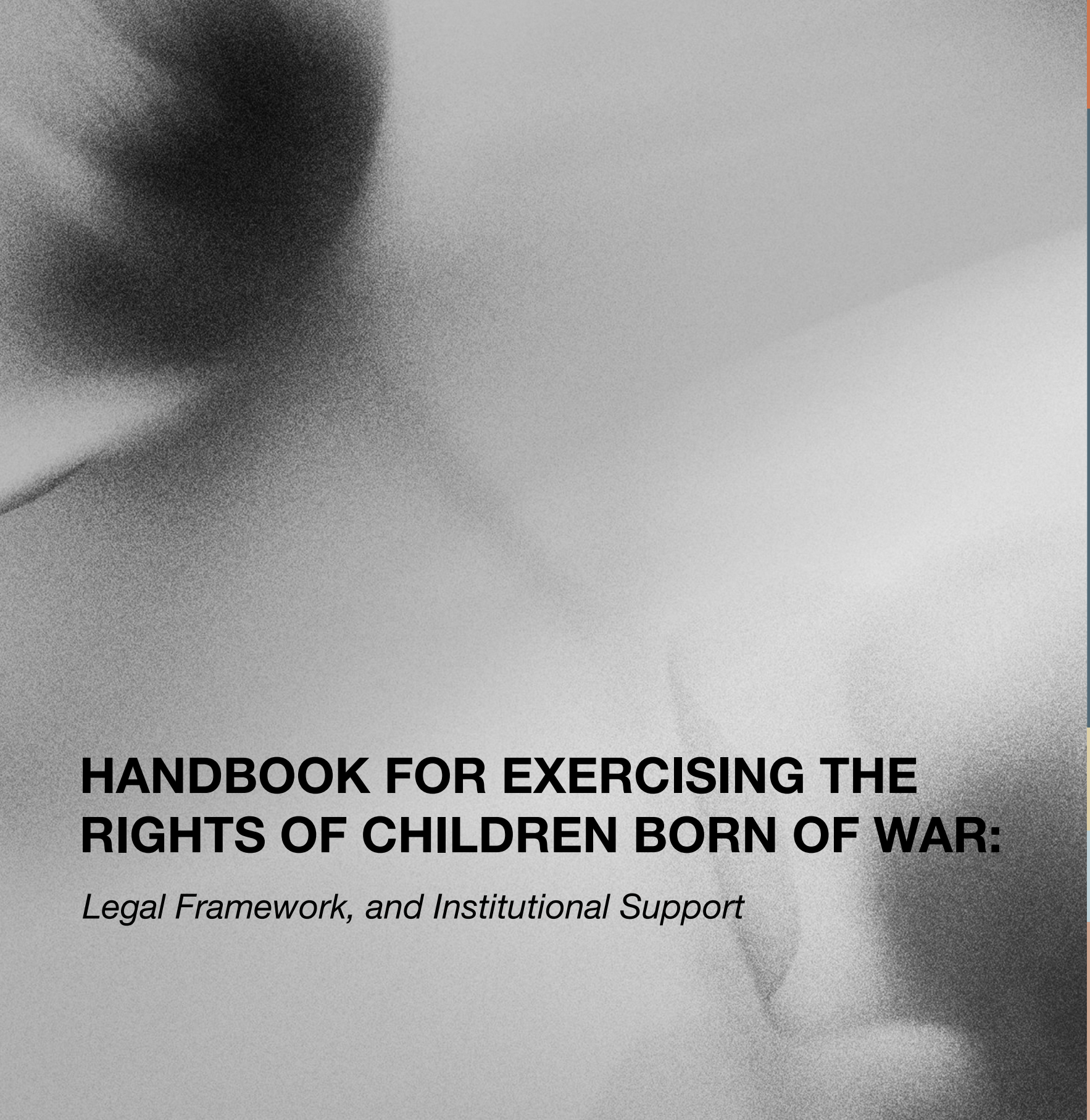

HANDBOOK FOR EXERCISING THE RIGHTS OF CHILDREN BORN OF WAR:

Legal Framework, and Institutional Support

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FOREWORD

Children born of war – a term that remained unknown or insufficiently recognised for decades at the national, regional and international levels. This lack of social and legal recognition led to their invisibility, which, over time, resulted in additional hardships for these children.

Regardless of biological differences, but with the same legal and social status, this once 'invisible' group of remarkably resilient individuals, supported by dedicated and courageous human rights defenders, chose to break the silence surrounding their existence. United by the mission and vision of the Forgotten Children of War Association, they continue their pursuit of truth and justice on a global scale.

Founded in January 2016, the Forgotten Children of War Association is dedicated to protecting the rights of children born of war. This category includes children whose mothers survived conflict-related sexual violence. The perpetrators of these crimes were not only members of opposing military forces but also United Nations personnel, stationed forces and foreign humanitarian mission staff. These children frequently face legal unrecognition and social marginalisation, creating significant challenges related to identity, stigmatisation and discrimination.

The Association's mission is to achieve the legal and social recognition of this vulnerable group through activism, public advocacy, art, research and networking. The organisation employs diverse mechanisms, including educational programmes, research and inclusive initiatives, aimed at eliminating stigma and discrimination. Our work focuses on capacity-building and creating a safe environment for children born of war and survivors of conflict-related sexual violence, both in Bosnia and Herzegovina (BiH) and internationally.

The vision of the Association is to become a global organisation based in Bosnia and Herzegovina, advocating for the legal and social recognition of children born of war, drawing on positive practices from our country. We strive to build a solidarity-based and inclusive society where the rule of law is upheld and the rights of all individuals – particularly the most vulnerable – are fully protected.

Over the years, the Association has gained international recognition as a leader in breaking the silence on the issue of children born of war. The organisation has successfully implemented its goals in Bosnia and Herzegovina, particularly by challenging the social and legal invisibility of this vulnerable group. These efforts led to the adoption of two laws, recognising children born of conflict-related sexual violence as civilian victims of war and granting them additional rights in accordance with international standards.

These laws have set a precedent in the international legal framework, positioning Bosnia and Herzegovina as a model for implementing positive practices. However, with this achievement comes a great responsibility – to

ensure the consistent implementation of these laws at all levels of government and to provide equal conditions for all children born of war, regardless of their geographic location or ethnic background.

Since its establishment, the Association has continuously advocated for the fundamental principle that human rights must not be defined by ethnicity. The consequences of war and wartime suffering must be acknowledged by the state apparatus to develop appropriate solutions. No struggle should aim to create new divisions within the same society – nor does ours.

Bosnia and Herzegovina is the country where we demand change; it is our country. We are the legacy of this land, and through our work, we extend – and will continue to extend – a hand of friendship to all citizens and institutions in Bosnia and Herzegovina. In the spirit of empathy, understanding and responsibility, our shared duty is to ensure a future in which the next generations will no longer count 20,000 to 50,000 survivors of conflict-related sexual violence, nor categorise individuals who remain entirely invisible in society.

Ajna Jusić
December 2024

INTRODUCTION

This Handbook is the result of the work of the Forgotten Children of War Association, developed as part of a programme dedicated to ensuring the legal recognition of children born of war in Bosnia and Herzegovina. Its aim is to provide a comprehensive guide to the legal process of recognising and obtaining the status of a special category of children born of conflict-related sexual violence.

For decades, these populations have remained legally unrecognised and socially marginalised, with many individuals still facing stigmatisation and institutional barriers in exercising their rights. This Handbook marks an important step towards their recognition within the legislative and institutional framework of Bosnia and Herzegovina, as well as internationally.

The authors have aimed to provide clear and accessible guidelines for granting the status of a child belonging to a special category of civilian victims of war. Instead of using the legal formulation found in the legislation on civilian victims of war – 'children born of an act of war-time rape' – they have adopted the widely accepted term 'children born of war'. The importance of this terminology lies in the fact that the very existence of this category is inseparable from the war in Bosnia and Herzegovina.

Furthermore, this Handbook provides practical steps and essential legal information for children born of war and their families in accessing the rights granted to them under existing laws on civilian victims of war. It is also designed as a tool for raising awareness among decision-makers and professionals in the fields of social and legal protection – with the aim of strengthening support mechanisms and ensuring justice for this particularly vulnerable group in society.

This Handbook is intended for all citizens of Bosnia and Herzegovina, with a particular focus on:

- Children born of war and their families
- Competent authorities involved in the process of granting the status of a child belonging to a special category of civilian victims of war
- Decision-makers at all levels of government in Bosnia and Herzegovina
- Civil society organisations

KEY THEMES AND CONTENT OF THE HANDBOOK

The Handbook is divided into several key sections, providing users with a detailed understanding of the process for granting status and accessing rights:

PART 1: CHILDREN BORN OF WAR: A WALL OF SILENCE THAT IS BEGINNING TO CRUMBLE

This section, written by Sabine Lee, Professor in Modern History at the University of Birmingham, provides a broader perspective on the global dimension of conflict-related sexual violence. It analyses how sexual violence in armed conflicts has been recognised within international frameworks and how global awareness of this issue has evolved since 2000. Particular emphasis is placed on the necessity of protecting children born of war through international policies and targeted interventions.

PART 2: THE PROCESS OF GRANTING THE STATUS OF A SPECIAL CATEGORY OF CIVILIAN VICTIMS OF WAR

This practical guide provides detailed explanations of the procedural steps, including the required documentation, the request submission process, and the functioning of expert opinion commissions. Special emphasis is placed on the role of the competent municipal social protection authority in assisting applicants, as well as the challenges they may encounter throughout the process. This section also outlines the legal remedies available in the event of a request being rejected.

PART 3: THE ROLE OF THE COMMISSION FOR ISSUING EXPERT OPINIONS

This section provides a detailed overview of the work of the commission responsible for issuing expert opinions on the recognition of the status of a child born of war-time rape. The focus is on the document evaluation process, operational standards, and ethical principles guiding the commission, as well as the common challenges encountered in its work.

PART 4: THE INSTITUTION OF THE OMBUDSMAN FOR HUMAN RIGHTS

This section outlines the procedure before the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina, which provides all citizens – including children born of war – with the opportunity to seek support in exercising their rights. The Handbook aims to inform readers about the procedures for obtaining support through this institution and to encourage individuals, groups, and organisations to utilise this mechanism for the protection of human rights and the promotion of democratic principles.

Part 5: LEGAL FRAMEWORK FOR CHILDREN BORN OF WAR

Prepared by Olja Beader, Filip Novaković, Merjem Muhadžić, and Adnan Kadribašić, this section focuses on laws applicable to this category in Bosnia and Herzegovina. It provides a detailed overview of legal procedures and the rights available to children born of conflict-related sexual violence, including the right to healthcare, legal aid, housing assistance, and other forms of support. Additionally, it examines existing legal gaps and proposes potential solutions for addressing them.

Part 6: CHILDREN BORN OF WAR – A SCIENTIFIC FRAMEWORK

This section provides an overview of international scientific research, confirming that children born of war are among the most vulnerable and marginalised groups in post-conflict societies. They face legal invisibility, social stigmatisation, and limited access to fundamental rights and services. Their integration requires an interdisciplinary, human rights-based approach, incorporating documentation, legal reforms, psychological support, and social acceptance through education and inclusive community initiatives.

The Handbook concludes with final remarks, calling on all stakeholders – from legal professionals and institutions to civil society organisations – to actively engage in the fight for the rights of children born of war and their recognition within the legal system of Bosnia and Herzegovina.

This Handbook is not only a step forward in legally protecting this vulnerable group but also a symbol of hope that their rights and dignity will be fully recognised and safeguarded.

Additionally, it contains practical information on exercising rights, as well as guidelines and contact details for institutions and organisations mandated to ensure the implementation and protection of individual rights established by law.

CHILDREN BORN OF WAR: A WALL OF SILENCE THAT IS BEGINNING TO CRUMBLE

Looking at research and advocacy for the rights and wellbeing of survivors of conflict-related sexual violence and their children[1] one might be forgiven for thinking war rape and that the existence of children born as a result of such sexualised violence was a relatively recent phenomenon. It was the images of Bosnian rape camps[2], the Human Rights Watch website reporting on mass rape and forced impregnation of black African women by Arab militiamen in Darfur and Chad[3], and early journalistic reports about sexual abuse by UN peacekeepers[4] and horrific stories of mass genocide and genocidal rape in Rwanda[5] that brought to media, public and policy attention mass sexualised violence and children fathered by foreign soldiers in a way that was suggestive of it being a phenomenon of the twentieth century. However, intimate contacts between foreign soldiers and local civilians, both coercive and consensual, are likely to have been a feature of almost all wars, from antiquity into modernity[6] in the middle ages, the Vikings had a reputation for bravery as much as for pillage and rape, and during the crusades it was customary for kings to enlist women to provide sexual services for the soldiers, and it was anything but rare for pillage and rape to take place[7].

