



Udruženje "Zaboravljena djeca rata"

Grbavička 32, 71000 Sarajevo

+387 (0) 33 873 708 / +387 (0) 62 549 374

info@zdr.ba / www.zdr.ba

Background information

War conflict implies different tactical operations and strategies, whereby wartime sexual violence and rape over time became, and still is today, a safe war strategy, that is, the most frequent weapon of war that leaves the biggest consequences for the person who survives that violence and the society to which rape survivors and rape perpetrators belong. When it comes to Bosnia and Herzegovina, this was established in 1994. The Commission of Experts, also known as the Bassiouni Commission¹, guided by Resolution 780 (October, 1992) on the violation of international humanitarian law in the former Yugoslavia, prepared its findings in 1993/94, for the needs of the Criminal Court for the former Yugoslavia.

In their report,² they listed several patterns of rape and sexual violence that took place in the former Yugoslavia. These patterns of rape were used regardless of ethnicity or territorial distribution.

(I) The first pattern of wartime sexual violence and rape occurs before the very start of warfare in the region. This form of rape and sexual abuse is accompanied by robbery, intimidation and physical violence;

(II) Second pattern of rape and sexual abuse occurs during the war. When military forces attack a town or village, the population is gathered and sorted by gender and age. Some women are raped and sexually assaulted in their own homes when the attackers take control over a certain area. Others are selected from the group and are publicly raped and sexually abused;

(III) The third pattern of rape and sexual abuse occurs in "collective centers" and other places of captivity - in this case, soldiers, camp guards, civilians, and everyone in general had the opportunity to enter a collective center and sexually abuse and/or rape women;

(IV) Next, the fourth pattern of rape and sexual abuse occurs in special facilities for captives. Survivors from some camps state that they were captured only for the purpose of rape, sexual abuse and sexual slavery. In these facilities, all women were raped and sexually abused, quite frequently and often in front of other captives. In this context, rape and sexual abuse are also accompanied by beatings and torture. According to the evidence gathered by the Bassiouni Commission, it is stated that the perpetrators of rape raped women with the aim of getting them pregnant, often arguing that pregnant women will receive better treatment than women who are not pregnant. After women became pregnant, they were held in custody (slavery) until it was too late to have an abortion.

(V) The last, fifth pattern of rape and sexual abuse is captivity for the purpose of sex. Women are taken from their homes and camps to hotels or similar facilities where they were forced to provide sexual pleasure to the armed forces. Women captured in these places are more often killed than exchanged, unlike women in most camps.

From the conclusion and after considering of the Commission's work, we can point out that as early as 1994, it was established that survivors of war rape forcibly or voluntarily gave birth to children as a direct consequence of rape caused by the war conflict. Until 2022, we still have not received a concrete response from the national and international community to a proven, persistent problem in Bosnia and Herzegovina and beyond, namely children born as a result of wartime rape.

Through the patterns of wartime rape, two facts can be clearly observed, namely that rape was used as a pre-planned, deliberate, ethnically oriented military strategy, but also that rape during the war in Bosnia and Herzegovina is a reflection of the patriarchal structure of society, the expressions of which are manifested

¹ Detailed report of the Bassiouni Commission formed by the United Nations, in accordance with Resolution 780, available at <https://drive.google.com/file/d/1iFTgLpkmE8eE6TwNnq-bDP2bcaiNBy-7/view?usp=sharing>

² The commission's report on the collected evidence was summarized in 84 pages, with 65,000 pages of evidentiary material and 3,300 pages of appendices, after which it was transferred to The Hague. The commission's work had an impact on the court processes of the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY).

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through gender roles that are today the forerunner of stigmatization and discrimination. These two facts leave long-lasting and serious consequences.

The definition of the term "Children born of war" represents that population that would not have been born if a certain country had not been involved in a war conflict. Specifically, these children were born in Bosnia and Herzegovina, the average age of children born as a result of wartime rape today is between 27 and 31 years old (with minimal deviations due to crimes committed before the start of the war). Children born as a result of wartime rape represent one of the most vulnerable categories of children affected and damaged by war and war actions, who experienced an absolute violation of the rights of the child, and today, they face the violation of human rights.

