

Strategies for the Protection of Landmine Victims; A Restorative Justice Approach

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ABSTRACT *In the current context of criminal law, the rehabilitation and compensation of those affected by landmines pose significant difficulties that require a creative and comprehensive approach. The research paper, titled "Strategies for the Protection of Landmine Victims: A Restorative Justice Approach," aims to investigate and outline effective strategies that go beyond traditional punitive legal systems. Instead, the paper seeks to incorporate the principles of restorative justice into the rehabilitation of landmine victims. This study aims to examine current legal mechanisms and their limitations in effectively addressing the complex needs of victims. It endeavours to identify restorative practices that prioritize healing, compensation, and the reintegration of victims into society. By doing so, it intends to ensure the protection and well-being of victims. This paper presents a comprehensive model that utilizes restorative justice as a crucial instrument for safeguarding landmine victims. The model is supported by a variety of case studies, international legal precedents, and theoretical frameworks. This text critically analyzes the capacity of restorative justice to promote communication between victims and offenders, cultivate community backing, and enforce reparative actions that adequately tackle the physical, psychological, and socio-economic consequences of landmine injuries. The research discusses victim protection by using a multidisciplinary approach that includes legal analysis, victimology, and human rights advocacy. It aims to provide practical recommendations for policymakers, legal practitioners, and civil society organizations involved in the fight against landmines and the pursuit of justice and rehabilitation for the victims.*

KEYWORDS *Restorative Justice, Landmine Victims, Victimology and Landmines, International Humanitarian Law, Legal Frameworks.*

1. Introduction

The menace of landmines remains one of the most daunting and persistent challenges in post-conflict regions around the globe. Despite extensive demining efforts and international treaties aimed at curbing their use, the legacy of landmines continues to inflict harm on civilian populations, long after conflicts have ceased. The insidious nature of landmines lies not only in their

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capacity to maim or kill unsuspecting individuals but also in their prolonged impact on communities, hindering economic development and fostering a climate of fear and instability. As survivors grapple with the physical and psychological scars left by landmine incidents, the need for innovative legal and humanitarian responses becomes ever more critical. Against this backdrop, the concept of restorative justice emerges as a compelling framework, offering a pathway to healing and rehabilitation that transcends the limitations of traditional legal mechanism.¹ Originating within the realm of criminal justice as a means to repair the harm caused by criminal behavior, restorative justice facilitates dialogue and understanding among victims, offenders, and the community. It seeks to address the needs of victims, ensure accountability of perpetrators, and restore social harmony. In the context of landmine victims, restorative justice aligns with the principles of international humanitarian law and victimology, emphasizing a victim-centered approach that acknowledges the unique challenges faced by this vulnerable group.² The relevance of restorative justice to the plight of landmine victims is manifold. By focusing on the restoration of individuals and communities, this approach underscores the importance of acknowledging the suffering of victims, facilitating their physical and psychological recovery, and integrating them back into society. It also calls for a broader understanding of accountability, one that encompasses not only the direct perpetrators but also the entities responsible for the proliferation and use of landmines. Furthermore, restorative justice principles can guide the development of policies and programs that prioritize the well-being of victims, ensuring that legal and humanitarian efforts are tailored to their specific needs and circumstances. This paper posits that embedding restorative justice principles within the legal framework offers a nuanced and effective approach to addressing the complex needs of landmine victims.³ It advocates for a comprehensive strategy that integrates restorative justice with international humanitarian law, aiming to enhance legal and humanitarian remedies available to landmine survivors. By doing so, it not only seeks to provide immediate support and relief to individuals affected by landmines but also to contribute to the broader objectives of peacebuilding and reconciliation in post-conflict scenarios. Through a detailed exploration of restorative justice principles, the plight of landmine victims, and the potential for integration with international humanitarian law, this paper underscores the transformative potential of

¹ Elmar G. Weitekamp and Stephan Parmentier, "Restorative Justice as Healing Justice: Looking Back to the Future of the Concept," *Restorative Justice* 4, no. 2 (May 3, 2016): 141–47, <https://doi.org/10.1080/20504721.2016.1197517>.

² Jo-Anne Wemmers, "Restorative justice for victims of crime: A victim-oriented approach to restorative justice," *International Review of Victimology* 9, no. 1 (2002): 43–59.

³ Yana Priyana, Abdul Aziz Assayuti, and Muhamad Romdoni, "Exploring the Effectiveness of Restorative Justice Practice in Criminal Law System," *West Science Law and Human Rights* 1, no. 3 (2023): 107–114.

restorative justice in redefining legal and humanitarian responses to one of the most pressing issues of our time.

