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Bosnia and Herzegovina: More than two decades since the end of the armed conflict, authorities continue to fail survivors of sexual violence

Ahead of the United Nations Human Rights Committee review of Bosnia and Herzegovina's (BiH) third periodic report on the implementation of the International Covenant on Civil and Political Rights, Amnesty International has presented a [submission](#) to the Committee, highlighting concerns in relation to human rights violations linked to the legacy of the 1992 – 1995 armed conflict in BiH. Amnesty International considers deeply worrying the continuing failure of Bosnian authorities to adopt and implement legal and policy framework in order to ensure full and effective access to justice, truth and reparation for victims of the 1990s armed conflicts, and in particular survivors of wartime sexual violence¹.

Authorities in BiH have achieved little progress in tackling systemic obstacles that 22 years after the end of war still prevent survivors from fully realising their rights. Persistent inability and unwillingness of political elites to agree on the adoption of crucial legislation and measures to provide survivors with status and reparation and take steps to harmonise disability benefits available to civilian victims of war living in different parts of the country, continue to stand in the way of justice and frustrate survivors' efforts to rebuild their lives. Despite the initiative of some BiH authorities, in particular Ministry of Human Rights and Refugees and Ministry of Justice at the state level, to develop the recommended legal and policy framework in recent years, the country has overall failed to fully meet its international obligations and adopt measures to enable full access to justice, truth and reparation and ensure successful social integration of survivors. Although prepared earlier, Law on Rights of Victims of Torture, National Strategy for Transitional Justice and the Programme for Victims of Sexual Violence in Conflict still lack political support for adoption. In the absence of a comprehensive state-wide framework, survivors and their families continue to access their rights at the level of entities, cantons and Brcko District, often facing discrimination based on their place of residence, numerous legal and administrative barriers and finally relying on vastly varying disability packages.

Previous attempts to pass a state-wide law on the rights of victims of torture have failed due to lack of required political support, and Republika Srpska government refuses to participate in the current effort of the Ministry of Human Rights and Refugees to agree to a new draft through an inter-resource working group. Instead, RS Ministry of Labour and Veterans' Affairs is developing an entity draft law on victims of wartime torture. While the law intends to address the status and benefits available to survivors, Amnesty International is concerned that some of the proposed solutions on eligibility remain overly restrictive and may exclude many survivors and their families.

Amnesty International welcomes the adoption of the BiH Law on Free Legal Aid, which will ease access to justice for socially vulnerable citizens, including the survivors. However, the system of

¹ Throughout the text, the term survivor specifically refers to the survivors of wartime sexual violence.

free legal aid in BiH remains fragmented, with key legislation missing in the Federation and two cantons and free legal aid agencies not fully operational in all parts of the country. The lack of integrated and fully-harmonised system prevents the delivery of consistent, non-discriminatory and effective legal aid across the country. Survivors of wartime sexual violence are among more disadvantaged groups in BiH and often subsist on the margins of society or are, as is the case in Republika Srpska, completely unrecognised by law and excluded from the system of social welfare.

Amnesty International also welcomes recent decisions of the courts in BiH to start awarding financial compensation to survivors of wartime sexual violence in criminal proceedings. Pecuniary compensation is an important element of restorative justice that helps acknowledge the depth and consequences of the crimes committed and could alleviate financial hardship faced by many survivors. Amnesty notes with concern that BiH does not have a victims' compensation fund or other mechanism to compensate survivors of criminal acts where perpetrators are not able to pay the damages.

Amnesty International urges the authorities in Bosnia and Herzegovina to put in place long overdue legislative and policy measures, including adopting Strategy for Transitional Justice, Programme for Victims of Sexual Violence in Conflict, and Law on the Rights of Victims of Torture, ensuring that adequate resources and capacity are dedicated to free legal aid agencies at all levels and finding a viable mechanisms to compensate victims who were awarded damages in criminal proceedings. These measures would ensure that – two decades after the end of the war - BiH finally meets its international commitments as a party to the International Covenant on Civil and Political Rights and lays foundation for a full and effective access to justice, truth and reparation for the survivors of wartime sexual violence.

As long as the country lacks these systemic measures, survivors of wartime sexual violence will continue to be denied justice and fundamental protection to be able to successfully rebuild their lives.

References:

Amnesty International, *Submission to the United Nations Human Rights Committee 199th Session for the review of BiH third periodic report*, AI Index: EUR 63/5554/2017

END/ Public Document

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