Children born as a result of wartime rape often face problems in post-conflict society, such as socioeconomic marginalization, rejection from family, stigmatization and violence (this was especially evident in the cases of children from BiH and Rwanda). Also, this population struggles with identity and sense of belonging. Very often, even their mothers do not want to state how the children were conceived, and help them access appropriate help services. When we talk about the women who survived rape in Bosnia and Herzegovina, they are the target of condemnation almost every day, society presents gender-motivated stereotypes that lead to the marginalization of women. The problem of stigmatization of female survivors in BiH is so strong that myths about rape are present every day. It is an often recorded and at the same time devastating fact that survivors are the target of discrimination and stigmatization within the institutions and by representatives of the institutions of this country. Such myths shift the burden from the perpetrator to the female survivor.³

Children born as a result of wartime rape are often called a hidden population, because it has been shown that if someone from their environment knows about how they were born, then they are exposed to stigmatization and discrimination. They are still exposed to social condemnation, political and legal rejection. Precisely because of this, mothers very skillfully try to hide the father's identity, which further complicates the mapping and gathering of children born as a result of rape in Bosnia and Herzegovina. The fact that Bosnia and Herzegovina have never started or kept a register of children born in this way is absolutely not negligible here.⁴

Children who were conceived through rape and sexual abuse represent the most vulnerable part of the population of children who are affected by war, in addition to violence and insecurity, they cannot exercise any fundamental rights such as the right to be protected from stigma and discrimination, the right to complete identity, nationality and family, inclusion.

Mothers of children are exposed to double stigmatization, as surviving victims of war rape and mothers. Without support, women and girls suffer significant physical, psychological, social and economic effects of forced motherhood. The harm and disadvantages that mothers face is passed on to their children. Physical violence and emotional abuse, reduced or no access to education, food insecurity, poverty, homelessness, poor health, constant migration, unstable access to treatment in early childhood, PTSD symptoms, moderate to severe depression, moderate to severe somatic symptoms, unstable emotional relationships, social exclusion, etc. The aforementioned risks were determined by the instrumental parts of the research whose participants were members of the Forgotten Children of War Association.

It is important to emphasize the connection between the disrespect and protection of women's rights and the stigmatization of children born as a result sexual violence. Both should be viewed through the prism of gender discrimination.

³ TRIAL INTERNATIONAL, „RAPE MYTHS IN WARTIME SEXUAL VIOLENCE TRIALS“:

<https://trialinternational.org/wp-content/uploads/2018/01/20180112-TRIAL-Rape-Myths-ENG-WEB.pdf>

⁴The Association "Forgotten Children of the War" cannot estimate the number of children born as a result of rape in Bosnia and Herzegovina. Also, the Association cannot estimate the number of children living today in the territory of Bosnia and Herzegovina. The association and members can present personal experiences that will be crucial for the healthy and equal implementation of the Act.

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The Association "Forgotten Children of the War" cannot estimate the number of children born as a result of rape in Bosnia and Herzegovina. Also, the Association cannot estimate the number of children living today in the territory of Bosnia and Herzegovina. The association and members can present personal experiences that will be crucial for the healthy and equal implementation of the Act.

Children are often viewed through the prism of "military rape strategies" or children of other ethnic groups, so from such an ethnically conflicted narrative that is still present in 2022, children are called "children of the enemy". Various international studies have shown, and the experiences of members of the Forgotten Children of War Association have confirmed, that children born as a result of wartime rape are often called derogatory names such as "Chetnik or Ustasha bastard, Balinka, terrorist, Taliban, etc." Such patterns of violence against this population were determined by the preliminary results of the research on children of war in Bosnia and Herzegovina in 2015 with the population conducted by Dr. PhD Amra Delić.⁵

Knowing that war rape is caused by ethnic problems that manifested through the war, such discriminatory, prejudiced attacks on the child lead to feelings of insecurity. The feeling of insecurity and fear grows actively in both mother and child, as long as the perpetrators of the war crime of rape remain at large. According to the information of the OSCE Mission, in the period between 2004 and 2016, courts in BiH concluded 116 cases against 162 defendants that included accusations of sexual violence (in a large number of cases, the accusation of sexual violence was one of several different accusations)⁶. In relation to the estimates of 20,000 to 50,000 war rape survivors, the effect of the judicial system is low. With the absence of a legal framework that guarantees safety and protects the human rights of the child, such statistics are not a mitigating circumstance for the child, nor for the mother in everyday life.