2. Restorative Justice: A Theoretical Overview Tailored to Landmine Victims

Restorative justice represents a paradigm shift in addressing the aftermath of criminal acts, focusing on the needs of the victims, the responsibility of the offenders, and the role of the community in facilitating healing. This approach diverges from traditional punitive justice systems, which primarily aim at punishing the offender, often leaving the needs of the victims and the community unaddressed. Restorative justice emphasizes healing the harm caused by criminal behavior and restoring the relationships affected by the crime, including the relationship between the victim and the offender, as well as the broader community. The principles of restorative justice — accountability, reparation, and engagement — are particularly relevant in the context of landmine victims.⁴

Historically, restorative justice has its roots in the practices of indigenous communities, where repairing the harm and restoring harmony within the community were prioritized over punishment. In modern times, it has been increasingly adopted in criminal law systems around the world, recognized for its potential to contribute to more meaningful justice processes. It focuses on dialogue and mediation between the victim and the offender, facilitated by community involvement, aiming to achieve a consensus on how to address the harm caused and promote reconciliation.⁵

The application of restorative justice principles to the rehabilitation of landmine victims requires a tailored approach. This involves not only addressing the immediate physical injuries but also providing psychological support, facilitating social reintegration, and ensuring economic empowerment. For instance, victim-offender mediation, a common restorative practice, might be adapted to include discussions with representatives of parties responsible for landmine laying, focusing on acknowledgment of harm and commitment to victim support. This shift in perspective requires reimagining legal frameworks to prioritize victim support and community restoration. It involves recognizing victims of landmines not just as passive recipients of aid but as active participants in the justice process. This participatory approach aligns with the core principles of restorative justice, fostering environments where victims can express their needs and have a say in the support and reparations they receive.

⁴ Guillermo Gorriin Castellano, “‘as Long as There’s Conflict, There Will Be Landmines’: Comparing Technocratic and Community, Victim-Based Approaches to Landmine Action and Victim Identification in the Context of the Principles of Non-Repetition and Remedies,” University Digital Conservancy Home, January 1, 1970, <https://conservancy.umn.edu/items/c58db969-41ae-4cd0-80aa-e0622cb5af0d>.

⁵ Sigifredo Castell-Britton, “Speaking about restorative justice,” June 21, 2024. <https://doi.org/10.32388/4xo9q2>.

Moreover, the emphasis on community involvement in restorative justice can significantly contribute to the destigmatization and reintegration of landmine victims. Community-based programs that focus on understanding the plight of victims, coupled with initiatives aimed at raising awareness about landmines, can foster solidarity and support for victims within their communities. Implementing restorative justice principles in support systems for landmine victims challenges existing legal and humanitarian paradigms. It requires a concerted effort from national governments, international organizations, and civil society to create legal frameworks that are flexible, victim-centered, and capable of addressing the complex realities of landmine injuries.

In conclusion, restorative justice offers a promising theoretical framework for enhancing support and rehabilitation for landmine victims. By focusing on healing, accountability, and community involvement, it provides a holistic approach to addressing the needs of victims, promoting their rights, and facilitating their reintegration into society. The integration of restorative justice principles into international humanitarian law and victim support systems represents a critical step towards achieving justice and dignity for landmine victims, paving the way for a future where the scars of conflict can be more fully healed.⁶

3. Understanding the Plight of Landmine Victims through Victimology

Victimology, with its focus on the study of victims and the impacts of victimization, serves as a vital lens through which to examine the plight of landmine victims. It not only highlights the immediate dangers posed by landmines but also delves into the multifaceted challenges victims face, encompassing physical trauma, psychological distress, social stigma, and economic hardship. This comprehensive view underscores the necessity for a nuanced approach to support and rehabilitation, one that extends beyond the immediate aftermath of injury to consider the long-term well-being of the victim.

3. 1 Landmine victims endure severe physical trauma, often resulting in debilitating injuries that necessitate amputations, ongoing medical treatment, and a challenging path to physical recovery

The abrupt transition to living with a disability profoundly affects victims, altering their sense of self and future prospects. However, the impact of landmines is not solely physical; psychological trauma also plays a significant role, with many victims grappling with PTSD, anxiety, and depression. These mental health challenges can be as incapacitating as the physical injuries, emphasizing the need for psychological support as a core component of the

⁶ John Braithwaite, "Learning to Scale up Restorative Justice," *Restorative Justice in Transitional Settings*, February 12, 2016, 173–189, <https://doi.org/10.4324/9781315723860-10>.

rehabilitation process. Compounding the physical and psychological challenges are the social implications of landmine injuries. Victims frequently encounter social stigma and discrimination, fueling a sense of isolation and marginalization.

