many survivors were left to deal alone with the psychological and social consequences (Kellezi & Reicher, 2014; Sideris, 2003). In many cases, survivors were confronted with consequences that their traumatic experiences had on their family members (e.g., constantly fearing divorce if husbands found out). Women who could not hide what happened to them were often divorced by their husbands or found their marriage prospects diminished (Kellezi & Reicher, 2014). These reactions are due to traditional values in patriarchal societies where women are expected to uphold certain values of virtue in relation to sexuality.

All these concerns have implications for the appraisal and coping processes. Building resilience in face of traumatic events is dependent on appraisal processes through which survivors assess whether they can rely on their existing relationships with relevant others (e.g., partners, family, community) (Ungar, 2011). In the case of Kosovo, the stigma has impacted these relationships leading to survivors being discriminated further whilst the patriarchal beliefs and cultural expectations of women's role in society, position women in a lower status than men and systematically discriminate women based on their gender.

These results support existing knowledge within SIA and SIAH and apply it to the specific context of SGBV in war. Discrimination as a result of stigma can manifest itself in different levels and forms: exclusion, lack of recognition, forced silence, systematic oppression and being insulted based on the group membership (Goffman, 1963; Haslam et al. 2018; Jetten et al., 2017). When the status and circumstances of their group membership are devalued and as a result stigmatized, the self-esteem and self-worth are reduced (Branscombe & Wann, 1994; Crocker &

Major, 1989; Wann & Branscombe, 1990), additional stressors are experienced (Miller & Kaiser, 2001; Miller & Major, 2000) and wellbeing will be affected (Jetten et al., 2017). Further, research has shown that when members of a devalued group have repeated negative experiences with stigma, they might anticipate being treated negatively in the future in similar situations, with implications for the level of general anxiety (increasing), anger, fear and even physiological responses to stress (Clark et al., 1999; Tomaka et al., 1993).

One of the main issues that many participants emphasized is gender based discrimination following their financial dependency. Perceptions of not having other options (*“did not have any other options” Extract 4, Study 1*) highlight the financial dependency in which many women found themselves in in the aftermath of the war and which dictated many of the long-term decisions they made. The high rate of unemployment in Kosova affects disproportionately women, whereas only around 17% of working age (Kosovo Women’s Network, 2017) women and girls have an employment. Further, in average women earn less than men, while their employment is not stable and reliable to ensure some sense of security and financial control. Being dependent on family and partners for financial support reinforces attitudes of gender based discrimination in family and community with implication for health. A number of meta-analyses have concluded that there is a clear relationship between discrimination with depressive symptoms, anxiety, psychological distress, life satisfaction and general well-being (Pascoe & Richman, 2009; Schmitt et al., 2014).

Faced with discrimination, according to social identity approach people will strive to restore their positive identity (Tajfel & Turner, 1979). These strategies are often attached to group memberships and people’s positions to influence and/escape them. Our research also shows the potential costs of escaping the different strategies to deal with discrimination. When the

identification with family is strong, like in a patriarchal society, a woman who is experiencing abuse might decide not to leave the relationship, because in addition to her economic disadvantage, leaving the relationship undermines values and social norms associated with family and cultural/national identity. However, the nature of identification with family in patriarchal societies put women in a social position that undermines their ability to a fulfilled and independent life and categorize them in the first place as either 'nurturing mothers' which defines their place to be within the family, and/or 'seductive whores' defining their place outside (Bareket et al., 2018).

To challenge their stigmatised identity participants of this study reported using both 'social creativity' and 'social competition' as strategies to address their stigmatised identities (Turner, 1982; Tajfel & Turner, 2004). Firstly, the survivors reframed the meaning of their silence: experiencing pride and sense of agency for protecting their children from trauma and stigma. Secondly, at the collective level, driven by NGOs, the victim identity was reframed into a more positive meaning by being associated with heroism (this will be explored further from the professional's perspective in study 2). The findings suggest that this identity-reframing strategy was done in the name of survivors and missed involving survivors more directly in the processes, leading to survivors not being able to benefit from it. For example, the emerging 'heroine identity' was paired with the bravery to speak out and break the silence about war rape. For many survivors this is a standard which they feel they cannot achieve, because they see their ability to speak out and break the silence linked to family support and consequences for the family. Furthermore, the emerging identity focusing on female survivors led to male survivors feeling excluded from post-war processes of commemorating and justice. Both male and female survivors suggested that the unreachable standard of speaking out creating an implied division

and thus two new groups: 'heroines: survivors who speak out' and 'survivors who fear to speak out'. The concealment of the victim identity from family and community, had also an impact on these relationships thus leading to possible group divisions (e.g., mothers fearing they are not able to attend to their children's needs properly; hiding from the children; not attending certain family social events; fearing to talk to other survivors to protect them etc.). In all cases, this study findings suggest ingroup divisions and concealment led to a number of social curse processes supporting previous research, for example loss of family support (Stevenson et al., 2020; Kellezi et al., 2021) impairing collective efficacy (Haslam & Reicher, 2006; Kellezi et al., 2021) as well as prevent the development of belongingness (Celebi et al., 2017).

Many survivors have dealt with discrimination by focusing on other valued identities to reframe their self-image and self-worth in family/community. For women in particular, motherhood identity was essential for building resilience. The survivors' determination to endure the difficult situation at home, is valued as price worth paying because of the meaning that their children give to their life, which is linked strongly to the value of their motherhood identity, both in their own interpretations, but also in how motherhood is conceptualized and valued traditionally in society. The motherhood identity is used to turn social curse experiences into cure by focusing on the health and wellbeing of the children.

Trust in others was another key issue for the participants both in terms of being understood and expectations of support (whether this involves talking about the past with similar others, or just being able to share a space and participate in other activities with similar others where one can escape the isolation imposed by societal stigma). Research has shown that trust relates to perceptions of whether others can understand your experience or not (Jetten et al, 2017; Kellezi et al., 2019) and most survivors believe that only ones who share your identity relevant to the

experience can understand you. Furthermore, support is more likely to be provided and be most effective when experiences of giving and receiving help are based on common shared identities (Haslam et al., 2005; Haslam, Reicher & Levine, 2012). Interestingly, greater support was reported from survivors whose partners experienced themselves great loss at war and/or had witnessed war closer (e.g., fighters), or who clearly appraised the war and war rape motivated by ethnic conflict. Social identity approach theorizing argues that an increased perception of shared identities correlates with an increase of connectedness and trust in each-other (Jetten et al, 2017). However, while this seems to be true for some participants in this study, interviews with participants also show that there are conflicting perspectives in regard to talking with those with shared experiences: a) they understand better; b) they might be burdened psychologically (see e.g., Kellezi et al., 2019; 2021) and c) association with this group might increase recognition and being identified as member of a stigmatised identity.

Despite these challenges, there is recognition that there are positive changes in ways survivors appraise their situation, connect with other survivors, receive professional support and deal with stigma. Survivors attribute the changes to a shift in public perception following migration and exposure to other more equitable cultures. Thus, while survivors reported long-term consequences of trauma, stigma and systemic inequalities, they also reported strategies they used for survival which reflected diverse identity motivated meanings.

4.7.1 Implications of the key findings

To bring long-term change the participants believed that there needs to be more formal and informal support, and systemic changes in relation to stigma and inequalities. Any support of change strategies requires more trauma-informed approaches in combating stigma associated with war rape and involving family and community. Inequalities need to be addressed informed

by survivor led initiatives and needs (including need for secrecy) focusing on key issues raised by survivors such as: economic dependency; customary laws which exacerbate these inequalities in case of for example divorce; and educational effort to protect children from stigmatisation by association.

These changes cannot take place if the impact on family and partners is not understood and addressed. Intimate partners of rape survivors have themselves reported stress and anxiety increase, as well as feelings of guilt and helplessness following rape of their partners which they could not prevent (Nelson & Wampler, 2003).

4.7.2 Strengths and limitations

This study mainly presents female war rape survivors' perspectives. Although male survivors were included, it proved very difficult to recruit more. Despite potential similarities across genders, the findings should be interpreted with caution and future research should aim to recruit more men and gender diverse individuals. However, the findings presented here suggest that similar cultural processes by which gender inequality is empowered and reinforced hold both men and women accountable and blameworthy for experiencing a norm violating event. It is the norms that differ, and a closer analysis at gender norms that pertain to the manhood identity would help to inform better fitting strategies to change traditional constructions of manhood in relation with war experiences as part of the wider need for change.

This study is based on interviews with survivors who were willing to give an interview. Most of them were recruited through NGOs and independent activists who have supported war rape survivors and through survivors themselves. In addition to the 20 interviews (2 of which were retrieved), meetings with other 52 survivors were held, but they felt they could not participate in recorded interviews. Many potential survivors are unknown to NGOs and activists

and future research should attempt to collect their accounts. As a result, there needs to be recognition that those who took part in the study could have different experiences in relation to trust and resources that enable them to participate in research. However, given the little existing research deriving from first accounts, these experiences are important evidence of the impact of SGBV on survivors.

4.8 Conclusion

War rape leads to long-term physical, psychological and social consequences on survivors, their families and communities (Kellezi & Reicher, 2014; Liebling-Kalifani et al., 2008; Sideris, 2000; Ward & Marsh, 2006). This study showed that many survivors suffered immediate and long-term health consequences as a result of the rape. Their appraisal and help-seeking behaviour was impacted by socio-cultural norms leading to discrimination and devaluation of their worth and status within family and/or community, leading to a 'double insult' and a number of social curse processes (Kellezi & Reicher, 2014). Despite often favouring concealment, survivors engaged in different strategies to cope with trauma and stigma. Positive reframing of suffering (mostly through motherhood identity), partner support and connecting with others who had gone through similar experiences were the most helpful strategies. These findings confirm that meaningful social connections following traumatic events are crucial to develop a sense of belonging and enhance social support from group memberships (Kellezi et al., 2021). A further key strategy used is engaging with formal and informal support outside the homes and communities. The next study looks at how these types of support were accessed and negotiated within a wider strategy of concealment and protection of loved ones.

Chapter 5: Study 2 - Thematic Analysis of professionals' perspectives on supporting war-rape survivors

5.1 Introduction

As outlined in the first chapter, rape and sexual violence against women at war is globally widespread (Amnesty International, 2017; Brownmiller, 1986; Moodrick-Even Khen & Hagay-Frey, 2013). However, as discussed in Study 1, survivors do not remain passive in the face of stigma. Many survivors develop strategies to cope with their trauma and stigma while concealing their victim identity from family and/or community. Because of this need for secrecy, most survivors either never receive professional help, or if they do, they engage in behaviours to hide this from others, often from very close family members, too. As a result, the relationship between the survivor and the professional becomes very important and professionals are among the few that survivors can trust. In addition, as stigma prevents victims, families and communities to challenges misconceptions about rape, it is the professionals that can take a key role in bringing about change.

5.2 Negotiating support for war rape survivors

Exclusion and discrimination as a result of stigma affect people in different ways (e.g., family relationships, employment, education) and has negative effects on people's physical and mental health (e.g., self-esteem, depression, anxiety etc.) (Branscombe, Postmes, & Garcia, 2014; Schmitt, Branscombe, Postmes, & Garcia, 2014; Major, Mendes, & Dovidio, 2013; Pamuk, Makuk, Heck, & Reuben, 1998; Paradies et al., 2015; Pascoe & Smart Richman, 2009; Salvatore & Shelton,

2007; Steffen, McNeilly, Anderson, & Sherwood, 2003; Williams & Mohammed, 2009). SIAH research has shown that group memberships can turn into 'Social Cure' through providing resources for coping with negative consequences of stigma (Jetten, Haslam & Haslam, 2012).

Research on stigma has also shown that while stigmatized identity can have a negative effect on health and wellbeing of stigmatized group members, it can also enhance the health and wellbeing of affected groups and people, by serving as resource that inspire strategies to bring people together and combat stigma collectively (Jetten et al., 2018). Strategies employed in achieving this social change can take many forms. However, given the barriers faced by many survivors to engage in action collectively (Kellezi & Reicher, 2012), this study examines the strategies used by NGO's and other professionals to counteract this effect of stigma and support survivors towards challenging their low status and achieving public and formal recognition by society and the State.

The present study has involved collecting and investigating different professionals' perspectives, mostly from civil society organisations and/or human rights activist, in terms of their experiences and perceptions in the aftermath of the war in working with war rape survivors. The analysis focuses on the challenges professionals have identified and experienced working on a stigmatized environment, as well as on the strategies they used to offer support and needed help to war rape survivors. The data collection and analysis were guided by the following research questions:

- How do professionals negotiate help provision or advocate in the name of the survivors?
- How do professionals shape the public/political discourse on war rape?
- What are key challenges that professionals face in their work?

This study involved semi-structured interviews with different professionals in Kosovo which were analysed with Thematic Analysis (TA). Key aspects of TA and the adopted contextualist framework guided by Social Identity Approach were elaborated on in detail in chapter 3 and 4, as this method was used for Study 1 as well.

5.2.1 Design and Participants

Semi-structured interviews with professionals ($N=20$) working with war rape survivors and/or on the related issues were conducted. Participants were recruited via contacts I created in my previous work, from existing participants, or those responding directly to my call for participation in research distributed through different NGOs and institutions. While some of the interviews had been conducted prior to the pandemic, most interviews were organized adhering to pandemic guidelines and in private and safe spaces. Participants came from different professions, have different work and years of experience and belong to different genders. All participants were given pseudonyms in the process of writing up, to preserve anonymity and confidentiality, as shown in Table 5.1.

Table 5.1

Study 2: Sample

Pseudonym	Profession	Gender
Ali	Forensic medical examiner	Male
Driton	Journalist	Male
Rita	Prosecutor	Female
Jeta	Psychologist, NGO	Female
Emine	NGO Director	Female

Brikena	NGO Director; Human Rights activist	Female
Violeta	Author, NGO	Female
Dea	Human rights defender	Female
Marie	Politician; Human Rights activist	Female
Rona	Author; Journalist	Female
Selvie	Journalist	Female
Gani	Physician, war veteran	Male
Klara	Psychologist, NGO	Female
Yllka	War veteran; NGO	Female
Buna	Physician; Human Rights activist	Female
Irma	Human Rights activist; MP	Female
Lea	Photojournalist	Female
Vera	NGO Director	Female
Blerta	Psychologist	Female
Lulie	Journalist	Female

5.2.2 Material

Data collection involved the use of semi-structured interview schedule (see Appendix 5) and an audio recorder. The questions were designed to engage participants during the interview in a conversational manner that encouraged them to share in-depth responses relevant to research questions on their own terms (Braun & Clarke, 2021). The interview topics included questions on the work situation and challenges arising from their work with war rape survivors; perceptions of stigma addressed at them as well on war rape survivors as observed by them; responses of the community/society towards they work and following their actions for change; perceptions of political and public discourses and their impact on their work; the understanding of the law amendment and their role in initiating the law based recognition of war rape survivors;

perceptions of the law amendment’s impact on survivors lives; perceptions of normative changes and thoughts on justice and needs for further change on institutional and community level (see Table 5.2). All participants were given an information sheet (Appendix 6) and a consent form (Appendix 3) prior to the interview, and a debrief form (Appendix 4) after the interview, either in Albanian or English, based on their language skills and preferences.

Table 5.2

Study 2: Interview Schedule Topic List

Category	Question
War and post-war work experiences	How would you describe the work that you do? How would you describe the situation of war rape survivors immediately after the war?
Challenges working with war rape survivors	What were the main challenges working with (or on the issue of) war rape survivors? In your work with (or on the issue of) war rape survivors have you also worked with (or considered) their families/communities?
Perceptions of political/public discourses	How do you think has the political elite and society in Kosova handled the issue of war rape? Do you think that there are noticeable social and cultural changes in relation to war rape survivors?
Law amendment perceptions and effects on life	Do you think the law amendment has made a difference in how people talk, feel and act upon, about survivors of war rape?
Social change and collective action	What was your role in initiating social and political change in support of war rape survivors in Kosova?
Thoughts on needs for change and justice	How do you see the situation of war rape survivors today? What do you think of government’s strategies to support war rape survivors? What are your thoughts on what constitutes justice for the survivors of war rape?

5.2.3 Analytic Strategy

My data set was obtained through transcribing audio recordings of the interviews. Most interviewees were Albanian and interviews were conducted in the Albanian language with the exception of two participants, an American and a Spanish who were interviewed in English. After the data collection, in reference to Braun and Clarke's (2021) suggestion for conducting Thematic Analysis, interviews were transcribed verbatim and six analytical steps were followed: I read the transcripts several times before starting the analysis (step 1). I worked through the data set systematically, and I treated all data equally during this process. In step 2, the text was coded to inform emerging themes. I used this process to try to make sense of the data, and capture relevant issues to the research questions (e.g., coping strategies used in response of stigma; strategies of trust building; perceptions of threat to group identity). I wanted my codes to capture the similarities in experiences in regard to challenges faced by different professionals in the data set and I used both descriptive (semantic) and interpretative (latent) codes. Similarly, as in study 1, I started with identifying descriptive codes and moving towards latent codes in the final stages of selecting the themes, as I was interested in investigating the underlying assumptions and concepts that informed the semantic content in the data (Braun & Clarke, 2021).

This phase constituted step 3, where codes were clustered into initial themes. From this, in the next step (4) I reviewed the initial themes in regard to how good they addressed the research questions, by process of eliminating and keeping only the themes that formed core patterns and represented frequently addressed issues within the data set. In the next step (5) themes and subthemes were refined and renamed to best present the core issues raised within the themes. Three distinctive themes were developed, as shown in table 2. In the next step (6) extracts that best illustrate the themes were chosen from the data set and translated into English.

Table 5.3*Study 2: Themes and subthemes*

1. Social and political barriers of talking about war rape	2. Working with/for survivors in stigmatized contexts	3. Collective action towards social change
Subthemes: 1.1 Speaking to war rape victims during and in the immediate aftermath 1.2 Talking about war rape publicly 1.3 Images of survivors in public discourses	Subthemes: 2.1 Providing support and protecting victims: we went to them 2.2 Survivor’s trust: we let them Lead	Subthemes: 3.1 Going public 3.2 The law amendment: through rejection and threats to recognition

5.3 Results and Discussion

In theme 1 experiences of professionals as well as their observations and knowledge of social and political barriers for survivors talking about their experiences, are discussed. In subtheme 1 participants share their experiences and challenges associated with working with war rape survivors during and in the immediate aftermath of the war. In subtheme 2 participants discuss social and political barriers of talking publicly about war rape, while invoking issues that deal with how war narratives have stigmatized war rape survivors. Subtheme 3 discusses how war rape survivors have been represented in the media and in the public discourse.

Theme 2 captures the experiences of working with rape survivors and is split into two subthemes, to capture key strategies used by professional to gain access to war rape survivors while working in a stigmatized environment (subtheme 1); while at the same time investing in building trust between themselves and survivors to ensure long-term best outcomes for survivors (Subtheme 2).

Theme 3 discusses key steps of challenging social inequality within two subthemes. The first subtheme describes what professionals emphasized as a turning point in combating social stigma associated with war rape and initiating law change in favour of recognizing war rape survivors. The second subtheme relates to the processes of achieving the law amendment.

Theme 1: Social and political barriers of talking about war rape

In theme 1 participants share their experiences and perceptions of how the topic of war rape was dealt with already during the war, immediately after the war and later on, in private and public spheres. Their experiences are different given their professions, but their shared emphasis is on how cultural aspects perpetuate stigma and influence decision to speak-up or not.

1.1 Speaking to war rape victims during and in the immediate aftermath

In this subtheme participants discuss their experiences of war rape survivors talking about their rapes, while in improvised refugee camps or in North Macedonia and Albania. For example, the next extract explains how the conditions of work during the war were focused on crisis intervention and evidence gathering with war rape victims was usually under conditions that did not allow for privacy.

Extract 1:

“Since the beginning of the war [...] we collected data and evidence of violence and crimes that were being perpetuated and at the same time provided medical services to the people, all around of Kosova. [...] we gathered a lot of information, and documented them, about war rape that was committed. We also gathered information at the improvised refugee camps that had been set up in the woods. [...] we worked as an emergency service, and depending on the situation that we found, we provided medicine, and/or we treated wounds. Some of them allowed us to take their testimonies. Some of them were not allowed by their family members to give testimonies.” (Buna, Physician; Human Rights activist)

Buna’s account shows that they provided medical support and gathered evidence of war crimes committed upon the civil population including war rape during and immediately after

the war, although on occasions families stopped these testimonies. Buna's account validates some of the survivors' own testimonies (Study 1) that families were one of the first barriers to help seeking and speaking out, as an attempt to protect the survivors from the potential stigma.

Supporting previous research, these findings show how stigma becomes an effective barrier to help seeking (i.e., turn experiences into unspeakable) and being able to gain the needed support from social group (Kellezi & Reicher, 2012). As a result, many survivors, and their families chose concealment of the stigmatized victim identity as the first strategy to cope with the stigma. Therefore, service providers had to identify strategies that would make it possible for them to help survivors while at the same time protect their stigmatized victim identity from others. For example, Buna elaborates next, how she, together with her colleagues managed to help war rape victims from Kosova that arrived in refugee camps in Northern Macedonia and Albania.

Extract 2:

"Nine days after I became refugee myself, I opened a [medical] centre in Tetova. We provided them with morning-after-pills, within the first 24 hours; those who arrived in Macedonia and Albania, that we identified. They would not come and tell me I was raped; always during my visits I recognized them, I identified them [...] This is a time in which you need to be able to build trust; and when they are in a big group, it is much more difficult to build that trust. I would identify them and then I would follow up on them, and go and meet them [privately]. We had around 57 cases that we had identified and from which we had taken testimonies in refugee camps in Macedonia and Albania. [...] I had an easier access to them, because I was known as a physician and people came to me. No one goes to someone, because they are an activist for Human Rights, there was no such awareness; they go to the doctor." (Buna, Physician; Human Rights activist)

Buna (and many other participants) explained that there was seldom any case when a survivor would directly approach a professional and say that they were raped. However, some professionals were able to identify them by appearance and would then talk to them in a private and safe setting, sometimes directly concerning their medical needs. Buna for

example, was trusted as a doctor (doctors are highly respected and trusted in the context), but she was able as part of her work to gather information and take their testimonies, to document the crimes. Buna (and other participants) adapted their work strategies to meet the cultural requirements, thus recognizing and respecting the vulnerable position war rape survivors found themselves in. The importance of building trust will be discussed more in depth in the second theme, where participants talk about their experience in working with war rape survivors after the war. However, Buna's account shows that if the professional's status was socially valued, in general, and in particular in relation to their immediate needs for support and their status, survivors are more likely to accept help from someone.

Thus, Buna served as a 'trusted intermediary' which previous research has shown that the people in vulnerable situation would turn to e.g., Human Rights activists (Pleasence & Balmer, 2018). It is through her doctor identity which she is allowed access to these testimonies. However, this was done in such a way that avoided identification of the victims. Professionals like Buna offered support to all different groups that needed medical assistance, and this enabled them to protect war rape survivors from being recognized and build the trusted relationship.

This concealed approach would prove useful for the next two decades in Kosova as most war rape survivors turned and remained silent in face of stigma associated with war rape. For example, in the next extract one participant emphasizes some of the negative changes that have occurred with time, which forced survivors to become silent.

Extract 3:

"Medica Mondiale has worked with women already in refugee camps around Albania, and later also came to Kosova. [...] Women were willing to talk back then. They talked immediately. They talked. Because back then they did not feel guilty. They just wanted to tell what is happening. Of course, with the support of Medica

Mondiale, who helped them with their experts. [...] and they started giving testimonies to UNMIK (United Nation Mission in Kosova). But UNMIK, unfortunately, has vanished all their testimonies. Because, they were not interested in justice. [...] It is not like they turned silent immediately. [...] They talked. But this society silenced them. Meaning, we, and no one else, we silenced them. Then, I saw, how they became more and more isolated.” (Brikena, NGO Director, Human Rights activist)

Like Buna, Brikena too, reiterates, that in general war rape survivors were more prone to talk about their experiences in the immediate aftermath (in private and with professionals). Professional organisations like Medica Mondiale, who have worked in different parts of the world with war rape survivors, and who later transitioned into Medica Kosova, were among the first to offer services to war rape survivors in Kosova. Among other things they also supported survivors who wanted to testify in courts and pursue justice. Brikena highlights some of the processes that occurred which might have impacted survivors’ motivation to speak about their experiences. One of the key issues relates to the issue of justice. As has been emphasized by most professionals working directly with survivors, giving testimony to UNMIK has not resulted with any legal process, and most survivors were left feeling unbelieving, and unworthy of justice. The professionals’ see this as a turning point that led to survivors to become more and more silent and isolated, when their trust in legal institutions was betrayed.

In the next extract, Jeta points out several other factors that influenced survivors’ behaviour in regard to them speaking (or not) about their experiences.

Extract 4:

“At that time [immediately after the war], women did talk about their experiences of war rape, but it did not take long they became silent. And I think, that this most probably was the result of the feedback they received from others, or the lack of appropriate support from society, family; and they realised, they understood that, ‘ah, ok, so this is not to be talked about; this experience is to remain silent, and we are not victims, but apparently something else; this was our fault, this issue should not be talked about.” (Jeta, Psychologist, NGO)

As a psychologist working directly with survivors for many years, Jeta could observe how

survivors' attitudes and images of themselves changed with time. The feedback many survivors received upon speaking or trying to speak up led them to believe that they were not only unworthy of justice, but that somehow what they experienced at war was their fault. The rejection and blame played an important role in turning war rape survivors' experiences 'unspeakable' and this validates previous research showing that experiences of stigma play an integral role in survivors' behaviour towards help seeking and receiving (Kellezi & Reicher, 2012).

There are some key theoretical points of importance in this subtheme. From the SIA perspective, people are more prone to trust and accept help from someone if they a) consider them part of a valued group (e.g., doctor; State authority) especially in anticipation of the impact of the treatment they need (e.g., medical treatment; justice) and b) consider them a member of a group they identify strongly with (e.g., woman, Albanian) (Tyler, 2001). To disclose intimate information of an experience is bound also on the situational condition in which survivors and service providers find themselves in, and upon which the development of trust is dependent on (Behnia, 2008). Our participants showed how important the trust in professionals was, but also how important the method of help seeking (concealed) and context of interaction (receiving the help expected) in making the help seeking interaction successful. However, while the interaction with professionals could be positive, the results also show that the wider context (e.g., community, family and state level silencing and blaming) is also important in the survivors' decision to speak out. As we know from study 1, this led to war rape becoming 'unspeakable'.

In the next subtheme, participants talk about how people talked publicly about war rape, if at all, and if not, what were some of the main reasons, according to them.

1.2 Talking about war rape publicly

Emine, a long-term activist who worked with war rape survivors, explains that war rape was not talked about publicly.

Extract 5:

“In the public discourse all other categories were mentioned; it was talked publicly, but for the survivors of sexual violence of war there was no talk, because of the shame. (Emine, NGO, activist)”

Emine’s accounts shows that the legitimization of stigma on war rape was empowered not merely through the public silence about it, but the silence in a context in which other war experiences were being talk about publicly. While war rape was stigmatized as shameful, most other war experiences were not, and some experiences were even were highly associated with pride. Publicly the shame associated with war rape deemed the experiences unworthy of being mentioned. While other experiences were mentioned and thus the public discourse created possibilities of comparison between different groups.

This comparison of ‘worthiness’ can undermine coping efforts for rape victims as intergroup comparison is a common process of identity evaluation (Crocker & Major, 1989; Ellemers, 1993; Galinsky et al., 2003). Any attempts of rape survivors not to compare themselves to other groups are undermined by the continuous appearance and dominant presence in the public sphere of the ‘valued groups’ reminding the rape survivors of the injustice and silencing they are experiencing.

In the next extract, Selvie elaborates on the connection between the shame and the pride associated with war experiences.

Extract 6:

“There was the tendency to silence this issue, not to talk about it, because they wanted to raise the discourse of

glory of the war, meaning that we have fought for freedom [...] they tried to glorify beyond reason the attribute of fighting [...] In general, the media did the same what the politics did.” (Selvie, Journalist)

Selvie (echoing other participants' observations) holds the view that the silencing of the war rape experiences and survivors' voices is connected to the glorification of the fighters and the resistance. The shame of war rape was perceived as a threat to that glory: where there was the glory of fighters, there could not be any place for the shame of war rape experiences in the public sphere. Furthermore, the glorification of fighters, as explained by Jeta in the next extract, was used to retain political power, which then again was used to marginalize war rape survivors' voices who did not fit within the glorified image of heroism.

Extract 7:

“Usually, when there are political talks about war, people who fought in war talk about war and mention their merits. <<I fought, or he has fought>>’, so, the division of power and strength was based on war merits, which should not have happened. And the victims were given a second-class position. The war was only manly. [...] So, the political discourse on war was only to retain power, while the women’s experiences have been neglected.” (Jeta, Psychologist, NGO)

One key element in Jeta's account is the observation made that the political discourses were dominated by war narratives of heroism and manhood and war rape experiences were neglected, turning the whole war experience into a manly experience. As a result, contrasted against this manhood, war rape survivors issue becomes even more a women's issue, a status which is also underpinned by structural gender inequalities in society in general. This supports previous research where gender inequality in patriarchal societies, results in representation of women in historical narratives, and marginalisation of their experiences as collateral damages (Draper, 1987; Gardam & Jarvis, 2001; Moodrick-Even Khen & Hagay-Frey, 2013), rather than as warfare, in which war rape is used as weapon of war (Brownmiller & Mehrhof, 1992; Buchowska, 2016; Gillis, 1994; Henry, 2016; Kellezi & Reicher, 2012). These narratives

of heroism and the silence on war rape have important implications. These narratives are likely to influence the survivors' perception of themselves and their place in society. It is well established that memory serves people to derive a sense of self within a society (which is where they normally make their memories) and to make meaning of themselves in the world (Halbwachs, 1992). Individual memories become part of collective memories through sharing experiences and having collective spaces for stories about such experiences. The discrimination displayed in political war discourses against war rape survivors, was reflected also in forms of commemoration of the war experiences. In the following extract Lea explains her observations as a photojournalist while doing research in Kosova on memory of the past.

Extract 8:

“What really strikes me, I mean, when during these five years here, I have seen how many war memorial there are on the side of village roads and everywhere [...] all these like black memorial for the KLA fighters, they are so highly revered; these people; and most of those people that have these memorials were civilians, but then they decided to take up arms and join the liberation army, I get that, and they are today revered as heroes of this land and the politicians always pay respect to those people, visiting those memorials [...] they don't talk about survivors of sexual violence and civilian victims in the same way they do as about the soldiers”. (Lea, Photojournalist)

Lea's account brings to the attention the fact that war narratives that were built around the heroism of the fighters which dominated the public discourses were also physically visible everywhere. Interestingly she points out that most of the fighters, now commemorated through memorials and celebrated as heroes, were just civilians before the war. This speaks to how the shared identity of experiencing the war as community sharing the same fate, is now fragmented and remembrance has divided the former ingroup (civilians who protected their land) and through processes of 'othering' (e.g., through selective collective memory) has created new outgroups (e.g., those who fought and those who did not).

The experience of the war as a shared experience would lead to more sympathy for other group members who have suffered (Bar-Tal et al., 2009). Even people who have not experienced the war (or other events), become part of the narrative of victimhood through shared ethnic identity (Cairns et al., 2003; Robben & Suarez-Orozco, 2000). A sense of a collective victimhood helps people to make meaning of their suffering and deal with their experiences. In that sense, collective memory is also a mechanism that feeds and is fed from a shared collective sense of victimhood. This is in line with Social Identity theorizing, which postulates that group memberships give people a sense of belonging and help them make sense and find a meaning in a stressful situation (Kellezi et al., 2021). As we already know from study 1, inclusion in collective memory and recognition of their victim status is crucial for war rape survivors to escape their guilt, blame, shame and any responsibility for what they experienced as well as create bond with their communities (Noor, 2008; this thesis Study 1).

To challenge such narratives can be difficult and/or come with a cost as the next account illustrates:

Extract 9:

“The whole narrative of the fighters, everything was about how <<we protected/defended the civil population>>. So, to go out publicly, to talk about the number, in those regions where they protected the population, to talk about the number of women raped during the war, you were attacked from all sides. Because, their narrative that they protected the population then crumbled; as well their manhood, their patriarchalism, that they were protectors/defenders, and in these cases, they couldn’t have protected anyone, and that feeling, first the patriarchalism, second them being show-off as they were, and they created a situation where women not only were ashamed, but they also were afraid to speak up. But, we others, too, were in danger, if we talked about that issue. (Buna, physician; human rights activist)”

The evidence shows that war experiences are framed to present only ‘the truths’ that are associated with pride and that feed the high-status value of members associated with that group,

while experiences associated with shame, besides violating traditional gender norms (Kellezi & Reicher, 2012) are also perceived as a threat to the identity of the glorious heroic fighter. As Buna explains in extract 9, there was a perception of threat from the 'pride' group that the image of the fighter's glory, and with that their status and standing in society, would be questioned and damaged, if war rape experiences were to be mentioned and talked about. Such was the perceived threat, that not only war rape survivors were afraid to talk, but that activist working on the issue, remained silent, too.

Selective collective memory can thus divide communities and nations, when some groups of people are excluded and undermined, and others are overrepresented and glorified. Another key aspect mentioned by most of the participants, which links to the status of war rape survivors in society, was the representation in the media and public discourses of the war survivors, which will be discussed in the next subtheme.

1.3 Images of survivors in media and public discourses

In this subtheme, professionals elaborate on their observations of how war rape survivors were talked about publicly and discuss the impact this has had on survivors. For example, in the next extract, Marie speaks of the media representation of survivors.

Extract 10:

"For years on the row the silence and this injustice and the lack of recognition of their status created a space for reenforcing stigma even more. And especially the printing of some articles on different newspapers. Of course, there were unwanted pregnancies, and I never forget one of the titles of one article in a newspaper <<the children of shame>>, this is what they called them." (Marie, Human Rights activist; Politician)

Marie argues that failing to recognize war rape survivors formally, has played a role in exacerbating stigma associated with war rape. She illustrates, how stigmatisation was enacted

through the article title “The children of shame” referring to the children born after rape. This article stigmatised the women referring to the ‘shamefulness of the rape’ but also their children. This and other events added to the negative consequences that influenced survivors’ behaviour into keeping silent about their war experiences. Rona expresses her views on the impact of media discourses on the behaviour of war rape survivors as followed:

Extract 11:

“I mean, society, this society isolated them. Here I want to also mention that in many cases the media also had an impact. [...] When you call them <<shame>>, you automatically silence them.” (Rona, Author; Journalist)

Among others, the label of the children born out of war rape pregnancies as “shame” worried many professionals, because it normalized the stigma. For example, Rona, a long-term Human Rights activist, sees in stigmatized mediatic language direct consequences that influence war rape survivors’ behaviour by turning them silent or pushing them towards remaining silent. The negative image of survivors, invoking the label of shame in connection to the children born as a result of the rapes, also suggests that the ‘shame’ of rape cannot be erased, as there are children that have been born as the result of that ‘shame’. It is likely that the expectation of such responses informed the decision of many survivors to have abortions while still in refugee camps, hide births and/or give children up for adoptions in the aftermath (Haxhiaj, 2019).

The depth of the ‘shame’ attribution is so strong that it is reflected in how people refer to war rape survivors. The next extract shows another way to erase the narratives of rape survivors is by avoiding calling them war rape survivors and/or victims.

Extract 12:

“It was called “the violence against women”; they framed them as the softer gender, the weaker gender; it

was not discussed, there was no discourse that for example said, <<military forces entered the village and raped, killed women, children, men>> [...] there was always a certain denial to name the crime. Only now, after the law amendment, they say “war rape victims”, and it’s still used quite rarely. They use <<women who suffered during the war>>; [...] because for many it is still very shameful to mention it.” (Irma, Human Rights Activist, MP)

Irma explains how discussions and discourses of war never mentioned war rape as part of other war crimes and that the tendency was to avoid mentioning war rape by name (“*the women who suffered during the war*”), because talking about war rape is considered in itself shameful. Furthermore, Irma’s account makes the point that war rape was viewed mainly as the experience of women, while women were viewed mainly as the softer and weaker gender. This is in line with the cultural and patriarchal context that attributes weakness to war rape experiences, which might be one of the reasons why war rape experiences experienced by men are even more stigmatized and barely ever mentioned at all (Peel et al., 2000; Oosterhoof et al., 2004; Sivakumaran, 2007). As Lea elaborates in the next extract, a view shared with many other participants, invoking the image of the survivor as that of a weak woman was a common attitude in the media in Kosovo.

Extract 13:

“When people talk about the survivors, that they do not want to talk to the media, they live hidden in the shadows, you think of someone really meek and weak and not wanting to talk. On the contrary, these survivors in their own ways are so resilient, so strong, they provide for their family, they raise children; I met some survivors who farm, who work their land, who wake up early in the morning, are strong, physically, and laugh, and have amazing humour, we connect, we can laugh together, you know, and that is amazing; they were able to raise a family, and have grandchildren and be surrounded by a lot of people, and that is something you really don’t see conveyed a lot in the media here.” (Lea, Photojournalist)

Lea emphasizes that the image of the war rape survivors that is most commonly invoked by the media in Kosovo is that of a “*weak and meek*” woman who hesitates to talk and hides in the shadows. On the contrary, images of her resilience and her strength are not conveyed.

Continuing in the next extract, Lea explains, how the image of war rape survivors portrayed in the media in Kosovo is presented always the same way, as a dark silhouette.

Extract 14:

“What I saw on local news here is these dark silhouettes, sometimes they change the voice, I understand you have to do that [...] that’s what I saw, it’s those silhouettes, so I don’t know, who is there, who is behind that silhouette? That’s what you saw, you don’t really hear about their family life, what they like to do, you know, what kind of food they like to prepare, I don’t know, just like making them more relatable. And this how I feel I connected with some of these people; you are just getting to know them at a much deeper level, not at a superficial level, for a one-time interview; and that’s what you see here, are those one-time interviews. Good that they are at least being interviewed, that media cares to interview them, but it’s kind of in the same way.”
(Lea, Photojournalist)

Lea explains that the survivor is presented as a powerless victim, which reinforces the idea that war rape survivors can be reduced simply to their victim identity, and that is all they are. There are barely any alternative stories about the whole person behind the dark silhouette.

Media representations, do not merely represent. They actually also create an image. In other words, victimhood as an image is not pre-given, but is created in due process of the visual medial representation (Stolk & Werner, 2020). This kind of presentation feeds into the image of the ‘ideal victim’ (Christie, 1986) in which the perception of the victims is defined by her appearance as being weak and vulnerable, depended on others and grotesque in appearance (Schwöbel-Patel, 2018).

Furthermore, some professionals working with war rape survivors, reinforce representation of survivors that feed into the ‘ideal victim’ image, as well. The extract below is one such example:

Extract 15:

“Them going public with their stories on media [...] their public appearance, even if with covered faces, them listening to their own stories, has impacted a change in the public perception. It’s different when I was their

voice and told their stories and what she experienced, [...] when she comes out and tells the story of what she experienced, herself. Because, she reflected emotions, even a part of her trauma while she revealed her experience of war, and she told how they do not feel good, because war rape was always perceived as shame ..., and because of this shame they couldn't function normally, and how they lacked the support of family and society, as well as institutions.” (Vera, NGO Director)

Vera, emphasizing the power of the victims' voices in telling their own stories, views the presentation of survivors that reflect the weakness, the distress (not feeling good) and not being able to function “*normally*”, as well as the dependency of survivors on others, as an effective mean for changing public perceptions. The assumption seems to be, that in order to change the public perception and accept the survivors, the general public need to be feel sorry for them. The power of survivors' voice is reduced to invoking empathy for her weak position and not recognized as agent of her right to equal treatment and recognition.

In the next theme, we will look more closely into the strategies professionals used to work with and for survivors and also discuss further how images of survivors held by others play a crucial role in how survivors build trust in service provider.

Theme 2: Working with survivors in a stigmatized context

In this theme participants share some of their experiences of working with and for survivors in a stigmatised context. Accounting for their distinguished professional contexts, the first subtheme discusses different strategies used in providing support and protecting victims, and the second elaborates on the meaning of trust in working with war rape survivors and what strategies they used to gain the trust of survivors.