Children are often stigmatized because they are perceived through the way of conception and/or through the father figure. Children are stigmatized by behaviors motivated by gender-discriminatory, patriarchal understandings of the child's identity. Some societies actually treat the mother's identity and biology as "erased" by the act of rape. In this regard, states that establish rights along the "paternal" or patriarchal line, and thus prevent or prohibit children from accessing civil documentation, legitimize gender discrimination, discrimination based on birth, are actually violating Article 2 of the Convention on the Elimination of Discrimination against Women (CEDAW) by state parties.

"My identity is 'I am the child of my mother' and that is something that everyone must respect. We are not and will never be the children of the enemy" – statement of a member of the Forgotten Children of War Association

International law also recognizes non-legal factors, especially social and cultural norms, as obstacles to eradicating sex-based discrimination and achieving gender equality. Article 5(a) of CEDAW is particularly relevant in this context. The article stipulates those states must take all appropriate measures "... to change the social and cultural patterns of behavior of men and women, with the aim of achieving the elimination of prejudices and customary and all other practices based on the idea of inferiority or superiority of either sex or in the stereotypical roles of men and a woman."

Here, we remind citizens and institutions that the Forgotten Children of War Association, due to social and systemic circumstances, was prompted in 2021 to implement the "One parent name" initiative. The basic need for the successful implementation of the "One parent name" initiative arises due to the discrimination faced by children born of war, but also due to the reduction of the role of the mother in the legislative system of BiH.

The fact that the institutions in BiH place primacy on the father's name without the possibility of an optional choice testifies to the discrimination to which our members of the Association and children born of war in BiH

⁵ Amra Delić: <https://www.chibow.org/amra-delic>

⁶ OSCE: Achieving justice for victims of sexual violence in the armed conflict in Bosnia and Herzegovina: progress made before the courts in BiH from 2014 to 2016, available at: <https://www.osce.org/files/f/documents/2/6/324331.pdf>

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are exposed. Most of our members and children born as a result of rape generally in BiH do not know the father's name due to the very fact that their mothers survived rape or multiple rapes during the war, after which they gave birth to children as a result of such a crime. An additional motivation for the implementation of such a project is the very fact that survivors in Bosnia and Herzegovina are still exposed to various forms of discrimination. The "One parent name" initiative was created as a result of long-term discrimination and ignoring of single-parent families through administrative policy.

In the majority of documents that are filled out in schools, faculties, health institutions or municipalities require the identity of a person, the institutions arbitrarily ask to add "the name of the father" instead of "name of one of the parents and/or guardian". What is interesting to emphasize is the fact that this is a situation in which the patriarchal oppression we live in interferes with the law. There is no law at any level in BiH that requires the "father's name" as an identification item for any individual in the state.

Because of the problems faced by children born of war, we are always obliged to explain why we leave that column empty, which further retraumatizes children born of war and certainly exceeds the limits of privacy that is guaranteed to every individual. In addition to privacy, the right to choose through administrative practices is absolutely threatened. The rights of choice and privacy are guaranteed to every individual through the General Declaration on Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, and therefore also the Constitution of BiH, that is, the Constitution of the Federation of BiH. The above-mentioned human rights were and still are violated on an unfounded basis on a daily basis when it comes to children born from wartime sexual violence. In accordance with the constitution of the state of BiH and the FBiH entity, they are obliged to ensure conditions and undertake all necessary measures for consistent respect and protection of human rights and freedoms.

Children born from wartime rape remained completely socially and legally invisible. The members of the "Forgotten Children of War" Association set out on the path of social inclusion, using a dialogue about the responsibilities of each member of society, who make up today's national collective of Bosnia and Herzegovina. If we want to talk about complete inclusion that leads to the elimination or suppression of discrimination / stigmatization of persons affected or damaged by war rape, in that case the first and crucial step is to be recognized and taken care of by a territorially established, democratic, sovereign state.