3. 2 Despite the clear need for holistic support, current legal and policy frameworks often fall short in providing adequate assistance to landmine victims

The gaps in support and protection are evident in the lack of coordinated efforts to address the complete spectrum of victims' needs, from medical and psychological care to social reintegration and economic empowerment. This inadequacy points to the necessity of a victim-centered approach in designing legal remedies and rehabilitation programs, one that is informed by the principles of restorative justice and prioritizes the specific needs of each victim.

3. 3 The principles of restorative justice, with their focus on healing, accountability, and community involvement, offer a promising path forward

A victim-centered approach grounded in these principles would ensure that rehabilitation programs are not only comprehensive but also tailored to the individual needs of landmine victims. This approach necessitates a shift in perspective among policymakers and humanitarian organizations, recognizing the inherent dignity and rights of victims and committing to their full rehabilitation and societal reintegration.

To effectively implement a victim-centered approach, it is crucial to involve landmine victims in the development and execution of legal remedies and rehabilitation programs. This inclusion ensures that initiatives are responsive to the actual needs of victims, enhancing their effectiveness and impact. Moreover, adopting a restorative justice-informed approach requires accountability from both the perpetrators and the international community, emphasizing collective responsibility in supporting victim assistance programs.

3. 4 Despite the potential benefits of a victim-centered approach, several challenges must be addressed, including securing adequate funding, developing specialized support services, and fostering inclusive policies

Overcoming these obstacles demands a concerted effort from governments, non-governmental organizations (NGOs), and the international community, underscoring the importance of prioritizing the needs and rights of landmine victims. In conclusion, a thorough understanding of victimology illuminates the complex challenges faced by landmine victims and the critical gaps in current support systems. By embracing a comprehensive, victim-centered approach informed by restorative justice principles, it is possible to provide meaningful support to landmine victims, facilitating their recovery, reintegration, and

empowerment. This approach not only aligns with moral imperatives but is also essential for achieving justice and healing for those affected by landmines, ultimately contributing to a more compassionate and inclusive society.⁷

4. Integrating Restorative Justice with International Humanitarian Law for Landmine Victims

Integrating Restorative Justice with International Humanitarian Law (IHL) for landmine victims represents a significant shift towards a more victim-centered approach in addressing the aftermath of landmine injuries. This integration seeks to harmonize the principles of restorative justice—focusing on healing, accountability, and community involvement—with the legal structures of IHL, which are designed to protect individuals in conflict zones and ensure their rights. The merger of these two frameworks offers a promising pathway to enhance the support mechanisms for landmine victims, providing a more holistic and compassionate response to their needs. Restorative justice, with its emphasis on repairing the harm caused by criminal acts, presents a unique approach to understanding and addressing the needs of victims. By applying these principles to the context of landmine injuries, the international community can foster a more inclusive and participatory process that not only acknowledges the suffering of victims but also actively involves them in the healing process. This approach contrasts with traditional legal frameworks, which often prioritize punitive measures over the rehabilitation and reintegration of victims.⁸

International Humanitarian Law, primarily concerned with the protection of individuals during armed conflicts, sets the foundation for the legal rights of war victims, including landmine victims. However, IHL often lacks the mechanisms to ensure the comprehensive rehabilitation of victims and their full reintegration into society. By integrating restorative justice principles into IHL, there is a potential to bridge this gap, creating a more responsive and adaptive legal framework that prioritizes the well-being of landmine victims. One of the key integration points between restorative justice and IHL is the emphasis on victim participation. Restorative justice encourages the active involvement of victims in the justice process, allowing them to express their needs and preferences directly. Restorative justice recognizes the role of the community in facilitating healing and reconciliation. Similarly, integrating this principle into IHL can promote community-driven initiatives aimed at supporting landmine

⁷ Maxwell Kerley, “Achieving Zero New Victims of Landmines,” *UN Chronicle* 46, no. 2 (April 17, 2012): 56–59, <https://doi.org/10.18356/6bb28742-en>.

⁸ Elizabeth Salmón and Juan-Pablo Pérez-León-Acevedo, “Reparation for Victims of Serious Violations of International Humanitarian Law: New Developments,” *International Review of the Red Cross* 104, no. 919 (April 2022): 1315–43, <https://doi.org/10.1017/s1816383122000297>.

victims, fostering a sense of belonging and collective responsibility towards their rehabilitation.⁹

However, integrating restorative justice with IHL presents several challenges. One of the main challenges is the complexity of implementing restorative justice principles in the context of international law, which requires coordination among various stakeholders, including states, international organizations, and civil society. This complexity is compounded by the diverse legal systems and cultural contexts in which landmine victims are situated. Moreover, there are concerns about the compatibility of restorative justice with the established norms and practices of IHL. The emphasis of restorative justice on dialogue and reconciliation may conflict with the more formal and structured processes of international law. Addressing these concerns requires a careful balancing of the informal, flexible nature of restorative justice with the formal legal procedures of IHL.

