

TRIAL

track impunity always

f o n d a c i j a
l o k a l n e
d e m o k r a t i j e



UDRUŽENJE GRAĐANA
"BUDUĆNOST" MODRIČA



WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM

NAŠ GLAS OUR VOICE

Udruženje za pomoć žrtvama i preživjelim seksualnog nasilja u ratu

Turalibegova 22 - Lokal 114, 75000 Tuzla, Bosna i Hercegovina, e-mail: info@nasglas.ba, www.nasglas.ba



UDRUŽENJE «ŽENA – ŽRTVA RATA» SARAJEVO
The Association «Women Victims of War» Sarajevo

Follow-up Report on the Implementation by Bosnia and Herzegovina's of the Recommendations Issued by the Committee on the Elimination of Discrimination against Women in July 2013

(CEDAW/C/BIH/CO/4-5)

JULY 2015

Submitted by

TRIAL (Track Impunity Always)
Association of Women-Victims of War
Centre of Legal Assistance for Women Zenica
Citizens Association Budućnost Modriča
Forum Žene Bratunac
Foundation of Local Democracy
Foundation United Women Banja Luka
Izvor-Prijedor
Medica Zenica
Naš Glas Association
Section of Women Victims of War in Republika Srpska
Sehara Association
Snaga Žene
Vive Žene

Women's International League for Peace and Freedom (WILPF)
Women's Section of the Association of Concentration Camp Torture Survivors Canton Sarajevo

CONTENTS

Contents	Paragraphs
1. Background	1-3
2. The Slow Pace of Implementation of the National War Crimes Strategy	4-14
3. The Amended Criminal Legislation on War-time Sexual Violence	15-18
4. The Status of Draft Legislation and Programmes relevant for Victims of Rape or other Forms of Sexual Violence during the War	19-21
4.1 The Draft National Strategy on Transitional Justice	22-23
4.2 The Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence	24-25
4.3 The Draft Law on the Rights of Victims of Torture	26-27
5. The Protection and Support of Victims and Witnesses in Cases of Rape or other Forms of Sexual Violence during the War	28-34
6. Additional Concerns	35-36
6.1 The Failure to Provide Adequate Compensation and Integral Reparation to Victims of Rape or other Forms of Sexual Violence during the War	37-51
6.2 The Draft Law on Free Legal Aid	52-53
7. Conclusions and Recommendations	54-55
8. The Associations Submitting the Follow-up Report	

1. Background

1. On 26 July 2013, after having considered the combined fourth and fifth periodic reports of Bosnia and Herzegovina (BiH) with regard to the implementation of its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (“the Convention”), the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) issued its concluding observations.¹
2. The CEDAW requested BiH to provide, within two years (i.e. 26 July 2015), written information on the steps undertaken to implement the recommendations contained in paragraphs 10 (a) to (d) and 34 (a) to (h).²
3. Due to the mandate and expertise of the associations submitting this follow-up report, the latter will focus on the implementation of the recommendations contained in paragraph 10 (a) to (d) of the concluding observations of the CEDAW that are directly relevant for victims of rape or other forms of sexual violence during the 1992-1995 war. The omission of other subjects does not imply by any means that the associations submitting this follow-up report consider that BiH implemented the rest of the recommendations or that it fully complies with all its obligations under the Convention.

2. The Slow Pace of Implementation of the National War Crimes Strategy

Para. 10 (a) of the 2013 CEDAW Concluding Observations

The Committee recommends the State party to **speed up the implementation of the national war crimes strategy** and to **increase the number of prosecutions of war crimes cases** by allocating more financial resources and investigative capacities to address the large backlog of cases.

4. According to the National War Crimes Strategy, adopted on 29 December 2008,³ the most complex crimes (i.e. mass crimes) will be dealt with as a matter of priority within seven years and the prosecution of other crimes will be dealt with within 15 years from the adoption of the strategy. This means that, **pursuant to the Strategy, the prosecution of “most complex crimes” shall be completed by the end of 2015**. However, **this unfortunately seems far from reality**. The situation is even worse with regard to crimes related to war-time sexual violence.
5. In its 2014 Progress Report on BiH, the European Commission noted that “the implementation of the

¹ Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), *Concluding Observations on Bosnia and Herzegovina*, doc. CEDAW/C/BIH/CO/4-5 of 26 July 2013.

² *Ibid.*, para. 45.