The focus of reporting and responding to CRSV has been on almost exclusively female victims/survivors. Yet, in recent years there has been substantial increase in research on CRSV against men and boys which has led to a much more nuanced understanding of CRSV that appreciates that men and boys are also affected by CRSV[8]. Much of the initial work was concerned with documenting and explaining sexual assaults and violence in a range of settings including military institutions, detention settings, and war/occupation zones[9], but recently, more theoretical work has started situating male-directed CRSV within broader discourses around

1 K. Wagner, S. Vass, T. Smith, & S. Lee, *The Immediate and Long-Term Risks, Harms and Challenges Faced by Children Born of Conflict-Related Sexual Violence (CBoCRSV) in Low- and Middle-Income Countries (LMICs): A Rapid Evidence Assessment.* University of Birmingham (2024).

2 Beverly Allen, Rape Warfare: *The Hidden Genocide in Bosnia-Herzegovina and Croatia* (Minneapolis: University of Minnesota Press / Amnesty International, 1996).

3 Human Rights Watch, *Sexual Violence and its Consequences Among Displaced Persons in Darfur and Chad* (New York: Human Rights Watch, 2004).

4 Joseph Guyler Delva, 'UN Haiti peacekeepers face outcry over alleged rape', Reuters, US edition, 5.9.2011, www.reuters.com/article/2011/09/05/us-haiti- uruguay-un-idUS-TRE7842DY20110905. (accessed 22.6.2024); 'UN troops face child abuse claim', *BBC News Channel*, 30.11.2006. (accessed 22.6.2024); Kate Holt and Sarah Hughes, 'UN staff accused of raping children in Sudan', *The Telegraph,* 2.11.2007. (accessed 22.6.2024); Pagonis Pagonakis and Marcel Kolvenbach, *Gefährliche Helfer*, ARD documentary, January 2013, www.youtube. com/watch?v=NgD0K5vo2YU. (accessed 22.6.2024); Michelle Nicholls, 'U.N. peacekeepers accused of abusing Central African Republic street children', Reuters, 23.6.2015, www.reuters.com/article/2015/06/23/us-centralafrica- abuse-un-idUSKBN0P323120150623. (22.6.2024)

5 Emily Wax, 'Rwandans are struggling to love the children of hate', *The Washington Post*, 28.3.2004, https://www.washingtonpost.com/archive/politics/2004/03/ 28/rwandans-are-struggling-to-love-children-of-hate/dd942c7b-9287-42cc-8 763-bd0675c0b73f/?utm_term=.3a17cbf65ac6. (accessed 22.6.2024)

6 K.L. Gaca, 'Girls, women, and the significance of sexual violence in ancient warfare', in Elizabeth D. Heinemann (ed), *Sexual violence in conflict zones: from the ancient world to the era of human rights*, (Philadelphia: University of Pennsylvania Press, 2011), pp. 73-88.

7 A. Classen, Sexual Violence and *Rape in the Middle Ages*: *a critical discourse in premodern German and European literature* (Vol. 7), (Berlin: Walter de Gruyter, 2011); C.A. Conley, Sexual violence in historical perspective', in Rosemary Gartner and Bill McCarthy (eds), *The Oxford handbook of gender, sex, and crime* (Oxford: Oxford University Press, 2014), pp. 207-224; A.J. Finch, (1997). The nature of violence in the Middle Ages: an alternative perspective. *Historical Research*, 70(173), 249-268; G. Walker, 'Sexual violence and rape in Europe, 1500–1750' In S. Toulalan and K. Fisher (eds), *The Routledge history of sex and the body*. (Abingdon: Routledge, 2013), pp. 429-443.

8 Sivakumaran, 'Sexual violence against men in armed conflict', *European journal of international law*, 18(2) (2007), 253-276; C. Dolan, M.E. Baaz, and M. Stern, 'What is sexual about conflict-related sexual violence? Stories from men and women survivors', *International Affairs*, 96(5) (2020), 1151-1168; A. Gopsill, 'Forgotten Victims: Male Survivors of Sexual Abuse in the Aftermath of Conflict in Bosnia and Herzegovina', *International Journal on Rule of Law, Transitional Justice and Human Rights*, 5(5) (2014), 117-126; S.K. Chynoweth et al., 'Characteristics and impacts of sexual violence against men and boys in conflict and displacement: a multicountry exploratory study. *Journal of interpersonal violence*', 37(9-10) (2022), NP7470-NP7501.

9 N. Abdullah-Khan, Male Rape: *The emergence of a Social and Legal Issue* (Basingstoke: Palgrave Macmillan: 2008; P. Drumond, Embodied Battlefields: *Uncovering Sexual Violence against men in war theatres*, (unpublished thesis, Geneva Graduate Institute of International and Development Studies, 2017).

feminist scholarship and masculinities studies[10]. This volume's focus on CRSV against women and girls is not an attempt to underestimate the magnitude and severity of impact of male-directed CRSV, but is due to the focus on children conceived in CRSV, whose mothers are the victims/survivors of female-directed CRSV.

CONFLICT-RELATED SEXUAL VIOLENCE (CRSV) AND THE WOMEN, PEACE AND SECURITY (WPS) AGENDA

Sexualised violence vis-à-vis women during hostilities is among the oldest and most persistent war crimes yet, it is a war crime that has only recently been more comprehensively understood as what it is – not merely a bye-product of war, but an integral part of war through its strategic use in armed conflict[11]. Since the 1990s – the time of the mass rapes of the Balkan Wars and the numerous African conflicts, most prominently displayed globally in the Rwandan genocide with its previously unimaginable acts of sexualised violence[12] – rape as a weapon of war has started receiving the attention of academia, the media, governments, NGOs and international courts. International tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have pronounced judgements in a way that has changed our thinking about rape as a weapon of war crimes against humanity, genocide and sexualised violence.

The resultes increased awareness of the disproportionate impact of war on women created not only an awareness of the specific gendered protection needs, but also more vocal and concerte advocacy of activists and women's organisations alike for greater inclusion of women in peace-making. Out of this early advocacy and driven by international recognition of the critical role women play in conflict resolution, peacebuilding, and post-conflict reconstruction evolved the Women, Peace, and Security (WPS) agenda[13].

Adopted on 31st October 2000, UNSCR 1325 was the first formal and legal document from the United Nations Security Council (UNSC) that required parties in conflict to respect women's rights and support their participation in peace negotiations and post-conflict reconstruction.

10 L. Du Toit and E. Le Roux, E., 'A feminist reflection on male victims of conflict-related sexual violence', *European Journal of Women's Studies*, 28(2) (2021), 115-128'; S. Meger, 'The political economy of sexual violence against men and boys in global politics', in: M. Zalewski, P. Drumond, E. Prügl, and M. Stern (eds), *Sexual Violence Against Men in Global Politics*, (Routledge, 2018), pp. 102-116.
11 R. Nordås, R., & D.K. Cohen, 'Conflict-related sexual violence', *Annual Review of Political Science*, 24(1) (2021), 193-211; H. Gray, M. Stern, & C. Dolan, 'Torture and sexual violence in war and conflict: The unmaking and remaking of subjects of violence', *Review of International Studies*, 46(2) (2020), 197-2
12 T. Altunjan, 'The International Criminal Court and sexual violence: between aspirations and reality', *German Law Journal*, 22(5) (2021), 878-893.
13 J. Johnson-Freese, *Women, peace and security: an introduction* (Abingdon: Routledge, 2018); P. Kirby, P., & L.J. Shepherd, 'Reintroducing women, peace and security', *International Affairs*, 92(2) (2016), 249-254.

SCR 1325 consists of four pillars:

1. The role of women in conflict **prevention**
2. **Women's participation** in peacemaking and **peacebuilding**
3. The **protection** of women's rights during and after conflict, and
4. Women's specific **relief** and **recovery** needs during repatriation, resettlement, rehabilitation, reintegration and post-conflict reconstruction.

The resolution paved the way for the development of a more comprehensive Women Peace and Security framework that seeks to enhance the role of women in peacebuilding, conflict resolution, and security efforts, with the Security Council adopting a further nine resolutions on WPS. These resolutions broadly fall within two categories:

1. The first group of resolutions promotes women's active and effective participation in peacemaking and peacebuilding, ensuring that their voices are not only heard but also included in the formulation and implementation of gender-sensitive and gender-inclusive peace processes:

• **Resolution 1889 (2009):** focuses on post-conflict peacebuilding and the importance of women's participation, calling for the development of indicators to measure progress in implementing UNSC Resolution 1325.

• **Resolution 2122 (2013):** stresses the importance of women's leadership and full participation in all efforts to maintain and promote peace and security, and the need for gender-sensitive conflict analysis.

• **Resolution 2242 (2015):** calls for doubling the number of women in military and police contingents of UN peacekeeping operations, and integrating gender perspectives into counter-terrorism and countering violent extremism strategies.

• **Resolution 2493 (2019):** reinforces the need for the full implementation of all previous WPS resolutions and calls for increased support for women's participation in peace processes and for gender analysis in mission mandates.

2. The second group, beginning with the adoption of SCR 1820 in 2008, aims to
prevent and address conflict-related sexual violence (CRSV):

• **Resolution 1820 (2008):** recognizes sexual violence as a tactic of war and emphasizes the need for protection and prevention measures, as well as accountability for perpetrators of sexual violence.

• **Resolution 1888 (2009):** builds on 1820, calling for the appointment of a Special Representative to the Secretary-General on Sexual Violence in Conflict and the establishment of rapid response teams of experts to address sexual violence.

• **Resolution 1960 (2010):** establishes a monitoring, analysis, and reporting mechanism on conflict-related sexual violence and calls for the creation of a list of parties credibly suspected of committing or being responsible for patterns of sexual violence in conflict.

• **Resolution 2106 (2013):** emphasizes accountability for perpetrators of sexual violence in conflict and the importance of women's political and economic empowerment in the context of preventing sexual violence.

• **Resolution 2467 (2019):** focuses on a survivor-centred approach to preventing and responding to sexual violence in conflict and calls for the protection and empowerment of women and girls.

WAR RAPE AS A WAR CRIME

After war rapes had been regarded as a by-product of war rather than a criminal act per se for centuries, the atrocities committed during the wars in former Yugoslavia (and also concurrently in Rwanda) led to a reconsideration of how rape was viewed in legal terms[14]. The 1977 Additional Protocol II of the Geneva Convention had already included rape as one of the atrocities or, as the protocol phrased it, 'outrages upon human dignity' that were explicitly prohibited by the Convention[15]. But it was the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY) which started the process of formalising the recognition of rape as a war crime in their prosecutions for crimes against humanity which included acts of sexual violence[16]. Moreover, under the Rome Statute of the International Criminal Court, rape and sexual slavery, alongside forced prostitution, forced pregnancy, enforced sterilisation and similarly grave acts of sexual violence have now been recognised as both crimes against humanity and war crimes[17].

CHILDREN BORN OF WAR (CBOW) AND CHILDREN BORN OF CONFLICT-RELATED SEXUAL VIOLENCE (CBOCRSV)

The foregrounding of the gendered impact on war the 20th and 21st centuries, a period when the civilian victims of war by far exceeded the number of military casualties[18], has led to a better understanding of the short-, medium and long term impact of CRSV on women, their families and local communities; in addition, it

14 C.B. Coan, 'Rethinking the spoils of war: Prosecuting rape as a war crime in the International Criminal Tribunal for the *Former Yugoslavia', NCJ Int'l L. & Com. Reg., 26,* (2000), 183-237.
15 Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, Article 4.2 (e), www.icrc.org/ applic/ ihl/ ihl.nsf/ Article.xsp?action=openDocument&documentId=F9CBD575D47CA6C8C12563CD0051E783. (accessed 29.7.2024).
16 ICTY Trial Chamber Judgment Prosecutor v. Anto Furunžija (Case number IT-95-17/ I-T).
17 Rome Statute of the International Criminal Court, A/ CONF.183/ 9 of 17 July 1998, Article 7 (g), www.icc-cpi.int/ nr/ rdonlyres/ ea9aeff7-5752-4f84-be94- 0a655eb30e16/ 0/ rome_ statute_ english.pdf. (accessed 30.7.2024).
18 A. Khorram-Manesh, F.M. Burkle, K. Goniewicz, Y. Robinson, 'Estimating the Number of Civilian Casualties in Modern Armed Conflicts-A Sys tematic Review', Front Public Health 2021 Oct 28:9:765261. doi: 10.3389/fpubh.2021.765261. PMID: 34778192; PMCID: PMC8581199; Office for the Coordination of Humanitarian Affairs, minutes of meeting about civilian casualties in war, https://press.un.org/en/2022/sc14904.doc.htm

has become more widely recognised that children conceived in these abusive and violent relations face a wide range of challenges[19] affecting them in childhood, adolescence and adulthood[20].

