



PRESS RELEASE

Geneva, 2 March 2022

"It took me a long time to get my voice, now that I have it, I won't keep quiet"
Survivor of conflict-related sexual violence from Bosnia and Herzegovina

ALMOST THIRTY YEARS SINCE THE BEGINNING OF THE WAR, SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE IN BOSNIA AND HERZEGOVINA STILL FEEL NEGLECTED AND FORGOTTEN

Bosnia and Herzegovina, 2nd of March 2022 - Today, the Global Survivors Fund, TRIAL International and Vive žene, publish the Study on Opportunities for Reparations for Survivors of Conflict-Related Sexual Violence "We raise our voices", conducted in Bosnia and Herzegovina from February 2021 to February 2022. The Study shows that survivors of conflict-related sexual violence in Bosnia and Herzegovina still feel abandoned. It also presents a set of recommendations for actors to address the needs of survivors and facilitate their reintegration into society.

It is estimated that approximately 20,000 women and men were raped or sexually abused during the 1992-1995 war in Bosnia and Herzegovina, of which only 1,000 survivors have obtained, or are in the process of obtaining, some form of reparations. This inadequacy can be attributed to a multitude of obstacles that discourage or hinder survivors from accessing their rights to reparations. For example, a state-level solution that would enable all survivors to access adequate support and equal rights has never been adopted in the country. Therefore, victims must navigate existing complex systems of social protection support due to differences in legislation between the three administrative units in Bosnia and Herzegovina. In practice, this means that survivors are treated differently based on their place of residence, which can lead to inequality and discrimination.

"Survivors have never been compensated for all the immense harm they have suffered as the result of sexual violence. Other measures of support and the conditions for accessing them differ in the Federation of Bosnia and Herzegovina (BiH), Republika Srpska and Brčko District BiH and ultimately lead to an unequal treatment of survivors, depending on their place of residence", said Adrijana Hanušić Bećriović, senior legal advisor of TRIAL International and one of the authors of the Study.

Some survivors are turning to individual proceedings before criminal and civil courts to access compensation, but many do not trust the judicial institutions of this country. Not only do survivors find that the prosecution of war crimes is slow and ineffective, but they are also afraid that they will not be able to obtain compensation from the perpetrators. Indeed, some prosecutors eschew their duties, whilst court orders for perpetrators to pay compensation to victims are not always enforced, due to insolvency or the hiding of assets. Some survivors even feel "further victimised" by judicial institutions, with a growing number being forced to pay the court fees to the entities they sued, after their claims were rejected due to the application of statute of limitations which is at odds with international standards.

Furthermore, children born out of rape continue to struggle with having their status recognised and still face severe stigmatisation, amongst numerous other administrative obstacles. Overall, many survivors find that available reparations are not tailored to their real needs, nor do they adequately

TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice.

TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity, and pushes the human rights agenda forward.

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compensate or otherwise repair the harm suffered. As a suggested way forward, the Study is calling for the recognition of children born of rape and their inclusion in reparation frameworks as a separate category with specific needs.

"Lack of support only leads to the worsening of the psychosocial situation of survivors of sexual violence, which further complicated the process of rehabilitation and integration of survivors into society. Time did not heal the wounds of survivors. Bosnia and Herzegovina needs to act now", said Elmir Ibralić, psychologist at organization Vive žene.

With an inconsistent and inadequate existing legal framework, it is clear that Bosnia and Herzegovina still has a long way to go when it comes to providing adequate support to survivors of conflict-related sexual violence. Almost thirty years since the beginning of the war, how much time has Bosnia and Herzegovina got left to make things right for survivors?

"The results of the Study carried out in Bosnia and Herzegovina show the immense gap between the needs of survivors of conflict-related sexual violence and the poor, if not inexistent response they have received from the State" said Esther Dingemans, Executive Director at the Global Survivors Fund. *"The road to reparations is often the fight of a lifetime with many legal and socio-economic obstacles, but the study is also proof that there is hope when the whole community is ready to make all possible endeavours in addressing the heavy burden that survivors have endured, starting with providing support to access reparations."*

To this day, the question of providing meaningful and effective reparations to survivors of conflict-related sexual violence - who continue to suffer from long-lasting psychological, physical, economic and social consequences - is often swept under the rug. As the Study shows — survivors, quite rightly, feel neglected and forgotten.

Despite the difficulties to provide a comprehensive and effective system of reparative measures, the Study concludes on a series of recommendations that would address some of the most urgent needs of survivors, so that Bosnia and Herzegovina can meet its international obligations and improve the quality of life of survivors. The authors in particular call for the implementation of the 2019 UN Committee Against Torture decision in A. v. BiH.

In Bosnia and Herzegovina, the Study was conducted by TRIAL International in collaboration with a local partner organisation Vive žene. The Study is part of a global research effort, coordinated and implemented in over 20 countries around the world by the Global Survivors Fund. The subject of this global study is to provide an overview on the status of and opportunities for reparations for survivors of conflict-related sexual violence to exercise their right to reparations. The goal of the Study is to provide specific recommendations so that reparations are designed in a survivor-centred manner and accessible to survivors.

To download the Study :

https://trialinternational.org/wpcontent/uploads/2022/03/GSFReportBiH_ENG_Web.pdf

TRIAL International est une organisation non-gouvernementale qui lutte contre l'impunité des crimes internationaux et soutient les victimes dans leur quête de justice. TRIAL International adopte une approche innovante du droit, ouvrant un chemin vers la justice pour les survivants de souffrances indicibles. L'organisation offre une assistance juridique, saisit la justice, développe les capacités des acteurs locaux et plaide en faveur des droits humains.

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About the project partners

TRIAL International is a non-governmental organisation fighting against impunity for international crimes and supporting victims in their quest for justice. The organisation provides legal aid, submits cases, develops local capacities and advocates the human rights agenda. TRIAL International has been active in Bosnia Herzegovina since 2007 and has opened its local office in Sarajevo in 2013. For more information visit: <https://trialinternational.org>

TRIAL International - Office in Bosnia and Herzegovina aims to fight against impunity and to promote transitional justice in BiH by improving access to justice for victims of grave crimes and ensuring that they obtain the redress to which they are entitled. In supporting war crimes victims in Bosnia and Herzegovina, the organization focuses on vulnerable groups, including sexual violence survivors, the families of missing persons and former camp detainees. For more information visit: <http://trial.ba>

The Association of Citizens of Vive žene - Centre for Therapy and Rehabilitation is a leading non-governmental organization for providing psychosocial assistance and support to persons who have experienced traumatic experiences of war, torture and violence. The association was founded in early 1994 to ensure the reception, care and rehabilitation of women and children victims of war persecution. For twenty-seven years, the association has been continuously working to eliminate the consequences of war trauma, prevent all forms of violence, build multi-ethnic cooperation and respect for human rights in Bosnia and Herzegovina.

For more information visit: <https://vivezene.ba/o-nama/>

Global Survivors Fund was launched in October 2019 by Dr Denis Mukwege and Ms Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus seeking to fill a gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their responsibilities. GSF advocates also for duty bearers, as well as the international community, to develop reparations programmes, and provides expertise and technical support to guide states and civil society in the design of reparations programmes. GSF's survivor-centric approach is the cornerstone of its work.

For more information visit: www.globalsurvivorsfund.org.

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