The main needs of children born as a result of wartime rape today can be identified as: priority education with free schooling at least until the age of 35, comprehensive health care, institutional support for housing, priority employment, the right to up/requalification of knowledge, free legal aid, free psychological aid with the fact that it is important to have access to specialized psychotherapy experts who have experience in the field of transgenerational trauma in addition to the risks and damages listed in this text.

Global and national communities must face the taboos and complexities surrounding reproductive violence that led to "forced motherhood", the conception and birth of children as a consequence of that violence. The existence of children born of sexual violence and the high-yielding consequences of pregnancy and motherhood resulting from rape must not remain euphemisms in the resolutions of international political actors.

The constant normative and practical marginalization of children born of sexual violence and their "forced mothers" in post-conflict societies is a significant obstacle to sustainable and inclusive peace, reconciliation and transitional justice. Transitional justice processes that do not recognize nor enforce the rights of children born of sexual violence cannot meet their goals, which include truth, reconciliation, accountability, and the delivery of reparations. Denying the rights of children born out of sexual violence is irreconcilable with the demand for human rights to universality.

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Legal framework

It was stated that the Security Council was appalled by reports of mass organized and systematic captivity and rape of women by warring parties, but also by international personnel working on peacekeeping operations in Bosnia and Herzegovina. Together with its sister court for Rwanda, the ICTY was among the first courts to advance international law by making explicit allegations of sexual violence in war and defining gender crimes such as rape and sexual enslavement under customary law. They acknowledged that gender crimes routinely serve the strategy of war and act as an integral means of achieving certain military goals. Much of the credit for this progress goes to local human rights organizations. Those organizations have alerted the international community to the anger and frustration of victims of these crimes and the concerns of many thousands of women in dozens of countries. After the establishment of the International Tribunals, the challenge was to use the standards of international law, put them before domestic judges and thus influence attitudes towards these horrific crimes. The work of the Tribunal provides a strong basis for the international community to address the phenomenon of rape, forced pregnancy, sexual slavery and other gender crimes committed during the armed conflict in the most appropriate manner possible.

However, despite advances in international legal standards, almost three decades after the war, the consequences of such grave war crimes remain visible and unresolved. The mass rape of Bosnian women has resulted in thousands of children who are not recognized by any domestic law today. Because of the majority patriarchal society such as Bosnia and Herzegovina, the stigmatization and discrimination of surviving women, they are condemned on a daily basis. In addition to war trauma, society continues to reinforce gender-motivated stereotypes and inflict subsequent discrimination on surviving women and their children, further marginalizing vulnerable categories.

Bosnia and Herzegovina are at a low level of social development, with widespread direct and indirect (institutional) discrimination, leading to non-recognition of vulnerable categories such as children born as a result of war rape.

The UN Committee for the Prevention of Torture, Inhuman and Degrading Treatment sent Bosnia and Herzegovina recommendations related to ensuring better protection of victims of sexual violence in the war.

The UN Committee on the Elimination of Discrimination against Women (CEDAW) in recommendation 10 (E) recommended the following to Bosnia and Herzegovina: *"to develop a comprehensive approach to improving the status and position of all women victims of war, including combating the stigma attributed to sexual violence, it is necessary to expand the provision of compensation measures and benefits, support and rehabilitation and ensure equal access to these services for all women victims of violence, regardless of their place of residence."*

United Nations Assembly Resolution 60/147 on Principles and Guidelines on the Right to a Legal Remedy and Reparation for Victims of Serious Violations of International Human Rights Law and Serious Violations of International Humanitarian Law states that victims who have survived gross violations of human rights, as well as their families, should be given a status of a special category of civilian victims of war. All these victims have the right to justice, support and respect of society, fair and adequate compensation for the horrors suffered, psychological, medical and legal assistance, and above all the right to social recognition of the suffering and the crime committed. It is particularly important to emphasize that in principle 9 of the Resolution it is stated that a person will be considered a victim regardless of whether the perpetrator of the injury has been identified, arrested, prosecuted or convicted and regardless of the family ties between the perpetrator and the victim. Bosnia and Herzegovina have ratified several international conventions on human rights in which we find binding forms of action for the competent authorities in Bosnia and Herzegovina.