No exact or reliable statistics about the number of CBoCRSV or CBOW in the 20th and 21st century exist[21], though we now have a much better understanding of the magnitude of their numbers and a significantly better understanding of the risks, harms and challenges experienced by them[22].

Data suggests that a large proportion of CBOW are conceived in exploitative or coercive relationships. However, it is important to emphasise that evidence also indicates that even in brutal conflicts consensual and love relationships existed and continue to exist. These are often documentary non-events, as loving and caring relationships and successful marriages between soldiers and local women are more likely to remain hidden or unnoticed, whereas conflict-related sexual violence (CRSV) will be more likely to be reported[23].

DEFINITIONS AND CATEGORIES

While for decades children born of war were considered only as an afterthought to the experiences of their mothers, who had often been victims/survivors of sexual exploitation, abuse or violence, since the early 21st century, academic research has begun exploring the experiences of children born of war in their own right, from historical, anthropological, psychological, political, and, more recently, also legal perspectives. As a recently published rapid evidence assessment of academic and non-academic work in this field has documented[24], beginning with Grieg's initial report on data relating to CBOW[25] and Carpenter's ground-breaking collection focusing primarily on children born of conflict-related sexual violence[26], since the turn of the century, a myriad of studies related to CBOW in different countries and conflicts, including some that focused on initial methodological considerations, have been published on the subject of CBOW and more specifically on CBoCRSV.

In the early 2000s, based on Grieg's initial categorisation of what he referred to as 'war children' [27] and later renamed 'children born of war[28], CBOW are understood as persons who have one parent who is part of a foreign army, a peacekeeping force or related service personnel and the other parent a local citizen independent of time and geographical context, type of conflict and circumstances of conception.

19 Heide Glaesmer et al., 'Die Kinder des Zweiten Weltkrieges in Deutschland: Ein Rahmenmodell für psychosoziale Forschung', Trauma und Gewalt, 6 (2012), 318–28.
20 K. Wagner, S. Vass, T. Smith, & S. Lee, T*he Immediate and Long-Term Risks, Harms and Challenges Faced by Children Born of Conflict-Related Sexual Violence (CBoCRSV) in Low- and Middle-Income Countries (LMICs): A Rapid Evidence Assessment.* University of Birmingham (2024).
21 FCDO, Platform for action promoting the rights and wellbeing of children born of conflict-related sexual violence, 2022, https://assets.publishing.service.gov.uk/media/63810511d3bf-7f154a5d56cd/platform-for-action-promoting-the-rights-and-wellbeing-of-children-born-of-conflict-related-sexual-violence.pdf.
22 Kai Grieg, *'The war children of the world', War and Children Identity Project (Bergen: War and Children Identity Project, 2001); Donna Seto, No Place for a War Baby: The Global Politics of Children Born of Wartime Sexual Violence (Farham: Ashgate, 2013); Sabine Lee, Children Born of War in the Twentieth Century (Manchester*, Manchester University Press, 2017).
23 Lee, Ibid., p. 23.
24 K. Wagner, S. Vass, T. Smith, & S. Lee, *The Immediate and Long-Term Risks, Harms and Challenges Faced by Children Born of Conflict-Related Sexual Violence (CBoCRSV) in Low- and Middle-Income Countries (LMICs): A Rapid Evidence Assessment*. University of Birmingham (2024).
25 Kai Grieg, 'The war children of the world', *War and Children Identity Project* (Bergen: War and Children Identity Project, 2001).
26 R. Charli Carpenter (ed.), *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Bloomfield, CT: Kumarian Press 2007).
27 Kai Grieg, 'The war children of the world', *War and Children Identity Project* (Bergen: War and Children Identity Project, 2001).
28 Ingvill C. Mochmann and Stein Ugelvik Larsen, 'The forgotten consequences of war: The life course of children fathered by German soldiers in Norway and Denmark during WWII – some empirical results', *Historical Social Research*, 33 (2008), 347–63.

Specifically, within this broad definition, four main categories have been used widely to accommodate the vastly different conflict and post-conflict scenarios that provide the settings for many of the relationships of which the children are born: children fathered enemy soldiers, children fathered by occupation soldiers, children of child soldiers, and children of peacekeeping forces.

VULNERABILITIES OF CBoCRSV

Following the 2014 Global Summit to End Sexual Violence in Conflict [29] as part of the UK Government's cross-departmental initiative led by the Foreign and Commonwealth Office (FCO, now FCDO)[30], the second PSVI Conference in 2022 explicitly included CBoCRSV into the policy agenda by formally launching a Platform for Action promoting the rights and wellbeing of CBoCRSV[31]. Under its commitment to the Platform, the FCDO commissioned a thorough review of the evidence relating to rights and wellbeing of CBoCRSV with focus on Low and Middle Income countries and this review identified the following key risks, challenges and harms facing CBoCRSV: stigmatisation and marginalisation, psychological trauma, legal challenges and challenges in obtaining citizenship in their birth country, educational disadvantages, economic hardships, challenges in their families and kinship groups, as well as marginalisation on cultural and religious grounds.[32]

As is clear from the extensive (if not exhaustive) list of challenges and harms that CBoCRSV are exposed to, some of the challenges are particularly pertinent in a person's childhood and youth; others are potentially life-long experiences and adversities.

PROTECTION OF CBoCRSV UNDER THE CONVENTION OF THE RIGHTS OF THE CHILD

An early framework for analysing the experiencing of growing up as a CBOW identified and related to each other the core challenges in childhood and adolescence. This raises the question of needs and responsibility for protective measures to protect CBOW and CBoCRSV. In the 20th century a body of laws were developed and widely agreed on in the international community to safeguard children. Based on the notion that 'Mankind owes to the child the best it has to give'[33] the idea of the 'best interest of the child' and special safeguards for children are found in the Universal Declaration of Human Rights of 1948[34] and more extensively in the UN Declaration on the Rights of the Child of 1959[35]. Thirty years after the Declaration on the Rights of the Child, in 1989, the Convention on the Rights of the Child (CRC) was adopted by the General Assembly of the United Nations.[36] This first legally binding instrument to incorporate the civil, cultural, political and social rights of children has become the most widely subscribed to convention of all and is conceived on the idea

29 Chair's summary of the Global Summit: https://www.gov.uk/government/publications/chairs-summary-global-summit-to-end-sexual-violence-in-conflict/chairs-summary-global-summit-to-end-sexual-violence-in-conflict (accessed 30.7.2024).
30 https://www.gov.uk/government/organisations/preventing-sexual-violence-in-conflict-initiative (accessed 30.7.2024).
31 https://assets.publishing.service.gov.uk/media/63810511d3bf7f154a5d56cd/platform-for-action-promoting-the-rights-and-wellbeing-of-children-born-of-conflict-related-sexual-violence.pdf (accessed 13 September 2024).
32 Ibid.
33 League of Nations, 'Geneva Declaration on the Rights of the Child', 26 September 1924, www.un-documents.net/ gdrc1924.htm. (accessed 25.6.2024).
34 UN, 'The Universal Declaration of Human Rights', 1948, www.un.org/ en/ documents/ udhr/ . (accessed 25.6.2024).
35 UN, 'Declaration of the Rights of the Child', 1959, www.unicef.org/ malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf (accessed 25.6.2024).
36 UN, 'Convention on the Rights of the Child', 1989, www.ohchr.org/ EN/ProfessionalInterest/ Pages/ CRC.aspx. (accessed 25.6.2024).

of universality – both with regard to the states subscribing to its principles and the rights formulated within it. The Convention has four guiding principles which inform the formulation of all other children's rights: the principles of non-discrimination (Article 2) the best interest of the child (Article 3) the right to life, survival and development (Article 6) and the right to be heard (Article 12). Based on these guiding principles, the Convention contains 42 substantive provisions covering a wide range of rights and issues relating to children more broadly, with focus on Provision, Protection and Participation. Even a cursory glance at the above identified risks, challenges and harms faced by CBoCRSV, it is clear that many of the rights of children under the CRC are compromised for many CBoCRSV.

Specifically, according to Article 2 of the CRC, state parties have an obligation not only to respect, but also to ensure the rights detailed in the CRC 'without discrimination of any kind[37]. The best interest of the child is to be the 'primary consideration' in all actions concerning children, with a legal obligation of the state to ensure the protection and care of the child as is necessary for his/her wellbeing. This includes the right to life development (Article 6), the right to birth registration immediately after birth, the right to a name and to acquire nationality and the right, as far as possible, to know and be cared for by his/her parents (Article 7). It further includes the obligation of the state to assist and protect a child against infringements of their identity, including nationality and family relations (Article 8), freedom of expression and freedom to manifest their religion. The state is also obliged to ensure health and social care (Articles 24 and 26), standard of living adequate for the child's physical, mental, spiritual, moral and social development, and – significantly – a right to education on the basis of equal opportunities (Article 28) while also being required to protect a child from economic exploitation and work that would be harmful to the child (Article 32), including sexual exploitation and abuse (Article 34).
While in theory the CRC presents a comprehensive legal instrument safeguarding the rights and wellbeing of children in general and children born of war in particular, a recent expert roundtable[38] initiated and led by the Global Survivors Fund [39] has identified a wide range of trauma-related, legal, administrative, and practical barriers that prevent those rights being realised. These include gender discriminatory birth registration and nationality law practices mothers' reluctance to register a forced marriage, discriminatory administrative practices that require name and identity details of both parents criminalisation of birth out of wedlock requirements for legal representation to register a child or discriminatory practices that deny certain ethnic groups the right to nationality. It is before this background that national and international efforts to advocate for the rights of CBOW assume their significance and it is in this context that the efforts in BiH, aimed at achieving social and legal recognition of children born of conflict-related sexual violence, for instance in the launch of the 'Name of one parent initiative' in 2019 are of particular importance.

Sabine Lee, Professor in Modern History at the University of Birmingham

37 CRC, Article 2.
38 https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Policy_Briefs/Outcome_report_roundtable_children_born_of_CRSV_March24_web.pdf (accessed 13 September 2024).
39 https://www.globalsurvivorsfund.org/ (accessed 13 September 2024).

LEGAL FRAMEWORK

The legal recognition of children born of war in Bosnia and Herzegovina is established through two laws: **the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina**, published in *Official Gazette of FBiH, No. 60/2023*, and the **Law on Civilian Victims of War of Brčko District of Bosnia and Herzegovina**, published in *Official Gazette of Brčko District, No. 24/22*. However, in the entity of Republika Srpska, no legal framework currently exists to recognise this category or to provide statutory protection for these individuals.

The applicable laws in the Federation of Bosnia and Herzegovina and Brčko District represent a **significant step forward** in ensuring the **principles of equality and non-discrimination in a post-conflict society** such as Bosnia and Herzegovina. Their importance also lies in the fact that they can serve as a model for other states undergoing post-conflict transition, providing a legal framework for the protection of the rights of this vulnerable population.

The adoption of these laws is the result of years of struggle and vocal advocacy by children born of war, who have fought against the discrimination and stigma they have faced since birth. Standing firmly alongside them in this fight were their mothers – survivors of conflict-related sexual violence.

Special credit for the adoption of these laws belongs to the **Forgotten Children of War Association**, numerous civil society organisations in Bosnia and Herzegovina, as well as individuals who have supported this population in their pursuit of legal and social recognition.