2.1 Providing support and protecting victims: we went to them

In the immediate aftermath of the war one of the main strategies of professionals working

with survivors was to offer help and support whole communities of people who have been harmed by the war by going to them in their communities.

In the following extract Jeta explains that one of the key strategies used to approach war rape survivors was through projects that were aimed at a wider empowerment of women and did not specifically address war rape or war rape survivors in particular.

Extract 16:

“Medica Mondiale at that time [immediately after the war] ... was the only organisation that approached and helped these women. Of course, their approach was not direct, rarely ever was war rape mentioned, but through empowering economical projects, medical, and legal services, they approached the women and created groups of women in villages. This was then a long-term process through which women could take all the time they needed, and build trust before they were able to share their stories and speak about their experiences.” (Jeta, Psychologist, NGO)

Service providers protected the victim’s identity by offering their services to wider group of women, by creating support groups for all women in need of aid and counselling regardless of their war experiences. Underpinning this strategy is the knowledge that while cultural norms that stigmatize war rape survivors cannot be changed quickly, addressing their needs is important and working with them is also possible under concealment.

This strategy is similar to what research on multiculturalism and positive cultural change has observed (Stevens et al., 2008). In this context, the nongovernmental organisations, framed their mission as all inclusive, and did not explicitly talk about war rape survivors. By using such strategies, where services were designed so that women with different kinds of experiences could make use of them, not only were war rape survivors protected from having to disclose their identity in order to receive help, but they were able to receive initial help and support without having to directly ask for it. This strategy was built by recognizing survivor’s agency to speak

about their experiences when they most felt safe and prepared to do so.

In the next extract, Vera, emphasizes the need for the strategy also as a path to protect the organisations from stigmatisation.

Extract 17:

“Different strategies were used to approach the survivors. Ours was, first to go to them, because they were not going to come to us. There was also the fear of stigmatising the organisation. If we had declared that the organisation was a place for war rape victims, no women would have ever come. But we stated that we offer services for all different traumatic experiences of war. We had women whose husbands were missing from war; women whose husbands and/or sons were killed at war and we formed groups and offered them psycho-social therapy sessions. We also started offering legal counselling sessions. They had a lot to deal with legally, concerning property disputes, especially women who were now head of the family and at the same time were also war rape survivors.” (Vera, NGO)

In Vera’s account, it becomes evident that many professionals working with war rape survivors, in order to be able to help and provide support for war rape survivors, had also to worry about being labelled themselves as an organisation that was working with war rape survivors, and be stigmatized. The consequences of that would have been that many survivors would then have feared to go to them. Furthermore, other people might have also avoided being associated with the organisation from fear of being ‘wrongly’ identified as a war rape survivor and their advantaged group status being tainted negatively. It is evident that the strategy of functioning as an overall women’s organisation, also helped the organisation remain an open door for war rape survivors’ specific needs, in a longer term. Such strategies also influence trust which will be discussed in the next subtheme.

2.2 Survivor’s trust - follow survivor’s lead

In this subtheme observations and thoughts on the importance of trust in working with war rape survivors of different professional are discussed.

Jeta, for example, speaks of the importance of trust for war rape survivors being able to feel safe and talk about their war experience.

Extract 18:

“Finding the right approach was very challenging. Besides that, we invested a lot in building trust and a good relationship based on trust and safety; on the other hand, the most challenging thing for me was how to find the right approach to survivors. I always followed the rule that everything has its time and that if we have a trusted relationship and the woman feels safe, she will have her time when she will open up and disclose. But, sometimes, we have made the experience that, also a more direct approach, not pressure, just a direct approach through which you open the door to talk (about the topic) sometimes is helpful for her to be able to find her own words to disclose; that was also very effective.” (Jeta, Psychologist, NGO)

Jeta’s account gives a glimpse into the process of trust building between war rape survivors and staff members. Jeta, as many other professionals, defines trust building as one of her main challenges to find the approach that best suits the survivors. Two different strategies were used, depending on the different cases. The first strategy saw trust building as a process that recognised that some survivors would need more time, and some less, and anyhow was based on the approach that the survivors will talk when they feel ready. The second strategy used a more direct approach through finding an opportunity to mention the topic of war rape using an acceptance language, suggesting that if the person wanted to talk about it, they could. This strategy aimed at helping those who might want to talk, but did not know how to start the conversation or lacked the words to express themselves within this topic.

Both these strategies allowed for war rape survivors to lead the process of trust building and disclosure and were also used in group sessions which had an educational aim.

Extract 19:

“When we would hold group sessions on the topic of war rape, at no point ever did we tell them, that we were suspecting them to be war rape victims. We just talked about the topic. We talked about how war rape victims

should not be judged. That feeling of mistrust among war rape victims towards our support staff started fading at the moment when they realised that you are not judging them, but on contrary consider that they should be supported.” (Vera, NGO Director)

Vera’s account shows that talking about war rape in an educational way that also addresses the stigma associated with it, and challenging the stigmatized views, by for e.g., putting an emphasis on how war rape survivors should not be judged, influenced war rape survivors’ perception on the attitudes of the staff. The staff used the strategy also as a mean to present themselves as trusted supporters, while leaving it open to survivors to decide whether they would want to disclose their identity to them. This strategy led to survivors’ trust in the staff growing with time, as they realized that they are not being judged and whether they would talk or not, they would be welcomed in the organisation.

But these strategies were not going to allow for bigger changes, as they were focused on individual wellbeing of survivors and worked in smaller groups and within a private setting. However, the empowerment of the individual led empowering survivors to participate in group activities and seek help. In the next theme we will look into civil society activist actions that led to social and political changes, from initial public protests to eventually law change and formal recognition of war rape survivors.

Theme 3: Collective action towards social change

Under theme 3, I explore experiences of different activist and professionals who were actively engaged in the process of initiating the law amendment that was approved in 2014 and led to the process of recognizing formally war rape survivors’ status as victims of war alongside other categories of war. In subtheme 1, they discuss some of initial steps they took towards social and political change by bringing the topic from the private to the public sphere, leading to the

law change. In subtheme 2, they discuss some of the barriers encountered on the way, how they managed to overcome them, and how they interpret the impact of law amendment on survivors.

3.1 Going public: combating political denial collectively

This subtheme discusses what most participants viewed as the biggest step that marked the beginning of change for tackling the social injustice and prejudice against war rape survivors in Kosovo. Participants discussed their failed efforts to engage politicians in combating stigma and injustices which preceded the final collective step taken to achieve the law amendment. Buna shares her experiences on trying to make the issue of war rape a public and political one.

Extract 20:

"I went to all the political leaders, who were respected as leaders, and I requested that they go public and say that women and girls, boys that were raped at war, it was not their fault; rape was used as a weapon of war, they are victims like all the others. Not one, no one wanted to; (name of a prominent political figure) said to me, 'Buna, don't ask me to get mixed in those issues, for God's sake'. Religious leaders almost kicked me out of the door." (Buna, Physician; Human Rights activist)

Like Buna, many participants from the civil society shared experiences on how they persistently tried to make the issue of war rape public immediately after the war. Buna used her activist status to talk to high-ranking politicians and religious leaders directly and advocated for public recognition of war rape. Her efforts were met with rejection and hostility as politicians at that time feared to get involved on this issue publicly. Similarly, religious leaders who could have had a positive impact if they had positioned themselves in support of war rape survivors, rejected the proposition to be involved with this issue as well. This shows that the stigma that existed in the society was also upheld by political and cultural authorities which did not want to challenge it, because of their concerns with their own status in society.

Similarly, Vera, who has worked with war rape survivors from 1999, explains that there was no political interest in governments preceding 2014 to even tackle the issue of war rape survivors' status in society.

Extract 21:

“At that time, Kosova did not have a resolved political status, and of course, we knew that no one would be giving any attention to this topic. [...] We even organized a round table [...] and two fathers of two girls who were raped at war and had died from injuries participated in the meeting as well; war rape survivors did not want to participate back then; and we addressed this issue. We went to minister [name] and gave him a draft proposition for a law, which was locked in a drawer, until we united our forces with other organisations.” (Vera, NGO)

While civil society activists had already in 2007 intended to achieve a law change that would formally recognize war rape survivors in Kosova, propositions made to politicians (in this case a sitting minister) were kept in the dark and never reached the parliament or the public. This would suggest that women's war and war rape experiences were not considered of value to be included in process of State building and national identity formation through collective memory and political narratives of war, which preceded the 2007 independence declaration.

In the next extract, Brikena highlights how collective decision was taken to initiate the next step towards changing the situation of war rape survivors in Kosova.

Extract 22:

“We met with the women, and they were saying, it is time that we need to have a law for us. And that is when we decided first to go public about the issue. Some people would tell me, don't do public protests. I said, yes, we actually will, because they (the survivors) themselves want this. So, we went public in a protest in 2012 with two messages: we want legal protection, and we want justice.” (Brikena, NGO Director; Human Rights activist)

Brikena's account, like many other participants, shows how the involvement of survivors

themselves in defining what they want was one of the key motivators for civil society activists to take up the next step and go public and protest for more rights for war rape survivors. Brikena also mentions how in the process of the planning of this protest, people would advise against bringing the issue of war rape into the public. This advice however was rejected quoting war rape survivors' own determination for making their plight for justice and equal treatment, public. The group that was being discriminated against decided that the discrimination against them was not to be kept silent anymore.

This shift can be explained by the 'Rejection–identification model' (Branscombe et al., 1999) where the negative effects of group-based discrimination can be buffered by increased identification with the stigmatized group. In the case of rape survivors (the impermeable group boundaries and illegitimate group status was challenged) the strategy chosen was to unite and to draw more strongly from the psychological resources that the group offers (Tajfel & Turner, 1979). Thus, the persistent and pervasive stigma was dealt with by engaging in collective strategies to cope with it, or to change the situation. In the case of Kosova, the civil society activist and NGOs facilitated stronger identification and collective action of the survivor group, and confirmed the perception of survivors that the discrimination they were experiencing was illegitimate.

This protest triggered a chain of events, which were seen as the turning point in achieving social justice and recognition for war rape survivors in Kosova as Jeta explains next.

Extract 23:

"The turning point, is when Kosova Women's Network organised a public protest. A protest outside the framework of the NGO's working with survivors. Our approach here was about protecting, providing safety, but we never challenged them to talk about their stories. I know it was good for a while, but I had the impression the more time went by that we were not empowering the women to fight for their rights. Kosova

Women's Network with that event that they organised made a big turn [...] politics started dealing with the issue only then when this issue was pushed in the public domain, and became visible for people. Only then. [...] So politicians started to deal with the issue, when they saw that the international community based in Kosovo was interested to support this category, and this how then that chain of events started; embassies showed interest, started raising the funds for us NGO's; this made it possible for us to intensify and increase our work-capacity and to continue with the law amendment, and all the rest; further the participation of the women themselves had a great impact wherever we went: whether attending meetings with politicians, with international staff, media, I mean, it had an immense impact." (Jeta, Psychologist, NGO)

The shared perception among participants was that once the issue was brought into the public domain there was no turning back, and the reaction that followed triggered a chain of events that defined its success. Importantly, the protest was organised by Kosovo Women's Network, which is an umbrella women's rights organisation in Kosovo. Their approach to go public, was not what organisations who worked directly with survivors at that time would have chosen themselves, as their perspective was focused on protecting and keeping survivors and their issue safe and away from the public eyes, while advocating only one to one to politicians. Jeta points out that the fact that this organisation came from "outside", meaning it was not directly working with survivors, and their perspective towards human rights and women's rights helped overcome the barriers of the organisations who were working with survivors directly in challenging the status quo. The organisations, like Jeta's, who worked directly with survivors were focused on protecting the survivors, and had chosen as a key strategy to empower them to deal with their past by keeping the issue internal and private and not challenge publicly the stigma that forced them to conceal their identities.

In reflection, however, Jeta wonders whether that strategy which helped the survivors deal with their struggles and trauma for a while, might have also prevented survivors' empowerment to fight for their rights. This account shows how different perspectives on the issue are

dependent also on the relationships and the closeness to survivors, because the responsibilities are different as well. Being in a position where you define your role to protect survivors, you will hesitate more to pick a bigger fight and focus on the narrow picture, in this case, in improving the lives on the survivors individually. However, when you come from a position in which you define your role as a social/political human right's activist, then collective responses to inequality and discrimination are more likely to be chosen as a strategy. Furthermore, this is another indication, for what we already discussed in theme 1, that NGO's working directly with war rape survivors had to protect their own identity as well, so that they could remain an unstigmatized place where war rape survivors could go without being outed as war rape survivors. It is the combination of the knowledge of the first group and the second group and their collaboration that at the end produced a movement towards change, which inevitably generated more support and new collaborations.

Another strategy used to build a stronger hold against anticipated rejections and opposition was to win over international support/partnerships for the cause and to have a political party that supports the propositioned law amendment.

Extract 24:

"It was clear to us from the beginning that we would need an international partner and that we need a political party. Luckily, we connected with LVV (political party) which was in the opposition at that time and who were willing, also for the sake of their own political gain, but were willing to take this issue up. Unfortunately, or fortunately only the British Embassy at that time was willing to support us; and one of the reasons is William Hague, who was foreign Secretary of UK at that time, and very interested in these topics. He held the global summit for war rape, in 2013 or 2014 it was I think." (Dea, Human Rights Defender)

The role of the international community in Kosova in supporting local NGOs on a various of issues is well established, but in this case, the key supporting partner was the British Embassy. Often international organisation, governmental, or nongovernmental are key donors to a

variety of projects in Kosova, furthermore, they are given a moral authority on issues relating to human rights, gender equality and so forth, also on the basis of their symbolic representations of their respective States, mostly located in the West. Furthermore, they are recognised as crucial political powers in Kosova, viewing them as representers of a community of countries which Kosova politically and ideologically identifies with and wants to integrate into. In this particular context relating to a highly stigmatized topic, activists knew that support from an international organisation, governmental nevertheless, is important to counter local political opposition and build a stronger hold against political rejections. In addition, one of the bigger political parties in the opposition at the time supported the call and this secured the political support of the request for the law amendment. Despite this support, the process of initiating the law amendment was met with rejection and opposition which will be discussed in the next subtheme.

3.2 The law amendment: through rejection and threats to recognition

Prior the law amendment and during the discussion that were going on in the parliament on the law amendment proposition, activists were threatened by politicians and/or unknown people who were opposed to such changes. Brikena, shares one of her experiences next:

Extract 25:

“So LVV (the opposition) drafted the law amendment. Look, PDK (party in power) wanted a separate law. They were not completely against it, but they wanted a separate law. But the women would tell us, ‘do not allow that they make a separate law for us, we do now want another branding, we want to be part of other war victims’. [...] You have no idea how much we struggled to achieve this. Why? Because, mostly these ‘former fighters’ did not want for the survivors to be included in their category [same law]. All these different fighters have objected to this. [...] <<they [survivors] are dirty, they were raped, we are fighters, we have fought.>> [...] I will never forget, some of them even invited me to meet them face to face. They tried to scare me.” (Brikena, NGO Director; Human Rights activist)

The opposition to the law amendment did not necessarily mean rejection of support for a law for war rape survivors. However, many politicians in power at the time wanted a separate law, because they resented the idea that the 'heroic/pride' group could and should be represented within a same law that outlines support for different war groups, especially war rape survivors. This opposition was strong that those who were opposed to the law amendment to include war rape survivors, use threat to assert their position. Brikena for example, was invited in a private meeting and threatened by two high ranking politicians who were also former KLA members. As we will see in Study 3 (next chapter) hostile language was common and was directed both at survivors as well as at supporting politicians and activists¹⁵.

This is sadly not a surprising response. When stigmatized group members challenge collectively stigma and discrimination by employing strategies of change, out-group hostility might increase (Jetten et al., 2001). The participants in this study reported that when civil society activists engaged collectively in public protests and initiated legal changes to improve the status quo of war rape survivors demanding legal and societal changes publicly, they were met with hostility from the outgroup, in this case those that felt the most threatened; political members in power and associated with war veterans. However, the success of the law amendment shows the power of unity and collective action, and many participants argued marked a turning point towards challenging social and cultural beliefs that perpetuate stigma:

Extract 26:

“The law was amended. Stigma has started to be softened, although it still exists. Survivors still fear that they might be found out by family members if they applied for the status, that fear has not been overcome yet. [...] the pension upon the recognition is more of a moral support, and it was welcomed by survivors, but their

¹⁵ There were even examples of physical violence reported in the media. Nazlie Bala, for example was threatened and physically assaulted, by unknown persons, because of her activism and supportive role towards the law change for inclusion and recognition of war rape survivors (Evropa e Lire, 2013), Website: <https://www.evropaelire.org/a/24940898.html>

wounds do not heal with a 230EUR pension. They need respect. [...] what this law did is that it gave the victims, but also the society to understand that this category is a war category, and that their suffering, pain, the crimes against them are being recognised, institutionally recognised, and for as long as you are recognised by institutions, also the society will follow easier.” (Vera, NGO Director)

Vera’s account, which echoes the sentiment of most of the participants, emphasizes that the biggest achievement of this law amendment is that it recognised war rape victims’ experiences of war through law, but also at the societal level. In other words, the law amendment delegitimized stigma and discrimination against war rape survivors at governmental level and the institutional recognition can be translated as acceptance of their status as equals among other groups of war victims. The suggestion that society will follow more easily is grounded on the assumption that the State leads as an example, but also has the power to influence beliefs through legitimising the experiences of the people that it represents. Thus, the path to the law change was in itself a complicated and long process led by civil society activists, but through State recognition it is expected by many professionals that it will impact broader societal change in combating stigma.

5.4 Discussion

There are a number of important findings in this study. The first is silence and stigmatisation. A key challenge for addressing stigma associated with war rape, is that talking publicly about war rape is stigmatized in itself. Collective silence about war rape has proven a barrier, not only for the healing of the survivors, but also for the work of professionals working with survivors and the society as a whole in dealing with the past. This study showed that professionals who work with and/or on the issue of war rape, are often themselves stigmatized. Many professionals working with war rape survivors were forced to keep a low profile on their

work for decades to protect both war rape survivors' identity and themselves (and the organisations they worked for) from negative effects of stigma and threats.

One of the most common strategies used to help survivors of war rape in the immediate aftermath was to offer services to everyone else and identify war rape victims in the process and approach them privately. Furthermore, professionals had to find ways to both support and protect survivors directly, as well as raise the issue of war rape experience in the public domain to combat collective stigma and influence social change towards recognition of war rape survivors by society and State institutions.

The second finding is the barrier to change due to perceived threat from advantaged group. The professional's efforts were met with rejection and threats by politicians in power and some KLA members associated with the political establishment in the government at that time. They saw in the formal public recognition of war rape survivors and inclusion of their status in the same law as a threat to their celebrated group identity (and positive view of their identity as fighters). This type of responses is well documented in SIA, where threatened advantaged group members seek to maintain the status quo and ignore the injustice and discrimination of disadvantaged groups, because the legitimacy of the group status of the advantaged group is questioned (Branscombe et al., 1999). Furthermore, the ingroup morality attached to their group image is seen as being undermined through comparison and equality with a disadvantaged group low status group (Nadler & Shnabel, 2015). This is especially the case when an advantaged group benefits from illegitimate social structures through for example, being the ones who discriminate against other groups (Branscombe et al., 1999) and/or through gaining privileges by having a distinctive higher status position (Knowles et al., 2014).

As this study shows the perceived threat by politicians in power, some of whom had

positioned themselves as representers of the KLA, resulted with opposition and rejection to changes towards more equal and inclusive social policies that were being proposed by NGOs. Here, the advantage group (politicians in power) perceived that there was a threat to their group status, which resulted in members of the advantaged group seeking to protect their position through opposition to changes, in order to maintain their self-esteem and positive sense of identity (Branscombe et al., 1999; Onyeador et al., 2021). This is in line with previous research, which studied race-based discrimination in organisational context, and found that perceptions of threat to beliefs and norms by white Americans increased opposition of white men to race based DEI (diversity, equity and inclusion) policies and programs (Renfro et al, 2006). Another response to perceived group identity threat by advantaged group members is to deny that there is any injustice. This study showed that against all efforts by civil society activists and professionals, this was done in Kosova through silencing the issue relevant to war rape experiences for years by denying that there even is an issue or responsibility for the inequality.

The perceived threat by powerful politicians produced not only rhetorical objections but also physical threats against civil society activists. Prior research has suggested that one way to break this resistance of advantaged group members towards change is by creating policies for change that put the attention on the disadvantaged group needs and shift away from the role of the advantaged group and their privileges in perpetuating social inequalities (Phillips & Lowery, 2015). Another proposed way relates to strategies that seek to reduce the perceived threat of advantaged groups by defining support for the intended social change as positive group norms and as opportunities for defining group identity with improvement and responsibility for justice principles (Liebow & Glazer, 2019). This study shows, that in Kosova civil society activists used this strategy in two ways: by putting the attention on the needs and rights of war rape survivors

and aligning the intended change with principles of justice, as well as by seeking political representation and collaboration with the oppositional party at that time, some members of which were also former members of the KLA and highly regarded in society. These strategies aimed to break the representation power of the opposition group which interpreted the inclusion of war rape survivors in the same law as group identity threat to the veterans' status group.

A third key finding is that the image of victimhood produced by public/political discourses, sometimes by professionals themselves, reducing war rape survivors to a wounded body that was not able to function normally. The problem from images like this is that it constrains the survivors within a victim identity which undermines their agency and their ability to fight injustices. Furthermore, it ignores common processes of posttraumatic growth, processes of meaning making, creativity and resilience which help survivors overcome trauma (Tedeschi & Calhoun 2004; Ayalon, 2005; Diamond & Shrira 2018; Muldon, 2021). The most common response to trauma is psychological resilience (Kellezi & Reicher, 2012; Muldoon, 2021). The image of a submissive victimhood into which survivors are reduced risks to portray them as passive and thus undermines and perhaps further silences their voices as agents of their own struggles and their right to be active in fighting for their recognition and justice. The image of rape survivors as weak, young, beautiful but crumbling further feeds the imagination of a "ideal victim" of war rape, that needs protection from the strong 'others' (Schwöbel-Patel, 2018). Images like these can have an impact on how survivors' respond to service providers and those that advocate on their behalf. Being reduced to a certain image of victimhood, even two decades after the event, might prevent people from making use of positive coping strategies which are also bound to the ability of communicating their experiences without prejudice (Janoff-Bulman, 2006). Furthermore, survivors might feel it is expected of them to look and talk in a certain way,

in other words to 'look like a submissive victim', and if they fail to do so, their stories might not be believed (this was clearly evidence in study 1 interviews which could not be included in this thesis due to lack of space).

In addition, images that portray the survivors as dependent on others and weak can impact how professionals and others treat them and organize their effort to support their cause for justice and equality. When people believe someone to be traumatized and weak, they might refrain from making demands from them and including them in decision making processes thus undermining their agency and taking away control over their life which can further harm their health, as sense of control over one's life is essential to psychological health and for negotiating adversity (Muldoon, 2021). It is well established that negotiating adversity requires empowerment of survivors (e.g., financial independence) and support from relevant others (as was also shown in Study 1). However, support needs to be meaningful and promote self-efficacy, agency and autonomy of survivors by recognizing the strength and resilience that survivors have in them (Muldoon, 2021). This study showed that in public discourses war rape survivors were denied agency and autonomy. They were spoken about as weak and damaged, and they were not allowed self-representation in collective war memories.

The fourth key finding is that one way to recognize the resilience and strength of survivors is through public discourses and war narratives relating to their experiences through collective memory practices. It was Halbwachs (1992) who coined the term 'collective memory' and that concluded that it was not the everyday memories of the individual experiences, but the collective memories of shared experiences (e.g., of events like wars) deriving from one's group membership (e.g., being an Albanian) that are essential to the self-image of the group members in relation to making meaning of these memories. These memories shift to adjust to the needs of shifted

interests. In other words, in post-war periods the everyday life is fed by collective memories in form of symbolic rituals and commemorations in order to keep the past remembered and is even transmitted to future generation from parents and grandparents, but also through informal and formal educational strategies.

Victims' identities connected to the war experiences which are transmitted from the past into the future and which connect the individual with the group they belong to are structured by gender norms which determine whether they are allowed to exist in collective memory or are erased in the process by being silenced (Gillis, 1994). One way of erasing them, next to not mentioning them at all, however, is through forms of representation that further stigmatise their identities and/or undermine their agency to be a voice of their own story.

Among other purposes collective memory serves to provide future generations with lessons of the past. In that context they also become means to identity formation which results from the lessons learned (Ashplant, Dawson & Roper, 2000). Furthermore, discriminatory collective memory, as act of performance, representation and interpretation through public and political discourse or symbolic rituals of commemoration, can hinder constructive dealing with the past, access and participation to justice and distorts the common shared experience as a narrative of a common struggle for freedom and independence (McGrattan & Hopkins, 2017). The distortion of the common shared experience of war in favour of some groups and disadvantage of others, leads unavoidably to the process of 'othering' which not only excludes people from gaining positive benefits from their experiences being recognized and remembered as well, but impacts them negatively and adds to their injuries and traumas of war (Kellezi & Reicher, 2014). Remembering crucial events of the past that have defined the self-image of a group (shared identity) serve to keep the community together in dealing with their past. However, when

members of this community are excluded from the collective memory, what results is collective forgetting (Hirst & Coman, 2018). In that sense, the memories belonging to the shared identity are selectively chosen to be remembered or forgotten to fit the interests of the most advantaged and higher status groups within the ingroup.

Understanding the processes of how collective memory practices feed and reinforce stigma against certain groups, is an important issue to be investigated, because of its potential impact on the healing processes. War memories became part of the survivors' identity, but they can also be a reminder a one's exclusion due to stigma. Adding to what Kellezi and Reicher (2012) termed "double insult" this research shows that collective forgetting becomes highly problematic, because collective memory is regarded as a historical representation of the shared past which also defines processes of national identity and State building and informs policies of national support for survivors. The evidence from this study (and study 1) shows that there seems to be a need to renegotiate representation of war experiences in memorials and public commemoration towards a more equal social representation in Kosova, which redefines collective memory as a place of coming together and being inclusive of all different groups in society, regardless of their gender, social status, ethnic background and in particular of their war experience.

5.4.1 Strengths and limitations

The participants interviewed came from a wide range of professions and described individual challenges relating to their professions. These individual challenges should be further investigated in future research. Despite the differences however, the participants reported many shared challenges and experiences which helped understand how they could best support the

survivors and bring about the law change. It would have been useful to interview more politicians but those contacted were concerned with how they will be perceived by their political parties or did not believe in the value of this type of research. Future research should aim to collect experiences of politicians as well.

While this research highlights the importance of the law amendment, future research should investigate the reasons why many survivors are being denied their legal recognition and investigate the role of NGOs and State in this outcome. Future research should also look investigate potential strategies to increase more direct representation of survivors on justice processes and political decision making.

5.5. Conclusion

The stigma surrounding war rape meant that many professionals working in the field needed to negotiate new pathways of supporting them while at the same time protecting survivors' stigmatised identity. Furthermore, professionals needed to protect their organisations from being stigmatised, as well, which is why in the beginning they employed more all-group inclusive strategies and avoided targeting war rape survivors directly and selectively. After failing to initiate any substantial law changes by advocating with politicians behind closed doors, professionals working with war rape survivors and social society activist joined their forces together and protested publicly for more inclusive and equal politics and policies in regard to war rape victims' recognition and treatment. The collective action that resulted was met with objection and threats by opposing group in political power.

The professionals argued for the importance of the State support for survivors and the impact of public and political discourses in perpetuating or combating stigma associated with war

rape. In the next chapter, I will look more closely at political discourses negotiating the law amendment to include rape survivors in the Law for war survivors. A discursive analysis allows a better understanding of some of the problems that war rape survivors and professionals have thematized in regard to the shortcoming of the law amendment.

"We started walking

When we began to talk

I saw our words had the power to unmake history"

- EAVAN BOLAND -

Chapter 6: Study 3 - A Critical Discursive Approach to investigating political speeches on war rape recognition in the parliament of Kosova

6.1 Introduction

As previously discussed, war rape and sexual violence are widely used as a weapon of war to enhance political repression and to intimidate whole communities as well as facilitate ethnic cleansing (Meron, 1993; Engle, 2005). What is less acknowledged, are the aftermath practices of exclusion from family and communities, and also collective process of dealing with the past including material and practical support, public historical narratives and discourses, commemoration ceremonies and symbolic representation through memorials. For almost twenty years after the war, war rape experiences in Kosova were rarely mentioned in public war discourses formal and nonformal war narratives, and processes of transitional justice and peacebuilding, while the survivors and professionals who supported them experienced stigma and discrimination (e.g., Study 1 and 2 in this thesis).

As it will be argued in this chapter these processes of exclusion from societal recognition and family and community life are closely linked to narratives of shame or heroism (outlined in chapter 4 and 5) and are created and transmitted through discourses. First, this chapter outlines why it is important to investigate gendered discourses and historical narratives. Then it discusses

the developments and experiences in Kosova. Next it introduces the aims and methodology of Study 3 (justifying why it takes a discussive approach), followed by results and discussion.

6.2 Gendered Discursive Representations in Political and Historical Narratives of War

In social interactions, people use language to produce and acquire knowledge that builds up certain traditional beliefs, as well as construct social norms, values, identities and objects (Burr, 2015). As such, language plays an important role in shaping the social context and positioning of the self and others within it. This is especially pertinent during the transition phases in a post-war country, when emerging new war identities (e.g., 'war rape victim') conflict with existing valued identities ('good woman') and people try to negotiate between them, in terms of everyday interactions, as well as in political and societal discourses (Bareket et al., 2018; Kellezi & Reicher, 2014; Siders, 2003). Even though these interactions operate differently in different levels of discursive practices (political; societal; private; public), they all play their part in shaping and reinforcing certain social values (e.g., heroism) and reflect on historical narratives (Butler, 1990). As such, historical narratives can play an important role in the construction of shared values and norms that give sense to the belonging of a national collective (Hobsbawm, 1990; Kohl & Fawcett, 1995; Reicher & Hopkins, 2001). The national collective includes all the people that identify with a national identity and live within the national boundaries, whether they live within or outside the physical border of a State (Yuval-Davis, 1980). However, traditional gender norms have positioned women in the margins of national identity by excluding them from participation in shaping the political life.

6.2.1 Women's Bodies as Symbols of National Identity

Historically, patriarchal constructs of nationhood have positioned women in the periphery of

political life. Women have been given the role to reproduce the nation, biologically and symbolically (Enloe, 1990) whilst being excluded from active participation in political decisions. Even, war experience discourses have been historically dominated by patriarchal constructions of 'national boundaries' (Yuval-Davis, 1980), reflecting gendered discourses where sexuality and women's bodies serve as territorial markers of the cultural and religious boundaries of the shared national identity and honour. This forced identity as the "bearer of the national collective" (Yuval-Davis, 1980, p.15), often taught from childhood to boys and girls through required adherence to specific gender roles, turns into what Mercer (1990, p. 61) called a "burden of representation". Koontz (1986, p. 196) provides the example of Nazi Germany where the youth Nazi national educational programme taught girls to be "faithful; pure; German" and boys to "live faithfully; fight bravely; die laughing". So, while boys were taught to fight and die for the nation, girls were taught to be the embodiment of the nation. In war reality, this cultural 'burden of representation' (Mercer, 1990 p.61) which befalls women and men, is very emotionally heavy to uphold, and when not upheld it can lead to serious consequences (Kellezi & Reicher, 2014; Rozario, 1991).

There is an important divergence, however. While women have been given this national burden, they have been excluded from participation in the politics of constructing the shared identity of the nation (Enloe, 1990; Mayer, 2000). As such, women retain an object position in discourses of nationhood and shared national experiences in general where construction of "womanhood" has a property of "otherness" (Yuval-Davis, 2003, p.19). In other words: men have constructed 'women' (rather than women being able to construct their own identities), and then men have constructed historical narratives and public/political discourses (where women again have been excluded).

6.3 Political War Discourses in Kosova

In post-war Kosova's historical narratives women's war experiences have been widely suppressed. In particular war experiences that were deemed norm violating were silenced and excluded from collective commemoration and memory, while war experiences of male heroism and suffering have dominated such commemorations and memories (Di Lellio, Rushiti, & Tahiraj, 2019; Kellezi & Reicher, 2014). Such different appraisals of war experiences have led to women's experiences persistently being silenced and stigmatised and thus undermining access to support and justice (e.g., Study 1 in this thesis). They have also facilitated the dominance of men's experiences and their power to construct historical narratives and consequentially the social, political, and cultural knowledge used to shape the present (Butler, 1990).

In the aftermath of a war, discourses are integral to providing meaning and spaces for war experiences to be shared both in private and public spheres, which in turn reflects on the processes of coping with war trauma and dealing with a traumatic past, both individually and collectively (Kellezi & Reicher, 2014; also, this thesis study 1 and 2). One of the most powerful public spheres is the political sphere, especially in small post-war countries like Kosova, whose sovereignty is still disputed and war experience are essential for justifying independence.¹⁶

The way women's and men's war experiences are represented in historical narratives and constructed through public and political discourses reflects the broader gender inequality to political, economic and social power structures in a society (Butler, 1990; van Dijk, 1993). Women have had less access to power and thus to dominant discourses of power and knowledge which have shaped societies (Butler, 1990). From a feminist perspective, which is very much concerned with power relations, the study of language as an activity (the study of discourse) is key to

¹⁶ Kosova declared independence in 2007, but this has yet to be recognised by Serbia and some other countries, including EU countries. As such the independence status remained threatened.

understanding the domination of certain narratives over others in creation of knowledge in a society. This may involve investigating how knowledge is constructed; how 'facts'/'truth(s)' are constructed; what maintains patriarchal notions of gender; how alternative versions of gender constructions and identities are resisted and/or challenged; and how ideological dilemmas are managed in and throughout discourses? The study of discourses, especially from a feminist perspective, is also political, and asks how the deconstruction of patriarchal discursive structure can help to construct alternative versions of discourses that promote social justice and gender equality (Fairclough, 1989; Lazar, 2005). The struggle for political power between different parties in Kosovo has led to the construction of different discourses about the past in terms of contribution for the creation of the nation (Study 1 and 2 of this thesis). This third study will investigate discourses of war rape and sexual violence articulated during the law amendment discussion, and argue that these discourses are also a product of this political struggle.

6.3.1 Law in Order

Fifteen years after the war, in 2014, the Kosovo government officially approved the amendment of 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* (Law No. 04/L-054; Republic of Kosovo)" to include victims of war rape and recognize them officially as civilian war victims. The amendment provided the opportunity for war rape victims to apply for their status recognition and upon successful verification, receive a pension. In practice, this was made possible, in 2018. The long process, of parliamentary discussion and final approval meant that war rape victims were kept waiting for much-needed support and recognition (see Study 1).

All debates from both parliamentary sessions (in 2013 and 2014) were public and available

for free to all citizens of Kosova to view, through TV broadcast, printed media or official records published on the webpages of the Kosova parliament. As the results from Study 1 of this thesis revealed, many war rape survivors followed the parliamentary debate on the law amendment with great interest. It is important to emphasize that these were the first political debates in the parliament of Kosova where the possibility of recognising war experiences of sexual violence was explicitly discussed.

6.3.2 The Setting of the Parliament of Kosova

At the time when the law amendment was discussed in parliament (March 2013 and March 2014 respectively), the left oriented political party '*Lëvizja Vetvendosje (Self-Determination Movement - LVV)*' drafted the law amendment and introduced it to parliament. LVV formed the main opposition to the political parties in power. The main party in power was *PDK (Democratic Party of Kosovo)* and they held the government in coalition with a few smaller parties. PDK was formed by Hashim Thaci who was Kosova's prime minister from 2008 until end of 2014. Thaci was a former leader of the Kosovo Liberation Army (KLA). It is from the legacy of being a KLA member that he gained his political power after the war and grew to establish one of the largest political parties in Kosova which largely identified with the armed resistance (Bekaj, 2010). PDK's members predominantly positioned themselves against the law amendment as it was brought forward.

6.4 The Present Study

In this study, through a critical discursive psychology approach I examine political discourses of 'recognition' of war rape experiences in Kosova. The State, the main bearer of political discourses, represented by the parliament, plays an important role in the politics of memory, commemoration, and in producing a dominant national narrative of historical events (Ashplant,

Dawson & Roper, 2004), but also in offering support for survivors. In that regard, political war discourses also matter because they perform social, political and policy actions that have implications for survivors' participation in collective social and political life, and influence access to health/other services and participation and representation in transitional justice processes.

The political debate in the parliament of Kosova serves here as a case study that is used to gain a better understanding of how historical, social, and political context interplay in the language used to construct meaning of war rape experiences and identities in political debates in Kosova. By definition, the law amendment is a request to legally support war rape survivors, while the political debate is between those who support and those who reject this proposition for various reasons. This study explores how support and rejection of the law amendment is discursively negotiated in these political debates. The analysis addresses the following research questions:

- d) How do politicians in Kosova talk about victims/survivors of war rape and sexual violence?
- e) How do politicians in Kosova construct the meaning of the formal recognition of victims/survivors of war rape and sexual violence in Kosova?
- f) How do politicians in Kosova construct the meaning of war rape experiences?

6.4.1 Study Material

This study involved analysing the parliamentary transcripts discussing the law amendment. Two parliamentary sessions were held to discuss and vote on the law amendment. The first session was held in 2013 and the second in 2014 in the Albanian language.

I used the transcripts of both sessions for this analysis which consists of 40 pages (A4; font

12, Times New Roman, single spaced) of parliamentary transcripts (Appendix 7). As the data are from transcripts of parliamentary sessions, no further transcription was necessary. I have translated the extracts presented in the analysis from Albanian to English.

6.5 Analytical approach: Critical Discursive Psychology

Using Critical Discursive Psychology (thereafter CDP) the analysis is informed by rhetorical and discursive approaches to discourse (Billig, 1996; Edwards & Potter, 1992; Edley, 2001) and social constructivism (Burr, 2015). An emphasis is put on the speaker's action orientation, through which the analysis aims to unpack how meanings, subjects and objects are constructed in talk, and how identities and beliefs are embedded in these meanings. Taking a critical approach, the analysis also pays attention to how interactions and language are imbedded within historical context, and looks at wider social and political consequences of discursive patterns (Wetherell, 1998). The next section looks at background of Discursive Psychology and the rationale behind choosing CDP as method of research.

6.5.1 Historical background of Discursive Psychology

Within psychology, Discursive Psychology (thereafter DP) was initiated by Potter and Wetherell in 1987, and their main ideas were outlined in their book "Discourse & Social Psychology – beyond attitudes and behaviour". Potter and Wetherell questioned traditional understandings of social life and social interaction. They argued that the flexibility of how people use language to talk about experiences or worldviews cannot be captured through traditional methods, where for example, researchers ask some questions through questionnaires or focus groups, and then treat the language that participants used to answer those questions as a neutral medium that conveys knowledge. Contrary to traditional cognitive psychology, where language

was treated as a clue to uncover people's mind/brains, DP sees language as an analytic topic in its own right, to examine ways in which people talk or construct aspects, such as attitudes, memories, and emotions (Potter & Wetherell, 1987)¹⁷. DP argues that language is fluid and rather than just being used to describe things, it constitutes knowledge in and through discourse (Edwards & Potter, 1992). Further, DP (Wetherell, 1998; Wetherell & Potter, 1992) views language as a social practice (Edwards & Potter, 1992), and rather than looking at it as representation of 'reality', it turns language into the focus of investigation itself in trying to understand how language is used to discursively construct meanings of events in the social world (Burr, 2015; Harré, & Gillet, 1994; Potter & Wetherell, 1987). As such, DP poses a shift in epistemology provided through critique of essentialist worldviews (Harré, 2003; Wiggins, 2017).