The Convention on the Rights of the Child, which in Article 39 requires member states to take: *"... all appropriate measures for better physical and psychological recovery and social reintegration of a child who is a victim of torture or any other form of cruel, inhuman or degrading treatment or punishment of armed conflict."*

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However, for the members of the United Nations, the most important binding instrument is the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, its article 14, which stipulates: *"Each member state, in its legal system, guarantees the victim of any act of torture the right to receive fair and appropriate compensation, including funds necessary for their full rehabilitation."* The right to reparation is also guaranteed by the practice of the European Court of Human Rights based on the European Convention on the Protection of Human Rights and Fundamental Freedoms (Articles 5(5), 13 and 41); EU Charter of Fundamental Rights (Article 47) and the European Convention on Prevention of Torture, Inhuman or Degrading Treatment or Punishment.

On the basis of its candidacy for membership in the European Union, Bosnia and Herzegovina has the obligation to respect international standards and to harmonize its legislation with the acquis of the European Union. That is why it is important to highlight:

- Directive of the European Parliament and the Council on compensation for victims of criminal offenses from 2004, and
- Directive of the European Parliament and of the Council on the establishment of minimum standards regarding the rights, support and protection of victims of criminal offenses from 2012

The Council further called on states to recognize in their national legislation the equal rights of all individuals affected by conflict-related sexual violence, including survivors and children born from rape, in accordance with their obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

In July 2018 and February 2020, the Special Representative for Sexual Violence in Conflicts signed cooperation frameworks with the Committee for the Elimination of Discrimination against Women, i.e., the Committee for Children's Rights. That collaboration led to the committee's joint statement, published on November 19, 2021, outlining the state's obligations under both conventions in relation to survivors who became pregnant as a result of rape in conflict and children born of such violence, which informed the report's analysis and recommendations.

From birth, children are guaranteed a full range of rights under national and international law, including but not limited to the right to life, health, education, development and the fundamental cross-cutting principle of non-discrimination. Such rights are hindered or canceled for a child born from sexual violence. In its General Comment 5, the UN Committee on the Rights of the Child clarified that the non-discrimination obligation requires States to actively identify individual children and groups of children whose recognition and realization of rights may require "special measures". The obligation to adopt "special measures" is reinforced by the obligation of states under international human rights law not to act as stigmatizes and to protect individuals from stigmatizing acts or omissions by third parties. Third parties usually include family members, society and local administrations.

It is important to acknowledge the connection between the lack of respect and protection of women's rights and the stigmatization of children born as a result of sexual violence. Both should be viewed through the prism of gender discrimination. Children are often stigmatized because they are perceived through the way of conception and the father figure. Children are stigmatized by gender discriminatory behaviors, patriarchal and patrilineal understandings of the child's identity. Some societies actually treat the mother's identity and biology as "erased" by the act of rape. Laws that prohibit a woman from transferring her citizenship to her child or deny children access to civil documentation legitimize gender discrimination and constitute a violation of Article 2 of the Convention on the Elimination of Discrimination against Women (CEDAW) by state parties.

The European Social Charter is the most important document that regulates the exercise of economic and social rights within the European Union. Bosnia and Herzegovina ratified the Charter in 2008, committing itself to harmonizing domestic legislation and practice with the standards set out in this document. Implementation, ensuring the exercise and protection of the rights provided for in the Charter is one of the conditions within the process of Bosnia and Herzegovina's accession to the European Union. Bosnia and Herzegovina have no

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competencies or legal framework for uniform social protection on the entire territory, because the exclusive competence for this area is at the level of the entities, the Federation of B&H and the Republika Srpska. The social protection system is organized at the level of cantons in Federation of Bosnia and Herzegovina and municipalities in Republic of Srpska and as such is bureaucratized, fragmented and inefficient. The lack of legal framework at the state level, the non-harmonization of laws between the entities which regulate this area, leads to the exclusion of certain groups of the population from the protection system and to discrimination. The field of social protection in B&H regulates 20 laws at the entity, cantonal level while the laws at the entity level regulate these issues in different ways. The system in the FB&H is particularly complicated and dysfunctional, with marked overlap and frequent evasion of jurisdiction between the 10 cantons and the FB&H. The social protection system in FB&H includes as many as 30 ministries and institutions.