The relevant laws take different approaches to defining children born of war. Thus, **Article 10(1)(b)** of the **Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina** defines this category as **'a child born of an act of wartime rape – a child belonging to a special category of civilian victims of war'**.

Meanwhile, **Article 2(1)(g) of the Law on Civilian Victims of War of Brčko District of Bosnia and Herzegovina** states that **'a civilian victim of war is a person born of war-time rape and conflict-related sexual abuse'**.

These laws represent not only a step towards the recognition of rights but also a foundation for the process of social recovery and the protection of the most vulnerable categories of the population, in accordance with international legal standards.

LAW ON THE PROTECTION OF CIVILIAN VICTIMS OF WAR OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

The Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina establishes the fundamental principles governing the protection of civilian victims of war, defines the concept and status of a civilian victim of war, determines the types, scope, and conditions under which rights under this law are exercised, and sets out the purpose of financial compensation for recognised rights. Additionally, it regulates the procedure for exercising rights, funding mechanisms, and other matters of relevance to the protection of civilian victims of war within the territory of the Federation of Bosnia and Herzegovina.

THE FOLLOWING FUNDAMENTAL PRINCIPLES GOVERN THE PROTECTION OF CIVILIAN VICTIMS OF WAR:

1. Principle of Divided Competences
2. Principle of the Extension of Rights in Accordance with Available Resources
3. Principle of Analogous Application of the Regulations
4. Principle of the Exercisability of Rights
5. Prohibition of Discrimination

PRINCIPLE OF DIVIDED COMPETENCES

The protection of civilian victims of war falls within the shared competence of the Federation of Bosnia and Herzegovina and the cantons. In other words, this principle stipulates that the Federation is responsible for certain aspects of the realisation of rights provided by law, while cantons hold competence for others, or, in some cases, exclusive competence over the implementation of rights.

When it comes to the realisation of rights for children born of war, this falls under the competence of the cantons of the Federation of Bosnia and Herzegovina. Accordingly, individuals who have been granted the status of a child belonging to a special category of civilian victims of war exercise their rights under the regulations of the canton in which they reside.

PRINCIPLE OF THE EXTENSION OF RIGHTS IN ACCORDANCE WITH AVAILABLE RESOURCES OF CANTONS

In accordance with their financial capacity and the needs of civilian victims of war, cantons determine, secure, and extend the scope of rights established by law. The essence of this principle lies in the fact that the Federation-level law mandates cantons to expand the scope of rights whenever necessary, provided that their available resources allow for such an extension.

The law establishes minimum standards that cantons must meet, while all additional provisions are regulated by cantonal laws and other regulations. The law grants cantons the discretionary power to expand the rights set forth therein if necessary. However, they may not restrict or reduce them below the standards established by the federal law.

PRINCIPLE OF THE PROHIBITION OF DISCRIMINATION

In the procedure for exercising rights established under the Law on Civilian Victims of War of the Federation of Bosnia and Herzegovina, all forms of discrimination are strictly prohibited. This includes discrimination based on race, skin colour, sex, language, religious or ethnic affiliation, disability, age, national or social origin, political or other beliefs, property status, trade union or other association membership, education, social status, sexual orientation, gender identity, sex characteristics, or any other actual or presumed grounds. It is important to note that the prohibition of discrimination principle is also governed by the Law on the Prohibition of Discrimination, which serves as the overarching legal framework for this area in Bosnia and Herzegovina.

The principle of the prohibition of discrimination is a cornerstone of democratic society, enshrined in international human rights instruments and standards aimed at eradicating unequal treatment based on protected characteristics. Discrimination poses a threat to human rights, dignity, and social cohesion, making it imperative to ensure fairness and equal opportunities for all individuals. At its core, the prohibition of discrimination ensures equal treatment and access to opportunities, irrespective of race, sex, religion, or any other characteristic. It emphasises the elimination of unfair advantages or disadvantages based on arbitrary attributes. Discrimination undermines human rights and diminishes the inherent dignity of individuals. Upholding the prohibition of discrimination affirms the intrinsic worth of every human being.

A key aspect of preventing discrimination is ensuring equal access to essential components of life, including education, employment, healthcare, and public institutions. Discrimination in accessing these rights perpetuates inequality and social divisions.

Direct discrimination constitutes a fundamental violation of the principle of equality, occurring when an individual or group is treated less favourably based on specific attributes or characteristics protected by law. This form of discrimination is overt and explicit, manifesting through visible actions or decisions that deliberately exclude individuals or groups due to their inherent or acquired traits.

In addition to the more apparent direct discrimination, indirect discrimination also exists. Indirect discrimination arises when practices, rules, requirements, or conditions appear neutral but have a disproportionate impact on certain groups, unless such practices, rules, requirements, or conditions can be objectively justified.
Considering these characteristics, it can be concluded that discrimination against children born of war was present until their legal recognition through existing laws in the Federation of Bosnia and Herzegovina and Brčko District. Unfortunately, discrimination against this category remains prevalent in Republika Srpska, as this group is not recognised under any legal framework in that entity. Equal enjoyment of rights and freedoms throughout Bosnia and Herzegovina is a constitutional imperative, and any violation of this principle results in negative consequences for ensuring equal rights and freedoms for all citizens.

Children born of war have faced discrimination since birth, particularly when compared to other vulnerable categories that the state has recognised and protected through specific laws, ensuring them certain benefits as a consequence of their social status. For example, children of war veterans (including soldiers, war-disabled veterans, and fallen soldiers/martyrs) have been granted numerous benefits throughout their lives, such as priority enrolment in educational institutions, free education, scholarships, priority access to dormitories, entitlement to mandatory school textbooks, supplies, and meals, employment advantages, exemptions from certain fees, priority in housing assistance, and various benefits in healthcare and social protection. Children of survivors of conflict-related sexual violence, however, have not been afforded the same treatment, demonstrating that the relevant institutions of Bosnia and Herzegovina have treated the category of children of civilian victims of war differently from the children of war veterans.

Examples of discriminatory practices by institutions in Bosnia and Herzegovina are also evident in everyday administrative procedures. Children born of war frequently encounter requirements to indicate the name of their father during identification processes. Such a requirement poses multiple risks, starting with the traumatisation of both the mother and the child, exposing them to additional stress and stigmatisation. It also creates a risk of discrimination based on origin, as this requirement may lead to discrimination against the child due to the circumstances of their birth, thereby violating fundamental human rights, particularly the right to equal treatment and protection from stigma.

This issue also raises legal and ethical concerns. In many cases, the father, as the perpetrator of the crime, is not part of the child's life, and his name may be legally and ethically irrelevant to the child's identification. Therefore, requiring such identification is unjustified, as it applies a legal framework that fails to account for the specific circumstances of this traumatic experience.

This practice is inconsistent with human rights protection principles, particularly the right to privacy of survivors of war-related violence and constitutes a form of discrimination within the legal system of Bosnia and Herzegovina.

The Forgotten Children of War Association urges all relevant institutions in Bosnia and Herzegovina to eliminate this discriminatory practice and ensure an identification option that allows individuals to provide only one parent's name, instead of specifically requiring the father's name.

By upholding the principle of non-discrimination, society ensures that every individual is treated with respect and dignity, fostering an environment free from prejudice, where human rights are uncompromisingly protected. With the adoption of the aforementioned laws, Bosnia and Herzegovina has taken a step towards building a society based on democratic values, responsive to the needs of specific groups of citizens. However, the full elimination of discrimination against children born of war depends on the effective implementation of existing legal provisions, as well as the adoption of similar regulations in Republika Srpska.

With regard to the principle of the prohibition of discrimination under the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina, this principle applies both to the procedure for obtaining the status of a special category of civilian victims of war and to the exercise of all individual rights guaranteed by the law.

LAW ON CIVILIAN VICTIMS OF WAR OF BRČKO DISTRICT

The Law on Civilian Victims of War of Brčko District (*Official Gazette of Brčko District, No. 24/22*), adopted in July 2022, replaced the previous Decision on Civilian Victims of War and serves as the legal framework for the protection of civilian victims of war within the territory of Brčko District. The key novelty introduced by this law is the legal recognition of children born of war-time rape, thereby establishing a legal precedent for the protection of this category in other administrative units of Bosnia and Herzegovina.

In defining persons who may be considered **civilian victims of war, Article 2(a) of the Law** states that **'a person who has suffered permanent psychological impairment due to sexual abuse and rape shall be recognised as a person with a special status'**, while **Article 2(g)** provides that **'a person born of war-time rape and conflict-related sexual abuse of a person referred to in point (a) of this Article'** shall also be considered a civilian victim of war.

Thus, the Brčko District Law establishes a direct legal nexus between persons who have suffered permanent psychological impairment as a consequence of sexual abuse and rape (Article 2(a)) and children born of war-time sexual violence [Article 2(g)].

Consequently, the legal precondition for a child born of war to obtain the status of a civilian victim of war is the legal recognition of the mother's status as a survivor of war-time sexual violence, in accordance with the provisions of this law.

PROCEDURE FOR OBTAINING THE STATUS OF A SPECIAL CATEGORY OF CIVILIAN VICTIMS OF WAR

WHOM TO CONTACT?

Decisions regarding rights and status are made at the first instance by the Centre for Social Work or the social protection service within the municipal administration (hereinafter: the competent municipal social protection authority) based on the place of residence or habitual residence of the applicant. Appeals against first-instance decisions are adjudicated by the competent cantonal administrative authority.

However, before initiating the procedure for recognition and exercise of rights under the Law on Civilian Victims of War of the Federation of Bosnia and Herzegovina, an individual must first obtain the status of a

special category of civilian victims of war. This status is granted the moment it is recognised by the competent municipal social protection authority in accordance with the applicant's residence.

In Brčko District, the procedure for exercising rights is initiated by submitting a request for determination of beneficiary status or a request for the exercise of rights after the status has been established. The request must be submitted in writing to the Department of Health and Other Services, Division for Veteran-Disability Protection and Civilian Victims of War.

The Law on Civilian Victims of War of Brčko District of Bosnia and Herzegovina does not explicitly regulate the legal pathway for children of persons granted special status as civilian victims of war, which allows for the interpretation that the procedure for obtaining their status is analogous to the procedure applicable to other categories under this law (Article 11).

METHOD OF SUBMITTING THE REQUEST

In the Federation of Bosnia and Herzegovina, the procedure for obtaining status is initiated by submitting a request for a decision on the recognised status of a civilian victim of war, which is a prerequisite for exercising the rights prescribed by law. This request must be submitted exclusively using the prescribed Form Z1.

The legal pathway for obtaining the status of a child belonging to a special category of civilian victims of war begins at the Centre for Social Work of the municipality where the applicant has permanent residence, or at the Social Protection Service for Civilian Victims of War within the municipal administration of the applicant's place of residence.

A request for the exercise of rights under the aforementioned law may be submitted by a citizen of Bosnia and Herzegovina who has maintained permanent residence in the Federation for at least six months.

The costs of the procedure for the exercise of rights under this law are born by the authority conducting the proceedings.

The applicant must first complete Form Z1, which is available:

- At the Centre for Social Work/the Social Protection Service for Civilian Victims of War
- On the website of the Forgotten Children of War Association

DOCUMENTS REQUIRED FOR SUBMITTING THE REQUEST

Along with a duly completed Form Z1, the applicant must submit the following mandatory documents:
- **Certified copy of the identity card**
- **Certificate of residence – CIPS**
- **Child's birth certificate**
- **Mother's birth or death certificate**
- **Decision recognising the mother's status as a civilian victim of war issued by the competent Centre for Social Work or Service (if applicable)**

A complete request means that Form Z1 is properly filled out and accompanied by all the required documents. If the request is incomplete, the competent authority cannot initiate the procedure.

Additional Documents That May Accompany the Request for Obtaining the Status of a Special Category of Civilian Victims of War

In addition to the **mandatory documents**, the applicant may submit the following supporting documents to strengthen the request:
- **Available documents proving that the mother was present at the location where the reported violence occurred at the relevant time** – certificates of residence, refugee registration cards, confirmation of detention in camps/prisons, and similar records.
- **Written statement by the applicant** regarding the facts known to them.
- **Medical documentation**, if the applicant has sought professional or medical support.
- **Available medical records of the mother.**
- **Available medical records related to childbirth from the time of birth.**
- **Witness statements**, if the witnesses have knowledge of the circumstances of the birth of a child born of war-time rape and the suffering of the mother.
- **Court judgments**, if they contain facts relevant to the circumstances of the mother's victimisation.