The potential benefits of integrating restorative justice with IHL for landmine victims are significant. This approach can lead to more tailored and effective support mechanisms, addressing the physical, psychological, and social needs of victims. It can also enhance accountability by involving not only those directly responsible for landmine deployment but also the broader international community in the support and rehabilitation of victims. Furthermore, integrating restorative justice into IHL can promote a shift in legal and humanitarian responses to landmine injuries, moving away from a solely punitive approach towards one that emphasizes healing and restoration. This shift has the potential to redefine how the international community views and responds to the needs of landmine victims, placing greater emphasis on their rights and dignity.¹⁰

The integration of restorative justice principles into IHL also highlights the importance of international cooperation and solidarity in addressing the challenges faced by landmine victims. By fostering a collaborative approach, states and international organizations can pool resources and expertise to develop more comprehensive and effective support systems for victims. To facilitate this integration, it is essential to develop guidelines and best practices that can be adapted to different legal and cultural contexts. These guidelines should emphasize the importance of victim participation, community involvement, and the holistic rehabilitation of landmine victims, ensuring that these principles are reflected in the implementation of IHL provisions related to victim support. Moreover, capacity-building efforts are crucial to equip legal professionals, policymakers, and humanitarian workers with the knowledge and

⁹ Timothy L.H. McCormack, "M. Sassòli; A.A. Bouvier, Eds., How Does Law Protect in War?: Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law, International Committee of the Red Cross: Geneva 1999, 1492 Pp. ISBN 2-88145-110-1.," *Netherlands International Law Review* 49, no. 2 (August 2002): 291, <https://doi.org/10.1017/s0165070x00000504>.

¹⁰ Nancy Montgomery, Hillary Hook, and Hilary Murphy, *Restorative Justice in Post-Conflict Areas* (Cedarville University, 2014).

skills needed to apply restorative justice principles within the framework of IHL. Developing comprehensive evaluation mechanisms that can assess the effectiveness of support programs and policies from a restorative justice perspective is essential for continuous improvement and adaptation of strategies to better meet the needs of victims.¹¹

In conclusion, the integration of restorative justice with International Humanitarian Law for landmine victims represents a promising approach to enhancing support mechanisms and redefining legal and humanitarian responses to landmine injuries. Despite the challenges, the potential benefits of a more holistic, victim-centered approach are clear. By prioritizing the healing and rehabilitation of victims, fostering accountability, and promoting community involvement, this integrated approach can contribute significantly to the well-being of landmine victims and support their journey towards recovery and reintegration into society.

5. Case Studies: Applying Restorative Justice to Support Landmine Victims

Given the complexity and depth required to thoroughly analyze and discuss the integration of restorative justice principles into supporting landmine victims through case studies, a comprehensive exploration demands an examination that stretches beyond a simple overview. Let us delve into the nuances of this integration, dissecting its impact on victim support mechanisms, the inherent challenges faced, and the transformative potential it holds for redefining victim assistance at both the community and legal levels.¹²

5.1 Colombia: A Beacon for Community-Based Rehabilitation Context and Implementation

In the wake of prolonged armed conflict, Colombia faced a dire challenge in addressing the needs of landmine victims scattered across its rural landscapes. The adoption of community-based rehabilitation programs, underpinned by restorative justice principles, aimed to address this challenge head-on. These initiatives, spearheaded by NGOs alongside local communities, emphasized not just the physical rehabilitation of victims but also their psychological well-being and social reintegration.

Effectiveness and Challenges: The effectiveness of these programs was observed in their holistic approach to rehabilitation, offering victims a platform to engage in their recovery actively. By incorporating victims into advocacy

¹¹ E. Christine Evans, "Right to reparations in international law for victims of armed conflict: Convergence of law and practice?" (Phd diss., London School of Economics and Political Science, 2010).

¹² Martin Chitsama, "Building Sustainable Local Capacities for the Assistance of Landmine Victims in Southern Africa: A Concept from the Minefields of the Zambezi Basin Escarpment," *Journal of Conventional Weapons Destruction* 6, no. 3 (2002): 6.

roles, these programs succeeded in empowering individuals, thus fostering a stronger sense of community solidarity. However, challenges such as inadequate funding, limited reach in remote areas, and the ongoing stigma against victims of landmine injuries posed significant barriers to their broader implementation.¹³

Outcomes and Lessons Learned: The primary outcome was a marked improvement in the quality of life for participants, evidenced by enhanced mobility, psychological recovery, and reintegration into community life. A key lesson was the critical importance of tailoring restorative justice initiatives to fit the cultural and social fabric of affected communities, ensuring sustainability and effectiveness. Recommendations for future strategies include increasing investment in community-based programs and enhancing public awareness campaigns to combat stigma against landmine victims.