³ The integral text is available at: http://www.geneva-academy.ch/RULAC/pdf_state/War-Crimes-Strategy-f-18-12-08.pdf.

national war crimes strategy continues, although at *an unsatisfactory pace, and the body in charge of its supervision requires additional support from all authorities*. The State-level judiciary continues the referral of war crimes cases. The capacities of prosecutors' offices throughout the country were improved through recruiting more staff, and material conditions were significantly improved through international assistance. *Appropriate financing of adequate staffing levels in prosecutors' offices and courts remains an issue to be addressed urgently to ensure timely and effective processing of the backlog. The competent authorities failed to allocate the funds needed to complete the support infrastructure*".⁴

6. On the specific subject of prosecution of war-time sexual violence it was added that "efforts to investigate and prosecute these crimes *need to be stepped up further, as the overall number of indictments for sexual violence is low in comparison to the prevalence of such crimes during the conflict*. The low number of suspects and lack of evidence hampers the progress of investigation. A comprehensive approach to improving the status of victims of rape and sexual violence has still to be achieved".⁵
7. During the second cycle of the Universal Periodic Review BiH was repeatedly recommended to "continue efforts to fight impunity for serious violations of human rights committed during the armed conflict".⁶ In particular, BiH shall "thoroughly investigate acts of sexual violence committed during the conflict, with a view to holding perpetrators to account, ensure reparation and full reintegration into society of victims of wartime rape and other sexual violence, and take action to counter any manifestations of stigma and exclusion directed against them".⁷
8. **Thousands of war crimes related investigations are still ongoing across the country.** Upon being questioned on whether it is likely to respect the deadlines established in the National War Crimes Strategy, the Court of BiH limited itself to declare that it cannot predict what will be the pace of the process and how will things unfold. This, **coupled with an admitted severe lack of financial and human resources**, suggests that the successful completion of the Strategy is highly unlikely. The **Chief of the Prosecutor's Office of BiH confirms that currently the office lacks the funds to pay the salaries of more than 20 of its employees, namely five prosecutors and 17 expert associates**. Allegedly, this depends on the delays of funding from the European Union (EU). The EU Delegation in BiH **suspended an instalment of financial support for processing war crimes until the Justice Sector Reform Strategy will take place**. The described situation jeopardises the implementation of the National War Crimes Strategy and the Prosecutor's Office of BiH describes it as a stalemate. Needless to say, this is a source of deep distress for victims of gross human rights

⁴ European Commission, *Progress Report on BiH*, doc. SWD(2014)305 of 8 October 2014, available at http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf, p. 14 (emphasis added).

⁵ *Ibid.*

⁶ Report of the Working Group on the Universal Periodic Review, doc. A/HRC/28/17 of 4 December 2014, para. 107.98. See also paras. 107.62, 107.63, 107.64, 107.99 and 107.100.

⁷ *Ibid.*, para. 107.61.

violations during the war, who, after having already waited for more than 20 years, now see their hopes for justice further frustrated.

9. In particular, with regard to **trials concerning people accused of rape or other forms of sexual violence** committed during the war, the **results are alarmingly poor, especially considering the scope of the phenomenon**. According to official data provided by the Court of BiH, since July 2013, it rendered a **verdict in 15 cases of sexual violence. Ten more cases are currently ongoing**. The mentioned figure, compared with the number of victims of rape or other forms of sexual violence during the war (between 20,000 and 50,000), suggests that **impunity remains rampant**.
10. Moreover, **an alarming trend has emerged: perpetrators convicted for rape or other forms of sexual violence committed during the war usually obtain the minimum sentence**. Pursuant to BiH legislation, attenuating and aggravating circumstances may be applied. In this sense, the following circumstances should be taken into account: the degree of criminal liability, the motives for perpetrating the offence, the degree of danger or injury to the protected object, the circumstances in which the offence was perpetrated, the previous conduct of the perpetrator, the personal situation of the perpetrator and his or her conduct after the commission of the criminal offence, as well as other circumstances related to the personality of the perpetrator. BiH courts may set a punishment below the limit prescribed by the law, when law provides for such possibility and when the court finds that attenuating circumstances call for such a decision.
11. To illustrate the current trend, 15 verdicts issued by BiH courts at different levels in cases concerning rape or other forms of sexual violence perpetrated during the war have been analysed. Notably, in two thirds of the analysed verdicts (i.e. nine cases) **the perpetrator was sentenced to imprisonment between three and five years**. Only the Court of BiH and the Cantonal Court of Sarajevo issued six verdicts where perpetrators were sentenced to deprivation of liberty between six and eight years. Before all other BiH courts, **no example of sentences of more than five years for persons found guilty of rape or other forms of sexual violence committed during the war can be found**. In most cases, these mild sentences have been justified by the “young age” of the perpetrator when the crime was committed, and by the fact that the perpetrator has now a family to maintain. It would seem that BiH courts pay less attention to the young age of the victims when the crime was committed and the situation of vulnerability in which the victim found herself at the time, as well as the stigmatisation suffered thereafter for over 20 years. **The criteria applied by BiH courts to sentence perpetrators of rape or other forms of sexual violence during the war are perceived by many victims as discriminatory and a mockery**.
12. It is a well established principle of criminal and international law that penalties must be proportionate to the gravity of the crime at stake and the extreme seriousness of the offence concerned must be duly taken into account. **Imprisonment between three and five years is a low penalty and it is hardly proportionate to the extreme gravity of the crime**. Many victims of rape or other forms of sexual violence during the war perceive these low sentences as an additional form of frustration. They sense that their suffering is looked down on, especially considering the extraordinary obstacles

they have to face to come forward and to take part to proceedings. In the mid-long term, **the described situation discourages other victims from seeking justice and further nourishes impunity.**