These documents and records, if available, may contribute to the **evidentiary value** in the procedure for **obtaining the status of a child belonging to a special category of civilian victims of war**.

The **Rulebook governing the procedure for obtaining the status of a child belonging to a special category of civilian victims of war** prescribes **specific conditions for three distinct situations**:
1. When the child was **abandoned after birth** and falls within the category of **civilian victims of war**
2. When a **court judgment exists** containing **facts relevant to the circumstances of the mother's victimisation**
3. When the **applicant is not in contact with the biological mother**.

1. Case of a Child Belonging to a Special Category of Civilian Victims of War Who Was Abandoned After Birth

In cases where a child belonging to a special category of civilian victims of war was abandoned after birth, the competent social protection authority is obliged to submit to the Commission for Issuing Expert Opinions all documentation related to the child's abandonment or the circumstances of their birth, along with any other relevant information that facilitates the determination of status. Furthermore, the authority must refer the Commission to relevant bodies and institutions that may provide appropriate evidentiary documentation.
In such cases, the applicant is still required to submit the mandatory documents and certificates listed on page 28 of this Handbook.

2. Judgment Containing Facts Related to the Circumstances of the Mother's Victimisation

If the applicant submits only an existing court judgment, it is necessary to provide a certified copy of a final and binding court decision. Additionally, the applicant must submit all mandatory documents and records specified on page 28 of this Handbook.

3. Case Where the Applicant Is Not in Contact with the Biological Mother

If the applicant for obtaining the status of a child belonging to a special category of civilian victims of war is not in contact with the biological mother, a request shall be submitted to the competent municipal social protection authority to obtain, ex officio, the following documents: the mother's birth or death certificate, the decision recognising the mother's status (if applicable), and a judgment or other relevant documentation containing facts and circumstances related to the mother's victimisation during the war. In addition, all mandatory documents and records must be submitted.

As a rule, the competent municipal social protection authority is responsible for obtaining this documentation ex officio. Consequently, the applicant is not required to collect or submit these documents personally. However, best practices indicate that the process can be significantly expedited if the applicant personally obtains and submits certified copies of the required documents along with their request.

In the procedure for determining the status of a civilian victim of war, only written documentation issued in accordance with administrative procedure regulations is used as evidence. Written evidence includes medical documentation confirming treatment immediately after the occurrence of physical impairment, as well as other relevant documents issued by competent institutions confirming the circumstances that led to the applicant's condition. Additionally, documentation issued by civil society organisations assisting individuals in the accreditation process conducted by the Federal Ministry of Labour and Social Policy is also recognised as written evidence. The costs of the procedure are born by the authority responsible for conducting the proceedings, ensuring that the applicant is exempt from any expenses.

Upon the proper receipt of all submitted evidence, the competent municipal social protection authority establishes a case file and forwards it to the Commission for Issuing Expert Opinions, which operates within the Ministry of Labour and Social Policy of the Federation of Bosnia and Herzegovina. **The expert opinion must be issued no later than 30 days from the date of receipt of the request, except in cases where additional evidence is required, in which case the deadline may be extended by a maximum of 30 days.** If the Commission is unable to gather all the necessary information even within the extended period, the deadline for issuing the expert opinion may be further extended by an additional 60 days. The expert opinion is then submitted, along with the complete case file, to the competent municipal social protection authority for further processing. The Commission reserves the right to conduct an interview with the applicant to establish additional relevant facts.

In Brčko District, the procedure for exercising rights is regulated by a smaller number of articles and remains incomplete, which reduces legal certainty. Under this Law, when submitting a request for the exercise of rights, the applicant must provide various documents depending on the category of beneficiaries to which they belong.

The Brčko District Law conditions the status of a special category of 'a person born of war-time rape and conflict-related sexual abuse' on the existence of the status of a person who has suffered permanent psychological impairment due to sexual abuse and rape. Thus, for a child to obtain the status of a civilian victim of war, their mother must have been granted the status of a civilian victim of war on the grounds of permanent psychological impairment.

Along with this request, in addition to the decision recognising the mother's status as a civilian victim of war, other documentation may be submitted to establish the facts regarding birth as a result of war-time rape and conflict-related sexual abuse.

Contact Information:
Department of Health and Other Services: +387 49 240 821, asmir.mujanovic@bdcentral.net
Division for Veteran-Disability Protection and Civilian Victims of War: +387 49 218 550, senad.besic@bdcentral.net

The Forgotten Children of War Association firmly holds that the Brčko District Law is not ideal. Moreover, it is restrictive and discriminatory. Given the conditions set by the law, it completely excludes children who are not in contact with their mother, whose mother has not obtained the status of a civilian victim of war, or those in other similar situations. A comparison between the Brčko District Law and the Law of the Federation of Bosnia and Herzegovina demonstrates that improvements are possible to ensure the most adequate protection of this particularly vulnerable category.

ROLE OF THE COMMISSION FOR ISSUING EXPERT OPINIONS

When advising applicants, it is essential that they carefully verify and obtain all necessary documents, ensuring strict adherence to the list of required supporting materials. To ensure the completeness and accuracy of the request, additional consultation with experts or legal representatives is strongly recommended. Applicants must be aware that the Commission conducts a thorough review of the documentation, based on factual circumstances related to the mother's status and the circumstances of the child's birth. A crucial aspect of the evaluation process involves linking information from the birth certificate with facts concerning the mother's status and the circumstances of her victimisation, necessitating precise and comprehensive documentation.

The relevant conception and birth period for a child belonging to a special category of civilian victims of war spans from April 30th 1991 to February 14th 1996, which the Commission must consider in its decision-making process. The regulations provide for exceptions to this timeframe, stipulating that deviations in the child's date of birth may only be accepted if supported by appropriate medical and other relevant documentation.

The document review process begins with the receipt and verification of completeness. Key criteria include an assessment of the child's birth certificate, the mother's status, and the place and time of the mother's victimisation. In its evaluation, the Commission employs a method of analysing all available facts and evidence to establish a connection between the circumstances of the mother and the child. If the documentation is incomplete or additional information is required, the Commission may request supplementary documents or schedule an interview.

The Commission aims to issue an opinion within two months, with the possibility of an extension in complex cases or where documentation is incomplete. In such instances, the competent social protection authority is notified of the extension and its reasons, while maintaining regular communication with relevant centres and requesting additional documents as necessary.

The applicant's statement must be clear and precise, with a particular emphasis on information concerning the mother and the circumstances of her victimisation. The Commission pays special attention to these aspects to ensure that the details are consistent with other evidence. The statement must include all relevant information that corroborates the authenticity of the case and links the mother's status to the birth of the child.

During the interview, applicants are asked questions to clarify any ambiguities in the documentation, including details regarding the mother, the location and time of her victimisation, and other relevant facts. Applicants are encouraged to provide additional information and contact details of individuals who can confirm relevant data, thereby supplementing the evidentiary material and verifying the consistency of the presented facts.

The Commission maintains communication with the competent social protection authority through official

requests and correspondence concerning the required documents and additional information about applicants. This communication is crucial in facilitating the process of issuing an opinion. The responsibility for this exchange rests with the Commission or its authorised member, while the competent social protection authority is responsible for rendering the final decision.

The work of the Commission is based on professional and ethical standards, ensuring impartiality, objectivity, and the protection of applicants' rights. The Commission pays special attention to safeguarding privacy and maintaining the confidentiality of information while striving to prevent the retraumatisation of applicants. When issuing opinions, the Commission may also involve mental health professionals to provide support to applicants.

The Commission faces challenges such as incomplete documentation and the specific context of the mother's victimisation and the child's birth. These challenges are addressed by requesting additional evidence, conducting interviews, and closely cooperating with centres for social work and the competent social protection services within municipal administrations.

TIMEFRAME FOR RENDERING DECISION

Adherence to prescribed deadlines is a crucial responsibility of the competent social protection authority and the Commission for Issuing Expert Opinions, as this process carries the risk of retraumatisation for both the applicant and their family members and close associates.

Under the law, **the Commission is obligated to issue an expert opinion within 30 days** and submit it to the competent social protection authority that referred the case. In complex cases, this timeframe may be extended to clarify specific circumstances and gather additional evidence. Once the expert opinion has been issued, it is submitted as evidentiary material to the competent social protection authority. Upon receipt of the Commission's expert opinion, the social protection service is required to render a decision on the request without undue delay.

During this procedure, the competent social protection service must act in accordance with the provisions of the Law on Administrative Procedure of the Federation of Bosnia and Herzegovina, which prescribes the fundamental principles of administrative proceedings. The **principle of legality** mandates that authorities conduct all proceedings in compliance with applicable laws and regulations, ensuring that decisions are made within their designated competences and aligned with legal objectives. Even when discretionary judgment is permitted, decisions must remain fully lawful and within the legal framework. The principle of protecting citizens' rights and the public interest obliges authorities to facilitate the unimpeded exercise of rights without infringing upon the rights of others or acting contrary to the public interest.

The **principle of efficiency** requires administrative bodies to resolve cases promptly and effectively, ensuring

that individuals can exercise their rights without unjustified delays. Furthermore, the principle of material truth obliges authorities to ascertain the actual state of affairs and collect all necessary evidence to ensure decisions are based on factual circumstances. Applicants have the right to present their statements concerning all relevant facts in accordance with the principle of the right to be heard, except in cases where the law provides otherwise. When assessing evidence, the competent official examines each fact and piece of evidence individually and in the context of the entire case, ensuring that the final decision is fair and well-founded.

Compliance with these principles guarantees the legality, efficiency, and fairness of administrative procedures, thereby fostering public trust in institutions and ensuring access to justice. Competent centres for social work and municipal social protection services are required to uphold these principles when determining the status of children belonging to a special category of civilian victims of war, ensuring fair and lawful treatment tailored to the specific needs of this vulnerable group.

APPEAL AGAINST THE DECISION

A decision issued by the competent social protection authority does not necessarily mean that the process of exercising rights has been concluded. This is particularly relevant when the Commission for Issuing Expert Opinions has negatively assessed the evidentiary material, resulting in a decision rejecting the recognition of status. If the competent first-instance social protection authority issues a decision denying the recognition of the status of a special category of civilian victims of war or the status of a child belonging to a special category of civilian victims of war, the applicant has the right to file an appeal against this decision.

The appeal is submitted to the second-instance authority, namely the cantonal ministry responsible for social protection. The deadline for filing an appeal is 15 days from the date of delivery of the decision. The appeal must be submitted or sent exclusively to the first-instance authority, either in person or by post. If the appeal is sent or submitted directly to the second-instance authority, it will be forwarded to the first-instance authority for processing.

In the appeal, the applicant must indicate the decision being challenged, specifically the first-instance decision rejecting the recognition of status. The applicant must ensure that the appeal includes the name of the issuing authority, the reference number, and the date of the decision. There is no requirement to provide a detailed explanation for the appeal. It is sufficient for the applicant to specify the parts of the decision that are being contested. The appeal may also introduce new facts and evidence; however, the applicant must justify why these facts were not previously presented. Accordingly, the second-instance authority may request the Commission to provide a renewed statement through a supplemented expert opinion if new evidence or information relevant to the decision-making process emerges. The expert opinion of the Commission is based exclusively on documents, information, and facts contained in the case file that unequivocally indicate that the applicant is a child born of war-time sexual violence, with strict adherence to the principle of non-discrimination.

If the Commission issues a positive opinion, it is used, together with the submitted documentation, as evidentiary material by the competent centre for social work or municipal social protection service, thereby enabling the issuance of a final decision on the status of a child belonging to a special category of civilian victims of war. This finalises the administrative procedure for granting this status, which serves as the basis for exercising the rights provided under the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina.

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina: An Additional Mechanism for Ensuring Compliance with the Rights of Children Born of War

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina is an independent body established to promote, protect, and ensure the realisation of human rights. It pays particular attention to the most vulnerable groups, including children born of war. This institution provides assistance and support to individuals whose rights have been violated or are at risk, ensuring that all citizens are treated with fairness and the dignity they are entitled to.

Civilian victims of war, including persons with a special status, may seek recourse from the Institution of the Ombudsman in cases of human rights violations, bureaucratic obstacles, discrimination, or inadequate protection by the competent authorities. The Ombudsman acts as an intermediary between victims and institutions, provides legal assistance, refers individuals to relevant international protection mechanisms, and advocates for systemic solutions to strengthen the protection of rights.