6.5.2 Theoretical Influence in Discursive Psychology

An important theoretical influence on DP is ethnomethodology, which is concerned with the study of everyday life. The main aim of investigation through the ethnomethodology perspective is how people construct and maintain realities in social interactions (Garfinkel, 1967). Garfinkel (1967) argued that social interaction is the medium through which individuals demonstrate their position in society. Similarly, Goffman (1983) defined social interaction as a social situation where individuals construct self in an environment where they are "*physically in one another's response presence*" (Goffman, 1983, p. 2). Of great importance was also the work of Austin (1962) who argued that the way people say things can also be seen as 'speech acts', which are expressions that not only convey information but also perform actions: people use language as a tool to get

¹⁷ Potter and Wetherell (1987), for example, argued that in discourses people can present themselves as non-racist, while saying something racist in the same talk, depending on the particular context of the interaction. We know from everyday experiences that often in talk people want to say something, but do not want to be labelled as members of a certain category that is associated with what they are saying, so they use, what in DP is known as, a disclaimer. For example, they would say "*I am not racist, but...*" (Hewitt & Stokes, 1975; van Dijk, 1992) and then they would say something racist, or "*I am not a war monger, but...*" and then they would argue in favour of a war (Gibson, 2012). In DP disclaimers are conceptualized as rhetorical devices that are used for presenting self as a non-prejudiced even when what one says is a prejudiced thing (Hewitt & Stokes, 1975).

things done (Austin, 1962). Another key influence on DP was Foucault's work (1980; 1981) which is concerned with broader cultural patterns of discourse. For example, one of the aims of Critical Discursive Psychology (which is a combination of DP and Foucauldian Discourse Analysis), is to address issues of power and ideology in how people construct events, identities, and how they attribute meaning to the social world around them (Wetherell, 1998).

Discourse Analysis (Potter & Wetherell, 1987); Foucauldian Discourse Analysis (Foucault, 1978); Discursive Psychology (Edwards & Potter, 1992; Wiggins & Potter, 2017) and Critical Discursive Psychology (Wetherell, 1998; Wetherell & Edley, 2014) are all different strains of discourse analysis, which share a social constructionist epistemology which considers language as a tool to construct social realities (Burr, 2015; Wiggins, 2017). In various psychological research disciplines, various forms of discourse analysis have been conducted to investigate different psychological issues and topics such as in health psychology (e.g., Seymour-Smith, 2015), clinical psychology (e.g., Stokoe & Wiggins, 2005), peace/political psychology (e.g., Burrige, 2018; Condor, Tileaga, & Billig, 2013; Gibson, 2011; Goodman & Perry, 2018; Karlberg, 2012), and work/organisational psychology (e.g., Dick 2013) to name but a few. DP/SDP has been used to investigate different psychological issues, such as practices of parenting (Edley & Wetherell, 1999; Locke, 2015), gender (Edley and Wetherell, 1995; Reynolds, 2013; Seymour-Smith et al., 2002; Seymour-Smith & Wetherell, 2006), racism (Wetherell & Potter, 1988) or citizenship (Stevenson & Sagherian-Dickey, 2018). Some of the key research using DP/CDP also involves research on how people construct national identities in everyday setting through and within discourses (e.g., Abell & Stevenson, 2011; Billig, 1995; Condor, 2000; Condor & Abell, 2006; NiMaolalaigh & Stevenson, 2014). It is argued that nations are social constructions in that they possess clear boundaries of cultural, historical, and social norms that are shared by the

group of people that are considered to be part of it (Billig, 1995).

For the present study, CDP, offers the possibility to understand the discourses of recognition of war rape experiences in its broader social, historical, and political context, to investigate how politicians use their power to discursively legitimize certain ideological positionings whilst undermining others, and to explore how they construct identities of war rape victims/survivors as part of the nation.

6.6 Critical Discursive Psychology (CDP)

In CDP (Wetherell, 1998; Wetherell & Edley, 2014) the aim is to identify culturally available repertoires that shape our understanding of a particular topic and define the subject positions within that topic (Wetherell & Potter, 1988; Wiggins, 2017). Further, in CDP great emphasis is put on how power and ideology are reflected in discourses, and how this can be used when trying to understand how certain discourses exist and how they can be changed or challenged. CDP is based on post-structuralist approaches, like Foucauldian Discourse Analysis, in which discourses are seen as being closely bound to power (Foucault, 1978). Rather than being seen as a method that stands apart from DP, CDP should be understood as a combination of (post-structuralist; Foucauldian) Critical Discourse Analysis and DP as applied to the study of talk and text (Wetherell, 1998; Willig, 2013; 2015; Budds, Locke, & Burr, 2017), which emphasizes the implications of discourses as a practical constructive influence on people's social experiences and self-perceptions. Further, CDP approaches discursive studies with a wider lens on social, cultural and political context and investigates how discourses and interactions operate within them (Edley, 2001; Billig et al., 1988; Potter & Wetherell, 1987; Wetherell & Edley, 2014).

6.6.1 Key Principles of Critical Discursive Psychology (CDP) that Inform the Analysis

One of the key principles in CDP is the notion that "*discourses shape the possibilities for*

understanding various concepts and objects in the social world – and therefore shape the possibilities for social action and subjectivity” (Locke & Budds, 2019, p. 237). In other words, discourses are both constructed and constructive (Willig, 2013; 2015). Discursive practices become relevant based on the subject positions that people take. ‘Subject positioning’ (Davies & Harré, 1990) which is made available in discourses refers to the specific positions people take in and through discourse and from which they experience and make meaning of the world. For example, the discursive analysis conducted by Seymour-Smith and colleagues (2002) showed how discourses of masculinity brought upon detrimental consequences for men’s health through how men were positioned discursively in the wider social context of health behaviour and manhood.

A second principle is that of discourse being situated in context. The discourses produced in the setting of the parliament of Kosovo are political discourses situated in a certain political framework of the that time, but also derive from historical political positions and power relations in which different arguments were rhetorically produced in discourses, which make it possible for different versions of construction to exist at the same time, and to compete for supremacy.

According to Billig (1996) the competing constructions of meanings provide the possibility for an analysis which also looks at what is *not* being mentioned (i.e., what is being ignored in discourse). In this context the analysis looks closer at what version of reality is constructed, and how that version competes for plausibility or domination by ignoring another version(s) (Billig, 1996). The principle that discourses are situated in context highlights the importance of understanding discourse in its broader social and cultural context.

A third principle in CDP is one which is concerned with the action orientation of talk, text, and people’s agency in the process. Key to this principle is how people perform their agency

within interactions to accomplish different acts. For example, people use discursive resources such as blaming and justifying when they construct versions of realities and meanings in discourses. In order to assert their agency and to position themselves and others in the world, they construct meanings and identities by using different discursive devices (Wiggins, 2017) in ways that are socially more acceptable or that protect their interests.

6.7 Analytic Process

CDP does not provide a clear and predefined set of steps in how to conduct the analysis. For my analysis I used, with some adaptations on my own, some suggestions made by Locke and Budds (2020) in their paper on the application of CDP to health psychology research, and concentrated my analysis on following steps:

Step 1: Familiarisation with the Data

This involved reading the transcripts a number of times and taking notes. In process first selections were made of instances where war rape survivors' identity was thematized and where gender categories were invoked, as well as where concepts of victimhood, support, nationalism and justice were discussed.

Step 2: Identification of Key Themes

At this stage, the analysis draws on the principles of discursive and rhetorical psychology with a focus on investigating how survivors' identities and the meaning of the law amendment were constructed in the rhetorical context (where one side argued in favour of the law amendment and the other against it). Attention was paid to 'stake and interest' (Edwards & Potter, 1992), the construction of factuality (Potter, 1996) and rhetorical commonplaces (Billig, 1996) which refer to talk that appeals to a sense or understanding of a topic that is commonly shared. For example, during this step I looked at how a speaker draws upon concepts of

'motherhood', 'sacrifice', 'heroism' etc. using language that bears values attributed to these ideals that are culturally shared.

Step 3: Identification of Interpretative Repertoires

At this step I identified key interpretative repertoires which are defined as recognisable ways of talking (Potter & Wetherell, 1987). I looked at what kind of meanings and realities were constructed and what constructions were being withheld; how categorisations were being constructed, and how agencies were being attributed or diminished in invoked discourses.

Step 4: Action Orientation of Discourse

At this step, rather than looking at what was being said, the focus was oriented towards the function of the talk/text (Goodman, 2017; Wiggins & Potter, 2017). The analysis seeks to understand what is being accomplished by the talk/text in social interactions by identifying rhetorical/discursive devices that are used in the text, such as extreme case formulations (Pomerantz, 1986), category entitlement (Potter, 1996), and disclaimers (Hewitt & Stokes, 1975).

Step 5: Subject Positions

Subject positions are defined as 'ways of being', and the concept is based on the Positioning Theory developed by Davies and Harré (1990), which looks at how people position self and others in and through discourses. In this step, I shifted the focus to analysing how speakers positioned themselves and others through within the interpretative repertoires they used.

Step 6: Discussion of the Analysis and its Wider Implications for the Topic

At this step I summarised the key results of the analysis, discussed the main findings in a broader context, and provided answers for the research questions.

6.8 Results

Five dominant *interpretative repertoires* that are deployed during the political debates have been identified. The political debate was being performed between two main groups who positioned themselves in favour and in opposition of the law amendment respectively. Nevertheless, amongst those who positioned themselves against the law amendment were also MPs who agreed to the amendment in principle, but had issues with how the law amendment was drafted, or had other largely academic concerns. There were also MPs who were members of the coalition parties that formed the government and who positioned themselves against their party/parliamentary group by declaring that they distanced themselves from the views of their party on the issue.

Regardless of the party membership, the discourses are grouped into two categories which are called: ‘The propositional discourses’ (in support of the law amendment) and ‘The oppositional discourses’ (in opposition to the law amendment). Out of five identified repertoires, three were shared repertoires and two were distinctive repertoires as shown in table 6.1.

Table 6.1

Study 3: Interpretative repertoires

Shared repertoires (Oppositional and Propositional discourses)
<p>1. Benevolent sexism:</p> <p>Expressed in language that can be perceived as positive; undermines women’s agency and is based on gendered stereotypes (e.g., protective paternalism; idealization of women: see Glick & Fiske, 1997).</p>

<p>2. Consequent:</p> <p>Invokes discourses about the impact of actions (Hsu & Roth, 2010) (e.g., impact of law amendment on the image of State; on wellbeing of war rape victims etc.)</p>
<p>3. Contingent:</p> <p>Talk about other people’s beliefs seen to derive from self-interest, personal shortcoming and as being subjective (Gilbert & Mulkay, 1984) (e.g., alludes that the proposition for the law amendment is an attempt to gain politically and serves self-interest of political party)</p>
<p>Distinctive repertoires</p>
<p>Oppositional discourses:</p> <p>1. Otherness repertoire: War rape survivors are a category on their own</p>
<p>Propositional discourses:</p> <p>2. We-ness repertoire: War rape survivors are part of us</p>

The first three repertoires: (1) benevolent sexism, (3) contingent, and (4) consequent, were identified as shared interpretative repertoires. Both groups used them to make opposing claims. The other two identified interpretative repertoires: (5) otherness, and (6) we-ness I classified as distinctive interpretative repertoires. While the ‘otherness’ repertoire is used by the ‘oppositional discourse’ group, the ‘we-ness’ repertoire is used by the ‘propositional discourse’ group.

6.8.1 Shared repertoires

6.8.1.1 Benevolent Sexism

“Our sisters, mothers, wives”

The ‘benevolent sexism’ repertoire was expressed in language that can be perceived as positive, even though it is rooted in traditional gender stereotypes and used to undermine women’s agency (Glick & Fiske, 1997). In the discourses deployed by both the oppositional group and the propositional group, benevolent sexism is expressed through language that constructs the identity of war rape survivors as being consistent with traditional gender roles. Nevertheless, drawing on the benevolent repertoire MPs from the two groups use different discourses and discursive strategies to achieve different goals.

Oppositional discourses (Benevolent Sexism Repertoire):

“Real experiences, fake testimonies”

Oppositional discourses are characterised by statements that oppose the law amendment in the form proposed and/or the inclusion of war rape survivors in the existing law. In the following extract the speaker argues that the proposed law is useless, because motherhood would stop survivors from coming forward:

Extract 1:

“Until today the statistics reveal that of only those who have come forward revealing they have been raped, they do not even reach 2000 in number, while we know that in Kosova there are many more raped women, who are now mothers, have created families, who do not even want that their issue be opened again. [...] therefore, the best treatment for this category is to include these women in the category of civilian victims and not as war rape victims.” (Rita Hajzeraj-Beqaj, LDK, March, 2013)

In this account the speaker starts by providing *“statistics”* as a strategy to ensure that her account is seen as reliable. This is a way to manage credibility concerns by constructing ‘objective’ facts that cannot be undermined (Potter, 1996). Then, issue of the phrase *“we know”* is another

strategy to come across as informed and objective, where objectivity is constructed as corroboratory evidence. By saying “*we know*” she is also saying that ‘it is not just me’. The speaker constructs her knowledge as part of a shared understanding and shared knowledge (Tree & Schrock, 2002) with the aim of appearing more convincing, because if more people claim the same, than it must be true. Pronouns are often used as discursive devices to manage identities and accountability for what is being said (Goffman, 1979). “*We know*” is another way of saying ‘we cannot disagree on what we all know to be true’.

In her statement the speaker makes relevant the shared understanding of rape as highly stigmatised. By stating that “*of those who have come forward, they do not even reach 2000*” implicitly she is referencing the stigma attached to the issue. She then constructs victims’ identities as “*women*” who are “*mothers*” who “*have created families*” and “*who do not even want that their issue be opened again.*” By positioning survivors as “*mothers*” the speaker first gives victims an identity which is esteemed and highly valued within society. She then goes on talking about “*mothers, who have created families*”. Now, talking to the shared cultural understanding of the mother’s role in society, her account is an excellent example of benevolent sexism which is rooted in patriarchal structures of gender roles that defines women strictly bound to motherhood. Motherhood has been widely theorized in feminist research (e.g., Chodorow, 1978; Firestone, 1970; Snitow, 1992; Gieve, 1978), often observing how motherhood and womanhood were treated as meaning one and the same, and how the caretaker role of women is culturally constructed as a ‘natural’ role (McMahon, 1995). This naturalisation of motherhood constructs an idea of women naturally wanting to be mothers, and leaves no space for woman who do not, nor for mothers who do not enjoy their mothering role which is a topic that can be difficult to discuss openly (Snitow, 1992).

This naturalisation of motherhood (perceiving it as a natural result of social order) in this discourse also fails to recognise her agency. She is a mother. That is how things are supposed to be. On the other hand, the speaker assigns the mother agency when she refers to the family. She 'created' a family. Now the agency assigned here functions as a reminder of the mother's responsibility. While the circumstances attached to stigma are implied, it is still 'the mother' who does not want that her war experience to be opened up as a topic of discussion. However, the choice is connected to her responsibility of being a mother to a 'family', and as such is culturally restricted: a 'good' mother will solely attend to the needs of the family, while a 'bad' mother will take care of her own needs too (Coats & Fraustino, 2015). The expectations of the 'mother' to make a certain choice are culturally shaped, and this culturally shared understanding is being invoked in this discourse of motherhood. The possibilities of making other choices are silenced by the speaker, and what is being invoked here is an image of a 'good mother', a mother that sacrifices herself for the protection of the family by not wanting "*their issues to be opened again*".

By talking about what 'these mothers' want or do not want, the speaker is talking about their psychology. She is not only talking about them; she is also talking as them. Implicitly the 'mothers'' refusal for their issue to be opened again is presented as a fulfilment of their motherly duty to protect their family by 'wanting' this issue to be silenced. As such, the law amendment is constructed as a potential risk for women/mothers. What does this say about the almost 2000 women who have 'come forward'? Are there any mothers among them? Are they bad mothers? These are some of the questions that come to mind, the relevance of which will be discussed more thoroughly in the discussion section.

Furthermore, "*coming forward*" is presented as an action that needs to be completed by survivors for them to be able to make use of the law. So, the recognition of the war rape survivor's

status is being constructed as a duty to 'come forward'. The speaker is also constructing a meaning of coming forward in association with the word "*open the issue*", which implies disclosure. By associating "*coming forward*" with low numbers who have received NGO support (around 2,000) and the law as a tool that will 'open up their issues', the speaker is suggesting the law amendment poses a risk of public disclosure for war rape survivors and their families.

This proposition by this speaker raises an implicit question which is often evoked in the oppositional discourses that seek to discredit the validity of the proposed law amendment, by undermining that it can benefit war rape survivors. This question implicitly (extract 1), or explicitly (extract 2), occurs throughout the different accounts given by the oppositional discourse group and asks whom is the law serving, since it cannot serve survivors. In the next extract, the speaker uses benevolence sexism to both emphasize the question of whom this law serves, and to undermine the victims' agency and women's trustworthiness in general.

Extract 2:

"We know that the majority of the female gender, that suffered during the war, has hesitated to document that they were part of this crime in Kosova. Therefore, having in mind these two factors: lack of exact registration of them and their hesitation to declare that they really were raped, makes us as MPs think a little further as to whom in fact are we wishing to help, to whose mill are we bringing water?; as the proverbs goes; based on the fact that if we legitimize a law like this, thinking of helping them, and in fact we are not helping them, because they are not declaring, but hesitate to disclose and receive help." (Gëzim Kelmendi, PD, March 2013)

Similar to the previous account, and many other accounts in these transcripts, the speaker starts by establishing his objectivity through invoking a corroborative-evidence-building strategy (Wiggins, 2017) and addressing the shared understanding about the topic. He says "*We know that the majority of the female gender ... has hesitated to document.*" The knowledge implied here is presented as evidence of impartiality and objectivity for which there is a shared consensus. By invoking others in support of his claim, he is managing his own accountability to

that claim. This discursive strategy of bringing others into account is used with the purpose of making the account given sound more convincing, but it also provides corroboration, or the idea that corroboration exists (Potter, 1996) and this protects his claim from being contradicted. He is offering an argument that can be verified. While the term “*majority*” is relative, it is addressed to the shared understanding of 20,000 war rape victims in Kosova, and as such “*the majority*” represents a meaning which cannot be denied. Further, in this particular context it helps the speaker rhetorically construct a picture of comparison. Yet, while there is no explicit talk about the minority, the focus on “*the majority*” implicitly suggests that laws are made to serve a majority. Further, by speaking of the ‘*hesitation*’ of this ‘*majority*’ to “*document*” that they have been raped, the speaker constructs the meaning of the law amendment as a tool for documenting war atrocities. The concept of ‘documentation’ can have a variety of meanings in different contexts; however, in the political context in which these discourses are deployed, documentation is constructed as bound to procedures that will determine the evidence of the fact that a war rape survivor is telling the truth about their rape.

The speaker used words such as “*exact*” and “*really*” in what are being constructed as key circumstances within which the law’s effectiveness should be assessed. These kinds of words are known as ‘extreme case formulations’ (Pomerantz, 1986). Here, they represent a discursive device which aims to impose and justify an account by legitimising a claim in anticipation of a challenge to that claim. For example, by saying “*exact registration*” he is protecting his claim that the law is ineffective against challenge, because he is requesting an “*exact*” registration of numbers. Not some, not even “*the majority*”, but the exact number of war rape victims need to be registered. In a social context where “*the majority*” does not ‘come forward’, the exact number is unachievable. In the other example, when he says “*their hesitation to declare, that*

they were really raped” the speaker is emphasizing that he is not talking about those who were ‘not really raped’. At the same time, he is constructing a reality where they exist within the discourse of the recognition of war rape, because he needs the category of those who were ‘not really raped’ as a contrast and as one of the possible answers to the questions that he poses in his account of whom the law serves.

The construction of those ‘who were not really raped’ helps him shift the focus from him talking about war rape victims to the political aspect of the risk of recognition of war rape survivors, considering the *“lack of the exact registration”* of those who were *“really raped”*. The implicit suggestion made here is that there are real experiences, and there are fake testimonies. Considering that the war rape victims are constructed as belonging to the *“female gender”* explicitly, the sexism that is expressed here is that some women might lie that they were raped, and were thus not *“really”* raped. So, on one hand the credibility of war rape survivors, their trustworthiness, is being called into question, on the other hand the lack of *“exact registration”* is construed as a problem that arises because war rape survivors do not want to *“disclose” and “receive help”*.

The language used here positions war rape survivors on one hand as victims of stigma associated with the hesitation to disclose their victim identities, and on the other hand as agents of their will, who have a choice in disclosing and receiving help, but they *“hesitate”*. *“They are not declaring”* and *“they hesitate to disclose”* are formulated as actions. So, these are actions that the war rape victims are not undertaking. As such, the responsibility is being attributed to the victims, and with that the blame for why the law cannot be approved. Two questions are implicitly brought up by this account: Is the law helping the politicians who proposed it to expand, since it cannot help victims? Is the law helping the ‘not really raped’ persons belonging to the

“female gender”? The speaker does not want to be seen as opposing the giving of help to survivors, but he is questioning ‘the fact’ that the law will be helping them.

As in the previous account, only here more explicitly, the speaker frames ‘*disclosure*’ as a requirement for the law amendment to be effective. This is done first by framing the ineffectiveness of the law as a result of actions that will not be taken by victims, which is presented as a fact that *“we know”*. Second, it is done by questioning the motivation of the law proposal as not being intended to help the victims in the first place, because if *“we know”* that they will not disclose, then *“to whose mill are we bringing water?”* So, the implied meaning constructed here is that there is a risk of legitimising a ‘lie’.

The same speaker also builds the argument that the problem of knowing who is a war rape survivor is not solvable and argues:

Extract 3:

“The point is to find really exactly; to evidence the exact number of those who have suffered from this war; and when we talk about the exact evidence of them, I can say with a full moral responsibility, as a professional physician, it is very difficult to confirm such a number, alone for the fact that there is no legal gynaecological and obstetrical expertise which can confirm correctly what their number is.” (Gëzim Kelmendi, PD, March 2013)

There is one key point around which this argument is built. That point is about *“to find the exact number of those who have suffered from this war”* which is a continuance of the ‘*documenting*’ request made within the benevolent repertoire by the same speaker, where the hesitation of war rape survivors to *“disclose”* was constructed as the key reason why the law amendment should not be approved, while ‘*disclosure*’ was constructed as having a core meaning for the use of the law amendment.

To make his position more believable and his arguments more convincing, the speaker evokes what is known as category entitlement (Potter, 1996). He positions himself as an expert (physician). The aim is to establish the objectivity and factuality of the arguments he provides. So, here, different from the account where evidence was discussed from the perspective of survivors' hesitation to disclose, the speaker addresses this issue from the perspective of lack of legal and medical methods to *"confirm" "correctly" the "exact" number of war rape survivors.*

There is a variety of discursive devices used here to make the claim that documentation of war rape experiences is not possible. The speaker uses various extreme case formulations to assert his view and minimize the risk of having them challenged. When he speaks about evidence, the formulation *"exact"* asserts that he is not talking about some kind of evidence, but about *"exact"* evidence, which in other words means something that cannot be disputed. There are visible contradictions that are expressed here. At first the speaker claims he knows that documenting is *"very difficult"* to be achieved, then he claims, based on his expertise as a physician, that documentation is not only *"very difficult"*, but actually not possible at all. He then continues to say *"which can confirm correctly"*, implying that there is always the possibility of making a false confirmation of a fact. This is in line with the previous extract (extract 2) from the same speaker, where the risk of *"not really raped"* survivors receiving help was thematized within the benevolent repertoire. The assumption made there was that we know that women who were *"really"* raped will not talk, so the law amendment opens the door for women 'who were not really raped' to come forward. However, here the speaker directs the focus on the professional methods available/not available to gather medical evidence of the fact. Within this repertoire the speaker constructs and frames the meaning of war rape experiences as images of bodies. The evidence to establish that a war rape survivor's experience was real is constructed as merely a

physical matter.

Now taking into the consideration the context in which this speech is given, which is almost fifteen years after the war, the speaker's knowledge as a physician that there is "no...expertise" to "confirm correctly" the number of war rape victims by physical medical examinations, is an extreme case statement which seeks to undermine the law amendment by declaring it impossible to evidence historical rape. However, invoking discourses of 'medical evidence' that one knows are "very difficult" to be obtained, first because of the time that has passed, secondly because of the lack of suitable methods, does more than undermine the potential of the law amendment being approved. It also undermines war rape survivors' credibility, dignity, and agency in being able to voice their own experiences, and having those accounts believed.

Propositional discourses (Benevolent Sexism Repertoire):

The benevolent sexism repertoire was also used by the propositional group. While there were differences in how this repertoire was drawn on by the two discourse groups, there were also similarities that have been identified in terms of how victim identities were constructed and how the meaning of the law amendment was framed. In the next account, a member of the party in power, distances himself from his party position and gives following account in support of the law amendment.

Extract 4:

"We have to deal here with a very sensitive category, of sexual violence, that has happened to our sisters, mothers and our wives, and so we can forgive many things, we can forgive Serbia many things, but we cannot forgive the sexual violence and the torture they have committed against us." (Nait Hasani, PDK, March, 2013)

Members of this "sensitive category" (war rape survivors) are positioned as "our sisters,

mothers and our wives” in this account. In this categorisation, by invoking traditional gender roles, the speaker is speaking to the shared cultural understanding of the meaning of ‘sisters, mothers and wives’ within the concept of the family. In line with traditional patriarchal views on one hand, the honour of sisters, mothers, and wives is measured by the preservation of their sexual purity (Sideris, 2003), and on the other hand the honour of the men is measured by their ability ‘to protect’ women from assault that threatens their sexual integrity (Kellezi & Reicher, 2014).

The speaker is not merely talking about some sisters, mothers, or wives, but about recognisable sisters, mothers, and wives. The deployment of “*our*” in that sentence is achieving at least two different functions. One is that the receivers of that message are invited to imagine their ‘own sisters, mothers and wives’ and the other is that the word serves to remind others of the shared responsibility as a national group, to act upon ‘protecting’ “*our sisters, mothers, wives*” and not someone else’s sisters, mothers, wives. This shared responsibility is again invited into imagination in two different ways. One is by invoking the shared national identity through talking about the crimes that Serbia (the enemy) as the aggressor has perpetrated “*against us*”. Through the wording “*against us*”, the speaker is trying to mobilize political solidarity by implying a unity drawn upon through the shared suffering at the hand of the enemy. Secondly, by constructing the meaning of the law amendment as a tool of ‘protection’ for “*our sisters, mothers, and wives*” the speaker is invoking the shared duty to protect them, alongside cultural gender norms in which ‘sisters, mothers and wives’ need protection. While women too, have sisters and mothers, they are not expected to have wives. So, by adding and concluding with the ‘wives’ in that ‘three-part-list’ (Jefferson, 1990), the imagined family is one that belongs to the men. The speaker constructs the meaning of the law amendment alongside traditional

social/gender norms, according to which 'men' protect 'their sisters, mothers, and wives'. In other words, this means that the law is conceptualized as a 'man' and "*sisters, mothers and wives*" as his objects that need to be protected.

This is a typical example of what Yula Davis (1997) has framed as objectivation of women's role in the collective. While mothers, and arguably also sisters and wives (most of whom are also expected to be mothers) symbolise unity and honour in the collective national identity, as women they are given only an object position within discourses that frame the politics of the national identity.

While the speaker does not explicitly mention consequences of war rape and sexual violence, he does compare war rape and sexual violence experiences with other war experiences by saying "*we can forgive Serbia many things, but we cannot forgive the sexual violence and the torture they have committed against us.*". This comparison does two different things. On one hand, by defining war rape experiences as experiences of "*our sisters, mothers and wives*" explicitly, it speaks to the effect of the cultural meaning of the violence perpetrated on the collective identity which sisters, mothers and wives represent. The experience of rape is implicitly constructed here as one of the greatest violations against the "*us*" compared to "*many things*", and is therefore unforgivable. However, as Halley (2008) has argued, these kinds of discourses that construct war rape as "*worst*" of crimes also lead to those crimes becoming 'unspeakable. In addition, in this particular discourse, they leave no space for recognition of victims' agency in the matter of forgiveness and its political implications. It is open to interpretation whether the victims have been imagined within the community of "*us*".

Further, by invoking this rhetoric the speaker is managing the differences in arguments about the law amendment between the different parties by inviting everyone to focus their

attention on a common enemy. Implicitly the law amendment is thus constructed as a political tool, which shifts the attention onto the perpetrators. This can be read as an additional argument to support the law amendment: supporting the amendment communicates a joint statement to Serbia that ‘these crimes will not be forgotten’. The speaker defines recognition of war rape survivors by law as a pathway for constructing “*values for the protection of categories of people who have suffered during the war*”. However, as can be seen in the following extract (5), this can serve two different purposes.

Extract 5:

“Therefore, I support this initiative that this category, too is protected [...] protection by the law of this category will mean that the parliament of Kosova, MPs, the citizens, construct values for the protection of categories of people who have suffered during the war[...]Therefore, these categories need to be protected by law and Serbia needs to be told that it has committed crimes, has perpetrated violence and this will not be forgotten.[...] “We protect a value, we protect our own mother, we also protect our future, our families. Thank you!” (Nait Hasani, PDK, March, 2013)

One is oriented towards the ingroup (we protect our sisters, mothers and wives) and the other is oriented towards the outgroup (Serbia) as a reminder of the crimes that it has committed: “*and Serbia needs to be told that it has committed crimes*”. Oriented towards the ingroup, the meaning of the law amendment is construed as ‘protection’ and ‘collective memory’. The implicit construction of ‘*collective memory*’ offers an understanding of the law amendment as a possibility, in addition to “*protecting*” war rape victims in the present, to also communicate a historical narrative to future generations and thus serve as a bridge between the present, the past, and the future. Oriented towards the outgroup, the meaning of the law amendment (understood as protection of values) is being constructed as a political tool for justice from Serbia. The speaker also uses what is known as a gendered metaphor (Reuter, 2007) to construct the recognition of war rape survivors as ‘protection of the future’: “*We protect a value, we protect our own mother, we also protect our future, our families. Thank you!*”

In this account the mother symbolises “*the familial future*” (Yula-Davis, 1997 p. 45) that needs political protection to be able to fulfil her gender role of reproducing the nation that is imbedded in the traditional understanding of her existence/value. There is an embedded three-part list: “*we protect..., we protect..., we protect*” which emphasizes the construction of the meaning of the law amendment as ‘protection’. Implicitly, the identities invoked in this account are not only the “mothers”, “sisters” and “wives”, but also the “protectors”. Research has shown that in many societies war rape is perceived as an insult not only to the victims themselves (who are predominantly women, but also predominantly (and sometimes incorrectly defined as women), but also as an insult against the others (predominantly defined as men; the fighters etc.) who have failed to protect them (Kellezi & Reicher, 2014). From a political perspective, the protector identity can also be read as referring to the responsibility of the State, represented by the MPs, to protect its citizens, in which case what is meant by protection can also be interpreted as ‘support’. What is clear is that the act of ‘protection’ as the main function of the law amendment is constructed as a common good that will have a positive impact on “*our values...mothers...future...families*”. This strategy is common in political discourses and involves making an evaluation, relating to a system of shared values (protecting the mothers of the future), of a common good that will derive from the legitimation of a political proposition (e.g., approving the law amendment) (van Dijk, 1997).

6.8.1.2 Consequent repertoire

‘If one can lie, no one should be trusted’

The ‘consequent’ repertoire (Hsu & Roth, 2010) was used to invoke discourses about the impact of actions (e.g., the impact of the law amendment on the image of war veterans, State budget, the wellbeing of war rape victims, etc.).

Within this repertoire, MPs from both discourse groups use different strategies to assert

their beliefs and position themselves and others within the discourse, as well as within the broader social and political context. While the oppositional group focuses on the negative impacts of the law amendment being approved, the propositional group invokes discourses that thematize the negative aspects of not approving the law amendment, as well as the positive effects of approving the law amendment.

Oppositional discourses (Consequent Repertoire):

The following extract presents an account where the discourse invoked is about the potential impact of the law amendment on the budget. The speaker presents the position of the Parliamentary Committee for Budget and Finances and their decision on the law amendment. The extract does not include the whole speech (this is the case with all extracts), however, in this case it is important to give some context that explains that within the role of the Committee for Budget and Finances a budgetary discourse is expected to be central to their arguments. The longer extract helps to provide more context concerning how the budgetary impact was argued by the Committee, so that references made at different times by MPs to the Committee's decision can be understood better.

Extract 6:

“To be honest, in cases like this, you are in a big dilemma as to how to act and what to do, considering that this is a sensitive category of our society and perhaps this society is obliged toward this category that has suffered during the last war. However, the Committee for Budget and Finances deals with the financial questions [...] therefore, the Committee has reviewed this issue with great care in the meeting held on the 20.03.2013 and has come to the decision that this law proposition implicates additional budgetary needs for its implementation during a period of three years 2013-2015 in the amount of 216 million Euros [...] Also, the lack of data in regard to the number of those who would benefit from this law creates financial uncertainty and can have an impact on the increase on the budgetary cost for the implementation of the law. [...], that impacts the correct assessment of the budgetary impact in the implementation of this law, the Committee has assessed that the approval of this law will be impracticable in the future, therefore the recommendation is that it be not approved.” (Safete Hadërgjonaj, PDK, March, 2013)

Clearly there is a lot going on in this speech. After presenting the context and the position from which she is giving her speech (i.e., as the leader of the Committee), the speaker builds her argument by emphasizing her sympathy with war rape victims, which she categorises as a *“sensitive category”* which underlines the ‘unspeakable’ aspect of war rape.

From the outset she identifies a dilemma between the moral obligation of the society to help war rape survivors and the decision of the Committee she is about to present. What this categorisation does is that it positions war rape survivors as a distinctive part of society. There is this *“category”* (them) and there is the *“society”* (which she represents as an MP) that is obliged to help them. Note how the dilemma is positioned in the discourse explicitly: *“you are in a big dilemma”*. The use of the pronoun *“you”* suggests that the speaker is not only speaking in her own name. Pronoun use in discourse falls within the broader rhetorical category known as ‘footing shift’ (Goffman, 1979), which relates to the roles a speaker takes on within the social action that is a discourse. In this account, by distancing herself personally from the utterance, she is inviting some shared responsibility, or preventing herself from being held personally responsible. Although the pronoun *“we”* would be more appropriate for implying shared responsibility, the *“you”* does a similar business in this case.

Further, knowing what is coming next in her speech, she is trying to manage the listeners’ anticipated responses, so she states that if *“you”* would have been in my position, you would have had the same problem. In that sense the *“you”* attached to the expressed dilemma can also be interpreted as a performance of her sense of feeling torn between her professional identity as a member of the Committee that has produced one decision, and by her personal views. In this case her personal views are overpowered by her ‘professional’ identity, because she needs her membership of the Committee (in her capacity as a representative of her political party) to

remain meaningful. The next part of the extract is more descriptive:

“Therefore, the Committee has reviewed this issue with great care in the meeting held on the 20.03.2013 and has come to the decision that this law proposition implicates additional budgetary needs for its implementation during a period of three years 2013-2015 in the amount of 216 million Euros.”

She uses words like *“great care”* to smooth the transition from talking about the *“sensitive category”* and *“war suffering”* into talk about costs in millions of Euros involving the law implementation. These transitional words align the emotional part of the topic with the pragmatic one. They imply that a lot of thought was put into the decision which she is about to present, and the word *“care”* specifically expresses both professionalism and empathy. At first there is discussion of the additional *“215 million Euros”* that will be needed based on the Committee’s assessment; then *“the lack of data”* is construed as a factor that impacts the assessment of the budgetary costs for the law implementation, rendering it *“uncertain”*, then again, she shifts back to the argument of *“an impact on the increase on the budgetary cost for the implementation of the law.”* This discourse is thus invoking an image of a financial consequence if the law amendment is approved, and this consequence is constructed as negative.

At the end the speaker offers a summary before presenting the Committee’s decision. She speaks about how *“the law proposition produces extra high budgetary costs,”* and that *“the lack of data on the number of beneficiaries of this law proposition,”* has impacted *“the correct assessment of the budgetary impact”*. By saying this she is arguing that the law is expensive and will have consequences on the budget which are high, and that the cost of the law implementation cannot be known because the number of the beneficiaries is unknown. The ‘budgetary cost’ that is presented is quite detailed (*“215 million Euros”*), and has somehow been

calculated despite the lack of data, and based on this estimate, the recommendation is that the law should not be approved.

In the following extract, referring to a similar dilemma in the Committee for Health, the “*lack of data*” takes central place.

Extract 7:

“If, we approve this law amendment, we functionalise it and when the legitimacy or the validation of rape, of raped women is requested, say one or two witnesses; in this case don’t you think that someone else can apply instead of those who have really been raped? This was our dilemma in the Committee of Health meeting, that someone else will benefit instead of those who deserve it. This was our main dilemma.”
(Gëzim Kelmendi, PD, March 2013)

One of the key arguments that the speaker builds in this account is centred around the possibility of misuse of the law by “*not really raped*” women. In this account the speaker is using “*we*” explicitly imbedded in the story as a bond against ‘them’. The “*we*” (the MPS; the State) group is distinguished from ‘them’ (potential liars; not really raped ‘victims’) by social and political position and the ability to exercise political power. Those in power are in the position to validate the legitimacy of a war rape women’s claim that ‘they’ were raped during the war. Other characters involved in the story are the “*witnesses*”. This is an ambiguous formulation which positions “*raped women*” and “*witnesses*” next to each other, yet leaves room for interpretations of whether the “*raped women*” are or can be included within the group of “*witnesses*”. He then uses a discursive device known as ‘stake/interest exposure’ (Edwards & Potter, 1992) that allows him to question the credibility of the “*witnesses*”, who may or may not include war rape victims, by formulating a question and shifting from “*we*” to “*you*”: “*don’t you think that someone else can apply instead of those who have really been raped?*”. The speaker is conveying the message that the group should think about certain questions that they now have in mind (which he put there), and that these are the questions that feed the dilemma (“*that*

someone else will benefit instead of those who deserve it.”) that the Committee of Health, Labour and Social Welfare (of which he is a member) had when it decided that the law amendment should not be approved.

In the following extract, the speaker who had positioned herself against the law amendment, tries to negotiate the same dilemma by proposing a solution.

Extract 8:

“My idea is that we need a special committee within the government [to establish the exact number first] because, I fear that by attempting to make a law and truly help this category of our society, we will have an impact in their number rising, because unfortunately we have very few victims that will declare that they are civilian victims of the last war in Kosova.” (Blerta Deliu-Kodra, PDK, March, 2013)

The speaker proposes that a special governmental Committee should be established that will have the task of determining the “*exact number*” of war rape survivors, before making a law to recognise their status. Within the reasoning of the possibilities of false claims, the dilemma that is being negotiated discursively seems to leave no option but to ignore the benefits of the law amendment for those who “*deserve it*”, under the assumption that someone making a false application may “*benefit*” from it, and that this will cause the number of claimants to rise. The assumption invoked here is based on the scandal concerning war veterans’ recognition status, which was unfolding as this law amendment was being discussed in the parliament (Isufi, 2018; Lumezi, 2018). In short, this scandal involved many people who falsely applied for the status of war veteran. However, it is important to note the contradiction in the discourse around ‘false claims’ and ‘numbers rising’ as a result of them. The first assumption made is that the exact numbers are unknown; the other assumption is that war rape victims who have “*really*” been raped do not want to come forward (due to a desire to protect their family from stigma), but some other women who have not been raped might come forward and raise the number of

claimants (despite the stigma associated with being identified as war rape victim). Throughout the oppositional discourses within the 'consequence repertoire', the argument persisted that the law amendment will encourage false claims for recognition, because the "exact number" (extract 2; 8) of war rape victims/survivors is unknown. False claims of recognition are only possible if people lie, and it is this 'reality' where someone might lie about being raped that is being constructed here to justify the objection to the law amendment.

Propositional discourses (Consequent Repertoire):

Differently from the oppositional group, the propositional discourse group discusses not only the consequences of the law amendment in itself, by focusing on positive consequences, but also the negative consequences of the oppositional discourses around it. In the next extract the speaker distances herself from her party's position (against the law amendment) and makes a case for the support of law amendment by focusing on two key aspects.