13. The described situation must also be read in the light of the **general trend of reducing the sentences of persons already convicted for war crimes**, triggered by the judgment delivered on 18 July 2013 by the European Court of Human Rights on the *Maktouf and Damjanović* case and its misinterpretation by BiH courts. The European Court held that since there was a real possibility that the retroactive application of the 2003 Criminal Code operated to the applicants' disadvantage, in the special circumstances of that case, they had not been afforded effective safeguards against the imposition of a heavier penalty. This led to a high number of appeals on cases already decided by the Court of BiH since 2003. **Twenty-three cases were eventually re-opened and in all of them perpetrators obtained substantially lower sentences.** This situation is perceived by victims of gross human rights violations during the war, including women victims of rape or other forms of sexual violence, as a sign that even the gravest crimes are not sanctioned in accordance with their seriousness.
14. Finally, with some notable exceptions,⁸ local associations that represent women victims of rape and other forms of sexual violence report **difficulties in having access to information on the status of investigations and on whether trials may be forthcoming.** This lack of information often fosters the sense of marginalisation and exclusion of women victims of rape or other forms of sexual violence during the war and ultimately undermines the trust in institutions.

3. The Amended Criminal Legislation on War-time Sexual Violence

Para. 10 (b) of the 2013 CEDAW Concluding Observations

The Committee recommends that the State party to **amend all relevant criminal codes to include a definition of wartime sexual violence in line with international standards, including a specific definition of rape as a war crime and a crime against humanity**, in order to adequately reflect the gravity of the crimes committed and intensify its efforts to harmonise the jurisprudence and sentencing practices of its courts throughout the State party, by establishing effective cooperation mechanisms between prosecutors and courts competent to deal with war crimes at all levels of the State party.

15. After numerous recommendations issued by international human rights mechanisms⁹ and several frustrated attempts to amend domestic legislation, in May 2015 **the definition of rape or other forms of sexual violence as war crimes and crimes against humanity included in the Criminal**

⁸ The Association of Women-Victims of War, also subscribing this report declares to have good channels of communication and to be able to quickly obtain information on investigations and ongoing proceedings.

⁹ See, among others, Report of the Working Group on the Universal Periodic Review on BiH, *supra* note 6, paras. 107.58, 107.59, 107.63, 107.99 and 107.100.

Code of BiH was eventually reformed. Nevertheless, **criminal legislation on rape at the entity level remains at odds with international standards** and a **few loopholes can be identified.** The mentioned amendments to the Criminal Code of BiH were approved by the House of Peoples under urgent procedure on 18 May 2015, published in the Official Gazette of BiH No. 40/15 and entered into force on 28 May 2015.

16. Arts. 172, para. 1 (g), and 173, para. 1 (e) of the Criminal Code of BiH were amended and the requirement that the victim is coerced **“by force or by threat of immediate attack upon his or her life or limb, or the life or limb of a person close to him or her” has been removed.** This brings the phrasing of the mentioned provisions in line with international standards on the subject. Nevertheless, it must be stressed that the **Criminal Code of BiH does not codify rape or other forms of sexual violence as a separate offence, unless they are committed in the context of a widespread or systematic attack against civilian population or as a war crime.** This is a major loophole that fosters impunity.
17. At the entity level rape is codified as a separate offence and it is sanctioned even when committed as an isolated act.¹⁰ All existing definitions require that the offence is committed “by force or threat of immediate attack upon life and limb, or life or limb of a close person”. This does not meet international standards on the subject. The Criminal Code of the Federation of BiH does not contain a definition of crimes against humanity and of crimes of war. Rape or other forms of sexual violence committed in these specific circumstances are therefore not covered by the existing legal framework in Federation of BiH. The criminal codes of Republika Srpska and of the District of Brčko regulate “war crimes against civilians”,¹¹ sanctioning, among others “whoever in violation of rules of international law effective at the time of war, armed conflict or occupation, orders an attack against civilian population, settlement, individual civilians or persons unable to fight, which results in [...] rape”. These definitions do not seem to encompass rape or other forms of sexual violence as crimes against humanity or war crimes according to international standards.
18. The described situation on the one hand fosters impunity over past crimes, and on the other jeopardises the prevention of future violations. In fact, ending impunity for the perpetrators of past crimes, including torture and rape or other forms of sexual violence is a circumstance pivotal not only to the pursuit of justice but to effective prevention.