5. 2 Cambodia: Pioneering Victim-Offender Mediation

Context and Implementation:

Cambodia, with its tragic history of landmine contamination, introduced victim-offender mediation sessions as a novel approach to address the aftermath of landmine incidents. These sessions involved not just the victims but also former combatants engaged in demining efforts, providing a platform for dialogue, remorse, and reconciliation.

Effectiveness and Challenges: The dual focus on psychological relief for victims and the reintegration of former combatants presented a nuanced approach to reconciliation. The effectiveness of this model lay in its ability to foster personal healing and communal harmony. However, the anonymity of mine layers and the logistical challenges of organizing mediation sessions in heavily mined regions presented significant obstacles.

Outcomes and Lessons Learned: The notable outcomes included improved mental health among participants and a decrease in community tensions. The initiative highlighted the importance of incorporating traditional and local practices in restorative justice efforts to enhance their acceptability and impact. The recommendation moving forward is to expand these mediation sessions through increased support and training for facilitators, ensuring a broader and more impactful implementation.

5. 3 Bosnia and Herzegovina: Legal Advocacy for Reparations

Context and Implementation

The post-conflict landscape of Bosnia and Herzegovina necessitated a shift towards securing legal recognition and reparations for landmine victims. This

¹³ Sally Campbell Thorpe, "Integrated Mine Action: Lessons and Recommendations from Austcare's Program in Cambodia," Global CWD Repository. 139, 2007. <https://commons.lib.jmu.edu/cisr-globalcwd/139>.

was pursued through strategic litigation and public advocacy, aimed at holding governments accountable and ensuring comprehensive support for victims.

Effectiveness and Challenges: These legal advocacy efforts led to tangible outcomes, including the establishment of compensation funds and enhanced governmental commitment to victim assistance. However, navigating the complex legal system and ensuring consistent government support remained challenging, highlighting the need for persistent advocacy and international support.

Outcomes and Lessons Learned: The success of legal advocacy in Bosnia and Herzegovina underscored the potential of restorative justice principles within legal frameworks to secure reparations and acknowledgment for victims. The lesson here is the power of legal advocacy in effecting systemic change, with a recommendation for similar strategies to be adopted in other post-conflict settings to ensure the rights and needs of landmine victims are adequately addressed.

5. 4 Redefining Support for Landmine Victims

These case studies exemplify the diverse applications and profound impact of restorative justice principles in supporting landmine victims. From community-led rehabilitation in Colombia to victim-offender mediation in Cambodia, and legal advocacy in Bosnia and Herzegovina, each case presents unique insights into the challenges and effectiveness of these approaches. The overarching lesson is the undeniable value of integrating restorative justice into broader strategies for landmine victim support. Recommendations for future initiatives include a greater emphasis on community involvement, expanded legal advocacy, and the incorporation of restorative practices into international humanitarian efforts.¹⁴ By doing so, the global community can move closer to achieving comprehensive, compassionate, and effective support for victims of landmine injuries, paving the way for their healing and reintegration into society.

6. Strategies for Enhancing Legal and Humanitarian Support for Landmine Victims through Restorative Justice

Embedding restorative justice principles within legal frameworks offers a transformative approach to enhancing the support and protection of landmine victims. This requires a comprehensive revision of existing laws, policies, and practices to ensure they are victim-centered, holistic, and conducive to the healing and rehabilitation process. The development and implementation of such legal frameworks necessitate a multi-dimensional strategy, involving legislative revision, policy formulation, and the fostering of international cooperation, all aimed at improving the plight of landmine victims. Based on

¹⁴ GICHD, "A Study of Local Organisations in Mine Action," Global CWD Repository. 122, 2004. <https://commons.lib.jmu.edu/cisr-globalcwd/122>.

the discussed cases, the focus on increasing the protection of landmine victims through restorative justice should include the following:

6. 1 Revising Legal Definitions

A critical starting point involves expanding legal definitions to encapsulate the multifaceted harm caused by landmines. This revision should reflect the physical, psychological, social, and economic impacts of landmine injuries, ensuring that legal remedies address all aspects of a victim's recovery. By acknowledging the comprehensive nature of the harm, legal systems can better cater for the holistic needs of victims, providing a foundation for more empathetic and effective support mechanisms.¹⁵