Extract 9:

"Their health condition, their mental health condition shows that they are in need of urgent support...It was said here that the exact number of raped people, among whom there are men as well, to be honest, does not exist. And this exact number, if they are watching us now on television, of course we will never have [a record of], because they see that there isn't any support for them and of course they will hesitate to come forward." (Suzan Novobërdaliu, AKR, March, 2013)

In extract 9 the speaker first mentions the health of war rape survivors. This is one of the few instances in all the transcripts that direct attention is paid to the health and wellbeing of war rape survivors. By indicating that "they are in need of urgent support" the speaker is constructing the meaning of the law amendment as a way to attend to health-related issues that need "urgent" attention. After establishing her argument as to why the law amendment is important, she gives a response to some of the speeches given before, which have argued that not knowing "the exact number" of war rape survivors poses a problem for the law amendment. The argument she is

responding to refers to the discourse of “*medical examinations*” (extract 3) which was invoked to argue that the true number of war rape survivors needs to be established. Here, the speaker directs attention towards the survivors and implies that questioning survivors’ credibility and invoking discourses of “*proof*” and “*evidence*” will have a negative impact on survivors’ actions, and will reinforce their distrust and fear of coming forward and seeking help.

Furthermore, the speaker argues that “*their health condition, their mental health condition*” is the key indicator of the need for the law amendment. Although this is an empathic reference to the trauma of war rape, it also implies that ‘victimhood’ needs to be visible to be authentic. In this context, the recognition of war rape survivors by the law amendment is being construed as a need to support survivors whose mental health problems “*shows*” the need for support. Within this logic, recognition is construed as requiring victims to show symptoms that are indicative of their trauma. In other words, the speaker is transferring the private victimhood of survivors into a public victimhood which represents visible ‘suffering’ as an argument for its need to be addressed politically.

Positioning victims as vulnerable is supposed to invite sympathy for them, and is used in this account as a motivation for supporting the law amendment. However, while both experiences of intense suffering and no visible suffering are valid, discourses like this construct an image of the war rape survivors that construct the ideal victim (Christie, 1986; Islam, 2016). When war rape survivors are constructed as victims that are in “*need of urgent support*” due to health issues, their agency is undermined, while at the same time the “*need for support*” is justified only by their health condition. Discursively, the speaker is using the ‘mark’ that has been put on survivors by their war experience and the associated stigma, to further mark them as helpless and in “*need for urgent support*”. The issue of how the agency of war rape survivors is

being constructed in this discourse is similar to the account of the “*protector*” identity within the benevolent repertoire (extract 5). While within the benevolent repertoire the lack of agency was conceptualized within patriarchal gender norms, here the law amendment is construed as the source of help needed to support war rape survivors’ “*health*” while the image of survivors is being construed as one that is visibly traumatized/scarred.

Also, noteworthy here is that this particular account is one of the few instances in these recognition discourses where “*men*” are also explicitly mentioned. In this regard, the patriarchal notion that war rape victimhood only relates to women’s war experiences is challenged. Within the broader social context in patriarchal societies where men are predominantly imagined as “*protectors*” of their group and where victimhood is associated with weakness and lack of power, gender norms become a barrier to the representation and recognition of men as war rape victims/survivors. Social constructions of victimhood can thus become victimizing both for men (who will be excluded) and women (who are conceptualized as ‘ideal victims’ in discourses on rape and sexual violence experiences (Islam, 2016).

In next extract the speaker discusses the idea that the need for medical examinations to confirm the status of war rape survivors will negatively affect their wellbeing. Like the speaker above, however, the focus here is directly on the notion that war rape needs to be evidenced through medical examination.

Extract 10:

“Regarding the request made for medical examinations, of course they cannot feel calm, all of those who feel and most definitely the victims of this violence themselves; they cannot feel calm when the gynaecological expertise is being mentioned.” (Rexhep Selimi, LVV, March, 2013)

The main argument built in this account, as above, is that the discourses that have been produced in the parliament have consequences. The speaker argues that the speeches referring

to medical examinations as a method of proving the truth will make war rape survivors anxious. In that context, the discursive business done here is blaming the opposition for harming victims' wellbeing through the ways they are talking about them. Further, the speaker is not only discrediting the opponent's arguments of 'medical examinations', but also establishing his own credibility as a voice of compassion and empathy representing the voice of survivors' by saying that *"all of those who feel and most definitely the victims of this violence themselves; they cannot feel calm"*. While the speaker refers to the feelings of survivors, he also talks about the feelings of *"all of those who feel"*, meaning everyone who is able to feel with the survivors. Implicitly, the speaker is accusing those who have suggested medical examinations to prove that war rape survivors were *"really raped"* of being void of feelings and unable to feel empathy for the survivors, who *"most definitely"* will be distressed by such a suggestion. This accusation serves two other functions. One is to discredit the argument brought by the oppositional group against the law amendment on the grounds that war rape cannot be proven, and the other is to position the speaker's group as being compassionate and able to understand the feelings of the survivors.

Similarly, in the next extract, another propositional speaker addresses the issue brought up by the oppositional group involving the idea that war rape survivors should have been supported with a separate law (rather than by an amendment of the pre-existing law which covers other categories of war survivors), by emphasizing the positive consequences of inclusion within the same law, and contrasting these positive outcomes to the negative consequences of exclusion.

Extract 11:

"The reason we asked for the amendment of the existing law and did not draft a separate one, is that this was the request of this category themselves. They are a product of war the same as the other categories

and do not want different treatment, which would prolong their stigmatisation from the community.”

(Albana Gashi, VV, March, 2013)

The speaker makes it clear that there are reasons why the inclusion of war rape survivors in the same law as other categories of war survivors is preferable to drafting a separate law. First, she explains that this *“was the request of this category themselves”* indicating that there has been a conversation with war rape survivors prior to drafting the law proposition, the recommendations of whom have been acknowledged. Herewith, she is recognizing survivors’ agency on the matter of how the law amendment was conceptualized. She then constructs a meaning of the relationship between ‘othering’ and the experience of stigmatisation by saying: *“They are a product of war, the same as the other categories.”* The words *“same as”* imply the function of comparing, and she then argues that, because they are the *“the same”*, excluding them from this law *“would prolong the stigmatization”*. So, the construction of the consequence in the case of an exclusion from this law is framed as prolonging the suffering of the survivors, inclusion in the law would stop the stigmatisation. This account serves as an example of discourses that focus on the consequences of the law amendment directly and discuss both positive consequences (inclusion) and negative consequences in case of objection (exclusion).

6.8.1.3 Contingent Repertoire

‘It is not moral’

The contingent repertoire is characterized by talk about other people’s beliefs which are interpreted as deriving from self-interest, expressing personal shortcoming and not being objective and constructive (Gilbert & Mulkay, 1984). Both groups draw on the contingent repertoire to argue about their position on the law amendment in contrast to the position of the opposing side.

Oppositional discourses (Contingent Repertoire):

'It is not moral'

In the next extract the speaker argues that the proposed law amendment is a political tool that is used by the propositional group for their political gains.

Extract 12:

"What worries me in regard to this law amendment proposition made by the opposition is the attempt for political gain on the basis of the tragedy of someone else. [...] to attempt to gain politically by seeking implementation of a law, or by an amendment of the law for the families of the martyrs, invalids, war veterans and civilian war victims, is the greatest indecency of those who initiated the amendment of this law." (Bekim Haxhiu, PDK, March, 2013)

The speaker starts by defining his view as a 'worry'. His worry can be heard as an expression of emotion. Emotion categories in discourses can be used to manage one's stake on an issue or support the credibility of one's claim (Edwards, 1999) by rhetorically constructing a version of self that is caring. By expressing that he is worried, in this account, the speaker frames his concern regarding the misuse of the survivors by the propositional group, and positions himself implicitly as a moral voice that wants to stop this from happening. He defines the law amendment proposition as a political act that is an *"attempt for political gain on the basis of the tragedy of someone else"*. By doing so he is positioning the law amendment as misuse of a *"tragedy"*. The implied 'misuse' calls the moral values of the proposition group into question. In his statement the speaker explicitly says that the amendment is not just any amendment, but *"an amendment of the law for the families of the martyrs, invalids, war veterans and civilian war victims"*. While these are all different categories of war survivor that represent experiences of 'someone else', this account shows that the speaker implicitly created an image of two different kinds of categories of *"someone else"*. Within the first category *"the tragedy"* belongs to an unidentified *"someone else"*, while in the second category the groups have distinguished identifiable names

such as *"families of the martyrs, invalids, war veterans"*, all of which are highly valued in society, as their war experiences are associated with a sacrifice that invokes a sense of national pride. Implicitly, he is establishing that what is at stake here is the value of all these categories of war survivors. What started as an argument of *"political gain on the basis of the tragedy of someone else"* shifts to the implicit meaning of the status of *"families of the martyrs, invalids, war veterans"*, by saying that the law amendment proposition is evidence of the *"greatest indecency"*. The meaning of *"indecency"* serves here to establish the proposition of the law amendment as a political act that is morally offensive. Implicitly, the meaning of the offence committed here is associated with the inclusion of war rape survivors in the same law which represents other categories of war survivors. This is further reinforced by the use of *"greatest"* as an 'extreme case formulation' (Pomerantz, 1986) with the purpose of generalising the strength of the argument of *"indecency"*. There are two possible interpretations here. One is that the *"indecency"* is *"greatest"* because it is directed as an act of violating the status of *"families of the martyrs, invalids, war veterans"* who hold a highly esteemed status in society. The other interpretation is that the speaker's reference to the *"indecency"* being the *"greatest"* is made to implicitly position the proposition group at being highly immoral. In other words, to exhibit *"the greatest indecency"* implies the 'lowest moral character'. The speaker invokes the category of the *"opposition"* (political opposition: propositional discourse group in this analysis) as 'self-interest' oriented and as having pre-existed motivations to *"gain politically"* through this law amendment.

In the next extract, the same speaker continues the 'moral' discourse by giving a suggestion to the propositional group of how they could correct this immoral act.

Extract 13:

"I request from the ones that propositioned the amendment; it would be a moral thing to do, that they themselves withdraw this law proposition which is presented here, because of their own self-interest from this. You cannot profit politically from the pain of others. It's immoral, not ethical. It's not moral." (Bekim Haxhiu, PDK, March, 2013)

The speaker is making an explicit request to the proposition group to withdraw the law amendment proposition, explicitly framing it as a moral act. "...it would be a moral thing to do, that they themselves withdraw". By framing the withdrawal as a "moral thing to do" the speaker offers a solution to the proposition group regarding how they could correct their immoral behaviour. It is within the phrase that "they themselves withdraw" that his definition of morality is built as an attack on the integrity of the proposition group. In other words, he is also implicitly saying that by withdrawing themselves from the law proposition, it would amount to a moral act, because then the other group would not be forced to reject the law amendment. He then again attributes political interests to the propositional group by directly addressing them and saying that "You cannot profit politically from the pain of others. It's immoral, not ethical. It's not moral.". He uses the strategy known as a 'three-part list' (Jefferson, 1990) which has the function to emphasize the extent to which the law amendment proposition is 'morally' wrong. The speaker starts the list with "immoral" then moves upward to "not ethical" and ends the structure with "not moral" which is repetition of the first item on the list and serves as summary of his argument. The speaker is also implicitly constructing the objection to the law amendment as a "moral thing to do" and thus positions himself as a moral voice of the "right thing to do". The moral discourse that the speaker invokes here is also an attempt to obtain support for his claims. What is viewed as "a moral" or "immoral" thing to do is ideologically shaped from and within social groups, and can only be understood as a socio-cultural conceptualisation (Silverstein, 2004). In that context, bringing the broader socio-cultural

context of Kosova into the analysis, in which political association with certain war categories has been linked to the interests of political parties, what the speaker is trying to accomplish here with his claim is to discredit the propositional group by suggesting that they are motivated by personal interest.

Similarly, in the next abstract another speaker defines the law amendment proposition as a political interest that serves the oppositional party.

Extract 14:

“The way in which we are looking to convert this law and compare it with war veterans, is political speculation; it’s a need for those who never have been hurt in their soul and want to talk about those who have. [...] this is a political speculation, so that you can achieve to say that, for a particular category, that you are kind of the guardian of the national suffering.” (Shaip Muja, PDK, March, 2013)

Similarly, as above, the discursive function here is to delegitimize the law proposers’ intention of helping war rape survivors. In this account the speaker invokes a discourse of ‘division’ between “*them*” (addressing the propositional group) and an implied “*us*” represented by himself, as well as ‘them’ ‘the “*particular category*”: war rape survivors’, and “*war veterans*”. By interpreting the motivation behind the law amendment as a desire to disrespect war veterans through “*comparing*” war rape survivors with war veterans, the speaker is constructing a meaning of the law amendment that is negative to the status of war veterans reserved within this law. The comparison between war veterans and war rape victims that the law amendment would inevitably create is presented as a “*political speculation*”. This construction of the “*political speculation*” aims to discredit the propositional group as valid agents in discussions regarding matters of war related suffering, as well as to assert the cultural understanding that “*those who have never been hurt*” can only speculate. However, the historical and cultural context in which

this is said is one where there are competing war narratives, in which those who have apparently suffered the most (provided their suffering is associated with national pride), are considered to be war veterans, a group with which the speaker claims association through his political party.

Each group tries to negotiate their position within these discourses of representation of 'war categories' through which they justify, as seen above, their position on the law amendment. One of the ways to do this is through the contingent repertoire, within which negative characteristics are attributed to the 'other'. Both groups use this repertoire. In the following extracts we can see how the propositional group uses it as a direct reply to some of the claims made by the oppositional group.

Propositional discourses (Contingent Repertoire):

In the following extract the speaker talks about the misuse of power of the government in relation to the 'budgetary argument' brought forward by the oppositional discourse group, and how this is as a key reason to object to the law amendment.

Extract 15:

"If the party in power had reduced only half of their manipulation with veterans' registration, I tell you that we would have money for this category of society, as well." (Glauk Konjufca, LVV, March, 2013)

The speaker makes a reference to the aforementioned scandal concerning war veterans' recognition status which was unfolding as this law amendment was being discussed in the parliament and which involved many false war veteran status applications. The accusation expressed here is that the political party that forms the government is responsible for this scandal, which is also a misuse of the budget. Furthermore, the speaker is implicitly arguing that the budgetary argument, which was brought forward as one of the key reasons to reject to the law amendment, is not only an issue of budget, but rather one of fair treatment of different

societal groups. This also places the oppositional discourse group within a discourse of corruption and political practice that has favoured one group (war veterans close to their party) over the other (war rape survivors).

Similarly, in the next extract the speaker talks about the standpoint of the opponent group as deriving from prejudice towards war rape survivors.

Extract 16:

"It is the culmination of insulting this category: first that we doubt them and say that they need to go through some medical process, and next that we need to prejudge this category as scum. So, women in Kosova are scum based on this reasoning and they would come and register as if they were raped and lie to benefit from this law. We should not start from these prejudices that people are scum. People are generally good, and they will come forward if they have suffered and if we open the door for them through this law." (Liburn Aliu, LVV, March, 2013)

This speaker is addressing two key arguments that the opponent group has brought forward as reasons to reject the law amendment, which involved the notion that war rape survivors' status cannot be determined, unless there was a possibility to do medical examinations (which was impossible) and that women cannot be trusted as they might lie that they were raped. The speaker argues that the oppositional group is prejudiced against women in Kosova and has constructed them as "scum", a conclusion that is derived as an interpretation of their arguments that women would lie that they were raped just to profit from the law. However, rather than directly addressing the oppositional group, through the pronouns such as 'you' or 'they', he speaks of "we", and thus redirects the accountability to the community of "we", which in this case is the parliament. He then goes on to build his main argument by using a rhetorical device called a contrast: *"We should not start from these prejudices that people are scum. People are generally good."* As well as blaming the oppositional group for being prejudicial against women in Kosova, he is also offering a contrasting view about how people should be treated and

perceived, through a narrative building strategy (Auburn & Lea, 2003) that tells the story of: *“People are generally good, and they will come forward if they have suffered and if we open the door for them through this law.”* The assessment (see Wiggins & Potter, 2004) that *“people are generally good”* is a key discursive device used here to offer a contrasting view of that of the oppositional group, who view people as *“scum”*. It is within the meaning of this contrast that the assessment strategy positions the speaker as the kind of person who does not have negative opinions about the people, but rather sees them as good, which distinguished him from the oppositional party.

In the next extract, another speaker from the propositional group also uses a contrast to argue that the opposition to the law amendment involves shameful judgement.

Extract 17:

“Once again, ladies and gentlemen MPs, we should know that there is no shame for those who have been exposed to violence, but there is shame for those that do not recognize this violence and shame for those that do not unmask this violence, and respectively do not support rape victims.” (Rexhep Selimi, LVV, March, 2013)

The speaker invokes the discourse of shame associated with the stigma around war rape to make his claim that the recognition of war rape experiences and the violence associated with them should be supported. He invokes a common sense understanding about the concept of shame associated with war rape when he says that *“we should know that there is no shame for those who have been exposed to violence”*, which can be read as an implied critique of traditional norms and views that uphold traditional gendered constructions of shame around war rape experiences. Further, in contrast to the evaluation of war rape experiences not being shameful, he creates an image of shame associated with the *rejection* of war rape experiences. Thus, the speaker is not only redefining what should not be conceived as shame, but also constructing what

instead should be considered a shame.

In this case the shame assigned to the oppositional discourse group is construed implicitly as the power to support war rape victims by recognising their experience, and the refusal to do so is construed as a shameful act. In DA, talking about shame and assigning shame to people's conduct and viewpoints is known as assessment/evaluation (Wiggins & Potter, 2004). This discursive device is used to serve multiple functions. While it helps the speaker to devalue the position of oppositional discourse group, it also helps him position his own claim as deriving from knowledge about the topic and about the struggle of war rape survivors within the cultural social setting where war rape is associated with shame. In historical narratives of war, and also in accounts given by war survivors themselves (Kellezi & Reicher, 2014), victimization (in non-combat settings) and in particular war rape was associated with shame, while experiences of combat and fighting were associated with pride. So, while 'pride' is not mentioned directly in relation to the discourse of shame, the concept of pride is invoked implicitly in this speech, as the listener is implicitly invited to think about the concept of pride (associated with heroism) when they hear "*shame*". By constructing the rejection of the law amendment as a shameful act, implicitly, the support of the law amendment (defined as support for the victims) is invited to be imagined as an act that invokes pride. This is achieved not only by what is being said, but also through the identity that this particular speaker (a former liberation fighter) represents.

In this short extract of a longer speech given by this speaker in which the concept of 'shame' is being deconstructed, the speaker uses a discursive device known as listing (the three-part list; Jefferson, 1990) which has already been discussed earlier in this analysis. In this instance, the whole claim made by the speaker is a list in which what is not shameful and what is shameful is being used to emphasize a contrast between the different viewpoints on the law amendment:

“we should know that there is no shame for those who have been exposed to violence” is the first part of the list, which can also be read as a voice of support for war rape survivors. This is followed by the second part of the list: *“there is shame for those that do not recognize this violence”*, which refers to those who object to the law amendment and who are construed as refusing to recognize the violence of war rape through their objection of the law amendment. This is followed by a third part which emphasises the second part: *“shame for those that do not unmask this violence, and respectively do not support rape victims.”*

By shifting the shame from the victims of war rape to the politicians that refuse recognition of war rape and sexual violence, the speaker is deconstructing the concept of shame associated with war rape by implicitly offering an alternative view in which shame is actually associated with the accountability and power of those who can challenge its traditional constructions.

6.8.2 Distinctive repertoires

Within the distinctive repertoires in this analysis, discourses that are invoked by one discourse group and are not shared by the other, have been grouped into two categories. As discussed above, the objection to the law amendment does not necessarily involve at all times an objection to the recognition of war rape survivors' status, but rather is focused on different ways proposed on how to achieve the recognition by the State.

6.8.2.1 Oppositional Discourses (Otherness Repertoire)

‘The special separate other’

Within the ‘otherness repertoire’ the oppositional discourse group invokes discourses of ‘separation’, ‘special status’ and ‘otherness’ to object to the proposed law amendment and thematize the recognition of war rape survivors. For example, in the next extract, the speaker argues for a

separate law for war rape survivors' *"treatment"*.

Extract 18:

"By all means, the pain of all of us as MPs and the feelings and obligation, first as institutionalists, is that this category be treated and be treated specially, with a separate law, where all these women raped during the war would be treated." (Bekim Haxhiu, PDK, March, 2013)

The speaker argues for a special 'treatment' needed for war rape survivors. At the first reading it becomes evident that the recognition of war rape survivors by law is construed as a form of 'treatment', which is in line with concepts of victimhood in which war rape survivors are imagined as 'damaged bodies' and 'suffering souls' that need intervention. By invoking such images of victimhood, the meaning of a law that recognizes war rape survivors' experiences is construed as one of 'treating' war rape survivors, and implicitly resists interpretation of formal recognition by the State being a form of justice.

The discourses of 'special treatment' and *"separate law"* are used to position *"all these women raped during the war"* within the imagined *"separate law"*. The separation implies that war rape survivors should not be included in the existing law, which includes other categories such as *'martyrs, invalids, veterans, members of Kosova liberation army, civilian victims of war and their families'*. However, in order to avoid being interpreted as exclusion, the concept of 'special treatment' is invoked. Within the broader social and cultural context of how war rape victimhood is understood, the 'special' categorization of war rape survivors implicitly speaks to the different 'value' that war rape survivors hold in society compared to all the other war survivor categories already included in the law. What distinguishes them from the others is that their experiences are seen to have violated valued social norms and thus invoke a sense of shame (individually as well as collectively), while the other war survivor categories are associated with decent self-sacrifice (civilian victims) and heroism and pride (veterans, martyrs).

Similarly, in the next extract, but more explicitly making the comparison with the most valued category involved within the law, the speaker also argues for a separate law for war rape survivors.

Extract 19:

“It would be good that this [...] that a new legal initiative is started and that initiative be dedicated only to this category and based on it to seek compensation based on international legislation; and not do this in this form and abuse this in the name of the families of martyrs, in the name of war victims, in the name of invalids and veterans.” (Bekim Haxhiu, PDK, March, 2013)

The meaning constructed in discourse invoked within this repertoire by the speaker is that the status of war veterans cannot be ‘compared’ to that of war rape survivors, which would be implied by including them all in the same law. He constructs the meaning of the two categories, war veterans and war rape survivors, as two distinctive groups that deserve separate laws. Indeed, the inclusion of war rape survivors in the same law as the war veterans is construed as an abuse *“in the name of the families of martyrs, in the name of war victims, in the name of invalids and veterans”*. While the speaker argues, explicitly, for *“new legal initiative... dedicated only”* to war rape survivors, implicitly he is also arguing for the protection of the ‘special status’ of war veterans and other categories.

In many instances within the oppositional discourse claims are made for a different kind of law or for special ways to deal with the issue of war rape survivors, and often these claims are used as a disclaimer with the aim of avoiding being seen as refusing to provide support or recognition for war rape survivors by rejecting the law amendment. In this particular account, the speaker uses a ‘three-part-list’ (Jefferson, 1990) to emphasize his argument. This listing of the different categories of war survivors is construed in this account as representing a *“name”* that is being disrespected through the law amendment. It is particularly interesting when the

speaker names all these different categories one by one, while avoids naming war rape survivors and refers to them only as “*this category*”. By not defining by name the identity of “*this category*”, the speaker is avoiding members of “*this category*” the discursive recognition within this talk, and is othering them from the broader context of these recognition discourses (political war narratives) by further positioning them as ‘the special, separate others’.

6.8.2.2 Propositional Discourses (We-ness Repertoire)

“The special all of us”

Different from the ‘separation’ discourses within the oppositional group, the propositional group discourses are dominated by a we-ness repertoire which is defined by the shared collective meaning of the experience of war. Speakers use different arguments to build the case for inclusion of war rape survivors in the law.

Extract 20:

“It has been said there needs to be a separate law, they should not be included in the law for veterans, but it is precisely that this category should not be separated, should not be stigmatised.” (Liburn Aliu, LVV, March, 2013)

In extract 20, for example, the speaker is replying directly to the argument of the oppositional discourse group that war rape survivors should have a separate law, and is arguing that the separation from the law in which war veterans are represented would further stigmatize war rape survivors, referred to as “*this category*”. The separation is framed as stigmatisation, which implicitly means that the inclusion of war rape survivors in the same law is understood as a form of challenging the stigma. The speaker uses modal verbs (Sneijder & te Molder, 2004) to manage the accountability for the exclusion and inclusion of war rape survivors within the law. In combination with ‘reported speech’ (Sneijder, 2014) he said: “*they should not be included in*

the law for veterans”, the modal verb used in the extract (“*should not*”) has the function of identifying the accountability of the oppositional discourse group for what has been said. In the second part of his argument, he uses the modal verb “*should not*” twice as a direct contrast to the argument of the oppositional group by saying that “*this category should not be separated, should not be stigmatised.*” The accountability in this case is attributed to himself. The modal verb in itself can only be meaningful in the context in which it is used, and in this instance, it is used to oppose to the exclusion of war rape survivors from the law and advocate for the inclusion and equal treatment of war rape survivors.

In the next extracts the speaker also argues for inclusion, however in these accounts the focus is on the shared collective identity and shared experience of war as a national/ethnic group.

Extract 21:

“Once and for all we need to clarify it for ourselves that their misfortune is the misfortune of every one of us, because it happened to them only and only for the reason that they were Albanian. The wounds in their hearts are incurable, but at least let us be supportive and extend our hand to them to walk together towards the future. Let us show them that we share the same fate. Let us help them to put justice at place.”
(Albulena Haxhiu, LVV, March, 2013)

The speaker refers to the war rape as a “*misfortune*” which belongs to “*every one of us*” implying the shared understanding that war rape as a violation of gender norms was an attack on the whole community. The community is imagined as Albanian, and evokes memories of the Albanian experience of the war, which was perceived as an attempt by the Serbian regime to commit ethnic cleansing in Kosova (see chapter 3). The extreme case formulation (Pomerantz, 1986) “*only and only*” is used to say that war rape and sexual violence committed against the population “*only and only for the reason that they were Albanian.*” This emphasis on the ethnic identity takes precedence over other identities. So here, as opposed to other repertoires in which discourses of victimhood constructed war rape survivors predominantly as women, the focus is

shifted towards ethnic identity, and thus constructing war rape as a public trauma (national/ethnic identity invoking a sense of pride), as opposed to a private one which belongs only to women. Furthermore, the suffering of war associated with the ethnic/national identity, invoked a sense of shared fate and collective pride for having overcome the struggle. By putting ethnic identity into focus (through which the war was experienced), the speaker is seeking to invoke a sense of “*togetherness*” defined by a valued identity (ethnic), with the aim of building the future together. In this talk towards the future, the State (represented by the MPs) is construed as the hand “*extended*” to war rape survivors to “*show them that we share the same fate.*” and “*to put justice at place.*” The discourse of the “*same fate*” is used to accomplish corroboration with opposing MPs by inviting them to identify with the “*same fate*” and become the ‘helping hand’ to “*to put justice at place.*” The law amendment and recognition of war rape survivors is constructed as a form of justice in this discourse. The speaker is aligning war rape experiences with the sacrifice for the national cause on the basis that the shared “*same fate*” discourse is far more acceptable than the particular fate of women which constitutes a norm violation and as such she is reinterpreting the war amendment as a law that speaks to the needs the whole community.

6.9 Discussion

The analysis revealed that both groups construed motherhood as integral part of the war rape victim’s identity, taking for granted that the victims are women. The motherhood identity becomes a central argument for justifying the support and protection of the survivors’ need (even when the protection is construed as objection of the law amendment). While the ‘mother’ is valued as integral part of shaping the growth of the nation, her agency in shaping the culture of this nation is, for the most part ignored and undermined through patriarchal nationalist

discourses of the need to “*protect her*”. This need to protect women is apparent within both discourse groups and can be seen as reinforcement of patriarchal gender roles and discursive achievement to maintain constructions of these gender roles.

Further, both groups invoked traditional notions of the relationship between honour and family in their discourses, in which gender roles become apparent: men protect women; women protect the family’s honour and reproduce the future. Traditional patriarchal norms are seen as a necessity to legitimise and maintain political power because they are perceived as providing recognition of a common-sense identity, in which domination of male and heroic war narratives (‘protectors’) is seen as integral (Ströhle, 2010), while victimhood is strongly associated with the female gender. Another important finding that resulted from this analysis is that both groups predominantly construct war rape victims as women who are fragile and sensitive, and while they acknowledge their suffering and stigma, they fail to acknowledge their strength, resilience and agency.

The two groups are different in how they discuss the stigma attached to war rape experiences. While the oppositional group acknowledges the silence and hesitation to speak up as exacerbating the stigma experienced by war rape survivors, it fails to consider how this stigma may be ameliorated, and instead simply frames the objection to the law amendment as a protection of war rape survivors from stigma. On the other hand, the propositional group positions stigma within the discourses as an argument for change, and sees the law amendment as a step towards that change. Overall, the propositional discourse group capitalized their discursive efforts in support of war rape victims by aligning recognition of war rape survivors in Kosovo with an act of justice in itself. However, they also understood their efforts to achieve the law amendment as a struggle for justice for the nation. The nationalist discourses invoked within

different repertoires served as a reminder of shared sacrifice in the name of the nation (Billig, 1995).

The analysis also showed that the recognition discourses in the parliament of Kosova construct group identities emerging from the war experience by invoking 'exclusion' and 'inclusion' discourses. The recognition of war rape survivors' status negotiated in these debates between the two groups produced discourses of 'othering' in different ways. Two of those ways are to be found within shared repertoires, two others are deployed within distinctive repertoires. The shared one entail discourses that invoke concepts underpinned by cultural traditional norms of a) the "*female gender*" leading to othering male war rape victims, and b) "*our sisters, mothers, wives*", again othering male war rape victims, victims from other ethnic backgrounds, and women who do not feel represented by these narrow social categories. The other two ways of 'othering' were accomplished within the distinctive repertoire through invoking group categorisations such as 'special group' to distinguish between war rape victims and war veterans (oppositional discourses). Meanwhile, within the propositional group, 'othering' was accomplished through predominant ethnic focused discourses of 'Albanian women'.

The groups differ in how they imagine this future as well as where they intend to attribute the accountability and responsibility in regard to consequences of the law amendment. The oppositional group imagines a future where if the law amendment is approved, the law will be ineffective and unapplicable, because war rape is impossible to prove, survivors are not willing to disclose (i.e., attribution of blame to the survivors), false claims are rife (i.e., women lying that they were raped), and budget costs are unaffordable. Supporters of the law amendment would be held accountable for all these negative consequences.

The propositional group imagines a future in which if the law amendment is approved the

consequences will be that war rape survivors will be helped with their health issues and the recognition of their victim status will foster feelings of inclusion. If the law amendment is rejected, war rape survivors' exclusion will prolong the stigmatisation that they experience in the community. The law amendment's consequences are projected to reach further than the survivors, with implications for how the community will respond to the survivors. Naturally, the responsibility for the negative consequences linked to the law rejection is attributed to the opposers of the law amendment.

The study provides evidence of post-war discursive violence. Usually when we talk about gender based violence, we refer to direct acts of violence. However, Galtung (1990) noted that discriminatory and marginalizing practices that dehumanize people can arise both through physical and psychological act of violence, and that the legitimization of such practices is a form of violence itself. This form of violence that is defined as the legitimization itself of dehumanizing and prejudicial practices, injustices, marginalization, stigma and so forth, against a group of people, is, according to Galtung (1990), perpetrated through cultural factors that shape and give meaning to social life, such as religion, language, ideologies etc., and he calls it 'cultural violence'. What Galtung (1990) refers to as 'cultural violence' does not exclude direct violence, rather it defines violence as both direct and structural. Political discourses that undermine women's agency, and oppress victims' rights to recognition through categorisations that situate women on the margins of political life (in the context war rape, victims/survivors are excluded through processes of exclusion and stigma) can also be viewed as 'cultural violence' when conceptualized in the context of their power to legitimize cultural systems that maintain and reinforce inequality, injustice, and marginalisation. The concept of cultural violence is to be understood as the systemic, ideological, socio-political performances that empower inequality and social injustice

(Galtung, 1990). Gibson (2018) argued that such categorisation constructed in and through discourses that legitimize structural violence can be defined as '*discursive violence*'. Naturally it follows that discursive violence can, too, be both direct as well as structural.

Naturalizing motherhood in and through discourses, for example, can be viewed as a form of discursive violence, considering how the undisputed role of women to be mothers nurtures the stigma that by rejecting such a role, or even just by expressing that one is dissatisfied with that role, one is behaving contra-normatively, and is thus violating common shared values. Feminist research argues that women experience motherhood in various and differing ways, and thus, motherhood as a category does not represent women's experiences of motherhood collectively (McMahon, 1995). While for some women motherhood represented a burden, for others motherhood represented a source of power and resilience, and for others it is a way to challenge political injustices (hooks, 2007; McMahon, 1995; O'Reilly, 2006). The same goes for the construction of war rape survivors as being almost exclusively women, and then the construction of women as sisters, mothers, and wives. This has the function of legitimizing patriarchal structures that position women in an undermined and co-dependent social status.

The obvious gendered nature of the political discourses of war rape in the parliament of Kosovo highlights the extent to which gender inequality can be traced to broader issues of political power and ideology that are imbedded in patriarchal culture. As analysis shows, naturalisation of motherhood becomes a barrier also for recognizing war rape survivors' status, because it is considered that being a mother and 'wanting' recognition of the war rape victim status cannot be aligned with the duty to protect the family honour.

6.9.1 Strength and limitations

This is a rare study of discourses of gender based violence taking place in real life interactions. The context of the discourse is very important, and results should be interpreted by keeping this context in mind which in this case involved political speeches.

It is worth noting that political discourses are, most of the times, planned discourse (Ochs, 1979). Since a political debate in parliament on a certain topic is a pre-scheduled event, it can be concluded that the speeches given in this case were written beforehand and as a result what they convey, in terms of arguments and positions taken, can be viewed as premeditated.

Future research should explore discourses in other context where war rape experiences are discussed more or less openly. Although there is reference to male and other ethnicity war rape experiences, future research should also investigate discourses that directly explore these experiences.

The transcripts of the political speeches in this study were originally in Albanian. The translation of the text required careful consideration of the particular context in which the text is produced as well as the underlying cultural context in which it assumed a broader political and cultural meaning. As such, the translation process was an integral part of the analysis, rather than a separate one, because it involved interpretation in the process. However, culture is difficult to be translated and requires a broad knowledge of both languages and cultures: the one from which a text is being translated and the one into which it is being translated into. In some cases, I resolved problems of translation by conducting the analysis in Albanian and then translating the analysis with the aim to preserve as much of the underlying cultural concepts as possible. In the analysis I included references to important cultural aspects that I thought might inform the reader about the wider social-cultural context in which particular discourses were being invoked,

however, being an Albanian myself, the decision when and how much additional explanations to offer, sometimes fell short, and this issue was resolved with the critical contribution of the first readers of this analysis (my supervisors) which made me aware of these shortcomings. It is helpful when conducting discourse analysis which is based on text from another language to have some cooperation with people from the other language, which will question and request additional meaning to understand underlying cultural concepts that are involved and invoked in and through discourse, because in discourse analysis, what is being analysed is never just the text.

6.10 Conclusion

This analysis showed that injustices are and can politically be legitimized through gendered discourses of victimhood and motherhood, regardless of the position of the parties towards the law amendment in-itself, by reducing women's' position in society to traditional gender roles that undermined their agency, resilience and independence.

In the oppositional discourse groups the speakers were negotiating a dilemma using different discursive devices to achieve their aims. On the one hand war rape is acknowledged as something that is morally wrong and in need of redress, while on the other hand it is perceived as a political point of difference from the propositional discourse group (which is the political opposition) and hence one which needs to be refuted. The discursive business being done is therefore how to object to the law while maintaining a moral identity (i.e., without being seen as misogynist, unpatriotic, or callous towards one's own fellow citizens). For this purpose, speakers use different strategies to position themselves as objective and professional in their arguments, and their political opponents as morally bankrupt politicians.

The descriptions they give in their speeches, with reference to facts and objective 'truths',

is what Edwards & Potter (1993, p. 28) called “*rhetorical accomplishments*”. Within different interpretative repertoires speakers invoke different discourses and use a variety of discursive strategies to achieve this. This is done through depicting the law as not attending to the impact on victims (e.g., because this issue is very sensitive and complex; victims need something other than mere recognition), as questioning the motivations of the proposers (e.g., MPs are using this law to gain political sympathy), or as undermining the category of victim by using epistemics or procedural fairness to deny that the law will have its desired effects or argue that it will have a harmful effect (e.g., stigmatisation will mean that the victims cannot actually take advantage of the law; fake applications will be commonplace; the budget will be burdened with costs it cannot afford, etc.).

In the propositional discourse group, most of the talks evolve as reactions to the accounts given by the oppositional discourse group. The speakers use different discursive strategies to counterargue the opponents’ arguments and undermine their political power, however the main focus in the propositional discourses remains on building a case for the recognition status to be perceived as a form of justice and national cohesion.

“... by identifying themselves as subjects, by defining their reality, shaping new identities, naming their history, telling their story, the marginalized and oppressed can counter dominating forces.”

bell hooks.

Chapter 7: General Discussion

Existing research has highlighted the importance of social identities in the experience and response to norm-violating war event such as SGBV (Buchowska, 2014; Gardam, 1997; Gardam & Charlesworth, 2000; Gardam & Jarvis, 2001; Kellezi, et al, 2009; Kellezi & Reicher, 2012; Kellezi & Reicher, 2014; Moser, 2001). However, most of this research is based on accounts during or immediately after the war and has not investigated systematically the long-term strategies used by survivors, or the role of formal and informal institutions in facilitating or undermining the survivors' strategies. The present thesis addresses these shortcomings in 3 distinct and complementary studies.

Study 1 – Key findings and Discussion

Study 1 in this thesis explored the long-term consequences and coping strategies used by war rape survivors in Kosova, considering the stigmatized context of their experiences which were regarded as norm-violating, therefore 'unspeakable' (Kellezi & Reicher 2014).

The first key finding from study one is the importance of systemic inequalities (such as financial dependency), on the survivors' ability to cope the consequences of norm violating events even 20 years after the war. Confirming prior research, the results showed that economic dependence of survivors made rejection and exclusion from family and community even more problematic (Turshen, 2001; Kellezi & Reicher, 2012; 2014) by limiting survivor's agency to build an independent life and forcing them to make long-term decisions (e.g., entering an unwanted

marriage) which further exacerbated their suffering, maintained their disadvantaged status, and fostered negative coping strategies. The economic dependency experienced by our participants as a result of systematic gender-discrimination and inequalities had implications also for their health and wellbeing. The relationship between discrimination and health (e.g., depression, anxiety, life satisfaction and well-being; (Pascoe & Richman, 2009; Schmitt et al., 2014) is well documented.

A second key finding from the first study relates to the role of stigma in the appraisal and responses to SGBV. These findings support SIAH and SIA research showing that discrimination as a result of stigma can manifest itself in different levels and forms: exclusion, lack of recognition, forced silence, systematic oppression and being insulted based on the group membership (Goffman, 1963; Haslam et al. 2018; Jetten et al., 2017) impacting on self-esteem and self-worth (Branscombe & Wann, 1994; Crocker & Major, 1989; Wann & Branscombe, 1990), as well as wellbeing (Jetten et al., 2017). Such was the internalised and expectation of stigma that the survivors who had their partners support were very appreciative of it even when the support was merely defined as lack of abuse or harm by their partners, in a sense a silent acceptance. SIA research has shown that when members of a devalued group have repeated negative experiences with stigma, they might anticipate being treated negatively in the future in similar situations, with implications for the level of general anxiety (increasing), anger, fear and even physiological responses to stress (Clark et al., 1999; Tomaka et al., 1993).

Stigma undermined many other aspects of the survivors' life including accessing support and being able to access key rights such as employment and community life. The findings of this study support existing research showing that consequences of stigma can affect people's access to education, employment, community integration, health care and so forth, and undermine

agency and ability to improve their living situation on their own resources (Clark et al., 1999).

