

Sexual Violence against women in conflict - Bosnia and Herzegovina

United Women
Banja Luka

- Exact number of victims of sexual violence is not yet determined
- Report from Secretary-General of UN estimates that this number is between 20.000 and 50.000
- Council of Europe Parliamentary Assembly estimates that this number is 20.000

Number of
victims of
wartime
sexual
violence

Obligations of Bosnia and Herzegovina

- BiH is obligated to provide reparations to victims of wartime sexual violence, which emerges from Annex 7 of the Dayton Peace Agreement, that provisions compensations for damage produced during the ethnic conflict in BiH.
- Reparation for wartime victims in BiH is not regulated on state level.

- Ministry for Human Rights and Refugees created Transitional Justice Strategy in 2008 in BiH, that envisions significant number of activities aimed at enhancing system of reparations to victims of wartime sexual violence. Due to the lack of consensus between entities, Strategy was never adopted.
- Strategy does not define victims of wartime sexual violence as special war category, instead victims are placed as civilian victims of war, but there are different kind of programs for advancing the system of reparations.

Transitional Justice Strategy in Bosnia and Herzegovina

- System of reparations on in BiH does not provide adequate support to victims of wartime sexual violence. Even today, 20 years after war ended, victims can not completely enjoy their rights. One of the main reasons is lack of unique legal framework, applicable in BiH that would regulate reparations for victims of wartime sexual violence.
- On the state level there is no unique Law that would regulate right to reparations not only for these victims, but also civilian victims and wartime victims. Instead these rights are regulated by entity laws.

Rights today

In Federation of BiH rights of wartime rape are regulated by

The Law on the Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children

- In the Republic of Srpska, the Law on the Protection of Victims of Torture was adopted in September 2018.

Entity laws

- Ministry for Human Rights and Refugees and UN Population Fund created in 2010 the Program that encompasses 4 key segments for advancing the status of victims that survived sexual violence:
 - Legal framework and its harmonization with the international standards
 - Access to free legal aid
 - Adequate measures of protection of victims/witnesses that testify on the war crimes proceedings.
 - Strengthening the capacities of service providers

Program of
advancing
the position
of women
victims of
wartime
rape, sexual
abuse and
torture in
BiH.

- Despite, all documents, women victims of wartime sexual violence have limited access to rights.
- Support to women victims of wartime sexual violence is mainly provided by non-governmental organizations that are financed by international organizations, with minimal participation of state.
- Non-governmental organizations provide free legal and psycho-social aid and support.

Support
women
victims of
wartime
sexual
violence

- Women victims of wartime sexual violence are discriminated based upon their place of residence.
- In Federation of BiH victims have a right on monthly pension in the amount of 586 BAM (more than 800 women exercised this right)U and in the Republic of Srpska this pension is between 100 and 350 BAM (only for victims with 60 percent of body injuries)

Discrimination of victims within BiH