6. 2 Victim-Centered Legislation: Crafting or amending legislation to prioritize the rights and needs of landmine victims is paramount

Such laws should not only facilitate access to medical and psychological care but also ensure opportunities for vocational training, education, and social reintegration services. Legislation that embodies the ethos of restorative justice by placing victims at the heart of legal processes ensures that their voices are heard and their needs are adequately met. It is about shifting the legal perspective from a focus on punitive measures to one of healing and empowerment.¹⁶

6. 3 Reparations and Compensation: Legal frameworks must unequivocally mandate reparations and compensation for landmine victims

This includes not only financial assistance to cover medical expenses and lost income but also comprehensive support for rehabilitation and livelihood development. These reparations should be streamlined and made readily accessible to victims, reducing bureaucratic obstacles and ensuring timely assistance.¹⁷ By legally enshrining the right to reparations, states acknowledge their responsibility towards victims and take concrete steps towards ameliorating their suffering.

¹⁵ Cordula Droege, and Eirini Giorgou. "How International Humanitarian Law Develops." *International Review of the Red Cross* 104, no. 920–921 (August 2022): 1798–1839. <https://doi.org/10.1017/s1816383122000893>.

¹⁶ P. Preston Reynolds, "Landmines and Sustainability: Remaking the world through global citizenship, activism, research and collaborative mine action," in *Development in Crisis*, ed. Rae Lesser Blumberg and Samuel Cohn (Routledge 2015), 204–222.

¹⁷ "What Rights for Mine Victims? Reparation, Compensation: From Legal Analysis to Political Perspectives - World." ReliefWeb, April 1, 2005. <https://reliefweb.int/report/world/what-rights-mine-victims-reparation-compensation-legal-analysis-political-perspectives>.

6. 4 Community-Based Rehabilitation: Legal recognition and support for community-based rehabilitation programs are essential

Laws and policies should endorse and facilitate initiatives that engage victims, communities, and even former combatants in the rehabilitation process. Such programs, grounded in the principles of restorative justice, emphasize the collective responsibility for healing and empowerment, fostering a supportive and inclusive environment for victims. Legal backing for these initiatives ensures they receive the necessary resources and recognition, enhancing their effectiveness and sustainability.¹⁸

6. 5 International Cooperation: The complexities of landmine contamination and victim assistance transcend national borders, making international cooperation crucial

Legal frameworks should promote and facilitate such collaboration, engaging a range of stakeholders including international organizations, donor countries, and NGOs. Through treaties, agreements, and collaborative projects, countries can pool resources, share expertise, and collectively enhance the support provided to landmine victims.

Implementing these strategies requires a concerted effort from all levels of government, the legal community, and international partners. By revising legal definitions, enacting victim-centered legislation, ensuring reparations and compensation, supporting community-based rehabilitation, and fostering international cooperation, legal frameworks can be aligned with the principles of restorative justice.¹⁹ This alignment not only improves the legal and humanitarian support for landmine victims but also advances the broader goals of justice, healing, and reconciliation in post-conflict societies.

The roles and responsibilities of stakeholders in fostering a restorative justice approach for landmine victims are pivotal in the successful integration of these principles into legal and humanitarian frameworks. Each stakeholder, from national governments and international organizations to civil society and former combatants, plays a unique role in advancing the support and rehabilitation of landmine victims. By collaboratively working towards the common goal of enhancing victim support, these stakeholders can create a more inclusive,

¹⁸ Heather Michelle Aldersey, Xiaolin Xu, Venkatesh Balakrishna, Maholo Carolyne Sserunkuma, Alaa Sebeh, Zambrano Olmedo, Reshma Parvin Nuri, and Ansha Nega Ahmed, "The Role of Community-Based Rehabilitation and Community-Based Inclusive Development in Facilitating Access to Justice for Persons with Disabilities Globally," *The International Journal of Disability and Social Justice* 3, no. 3 (2023): 4–26.

¹⁹ Christian Tomuschat, "Reparation in favour of individual victims of gross violations of human rights and international humanitarian law," in *Promoting Justice, Human Rights and Conflict Resolution through International Law/La promotion de la justice, des droits de l'homme et du règlement des conflits par le droit international*, ed. Marcelo Kohen (Brill Nijhoff, 2007), 569–590.

compassionate, and effective system for addressing the needs of those affected by landmines.