4. The Status of Draft Legislation and Programmes relevant for Victims of Rape or other Forms of Sexual Violence during the War

Para. 10 (c) of the 2013 CEDAW Concluding Observations

The Committee recommends that the State party to **expedite the adoption of pending draft laws**

¹⁰ See Art. 183 of the Criminal Code of Republika Srpska; Art. 203 of the Criminal Code of Federation of BiH; and Art. 206 of the Criminal Code of the District of Brčko. The three criminal codes regulate also the offences of sexual violence against a helpless person; sexual intercourse with a child; and sexual intercourse by abuse of position.

¹¹ Art. 148 of the Criminal Code of the District of Brčko; and Art. 433 of the Criminal Code of Republika Srpska.

and programmes designed to ensure effective access to justice for all women victims of wartime sexual violence, including adequate reparation, such as the **draft law on the rights of victims of torture and civilian war victims, the programme for victims of sexual violence in conflict and torture (2013-2016) and the draft strategy on transitional justice aimed at improving access to justice.**

19. Over the past years, a number of legislative initiatives and programmes have been launched in order to bring BiH legal framework in line with international standards, pursuant to reiterated recommendations issued in this sense by international human rights mechanisms. Some of these initiatives and programmes have been pending over the past ten years, fostering first the illusions of victims of gross human rights violations during the war, including victims of rape or other forms of sexual violence, and then nourishing their frustration.
20. As noted by the Secretary-General of the United Nations in his report on conflict-related sexual violence: “twenty years after the end of the war, conflict-related sexual violence remains a sensitive political issue, with slow progress made in establishing a comprehensive support system for survivors. [...] The absence of services extends to children born of wartime rape, who face particular risk of stigma, abandonment, rejection and low socioeconomic status. The stigmatization and economic marginalization of rape survivors themselves remains a concern. [...]”.¹²
21. Despite pledges and assurances given by BiH in this sense, to the great disappointment of the associations subscribing this follow-up report, at July 2015 none of those initiatives or programmes has seen the light of the day. Time passes, BiH authorities fail to take any positive measure and indulge into lulls, while in the meantime victims of gross human rights violations from the war are dying without having ever obtained justice, redress, and truth. This is all the more troubling when, as in the present case, international human rights bodies have issued precise recommendations to the State, which remain unimplemented and ignored.

4.1 The Draft National Strategy on Transitional Justice

22. In 2010, under the auspices of the United Nations Development Programme (“UNDP”) the process of drafting and adoption of draft National Strategy on Transitional Justice was launched. The working document containing the draft Transitional Justice Strategy was expected to be presented for adoption to the Parliamentary Assembly during the summer of 2012.
23. Although UNDP supported a dialogue between government institutions in cooperation with civil society organizations on the draft Strategy on Transitional Justice, the **draft was never presented for adoption to the Parliamentary Assembly**. Some segments of the draft strategy are currently being implemented by UNDP, but there is no institutional long-term commitment whatsoever on the part of

¹² Secretary-General of the United Nations, *Report on Conflict-related Sexual Violence*, doc. S/2015/203 of 23 March 2015, para. 67.

BiH authorities. **The initiative to adopt a national strategy on transitional justice as such is at an impasse.** If such initiative will eventually be re-launched, the draft should nevertheless be updated, because many of its sections referred to the period 2010-2014.

4.2 The Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence

24. At the end of 2010, the United Nations Population Fund (“UNPFA”) and the BiH Ministry of Human Rights and Refugees launched the drafting and adoption of the “Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence”. The finalization of the draft programme was initially expected by the end of 2011 and was then repeatedly postponed. At July 2015, despite the recommendations of several international human rights bodies, **the draft programme has not yet been submitted to the Council of Ministers of BiH for approval and it remains at the entity level.** The government of Republika Srpska failed to formulate its opinion so far, thus paralysing the whole process. The government of BiH indicates that, once formally approved, the Programme will be implemented by United Nations agencies and a comprehensive survey to determine the needs in the area of economic empowerment, service delivery, public perception, justice, reparations, and help is ongoing. However, it is unclear how the Programme could be effectively implemented without any formal institutional commitment of the competent BiH authorities.
25. The described situation casts serious doubts on the level of priority attributed by BiH authorities to this Programme and discloses a discrepancy between the expectations of women victims of rape or other forms of sexual violence during the war and the attitude demonstrated towards them by the State. Failure to adopt this Programme demonstrates persistence on behalf of the State in avoiding to meet its international obligations in terms of allocating adequate resources and adopting effective measures to ensure that victims of gender-based violence, in particular sexual violence, have access to comprehensive medical treatment, mental health care, and psychosocial support.