The third key findings show that survivors used identity-management to find strategies that could help overcome the impact of the stigma. One of the main strategies survivors used to protect themselves and others was concealment of their stigmatized identity. While this concealment had benefits, it also exacerbated their isolation by undermining the relationships with relevant others (e.g., children, partners, communities etc.) leading to possible 'hidden' group divisions and alienation of survivors from such groups. Even when concealment was not possible survivors were confronted with relationship problems, exclusion, rejection and blame from their families and communities leading to re-victimisation. Such is the "burden of representation" as defined by Mercer (1990 p.61), i.e., the power of gender expectations, that survivors hid or dealt with consequences of gender norm violations even two decades after the war.

This 'power of representations' translated in other key expectations for women such as loss of custody rights in case of divorce, and blame in case of divorce. Many survivors reported that even in face of abuse they decided not to leave the relationship, because in addition to their economic disadvantage, leaving the relationship often meant risking to leave the children behind too (due to traditional norms see Chapter 3: Elsie, 2014; Gjeçovi & Fox, 1989; Pupovci, 1972). The identity of a divorcee would only add to the experiences of stigmatisation due to violation of other norms such as "nurturing mothers", and even confirming perhaps the original blame attributed to the women due to their experiences of SGBV (Bareket et al., 2018).

A fourth key finding relates to the use of positively valued identities to overcome the impact of SGBV and challenges in the aftermath. Many women survivors reframed the concealment of their stigmatized identity as a mean to protect their children from harm. Thus,

motherhood, as a valued identity was used to regain control, help their resilience and find meaningful purpose in life. In particular for women, motherhood provided an identity which was highly valued in society and helped survivors to rebuild their self-worth. Here too we see such social cure processes interplay with social curse ones. When experiencing abusive relationships at home, many survivors reframed their victimisation as a price worth paying for the wellbeing and the future of their children, which reinforced their motherhood identity that in contrast to their victim identity was highly valued. The identification with motherhood was used to turn social curse experiences into cure by empowerment through succeeding in their motherly role and seeing their children grow up and get educated.

A fifth important finding relates to strategies used within the family group to address the impact of SGBV. Some survivors reported supportive relationships with relevant others who were or became aware of SGBV. Partner support was viewed as very important and seemed more forthcoming where partners had themselves experienced great losses, or who clearly appraised the war and rape motivated by ethnic conflict. In both cases, reference is made to shared identities enabled by common fate and or/shared understanding. Despite this positive connection, most support was contingent to the stigmatized identity remaining hidden from others, which might be an indication that partners feared negative consequences of stigma from being seen of acting anti-normatively themselves, by openly supporting their wives who were war rape survivors.

It is likely that exchange of support was undermined by the fact that families of war survivors (in this case partners) have to deal with their own war trauma often or can become traumatised by witnessing the suffering of their loved ones. Remer and Ferguson (1995) explained this kind of delayed reactions by partners as a period of disorientation in which the

intimate partner or other close family members need time to adjust to the fact that their loved ones were victimised. Especially in the case of sexual assault which is highly stigmatised, research has shown, that intimate relationships in particular are affected by it, because the assault is perceived as an assault on their integrity as well (Holmstrom & Burgess, 1979). Stress, anxiety, feelings of guilt and shame have been evidenced to be prevalent among male partners of rape survivors (Maltas & Shay, 1995; Nelson & Wampler, 2003) which might explain partly in some cases male partners who want to help hesitate and/or do not know how to support their partners who have been rape victims. Despite the challenges, it is likely that family or partner support remains a key source of support for survivors in places like Kosovo where stigma prevents most survivors from receiving formal or informal support.

Trust was another key concern for survivors, especially in relation to whether they will be believed or blamed for their experiences. Research has shown that trust relates to perceptions of whether others can understand your experience or not (Jetten et al, 2017; Kellezi et al., 2019) and the findings in Study 1 show that most survivors believe that only the ones who share same experiences (other SGBV survivors) can understand them. The bond created by the shared experience and identity, led the survivors to becoming keepers of other survivors' secrets in recognition of the stigmatising impact of the SGBV identity. Although on the one hand this shared bond is likely to increase trust and be empowering, on the other hand can add to the burden of pain of the survivors, reflecting similar findings in previous research (see e.g., Kellezi et al., 2019; 2021). In fact, association with such a group can lead to the secret becoming known, which makes the group connections very difficult to maintain. This type of threat has rarely been researched from the SIA approach. Survivors found 'neutral' territories (e.g., NGOs) as a form of engaging with and managing this hidden identity.

A sixth key finding relates to more systematic support available for survivors. Those few survivors who received NGO support, often found it very useful. However, survivors also demanded state and public strategies that could recognise their suffering and support them. These strategies were very limited and could even be harmful for some of the survivors. For example, one of the activities that NGOs initiated to help war rape survivors and raise awareness raising produced a reframing of the victim identity into a heroine identity. The study shows that the emerging heroine identity focusing on female survivors led to male survivors feeling excluded from post-war processes of commemorating and justice. Additionally, both male and female survivors reported the 'heroine identity' felt unreachable to them, because it was associated with being brave to speak out. This created division of the survivors' group: survivors who speak out' and 'survivors who fear to speak out'.

In sum the results of this study suggest that the stigmatised nature of SGBV echoed in every aspect of life and created many ingroup divisions and concealment which led to a number of social curse processes, supporting previous research (Celebi et al., 2017; Stevenson et al., 2020; Haslam & Reicher, 2006; Kellezi et al., 2021). However, despite many difficulties, survivors did not remain passive in face of stigma. Our participants showed how the multifaceted nature of identities can provide opportunities for re-appraisal and coping with such a negative and stigmatising experiences such as SGBV. For example, the survivors reframed the meaning of their silence: experiencing pride and sense of agency for protecting their children from trauma and stigma. While such strategies could bring some relief, the survivors emphasised the importance of systemic changes, which included formal support and recognition from the state. This need could not be communicated due to the stigmatised nature of their experiences, which is why the role of NGOs and other stakeholders is essential to bring about change and were investigated in

the second study.

Study 2 – Key findings and Discussion

A key challenge for addressing stigma associated with war rape, is that talking publicly about war rape is stigmatizing in itself. Collective silence about war rape has proven a barrier, not only for the healing of the survivors, but also for the work of professionals working with survivors and the society as a whole in dealing with the past.

The first key finding from this study is that services for stigmatised identities must reflect the needs of their users even if this meant maintaining secrecy. The professionals had to use multiple strategies to both support and protect survivors directly, as well as raise the issue of war rape experience in the public domain to combat collective stigma and influence social change towards recognition of war rape survivors by society and State institutions.

The second key result from study 2 is that professionals who work with and/or on the issue of war rape have themselves been stigmatised and have even been threatened in course of their activism. Part of the resistance for their work comes from the meaning attributed to SGBV in relation to valued identities. For example, formal public recognition of war rape survivors and inclusion of in the same law as fighters, can be perceived as a threat to this celebrated group identity who chose a resistance response to the threat by the outgroup. This kind of response is known within SIA research which has shown that threatened advantaged group members will seek to maintain the status quo and ignore the injustice and discrimination of disadvantaged groups, when they feel that change might risk the legitimacy of the group status of the advantaged group (Branscombe et al., 1999). Similarly, it supports research showing that advantaged groups will fight change when they perceive that change will undermine the ingroup morality through comparison and equality with a low status group (Nadler & Shnabel, 2015).

Another response to perceived group identity threat by advantaged group members is to simply deny that there is any injustice, which is what did happen in Kosova despite efforts by civil society activists and professionals.

A third key finding resulting from study 2 relates to the image of victimhood produced by public/political discourses, sometimes by professionals themselves, reducing war rape survivors to a wounded body that was not able to function normally. The problem with victim images like this is twofold. First it constrains the survivors within a victim identity which undermines their agency and their ability to fight injustices, by positioning them as wounded and unable to stand for themselves. Second, it ignores processes of posttraumatic growth, creativity and resilience which help survivors overcome trauma (Tedeschi & Calhoun 2004; Ayalon, 2005; Diamond & Shrira 2018; Muldon, 2021) by acknowledging their agency.

This image of rape survivors as weak, young, beautiful but crumbling, feeds the imagination of a 'ideal victim' of war rape, that needs protection from the strong 'others' (Schwöbel-Patel, 2018) with implication for survivors' responses to service providers and those that advocate on their behalf. Furthermore, research has shown that being reduced to a certain image of victimhood might lead to survivors feeling it is expected of them to look and talk in a certain way, in other words to 'look like a submissive victim', and if they fail to do so, their stories might not be believed. Study 1 evidence of survivors' fear of not being believed confirms that prejudiced images of victimhood can impact how professionals and others treat them. Study 2 findings indicate that professionals hesitated for many years to bring the struggle for equality and support for war rape survivors into the public sphere based on a sense of having to protect them because they were fragile.

In addition, research has shown, that when people believe someone to be traumatized,

they might refrain from making demands from them and including them in decision making processes thus undermining their agency which can further harm their health, as sense of control over one's life is essential to psychological health and for negotiating adversity (Muldoon, 2021). It is well established that negotiating adversity requires empowerment of survivors (e.g., financial independence) and support from relevant others (as was also shown in Study 1). However, support needs to be meaningful and promote self-efficacy, agency and autonomy of survivors by recognizing the strength and resilience that survivors have in them (Muldoon, 2021).

Another key issue that participants in study 2 emphasized, related to the collective memory practices. Discriminatory collective memory can hinder constructive dealing with the past, access and participation to justice and distorts the common shared experience as a narrative of a common struggle for freedom and independence (McGrattan & Hopkins, 2017). The distortion of the common shared experience of war in favour of some groups and to the disadvantage of others, leads unavoidably to the process of 'othering' (evidenced in all three studies) which not only excludes people from gaining positive benefits from their experiences being recognized and remembered as well, but becomes an additional harm leading to a 'double insult' (Kellezi & Reicher, 2014). When members of this community are excluded from the collective memory, the result is collective forgetting (Hirst & Coman, 2018) which also become a reminder of one's exclusion and othering.

In terms of policy implications this study adds to the argument that women's empowerment in political participation and the improvement of women's rights is important to challenge any discrimination attached to what is predominantly considered to be women's experiences. In terms of practice, the findings of this study highlight that understanding the cultural context in which one operates is important to be able to balance between the political goals for broader

structural changes in society towards a more equal society (cooperation with other NGOs etc.) and the immediate needs for support and empowerment of those marginalised and stigmatised (provide a safe environment for war rape survivors' voices to be heard; offer psycho-social services and support while protecting their hidden identity).

Arguably, the biggest success achieved was when professionals from a various of backgrounds collectively achieved the first systemic justice process through initiating the law amendment. Once the law proposition was in the parliament it produced discourses on war rape recognition which are the material of analysis in study 3 using a Critical Discursive Approach (CDP) (Gilbert & Mulkey, 1984; Potter & Wetherell, 1987; Billig et al., 1988).

Study 3 - Key findings and Discussion

The rhetorical approach applied to CDP analysis defines talk as an instrument of thinking: we think because we can talk (Billig, 1987). It is through discourses that thinking can be observed. The proposition for the law amendment on the “*Law on ‘The status and the rights of the martyrs, invalids, veterans, members of Kosova liberation army, civilian victims of war and their families (Law No. 04/L-054; Republic of Kosova)’*” was the first time that the thinking of politicians could publicly be observed through their talks in the parliament. Debates from both sessions (in 2013 and 2014) were widely followed by many people, including many war rape survivors. The aim of this analysis under study 3 was to investigate how historical, social and political context interplay in the language used to construct meaning of war rape experiences and identities in political debates in Kosova.

The results showed that the oppositional group construes the request for the law amendment as populist politics by the propositional group, to undermine the status of war

veterans; to position self as morally above the others (e.g., government) by emphasizing with a “sensitive category”, rather than as an instrument to really assist in the improvement of the wellbeing and rehabilitation of war rape survivors. War rape survivors are seen as having no agency; belonging to a “sensitive” but “inferior” group compared with war veterans. Key arguments against the law amendment used by the oppositional discourse group relate to: the law cannot be implemented because there is no budget; social norms attached to the value of family, and fear of stigma will stop survivors from making use of the law, therefore law is useless; it is not possible to prove the factuality of whether a war rape survivor is a “real” war rape survivor.

The propositional discourse group on the other hand construed the law amendment as a political tool to assist the improvement of wellbeing and rehabilitation of war rape survivors and bring social justice through formal recognition and financial support and through building a foundation for further international recognition of war crimes towards the Albanian population during the war. Within the discourses invoked by these group, war rape survivors’ agency is recognised; their experiences are seen as part of the shared national (ethnic) experiences of war; they are seen as equal to war veterans – their suffering being construed as a ‘sacrifice’ for freedom. Key arguments used by the propositional group relate to the law amendment being a tool that not only recognises war rape survivors’ experiences on State level, but also becomes a framework to combat stigma associate with war rape.

Both groups construed motherhood as integral part of the war rape victim’s identity, taking for granted that the victims are women. However, both groups ignore and undermine her agency in shaping the culture of this nation, through patriarchal nationalist discourses of the need to “*protect her*”. Both groups invoked traditional concepts of honour and family in their

discourses, in which patriarchal gender roles become apparent: men protect women; women protect the family's honour and reproduce the future. Traditional patriarchal norms are seen as a necessity to legitimize and maintain political power because they are perceived as providing recognition of a common-sense identity, in which domination of male and heroic war narratives ('protectors') is seen as integral (Ströhle, 2010), while victimhood is strongly associated with the female gender. In that context, pertaining to the image of victimhood both groups predominantly construct war rape victims as women who are fragile and sensitive, and fail to acknowledge their strength, resilience and agency.

While the oppositional discourse group acknowledges the silence and hesitation to speak up as exacerbating the stigma attached to war rape, it frames the objection to the law amendment as a protection of war rape survivors from stigma. On the other hand, the propositional discourse group positions stigma within the discourses as key argument for the need for the law amendment.

Overall, the propositional discourse group capitalised their discursive efforts in support of war rape victims by aligning recognition of war rape survivors in Kosova with an act of justice in itself. However, they also understood their efforts to achieve the law amendment as a struggle for justice for the nation. The nationalist discourses invoked within different repertoires served as a reminder of shared sacrifice in the name of the nation (Billig, 1995).

A further key finding of the analysis relates to how the two groups produced discourses of 'othering' in different ways. Two of those ways are to be found within shared repertoires, two others are deployed within distinctive repertoires. The shared one entail discourses that invoke traditional concepts of gender identity a) the "*female gender*" leading to othering male war rape victims, and traditional concepts of gender roles b) "*our sisters, mothers, wives*", again othering

male war rape victims, victims from other ethnic backgrounds, and women who do not feel represented by these narrow social categories. Within the distinctive repertoires 'othering' was achieved through categorisations such as 'special group' to distinguish between war rape survivors and for e.g., war veterans (oppositional discourses). Within the propositional group, 'othering' was accomplished through predominant ethnic focused discourses of 'Albanian women'.

Overall, the analysis reveals that political discourses that undermine women's agency, and oppress victims' rights to recognition through categorisations that situate women on the margins of political life (in the context war rape, victims/survivors are excluded through processes exacerbated by stigma and social norms) can be viewed as 'cultural violence' in line with theorizing that discourses that are used to legitimize cultural systems that maintain and reinforce inequality, injustice, and marginalisation are a form of violence (Galtung, 1990). Gibson (2018) argued that such categorisation constructed in and through discourses that legitimize structural violence can be defined as '*discursive violence*'. Naturally it follows that discursive violence can, too, be both direct as well as structural.

Naturalizing motherhood in and through discourses, for example, and/or the need of women for protection, the men as the 'protector' etc. can all be viewed as some forms of discursive violence that perpetuate and exacerbates injustices resulting from traditional patriarchal norms. Feminist research argues that women experience motherhood in various and differing ways (McMahon, 1995) and while for some women motherhood represented a burden, for others motherhood represented a source of power and resilience (e.g., study 1), and for others it is a way to challenge political injustices (hooks, 2007; McMahon, 1995; O'Reilly, 2006). The same goes for the construction of war rape survivors as being almost exclusively women, and

then the construction of women as sisters, mothers, and wives. This has the function of legitimising patriarchal structures of gender roles that position women in an undermined and co-dependent social status that need the protection of men, but more so that need men to tell them what they need, for e.g., that they do not need the law amendment.

7.1 Key theoretical contributions

The presence research shows the strong and interconnected link between group norms and the social context in defining the responses and impact of collective traumatic events. The social curse processes following the experience of counter-normative events are not only long-term but also widespread in every aspect of life of the survivors. They are amplified by the patriarchal socio-political context, and help maintain the status quo. Thus, the main contribution of this research is in identifying the different ways social norms impact the victims and shape the families, communities, organisations and even state practices and responses to such events. However, despite the widespread pressure and disadvantage, SGBV survivors were not passive victims, but active in finding ways to overcome Social Curse and benefits from the collective nature of their life and potential Social Cure processes that derive from it. The next main contribution of this research is in identifying strategies where social identity processes were used to overcome the impact of social curse at some level.

Counter-normativity of experiences impacts not only survivors but also the way professionals work with them and the State support is created and provided. Professionals had to creatively adapt to the multiple impacts of stigma, and had to take identity dynamics in account when creating strategies that supported the survivor and brought about change. Despite the many benefits deriving from support from professionals, they and the changes they initiated

(e.g., law change; reframing the victim identity into “heroine” identity) could unintentionally limit the agency of the survivors and reproduce exclusion. These strategies add to the contribution of the thesis in identifying identity processes that can help overcome social curse at the organisational and civil society level. This finding supports previous research which has shown that advocacy practices using collective language to address a particular group membership, can lead to exclusion and discomfort when people feel they are being spoken about in ways they feel do not represent them (Hornsey, Blackwood & O’Brien, 2005 2006).

The “heroine” identity, or the “sensitive category” represents a misrecognition which is defined by the mismatch of how people view themselves and how they believe that others view them (see Dobai & Hopkins, 2020). In the context of this research, the consequences of such misrecognition can be that while survivors view themselves as part of the collective struggle, they perceive that they are denied membership (see for e.g., Pehrson, Stevenson, Muldoon, & Reicher, 2014) and/or that their gender role is being emphasised over other identities, for example, the ethnic identity (see e.g., Hopkins, 2011). Even when the intention of categorisation is meant to positively stereotype the survivors (e.g., mothers, sisters, sensitive, heroines etc.) research on minority groups has shown that the positivity cannot be assumed (Dobai & Hopkins, 2020). The sense of misrecognition that might be perceived can lead to reinforce subordination of survivors’ position in society and limit their sense of self-control in self-definition. This is also true for political activism and actions that seek to change or influence law changes.

As can be concluded from the discourse study in this research, politicians’ speeches invite and or exclude survivors to/from benefiting from the law. Similarly, research on the role of authorities in the alienation of minorities has shown that the behaviour of representatives of

powerful groups (e.g., authorities, police etc.) has undeniable relevance in defining exclusion and inclusion for minority groups (Blackwood, Hopkins & Reicher, 2013). MPs as representatives of the people and the government, their political speeches and their decisions to vote in favour or against the law amendment has similar implications. Survivors who might feel that they do not fit within the categorisations that parliament members put them in and/or feel rejected by the PMs who argue against the law amendment, might hesitate to make use of the law in the future. In fact, from 2018 (to May 2023) only around 2000 war rape survivors have made use of the law amendment. As such, this thesis contributes to understanding state level practices that can contribute and/or are used to overcome social curse processes.

7.2 Practical and policy implications

The research showed the multiple ways and longevity of the impact of social curse processes, which were amplified not only by communities but also organisations and state practices which risked re-victimisation of victims. When strategies were mindful of the survivors' multiple needs, they were more successful. However, change through a multitude of formal and informal support needs to address many contributors to Social Curse processes (e.g., inclusion of war rape experiences in historical narratives; formal education; economic empowerment; better health care services etc.) in order to bring about sustained change.

The language addressing war rape experiences and recognition, imbedded in public and political processes (e.g., policies relating to collective memory; transitional justice processes etc.) should be more gender-sensitive and trauma focused in order to avoid disempowering and normalizing exclusion of war survivors (e.g., male survivors, survivors belonging to ethnic minorities, survivors belonging to non-binary genders).

Discourses are also integral to transitional justice processes (TJPs), as part of challenging or legitimising cultural structures. They affect how survivors perceive themselves represented in and through political discourses, but also how societies react to survivors and how they build resilience with their collective history across generations (Clark & Ungar, 2021).

Discourses thus can be used to legitimise structural cultural violence (through legitimization of dehumanizing and prejudicial practices, injustices, marginalization, stigma and so forth) (Galtung, 1990). Gibson (2018) defined these discursive practices as “*discursive violence*” (Gibson, 2018). To break the cycle of “*discursive violence*” it is of key importance to understand the processes that reinforce marginalizing and discriminatory practices by means of discourses. Therefore, State recognition of war rape victims should also include gender equality and deconstruction of patriarchal norms, as part of processes within a broader understanding of the need for emancipation of marginalised groups and their war experiences in a society.

Professionals from civil society and politicians presumed that one of the main reasons for the low numbers of application by survivors is related to the stigma attached to war rape which leads survivors to conceal their victim identity. While this might be true, it should be also taken into consideration, as this research (study 1) showed, but also previous research has proven (Dobai & Hopkins, 2021) that concealment is linked to diverse motivations (e.g., protecting children from trauma; avoiding conflict; experiencing other opportunities without prejudice etc.) that have in situational context empowering value for people who belong to stigmatized groups. Moreso, this research (study 1) showed that there is a sense of control in concealment through many survivors reporting that concealment to them is also a way of being strong for their children and protecting them from the pain of finding out that their mother was raped. Sense of self control is important for health and wellbeing and for negotiating adversity in life (Muldoon,

2021). Therefore, it should be acknowledged that while concealment might be mainly a forced strategy due to stigma it also has given many survivors a sense of control. Therefore, strategies that aim to motivate war rape survivors to apply for recognition should first argue that applying for recognition is limited disclosure and that those to whom the identity will be disclosed can be trusted. Second, civil society members working on the issue of war rape and State representatives should be careful not to frame concealment (not applying for the status) as the “new” contra-normative behaviour (‘non-heroine’), but instead invoke discourses that empower the sense of self-control and respect the agency of survivors.

In line with key findings on study 1, as the protection of children and grandchildren from trauma and stigma by association was important for the participants, national strategies should be created that aim the education of future generations on war history and memory to combat transgenerational trauma and stigma by association.

7.3 Strengths and limitations

The qualitative approach of these studies offered wider and in-depth understandings of complex processes pertaining to stigmatisation of norm-violating war experiences from survivors’ and professionals’ own perspectives. This approach helped understand how multiple strategies could be successful or when the same strategy could offer both help and harm. However, this research was based on only those survivors who could overcome the fear of sharing their stories in secret with the research. Future research should aim to recognise the needs of those who do not feel they can share their stories, as well as men, gender diverse individuals and those from other ethnic groups.

While this research was not able to recruit who did not apply for the recognition status,

future research should investigate also the perspectives of survivors who have not applied and investigate to what extent perception of representation or misrecognition by PMs have influenced their behaviour, and if at all, how, as well as what other factors have informed their decisions not to apply for recognition by State.

7.4 Conclusion

Combined all three studies show that change needs to take place at all levels- family, community formal and informal structures. However, in an effort to overcome the stigma and encourage support for war rape survivors, NGOs and political discourses have reproduced gendered constructions of victimhood which undermines survivors' agency and/or created stereotypes (e.g., heroine identity) which many survivors do not self-identify with. These discursive constructions empower dominant patriarchal norms. In addition, wider structural gendered discriminatory practices in society and politics (e.g., economic dependency; traditional gender norms) which have impacted survivors' experiences of war and in the aftermath should inform broader strategies of dealing with the past, and in which survivors' experiences are included in collective narratives in a way that they can identify with and participate in defining.

Policies and strategies by the State and NGOs need also to be aware of the power of language and its impact on survivors' strategies and unique experiences. As observed many decades ago, and confirmed by this thesis, the construction of the nation in itself is gendered alongside traditional norms which equates nation to men (Mertus, 1996). In order to address discriminatory and marginalising group processes pertaining to war rape survivors of all genders, it is needed that the dominating group processes are also understood, in particular in how they shape and influence the process leading to the discrimination of others (e.g., government). This thesis did not go into depth into analysing these processes, although it referred to some of them

in particular in the discourse study (e.g., political representation; patriarchal values etc.) and future research should focus on understanding more in-depth constructions of dominating group processes in relation to war narratives by exploring them from the perspective of members of the dominating groups. These explorations should then lead to informing strategies and policies in different levels (in particular of dominating groups) as reflections to improving and changing practices that make group discriminations possible. In particular to defying patriarchal structures, future policies and strategies should aim to deconstruct traditional meanings of national identity and its connection to manhood, so that women and people of non-binary genders can have space to construct themselves as part of the national identity.

In summary the studies combined showed that the appraisal of the survivors' worth from others and survivors themselves at times, is also strongly connected to social identity processes. When they were categorised through the ethnic identity there was less guilt and shame and more support reported and/or expressed for survivors. When their gender identity was made salient, elements of shame and dishonour and feelings of guilt (by survivors themselves as well) were invoked through different discourses.

If this research is to be seen as an addition to lessons from Kosova, it shows that war rape consequences are complex group based Social Cure and Social Curse processes which are intertwined with socio-political and economical processes that co-occur in society. When there is improvement of women's position in society in general (through gender equality progress) survivors have more space to turn Social Curse processes into Cure (regardless of whether their identities continue to remain concealed).

Educational programmes must be developed also for professionals to increase the awareness of the silences of war experiences worldwide and provide meaningful support for

victims, their families and communities at the same time, by also acknowledging the resilience and agency of survivors. In addition, formal educational programmes that target younger generation should be developed to thematise war rape and other stigmatised war experiences. This would address also one of the key concern of survivors regarding the future of their children. The concern of many survivors regarding their wellbeing of their children (fear of stigma and trauma inherited to them), should also be understood outside the traditional role and addressed as a concern that relates to the future of the society and its ability to deal with the past constructively. Most survivors fear their children would be alone and unprepared to cope with the psychological stress if they were to find out in the future that their parents and/or grandparents have been war rape victims.

7.5 Reflexivity

Conducting research on sensitive topics requires careful measures to assure that both participants' and researcher' wellbeing is protected. To avoid exposing war rape survivors I made sure that all interviews were conducted in a safe and private setting. I also never announced an open call for participant recruitment to avoid identifying myself and my research publicly trying to preserve some anonymity so that war rape survivors might feel safer in meeting with me and not fear that by being associated with me their victim identity would be exposed.

Trust was a key issue in the relationship between me and participants. To build that trust I met with the participants several times before conducting the interview, to introduce myself and my research and offer them time to ask questions relating to my research before they could make their decision to participate. I felt assured that I was doing it right, when in some cases some survivors actually decided that they did not want to do the interview after all and they felt

at ease saying so while happy to talk to me without participating in the research. This was important, because I did not want them to feel obliged and conduct the interview due to some sense of social responsibility.

While recruiting through the NGO was positive because of the support they provided for survivors, there was also the risk that survivors might feel obliged to participate in the research because they were asked so by the NGO. Being aware of the power position that NGO could have over some survivors, I reminded participants they were free to refuse participation and emphasised that there was absolutely no harm to not do the interview.

My therapeutic experiences offered me some tools to properly cope with content of the interviews which were very traumatic. My deep knowledge about the socio-political and cultural context of Kosova, informed and helped me also during the analysis process to be aware of my own subjectivity in interpreting the interviews and trying to put them into context of the research aims. In addition, I could also rely for support on my supervisory team, who played an important part in advising me throughout the process of data collection and analysis.

I recognised that at times during the analysis my own social identities (e.g., being a woman, being Albanian) were impacting my work in a negative way, because I was identifying strongly with the survivors, realising that some of them were similar age as I was. I acknowledged that their stories were also part of my history as an Albanian and woman. At the end I also reminded myself, that being an Albanian and a woman, as well as a trained psychotherapist with many years of experience working with war survivors, has impacted my decision to do this particular research in the first place. These realisations freed me from trying to hide my subjectivity, and instead I was able to focus more clearly on the analysis trying to elaborate on the survivors' and professionals' perspectives by focusing on what I thought were most important

and relevant issues to understand the processes of coping with war rape consequences in long-term taking a feminist approach which was aligned with my identity as well.

Not only my own subjectivity played an important role in my analysis. My supervisors' perspectives were also involved. Since my supervisors had different cultural backgrounds and expertise themselves, their subjectivity was very important in their comments when they would alert me to for e.g., issues pertaining to the Albanian culture and history, which I took for granted that anyone would understand and so this helped me include more appropriate explanations both in the theoretical and empiric chapters.

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Appendices:

Appendix 1



Interview Schedule: Study 1 - Interview with survivors

- Please can you tell me something about yourself?
- Were you a war victim of sexual violence in Kosova?
- Can you please tell me something about your situation you found yourself in immediately after the war?
- Have you shared your experience of war with anyone else before?
- Do you know other people who share the same experience with you?
- Would you want to meet people who have experienced the same and talk to them about your experience?
- Can you please tell me something about your life after the war?
- Do you know if there was any place that wartime rape survivors could get therapeutic, medical or psycho-social treatment/support after the war?
- If yes, did you seek support?
- How is your life situation today?
- How do you think has the society (your community) in Kosova handled the issue of wartime rape?
- What do you think are the reasons for the ways the society (your community) reacted to this issue?
- Do you remember any speech, debate or written piece (political or not) where the issue of wartime rape was discussed in any public domain?
- Have you heard about the amendment of the law on the status of civilian war victims?
- Have you followed the political discussion that preceded the law amendment?
- What does this amendment mean to you?
- How, would you say, has this amendment impacted you?
- Do you think this law has made a difference in how people talk, feel and act upon, about survivors of wartime rape?
- Have you applied for the pension guaranteed by this amendment?
- Can you please describe for me shortly the process of the application and your opinion about it?
- If no: Why did you not apply?
- Are you planning to apply in the future?
- Is there anything that needs to change for you to consider to apply?
- When you hear people in the public domain (television, newspapers, radio, public gatherings etc.) talk about wartime rape what do you think about what they are saying?
- Do you think there are changes in how people (politicians, professionals) talk about wartime rape and the survivors today as compared to the end of the war?
- What do you think of the term “survivor”; “victim” of wartime rape?
- What do you think of the term “heroine”?

- There is a memorial in Prishtina named “Heroines”. What do you know about that?
- Is there anything else that needs to change in Kosova, whether political, cultural or socio-economical in order to improve the situation of wartime rape survivors in Kosova?
- Do you think there is anything that could and should change regarding the application process or the law in general?
- What do you think needs to happen further to address the suffering of the survivors?
- What are your thoughts on what constitutes justice for the survivors of wartime rape?
- Is there anything else you would like to add that we have not covered so far?



Participant Information Sheet (survivors)

Researchers at Nottingham Trent University are exploring on the psychological consequences of war in Kosova and the aftermath of these consequences from the victims' perspective. You are invited to take part in a one-to-one interview lasting up to 90 minutes to discuss your thoughts and understanding on your experience and changes that have happened since the Amendment of the Law on *'The status and the rights of the martyrs, invalids, veterans, members of Kosova liberation army, civilian victims of war and their families* (Law No. 04/L-054; Republic of Kosova)". We will ask questions relating to your experiences of dealing with the consequences of war and challenges you faced in the aftermath of the war.

If this interview is taking place through Skype, we advise that you choose a place you find comfortable and safe to speak freely without interruption from others. We will ensure the same applies to the researcher. We will not interrupt the call but should internet connection be lost during the call; we will do everything to connect back with you as soon as possible. We are happy to provide you with the interview schedule in advance or repeat questions should connection not be very good.

Your participation in the study is voluntary. All the information you provide will be treated confidentially. You are free to withdraw yourself and your data from the study at any point during the interview, or up to four weeks afterwards and there will be no consequences of this for you. The audio recording of the interview will be stored electronically in a password-protected computer to which only the researchers working on the project will have access, and the audio recording will be deleted once the contents of the interview have been transcribed and analysed.

Extracts from your interview may be used in academic publications/reports. However, your individual details and information you provide will be anonymised as required by the UK Data Protection law, and will only be seen by those researchers working directly on the project. If you wish, you are free to withdraw your data from our project up to four week after the interview: to do so, please contact Ardiana Shala (details below). Your personal name and details will be kept anonymous in all publications.

Please note that you will not be explicitly asked any questions that would encourage you to reveal information about illegal activities or evidence of serious risk/harm. However, if you happen to volunteer such information during the course of the interview, it will be reported to the relevant authorities.

This interview will require talking about sensitive issues which might recall stressful experiences. Please, let the researcher know if you feel uncomfortable, would like to skip a question or interrupt the interview. The researcher will accordingly advise you with potential sources of support you can access should you need it around the country so that you can chose the one closest to you.

Medical centre for mental health
St. Henry Dynant, p.n.

10000 Prishtina, Kosova
Tel.: +381 38 542 195; +381 38 542 199; E mail: qshm_pr@yahoo.com
Kosova Rehabilitation Centre for the Torture Victims
St.Hamëz Jashari, No 16/b/2
10000 Prishtina, Kosova
www.krct.org
Tel /Fax + 381 38 220 984; Mobile: +377 (44) 336 304; E-mail: info@krct.org

Medica Gjakova
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Tel.: +381 390 326812; E-mail: medica.gjakova@hotmail.com; info@medicagjakova.org

Medica Kosova
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www.medicakosova.org; Tel.: +381 390 321 139 ; E-mail: medicam_kosova@hotmail.com

Qendra për Promovimin e Drejtave te Grave
Fehmi Xhevë Lladrovci, (ish-objekti i Komunës së vjetër)
Drenas, Kosova
www.qpdg.org
Tel.: +377 44 282 455; E-mail: qendra-drenas@hotmail.com

If you have any questions, regarding the research or interview please do not hesitate to ask any member of the research team.

Thank you very much for your interest in this study!

Ardiana Shala (Lead researcher on the project)
Psychology Division, Nottingham Trent University
50 Shakespeare Street | Nottingham, NG1 4FQ
Tel: +44 (0) 7534169441 / + 377 (0) 44 642 514
E-mail: ardiana.shala2018@my.ntu.ac.uk
Director of Studies: Dr. Blerina Kellezi
Tel: +44 (0) 115 84 84341 E-mail: blerina.kellezi@ntu.ac.uk



Informed Consent Form

1. I agree to participate in this research.
2. I agree for my interview to be recorded with audio recording equipment.
3. This agreement is of my own free will.
4. I have had the opportunity to ask questions about the study.
5. I understand that I may withdraw from the interview at any time without giving a reason.
6. I understand that I may withdraw from the study without giving a reason up to four weeks after the interview.
7. I have been given information with the researcher's name and a contact number and address if I require further information or decide to withdraw my data at a later point.
8. All personal information provided by myself will remain confidential and no information that identifies me will be made publicly available.
9. I agree for part of the interview to be reproduced in academic publications (although my real name and my details will not be revealed).

_____ (Participant Signature)

_____ (Researcher Signature)

_____ (Date)

Ardiana Shala (Lead researcher on the project)
Nottingham Trent University - Psychology Division 50 Shakespeare
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Director of Studies: Dr. Blerina Kellezi
Tel.: +44 (0) 115 84 84341 E-mail: blerina.kellezi@ntu.ac.uk



Debrief

Many thanks for taking part in our study. If you feel that you have been emotionally affected by any of the topics that were discussed in the interview, we recommend contacting following centres and organisations in the following addresses:

Medical centre for mental health

St. Henry Dynant, n.n.

Prishtina, Kosova

Tel.: +381 38 542 195; +381 38 542 199; E mail: qshm_pr@yahoo.com

Kosova Rehabilitation Centre for the Torture Victims

St.Hamëz Jashari, No 16/b/2

Prishtina, Kosova

www.krct.org; Tel /Fax + 381 38 220 984; Mobile: +377 (44) 336 304; E-mail: info@krct.org

Medica Gjakova

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Gjakova, Kosova

Tel.: +381 390 326812; E-mail: medica.gjakova@hotmail.com; info@medicagjakova.org

Medica Kosova

St. Luigj Gurakuqi No. 39

Gjakova, Kosova

www.medicakosova.org; Tel.: +381 390 321 139; E-mail: medicam_kosova@hotmail.com

Interview Schedule: Study 2 -Interview with professionals

- Please can you tell me something about yourself?
- How would you describe the work that you do?
- How would you describe the situation of wartime rape survivors immediately after the war?
- Do you know if there was any place that wartime rape survivors could get therapeutic or psycho-social support after the war?
- What were the main challenges working with (or on the issue of) wartime rape survivors?
- What were in your work experience the biggest difficulties that survivors faced after the war?
- In your work with (or on the issue of) wartime rape survivors have you also worked with (or considered) their families?
- Compared to when you first started working with (or on the issue of) wartime rape survivors what are the most important changes that have occurred during time?
- How would you define their impact on the life of the survivors?
- Have you heard about the law amendment that was passed in 2014?
- Have you followed the political discussion that preceded the law amendment?
- Do you think that the amendment of the law has in any way influenced the public opinion?
- In your opinion, how has the amendment of the law impacted the survivors?
- Please can you describe shortly what the application process entails?
- How do you think is that process impacting the survivors?
- Do you think there is anything that could and should change regarding the application process or the law in general?
- What do you think needs to happen further to improve the situation of wartime rape survivors in Kosova?
- How would you define your role and that of other (governmental or non-governmental) organisations on shaping the public opinion on wartime rape?
- Do you think there are noticeable political changes in relation to wartime rape survivors?
- Do you think that there are noticeable social and cultural changes in relation to wartime rape survivors?
- How would you evaluate the language used in media to discuss the experience of the war in Kosovo, in general?
- How would you evaluate the language used in media to discuss the issue of wartime rape in Kosovo, in particular?
- How would you evaluate the political language addressing the war in Kosovo?
- How would you evaluate the political language addressing the issue of wartime rape in Kosovo?
- When you think about the political language talking about the war in general, what words cross your mind first?
- When you think about the political language talking about the wartime rape survivors in particular, what words cross your mind first?
- When you think about the public language talking about the war in general, what words cross your mind first?

- When you think about the public language talking about the wartime rape survivors in particular, what words cross your mind first?
- How do you see the situation of wartime rape survivors today?
- What do you think of government's strategies to support victims of war?
- What are your thoughts on what constitutes justice for the survivors of wartime rape?
- Is there anything else you would like to add that we have not covered so far?

Participant Information Sheet (professionals)

Researcher at Nottingham Trent University is exploring the understanding of the psychological consequences of wartime rape in Kosova from the professional's perspective. You are invited to take part in a one to one interview lasting up to 90 minutes to discuss your thoughts and understanding on changes that have happened since the end of the war and your experience in working with victims of sexual violence in Kosova. We will ask questions relating to your experiences of working with rape survivor after the war, and challenges you faced in this work.

If this interview is taking place through Skype, we advise that you choose a place you find comfortable and safe to speak freely without interruption from others. We will ensure the same applies to the researcher. We will not interrupt the call but should internet connection be lost during the call we will do everything to connect back with you as soon as possible. We are happy to provide you with the interview schedule in advance or repeat questions should connection not be very good.

Your participation in the study is voluntary. All the information you provide will be treated confidentially. You are free to withdraw yourself and your data from the study at any point during the interview, or up to four weeks afterwards and there will be no consequences of this for you. The audio recording of the interview will be stored electronically in a password-protected computer to which only the researchers working on the project will have access, and the audio recording will be deleted once the contents of the interview have been transcribed and analysed.

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Please note that you will not be explicitly asked any questions that would encourage you to reveal information about illegal activities or evidence of serious risk/harm. However, if you happen to volunteer such information during the course of the interview, it will be reported to the relevant authorities.

This interview will require talking about sensitive issues which might recall stressful experiences. Please, let the researcher know if you feel uncomfortable, would like to skip a question or interrupt the interview. The researcher will accordingly advise you with potential sources of support you can access should you need it around the country so that you can choose the one closest to you.

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If you have any questions, regarding the research or interview please do not hesitate to ask any member of the research team.

Thank you very much for your interest in this study!