6. 6 National Governments: As the primary architects and enforcers of legal frameworks, national governments bear a significant responsibility in adopting restorative justice principles for landmine victim support

This involves enacting and implementing laws that prioritize victim rights and needs, ensuring adequate funding for victim support programs, and fostering an environment that facilitates the rehabilitation and reintegration of victims. Governments should also engage in international collaborations to adopt best practices and secure resources for victim assistance.²⁰ Moreover, creating national policies that encourage community participation and the inclusion of victims in the decision-making processes is crucial for a restorative justice approach.

6. 7 International Organizations: Organizations such as the United Nations, the International Committee of the Red Cross, and various UN agencies play a critical role in promoting restorative justice on a global scale

These entities can advocate for the adoption of restorative justice principles in member states, provide guidance and resources for implementing these principles, and facilitate international cooperation and funding. Additionally, international organizations can serve as platforms for sharing best practices, conducting research on effective victim support strategies, and raising global awareness about the challenges faced by landmine victims.²¹

6. 8 Civil Society: Non-governmental organizations (NGOs), community groups, and associations of landmine victims form the backbone of on-the-ground support for victims

These organizations are instrumental in delivering direct assistance, including medical care, psychological support, and vocational training. Civil society can also play a vital role in advocating for policy changes, raising public awareness, and mobilizing resources for victim support. Furthermore, these groups can

²⁰ Elizabeth Rushing, "Protecting the Innocent, the Land, and the Body: Traditional Sources of Restraint on Landmine Use," Humanitarian Law & Policy Blog, March 23, 2023, <https://blogs.icrc.org/law-and-policy/2023/03/23/protecting-innocent-restraint-landmine/>.

²¹ Sia Lucio, "Restorative justice: An international perspective." Accessed October 6, 2024. <https://www.educ.cam.ac.uk/research/programmes/restorativeapproaches/seminartwo/SiaLucio.pdf>.

facilitate the engagement of victims in restorative justice processes, ensuring their voices are heard and their needs are addressed.²²

6. 9 Former Combatants: Involving former combatants in restorative justice initiatives offers a pathway to reconciliation and community healing

Former combatants can participate in demining efforts, contribute to educational programs about the dangers of landmines, and engage in dialogue with victims as part of restorative justice processes. This engagement not only aids in the rehabilitation of former combatants but also contributes to rebuilding trust and fostering understanding within affected communities.

The collaboration among these stakeholders is fundamental to embedding restorative justice in support systems for landmine victims. Each stakeholder brings unique resources, perspectives, and capabilities to the table, making their cooperation essential for creating a holistic and effective approach to victim assistance.

Implementing restorative justice approaches for landmine victims is met with a variety of barriers, ranging from logistical challenges to deeply ingrained societal attitudes. Understanding these barriers is crucial for developing effective strategies to enhance legal and humanitarian support for landmine victims. Similarly, identifying solutions to overcome these challenges is essential for the successful application of restorative justice principles in supporting these individuals.²³

6. 10 Lack of Awareness: One of the most significant barriers is the general lack of awareness about restorative justice principles among policymakers, legal practitioners, and the broader public

This lack of understanding can lead to a hesitancy to adopt restorative justice approaches within existing legal and support frameworks. Solution: To address this, comprehensive awareness campaigns are needed, along with education programs targeted at legal professionals, policymakers, and community leaders. Such initiatives should highlight the benefits of restorative justice for landmine victims and showcase successful case studies.

²² Elizabeth Salmón and Juan-Pablo Pérez-León-Acevedo, “Reparation for Victims of Serious Violations of International Humanitarian Law: New Developments,” *International Review of the Red Cross* 104, no. 919 (April 2022): 1315–43, <https://doi.org/10.1017/s1816383122000297>.

²³ Ana M.Nascimento, Joana Andrade, and Andreia de Castro Rodrigues, “The psychological impact of restorative justice practices on victims of crimes—a systematic review,” *Trauma, Violence, & Abuse* 24, no. 3 (2023): 1929–1947.

6. 11 Insufficient Funding: Implementing restorative justice initiatives often requires substantial financial resources, which may not be readily available, particularly in post-conflict regions most affected by landmines

Solution: Overcoming this barrier requires innovative funding strategies, including international partnerships, public-private partnerships, and dedicated fundraising campaigns. Additionally, advocating for the allocation of government resources towards victim support programs that incorporate restorative justice principles can help secure necessary funding.²⁴

6. 12 Integrated Support Services: Effective support for landmine victims must be comprehensive, addressing not just physical injuries but also psychological, social, and economic needs

Developing integrated support services requires a multidisciplinary approach, bringing together healthcare providers, social workers, vocational trainers, and legal advisors to create a coordinated support network for victims.

6. 13 Community Engagement: Successful implementation of restorative justice requires active community engagement and participation

Solution: Fostering community involvement can be achieved through public forums, community workshops, and the inclusion of community leaders in the planning and execution of restorative justice initiatives.