4.3 The Draft Law on the Rights of Victims of Torture

26. Since 2006 (i.e. seven years ago) BiH has been affirming before international human rights mechanisms that the adoption of a Law on the Rights of Victims of Torture was “imminent”. **At July 2015, this law has not been adopted.** The callous inactivity of BiH authorities in the face of the acute suffering of victims of torture, including women victims of rape or other forms of sexual violence during the war, who have been waiting for a law to eventually realise their fundamental rights is not only a flagrant breach of BiH’s international obligations, but discloses an obstinate disregard of recommendations repeatedly put forward by international human rights mechanisms, and is perceived by thousands of victims as a mockery.
27. Yet, international community continues highlighting the importance of the adoption of such law. Among others, the European Commission noted that “legislation on the rights of victims of torture remains to be adopted”.¹³ During the second cycle of the Universal Periodic Review, BiH was anew

¹³ European Commission, *2014 Progress Report on BiH*, *supra* note 4, p. 17.

recommended to “adopt a law on reparation and compensation for victims of torture during the war”.¹⁴

5. The Protection and Support of Victims and Witnesses in Cases of Rape or other Forms of Sexual Violence during the War

Para. 10 (d) of the 2013 CEDAW Concluding Observations

The Committee recommends that the State party to **ensure the effective implementation of the new law on the witness protection programme and establish sustainable and operational witness protection measures at the district and cantonal levels.**

28. On 29 April 2014 the **Law on Witness Protection Programme in BiH has been adopted**. However, this law **applies only to witnesses testifying before the Court of BiH and not to district courts in Republika Srpska, cantonal courts in the Federation of BiH, or courts in the Brčko District**. This is particularly troublesome, especially taking into account the fact that a considerable number of war crimes trials are taking place before district, cantonal, or other lower courts.
29. Notably, also the National War Crimes Strategy contains several indications concerning witness protection and support.¹⁵ In particular, it establishes that “in order to strengthen the witness support in proceedings conducted before district/cantonal courts and prosecutor’s offices, a network of witness and victim support at the level of entire BiH will be created and developed. *Witness Support Section of the Court of BiH will play a key role in coordinating activities and will serve as a model for other offices*. In order to establish this support network, capacities of local nongovernmental organizations that provide psycho-social support or are already professionally working with victims and witnesses, will be used. Staffing capacities of the 34 Centres for Social Affairs, that is, centres for mental health, which will also be used for this purpose, will be advanced”.¹⁶
30. Further, the National War Crimes Strategy sets forth that “in order to ensure equal treatment of witnesses, the Witness Support Section of the Court of BiH will provide professional support in the process of establishment of regional offices, training, and education of staff and cooperation on witness issues. [...] Psychologist who will provide psychological support to the vulnerable witnesses when giving statement during investigation and entire proceedings will be engaged in the Prosecutor’s Office of BiH, as well as the cantonal/district prosecutor’s offices and the courts”.¹⁷
31. **These sections of the National War Crimes Strategy have not been given full implementation.** This is all the more troubling taking into account **the information, confirmed both by UNDP and a judge of the Court of BiH, that the Witness Protection Department within the Prosecutor’s**

¹⁴ Report of the Working Group on the Universal Periodic Review, *supra* note 6, para. 107.97.

¹⁵ *Supra* para. 4 and note 3.

¹⁶ National War Crimes Strategy, *supra* note 3, pp. 33-34 (emphasis added).

¹⁷ *Ibidem*.

Office of BiH has been closed.

32. With regard to **the psychological support provided to witnesses and victims before, during, and after war crimes trials, it remains insufficient, and largely depending on the efforts of civil society and foreign donors in the absence of an institutional involvement of BiH authorities.**
33. **The provision of psychological support before the competent authorities across the country is far from homogenous.** Although new departments to offer support to witnesses during war crimes trials have been set up in different cities, this was done with the support of UNDP. Further, a network of support provided by NGOs was established with the support of the EU.¹⁸ **If BiH authorities do not provide for adequate financial and human resources to ensure future activities, the sustainability of these endeavours may be at risk.** All in all, institutional support to witness protection and psychological assistance is lacking.
34. During the second cycle of the universal periodic review, BiH was recommended to “ensure that all the courts and the prosecutors’ offices of various entities take adequate measures to support and protect witnesses, in order to avoid the transfer of files to these entities resulting in impunity, particularly in cases of sexual violence”.¹⁹

6. Additional Issues of Concern

35. Although the CEDAW requested to provide information on the specific issues analysed in the previous paragraphs, the associations subscribing this follow-up report would like to draw the attention of the CEDAW to some other matters that are the source of particular concern for women victims of rape or other forms of sexual violence during the war, namely the failure to provide them with adequate compensation and reparation and the lack of State law on free legal aid.
36. In his report on conflict-related sexual violence, the Secretary-General of the United Nations urged BiH to “harmonize legislation and policies so that the rights of survivors of conflict-related sexual violence to reparations are consistently recognized and to allocate a specific budget for this purpose. I further call upon the authorities to protect and support survivors participating in judicial proceedings through, inter alia, referrals to free legal aid, psychosocial and health services, as well as economic