Ardiana Shala (Lead researcher on the project)
Psychology Division / Nottingham Trent University
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E-mail: blerina.kellezi@ntu.ac.uk



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

TRANSKRIPT

I MBLEDHJES PLENARE TË KUVENDIT TË REPUBLIKËS SË KOSOVËS, E MBAJTUR
MË 14, 15 DHE 19 MARS 2013

SA PLENARNE SEDNICE SKUPŠTINE REPUBLIKE KOSOVA, ODRJANE 14., 15. I
19. MARTA 2013. GODINE

MARS - MART
2013

Rendi i ditës

1. Koha për deklarime jashtë rendit të ditës,
2. Koha për pyetje parlamentare,
3. Shqyrtimi i amendamenteve 23 dhe 24 në Kushtetutën e Republikës së Kosovës, të propozuara nga Qeveria e Republikës së Kosovës,
4. Zgjedhja e guvernatorit të Bankës Qendrore të Republikës së Kosovës,
- 5. Shqyrtimi i parë i Projektligjit për ndryshimin dhe plotësimin e Ligjit nr. 04/L- 054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre,**
6. Shqyrtimi i parë i Projektligjit për Agjencinë për Krahasim dhe Verifikim të Pronës,
7. Shqyrtimi i parë i Projektligjit për produkte medicinale dhe pajisje medicinale,
8. Shqyrtimi i parë i Projektligjit për trajtimin e ndërtimeve pa leje,
9. Shqyrtimi i parë i Projektligjit për blegtorinë,
10. Shqyrtimi i dytë i Projektligjit për transportin tokësor të mallrave të rrezikshme,
11. Shqyrtimi i dytë i Projektligjit për ujërat e Kosovës,
12. Shqyrtimi i dytë i Projektligjit për Agjencinë për Menaxhimin e Komplekseve Memorialë të Kosovës.

[...]

5. Shqyrtimi i parë i Projektligjit për ndryshimin dhe plotësimin e Ligjit numër 04/L- 054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre

Në bazë të nenit 56 të Rregullores së Kuvendit, Komisioni Funkcional e ka shqyrtuar Projektligjin dhe Kuvendit ia ka rekomanduar miratimin e këtij projektligji.

E ftoj deputeten Albanë Gashi, që në emër të Grupit Parlamentar të Lëvizjes “Vetëvendosje”, propozuese, para deputetëve të Kuvendit ta paraqesë dhe arsyetojë projektligjin.

ALBANA GASHI: Faleminderit, kryetar!

Më lejoni që sot para jush ta paraqes për miratim në parim Projektligjin për ndryshimin dhe plotësimin e Ligjit numër 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre.

Më 21 mars të vitit 2000, organizata joqeveritare humanitare amerikane Human Rights Watch e ka publikuar një raport 37 faqesh, ku janë përshkruar rastet e dhunimeve gjatë luftës në Kosovë në vitet 1998-1999 dhe e ka dhënë shifrën prej 20 mijë personave që janë dhunuar gjatë kësaj periudhe.

Mirëpo, fatkeqësisht, këto raste nuk janë trajtuar asnjëherë deri vitin e kaluar, pra më 9 mars 2012, kur u mbajt një debat parlamentar për nder të 8 Marsit, Ditës Ndërkombëtare të Gruas, kur është debatuar gjerë e gjatë për pozitën e gruas në Kosovë, me ç'rast është diskutuar edhe për rastet e personave që janë viktimat të abuzimit seksual dhe dhunimit gjatë luftës së fundit.

Në fund të debatit, Kuvendi i ka miratuar disa rekomandime, ku ndër të tjera është kërkuar edhe trajtim i veçantë institucional i këtyre rasteve.

Më tej, më 4 tetor 2012, në Prishtinë, është mbajtur Samiti Ndërkombëtar i Gruas, ku po ashtu është dalë me disa rekomandime, duke u thirrur në disa konventa ndërkombëtare, duke përfshirë këtu edhe Konventën për eliminimin e të gjitha formave të diskriminimit ndaj gruas. Ky është po ashtu një dokument, i cili është votuar në Kuvendin e Republikës së Kosovës.

Këto rekomandime i kanë hapur rrugë nismës sonë për plotësim-ndryshimin e Ligjit nr. 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre.

Arsyeja se pse kemi kërkuar plotësim-ndryshimin e ligjit aktual dhe jo hartimin e një ligji të veçantë është për shkak se kjo është kërkesë e vetë kësaj kategorie. Ato janë produkt i luftës sikur kategoritë tjera dhe nuk duan trajtim të veçantë nga ta, gjë që do bënte që këta persona edhe më tej të jenë të stigmatizuar nga shoqëria.

Ligji aktual nuk përfshin edhe viktimat e abuzimit seksual e të dhunimit. E drejta themelore e tyre është e drejta për t'u njohur si viktimat dhe më pastaj të konsiderohen edhe detyrime tjera institucionale pas evidentimit.

Përdhunimi është formë e krimit kundër njerëzimit. Statuti i Gjykatës Ndërkombëtare të Hagës, i miratuar nga Këshilli i Sigurimit të OKB-së i sanksionon torturën dhe përdhunimin si forma të rënda të krimit kundër njerëzimit. Statuti i kësaj gjykate për herë të parë në historinë e njerëzimit e njeh përdhunimin si krim të luftës dhe krim kundër njerëzimit.

Ky projektligj ka për qëllim njohjen e statusit të viktimave të abuzimit seksual e të dhunimit si kategori e veçantë e viktimave civile të luftës.

Ky projektligj është hartuar në pajtueshmëri me standardet ndërkombëtare dhe kombëtare. Ndryshimet e bëra janë harmonizuar me konventat ndërkombëtare të të drejtave të njeriut, me theks të veçantë të të drejtave të viktimave seksuale gjatë luftës. Këto konventa janë:

- Konventa ndërkombëtare për eliminimin e të gjitha formave të diskriminimit të gruas,
- Rezoluta e Këshillit të Sigurimit të OKB-së 1325, 1820 dhe
- Kushtetuta e Republikës së Kosovës.

Prandaj, ky plotësim vetëm sa do ta kompletonte infrastrukturën ligjore në respektimin e të drejtave njerëzore të të gjitha kategorive të prekura nga lufta në Kosovë.

Propozimi është që titullit të ligjit aktual në fuqi t'i shtohet edhe kategoria e personave të dhunuar gjatë luftës dhe më tej të inkorporohet ajo kategori në nene. Pra, projektligji të quhet Ligji për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, personat e dhunuar gjatë luftës dhe viktimave civile dhe për familjarët e tyre.

Ky projektligj ka gjithsej 10 nene dhe në fund i është bashkangjitur edhe shtojca ku është paraparë lartësia e pensioneve për secilën kategori të prekur nga lufta, duke përfshirë këtu edhe kategorinë e personave të dhunuar.

Sigurisht që ne presim vërejtjet dhe sugjerimet tuaja për këtë projektligj, në mënyrë që ato më pas ato të dërgohen në Komisionin Funkcional si amendamente.

Deputetë të Kuvendit të Republikës së Kosovës,

Ju bëj thirrje në emër të tyre që ta përkrahni këtë projektligj, sepse e kemi për detyrë që nëpërmjet këtij ligji të njihet krimi ndaj tyre e t'u lehtësohet vuajtja, t'u ofrohet përkrahja institucionale dhe shoqërore, gjë për të cilën kjo kategori ka nevojë më së shumti. Faleminderit!

KRYETARI: Fjalën e ka kryetari i Komisionit FunkSIONAL për Shëndetësi, Punë dhe Mirëqenie Sociale, deputeti Fikrim Damka.

FIKRIM DAMKA: Faleminderit, i nderuar kryetar,

Komisioni për Shëndetësi, Punë dhe Mirëqenie sociale, në bazë të Rregullores së Kuvendit dhe vendimit të Kryesisë së Kuvendit të datës 28 janar 2013, në mbledhjen e mbajtur më 27 shkurt 2013, e shqyrtoi në parim Projektligjin për ndryshimin dhe

plotësimin e Ligji 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve dhe pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile të luftës dhe për familjarët e tyre dhe vendosi që Kuvendit t'i paraqesë këtë rekomandim:

Të mos miratohet në parim Projektligji për ndryshimin dhe plotësimin e Ligjit 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve dhe pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile të luftës dhe për familjarët e tyre.

Komisioni, në pajtim me Rregulloren e Kuvendit, diskutoi për Projektligjin për miratim në parim dhe konstatoi se Projektligji i propozuar e trajton një çështje të ndjeshme dhe shumë komplekse dhe nuk ofron një zgjidhje të plotë të problematikës së trajtuar.

Për hartimin e projektligjit nuk janë bërë analiza gjithëpërfshirëse të çështjes dhe ka mungesa të dhënash për numrin e saktë të përfituesve nga miratimi i këtij projektligji.

Komisioni nuk e përkrah projektligjin në formën siç është hartuar, prandaj kërkon një analizë më gjithëpërfshirëse në gjetjen e një zgjidhjeje për këtë projektligj. Faleminderit!

KRYETARI: Edhe Komisioni për Buxhet dhe Financa e ka një rekomandim.

SAFETE HADËRGJONAJ: Faleminderit, kryetar!

Kabinet qeveritar,

Të nderuar deputetë,

Komisioni për Buxhet dhe Financa, edhe pse nuk është Komision FunkSIONAL, në këtë rast është i ngarkuar nga Kryesia që ta bëjë shqyrtimin e Projektligjit për plotësim-ndryshimin e Ligjit numër 04/L-054 për statusin e të drejtave të dëshmorëve, invalidëve, veteranëve dhe pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre, prandaj e ka respektuar këtë vendim dhe e ka shqyrtuar.

Thënë të drejtën, në raste të tilla je edhe në dilema të mëdha se si të veprësh dhe si të bësh, meqenëse është një kategori e ndjeshme e shoqërisë sonë dhe ndoshta kjo shoqëri i ka obligim kësaj kategorie që ka pësuar gjatë luftës së fundit, megjithatë Komisioni për Buxhet dhe Financa e shqyrton koston financiare, implikimet buxhetore

që mund të ketë projektligji në këtë vit dhe dy vjetët e ardhshme, prandaj me kujdes të madh e ka shqyrtuar në mbledhjen e mbajtur më 20.3.2013 dhe ka ardhur në përfundim se ky projektligj përmban implikime buxhetore shtesë dhe për zbatimin e tij në periudhën trevjeçare 2013-2015 kërkohen mjete buxhetore shtesë në vlerën 216 milionë euro, çka do të thotë se për çdo vit janë të parapara diku 74 milionë euro buxhet shtesë për këtë kategori, siç është rregulluar problematika e saj në projektligj.

Po ashtu, mungesa e të dhënave për numrin e përfituesve nga ky projektligj krijon paqartësi financiare dhe mund të ketë ndikim në rritjen e kostos buxhetore për zbatimin e ligjit.

Duke pasur parasysh faktin se projektligji prodhon kosto shtesë të lartë buxhetore, e cila nuk është e përfshirë në Ligjin për Buxhetin e Republikës së Kosovës për vitin 2013, por njëkohësisht nuk është e përfshirë as në kornizën afatmesme të shpenzimeve për vitin 2013-2015, mungesa e të dhënave për numrin e përfituesve nga ky projektligj, që ndikon në vlerësimin e saktë të ndikimit buxhetor në zbatimin e këtij ligji, Komisioni ka vlerësuar se miratimi i këtij ligji do të jetë i pazbatueshëm në të ardhmen, prandaj rekomandimi është që të mos votohet.

KRYETARI: Radha është e kryetarëve të grupeve parlamentare. Në emër të Partisë Demokratike, fjalën e ka kërkuar Flora Brovina.

FLORA BROVINA: Faleminderit, kryetar!

Përshëndetje të gjithëve!

Grupi ynë Parlamentar i ka shqyrtuar amendament e ardhura për Ligjin për të drejtat e familjeve të dëshmorëve, për të drejtat e invalidëve të luftës, veteranëve të Ushtrisë Çlirimtare të Kosovës dhe familjeve të personave të zhdukur ose të pagjetur, si dhe viktimave civile.

Ne këtë ligj e kemi pasur në dorë dhe temën të cilën po e debatojmë sot e kemi diskutuar edhe në kuadër të komisionit, sepse kemi parë se në veçanti, krahasuar me ligjin paraprak, para se të ndryshohet ligji totalisht, ka ekzistuar fjala „abuzimet e luftës“, ndërsa në këtë ligj kjo fjalë nuk ekziston. Mirëpo, edhe kështu siç ishte, Ligji për veteranët e luftës, siç thuhet shkurt, ka implikime të mëdha buxhetore dhe si i tillë ka pasur mjaft kontroll gjatë shqyrtimit të tij dhe nxjerrjes përfundimtare. Ne kemi qenë të monitoruar nga organizatat që e kontrollojnë Buxhetin e Kosovës, sepse është një ligj që vërtet e tejngarkon atë për këto kategori të veçanta. Natyrisht, ne kurrë nuk mund t'ua kthejmë atyre kontributin për lirinë, por edhe kapacitetet buxhetore të Qeverisë sonë të re janë të limituara.

Do të ndalem në disa çështje, për të cilat është kërkuar të kemi të dhëna të sakta kur e nxjerrim ligjin, e këto janë të dhënat e sakta për dëshmorët, për numrin e tyre, për numrin e veteranëve dhe e dimë se kjo është në fazë të them përfundimtare ose e numërimit të veteranëve dhe klasifikimit real të tyre të pjesëmarrjes në luftë, pastaj numrin e saktë të invalidëve të luftës, numrin e saktë të pengjeve të luftës, numrin e saktë të të zhdukurve dhe viktimave civile. Natyrisht që edhe personat e abuzuar gjatë

luftës dhe që kanë pësuar dhunë seksuale meritojnë t'i kenë të drejtat e veta, njësoj si të gjithë të tjerët që kanë pësuar nga lufta.

Por, po e shohim se çfarë po ndodh me numrin e veteranëve. Ne e kemi një shifër të paparaparë të veteranëve, e cila duhet të verifikohet se sa është e saktë dhe sa mund ta bartë këtë pasojë dhe këtë numër, që të shpërblehen ata që e meritojnë.

Sipas statistikave për personat e dhunuar dhe të abuzuar gjatë luftës, ekzistojnë statistika shumë të çuditshme dhe të ndryshme. Këto statistika janë nga organizatat ndërkombëtare që kanë vepruar për një kohë të gjatë në Kosovë, e ky numër është prej 20 000 deri në 40 000, dhe ne nëse flasim për këto shifra e shohim se sa të papërgatitur jemi për ta bërë një ndryshim-plotësim të ligjit dhe ta kemi edhe pasqyrën reale të buxhetit për këtë çështje.

Megjithatë, abuzimi seksual i personave për shkak të përkatësisë së tyre kombëtare, sigurisht që është një plagë që e dëmton shëndetin dhe jo vetëm atë, por edhe tërë familjen, dhe plagë e cila nuk shërohet deri në vdekje të tyre.

Ne e dimë se kjo çështje është shpallur edhe si krim ndaj njerëzimit dhe po dënohet edhe në gjykatat ndërkombëtare.

Nëse ekziston mendimi që të merren parasysh, kjo varet nga vota që do të jepet dhe vota mund të jetë e lirë, në shqyrtim kjo çështje do t'i takojë Komisionit për Punë dhe Mirëqenie Sociale dhe natyrisht kërkon një punë shumë të angazhuar dhe jo në këtë formë se si është sjellë ky propozim dhe kryesisht duhet të mbështetet në statusin e viktimave në bazë të abuzimit dhe dhunimit seksual.

Ç'është e vërteta, edhe në ligjet paraprake, këta persona kanë pasur mundësi që të kategorizohen në këto kategori që i përmendëm dhe kryesisht ndoshta viktimat civile të luftës t'i përfitojnë të drejtat e veta. Duke e marrë këtë parasysh dhe përvojën personale timen, konstatoj se një numër shumë i vogël prej tyre ka përfituar nga ligji paraprak.

Fatkeqësisht, Bosnja e ka nxjerrë ligj të veçantë për personat e abuzuar gjatë luftës, por numri është shumë simbolik, krahasuar me numrin real të grave dhe personave seksualisht të abuzuar.

Prandaj, kërkoj që së pari, nëse u jepet një e drejtë, atëherë është pikërisht pranimi që këto gra janë abuzuar gjatë luftës si një kategori e veçantë e viktimave të luftës. Dhe, pranimi që në mesin e tyre ka një numër shumë të madh, dhe duhet konstatuar sa është ky numër i grave, i vajzave, burrave dhe, fatkeqësisht, edhe i fëmijëve. E përsëris, fatkeqësisht, edhe i fëmijëve!

Duhet dëshmuar dhe duhet konstatuar se çfarë dokumentesh duhet të kërkohen për ta vërtetuar këtë abuzim dhe 15 vjet pas luftës të themi se ky është një krim ndaj njerëzimit, që ndodhi edhe në Kosovë në kohën e luftës. Faleminderit!

KRYETARI: Deputetja Nazane Breca e ka fjalën.

NAZANE BRECA: Faleminderit!

I nderuar kryetar,

Kabinet qeveritar,

Të nderuar deputetë,

Projektligji për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtat e dëshmorëve, të invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile dhe për familjarët e tyre është një projektligj shumë i rëndësishëm, sepse ka të bëjë me trajtimin e një kategorie shumë të ndjeshme të shoqërisë sonë.

Ne si LDK, në parim jemi që kjo kategori e shoqërisë sonë të trajtohet me seriozitet dhe me anë të ligjit t'i fitojë beneficionet e merituar.

Projektligji të cilin ne e kemi para vetes ka shumë zbrazëtira dhe mangësi mu për shkak të asaj se ende nuk dihet numri i saktë i atyre që do të përfitonin nga ai. Për shkak të këtyre mangësive dhe zbrazëtirave, ky projektligj nuk ka kaluar edhe në Komisionin për Shëndetësi, Punë dhe Mirëqenie Sociale në parim dhe mendojmë që ka vërejtje edhe prej komisioneve tjera, andaj mendojmë që duhet të kthehet, të plotësohet dhe kjo kategori të trajtohet më me seriozitet për t'i marrë beneficionet e merituar, e pastaj i plotësuar të na vijë për miratim.

Duhet që me kohë të ndahet një vijë buxhetore, në mënyrë që kjo kategori të trajtohet ashtu siç duhet. Faleminderit!

KRYETARI: Në emër të Lëvizjes "Vetëvendosje", Albulena Haxhiu e ka fjalën.

ALBULENA HAXHIU: Faleminderit, kryetar!

Viktimat e dhunës seksuale gjatë luftës së fundit në Kosovë ka kohë që presin njohjen ligjore të statusit të tyre.

Në luftën e fundit në Kosovë, si pjesë e strategjisë së regjimit serb ishte edhe dhunimi seksual, si armë e luftës, sepse në këtë mënyrë regjimi serb e sulmonte qenien tonë kolektive dhe shoqërore në të gjitha dimensionet e mundura.

Këto krime shpesh kryheshin edhe në praninë e familjarëve, në sy të të cilëve po e përdhosnin dinjitetin njerëzor, ku po i nëpërkëmbnin familjet shqiptare nëpërmjet akteve të tilla.

Ndaj personave të dhunuar gjatë luftës është kryer krim i dyfishtë. Krimi i parë ndaj këtyre personave, qofshin vajza, gra apo edhe burra, ka ndodhur në momentin e dhunimit të tyre nga forcat policore, ushtarake e paramilitare të Serbisë. Ndërsa, krimi i dytë ndaj këtyre personave është bërë pas luftës nga institucionet relevante, që në vend të përkrahjes, e kanë heshtur këtë.

Pra, heshtja e krimit përbën krim të ri. Këtu bëjmë pjesë edhe ne, si shoqëri. Duam ta heshtim, sepse e konsiderojmë turp, e kështu krimin e forcave të Serbisë e mbulojmë në heshtje.

Në këtë sens, kjo heshtje shoqërore, politike dhe institucionale vazhdon ta përbëjë mallkimin kryesor të tyre, duke i lënë këto viktime në një situatë pa shtegdalje.

Ato mbeten pa përkrahje, të braktisura në shumë drejtime, madje, siç kanë pohuar disa aktiviste të shoqërisë civile, që u morën me trajtimin e këtyre rasteve, nga shumë prej tyre ishte kërkuar që edhe t'i braktisnin fëmijët e burrat, e të tjera ishin braktisur nga ta, kurse shoqëria ua kishte kthyer shpinën, vetëm pse ishin viktime të përdhunimit.

Para dy javësh, në emisionin "Anima" janë intervistuar disa nga këto viktime të komunës së Drenasit. Dhe, a mund ta imagjini sesi jeton një grua e cila është dhunuar, së cilës ia kanë vrarë burrin dhe e vetme e me shumë plagë e trauma, e përqeshur, e nënçmuar dhe e izoluar, përpiqet t'i rrisë dy fëmijë në një gjendje të rëndë ekonomike. Ato, të cilat mbijetuan, vuajnë tashmë nga sëmundje të ndryshme shëndetësore, vuajnë nga depresioni, steriliteti i përjetshëm, problemet me veshkat, dhimbjet e vazhdueshme të kokës, por jo vetëm kaq.

Ne e kemi iniciuar këtë projektligj dhe është shumë e rëndësishme që i njëjti ta ketë përkrahjen tuaj, të nderuar deputetë, mirëpo vetëm kjo nuk mjafton. Duhet njëherë e mirë ta sqarojmë me veten tonë se fatkeqësia e tyre është fatkeqësi e secilit prej nesh, sepse u ndodhi vetëm e vetëm në emër të të qenët shqiptare.

Plagët në zemrat e tyre janë të pashërueshme, por së paku le të jemi solidarë dhe t'ua zgjatim dorën për të ecur bashkërisht drejt të ardhmes. Le t'ua bëjmë me dije se ne e ndajmë fatin e përbashkët. Le t'u ndihmojmë që drejtësia të vihet në vend.

Kategoria e personave të dhunuar gjatë luftës duhet të normohet, pasi kjo paraqet krim kundër njerëzimit.

Në fund, dua të jua bëj me dije, që sipas informacioneve që i kemi të konfirmuara tashmë, Parlamenti Evropian në raportin e ardhshëm mbi të drejtat e grave në Ballkan, kërkon nga shtetet përmirësimin e pozitës së gruas, ndërkaq një amendament i veçantë është për Kosovën, i cili rekomandon institucionet e Kosovës që ta amandamentojë Ligjin për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, personave të dhunuar gjatë luftës, viktimave civile të luftës dhe për familjarët e tyre dhe njohjen e statusit të grave të dhunuara gjatë luftës.

Si shoqëri e kemi për obligim moral kthimin e dinjitetit njerëzor dhe përkrahjen institucionale për këto kategori. Ju ftoj që ta votoni këtë projektligj. Faleminderit!

KRYETARI: Në emër të Aleancës për Ardhmërinë e Kosovës, Time Kadrijaj e ka fjalën.

TIME KADRIJAJ: Faleminderit, kryetar!

Të nderuar deputetë,

Sipas dy komisioneve, në të cilat është trajtuar ky projektligj, edhe Komisioni i Shëndetësisë, por edhe Komisioni për Buxhet e Financa e kanë dhënë rekomandimin që ky projektligj të mos kalojë.

Arsyet pse janë dhënë këto rekomandime është sepse kanë kosto buxhetore, në njërin anë, dhe, në anën tjetër, ky projektligj nuk është hartuar ashtu siç duhet dhe nuk është shumë konkret, në mënyrë që kjo kategori të trajtohet ashtu siç e meriton.

Ne si Grup i Aleancës e kemi trajtuar këtë projektligj dhe jemi që ky ligj sot të kalojë në parim për shkak se nuk është e drejtë që kësaj kategorie t'u mohohet e drejta për gëzimin e benificioneve dhe trajtimin institucional nga Qeveria e Kosovës. Mirëpo, meqenëse edhe në projektligj është paraparë krijimi i komisionit, është një e mirë, sepse në këtë komision do të ekzistojë mundësia e regjistrimit të kësaj kategorie të grave dhe në mënyrë ekzakte të dihet numri i grave të dhunuara gjatë luftës, e më pas të vazhdohet me procedurat tjera të trajtimit dhe të kompensimit, ashtu siç e meritojnë.

Ne do ta përkrahim në parim këtë projektligj.

KRYETARI: Në emër të Koalicionit për Kosovë të Re, Gëzim Kelmendi e ka fjalën.

GËZIM KELMENDI: Faleminderit, i nderuar kryetar!

I nderuar Kabinet qeveritar,

Të nderuar deputetë,

Projektligji, i cili ka ardhur në procesim në Kuvendin e Kosovës, pa dyshim se i trajton kategoritë më të ndjeshme të vendit tonë, njëkohësisht edhe kategorinë e cila e ka dhënë kontributin më të çmueshëm për lirinë e këtij vendi.

Sa i përket kësaj të dytës, do të thotë dëshmorëve të rënë dhe invalidëve të luftës në vitin e kaluar, ne si komision, mendoj në përgjithësi, pa dallim nga grupet parlamentare, kemi qenë unikë dhe e kemi dhënë kontributin tonë, dhe e kemi dhënë fjalën përfundimtare me atë rast, duke u munduar dhe duke e amendamentuar ligjin e tillë në favor të veteranëve, dëshmorëve dhe invalidëve të luftës.

Por, arsyetimet e Bankës Botërore dhe të Fondit Monetar Ndërkombëtar dhe kostoja buxhetore e atij ligji, me arsyetimin bazë, do të thotë me vend, arsyetim me vend në mungesë të numrit real të kategorisë së tillë, kanë bërë që ato amendamente nga komisioni të shfuqizohen dhe më pas ligji të kalojë si i tillë, qysh e ka formën në lexim në parim nga Qeveria.

Përndryshe, ne e dimë që komisioni aktual në kuadër të Qeverisë së Republikës së Kosovës është duke e kryer punën e tij, është duke e identifikuar dhe konstatuar numrin e saktë, faktikisht duke e regjistruar numrin e veteranëve, e më pas do të dalë me të dhëna zyrtare se sa është numri i saktë i atyre që kanë marrë pjesë në Ushtrinë Çlirimtare të Kosovës.

Por, sa i përket kategorisë tjetër që përmendet në këtë projektligj, do të thotë viktimave civile, konkretisht grave të dhunuara gjatë luftës, unë nuk besoj që në Kuvendin e Republikës së Kosovës ka ndonjë deputet, ka grup parlamentar që është kundër që t'i ndihmohet kësaj kategorie të ndjeshme, e cila ka pësuar gjatë luftës në Kosovë.

Por, poenta është që të gjendet vërtet saktë, të evidentohet numri i atyre të cilët kanë pësuar nga kjo luftë, e kur jemi te evidentimi i saktë i tyre, unë mund të them me përgjegjësi të plotë morale, si mjek profesionist, është shumë vështirë të vërtetohet një numër i tillë për faktin se nuk ka ekspertizë ligjore gjinekologjike dhe obstetrike, e cila e vërteton saktë se sa ka qenë numri i tyre.

Ky është një fakt tjetër, që na bën të mendojmë përballë këtij ligji, e para. E dyta, e dimë se pjesa dërrmuese e gjinisë femërore, që ka pësuar gjatë luftës në Kosovë, ka ngurrar dhe vazhdojnë të ngurrojnë të dokumentojnë se ato kanë qenë pjesë e këtij krimi në Kosovë.

Prandaj, duke i pasur parasysh këta dy faktorë, mungesën e regjistrimit të saktë të tyre dhe ngurrimin e tyre që të deklarojnë se kanë qenë vërtet të dhunuara, bën që ne si deputetë të hamendemi dhe të mendojmë pak më larg se kujt në fakt po dëshirojmë t'i ndihmojmë, kujt dëshirojmë t'i çojmë me një fjalë popullore, siç thotë populli ujë në mulli, për faktin se nëse ne e legjitimojmë një ligj të tillë, duke menduar t'u ndihmojmë atyre dhe në fakt nuk u ndihmojmë atyre, se ato nuk po deklarohen, po ngurrojnë të dalin dhe ta marrin ndihmën. Me këtë fakt ne dihet shumë mirë se politikisht po e dëmtojmë kauzën tonë, po e dëmtojmë vendin tonë për faktin se, ne të gjithë e dimë, fatmirësisht edhe opinioni ndërkombëtar e di që në Kosovë ka pasur gjenocid, ka pasur krime, deportime dhe ka pasur dhunime masive seksuale, por me këtë ligj ne do të hapim dyer tjera, të cilat do ta disfavorizojnë situatën tonë politike përballë faktorit ndërkombëtar, duke menduar që do t'i ndihmojmë kësaj kategorie dhe, në fakt, nuk kemi mundësi që t'i ndihmojmë për faktin siç e përmenda më herët, kjo kategori, konkretisht pjesa dërrmuese e gjinisë femërore, që kanë pësuar gjatë luftës, po ngurrojnë të deklarohen dhe ka metodë, apo nuk ka metoda ekzakte për ekzaminimin e vërtetë të tyre.

Unë si deputet i Koalicionit për Kosovë të Re, në parim jam që të formohet një komision brendaqeveritar me evidentimin e saktë të tyre. Prapë po them, është shumë vështirë të evidentohen, por fillimisht të bëhet e njëjta procedurë siç është

duke ku bërë me dëshmorët dhe invalidët e luftës, të evidentohet saktë numri i tyre dhe atëherë të gjenden mundësitë dhe ligji që ata të ndihmohen, për faktin se nëse në këtë rast kalon ky ligj, atëherë pa dyshim do të dëmtohet kauza e vendit tonë, do të dëmtohem politikisht para opinionit ndërkombëtar dhe kjo nuk do t'u bëjë nder atyre, po as vetes si shoqëri. Faleminderit!

KRYETARI: SLS, nuk është lajmëruar. "6+" gjithashtu. Tani e kanë radhën deputetët.

Kemi të lajmëruar 8 deputetë. Blerta Deliu-Kodra e ka fjalën.

BLERTA DELIU-KODRA: Faleminderit, kryetar!

Përshëndetje i nderuar Kabinet qeveritar,

Të nderuar kolegë deputetë,

Ndoshta fjala ime do të lidhet konkretisht me fjalën e zotit Kelmendi për shkak se edhe unë jam në të njëjtën vijë me atë që u tha paraprakisht këtu.

Unë mendoj që ne si shoqëri ende nuk kemi statistika të sakta lidhur me viktimat civile të luftës së fundit në Kosovë për shkak se çdo vit variojnë shifra, të cilat ende nuk janë të evidentuara si shifra të sakta të viktimave civile që janë të prekura nga lufta e fundit në Kosovë.

Prandaj, ajo që unë sot dua të them është që të apeloj te shoqatat që t'i ofrojnë të dhënat dhe të gjitha ato institucione që janë marrë me këtë kategori të ndjeshme të shoqërisë të ofrojnë të dhëna të sakta, në mënyrë që ne të kemi mundësi që kësaj kategorie t'i dalim në ndihmë. Edhe ideja ime është që të formohet një komision brenda Qeverisë për shkak se kam frikë që duke u munduar ta bëjmë një ligj dhe vërtet t'i ndihmojmë kësaj kategorie të shoqërisë, mos po ndikojmë që ky numër i këtyre të rritet për shkak se fatkeqësisht kemi shumë pak viktime, të cilat janë deklarohen se janë viktime civile të luftës së fundit në Kosovë. Kjo është fjala ime. Faleminderit!

KRYETARI: Fjalën e ka deputetja Vjosa Osmani.

VJOSA OSMANI: Faleminderit, i nderuar kryetar!

Unë do të flas shumë shkurt vetëm për dy çështje dhe po flas në emrin tim personal, do të thotë si deputete, e nuk shpreh ndonjë qëndrim të partisë.

Çështja e parë që duhet të sqarohet, sepse i dëgjova një numër deputetësh duke thënë se domosdoshmërisht duhet të përcaktohet numri dhe pastaj të miratohet ligji. Në fakt, nuk funksionon ashtu. Një herë miratohet ligji, pastaj krijohen mekanizmat, siç janë komisionet, shembull, të cilat e përcaktojnë numrin e saktë dhe statistikat e sakta.

Nuk mund asnjë organ qeveritar të veprojë pa ekzistuar baza ligjore për përcaktimin e këtij numri, prandaj unë personalisht e përkrah ekzistimin e këtij ligji.

E dyta, në qoftë se flasim për praktikën ndërkombëtare, këtu do të lidhem me diçka që u përmend më herët lidhur me vërtetimet mjekësore. Zoti kryetar, Tribunali Ndërkombëtar i Hagës, zonjave që kanë dëshmuar si qytetare të Kosovës për dhunimet ndaj tyre, nuk u ka kërkuar vërtetime mjekësore. Prandaj, ne duhet ta kemi parasysh këtë praktikë ndërkombëtare.

Ky është një krim, të cilin nuk duhet ta harrojmë. Ky është një krim të cilin Kosova duhet ta përmendë çdo kund, se Serbia e ka kryer në raport apo ndaj qytetarëve të Kosovës në luftën e fundit që u bë. Faleminderit!

KRYETARI: Deputetja Alma Lama e ka fjalën.

ALMA LAMA: Faleminderit zoti kryetar!

Të nderuar deputetë,

Unë jam shumë e shokuar dhe e çuditur se si disa deputetë të Kuvendit të Kosovës ia lejojnë vetes të flasin me një gjuhë të tillë, ta mohojnë një krim tepër të shëmtuar, ndoshta krimin më të tmerrshëm që ka ndodhur në Kosovë gjatë luftës, por krimin i cili ka qenë edhe më i tmerrshëm sa i përket mënyrës se si janë trajtuar këto gra.

Nuk e di se ku këta deputetë e marrin guximin dhe thonë që mos të abuzohet, të mos dalin me qindra-mijëra gra dhe të deklarohen në mënyrë të rrejshme se qenkan të dhunuara. A jetojnë në Kosovë këta deputetë, apo jo? A kanë folur ndonjëherë me ndonjë grua të dhunuar gjatë luftës?

Ju garantoj se duhet të punohet shumë e shumë me ato gra, në mënyrë që ato ta krijojnë një lloj besimi për ta rrëfyer historinë e tyre dhe për të përfituar. Në rast se këto gra do të ishin nga ato që vrapojnë për të përfituar, me siguri se këtë do ta kishin bërë shumë më përpara. E vërteta është që ato ngurrojnë, janë të diskriminuara nga shoqëria, janë të diskriminuara nga paragjykimet e kësaj shoqërie dhe, mbi të gjitha, janë të diskriminuara nga institucionet, të cilat deri më sot nuk kanë bërë asgjë.

Nuk e shoh të rastit që edhe në ligjin, i cili u përgatit për viktimat e luftës, nuk u fut kjo kategori.

„Anapullat“ e tilla, si krijime komisionesh e tjera, pse nuk u bënë këto më përpara, përpara se të miratohej Ligji për invalidët e luftës? Është e njëjta procedurë që duhet të ndiqet. Sot e shohim një komision në të cilin vrapojnë me qindra-mijëra njerëz, të cilët pretendojnë se janë veteranë të UÇK-së, ndërkohë është e habitshme se si një kategori kaq të diskriminuar t'i mohohet e drejta që së paku të përfitojë diçka të

vogël financiarisht, e cila kurrsesi nuk ua kompenson dhimbjen dhe humbjen e madhe që i kanë pësuar këto viktime. Faleminderit!

KRYETARI: Fjalën e ka deputetja Suzan Novobërdaliu.

SUZAN NOVOBËRDALIU: Faleminderit, kryetar!

Të nderuar deputetë,

Të nderuar ministra,

Më lejoni fillimisht të ju informoj se flas në emrin tim personal dhe në këtë çështje distancohem nga qëndrimi i Grupit tim Parlamentar dhe qysh në fillim dëshiroj të them se dëshiroj të jua lexoj arsyetimin e Komisionit për Shëndetësi, Punë dhe Mirëqenie Sociale, i cili propozon që këtë projektligj të mos ta votojmë dhe i cili e arsyeton vendimin e tij, duke thënë se projektligji i propozuar e trajton një çështje të ndjeshme dhe shumë komplekse dhe nuk ofron një zgjidhje të plotë të problematikës së trajtuar.

Natyrisht se kjo është një çështje shumë e ndjeshme dhe shumë komplekse. Por, ne duhet ta trajtojmë, ta shqyrtojmë dhe të gjejmë zgjidhje. Ne për atë edhe jemi këtu, jemi institucion legjislativ dhe duhet të punojmë në këtë drejtim.

Unë personalisht kam kontakte me gratë të cilat janë viktime dhe kanë qenë të dhunuara gjatë luftës dhe sikur të kishit pasur edhe ju kontakte me ta, atëherë me siguri se do ta kishit pranuar këtë propozim të paraqitur nga Lëvizja "Vetëvendosje".

Gjendja e tyre shëndetësore, gjendja e tyre psikike tregon se kanë nevojë për ndihmë urgjente, e jo që ky ligj aq i rëndësishëm, apo të them ky propozim-projektligj të anashkalohej në këtë mënyrë, qysh e shoh unë në këtë sallë që është kah mundohet të bëhet, që të mos votohet.

U tha këtu se nuk ekziston numri i saktë i femrave të dhunuara, ku ka edhe burra besa, e numrin e saktë, nëse na shohin nëpërmjet televizionit, natyrisht se nuk do ta kemi asnjëherë, sepse po shihet që nuk ekziston përkrahja për to dhe natyrisht se do të hezitojnë të lajmërohen. E dyta, u tha se nuk ka metodë ekzakte për ekzaminimin e dhunimit, me çka nuk pajtohem. Është pak më vështirë të dëshmohet, mirëpo mund të dëshmohet nëpërmjet dëshmitarëve, prandaj një deklaratë e tillë nuk qëndron, apo një arsyetim për të mos u votuar ky projektligj nuk qëndron.

Prandaj, në këtë drejtim mendoj se është dhënë një propozim i qëlluar, mendoj se duhet ta përkrahim dhe unë personalisht do ta përkrah këtë propozim-projektligj. Faleminderit!

KRYETARI: Fjalën e ka deputeti Nait Hasani.

NAIT HASANI: Faleminderit, kryetar!

Përsëndetje ministre,

Vërtet, Kuvendi i Kosovës ka trajtuar shumë çështje të rëndësishme, po një nga më të rëndësishmet është edhe çështja e dhunës seksuale, që është bërë gjatë luftës nga policia dhe ushtria serbe, prandaj të kërkohet që të mos mbështetet kjo kategori është një absurditet i llojit të vet, që e bën edhe Kuvendi në këtë radhë. Deputetët, të cilët nuk e tregojnë ndjeshmërinë, as përgjegjësinë e tyre, po ikin ndoshta në rrethana të caktuara politike, por megjithatë duhet të trajtohet kjo çështje, sepse ne kemi të bëjmë me një kategori shumë të ndjeshme të dhunës seksuale, që është bërë ndaj motrave, nënave e grave tona, prandaj ne mund të falim shumë sende, mund t'i falim Serbisë shumë sende, por nuk mund t'ia falim dhunën seksuale që na e ka bërë dhe torturat që i ka bërë ndaj nesh.

Prandaj, unë e mbështes iniciativën që edhe kjo kategori të mbrohet, jo me një shpërblim, se një shpërblim i tyre me çfarëdo çmimi që do të jetë nuk është një çmim që do t'i lehtësojë ato, por mbrojtja me ligj e kësaj kategorie do të thotë që Kuvendi i Kosovës, deputetët, qytetarët, krijojnë vlera për mbrojtjen e kategorive të njerëzve, të cilat kanë pësuar gjatë luftës.

Kjo është një kategoria më e ndjeshme, më e pambrojtur, sikur kanë qenë edhe të burgosurit që kanë qenë kategori e pambrojtur.

Prandaj, këto kategori duhet të mbrohen me ligj dhe duhet t'i tregohet Serbisë se ka bërë krime, ka bërë dhunë dhe këto nuk harrohen, dhe nuk do të kalohen, sepse nëse ne i tejkalojmë sot, atëherë kjo do të na përsëritet vazhdimisht.

Unë e mbështes edhe deputeten Vjosa, kur i përmendi ato dëshmitë e Hagës dhe këtu nuk kërkohen receta apo ekzaminime, por këtu kërkohet dëshmi dhe këto dëshmi i kemi me shumë fakte dhe rrethana, të cilat i kanë njerëzit që kanë qenë pjesë e asaj kohe, ose dëshmitarë të rasteve të ndryshme, të cilëve duhet t'u jepet mundësia ta dëshmojnë dhe të tregojnë një mbrojtje, sepse ne e mbrojmë një vlerë, e mbrojmë nënën tonë, e mbrojmë edhe të ardhmen tonë, familjet tona. Faleminderit!