The Institution of the Ombudsman is accessible to all citizens of Bosnia and Herzegovina, regardless of age, status, or affiliation. The Ombudsman's services are provided free of charge and are available to individuals, groups, and organisations. Furthermore, the Ombudsman ensures that state institutions and public authorities, including schools, social work centres, and healthcare institutions, comply with human rights standards in accordance with applicable legislation and international norms.

Any individual who believes their rights have been violated may submit a complaint to the Institution of the Ombudsman.

The submission of a complaint is entirely free of charge and can be carried out through the following channels:

- **By e-mail:** Sending an e-mail detailing the complaint.
- **By post:** Submitting a written complaint via regular mail.
- **In person:** Visiting one of the Institution's offices and completing the complaint form.

When submitting a complaint, it is recommended to include the following information:

- **Personal details** (full name, date of birth, address)
- **Contact details of an authorised representative** (if applicable)
- **Name of the institution or individual** against whom the complaint is filed
- **A brief description of the alleged human rights violation**
- **Details of any prior actions taken regarding the case**
- **A request for privacy protection, if necessary**

Upon receiving a complaint, the Institution of the Ombudsman conducts a preliminary review to determine whether the complaint meets the basic admissibility criteria. If the complaint contains all necessary information, the Ombudsman initiates an investigation, gathers relevant facts, and contacts the responsible institutions or individuals. The Ombudsman ensures that all parties involved in the proceedings have the opportunity to present their arguments.

The Institution of the Ombudsman may issue:

- **A Recommendation:** If a violation of rights is established, a recommendation is issued to rectify the situation. While not legally binding, it carries significant weight.

- **A Decision on Inadmissibility:** If the complaint does not meet the admissibility criteria or falls outside the Ombudsman's jurisdiction.

- **A Decision on Case Closure:** If there is insufficient evidence of a rights violation.

The Institution of the Human Rights Ombudsman of Bosnia and Herzegovina is a key mechanism for the protection of human rights, particularly for vulnerable groups such as children born of war. Its work represents a firm commitment to ensuring justice, equality, and dignity for all citizens of Bosnia and Herzegovina.

CATALOGUE OF RIGHTS ENTITLED TO CHILDREN BORN OF WAR

By issuing a decision of the competent municipal authority, the applicant acquires the status of a civilian victim of war or the status of a child belonging to a special category of civilian victims of war, thereby being granted the right of access to entitlements. The granting of rights implies that an individual who has obtained this status may exercise the entitlements conferred by law. Thus, the decision recognising the status of a civilian victim of war is a prerequisite for the realisation of rights. Symbolically, it represents the key that unlocks the rights prescribed by law for civilian victims of war.

The **Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina** provides for eight rights to which children belonging to the special category of civilian victims of war, including children born of war, are entitled.

The realisation of these rights falls under the exclusive jurisdiction of the cantons.
These rights include:

1. The right to healthcare

2. Priority access to healthcare services, psychological assistance, coverage of medical treatment costs, procurement of orthopaedic aids, spa and climate therapy, and medical rehabilitation

3. The right to coverage of funeral expenses

4. Vocational training (professional rehabilitation, retraining, and additional qualification)
5. Priority employment

6. Priority housing assistance

7. The right to free legal aid

8. The right to favourable education conditions for a child born of wartime sexual violence – a child belonging to a special category of civilian victims of war – up to the age of 35, which includes priority enrolment in public secondary and higher education institutions, provided that the minimum admission criteria have been met or the entrance exam has been passed, as well as co-financing of enrolment fees in public higher education institutions of up to 50%, provided that the child is enrolled in regular education.

When exercising any of the aforementioned rights, the individual must refer to the decision granting them the status of a civilian victim of war and claim the entitlement in their capacity as a beneficiary. The realisation of rights for children born of war is imperatively dependent on the alignment of cantonal regulations with the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina.

If cantonal legislative and executive authorities fail to harmonise their regulations with the federal law, this specific category of civilian victims of war is effectively denied access to the rights guaranteed by law. Such an omission not only constitutes a serious violation of their rights but also represents an evident breach of the constitutional obligations of cantonal institutions, which are required to ensure the implementation of regulations adopted at a higher level of government.

This failure directly undermines the integrity of the legal system and further complicates the already complex process of protecting the rights of this vulnerable population, reducing the law to nothing more than a dead letter, devoid of actual implementation and effect in practice.

With regard to the rights of children born of war in the Brčko District, the law recognises two categories of rights: basic rights and supplementary rights.

The basic rights established by law include:

- **Civil and family disability allowance;**
- **Allowance for care and assistance;**
- **Healthcare coverage with exemption from co-payments;**
- **Orthopaedic allowance;**
- **Reimbursement of funeral expenses.**

However, these rights do not directly apply to children born of war but rather to other categories of civilian victims as defined by law. Children born of war are only entitled to the reimbursement of funeral expenses – and even then, only as immediate family members of the deceased, not as a distinct legal category – persons born of wartime rape and sexual violence.

The second group of rights consists of supplementary rights, and it can be concluded that children born of war who have acquired legal status may be entitled to these rights. Although supplementary rights are not explicitly granted to children born of war under the Law of Brčko District, Article 3(1)(f) provides that ‘other persons under conditions prescribed by law’ may be beneficiaries of rights. Interpreting this provision, it follows that children born of war may be recognised as beneficiaries of supplementary rights, provided that the competent authorities explicitly acknowledge them as such in their legal acts.

The Law stipulates that these rights are to be exercised in accordance with regulations in other areas – such as health insurance, employment and legal aid. Therefore, as in the Federation of Bosnia and Herzegovina, harmonisation of the regulations of other competent institutions in the Brčko District is necessary to ensure the effective realisation of these rights.

Supplementary rights, as specified in Article 4(2), include:
- **Assistance with medical treatment costs and the procurement of orthopaedic aids,**
- **Workforce training through professional rehabilitation and retraining,**
- **Employment projects,**
- **Priority housing assistance, and**
- **Free legal aid.**

RIGHT TO HEALTHCARE

The right to healthcare is a fundamental human right that ensures every individual has access to medical services for the preservation and improvement of health. Recognised in international instruments such as the Universal Declaration of Human Rights, this right guarantees access to essential healthcare services and treatment without any form of discrimination. The right to healthcare includes access to healthcare services and institutions, availability of quality and acceptable healthcare, and non-discrimination against any individual or group.

This concept requires collaboration between individuals and institutions to enhance public health and community well-being. The right to healthcare is a cornerstone of social justice and equity in health.
To fully understand the scope of the right to healthcare, the following key aspects are highlighted:

1) Accessibility – Healthcare services, supplies and facilities must be available to all individuals without discrimination. This includes physical accessibility (geographical proximity), economic accessibility (affordability) and informational accessibility (comprehensibility of health-related information).
(2) Availability – Healthcare services must be provided in sufficient quantity and quality to meet the health needs of the population. This includes an adequate number of healthcare facilities, healthcare professionals, medicines and medical equipment.
(3) Acceptability – Healthcare services must respect cultural, ethical and gender-sensitive standards and must be provided in a manner that upholds the dignity of individuals and communities. Additionally, healthcare should be culturally appropriate and sensitive to the needs and perspectives of different populations.
(4) Quality – Healthcare must be of high quality, comply with medical standards and be delivered by qualified healthcare professionals in a competent and respectful manner.
(5) Non-discrimination – Healthcare services must be provided without any form of discrimination, including

discrimination based on race, ethnicity, gender, age, disability, socioeconomic status or any other factor.
(6) Participation – Individuals and communities should actively engage in decisions related to their health and healthcare. This includes participation in policy-making processes and access to information concerning their health.
(7) Accountability – Public authorities and healthcare providers must be accountable for ensuring the realisation of the right to healthcare. This includes establishing effective mechanisms to monitor the implementation of this right and providing legal remedies in cases of violations.

The right to healthcare affirms the importance of health in leading a fulfilling life and recognises the collective responsibility of society, including governments, to ensure that accessible and high-quality healthcare services are available to all individuals.

An individual with the status of a child belonging to a special category of civilian victims of war exercises the right to healthcare in the canton where they have permanent residence. Health insurance funds play a key role in ensuring access to healthcare and providing support to insured persons. Their role includes:

- Providing basic healthcare services,
- Financing healthcare services in accordance with mandatory health insurance,
- Ensuring access to healthcare,
- Informing beneficiaries about their healthcare rights,
- Explaining the scope of services covered by insurance, and
- Ensuring accessible and high-quality healthcare to improve public health and the overall well-being of citizens.

For any additional information regarding the exercise of the right to healthcare under the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina, you may contact the telephone numbers listed on page 54.

Right to Healthcare and Exemption from Co-payment for Primary and Secondary Healthcare Services', as stipulated in Article 8 of the Law on Civilian Victims of War of Brčko District, does not apply to children belonging to the special category of civilian victims of war. However, it is available to other categories of civilian victims of war recognised under the District's law.

For more information, you may contact the following telephone number:
Department of Health and Other Services, +387 49 240 821.

PRIORITY ACCESS TO HEALTHCARE SERVICES, PSYCHOLOGICAL ASSISTANCE, COVERAGE OF MEDICAL TREATMENT COSTS, PROCUREMENT OF ORTHOPAEDIC AIDS, SPA AND CLIMATE THERAPY, AND MEDICAL REHABILITATION

This right derives from the preceding right to healthcare and specifically ensures a range of services available to individuals with the status of a child belonging to the special category of civilian victims of war. Formally, priority rights in healthcare services and support are embedded within legislative frameworks, establishing a structured approach to enhancing access to healthcare and providing support to those in need.

Priority rights are established within national healthcare policies, laws on social and health protection, and specialised regulations addressing vulnerable population groups. Eligibility for these rights is determined based on specific legal criteria, including defined health conditions, disabilities, or socio-economic circumstances.

The legal framework governing priority rights ensures a structured and equitable allocation of healthcare resources, adhering to the principles of proportionality and necessity in addressing the needs of those most at risk. The criteria for eligibility serve to identify individuals with the greatest need for enhanced access and support, ensuring that healthcare services are distributed in an effective and legally justifiable manner.

Substantively, priority rights in healthcare services and support represent a legally recognised entitlement, providing essential benefits that directly contribute to improved health outcomes and the overall well-being of beneficiaries. These benefits include:

- Improved healthcare
- More effective treatment and faster recovery
- Increased mobility and comfort
- Reduced stress and support for mental health
- A holistic approach to healthcare
- Prevention and early intervention
- Enhanced quality of life
- Greater productivity and social participation

For any additional information regarding the exercise of the aforementioned rights under the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina, you may contact the telephone numbers listed on page 55 of the Handbook.

Information on accessing psychological assistance services can be obtained by contacting the mental health centres in the Federation of Bosnia and Herzegovina, whose telephone numbers are provided on 53 of the Handbook.

Analogous to this right, the Law on Civilian Victims of War of Brčko District, in Article 4(2)(a), provides for the 'right to assistance with medical treatment costs and the procurement of orthopaedic aids'.

For more information on this right and the procedure for its realisation, you may contact the following telephone number: **Department of Health and Other Services, +387 49 240 821.**

RIGHT TO COVERAGE OF FUNERAL EXPENSES

The right to coverage of funeral expenses is formally established within the legislative framework governing civilian victims of war. Substantively, this right provides financial relief, upholds dignity, promotes equality and social justice, offers emotional support, and reflects societal solidarity.

This right constitutes an essential component of the social support system for civilian victims of war, aiming to alleviate the financial burden on families who have lost a member. It is prescribed by the Law on Civilian Victims of War of the Federation of Bosnia and Herzegovina, thereby recognising the legislator's commitment to reparations for families affected by wartime events.

Eligibility for this right depends on factors such as the employment status of the deceased, insurance coverage, and fulfilment of the criteria established by specific legal provisions, ensuring that support is directed towards those in greatest need.

The material benefits of this right include:

- Financial relief that reduces the burden on the family
- Respect and dignity for the deceased
- Social justice and reparations that partially address the harm suffered
- Social solidarity as a manifestation of community support
- Emotional support that assists the family in the grieving process

The right to coverage of funeral expenses is not merely a financial measure but also an expression of social responsibility. By promoting equality and solidarity, this right contributes to strengthening social justice and ensuring support for those in greatest need. In this way, it becomes a symbol of societal care and humanity.The procedure for exercising this right is regulated by cantonal regulations (rules, decrees) under the jurisdiction of cantonal governments and the respective ministries of social policy in each canton. The contact details of these ministries can be found on page 55 of the Handbook.