¹⁸ In particular, the EU funded the programme “Ensuring Access to Justice for Witnesses/Victims by Strengthening Existing and Developing New Networks of Support to Witnesses throughout BiH”. The project is currently run by Viva Žene Tuzla, Medica Zenica, the Foundation United Women Banja Luka, and the Agency for Cooperation, Education and Development Banja Luka. The establishment of the network was funded by UN Women since 2010, and after that the British Embassy in BiH have continued the support, they have helped to establishment of networks in the Zenica-Doboj Canton, Central Bosnia Canton, Una-Sana Canton, Tuzla Canton, Herzegovina-Neretva Canton and the city of Banja Luka. The British Embassy also supports establishment of networks in Livno and East Sarajevo. The formation of the Network for support to witnesses which gathers 19 NGOs across the country has established a coordinated form of providing psychological and legal support to witnesses-victims of wartime sexual violence before, during and after the trial. It has improved the quality of the testimony through the process of informing witnesses about their rights, ways of functioning of the criminal proceedings and the psychological empowerment to overcome the trauma, and the prevention of re-traumatisation. See here: <http://www.fld.ba/novost/9693/network-for-support-to-witnesseswomen-victims-of-war>.

¹⁹ Report of the Working Group on the Universal Periodic Review, *supra* note 6, para. 107.94.

empowerment programmes”.²⁰ The associations that submit this follow-up report fully subscribe these recommendations.

6.1 The Failure to Provide Adequate Compensation and Integral Reparation to Victims of Rape or other Forms of Sexual Violence during the War

37. Across the country, **the notions of “reparation” and “social benefits” continue being unduly confused. At July 2015, no comprehensive programme to provide redress and compensation for the harm suffered during the war has been adopted.** Among others, during the second cycle of the Universal Periodic Review, BiH received the recommendation to “define adequately the condition of victims of war and to provide necessary reparation”.²¹ This, together with ongoing discrimination of civilian victims of war in their enjoyment of social benefits granted to them due to their status as civilian victims of war, is of extraordinary gravity, especially taking into account the dire financial situation of the majority of women victims of rape or other forms of sexual violence during the war and the overall financial crisis affecting BiH.
38. A problem that is especially affecting women victims of rape or other forms of sexual violence during the war is **the virtual impossibility to obtain compensation during criminal proceedings.** In fact, although criminal courts have the option to award total or part of a claim for compensation to the injured parties or to refer them to civil actions, in all cases known to the subscribing associations, victims are **referred to civil actions.** This practice **hampers the access to compensation for the majority of victims,** given that to launch a civil action they would need a lawyer to represent them, and, in almost the totality of cases, they cannot afford it, while **free legal aid is not granted by the State.**²²
39. One additional problem **related to filing civil claims for compensation is related to the disclosure of the identity of protected witnesses during criminal trials.** Although the disclosure of the identity of protected witnesses is a criminal offence under BiH legislation, this has already happened in a number of occasions.
40. For instance, in a case decided by the Court of BiH where the perpetrator was convicted, the victim decided to file a claim for compensation before the Municipal Court in Sarajevo. Notably, during the criminal proceedings, pursuant to a decision of the Court of BiH granting her the status of protected witness, the lady had been referred to by using a pseudonym. When the lawyer representing the plaintiff contacted the Court of BiH to obtain a copy of such decision, he was informed that such data would be provided only at the request of the judge in charge of the civil proceedings concerning the claim for compensation. The lawyer thus called on the acting judge of the Municipal Court in Sarajevo to submit a request to the Court of BiH to obtain the necessary data and to invite the plaintiff and her representative for a preparatory meeting to verify the data at stake. The Municipal

²⁰ Secretary-General of the United Nations, *Report on Conflict-related Sexual Violence*, *supra* note 12, para. 68.

²¹ Report of the Working Group on the Universal Periodic Review, *supra* note 6, para. 107.100. See also para. 107.62.

²² *Infra* paras. 52-53.

Court in Sarajevo refused to do so, holding that the plaintiff does not enjoy the status of protected witness as a party to civil proceedings, based on the belief that she does not meet the requirements provided for by the Law on Civil Proceedings of the Federation of BiH. As the attorney was not authorised to disclose the name and last name of the plaintiff at his own initiative, the plaintiff was forced to find another solution with her representative, namely making a statement before a notary public, declaring that she gave up the status of protected witness. By doing so, she put her personal safety and that of her family at risk, as it was the only means to pursue her claim for compensation.