The state has no jurisdiction or legal framework for uniform social protection throughout the territory. The fragmented and bureaucratized system of protection organized at the level of cantons in the FBiH and municipalities in the RS leads to unequal treatment of vulnerable persons, which basically represents discrimination. The absence of a legal framework at the state level and the non-harmonization of laws between the FBiH and the RS led to the exclusion of certain categories, especially returnees, from the protection system.

Rights in the field of social protection are regularly violated by the non-enactment or non-implementation of laws at the cantonal level, which makes it impossible to exercise rights from federal laws in practice. Citizens are generally uninformed about their rights (which is not strange considering the sheer number of laws that regulate this area), they rarely seek the protection of their rights before the courts and other competent institutions, which continue to violate the rights of a huge number of citizens, unhindered and without consequences. State institutions often deliberately fail to provide information about the rights that citizens have.

Bosnia and Herzegovina is at a low level of social development, with widespread direct and indirect (institutional) discrimination, which leads to non-recognition of vulnerable categories such as children born as a result of war rape.

When these children are adopted, they are mostly told that their mother disappeared and their father was killed in the war.

Children who were conceived by rape and sexual abuse represent the most vulnerable part of the population of children affected by war, in addition to violence and insecurity, they cannot exercise any fundamental rights such as the right to be protected from stigmatization and discrimination, the right to complete identity, nationality and family and inclusion. As we talk about the effects on the victims of sexual violence and torture in war, we should also mention the consequences on children who are the product of war rape, meaning their physical, psychological, social and economic aspects.

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Legal recognition - Law on the Protection of Civilian Victims of War

The Federal Ministry of Labor and Social Policy prepared a preliminary draft of the Law on the Protection of Civilian Victims of War in the Federation of Bosnia and Herzegovina and submitted it to the Government of the Federation of Bosnia and Herzegovina on June 28, 2022 for consideration and determination of the Draft. The Government of the Federation of BiH is at its 321st session, held on June 30, 2022, established the Draft Law on the Protection of Civilian Victims of War in the Federation of Bosnia and Herzegovina and referred it to the parliamentary procedure.

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina held its 35th session on July 27, 2022, where the Draft Law on the Protection of Civilian Victims of War in the Federation of Bosnia and Herzegovina was considered and accepted. The House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina held its 20th session on July 28, 2022, where the Draft was considered and accepted.

The Federal Ministry of Labor and Social Policy launched a public debate on the Draft Law, lasting 45 days, i.e., in the period from August 8, 2022 to September 21, 2022.

Upon reviewing the Draft Law, the Association positively welcomed the adoption of a special law as a significant step forward. This is a law that is narrowly focused on civilian victims of war and of particular importance is the legal recognition of children born as a result of war rape by providing them a status of civilian victims of war, which is important both symbolically and because of the possibility of access to rights that correspond to their/our real needs.

In order to create amendments to the draft law, which correspond to real and current needs, in the previous period we held a series of meetings with survivors, children and representatives of civil society. With the help of experts, analyzes were made that argue for the proposed amendments.

The draft Law on the Protection of Civilian Victims of War in Federation B&H is defined as follows:

Article 10 – Status of civilian victims of war - Paragraph 1, item b states that children born as a result of wartime rape are recognized as civilian victims of war. It is important to know that the proposed Law does not stipulate that the status of a mother is a condition for achieving the status of a child. Unfortunately, we are aware of how many social and legal obstacles stand between survivors of wartime sexual violence and their rights, which led to the fact that at the level of the Federation of Bosnia and Herzegovina in 2022, only 1,100 people use the rights of survivors of wartime sexual violence. The status of civilian victims of war is achieved by citizens of BiH with residence in the Federation of BiH. The unification of legal solutions at the cantonal levels is a precondition to exercise these human rights.