In the Brčko District, this right is not recognised for children born of war. However, a child belonging to the special category of civilian victims of war may qualify as an immediate family member and exercise this right in

that capacity. For more information on the coverage of funeral expenses (Article 10 of the Law on Civilian Victims of War), you may contact the following telephone number **Department for Veteran-Disability Protection and Civilian Victims of War, +387 49 218 550.**

VOCATIONAL TRAINING (PROFESSIONAL REHABILITATION, RETRAINING, AND ADDITIONAL QUALIFICATION)

Vocational training, also referred to as workforce training, is a process through which individuals acquire the skills, knowledge and competencies necessary to effectively perform specific tasks or jobs within a particular industry or profession. The primary objective of vocational training is to enhance an individual's abilities, expertise and adaptability to meet job or career requirements.

Formally, vocational training is supported by legislative frameworks, policy initiatives and institutional structures aimed at improving workforce skills and increasing employability. From a substantive perspective, vocational training provides numerous benefits, strengthening individual capabilities, improving job performance and contributing to economic and social development.

Key elements and characteristics of effective vocational training include:

- **Skills development**
- **Practical applicability of knowledge and skills**
- **Adaptability and flexibility in response to labour market demands**
- **Improved productivity and job performance**
- **Facilitated career advancement**

Retraining is the process through which individuals acquire new skills and knowledge required for employment in an entirely different profession or industry. The objective is to enable workers who, for personal or market-driven reasons, wish or need to leave their current profession to adapt to new job requirements and more easily secure employment in another sector. This training typically includes both practical work and theoretical knowledge specific to the new field of work.

Additional qualification refers to training that expands an individual's existing skills within their current profession, enhancing their expertise in the same field. This process enables workers to keep pace with the latest technologies, methodologies, and industry standards, making them more competitive in the labour market and increasing opportunities for career advancement or higher responsibilities.

Professional rehabilitation includes structured programmes designed to assist persons with disabilities or those who have suffered physical or psychological injuries in reintegrating into the workforce. These programmes

focus on adapting job roles or work environments to their abilities, providing necessary training and support to carry out professional duties. The goal is not only economic empowerment but also social inclusion, ensuring that individuals retain a sense of value and integration within the working community.

Together, retraining, additional qualification, and professional rehabilitation are essential mechanisms for helping workers adapt to modern challenges and maintain their employability in line with labour market demands.

This right, within the meaning of the **Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina**, is also regulated by cantonal regulations, with the adoption of such regulations falling under the jurisdiction of cantonal governments and the respective cantonal ministries of labour and social policy.
The list of ministries and their contact details can be found on page 55.

The Law on Civilian Victims of War of Brčko District recognises the right to vocational training in the form of professional rehabilitation, retraining, and additional qualification, as stipulated in Article 4(2)(b).

For more information on exercising this right, you may contact the following telephone number:
Brčko District Employment Institute, +387 49 217 411.

PRIORITY EMPLOYMENT

The right to priority employment is a principle that ensures certain individuals or groups are given preference in employment opportunities, particularly in cases where there has been historical or ongoing discrimination or disadvantage. It is important to note that this mechanism falls within the scope of affirmative action.

Priority employment initiatives aim to level the playing field by granting preference to individuals who have historically faced barriers to employment. This approach promotes equal opportunities and reduces disparities in access to employment prospects.

Supporting priority employment also fosters social cohesion by promoting fairness and inclusivity. It helps build trust in institutions and strengthens societal stability. By formalising employment preferences for underrepresented or disadvantaged groups, this mechanism not only aligns with international human rights protection standards but also enhances social cohesion and contributes to economic prosperity.

In practice, when an employer has multiple candidates who meet the criteria for a specific job position, preference will be given to the individual who holds a legal right to priority employment. In this context, this applies to a child belonging to the special category of civilian victims of war, provided that they meet all required qualifications.

The recognition of priority employment reflects a commitment to fairness, inclusivity, and social justice within organisations and society as a whole. This right holds significant material value, as it ensures equitable access to employment opportunities for those in disadvantaged positions.

This right, within the meaning of the Law on the Protection of Civilian Victims of War of the Federation of Bosnia and Herzegovina, is also regulated by cantonal regulations. The adoption of such regulations falls under the jurisdiction of cantonal governments and the respective cantonal ministries of labour and social policy.

The list of ministries and their contact details can be found on page 57.

PRIORITY HOUSING ASSISTANCE

Priority housing assistance generally refers to a housing policy or programme that grants individuals or groups in specific circumstances priority access to affordable housing or housing assistance. The objective of priority housing assistance is to allocate limited housing resources efficiently and equitably, ensuring that they are provided to those in urgent need or facing exceptional circumstances.

It is important to note that specific criteria for priority housing may vary depending on local or regional housing policies and the unique needs of the community.

The adoption of housing policies and the inclusion of children belonging to the special category of civilian victims of war within those policies fall under the jurisdiction of cantonal ministries of social policy. Governments are obliged to establish programmes that children born of war can apply for, which may include various models of support.

The most common measures include allocation of state-owned housing units, subsidising housing loan costs, providing direct financial support for property purchase, offering rental accommodation at reduced rates, and financial assistance for the adaptation of an existing home.

For information on housing assistance policies, please visit the websites of the respective ministries or contact them via telephone or e-mail. The list of ministries and their contact details can be found on page 55.

The Law on Civilian Victims of War of Brčko District recognises the right to priority housing assistance under Article 4(2)(d).
For more information, you may contact the following telephone number:
Brčko District Employment Institute, +387 49 217 411.

RIGHT TO FREE LEGAL AID

The right to free legal aid or legal representation is a fundamental human right that ensures individuals have access to legal services and representation, regardless of their financial situation. This right is essential for promoting equal justice, upholding the rule of law, and ensuring fair legal proceedings for all. By providing free legal aid, access to justice is balanced, allowing individuals to receive the necessary support and resources to navigate the legal system and protect their rights and interests. The implementation and scope of this right vary depending on national laws, regulations, and legal systems.

In practical terms, the right to free legal aid means that individuals who cannot afford legal services are entitled to state-funded or specially funded legal assistance in legal proceedings. This assistance includes:

1. Provision of legal information and advice – Individuals are informed about their rights, options, and legal procedures, helping them better understand their legal situation.

2. Assistance in preparing legal documents – This includes drafting lawsuits, appeals, requests, and contracts to ensure legally sound submissions in various proceedings.

3. Legal representation in court – In certain cases, free legal aid includes representation by a lawyer or legal expert, particularly in matters with serious legal implications, such as family and labour disputes or the protection of the rights of persons with disabilities.

Thus, the right to free legal aid encompasses access to legal services, legal representation, legal information, and counselling, irrespective of an individual's financial circumstances. Centres for the provision of free legal aid, as well as cantonal legal aid institutes, are the designated institutions where individuals with the status of a child belonging to the special category of civilian victims of war can exercise this right.

A detailed list of institutes and centres, along with their contact information, can be found on page 56.

The Law on Civilian Victims of War of Brčko District recognises the right to free legal aid under Article 4(2)(e). For more information, you may contact the following telephone number:
Office for Legal Aid, +387 49 219 075.

RIGHT TO FAVOURABLE EDUCATION CONDITIONS

An individual with the status of a child belonging to the special category of civilian victims of war is entitled to certain benefits and preferential education conditions until the age of 35. These benefits include priority admission to public secondary and higher education institutions, provided that the individual has achieved the minimum required score or has successfully passed the entrance exam. Additionally, this category grants the child the right to financial assistance for their education. Specifically, the state will co-finance up to 50% of enrolment costs at public higher education institutions, provided that the child is enrolled as a full-time student and meets the necessary academic requirements.

Thus, this right ensures that an individual with the recognised status of a child belonging to the special category of civilian victims of war can enrol in secondary school or university within the Federation of Bosnia and Herzegovina. Secondary and higher education institutions are required to include this category of children in their admission scoring regulations, ensuring that preferential conditions are provided for this category during the enrolment process.

As with all rights legally granted to children born of war, regulations on ensuring favourable education conditions must be adopted by cantonal governments and the respective ministries of education.

Contact information for the competent ministries responsible for harmonising regulations on ensuring favourable education conditions for children belonging to the special category of civilian victims of war can be found on page 58.

The Law on Civilian Victims of War of Brčko District does not recognise this right. However, for more information on education conditions in the Brčko District, you may contact the following telephone number:
Department of Education, +387 49 214 503

CHILDREN BORN OF WAR – A SCIENTIFIC FRAMEWORK

Children born of war represent one of the most vulnerable and neglected groups in post-conflict societies. These individuals, often referred to as children born of war, originate from circumstances such as sexual violence, forced relationships, or wartime exploitation. Their existence raises profound legal, psychological, social, and cultural challenges, the resolution of which requires a comprehensive and interdisciplinary approach grounded in human rights and transitional justice.

Children born of war often face legal invisibility, leaving them excluded from fundamental rights, including citizenship, education, and healthcare. Many countries lack specific legal frameworks recognising their unique status, resulting in systematic neglect. The absence of documentation mechanisms further exacerbates their situation, as these children are often born in contexts where war crimes are denied or ignored.

Addressing these challenges requires the establishment of robust documentation mechanisms. Accurate identification and registration of children born of war are essential for ensuring their recognition within national and international legal frameworks. Policy advocacy is also crucial for promoting legal reforms that explicitly include children born of war within broader legal definitions of war-affected populations.

While ensuring transparency in documenting the existence and rights of these children, ethical principles must prioritise their safety and dignity. Achieving this balance requires protecting children and their families from stigmatisation or retaliation. Legal frameworks should incorporate confidentiality measures while ensuring access to justice and reparations.

The integration of this category within transitional justice frameworks is key to addressing their long-term needs. Mechanisms such as truth commissions, reparations, and institutional reforms must explicitly recognise the experiences of children born of war and their families. Documenting these experiences not only contributes to historical understanding but also paves the way for reparative measures and reconciliation.

The stigma associated with being born of war often defines the life experiences of these children. In many societies, they are targeted as ‘children of the enemy’, leading to identity crises and profound psychological consequences. The mothers of these children, many of whom are survivors of wartime sexual violence, may also face marginalisation, further isolating their children. Psychological interventions for these children must be based on trauma-informed care. Mental health support tailored to their unique needs can help mitigate the long-term effects of trauma. Culturally sensitive approaches are essential to effectively addressing the diverse experiences of children born of war across different regions.

Facilitating the social acceptance of these children requires community-level interventions. Dialogue initiatives, educational campaigns, and community integration programmes can help challenge stereotypes and foster

a sense of belonging. These efforts must be long-term and inclusive, addressing both the immediate and intergenerational consequences of war. Understanding the long-term impact of being born of war requires longitudinal studies. Research must examine intergenerational trauma, resilience, and the evolving identities of children born of war to provide a foundation for effective interventions.

The experiences of these children vary significantly across regions and conflicts. For instance, children born during the war in Bosnia face unique challenges compared to those born in Uganda or Rwanda. Cultural norms, historical narratives, and post-conflict reconciliation processes shape societal responses to these children. Support efforts must therefore respect cultural specificities while upholding universal human rights. Collaboration with local organisations, historians, and anthropologists can bridge the gap between global advocacy and local realities. Such partnerships are essential for designing interventions that are both effective and culturally sensitive. Global advocacy plays a critical role in amplifying the voices of children born of war and their families. Organisations such as the United Nations and non-governmental organisations play a pivotal role in raising awareness and promoting policy changes.

Research on identity and stigma forms a fundamental pillar in understanding the experiences of children born of war. Scholars such as Carpenter (2007) have explored the intersection of social stigma and identity, particularly focusing on children born as a result of sexual violence. These children are often ostracised within their communities and perceived as embodiments of the ‘enemy’.

Studies from Uganda and Rwanda have documented how children born of wartime rape experience rejection from both their maternal families and the wider society, further exacerbating their marginalisation (Apio, 2009; Baines, 2014).