41. Overall, it seems that the procedure currently applicable to civil claims for compensation is not adequate for cases of rape or other forms of sexual violence committed during the war and it does not reflect the specific features of this practice and the special needs of victims and witnesses.
42. To overcome the described situation, TRIAL filed for the first time a compensation claim for moral damages suffered by a victim of rape in criminal proceedings pending before the Court of BiH. On 24 June 2015, the Court of BiH issued a landmark ruling whereby, besides condemning to ten years imprisonment the two defendants (Mr. Bosiljko Marković and Mr. Ostoja Marković) for having repeatedly raped a Croat woman during the Serb attack on the northern village of Orahova, the Court also ordered them the payment of 26,500 KM (approximately 13,500 Euros) to the victim as compensation for damages. Similarly, on 29 June 2015 a former Bosnian Serb soldier was sentenced to eight years imprisonment for a rape committed in 1993 and ordered to pay 29,300 KM (approximately 15,000 Euros) to the Bosniak woman he attacked. These two precedents must be welcomed and followed by all competent courts and prosecutors across BiH.
43. With regard to the provision of **social benefits, the existing legal framework is plagued by gaps and there are serious drawbacks in its implementation and discrimination between veterans and civilian victims of war remains a reality**. Victims who have suffered the same body damage are entitled to substantially different amounts of money as disability pensions depending on whether they are veterans or not and on the place of residence (amounts recognised in Republika Srpska are lower than in the Federation of BiH). Further, psychological damage is not recognised as a valid basis to obtain social benefits.
44. **The situation remains especially critical in Republika Srpska, where women victim of rape or other forms of sexual violence are not officially recognised as civilian victims**. As a consequence, they do not have access to free health care, legal aid, and are not eligible for rehabilitation, education, requalification, and psychological support. The deadline to file claims to obtain compensation expired in 2007.
45. In 2015, the Centre for Gender Equity and Equality of Republika Srpska published a study on the Position of Serb Women Victims of War-time Sexualised Violence in BiH. While the fact that authorities commence to analyse the situation of women victims of rape or other forms of sexual violence and acknowledging the problems experienced by the latter is certainly a step forward, it is important that all women are taken into account, regardless of their national or ethnic origin or

religious belief.

46. An improvement must be also reported with regard to the situation of women victims of rape or other forms of sexual violence who returned from the Federation of BiH to Republika Srpska. While in the past they lost their right to receive social benefits upon return, they have finally been recognised again as civilian victims of war pursuant to the legislation of the Federation of BiH. However, there is no recognition of the loss they have incurred in during the period of suspension of their right. In many cases, the entitlement expired in the meantime because the children of the women victims of rape or other forms of sexual violence turned 18 years old.
47. The Assembly of Brčko District adopted a decision on amendments to the Law on Protection of Civilian Victims of War in the District. These amendments should ensure that victims of rape or other forms of sexual violence do not have to provide a valid court judgment to fulfil their rights as civilian victims of war. Instead, victims will now have to go through special procedures before committees of experts and court experts to see their status as civilian victims of war duly recognised.
48. The procedures to be recognised as victims of sexual violence vary throughout the country and are not always applied homogeneously. In many cases, the recognition of such status is based on a certificate released by local NGOs that do not seem to always follow uniform criteria. Pursuant to domestic legislation, the involvement of NGOs in the assessment of the status of victims of sexual violence during the war was meant to be a temporary solution, until the establishment of ad hoc institutions. **The setting up of such ad hoc State institutions and the application of systematic and homogeneous criteria across the country are priorities that cannot be postponed anymore.**
49. A problem of special relevance for former camp-detainees in the realisation of social benefits is determined by the fact that the **Commission at the Institute for Medical Assessment of Health Status in Sarajevo requires victims to produce medical documentation dating back to the war or, at least, 1997.** However, many victims do not have any such certificate, because during the war it was almost impossible to obtain this kind of documentation. Moreover, victims of torture often suffer from psychological, and sometimes physical, consequences years after the events took place. It is therefore difficult to see why social benefits should be granted only to those who obtained medical certificates during the Nineties.
50. Many women victims of rape or other forms of sexual violence during the war highlight that they **still do not have access to adequate housing and this is a source of deep distress for many of them and is perceived as one of the main challenges that they have to face and that prevents them from achieving social reintegration.** The housing situation worsened in 2014, after massive floods hit the country and left hundreds of women, including victims of rape or other forms of sexual violence during the war, homeless. **A similarly difficult situation can be reported with regard to the provision of medical support** to women victims of rape or other forms of sexual violence during the war.

51. Associations representing women victims of rape or other forms of sexual violence during the war have been trying to advocate before competent authorities, but they have often been left without a reply. For instance, the Women's Section at the Association of Concentration Camp Detainees sent letters to the Federal Ministry of Displaced Persons and Refugees seeking to establish a dialogue on the housing issue, but they never obtained any reply. The attitude of official indifference vis-à-vis the acute suffering and the legitimate concerns of hundreds of women can be characterised as inhumane and degrading treatment.

6.2 The Draft Law on Free Legal Aid

52. Despite **some attempts to adopt a law on free legal aid at the State level, at July 2015 no such piece of legislation has been adopted**, thus leaving especially vulnerable people, including women victims of rape or other forms of sexual violence during the war, exposed to further marginalisation and hampering their access to justice, while their trust towards institutions is seriously jeopardised. The adoption of a State law on free legal aid should not be postponed anymore.