6. 14 Monitoring and Evaluation: To ensure the effectiveness of restorative justice-based programs, robust monitoring and evaluation mechanisms are essential

Solution: Implementing these mechanisms involves developing clear indicators of success, regular assessment of programs, and feedback loops that allow for the continuous improvement of support services.

6. 15 Innovative Funding Models: Traditional funding mechanisms may not adequately support the holistic and integrated approaches required by restorative justice

Solution: Exploring innovative funding models, such as social impact bonds or crowdfunding campaigns, can provide alternative sources of financial support for restorative justice programs.

²⁴ Jeffrey M Pavlacic, Karen Kate Kellum, and Stefan E Schulenberg, “Advocating for the Use of Restorative Justice Practices: Examining the Overlap between Restorative Justice and Behavior Analysis,” Behavior analysis in practice, August 25, 2021, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8385698/>.

6. 16 Advocacy and Policy Engagement

Engaging effectively with policymakers and advocating for the integration of restorative justice into legal frameworks can be challenging. Solution: Strategic advocacy efforts, including policy briefs, stakeholder meetings, and public campaigns, can help to influence policy and legislative changes.

6. 17 Tailoring Approaches to Local Contexts: Restorative justice initiatives must be sensitive to the cultural, social, and economic contexts of the communities they serve

Solution: This requires a participatory approach to program design, involving local communities in the development and implementation of restorative justice initiatives to ensure they are culturally appropriate and effective.

By addressing these barriers and implementing targeted solutions, stakeholders can enhance the support provided to landmine victims through restorative justice approaches. The final synthesis of this discussion brings together the insights gained from the exploration of embedding restorative justice within legal and humanitarian frameworks, the pivotal roles of various stakeholders, the barriers to implementation, and the array of solutions to overcome these challenges. This comprehensive approach underscores the transformative potential of restorative justice in enhancing support systems for landmine victims, paving the way for their holistic healing, empowerment, and reintegration into society.²⁵

7. Conclusion

In the scholarly examination of enhancing legal and humanitarian frameworks to support victims of landmine incidents, the discourse has methodically navigated through the intricacies of integrating restorative justice principles. This comprehensive analysis has illuminated the substantive value and multifaceted advantages of a restorative justice approach, not solely for addressing the immediate and extensive needs of landmine victims but also for cultivating a more inclusive and compassionate societal and legal response. Central to this discourse is the emphasis on restorative justice, with its foundational focus on healing, empowerment, and communal reconciliation, offering a transformative paradigm for reevaluating the efficacy of existing legal and humanitarian mechanisms aimed at assisting those impacted by landmines. The advocacy for legislative reforms that encapsulate a wider recognition of victimization, alongside the call for a holistic approach to victim

²⁵ Guillermo Gorriin Castellano, ““as Long as There’s Conflict, There Will Be Landmines”: Comparing Technocratic and Community, Victim-Based Approaches to Landmine Action and Victim Identification in the Context of the Principles of Non-Repetition and Remedies,” University Digital Conservancy Home, January 1, 1970, <https://conservancy.umn.edu/items/c58db969-41ae-4cd0-80aa-e0622cb5af0d>.

support that includes the active involvement of victims in their rehabilitation journey, underscores the imperative for a support system grounded in empathy and responsiveness. This perspective challenges conventional methodologies of victim assistance, advocating for a shift towards practices that address not only the corporeal injuries inflicted by landmines but also the social and psychological scars borne by victims.

Reflecting upon the integration of restorative justice within the ambit of international humanitarian law (IHL), it is manifest that such a confluence could markedly elevate the level of protection and support extended to landmine victims internationally. The infusion of restorative justice principles within IHL can engender a profound comprehension of victimhood, emphasizing comprehensive rehabilitation and the pivotal role of communities in the healing continuum. As this discourse reaches its culmination, the imperative to embrace restorative justice as a foundational principle in the development of victim support systems is unequivocally clear.

The path towards actualizing the potential of restorative justice in aiding landmine victims is undeniably complex, characterized by multifarious challenges. Nevertheless, the insights and strategic orientations delineated within this treatise offer a blueprint for advancement. It is through a collective dedication to the principles of restorative justice, an unwavering commitment to innovation, and a steadfast adherence to empathy and compassion that the aspiration to transform the lives of landmine victims can be realized. Let this scholarly endeavor serve as a clarion call: to champion restorative justice as the cornerstone of our methodologies in supporting landmine victims, ensuring a future where each individual afflicted by landmines is accorded the care, respect, and opportunities they unequivocally deserve.