When it comes to the rights of children, the Law states that children of survivors of wartime sexual violence will have the opportunity to exercise intangible rights that were previously provided for persons with physical damage to the extent of 60%. This means that children exercise their rights related to help with the costs of treatment and the purchase of orthopedic aids, training for work (professional rehabilitation and retraining), priority employment, priority housing, psychological and legal assistance, and the same are exercised according to canton regulations. The set of rights implemented this way is not satisfactory, only the legal definition will provide this population with legal remedies that can be invoked in case of discrimination.

While working on the Law in Brčko District, the recommendations of the ZDR Association and TRIAL International were: *"To ensure that children born as a result of war rape are a legally recognized category of civilian victims of war who realize the necessary rights and benefits, especially through facilitated access and financing of their education and provision of benefits and measures of support during their employment and housing. It is necessary to change the existing legal framework and practices when announcing all types of public invitations in order to positively discriminate the children of survivors of wartime sexual violence in order to provide this category with benefits during schooling, employment and housing, as is the case with children of other categories of victims. war (e.g., children of fallen soldiers and war veterans)."*

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Children born as a result of wartime rape received the status of civilian victims of war in Brčko District, a special administrative unit in Bosnia and Herzegovina. It is the first time in Bosnia and Herzegovina that the government recognized the „visibility“ of this population. The Brčko District Assembly made the decision to include children born as a result of wartime rape inside the Law on Civilian Victims of War on July 15, 2022, and thus set a precedent at the international level in the fight for human rights.

Additional rights that the association, in cooperation with children born of war and survivors of wartime sexual violence, sent to The Federal Ministry of Labor and Social Policy in the form of amendments are:

THE RIGHT TO HEALTH CARE

Right to health care is proposed to confirm the right that is covered by the existing regulations on health care and insurance. However, we consider it necessary to state this right in the law in order for the law to determine the entire spectrum of rights that represent the real needs of civilian victims of war. In this way, consistent application of existing laws is ensured for all categories of civilian victims of war.

THE RIGHT TO SPA-CLIMATE TREATMENT

Spa treatment, i.e., spa - climate treatment, by definition implies the treatment of a person using ecological, climatic, medical and professional factors of a certain place, the purpose of which is to improve health or prevent disease. Basically, for this type of treatment, the person has to be removed from their everyday place of residence and placed in specialized institutions. The need to introduce this right was established in independent research conducted in cooperation with civilian victims of the war. The study "Together we raise our voices"⁷ established the need to provide survivors with free access to spa-climate rehabilitation, which is recognized as a significant measure of rehabilitation by both victims and experts in the medical and psychiatric professions. This right is already recognized in the legislation of the Republic of Srpska, and in this way this right would be regulated for civilian victims of the war in all of Bosnia and Herzegovina. In addition, it is important to point out that Bosnia and Herzegovina, as well as FBiH, on the basis of its candidacy for membership in the European Union, undertook to respect international standards that, through Directives, guarantee victims all necessary health care.

The study "Together we raise our voices" confirmed that most of the survivors who were interviewed for years have been beneficiaries of psychological support services and have the right to health care, however, due to their status as civilian victims of war, they are unable to exercise their right to spa rehabilitation. It was observed that, considering the passage of time from the beginning of the war in BiH until today, many survivors are already in the age group over 50 years old, and the aging process of this population, along with the consequences of rape, has a significant impact on their physical diseases. The majority of respondents in this age group stated the need for spa treatment as a form of medical rehabilitation. They believe that the physical consequences that they have after surviving the trauma, which are further manifested as they age, would be alleviated by using spa rehabilitation services, in addition to other measures, such as the possibility of financing the purchase of orthopedic aids. The strong impact of this right on the mental health of survivors of wartime sexual violence is certainly clear.

RIGHT TO COVERING FUNERAL COSTS

In the event of the death of a person with the status defined in Article 10, family members or the person who bore the funeral expenses have the right to subsequent funeral expenses.