KRYETARI: Replikë, Gëzim Kelmendi e ka fjalën.

GËZIM KELMENDI: Faleminderit, kryetar!

Në parim nuk dua të replikoj, sa dua të sqaroj edhe bashkëkolegen e Grupit Parlamentar, deputeten Novobërdaliu, por edhe deputeten Vjosa Osmani. Unë thashë dhe në pajtim këto u pajtuan që as Tribunali i Hagës nuk kërkon dëshmi mjekësore, ndërsa deputetja Novobërdaliu tha se ka metoda mjekësore, por në parim doli se ka dëshmitarë. Tjetër është metoda mjekësore, tjetër janë dëshmitarët.

Tash dua të dal te kauza në aspektin profesional. Nuk ka metodë ligjore obstetrike gjinekologjike për dikë që është dhunuar para 13 vjetëve. Dëshmitarët janë. Kur jemi te dëshmitarët, arsyeja është, ne në komision kemi qenë unik dhe unë e thashë edhe më herët, po e them prapë, nuk ekziston një deputet që nuk dëshiron t'i ndihmohet kësaj kategorie, po këtu është problemi ndryshe, se unë fola me një gjuhë politike, tash po më duhet të bie në nivelin popullor. Nëse ne këtë ligj e

miratojmë, e funksionalizojmë dhe kërkohet legjitimimi apo konfirmimi i atyre grave të dhunuara, dy apo tre dëshmitarë, në këtë rast a mendoni se mund të na paraqitet tjetërkush në vend të atyre që vërtet janë dhunuar. Kjo ka qenë dilema jonë në Komisionin për Shëndetësi. Do të marrë tjetërkush merita në vend të atyre që vërtet e meritojnë. Kjo ka qenë dilema jonë kryesore.

KRYETARI: Ju lutem, ne e dëgjuam! Fjalën e deputetja Suzan Novobërdaliu, replikë.

SUZAN NOVOBËRDALIU: Kryetar!

Unë shumë qartë e thashë që nuk është gjë që nuk mund të dëshmohet. Nuk flas për ekzaminime mjekësore, flas për dëshmitarë, duke e ditur mënyrën sistematike të dhunimit të grave, domethënë grumbullimi i grave dhe vendosja në ndërtesa si janë vendosur më herët, mirëpo nuk e shoh disponimin për ndihmë me metodat e shtypjes së butonit për jo. Kjo nuk është ndihmë për to.

KRYETARI: Replikë, deputetja Blerta Deliu-Kodra.

BLERTA DELIU-KODRA: Faleminderit, kryetar!

E kërkova fjalën edhe një herë për shkak se si duket edhe kësaj radhe, edhe sot kur ne po diskutojmë për viktimat civile, për një kategori jashtëzakonisht të ndjeshme, mikrofonit dhe foltoret e Kuvendit po shfrytëzohen për përfitime politike dhe unë po e them publikisht se më vjen shumë keq për shkak se zona dhe vendi prej nga unë vij, është zona që është më e prekura nga lufta e fundit dhe unë jam e vetëdijshme për viktimat e dhunës që ndodhin, që vijnë nga komuna ime dhe në gjithë Kosovën, mirëpo askush nuk e kontestoi çështjen e Ligjit dhe të mirat që ky ligj i ofron për të gjitha këto viktima civile. Mirëpo, të gjithë ne si deputetë, që këtu diskutojmë, ishte çështja se ne ende nuk posedojmë statistika të sakta lidhur me këtë kategori dhe kërkoj që të mos keqpërdoret mikrofonit edhe sot kur po diskutojmë për gratë e dhunuara, që janë jashtëzakonisht të ndjeshme për shoqërinë tonë.

KRYETARI: Deputeti Salih Morina e ka fjalën.

SALIH MORINA: Faleminderit, kryetar

Të nderuar kolegë deputetë,

Mendoj që këtu pati shumë kolegë deputetë në kuptimin e asaj që dikush ishte pro, dikush ishte kundër këtij projektligji. Është një ligj shumë i veçantë dhe një ligj që kërkon që kjo kategori e veçantë të mbrohet me legjislacion. Unë e përcolla me vëmendje kryetarin e Komisionit për Buxhet dhe Financa, i cili deklaroi se ky ligj është i pamundur që të implementohet në praktikë. Prandaj, unë mendoj se nëse ne e aprovojmë një ligj të tillë në parim, realisht i mashtrojmë krejt kategoritë e veçanta të cilat kanë nevojë shumë për mbrojtjeje. Nëse në praktikë nuk implementohet dhe siç shihet në kornizën afatmesme 2013-2015 nuk ka para, një ligj i tillë do të jetë i pamundur që të jetë afër

dhe njëkohësisht t'i mbulojë kërkesat e kësaj kategorie, prandaj është bërë shumë politikë në kuadër të saj, sepse unë mendoj që asnjë deputet, asnjë grup parlamentar, asnjë parti politike nuk është kundër këtij ligji, por duhet të shikohet mirë dhe saktë se a mund të jetë apo nuk mund të jetë i implementueshëm.

Nga Komisioni Funkcional është deklaruar dhe është kërkuar që të kthehet edhe një herë, të përpunohet edhe një herë, t'i përfshijë të gjitha kategoritë më specifike dhe prandaj të silltet edhe një herë në Parlament dhe të bëhet aprovimi i një ligji të tillë. Prandaj, do të ishte mirë që sa më pak të ketë fjalë, sepse po e shohë që shumë deputetë janë të interesuar për të diskutuar për këtë projektligj, por kërkoj që edhe një herë të shihet mundësia e implementimit nëse do të implemtohet apo nuk do të implemtohet. Faleminderit!

KRYETARI: Visar Ymeri e ka fjalën.

VISAR YMERI: Faleminderit, kryetar!

Deputetë të Kuvendit të Republikës së Kosovës,

Vërtet kam menduar që kur të silltet ky ligj në Kuvendin e Republikës së Kosovës, shumica e deputetëve, të mos them të gjithë, do të jenë për të, e sigurisht se do t'i kenë edhe vërejtjeje e veta dhe mënyrat e veta se si duhet të trajtohet kjo çështje, por që do të jetë dikush që mendon se kjo çështje do të shtyhet, ose të mos trajtohet fare, këtë nuk e kam pritur. Por, ja që paskam gabuar për shkak se këtu të gjithë e dimë dhe të gjithë e thanë në njëfarë mënyre që e dimë se dhunimet që kanë ndodhur gjatë luftës në Kosovë kanë qenë speciale e luftës, pra ka qenë pjesë e luftës kundër popullsisë shqiptare në Kosovë, segmenti i luftës speciale kundër nesh.

Pra, nuk ka qenë shfrenim i disa ushtarëve që kanë mundur të jenë të dalë nga burgjet Serbi, e kështu me radhë, por ka qenë një program i planifikuar dhe i centralizuar shtetëror me qëllim që ta sulmojë fibrën shoqërore të popullit të Kosovës, të organizuar atëbotë rreth strumbullarit të solidaritetit të bashkimit dhe rezistencës e luftës kundër okupatorit.

Por, ky ka qenë qëllimi i kësaj lufte speciale në Kosovë dhe këtë e ka bërë me planifikim shteti serb nëpërmjet policisë së vet, nëpërmjet ushtrisë së vet, nëpërmjet trupave paramilitare që i ka dërguar në Kosovë dhe të tjerëve. Dhe, tash në këtu po diskutojmë pikërisht për plotësim-ndryshimin e një ligji, i cili ua njeh kategorive të ndryshme të dëmtuara gjatë luftës të drejtën e kompensimit. Pra, jo vetëm kompensimit financiar, por kompensimit në përgjithësi.

Me ligj, ne ia njohim si shoqëri një sakrificë dhe një dëmtim që i është bërë dikujt gjatë luftës dhe këtë në njëfarë mënyre ia shpërblejmë dhe shpërblim nuk është vetëm financiar. Bile mendoj që komponenti financiar është çështja e tretë, por janë edhe dy çështje tjera, të cilat shteti dhe shoqëria e Kosovës ua ka borxh, më së paku thënë, këtyre personave, të të dëmtuarave gjatë luftës, dëshmorëve, familjeve të tyre,

invalidëve të luftës, veteranëve të Ushtrisë Çlirimtare të Kosovës, të burgosurve politikë dhe grave e vajzave të dhunuara gjatë luftës, për të cilat sot po flasim në këtë seancë.

Pra, për mendimin tim, janë 3 lloj kompensimesh. Një çështje që kisha dashur ta ngre, e për këto kompensime do të flas më vonë, është që i dëgjova këtu disa deputetë, bile edhe arsyetimin e Komisionit për Shëndetësi dhe Mirëqenie Sociale, i cili thotë se ligji nuk ofron zgjidhje. Unë mendoj që e kemi një perceptim të gabuar të asaj se çka duhet të bëjë ligji. Ligji normon nga aspekti juridik korniza brenda të cilave pastaj gjenden zgjidhjet, ligji nuk ofron zgjidhje. Ligji nuk është teknik, që thotë bëja kështu edhe të del kështu. Ligji e normon një të drejtë dhe ia vendos kornizat ligjore asaj të drejte, të cilën duhet ta gëzojë secili qytetar, e pastaj janë organet tjera, të cilat e gjejnë zgjidhjen përbrenda kësaj kornize legislative. Në këtë rast Ekzekutivi, por edhe institucionet tjera, të cilat i prek ligji.

Dhe, në përgjithësi, ligji është për këtë, që ta krijojë një rrethanë të re në sfondin e të drejtave, përgjegjësi, obligimeve që i ka pushteti karshi qytetarëve, por veçanërisht qytetari karshi shtetit të vet. Ndërkohë, këtu tash po kërkojnë që me ligj të ofrohet zgjidhja. Pra, teknikisht të rregullohet kjo çështje, po kjo nuk është çështje teknike. Edhe ligji nuk duhet ta trajtojë në këtë mënyrë fare. Mendoj që janë tri lloj kompensime sh që duhet t'ua japim këtyre kategorive.

Kompensimi i parë është ai shoqëror, veçanërisht është i rëndësishëm për këtë kategori për të cilën po flasim sot. Pra, shoqëria duhet ta njohë këtë si krim dhe ta luftojë atë, në vend se që t'ia sigurojë këtij krimi jetëgjatësinë. Pra, ta shndërronë krimin, siç e kemi shndërruar deri tash, në një përditshmëri e cila u vjen vërdallë përditë këtyre viktimave dhe të cilat madje edhe janë të ndrojtura ta përmendin atë për shkak se shoqëria nuk e pranon. Mendoj se ky ligj do ta ndihmonte që ta thyejmë këtë qasje që e kemi aktualisht karshi këtyre personave.

I dyti është kompensimi politik dhe juridik. Pra, masat e organizuara shtetërore që duhet t'i ndërmarrë Kosova për dënimin e këtij krimi, dënimin e këtyre kriminelëve dhe kërkimin e drejtësisë për këto viktime gjithandej nëpër botë. Nëse ne nuk e njohim këtë si krim në ligjet tona, atëherë në njëfarë mënyre po ia ndihmojmë Serbisë që ta fshehë këtë krim, të cilin e ka kryer tashmë në Kosovë, e nuk mund t'i flasim askujt për këtë krim që e ka kryer Serbia në Kosovë për shkak se në vetë ligjet tona nuk e kemi normuar si krim, pra nuk e njohim si të tillë me dokumentet tona juridike.

Dhe, kompensimi i tretë është ky financiar, për të cilin u fol këtu shumë. Pra, u fol që nuk ka para, do të na kushtojë shumë shtrenjtë, nuk e dimë sa persona janë, do të bëhet Komisioni, e kështu me radhë. Në secilin praktikë, dhe këtu pajtohem plotësisht me deputeten Vjosa Osmani, pa e pasur një bazë ligjore nuk mund të krijojmë komision, e kur ta kemi bazën ligjore pastaj krijohet komisioni, i cili sigurisht se do ta verifikojë numrin e këtyre personave për aq sa e ka të mundur ta bëjë këtë në mënyrë objektive.

Pra, dhe çështja e dytë është e shumë e çuditshme qysh nganjëherë për disa raste dhe për disa kategori, fjala e parë që na bie ndërmend në Kuvend është që nuk ka para, ndërkohë që për disa gjëra tjera përherë ka para. Bile ka ma shumë sesa duhet! Për

luksin e pushtetit, për të ardhurat e tyre, përherë po i gjejnë paratë, madje edhe për të ardhurat tona si deputetë. E, kur vjen puna për personat e rrezikuar, për ata nuk po kemi para. Pra, e kemi nisur nga kjo logjikë se për gratë e dhunuara nuk ka para, nesër do të themi as për veteranët e luftës nuk ka para, pasnesër do të themi pensionistët nuk duhet të hanë se nuk ka para, dhe pastaj do të themi që edhe personeli shëndetësor dhe ai i arsimit publik nuk duhet të hanë se nuk kanë para dhe ku do të përfundojë kjo? Pra, kur do të ketë para edhe për popullin, përveç se për institucionet. Kjo është një pyetje shumë e rëndësishme.

Dhe, e dyta, ta zëmë që nuk paska para, se në njërën anë komisioni thotë që nuk dihet numri i sakët i këtyre viktimave, ndërsa në anën tjetër thotë që nuk kemi para se kjo kushton 74 milionë. Bazuar në çka? Bazuar në cilin numër? Pra, a po u ditka numri, apo nuk po u ditka numri? E nëse nuk dihet numri, si e kanë llogaritur këtë 74 milionë. Kah erdhi ky? Ndonëse duhet ditur numrin e njerëzve dhe nga sa i marrin në muaj për ta ditur se sa do t'i paguajnë në muaj. Nëse nuk e dinë numrin e njerëzve, atëherë ky x ta pamundëson rezultatin e ekuacionit, apo jo? Çështja tjetër, nuk po flitet këtu për nivelin e pensionit, se mund të thotë dikush që kompensimi që është propozuar në ligj mujor është shumë i lartë, ta zëmë. Nuk ka para për kaq shumë të lartë, mund ta kemi shumë më të ulët, apo mund ta kemi shumë të ulët vetëm sa, në njëfarë mënyre, ta njohim krimin që është bërë ndaj tyre dhe si shoqëri të ndihemi përgjegjës karshi këtij krimi. Por, nuk po thuhet ashtu, po hedhet poshtë tërësisht ligji, vetëm e vetëm me arsyetimin se nuk paskemi para për ta zbatuar.

Dhe, çështja e fundit që dua ta ngre është ajo që i dëgjova nga disa deputetë këtu, që mendoj që përveçse se janë të pavërteta, janë edhe shumë perverse për t'i menduar. Pra, u tha që kjo e drejtë, në njëfarë mënyre nuk duhet të sanksionohet me ligj për shkak se pastaj ekziston mundësia e abuzimit të kësaj të drejte. Pra, në njërën anë mendoj që për secilën të drejtë dhe për secilin ligj ekziston mundësia e abuzimit, e nëse nisemi nga ky parim, ne kurrëgjë hiç nuk duhet të kalojmë këtu, se të gjitha ato mund të abuzohen nga dikush, apo jo? Por, në anën tjetër, mendoj që kur po flasim për kategoritë e veçanta edhe të zihet mundësia e abuzimit të këtyre të drejtave që po ua japim ne, mendoj që është një mendim në kokat e disa deputetëve që qytetarët e Kosovës janë vërtet të prishur në mendje dhe mezi presin që ta kenë një mundësi për të abuzuar diçka. Pra, e kanë ë keqkuptuar pushtetarin me qytetarin. Pushtetari është i tillë, por jo qytetari, prandaj e mos i përzini këto dy gjera. Qytetari nuk është me mendje të korruptuar. Fatkeqësisht të gjithë ata që kanë qenë me mendje të korruptuar i kemi këtu prapa, por atje jashtë nuk janë. Prandaj, çlirohuni nga kjo mendësi. Mos i barazoni këto të dyja. Faleminderit!

KRYETARI: Donika Kada-Bujupi e ka fjalën.

DONIKA KADA-BUJUPI: Faleminderit, kryetar.

Mendoj që u tha ajo çfarë e pata mendjen ta them, por veç të shtoj që ka tepër shumë vende ku duhet të kursejmë në institucionet e Kosovës dhe ndoshta vendi ku nuk duhet

të kursejmë janë pikërisht tragjeditë që u kanë ndodhur vajzave dhe grave të Kosovës gjatë luftës së fundit. Prandaj, është e tepërt që po flasim për koston e projektligjit në fjalë, i cili, në fakt, as nuk po dihet. Edhe e dyta, për t'i hequr dilemat, u fol shumë për verifikim, si do të verifikohen viktimat. Ekzistojnë të dhëna të sakta, informata të shumta të cilat janë dhënë nga vetë viktimat, qoftë nëpër gjykata vendore, qoftë nëpër ato ndërkombëtare.

Por, edhe nëpër shënimet e tjera, siç janë librat të cilët i përmbajnë të dhënat e sakta, vendet e dëshmitarët në ngjarjet e tmerrshme, të cilat mund të verifikohen shumë lehtë, prandaj as kjo nuk është një shqetësim për të cilin ishte dashur sot të diskutojnë deputetët. Unë pajtohem, ashtu si shumica e grave në këtë Kuvend, që në fakt ne duhet ta kalojmë ligjin në parim dhe pastaj me një punë të jashtëzakonshme të arrijmë që ky ligj të jetë i zbatueshëm dhe këto viktima të kompensohen, edhe pse dhimbjet dhe vuajtjet e tyre nuk do të kompensohen nga çfarëdo ndihme materiale që u jepet. Duhet të kemi parasysh se ato dhe familjet kanë nevojë edhe për rehabilitim tjetër, përveç aspektit material. Faleminderit!

KRYETARI: Deputeti Bekim Haxhiu e ka fjalën.

BEKIM HAXHIU: Faleminderit, i nderuar kryetar!

I nderuar ministër, zëvendëskryeministër,

Të nderuar kolegë deputetë,

Ajo çka rastësisht më shqetëson në kuadër të këtij projektligji, apo që parashtuesi e ka parashtuar në këtë rast, është tentativa për përfitime politike në tragjedinë e dikujt tjetër. Përfitimi politik në emër të një akti të dhunës, i ushtruar nga pushtuesi, dhe 13 vjet pas luftës tentativa për të përfituar politikisht, duke tentuar të implementohet ky përfitim politik me anë të një ligji apo plotësim-ndryshim të një ligji për familjet e dëshmorëve, invalidët, veteranët dhe viktimat civile të luftës, është paturpësia më e madhe e parashtuesit të kësaj nisme për ndryshim-plotësimin e këtij ligji.

Gjithsesi, dhimbja e të gjithë neve si deputetë dhe ndjenja dhe obligimi, së pari si institucionalist, është që këto kategori të trajtohen dhe të trajtohen veçanërisht me një ligj të veçantë, ku do të trajtoheshin të gjitha këto gra të dhunuara gjatë luftës. Mirëpo, kompensimi pastaj do të kërkohet me anë të atij ligji të veçantë dhe kompensimi do të kërkohet nga ushtruesi i dhunës, nga abuzuesi me mjetet, të cilat i ka përdorur gjatë kohës së luftës dhe ky kompensim do të duhej të parashtrohej gjithsesi në formë të organizuar në gjykatat kompetente ndërkombëtare, në Gjykatën e Strasburgut. Dhe kompensimi do duhej të kërkohet nga ata të cilët i kanë udhëhequr në mënyrë të organizuar këto dhunime të femrave gjatë luftës, por assesi nuk guxojmë të tentojmë të përfitojmë politikisht nga tragjedia e të tjerëve, në emër të përfitimeve politike.

Kërkoj nga parashtruesi, do të ishte morale që vetë ai të bënte tërheqjen e këtij projektligj për arsye të qëllimeve, të cilat i ka. Nuk mund të përfitohet në dhimbjen e dikujt tjetër politikisht. Është e pamoralshme, nuk është etike, nuk është morale. Do të ishte mirë që ky, nëse ekziston një gatishmëri, por edhe e kolegëve deputetë, të cilët e kanë parashtruar

këtë nismë ligjore, që të fillojnë një nismë të re, dhe ajo nismë t'ia dedikohet vetëm kësaj kategorie dhe në kuadër të asaj nisme pastaj të kërkoheshin edhe kompensimet konform legjislacionit ndërkombëtar, e jo në këtë formë të parashtrohej dhe të abuzohej në emër të familjeve të dëshmorëve, në emër të viktimave të luftës, në emër të invalidëve-veteranëve, të ndërtohej të krijohet një kolaps shtetëror dhe të krijohet një mekanizëm, një precedent dhe në të krijojmë një ligj, i cili është i paimplementueshëm. Derisa Komisioni Funkcional, në këtë rast, dhe Komisioni për Buxhet dhe Financa nuk e ka dhënë miratimin për këtë ligj, dhe ky projektligj në fakt nuk ka as deklaratë financiare nëpërmjet së cilës do të bëhet implementimi i tij, mendoj se është i pajustificueshëm trajtimi apo votimi i tij. Faleminderit!

(Mbledhjen e merr nën drejtim nënkryetari i Kuvendit, z. Xhavit Haliti.)

KRYESUESI: Faleminderit! Zonja Rita Hajzeraj-Beqaj e ka fjalën

RITA HAJZERAJ-BEQAJ: Faleminderit, zoti kryesues!

Të nderuar deputetë,

Unë po flas në emrin tim personal.

Sa i përket çështjes së grave të dhunuara, na e dimë shumë mirë se sa herë përmendet kjo fjalë, çdo herë ne i hapim plagët e atyre grave.

Nën 1, nëse ne nisemi nga mentaliteti i popullit tonë dhe i shoqërisë sonë, prapëseprapë kjo çështje nuk mund të vijë aty ku ne po dëshirojmë. Sa i përket termit që ta futim në ligj si gra të dhunuara, unë jam kundër këtij termi dhe jam që ta futim si viktimë të dhunës, sepse edhe përdhunimi është dhunë dhe në kuadër të kësaj edhe gratë tona, gratë kosovare, mund të lajmërohen a mund të paraqiten shumë më lehtë se sa si gra të dhunuara.

Në bazë të disa statistikave të një agjencie, e cila ka bërë hulumtim në Bosnjë, ku ka ndodhur i njëjti fenomen sikur ka ndodhur te na, thuhet që 90% e femrave, të cilat janë deklaruar si të dhunuara, ato femra janë injoruar nga mentaliteti i shoqërisë së tyre dhe shumica e tyre tash jetojnë jashtë shtetit. Kështu që të mos vijmë deri te kjo, unë propozoj që kjo kategori të quhet si viktimë të dhunës në ligj dhe shteti shumë më lehtë mund t'ia identifikojë ato viktimë, pa i quajtur si gra të dhunuara, sepse deri më sot statistikave tregojnë që vetëm ato të cilat janë deklaruar që janë të dhunuara, nuk e arrijnë as numrin 2 000, ndërsa e dimë që në Kosovë ka shumë më shumë gra të dhunuara, të cilat sot janë nëna, të cilat kanë krijuar familje, të cilat as nuk duan që

çështja e tyre të hapet prapë. Edhe sikur të çohet shteti me benificionet më të mëdha t'u japë këtyre grave, prapëseprapë dhimbja dhe vuajtja e tyre nuk mund t'u hiqet. Prandaj, trajtimi më i mirë ndaj kësaj kategorie është që këto gra të hyjnë në kategorinë e viktimave të dhunës, e jo si gra të dhunuara. Faleminderit!

KRYESUESI: Deputeti Zoti Zemaj e ka fjalën!

ARMEND ZEMAJ: Faleminderit, kryesues!

Kolegë deputetë,

Unë, për dallim edhe nga shumëçka çfarë u tha, ndoshta edhe për dallim edhe nga vetë qëndrimi i shprehur i Grupit Parlamentar të Lidhjes Demokratike të Kosovës, më lejoni të theksoj se ndoshta sot është dashur që Kuvendi i Kosovës apo institucionet e Kosovës të kërkojnë falje publike dhe të tregojnë që ne jemi shumë të vonuar në këtë aspekt për trajtimin e kësaj çështjeje, që edhe nga vetë komisionet parlamentare quhet e ndjeshme. Por, unë besoj që më e ndjeshme është që të fshihet krimi i ndodhur në Kosovë, një krim që ka qenë mirë i organizuar dhe ka qenë i organizuar për qëllime të spastrimit etnik edhe nëpërmjet formës së dhunimit që ka ndodhur ndaj popullit shqiptar, por pa i anashkalluar edhe rastet tjera që mund të jenë të përfshira.

Kolegë deputetë,

Katër konventa të Gjenevës për të drejtën e luftës e përcaktojnë qartë kategorinë e femrave të dhunuara si viktime të luftës dhe këtu nuk ka dilemë. Sot edhe vetë zëvendëskryeministri i Kosovës e tha se e drejta ndërkombëtare është mbi të drejtën vendore dhe ne mund të bazohemi konkretisht në këto konventa, në këto ligje ndërkombëtare për kategorizimin e kësaj të keqeje që i ka ndodhur vendit tonë dhe qytetarëve tanë. Prandaj, mua më duket sot anomali që të kemi arsyetime, edhe financiare, edhe mjekësore, edhe çfarëdo qofshin për identifikimin e këtyre rasteve dhe rehabilitimin e këtyre qytetarëve, qytetareve, motrave, grave, nënave, që kanë ndodhur gjatë luftës së fundit. Dhe, ngritja e këtyre paralelizmave mendoj se është shumë absurde. Si mund të kemi ne identifikim, si mund të kemi statistika kur nuk kemi legjislacion? Kjo është pyetja dhe a domethënë se me votimin e parë mbaron e tërë puna? Nuk mbaron. Cila është detyra e komisioneve funksionale, e komisionit i cili e trajton? A e kanë të ndaluar ata plotësim-ndryshimin e mëtutjeshme të këtij propozimi që është dhënë në ndryshimin këtij projektligji? Mendoj se jo. Rregullorja e punës e përcakton edhe terminologjinë, nëse dikush dëshiron ta ndryshojë.

A e ka të përcaktuar nxjerrjen e kostos buxhetore dhe komisioni kryesor. Ne sot kemi paragjykim për shifrën e paraqitur dhe besoj që, kolegë deputetë, kjo është tepër skandaloze që ne të kemi arsyetime të tilla, krahasime të tilla në bazë të paragjykimeve. Ajo çka dihet, është që kjo ka ndodhur në Kosovë dhe duhet të ketë vullnet për ta trajtuar këtë çështje. E thashë edhe një herë, po e përsëris, jemi të vonuar në trajtimin institucional të kësaj çështjeje. Nuk mund të lejohet që organizatat joqeveritare dhe organizatat e ndryshme të merren me këtë çështje, por duhet që

institucionet e Kosovës, Ministria e Shëndetësisë, Ministria e Drejtësisë dhe, e fundit, cila është përgjegjësia para shtetit që nesër ne do të kërkojmë kompensim? Cila është përgjegjësia e institucioneve të Kosovës, e shtetit të Kosovës, para shtetit serb?

Ne sot po fshihemi nga e keqja, po tentojmë të fshihemi nga e keqja që na ka ndodhur, duke marrë parasysh që na vijnë propozime, çfarëdo qofshin, me arsytetime të keqpërdorimeve. Prandaj, unë ju kisha lutur që me gjakftohtësi ta trajtojmë këtë temë, jo duke e fshehur krimin, çfarëdo krimi qoftë, por duke e deklaruar krimin këtu dhe duke i dhënë hapësirë ligjore trajtimit të kësaj çështjeje. Dhe, mendoj që institucionet i bëjnë nder vetvetes dhe i bëjnë nder edhe asaj te keqeje shumë të keqe, duke e rregulluar në mënyrë ligjore e specifike që të ndahet e mira prej të keqes që ka ndodhur këtu. Prandaj, të mos kemi dilema ndërmjet nesh se kush mund të dalë në mbrojtje, a kush nuk mund të dalë në mbrojtje. Kjo është një e keqe e përgjithshme dhe të gjithë bashkë duhet ta trajtojmë njësoj. Faleminderit!

KRYESUESI: Faleminderit! Zoti Selimi e ka fjalën.

REXHEP SELIMI: Faleminderit, zoti kryesues!

Rekomandimet e komisioneve përkatëse që të mos aprovohet ky ligj në parim në pamje të parë mund të duken si indiferencë, por kjo nuk është indiferencë, përkundrazi është një kujdes shumë i mbrehtë i këtyre dy komisioneve dhe mbështetësve të këtyre dy komisioneve, pra një kujdes i veçantë që të mos trajtohet kjo temë tani.

Në këtë rast, Qeveria nuk po donë të paguajë për viktimat në fjalë, por viktimat tashmë po e paguajnë atë çfarë ka bërë krimi ndaj tyre.

Krimet e Serbisë në Kosovë, normalisht që duhet të vazhdohet të dënohen edhe me ligj dhe normalisht, paraprakisht duhet të normohen kategoritë si viktimat e këtij krimi të Serbisë.

Heshtja e Qeverisë nuk i bën të heshtura traumat e viktimave apo traumat që kanë viktimat.

Ekzaminime gjinekologjike u dëgjua këtu, mungesë e statistikave, pastaj edhe rritja artificiale e mundshme e numrit, krijimi i komisioneve, pastaj e përmend se nuk duhet të trajtohet kjo tanimë se është çështje e ndeshme, janë vetëm disa prita që i vihen si arsye për të mos kaluar ky ligj.

Edhe një herë, zonja dhe zotërinj deputetë,

Ne duhet ta dimë që nuk është turp për ata ndaj të cilëve është shtruar dhunë, por është turp për ata të cilët nuk e identifikojnë këtë dhunë dhe trup për ata të cilët nuk e demaskojnë këtë dhunë, respektivisht nuk përkrahen viktimat e dhunës.

Te kërkesa për ekzaminime mjekësore, normalisht se nuk mund të ndihen të qetë të gjithë ata që e ndjejnë nga larg e domosdoshmërisht edhe viktimat e kësaj dhune, pra, nuk mund të ndihen të qetë kur përmendet ekspertiza gjinekologjike e viktimave në këtë rast.

Po, a ju kujtohet në publikime të ndryshme që a ka mund dikush t'ia bëjë ekspertizën gjinekologjike një vajze në Gjakovë, e cila pasi është dhunuar është vrarë? Në këtë rast, për fat të keq, më shumë po flet një viktimë e vrarë se sa një viktimë e mbijetuar.

Kryetari i Komisionit për Shëndetësi me entuziazëm shumë të madh doli kundër këtij ligji, madje ai u kujdes edhe që ta arsyetojë kundërshtimin e tij. Nuk e di se në kohën kur ka ndodhur kjo luftë kah ka qenë i rreshtuar ai po i them sot se sot është rreshtuar shumë gabimisht. Për atë çka di opinioni i brendshëm dhe i jashtëm janë diku rreth 20 mijë femra, në këtë rast, të identifikuar si viktimat të dhunës seksuale ndaj tyre. Nuk mund të jemi i saktë për shkak të specifikave që paraprakisht nuk është vërejtur.

Por, është një statistikë tjetër që po del në dukje tani, është statistika e aplikuesve për veteranët e luftës dhe aplikacione më shumë se 50 mijë janë tërhequr, këtu po dinë, tregohemi të kujdesshëm që të përfitojmë nga të qenit veteranë dhe nuk po jemi së paku kaq bujarë që së paku ne veteranët të lëshojmë radhë që fillimisht nëse është për t'u shpërblyer, le të shpërblehen viktimat e krimit serb.

Siç tha edhe kryetari i Grupit Parlamentar të Lëvizjes "Vetëvendosje" nuk është thjesht çështja e shpërblyerjes material, normalisht edhe unë dua ta rikujtoj edhe një herë që çështja e shpërblyerjes apo e rehabilitimit financiar do të renditej së paku e treta. Por e para do të duhej të ishte një solidaritet më i madh me viktimat, pastaj bashkë me të edhe dënimi i atij krimi që këto edhe këta njerëz i ka kthyer në viktimat.

Më mirë tek e fundit të përfitojmë politikisht duke i mbrojtur viktimat, gjë që nuk është qëllimi i yni, sepse po të ishte një përfitim politik do ta bënte Qeveria këtë para nesh. Pra, më mirë të përfitojmë politikisht duke i mbrojtur viktimat se sa duke i ridhunuar psikikisht ato. Mungesa e respektit për viktimën është respekt për dhunuesin.

Pra, ne para se të jemi kaq të kujdesshëm për dhunuesin do të duhej të ishim shumë më të kujdesshëm e aq më tepër të ndjeshëm për të dhunuarit.

Në këtë rast ftoj, i edhe një herë deputetët që ta përkrahin këtë ligj në parim në lexim të parë dhe prej sot e deri në lexim të dytë të japim kontributet tona si gjëja më e vogël që ne mund dhe duhet të bëjmë për viktimat e luftës. Faleminderit!

KRYESUESI: Faleminderit! Për replikë e ka fjalën Fikrim Damka.

FIKRIM DAMKA: Faleminderit, nënkryetar!

Veç ta sqaroj një çështje, këtë arsytim unë e kam lexuar në emër të Komisionit, por Komisioni e ka vendosur për këtë arsytim dhe për këtë rekomandim, jo si Fikrim

Damka. Edhe të dytën si Fikrim Damka, unë kam qenë në Kosovë, as në Shqipëri, as në Maqedoni, as në Turqi, në kohë të luftës.

KRYESUESI: Kundër-replikë, Rexhep Selimi.

REXHEP SELIMI: Edhe unë pajtohem që zoti Damka ka qenë në Kosovë, por edhe dhunuesit ka qenë në Kosovë, dhe jo vetëm ata.

KRYESUESI: Zoti Osmani, e keni fjalën.

NASER OSMANI: Faleminderit, kryesues!

Është një çështje goxha e mirë që po diskutohet në Parlament edhe mund të diskutohet në forma të ndryshme, qoftë me emocione, qoftë në humanizëm, por besoj që më së shumti duhet të diskutohet nga aspekti institucional, shtetëror që është përgjegjësi e të gjithëve.

Drafti të cilën e kemi shikuar është i arsyeshëm, mirëpo mënyra qysh është parashtrua mendoj që është dashur të ketë një kujdes më të madh. Nuk diskutohet që kjo kategori duhet të trajtohet me ligj, por jo në formën që është paraqitur këtu.

Konsideroj që kjo shoqëri, ky shtet ka nevojë që të kujdeset për njerëz të vet, për shoqërinë e saj.

Mirëpo, bota demokratike këto çështje i ka të zgjidhura në forma tjera, jo me formë të pensionit, jo me formë të kompensimit financiar. Në botën demokratike janë themeluar institucione të veçanta që merren me trajtimin e njerëzve të traumatizuar nga dhuna në luftë. Shoqëria kujdeset për ta në forma të ndryshme duke i privilegjuar apo duke i hequr nga pagesa e shërbimeve të ndryshme shtetërore. Bota demokratike këtë kategori e trajton duke i dhënë hapësirë më të madhe të socializmit dhe të punësimit të kësaj kategorie. Ajo që unë këtu po e vërej ka koncepte të ngatërruara.

Sponsoruesi i ligjit që e arsyetoi edhe e arsyetoi edhe diskutimin e Albulenës me emocion shumë të arsyeshëm, ka kërkuar kompensim dhe kemi një kategori të deputetëve që po kërkojnë kjo dukuri të trajtohet në formë institucionale në institucione ndërkombëtare nga shteti, ushtria e cilës ka kryer dhunë në Kosovë, që unë e arsyetoj plotësisht. Mirëpo nuk është shtet në botë që e kompenson këtë kategori nga buxheti i vet nga ajo që ka pësuar.

Ajo që e vlen të thuhet se po i dëgjoj deputetët që nuk po e bëjnë shumë të rëndësishme çështjen e pagesës së financave.

Në këtë dokument të sponsoruar është një kosto buxhetore dhe një shifër e cila është qitur aty sa mund të jem pretendues në dokument është 20 mijë veta. Tash të jesh joinstitucionalist thotë njeri nëse janë 20 mijë femra të dhunuara në Kosovë, çka lypin

këta burra këtu të jetojnë këtu më tutje. Domethënë e vërteta është që kemi ardhur në një fazë, unë e përkrah ligjin po e përkrahi në formë tjetër, unë nuk dua të kemi keqkuptime.

Jemi ardhur në një fazë, kryetar, kur kemi arritur një kulm të të hyrave buxhetore, të hyrave të shtetit. Integrimet e mëtutjeshme ndërkombëtare do të na e zvogëlojnë këtë të hyrë, ne varemi prej të hyrës në kufij dhe kemi një numër të shtuar të ligjeve që kanë implikime të jashtëzakonshme buxhetore, janë reformat në shëndetësi, janë disa ligje që kanë të bëjnë me arsimin, janë ligje tjera që kanë të bëjnë me këto kategori për të cilat po flisni sot dhe ajo që unë e tërheq vërejtjen si një njeri që kam punuar vazhdimisht në këtë Komision për Buxhet dhe Financa, që ne si shoqëri si Kosovë brenda disa viteve, shumë pak viteve kemi për të rënë në një kolaps financiar për arsye se s"do të mund t" i kryejmë obligimet ndaj asaj që ne tash po i bëjmë me ligj.

Prandaj, mendimi im është që ky ligj duhet të kalojë, po ky ligj duhet të përmirësohet, që mos të jetë kërkesa kryesore kompensimi financiar, po të jetë kompensim institucional në forma tjera të cilët kjo shoqëri mund t"i lirojë prej disa obligimeve edhe një tretman i veçantë i shtetit ndaj kësaj kategorie. Por, të mos të jetë forma e veçantë edhe eksplicite vetëm kompensimi në formë të pensionit.

Ky është mendimi im dhe besoj që kjo është diçka e cila mund të rregullohet në amendamentim të mëtutjeshëm.

KRYESUESI: Faleminderit! Zoti Konjufca e ka fjalën.

GLAUK KONJUFCA: Faleminderit!

Zoti kryesues, mendoj që poshtërsia më e madhe që mund të bëhet nga një deputet në këtë Kuvend, është të thuhet se jam kundër përfshirjes së një kategorie të tillë të viktimave të dhunuara brenda ligjit dhe të njëjtën kohë ta lozësh rolin e hipokritit duke thënë se bashkëndjen me viktimat. Unë këtij deputeti i them monstrum, një lloj arsyetimi i tillë është monstruoze këtu.

Unë dua të flas për katër çështje lidhur me ligjin duke filluar nga çështja e parë që është arsyetimi i Komisionit, duke e quajtur këtë një çështje të ndjeshme dhe të ndërlikuar.

Mendoj që pikërisht këto janë dy arsye pse çështje duhet të zgjidhen me ligj, pikërisht pse janë të ndjeshme dhe pikërisht pse janë të ndërlikuara, sepse po të kishin qenë çështje të pandjeshme dhe të thjeshta, shoqëria njerëzore nuk kishte pasur nevojë as për ligje, bile. Po pikërisht pse punët janë të ndërlikime në shoqëri edhe të ndjeshme ato duhet të rregullohen me ligje, që të mos lënë vend për interpretime subjektive.

Sa i përket numrit të pasaktë që po thuhet si justifikim për këto viktime, unë po them që kurrë nuk do ta kemi numrin e saktë të tyre, por edhe nëse nuk janë 20 mijë, a janë 15 mijë, nëse nuk janë 15 mijë, a janë 10 mijë, e nëse nuk janë 10 mijë a janë 5 mijë, e nëse janë 5 mijë, duhet të ketë ligj për këtë punë dhe ato duhet të futen si kategori të mbrojtura me ligj? Domethënë fakti që ne nuk do të mund të arrinim deri te numri 20 mijë, nuk është justifikim që këtyre kategorive edhe ashtu të marginalizuar t'u mohohet e drejta e përkujdesjes institucionale dhe me ligj.

Po ashtu, është përmendur edhe kostoja buxhetore. Ky është një arsyetim banal. Unë mund t'ju numëroj këtu me dhjetëra ligje të cilat i ka shtyrë Qeveria e Republikës së Kosovës, për të cilat thotë se nuk ka pare madje deri në vitin 2016, ka plot ligje a që ka shtyrë Qeveria e Kosovës, por kur vjen për një ligj të një interesi kaq jetik, për një pjesë kaq të harruar të shoqërisë së Kosovës, këtu befasisht shpiken arsyeime financiare.