In recent years, comparative studies have expanded to post-conflict contexts in the Middle East and South Asia, revealing similar patterns of exclusion and identity crises among children born in Iraq and Syria during conflicts related to ISIS. Lee (2020) emphasises that these children, often denied citizenship, are rendered stateless and excluded from basic social services.

The mental health challenges faced by children born of war have become an increasing focus of research. Since 2010, interdisciplinary studies have integrated psychology, psychiatry, and sociology to assess the psychosocial impact of being born under such circumstances.

A key study by Denov and Piolanti (2019) examined the long-term effects of trauma on children born of war in Sierra Leone. Their findings indicate higher rates of depression, anxiety, and post-traumatic stress disorder (PTSD) among these children compared to their peers.

In the European context, studies on children born of wartime rape during the Bosnian War (1992–1995) have been crucial in understanding long-term psychosocial consequences. Research by Weitsman (2008) and Simić (2016) has shown that the lack of social recognition and support for these children exacerbates mental

health issues, highlighting the urgent need for tailored interventions. The legal recognition of children born of war remains an ongoing challenge, extensively discussed in human rights and international law literature. Since 2007, scholars have criticised the inadequacy of existing frameworks in protecting the rights of these children. Carpenter (2010) calls for the inclusion of children born of war within transitional justice mechanisms, emphasising the need for reparations and legal protection.

Recent studies have examined the implementation of legal provisions in countries such as Bosnia and Herzegovina, where efforts to provide legal recognition have been partially successful. However, research by Olsen et al. (2021) indicates that legislative reforms often fail to bring meaningful change on the ground, as societal attitudes continue to stigmatise these children.

The integration of children born of war into transitional justice mechanisms has gained increasing attention over the past decade. Scholars argue that recognising these children as victims is essential for inclusive post-conflict reconciliation.

In a key study, Dembour (2011) examines how narratives about children born of war have been excluded from mainstream transitional justice discourse, thereby perpetuating their marginalisation. Comparative studies on truth commissions in Liberia, Colombia, and East Timor have demonstrated varying degrees of success in addressing the challenges faced by these children.

While the Truth and Reconciliation Commission in Liberia included specific recommendations for reparations for children born of wartime rape, their implementation remains limited. Research from Colombia, conducted by O'Rourke (2019), highlighted innovative community-led initiatives aimed at integrating these children into local reconciliation processes.

In Bosnia and Herzegovina, these children were born because of sexual violence committed during the war from 1992 to 1995. Often referred to as 'invisible victims', they have remained excluded from transitional justice mechanisms and social policies. Although their lives have been profoundly shaped by past traumas, they have largely been neglected in efforts to address the past and build an inclusive society.

One of the key challenges faced by these children is the stigma surrounding their origins. Many mothers who survived sexual violence hesitate to speak about their experiences, fearing judgement and marginalisation. This silence further reinforces societal stigma, leaving these children trapped between an identity imposed by the circumstances of their birth and their own aspirations for acceptance. In addition to social stigma, children born of war lack adequate legal recognition, which would ensure them equal access to education, healthcare, and social rights. The psychological consequences of war are further exacerbated by prolonged trauma, affecting both mothers and children, leaving deep emotional scars across generations.

Research and advocacy by individuals such as Dr Amra Delić contribute to a better understanding of these challenges and help create space for dialogue on the needs of children born of war. Dr Delić, a Bosnian

psychiatrist and researcher, highlights the complex interplay between psychological trauma, social stigma, and legal invisibility. Through her publications, conferences, and advocacy efforts, she calls for a holistic approach that includes mental health support, legal recognition, and public awareness-raising. Her work underscores the importance of generational healing and the need to integrate these children into broader transitional justice processes.

In addition to local efforts, Dr Amra Delić advocates for international cooperation, ensuring that experiences from Bosnia and Herzegovina contribute to improving approaches to this marginalised group in other post-conflict societies. Examples from Rwanda and Uganda offer valuable lessons on how legal and social mechanisms can support the recognition and protection of children born of war.

Securing justice and recognition for this group requires ongoing efforts in legal reforms, expanded access to psychosocial support, and educational campaigns aimed at dismantling stigma and promoting narratives of resilience.

The work of Dr Delić stands as a symbol of commitment to giving a voice to invisible victims and serves as an inspiration for researchers and policymakers worldwide. Through such advocacy, societies can begin to redress historical injustices and provide these children with a chance for a dignified life.

Despite significant progress in research, challenges in addressing the needs of children born of war persist. Methodological issues, including the lack of longitudinal studies and difficulties in accessing reliable data in conflict zones, hinder comprehensive analysis. Furthermore, cultural sensitivities and political reluctance to engage with this topic in certain regions obstruct both research efforts and policy implementation.

Future research should adopt a multidisciplinary approach, integrating legal, psychological, and sociological perspectives to develop holistic solutions. Enhanced collaboration between academics, policymakers, and non-governmental organisations is essential for translating research findings into actionable policies.

In conclusion, since 2007, research on children born of war has expanded significantly, shedding light on their complex experiences and emphasising the need for systematic interventions. From addressing stigma and mental health challenges to advocating for legal recognition and transitional justice, these studies highlight the necessity of a coordinated global effort to protect the rights and dignity of these children. Sustained attention to this marginalised group is crucial for building inclusive post-conflict societies.

NOTABLE RESEARCH STUDIES

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• Carpenter, R. Charli. Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones. 2007.
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• Denov, Myriam, and Alessandra Piolanti. "Children Born of Wartime Rape: The Intergenerational Realities of Sexual Violence and Abuse." Journal of Interpersonal Violence 34, no. 18 (2019): 3832–3852.
• Lee, Rebecca. "Statelessness and Exclusion in Post-ISIS Iraq and Syria." Journal of Middle Eastern Politics and Policy, 2020.
• O'Rourke, Catherine. "Gendering Transitional Justice: A Feminist Analysis of Women's Inclusion." Human Rights Quarterly 41, no. 4 (2019): 891–912.
• Olsen, Tricia D., Leigh A. Payne, and Andrew G. Reiter. "Legal Reforms and Marginalized Groups: Children Born of War in Post-Conflict Contexts." International Journal of Transitional Justice 15, no. 2 (2021): 245–263.
• Simic, Olivera. Surviving Peace: A Political Memoir of Bosnia. 2016.
• Weitsman, Patricia A. "The Politics of Identity and Sexual Violence: A Review of Bosnian War Crimes Trials." Nationalities Papers 36, no. 4 (2008): 727–752.

FINAL REMARKS

This Handbook seeks to fill a gap in understanding and addressing one of the most sensitive issues in post-conflict societies – the position of children born of war. Through a systematic academic framework, the presentation of best practices, and concrete recommendations, we have underscored the need for comprehensive and sustainable solutions that incorporate the legal, social, and psychological dimensions of their protection.

Children born of war symbolise not only painful memories but also the potential for change. Their stories, though often silenced, serve as testimonies of war atrocities and injustices, but also of human resilience. To ensure their rights and dignity, it is imperative to establish a legal system that recognises, protects, and integrates them into society as equal members.

One of the key conclusions of this Handbook is that no society can build lasting peace and reconciliation without confronting its past. Recognising the rights of children born of war is not merely a moral obligation but a prerequisite for building a fairer society based on equality and respect for human rights. This requires a multi-sectoral approach, where the state, civil society organisations, the academic community, and international institutions share joint responsibility.

Particular attention in this Handbook has been given to global networking and the exchange of experiences among post-conflict states. Examples from Bosnia and Herzegovina, Uganda, Iraq, and Libya demonstrate that while the issue is universal, solutions must be context-specific. International solidarity and the dissemination of positive practices are crucial elements in creating an environment capable of addressing this complex issue. The Handbook in your hands is not merely the conclusion of a process – it is the beginning of dialogue, action, and change. It is a call to all stakeholders to contribute to building a society that does not turn a blind eye to injustice. Its value lies in providing practical guidelines that can serve as a foundation for the further development of policies and programmes aimed at protecting children born of war.

Ultimately, this issue goes beyond any law, strategy, or policy. It is about humanity and our willingness to acknowledge those who have long been marginalised. Children born of war deserve a society that accepts, supports, and empowers them. Only through collective effort can we ensure that their rights are not just an abstract principle, but a reality that shapes their lives and future.

The responsibility and duty to continue this path remain with us.

Children born of war are not merely a part of the past – they are the key to building a better, fairer, and more compassionate future.

CONTACT INFORMATION

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MENTAL HEALTH CENTRES IN THE FEDERATION OF BOSNIA AND HERZEGOVINA

Herzegovina-Neretva Canton

Konjic: 036/712-535
Stari Grad Mostar: 036/281-288, 061/536-693, 061/194-577
Stolac: 063/842-820
Mostar: 063/683-452, 063/684-308, 063/287-951

West Herzegovina Canton

Ljubuški: 063/450-521, 063/368-854
Široki Brijeg: 039/852-216, 039/703-870, 063/313-831

Canton 10

Livno: 063/472-647, 063/809-274, 063/348-393
Tomislavgrad: 034/356-102, 034/356-107

Tuzla Canton

Lukavac: 035/367-353
Srebrenik: 035/369-270
Tuzla: 062/934-654, 035/368-411, 035/368-420
Živinice: 061/596-396
Banovići: 035/874-111
Gradačac: 035/367-079, 035/367-078
Gračanica: 035/368-306, 035/368-303
Kladanj: 061/596-396

Posavina Canton

Orašje: 063/838-174
Odžak: 031/763-753, 063/889-663

Bosnian-Podrinje Canton

Goražde: 038/221-850, 062/362-974, 061/509-571

Central Bosnia Canton

Kiseljak: 063/436-074, 063/337-947, 061/176-676
Bugojno: 030/251-011
Jajce: 030/654-532, 063/780-097
Travnik: 062/040-601, 030/511-629
Vitez: 030/332-444, 063/526-392

Sarajevo Canton

Health Centre of Sarajevo Canton: 033/704-824, 033/704-826
Centar: 033/292-521
Ilidža: 033/628-144, 033/623-416
Novi Grad: 033/704-820
Stari Grad: 033/537-783
Ilijaš: 033/584-355
Hadžići: 033/420-916
Novo Sarajevo: 033/724-736
Vogošća: 033/704-826, 033/704-824, 060/349-3270

Zenica-Doboj Canton

Kakanj: 032/460-961, 060/357-5685
Zavidovići: 062/266-297
Zenica: 032/444-411, 062/939-795, 062/939-410
Žepče: 032/880-674
Tešanj: 032/650-338, 062/149-529
Visoko: 062/819-394
Maglaj: 061/529-716

Una-Sana Canton

Bihać: 037/316-771, 037/316-773, 037/316-769
Bužim: 062/935-733
Cazin: 062/539-260
Ključ: 037/663-363, 062/752-765, 062/827-882
Sanski Most: 061/523-519, 037/686-202 (extension 225)
Velika Kladuša: 037/316-186
Bosanska Krupa: 037/472-072

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Ministry of Labour, Health, Social Welfare and Displaced Persons of Canton 10
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Mostar
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Cantonal and District Legal Aid Institutes

Cantonal Legal Aid Institute – Bihać
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Cantonal Legal Aid Institute – Goražde
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Legal Aid Institute – Odžak
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Office for Legal Aid – Livno
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Office for Legal Aid – Brčko District BiH
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Human Rights and Social Services Centres

Centre for Human Rights Mostar
Address: Adema Buća 50, 88000 Mostar
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Cantonal Legal Aid Institute of Zenica-Doboj Canton
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SAMPLE FORM Z1

Description of the Form:

Form Z1 is used to submit a request for the issuance of an expert opinion regarding the determination of status for a special category of civilian victims of war. The form contains the following key sections:

1. **Applicant Information** – includes the applicant's name, one parent's name and surname, date and place of birth, place of residence, and the type of status requested (special category of civilian victims of war or child of a special category of civilian victims of war).
2. **Information on the Competent Centre for Social Work/Social Protection Service** – fields for the case number and the date of submission of the request.
3. **Documentation Submitted with the Request –** a table listing the documents accompanying the request.
4. Space for the official stamp and the signature of the authorised person.

The applicant is required to complete Form Z1, which is available at:

- The Centre for Social Work / Social Welfare Service / Civilian Victims of War Service
- The website of the Association Forgotten Children of War
- The website of the Federal Ministry of Labour and Social Policy

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With deep respect and gratitude, we continue our shared fight for a better future.

Thank you!

Visit our website!