⁷ Trial International Vive Žene, Global Survivors Fund: „Study on the possibilities of achieving reparations for survivors of wartime sexual violence in Bosnia and Herzegovina: "TOGETHER WE RAISE YOUR VOICE"“; March 2022; <https://drive.google.com/file/d/1Z5q66mlqHa0TqsvIN4ID5WWP2jGs-Jo0/view?usp=sharing>

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Udruženje "Zaboravljena djeca rata"

Grbavička 32, 71000 Sarajevo

+387 (0) 33 873 708 / +387 (0) 62 549 374

info@zdr.ba / www.zdr.ba

PRIORITY TO EDUCATION AND THE RIGHT TO FREE EDUCATION FOR A CHILD WHO WAS BORN FROM AN ACT OF WAR RAPE - A CHILD OF A SPECIAL CATEGORY OF CIVIL VICTIMS OF WAR UP TO 35 YEARS OF AGE.

This point introduces a new right for "a child who was born from an act of war rape - a child of a special category of civilian victims of war" as a new category of civilian victims of war. In this way, the obstacles encountered by children who were not recognized as a special category of civilian victims of war until the date of entry into force of this Act, i.e., recognition of this status, which is the case with children of other categories of war victims (e.g., children of families of fallen soldiers and war invalids).

The Association "Forgotten Children of the War" proposed establishing this right and the possibility of realizing this right up to the age of 35, taking into account the age, educational structure and aspirations for further education of its members. The study on the possibilities of achieving reparations for survivors of wartime sexual violence in Bosnia and Herzegovina: "Together we raise our voices" also recognized this need and proposed arranging for easier access and financing of their education.

Certainly, the basis lies in the fact that children born from wartime sexual violence through public institutional competitions for scholarships did not have established benefits, as was the case with the children of fallen soldiers/war veterans, whose rights we greatly respect, and we hereby invite the authorities to continue making efforts for this population to enjoy the maximum legal rights offered.

MONTHLY PERSONAL CASH INCOME FOR CHILDREN BORN FROM THE ACT OF WAR RAPE - the need for this type of reparation is explained in the background information and legal framework.

Important note: The biggest and most complex obstacle to the future implementation of the Law, which we must influence, is the process of proving the status of a child from an act of wartime sexual violence. It is a fact that in Bosnia and Herzegovina no institution has ever dealt with the problem of children, which implies that the social protection system in the Federation of BiH does not have a clear methodology that will be used to assign the status of civilian victims of war to those born from sexual violence. The social protection system must establish a medical expert committee for the assignment of status. What is important to insist on is that the medical commission can certainly determine the degree of psychological difficulties of each child. Members of the Association were previously exposed to an instrument for examining the psychological consequences of being a child born as a result of wartime rape. Instrumental particles related to forced migration, poor living conditions during childhood and adolescence, not knowing the full identity and origin, non-recognition of the child after its birth, access to treatment in early childhood, public state support for education, alimony, citizenship, PTSD symptoms, moderate to severe depression, moderate to severe somatic symptoms, emotional ties, stigmatization, prejudice, etc. In all mentioned instrumental particles, bad results were shown, that is, serious consequences for the child's psychophysical health. The competent commission is obliged to adequately prepare in order to prevent additional stigmatization and discrimination.

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The analysis was determined and approved by the representatives of the Association founded and led by survivors of war rape, signatories of the "Agreement on Understanding and Cooperation in the Field of Protection of Civilian Victims of the War in Bosnia and Herzegovina":

- Association "Forgotten Children of War",
- Association of women for rural development, sustainable return, reintegration and resocialization "Zvijezda"
- The Association for Helping Victims and Survivors of Sexual Violence in the War "Naš Glas",
- Association of victims of the Foča 92-95 war
- Prozor-Rama camp inmates association,
- Women's Association "Sehara"
- Association for assistance to women victims of war violence and sexual abuse "Suze"
- An informal group of civilian war victims from the territory of the Federation of Bosnia and Herzegovina

Organizations and signatories come from 6 cantons in the Federation, Brčko District and Republika Srpska.

Representatives of these organizations came from 6 cantons in the Federation, Brčko District and Republic of Srpska. The purpose of this Agreement is to, in cooperation with related organizations in BiH and the world, and other actors, ensure the participation of survivors of wartime sexual violence and children born as a result of war in the processes of creating strategies, policies and processes that affect their status, which would contribute to equality, and better position of survivors and children born of war in BH society and globally.

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