Dhe në fund fare po them se partia në pushtet, vetëm gjysmën e manipulimeve partiake me librezat të veteranëve të kishte reduktuar, unë po ju them që kishin pasur pare edhe për këtë kategori të shoqërisë. Faleminderit!

KRYESUESI: Faleminderit! Veteranët nuk i bënë partia, veteranët do të jenë veteranë ata që kanë pasur lidhje me UÇK-në dhe nuk janë të partisë ata. Megjithatë është mirë të kihet kujdes në raport me diskutimet e kolegëve, sepse mendimet janë të ndryshme dhe

mund të kundër asaj që e keni ju si mendim politik, qoftë si grup parlamentar, qoftë si individë edhe të tjerët kanë të drejtë ta ruajnë mendimin e tyre. Dhe unë kisha sugjeruar që të kemi kujdes në raport me kolegë mos t'i ofendojmë pse kanë mendim tjetër. Fjalën e ka zoti Gjini.

ARDIAN GJINI: Faleminderit, zoti nënkryetar i Kuvendit!

Sa për një konfirmim të saktë edhe Grupi Parlamentar i Aleancës për Ardhmërinë e Kosovës edhe unë do ta votojmë këtë projektligj. Është një aspekt tjetër që më bëri ta marrë fjalën, ai aspekt është mosfunksionimi i parlamentarizmit këtu në Kuvend të Kosovës, më tepër e kam fjalën për mosfunksionim të debatit jashtë seancës plenare.

Ne i kemi deputetët tanë në komisione aty zhvillohet debat. Grupet parlamentare ekzistojnë dhe duhet pasur nominalisht të paktën në debat, ne pimë kafe gjithë ditën bashkë edhe mund të kemi debat edhe për një temë kësaj unë po befasohem pse ka nevojë për t'u shprehur kaq shumë, dy orë në vend se të kemi debat normal para seancës edhe kur të vijmë në seancë duke e ditur sa e rëndësishme është dhe sa e

vlefshme është ta votojmë edhe ta dërgojmë në Komision e të shohim çka mund të bëjmë në lexim të dytë, nëse ka nevojë eventuale të bëjmë diçka edhe pse s"po më duket.

Edhe një herë po them nuk është duke funksionuar se po të funksiononte normalisht ky Parlament krejt këto debate që u thanë para kamerave kanë mund të zhvillohen thjeshtë, për t" u deklaruar grupet parlamentare, të tregojnë që na ndiejmë për këto viktima edhe të votojnë pa pasur nevojë të kallëzojnë gjerë e gjatë se çka po thonë se kur nisim të kallëzojmë gjerë e gjatë atëherë dikujt i shkon mendja që ndoshta edhe përnjëmend po bëjmë politikë me këtë ligj. Faleminderit, pata nevojë t"i them këto fjalë.

KRYESUESI: Faleminderit! Zoti Shaip Muja e ka fjalën.

SHAIP MUJA: I nderuar kryesues,

Të nderuar deputetë,

Kjo sot që po diskutojmë është një temë jashtëzakonisht sensitive dhe është një temë e cila nuk mund të marrë përgjigje meritore dhe mendimi imi personal është që nuk ka pasur nevojë të vijë në seancë dhe të jetë vlerë politike nga një grupacion, i cili donë ta spekuloj si situatë të dhimbshmërisë, pa analizuar në kompleksitetit si problem.

Këtu shihet që ka një qasje joprofesionale për problemin e lëndimit shpirtëror që është caktuar, që ju ka bërë një kategorisë, këtu flitet për femra, ka edhe meshkuj, ka fëmijë, ka të tjerë, pra në shtetet sociale dhe ligjore ekzistojnë mekanizma të cilët janë të shtrirë duke filluar nga trajtimi shëndetësor që quhet si PTSD (post trauma sindroma) dhe i cili nuk është në rënie po është në rritje dhe kjo sindromë duhet të trajtohet në mënyrë të organizuar nga pjesa profesionale e mjekësisë.

Mandej, është pjesa tjetër e cila trajtohet si lëndim shpirtëror që me kompensim material dhe me formë të selektimit të një grupi hipotetik që ne mund të themi 20 mijë, po ndoshta mund të jenë 50 mijë, 60 mijë nga aspekti jo vetëm në Republikën e Kosovës, por në të gjitha shoqëritë tjera kjo çështje nuk e ka lënduar vetëm të dhunuarin, por e ka lënduar tërë rrethin familjar dhe i cili mbetet si kategori sociale në trajtimin nëse është si kategori e paaftë për të qenë pjesë integruese në shoqëri. Mënyra si po dom ne ta konvertojmë këtë në ligj edhe ta krahasojmë me veteranët, është spekulim politikë, është nevojë e cila për ata që s"janë lënduar asnjëherë shpirtërisht, mundohen të flasin për ata që janë lënduar shpirtërisht.

Prandaj, më shumë shihni kush është lënduar dhe Nasradini ka thënë duhet të vijë të më shoh ai që ka rënë prej dardhe, jo ata që s"janë rënë prej dardhe për t" i kuptuar dhimbjet e mia. Prandaj, është mirë me qenë shumë realisht dhe ...

Urdhëro, jo ne mund të vazhdojmë deri në mëngjes, por unë me jo joprofesional nuk mund me spekulant politikë nuk mund të flas, sepse kjo është spekulim politik për të arritur për një kategori një formë kinse ju jeni kujdestar të dhimbshmërisë kombëtare. Ky problem është shumë sensitiv, ky problem duhet ne të ngremë kapacitete profesionale mjekësore që duhet të trajtohen dhe nëse klasifikohen nga ekspertë mjekësorë futen në skeda sociale. Ne duhet të them të rriten skedat te përkrahjet sociale për këtë kategori e jo ne të futemi në një diçka e cila po themi hipotetakisht po i kompensojmë me një pjesë materiale, u harxhua pjesa materiale çka do të bëjë shoqëria tutje, prapë do jetë barrë e shoqërisë, ai problem.

Prandaj, unë iu kisha lutur deputetëve që tema të tilla mos të jenë tema të cilat mund të jenë pa zgjidhje, por më shumë vjen në suaza të spekulimit dhe ofendime që mundohen të bëhen, janë më shumë të një vlerësimi që nuk do t`ju sjellin vota as në të ardhmen po as sot nuk do t`ju vlerësojnë tek ata, sepse ne në përditshmëri duhet të merremi me atë kategori dhe ajo nuk është vetëm ajo kategori problematike, por janë edhe kategoritë tjera. Faleminderit!

KRESUESI: Faleminderit! Fjalën e ka zoti Liburn Aliu.

LIBURN ALIU: Faleminderit!

Një listë të vërejtjeve që i pata, një pjesë u thanë, por një pjesë u shtua në ndërkohë. Po thuhet ligji i veçantë, do të duhej të ishte ligji i veçantë, do të duhej të mos përfshiheshin në Ligjin për veteranët, por është pikërisht që kjo kategori nuk duhet të ndahet, nuk duhet të stigmatizohet. Kjo duhet të jetë pikërisht pjesë, bashkë me këto kategori tjera dhe nëse ndahen të gjitha pastaj mund të ndahet edhe kjo. Dhe, është kjo ajo mundësi e cila i bënë ata pjesë të shoqërisë, pra i bënë pjesë si viktimë të luftës që ka ndodhur e që krejt populli i ka përjetuar, po dikush më rëndë e dikush më lehtë.

Për sa i përket kompensimit nga dhunuesi, unë jam shumë dakord që kompensimi të ndodhte nga dhunuesi, pra jo vetëm këtu në këtë rast po janë shumë të vrarë e shumë të pagjetur, janë shumë shtëpi të dëmtuara, janë fabrika të shkatërruara, janë dëme ekonomike e të gjitha rend që vinë që dhunuesi në këtë rast do të duhej t`ia paguante dhe t`ia kompensonte Kosovës, të bënte një dëmshpërblim të luftës.

Por, kjo gjë do duhej të ishte kusht në negociatë e jo të përdoret tash si argument në ndërkohë që negociatat ndodhin dhe këto gjëra nuk përmenden asnjëherë. Pra, kjo është një hipokrizi e llojit të veçantë.

Sa i përket kolapsit shtetëror që po mund të ndodhë prej kësaj kategorie, unë mendoj që kolapsi shtetëror do të vijë nga korrupsioni, kolapsi shtetëror do të vijë nga hajnitë, po kur se si nuk do të mund të vinte nga kjo çështje. Dhe, kur këto raste trajtohen, përpiqen të trajtohen me elemente teknike e jo mjekësore, jo po u dashkan analiza mjekësore këto gjëra, kjo është kulmi i banalitetit. Kjo është kulmi i ofendimit për këtë

kategori që përpiqemi në një t`ia vejmë në dyshim se po u dashka ata patjetër të futen në disa procedura mjekësore, dhe tjetra është që ne duhet ta paragjykojmë këtë kategori si të poshtër. Pra, gratë në Kosovë janë të poshtra sipas këtij arsyetimi dhe ato mund të vijnë dhe të lajmërohen sikur qenkan të dhunuara edhe të gënjejnë dhe në këtë rast të përfitojnë beneficion nga ky ligj. Nuk duhet të nisemi nga këto paragjykime që njerëzit janë të poshtër, njerëzit janë të mirë përgjithësisht dhe ata do të vijnë nëse kanë vuajtur dhe nëse ne ua hapim derën përmes këtij ligji.

Për sa u përket parave dhe votave, ju kisha lutur që ta largoni pak mendjen veç nga këto dy shprehje se krejt çdo gjë po sillet në krejt këto diskutime vetëm rreth këtyre dy çështjeve. Mendoni që ka diçka edhe përtej kësaj pune, këto punë duhet t`i krijojë ligji, mendoni pak shoqërinë pak më ndryshe, mos mendoni parat, votat se vetëm para, vota, para, vota, para vota e asgjë tjetër nuk po dëgjoj këtu. Mendoni që ka ndjenja, mendoni që ka ndodhur diçka, mendoni që ka dikush nevojë që të kompensohet dhe kjo nuk është aspak politike, në fund të fundit këtu sa munda të shoh dikush kundërshton, dikush e përkrah, kjo është më së paku politike në këtë rast dhe më së paku vota mund të ketë nga kjo çështje.

KRYESUESI: Zoti Muja, replikë.

SHAIP MUJA: I nderuar kryesues,

Unë u mundova aq sa m`u dha mundësia në foltore t`i prek shkurtimisht nga aspekti profesional lëndimet shpirtërore çka janë ato.

Parafolësi dhe parashtruesit dhe kategorikisht që mundohen ta mbrojnë për mua janë spekulant të tipit të veçantë dhe të cilët mundohen të imponohen në një kategori të lënduar, e cila është shumë vështirë për t`u identifikuar në këtë strukturë të mentalitetit shoqëror. Unë thashë dhe e them prapë që Kosova duhet të ketë mënyrë permanente përkujdesje institucionale, shëndetësore dhe sociale për këtë kategori e cila është jo vetëm nga ata të cilët janë të dhunuar direkt, por nga shoqëritë të cilat kanë qenë në një mënyrë të dhunuar si kolektiv nga strukturat e pushtetit serb dhe nga aparati shtetërorë serb edhe ushtarak. Prandaj, ky spekulim tregon se kemi të bëjmë me një kategori të njerëzve që janë në politikë dhe janë joprofesional për trajtimin emocional, psikologjik, social dhe psikiatrik të rasteve dhe si të tillë e klasifikojnë veten në formë të spekulantëve politikë. Faleminderit!

KRYESUESI: Faleminderit! Kundër-replikë, zoti Aliu.

LIBURN ALIU: Mos u bëni vetë racistë kur thoni për mentalitetin, mos i ndani njerëzit me mentalitete, ky është racizëm edhe çka është më e keqja vetë racizëm, po e trajton mënyrë raciste vetveten, s`duhet trajtuar sendet me mentalitet.

Sa u përket statistikave është rasti që nëpërmjet këtij ligji të krijohet komisioni dhe të gjendet kjo shifër më e drejtë. Pra, të hapim derën, të krijojmë mundësinë ligjore që të ndodhë një diçka e tillë.

KRYESUESI: Faleminderit! Fjalën e ka zonja Flora Brovina.

FLORA BROVINA: Faleminderit!

Unë e mora fjalën, jo për të dytën herë, tani e marrë për të parën herë mbasi që herën e parë fola në emër të Komisionit.

Nuk është çështja e grave të dhunuara një çështje që të themi, domethënë e ndjeshme ose jo, kjo është çështje e krimeve të luftës të bëra në Kosovë.

Nuk pajtohem me të gjitha akuzat që u drejtuan në fjalën kur fola në emër të Grupit, nga disa politikanë që nuk i kanë parë këto gra, nuk i kanë takuar këto gra dhe që mundohen tani të dalin në përkrahje të këtyre grave. Mirë është kur shoqëria është e ndjeshme dhe del në krah të atyre që 15 vjet nuk i pa askush.

Merrem prej vitin 1998 me fatin e këtyre grave e jo këto gra qysh në kohën e luftës kur u abuzua ndaj tyre, ndaj burrave të tyre, fëmijëve të tyre. Edhe një herë e përsëris, jam dëshmitare para gjykatësit të Hagës për të gjitha abuzimet ndaj gruas në Kosovë edhe si mjeke.

Kam 400 histori dhe pra historitë nuk na duhen, ato i kemi, 400 dosje desha të them, asnjëra nga këto gra të cilat i vizitoj dhe takohem me to nuk kanë pranuar të jenë dëshmitare në Hagë, sepse në gjyqe ato dhunohen për së dyti.

Këto gra vështirë që do të pranoin të dëshmojnë edhe në bazë të ligjit të propozuar, amendamentimit. Ato kërkojnë një përkrahje të shoqërisë ndryshe, kërkojnë që tema e dhunimit në Kosovë të mos jetë një temë tabu për të cilën nuk do të flasim shpeshherë, qoftë edhe në këtë formë qysh folëm sot.

Ato kërkojnë që dhunimi në Kosovë të njihet si një dhunë u shkaktua në Kosovë, pra të pranohet si e tillë dhunim ndaj gruas në emër të përkatësisë së saj nacionale. Ato kërkojnë që dhunuesit dhe ushtruesit e dhunës të dënohen, nëse mendoni se s"kemi dëshmi ja unë do t" ua ofroj dëshmitë. Prandaj, kërkoj që këta dhunës më në fund t"i njehni, kam edhe fotografi ata mund të dënohen, mund të gjinden dhe të dënohen, kjo është arsyetimi i këtij ligji.

Të ndërtohen mekanizma siç thanë disa që të dalin në mbrojtje të grave të dhunuara dhe të tjerëve të dhunuar dhe ata të respektohen si viktimat e luftës. Thamë mekanizma, sepse mekanizma të tilla nuk ekzistojnë, ato janë lënë në fatin e shoqërisë civile e cila nuk mjafton.

Dhe, më lejoni të them ato gra jetojnë në mesin tonë dikund edhe kanë gjetur strehim. Institucioni që e bartë peshën më të madhe është familja dhe ajo shpeshherë edhe

është e traumatizuar edhe vetë. Këto gra me gjithë plagët e veta nuk kanë qejf t'i prekin plagët, sepse ato edhe kullojnë gjak dhe dhimbje.

Do ta përmend një rast për të qenë një dëshmi e gjallë. Gruaja është nga Kishnica, sot është në moshën time, është 50-vjeçare e dhunuar, ndoshta nga bashkëvendësit e saj, nga forcat paramilitare dhe militare, nga shumë të tillë. Asaj tentuan pas dhunimit t'ia presin edhe krahun, burrin ja vranë edhe djali është i zhdukur, ajo humbi vëmendjen dhe si e tillë kur unë e njoha ne nuk kishim mekanizma institucional t'i dalim në ndihëm, ajo s'kishte as leje njoftimi për ta dëshmuar vetveten dhe t'i marrë ndihmat sociale për shkak të moshës. Këtu është ish- ministri i Punës dhe i Mirëqenies Sociale, besoj që është prezent dhe e dinë rastin e tillë. Por ju të tjerët, a e njihni këtë grua e cila jeton në Shtime dhe ka shumë të tillë që kanë nevojë për ndihmën tonë dhe presin ndihmën tonë?

Dhe ne kemi nevojë të japim shumë dëshmi edhe për dhunimet, sidomos në Këshillin për dëshmitë e luftës, kemi nevojë ta plotësojmë Ligjin për viktimat e luftës, ndoshta ky draft nuk na pëlqeu si i tillë. Faleminderit!

KRYESUESI: Faleminderit! Zoti Ahmet Isufi e ka fjalën.

AHMET ISUFI: Faleminderit, zoti kryesues!

Ne jemi deputetë dhe jemi në Parlament ku bëhen ligjet, bëhet legjislatura dhe konsideroj se 15 vjet pas luftës e kemi një temë jashtëzakonisht të ndjeshme e që nuk është dashur t'i lëmë 15 vjet të kalojnë për shkak se çdo dëmtim që i është bërë Kosovës në çfarëdo forme, duhet kërkohet llogari dhe ne duhet të përcaktohem i dom të jemi shtet që funksionon me ligje a duam që t'i lëmë çështjet e paprekura dhe të merren shoqatat, të merren organizatat edhe 15 vjet tjera të na kalojnë neve me një plagë, e cila duhet megjithatë të marrë një formë ligjore për trajtimin e një kategorie të dëmtuar në shoqërinë tonë?

Si të gjitha kategoritë tjera që kanë pasur trajtim në Kuvendin e Kosovës dhe që janë mbuluar me ligj, duhet edhe kjo kategori, e cila është dëmtuar nga një shtet që sistematikisht me program ka vepruar ndaj qytetarëve të Kosovës.

Çështja e mentalitetit, e mënyrës së sjelljes, është çështje edukate që ka ndodhur në popullin tonë, por nuk duhet të bëhemi si struci, ta futim kryet në rërë, gjoja se nuk ka pasur kurrgjë, e nuk po dimë kurrgjë dhe nuk po duam ta trajtojmë një temë, e cila duhet me ligj, në mënyrë që të mos e lëmë edhe më tutje të merren kategori të ndryshme shoqërore, qoftë edhe siç po thuhet për përfitime.

Pse t'ia lëmë mundësinë kujtdo qoftë që ta keqpërdorë një kategori të caktuar të shoqërisë sonë, e cila është dëmtuar në një mënyrë tjetër, siç ka ndodhur edhe në rastet tjera, me vrasjet, me plagosjet, me dëmtimet materiale, me të gjitha.

Prandaj, konsideroj që duhet të bëhet ligji, sepse e garanton një të drejtë qytetare. Edhe sot, në kushte paqeje, në çdo shtet, dhunimi është vepër penale dhe i dëmtuari megjithatë trajtohet.

Në bazë të ligjit, edhe në kushte normale, kur edhe një individ është në pyetje, e ne po flasim për një kategori, e cila është dëmtuar gjatë luftës dhe duhet të trajtohet me ligj absolutisht. Çështje tjetër pastaj është numri, çështje e mekanizmave tjerë që duhet ta vërtetojnë dhe që duhet ta implementojnë ligjin. Por, që duhet të bëhet ligji, duhet të bëhet në mënyrë që të mos lejojmë edhe më tutje të kemi në vazhdimësi vetëm trajtim anësor të kategorive të shoqatave e të aspekteve tjera, që nuk e kanë mundësinë ligjore ta bëjnë një ndihmë të tillë.

Prandaj, trajtimi duhet të jetë ligjor dhe shtetëror. Faleminderit!

KRYESUESI: Faleminderit! Vërtet është një temë shumë e ndjeshme për të gjithë dhe shoqëria duhet të merret besoj me këtë çështje. Por, mendoj se emërtimi i ligjit që është miratuar nuk është i qëlluar. Është dashur të jetë i ndarë ligji për dëshmorët, për veteranët dhe për pjesëtarët e Ushtrisë Çlirimtare të Kosovës dhe ligj i veçantë të jetë për viktimat civile, për familjarët dhe për kategorinë, për të cilën po diskutojmë sot.

Megjithatë, ne i kemi para vetes dy propozime. Sipas Rregullores, unë dua t'i hedh në votim rekomandimet e të dy komisioneve, të cilat e kanë shqyrtuar propozimin dhe bashkë me to edhe ligjin.

Debati ka përfunduar.

(Dëgjohet debat nga salla)

Cilëndo! Mirë, i nxjerrim në votim! Do të votohen të dyja përnjëherë. Për njërin do të votojmë „për“ dhe për tjetrën „kundër“. Mirë, uluni pra! Unë po i hedh në votim rekomandimet e dy komisioneve lidhur me propozimin për ndryshimin e ligjit.

Kryesia ua ka përcjellë komisioneve për ta vlerësuar propozimin dhe sipas Rregullores, në qoftë se rekomandimet të cilat i kemi kërkuar bashkë...

(Ndërhyrje nga salla)

...unë s'po dua të veproj qysh keni qejf ju, po qysh duhet të veprohet, sipas Rregullores.

Ky nuk është projektligj.

(Debat nga sallë)

Ky është propozim i një grupi parlamentarësh dhe propozimi... Rregulloren unë e zbatoj, mos bërtit! Bëju pak me kulturë! Sillu si njeri, burrë! Po unë po sqaroj.

Dhe, në qoftë se ju mendoni ndryshe, unë e bëj ndryshe. Nuk mund me britma të më detyrosh të ndryshoj qëndrimin tim dhe mënyrën sesi procedoj me Rregullore. Kot e ke! As të më nervozosh. Unë jam këtu!

Unë po dua ta sqaroj: propozimi ka ardhur siç ka ardhur, në rregull është. Kryesia ka kërkuar nga dy komisionet funksionale mendim lidhur me projektligjin e propozuar nga Grupi Parlamentar "Vetëvendosje".

Sipas rregullave, ne do të duhej t'i votojmë propozimet e dy komisioneve: të Komisionit për Shëndetësi, Punë dhe Mirëqenie Sociale dhe të Komisionit për Buxhet dhe Financa. Në qoftë se votohet kundër propozimit të dy komisioneve, miratohet ligji. Kjo është rregulla.

Në qoftë se doni ju dhe mendoni si deputetë që ne duhet ta ndryshojmë për hatër tuajin, unë e ndryshoj mendimin e grupeve parlamentare, s'ka problem. Seanca nuk mund t'i ndryshojë praktikën dhe rregulloret.

(Debat në sallë)

Ja jap fjalën kryetarit të Grupit Parlamentar të Partisë Demokratike. A jeni për ta ndryshuar konstatimin tim dhe mënyrën si është proceduar deri sot, që të votohet mendimi i komisioneve?

Fjalën e ka zoti Sabri Hamiti, për procedurë.

SABRI HAMITI: Zotni kryesues, faleminderit!

Unë veç do të flas për situatën në të cilën jemi, sepse e përçolla. E di vendimin. Dy mendimet e komisioneve janë negative. Ne e dimë si dokument, e dimë edhe në Kryesi, e pamë edhe këtu. Problemi është tjetër, që e kemi një rrëzim të këtij mendimi në diskutime. Sepse diskutimet, njerëzit ose i kanë dy mendime, unë flas për anëtarë të komisionit, se i përçolla. Kanë folur edhe anëtarët e komisioneve, mendime që janë të nuancuara, për të mos thënë nuk janë të njëjtat me mendimin e komisioneve.

Ajo që thoni ju, zoti kryesues, është shumë e vërtetë, që mendimet e komisioneve hidhen në votim edhe nuk ka çka hidhërohet kurrkush, se është rregull. Por, megjithatë, ne jemi në një situatë kur diskutimi po ofron diçka të nuancuar. Kështu që, kini kujdes, më lejoni t'i them tri fjalë, pastaj komentoni. Unë po e marr kohën time për çfarë desha të them.

Prandaj, unë thashë, ndoshta është mirë që kryetarët e komisioneve ta deklarojnë edhe një herë mendimin. Kaq! Tjetër nuk mund të bëjnë, sepse në lexim të parë ne nuk mund të ndërrojmë kurrgjë. Propozojmë gjëra, themi kalon, ose nuk kalon. Faleminderit!

KRYESUESI: Realisht, praktika jonë në këto raporte e gabueshme është krejtësisht, sepse në asnjë vend të botës, ku ligjet nuk kalojnë në komisione nuk duhet të shqyrtohen në Parlament.

Megjithatë, unë ua jap edhe një herë fjalën përfaqësuesve të komisioneve, sipas kërkesës së nënkryetarit Hamiti. Por ata, prapë nuk kanë tjera fjalë besoj, përveç asaj që e kanë thënë, sepse këta duhet të mblidhen edhe një herë që ta ndryshojnë atë.

Megjithatë, unë po e hedh në votim, sipas Rregullores, propozimin e komisionit. Në qoftë se kanë ndryshuar mendim le të votojnë kundër propozimit të komisioneve. Edhe u krye!

Atëherë, e hedh në votim. Kush voton për propozimin e komisioneve, voton kundër propozimit të projektligjit.

Votojmë tani! Faleminderit! Miratohet projektligji i propozuar nga Grupi Parlamentar "Vetëvendosje" me 33 vota për, ndërkaq nuk miratohet propozimi i dy komisioneve. Kanë votuar 29, gjithsej 30 vota (një pa kartelë). Sepse unë e kam harruar... A jeni të kënaqur ju?

E përgatiti:

Njësia për Transkriptim dhe Lekturë

TRANSKRIPT

I MBLEDHJES PLENARE TË KUVENDIT TË REPUBLIKËS SË KOSOVËS, E
MBAJTUR MË 20 MARS 2014

SA PLENARNE SEDNICE SKUPŠTINE REPUBLIKE KOSOVA, ODRŽANE 20.
MARTA 2014. GODINE

MARS - MART

2014

Rendi i ditës

1. Koha për deklarime jashtë rendit të ditës,
2. Koha për pyetje parlamentare,
3. Miratimi i procesverbalit të mbledhjes së mëparshme,
4. Shqyrtimi i dytë i Projektligjit për transplantimin e indeve dhe qelizave,
5. Shqyrtimi i dytë i Projektligjit për themelimin e Agjencisë për shërbimet e navigacionit ajror,
6. Shqyrtimi i dytë i Projektligjit për plotësimin dhe ndryshimin e Ligjit për deklarimin, prejardhjen dhe kontrollin e pasurisë të zyrtarëve të lartë publikë dhe deklarimin, prejardhjen dhe kontrollin e dhuratave për të gjithë personat zyrtarë,
7. Shqyrtimi i dytë i Projektligjit për ndryshimin dhe plotësimin e Ligjit për prokurimin publik në Republikën e Kosovës,
8. Shqyrtimi i dytë i Projektligjit për Institutin e Kosovës për Administratë Publike,
- 9. Shqyrtimi i dytë i Projektligjit për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të UÇK-së, viktimave civile të luftës dhe familjeve të tyre.**

[...]

9. Shqyrtimi i dytë i Projektligjit për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të UÇK-së, viktimave civile të luftës dhe familjeve të tyre

Komisionet parlamentare e kanë shqyrtuar Projektligjin për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të UÇK-së, viktimave civile të luftës dhe familjeve të tyre dhe Kuvendit i kanë rekomanduar miratimin e tij me amendamentet e propozuara.

Ftoj nënkryetaren e Komisionit FunkSIONAL për Shëndetësi, Punë dhe Mirëqenie Sociale, deputeten Time Kadrijaj, që para deputetëve ta arsyetojë raportin dhe rekomandimet. Deputetja Kadrijaj e ka fjalën.

TIME KADRIJAJ: Faleminderit, nënkryetar!

Komisioni për Shëndetësi, Punë dhe Mirëqenie Sociale, në bazë të neneve 57, 58 dhe 68 të Rregullores së Kuvendit të Republikës së Kosovës, në disa mbledhje të mbajtura ka shqyrtuar Projektligjin për ndryshimin dhe plotësimin e Ligjit nr. 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, viktimave civile të luftës dhe familjeve të tyre, të propozuar nga Grupi Parlamentar i Lëvizjes “Vetëvendosje” dhe në mbledhjen e mbajtur më 12 shkurt 2014, vendosi që Kuvendit t’ia paraqesë këtë raport me rekomandime.

Pas diskutimeve, Komisioni njëzëri miratoi raportin përfundimtar për Projektligjin për ndryshim dhe plotësim të Ligjit nr. 04/L-054 për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të Ushtrisë Çlirimtare të Kosovës, persona të dhunuar gjatë luftës, viktimave civile dhe familjeve të tyre dhe fton Kuvendin, që ta miratojmë sot këtë projektligj.

(Ndërprerje e shkurtër e incizimit.)

KRYESUESI: Faleminderit! Në sallë kemi 75 deputetë. Teutë, në lidhje me çka e ke fjalën? Teuta Haxhiu e do fjalën.

TEUTA HAXHIU: Faleminderit, nënkryetar!

E di, nënkryetar, që nuk është e shpeshtë për ta marrë fjalën në leximin e dytë, por megjithatë ka qenë praktikë e këtij Kuvendi dhe unë dua ta ngre një shqetësim.

Më vjen keq, që nuk është kryetari i Parlamentit këtu, po dua ta ngre një shqetësim të përfaqësuesve të familjeve të viktimave civile të luftës, të cilat në asnjë institucion nuk gjetën përkrahje.

Do të filloj nga presidentja, nga kryetari i Parlamentit, me të cilin jemi takuar dhe u ka premtuar që do të diskutojnë shumë amendamente, po flas me shifra të specifikuara, kanë biseduar me të gjithë anëtarët e Komisionit, me kryetarin e Komisionit, po dhe

anëtarë të tjerë dhe asnjë përgjigje.

Mua më shqetëson fakti që nuk është gjetur edhe nga ky Kuvend as një hapësirë më e vogla për këto familje, të cilat jetojnë skajshmërisht me një shumë 135 euro, t'i mbajnë familjet e tyre, t'i edukojnë, t'i shkollojnë fëmijët, kjo është më shumë se diskriminuose.

Prandaj, më vjen keq që kryetari u ka premtuar vazhdimisht, që do të bëjë jo presion por thjesht do të mundohet që këto amendamente, disa, aty ku mund të ketë mundësi të përfshihen në këtë projektligj dhe për shqetësim, asnjë nga këto amendamente nuk janë përfshirë këtu. Pra, premtimet kanë qenë publike, ato u janë drejtuar disa herë me shkresa, po janë takuar edhe me Grupin e Grave Deputete dhe asgjë nuk është bërë në këtë drejtim.

Prandaj, më vjen keq edhe nga Kuvendi që nuk e ka kryer obligimin e tij si duhet.

KRYESUESI: Ne dëgjuam mendimin e zonjës deputete. Unë nuk dua të komentoj tash, kush ka premtuar, qysh ka premtuar, se edhe deputetët këtu bisedojnë shpesh gjerë e gjatë, e mbasandaj s'i bëjnë amendamente. Në teknikën e legjislacionit, çka s'bëhet amendament, është fjalë për ngushëllim dhe për publik.

Kështu që, po kalojmë prej... Edhe më mirë, që...

(Drejtimitin e mbledhjes e merr kryetari i Kuvendit, zoti Jakup Krasniqi.)

KRYETARI: E nderuar deputete,

Është e vërtetë që unë i kam pritur ata dhe u kam thënë që Komisioni është ai që bën amendamentimin e ligjit dhe ju komunikoni me komisione, kërkoni nga Komisioni, që kur të bën debat për këtë çështje edhe ju t'i shfaqni mendimet tuaja. Dhe, unë personalisht po të kishin, do të thotë, të ishin bërë amendamentet, unë si çdo deputet do ta kryeja detyrën time.

Kryetari i Kuvendit as nuk i bën amendamentet, as nuk i shqyrton. Prandaj, është mirë secili deputet ta dijë detyrën dhe përgjegjësinë e komisioneve. Komisionet janë ato që i bëjnë amendamentet. Përndryshe, edhe unë po them, dhe iu kam thënë edhe atyre, që edhe ajo kategori, si të gjitha kategoritë që kanë pësuar nga lufta, duhet ta ketë një jetë të dinjitetshme dhe duhet ta ketë përkujdesjen e shoqërisë dhe të institucioneve të shtetit.

Unë më shumë nuk mund të bëj edhe unë jam një deputet si të gjithë ju, por e drejtoj, e udhëheq seancën dhe përfaqësoj Kuvendin, por vendimmarrja është e seancës dhe puna është në komisionet parlamentare.

Fjalën e ka kërkuar dhe deputetja Rada Trajković.

RADA TRAJKOVIĆ: Poštovani predsedavajući,

Kolege poslanici,

Normalno da ja imam rezerve i ne podržavam sve ono što je u funkciji favorizacije takozvane Oslobođilačke Vojske Kosova ali želim da kažem da je za mene vrlo prihvatljivo ono što se odnosi na žene koje su silovane, nažalost, tokom rata. Želim da kažem da jedna od najmoćnijih oružja rata jeste nažalost, taj čin silovanja žena i posle rata sve možemo da izgradimo, i srušene kuće, porušenu infrastrukturu, možemo mnogo stvari da uradimo, da saniramo ono što se desilo, ali posledice silovanja zaista su trajne kod svih onih žena koje su bile izložene takvom činu od neodgovornih ljudi.

I u tom kontekstu, želim da podržim izjavu predsednice države, gospođe Atifete Jahjaga, ali bih isto tako volela da te žene ili makar one koje su najhrabrije budu zajedno sa predsednicom predstavljene javnosti kao način, kao borba, da se to više nikada ne desi, ali i kao podrška, jer znamo koliko one trpe mentalno, psihički, fizički, u smislu šikaniranja unutar porodica, jer mi smo ipak Balkan, konzervativno društvo i imamo jedan zaista potpuno neodgovoran odnos prema ženama, koje nažalost su stradale ne svojom krivicom, nego prosto nemam načina da govorim jednim neodgovornim načinom ponašanja određenih, što bi kazali, velikih ratnika. Hvala vam!

KRYETARI: Vazhdojmë me votim, por jemi këtu edhe për një çështje. Realisht ligji ka ardhur - Shqyrtimi i dytë i Projektligjit për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtave të dëshmorëve, invalidëve, veteranëve, pjesëtarëve të UÇK-së, viktimave civile të luftës dhe familjeve të tyre.

Pse kjo nuk është përfshirë në ligj, është çështje e Komisionit. Deputetja ka mund të bëjë edhe amendamente, po nëse vërtet nuk përfshihen në ligj, ndoshta është mirë të hiqet kjo pjesë dhe të bëhet një ligj, të formohet një komision dhe të bëhet një ligj i veçantë për këtë kategori. Kjo mendoj që mund të bëhet.

Fjalën e ka deputeti Hydajet Hyseni, edhe pse ju e dini s'është praktikë fort për të folur po...

HYDAJET HYSENI: S'është kryetar, po kur praktikohet për dikë, atëherë duhet të respektohet për tjerët, madje edhe dje, nëse i jepet fjala dikujt për të arsyetuar votën, duhet t'i jepet edhe tjetrit.

Por unë kisha pikërisht për këtë çështje, meqë ka një mospërputhje midis titullit dhe përmbajtjes, propozoj një amendament verbal, praktikohet kjo në praktikën parlamentare, te ne s'e kemi praktikuar, por është krejt në rregull, që të bëhet një dispozitë në të cilën do të thuhet: "çështja e viktimave civile rregullohet me akt të veçantë". Dhe kjo do ta rregullonte edhe harmoninë mes titullit dhe ligjit dhe do të rregullonte shqetësimin e qytetarëve dhe të deputetes.

Dhe, vërejtja e dytë që desha ta them po ashtu si një nën-amendament verbal, që është në nenin 1, mund të konsiderohet çështje e standardizimit gjuhësor, por është përtej kësaj sepse ka të bëjë edhe me zbatimin në praktikë, ndonjëherë me formulime gjuhësore ndikohet edhe në anën funksionale.

Sintagma "viktima të dhunës seksuale gjatë luftës", e cila e ka zëvendësuar formulimin e mëparshëm të paqëndrueshëm, megjithatë është e pasaktë. Gjatë luftës ndodh gjithçka, po ligji trajton ato që janë të luftës, prandaj edhe janë viktimat e luftës, krimet

e luftës, kështu që propozimi im është që besoj në mirëkuptim të komisionit dhe të deputetëve, që kjo formë të përdoret edhe kur janë krimet ose viktimat e dhunës seksuale të luftës, jo gjatë luftës.

Faleminderit!

KRYETARI: Nejse, gjuhësisht ndoshta është edhe ndonjë nuancë, por për mua s'prish punë. Kush është kryetari i komisionit? Fikrim Damka.

FIKRIM DAMKA: Faleminderit, kryetar!

Po shumë kemi diskutuar për këtë ligj dhe kemi pasur shumë kohë të amendamentohet për secilin nen dhe për secilin titull. Tash jemi në këtë kohë kur duhet të ndryshojmë edhe gjyqësorin. Për mua s'prish punë, qysh doni ju.

KRYETARI: Mendoj që po del një problem që ndoshta duhet të mendojmë ta zgjedhim më vonë ose ta gjejmë një mënyrë...

A shkojmë në lexim të tretë?

Ne po e kalojmë, por atëherë një kategori po mbetet e pa përfshirë. Atëherë duhet ta formojmë një grup dhe ta bëjmë një ligj të shkurtër vetëm për atë kategori.

Atëherë, po vazhdojmë:

Amendamenti 1, me jo "gjatë luftës" po "të luftës" po e bëjmë, a jeni dakord? Mirë.

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 2

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 3

Kundër s'ka...

(Ndërhyrje)

Sa janë kundër amendamentit? Atëherë, po shkojmë me votim dhe votojmë amendamentin 3.

Regjia, bëhu gati! Votojmë tash!

A keni vërejtje në amendamentin e tretë apo të dytin? Në të dytin.

Atëherë, po votojmë prapë.

81 deputetë janë prezentë dhe votojmë amendamentin 2 dhe votojmë tash.

Kalon, me 63 vota për, 9 kundër, asnjë abstenim.

Në amendamentin 3, a ka vërejtje?

Nuk ka, kundër s'ka, abstenim s'ka miratohet.

Amendamenti 4

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 5, propozim i deputetes Albulena Haxhiu, me përkrahjen e Komisionit Funkcional.

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 6

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 7

Kundër? Nuk ka. Abstenim nuk ka. Miratohet.

Amendamenti 8, propozim i deputetes Albulena Haxhiu, me përkrahjen e Komisionit Funkcional.

A ka kundër? Ka... shkojmë me elektronikë.

(Ndërhyrje)

S'ka nevojë, Albulenë. Pra, me përkrahjen e Komisionit Funkcional, votojmë tash amendamentin 8, me përkrahje është.

Me 63 vota për, 10 kundër, asnjë abstenim, miratohet amendamenti 8, propozim i deputetes Albulena Haxhiu, me përkrahjen e Komisionit Funkcional.

Amendamenti 9

Kundër ka. Shkojmë në votim. Lus deputetët dhe regjinë të përgatiten për votim dhe votojmë tash:

Me 55 vota për, 17 kundër dhe asnjë abstenim, miratohet amendamenti 9.

Tani e votojmë ligjin në tërësi. Lus deputetët dhe regjinë të përgatiten për votim. Votojmë tash!

Me 69 vota për, 9 kundër, 1 abstenim, Kuvendi miratoi Ligjin numër 04/L-172 për ndryshimin dhe plotësimin e Ligjit për statusin dhe të drejtat e dëshmorëve, invalidëve, veteranëve, pjesëtarëve të UÇK-së, viktimave civile të luftës dhe familjeve të tyre.

Mirupafshim në seancën e radhës!

E përgatiti:

Njësia për Transkriptim dhe Lekturë

...Out of the huts of history's shame

I rise

Up from a past that's rooted in pain

I rise

*I'm a black ocean, leaping and wide,
Welling and swelling I bear in the tide.*

*Leaving behind nights of terror and fear I rise
Into a daybreak that's wondrously clear*

I rise

*Bringing the gifts that my ancestors gave, I am the dream and the hope
of the slave.*

I rise I rise I rise.

Maya Angelou¹⁸

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