53. In this sense, the European Commission highlighted that “concerning free legal aid, *the risk of discrimination continues to be of serious concern as a consequence of a fragmented and non-harmonised system*. A free legal aid agency has been established in one more Canton of the Federation, bringing the total to eight. However, the free legal aid system is still unregulated in two Cantons and in the Federation. *The adoption of a State-level law on free legal aid is still pending*. Civil society organisations actively continue to provide free legal aid, particularly in civil cases, but their role is not consistently recognised or even regulated in the country”.²³

7. Conclusions and Recommendations

54. Although 20 years have passed since the conclusion of the war in BiH, thousands of victims of rape or other forms of sexual violence have not been guaranteed access to justice, compensation, and integral reparation for the harm suffered. On the contrary, they remain among the most marginalised and stigmatised categories within BiH society. It is the view of the subscribing organisations that **there has not been significant progress in the implementation of the recommendations formulated in July 2013 by the CEDAW with regard to women victims of rape or other forms of sexual violence during the war** and a number of issues remain the source of deep concern. While it is often alleged that it is necessary to turn a page over the past, this cannot be done at the price of erasing thousands of people from that page and failing to guarantee their fundamental rights. BiH remains in breach of its international obligations as spelled out, among others, in Arts. 1, 2, 3, 5, 7, 10, 11, 12 and 13 of the Convention.

55. For the reasons explained above, the associations subscribing this follow-up report respectfully request the CEDAW to recommend BiH to:

²³ European Commission, *2014 Progress Report for BiH*, *supra* note 4, p. 14 (emphasis added).

- Ensure that the National War Crimes Strategy is duly implemented without further delay and its application is thoroughly explained to the wide public in a transparent manner, thus fostering a climate of trust towards institutions. The existence of the strategy cannot be used to delay indefinitely investigations.
- Ensure that all cases of rape or other forms of sexual violence perpetrated during the war are promptly, independently, impartially, and thoroughly investigated and that those responsible are judged and sanctioned in accordance with international fair trial standards. The sentence imposed on those found guilty of rape or other forms of sexual violence during the war must be commensurate to the extreme gravity of the offence.
- Ensure that victims of rape or other forms of sexual violence and their representative organisations are given information on a regular basis on the process of investigation carried out by the prosecutor's offices, the results of those investigations, and whether trials might be forthcoming. Courts at all levels shall have consistent rules in dealing with the public in general and with victims of rape or other forms of sexual violence in particular.
- Amend the criminal codes at the entity level to make sure that the definition of "rape" and "sexual violence" is brought in accordance with international standards. In particular, entity and district criminal legislation shall be brought in line with international law by codifying crimes against humanity, command responsibility, sexual slavery and forced pregnancy and establishing sanctions commensurate to the extreme seriousness of these crimes.
- Ensure that rape and sexual violence are codified under the Criminal Code of BiH as autonomous offences also when committed outside a widespread or systematic attack against civilian population or as a war crime.
- Ensure that criminal codes at all levels explicitly define that a person who acted pursuant to an order to commit rape or other forms of sexual violence shall not be relieved of criminal responsibility and that those who refuse to obey such an order will not be punished.
- Ensure that war-time rape is prosecuted as such and that prosecutors and courts refrain from dealing with such cases as ordinary rape, since this does not mirror the particular nature of this heinous crime and it unduly advantages the defendant.
- Ensure that the National Strategy on Transitional Justice 2010–2014 is revised so as to reflect the period that has passed since the finalisation of the draft and it is subsequently adopted and implemented without further delay. In this process the State must keep in mind that the Strategy is complementary to formal access to justice processes, and that the obligation of the State to provide redress for victims of

gross human rights violations and their relatives must be guaranteed notwithstanding the adoption of the Strategy in question.

- Ensure that the Programme for Improvement of the Status of Survivors of Conflict related Sexual Violence is referred for approval to the Council of Ministers of BiH without further delay. Representatives of Republika Srpska must express their opinion on the programme and show their genuine support without further delay. Ensure that any measures aiming at redressing women survivors of rape and other forms of sexual violence, envisaged by the Programme must have a transformative character, aiming at ameliorating, or at least consolidating, their position in society. Women victims of rape or other forms of sexual violence during the war shall be guaranteed full participation not only in the drafting of the Programme or other measures, but also in the subsequent implementation, evaluation, and decision-making processes.
- Ensure that the obstacles for the adoption of the Law on the Rights of Victims of Torture are swiftly removed and this crucial piece of legislation is adopted and enforced without further delay. Financial resources for its implementation must be secured and the overall exercise must be coordinated with the other mentioned legislative initiatives and programmes concerning victims of the conflict in BiH in order to avoid overlapping or lacunae. To ensure the finalisation of a sound draft law, all parties shall constructively participate to the endeavour and associations of victims of rape or other forms of sexual violence during the war must be thoroughly involved and allowed to express their opinions, needs, and expectations.
- Ensure that a comprehensive programme for victims and witness protection and psychological accompaniment is granted at all levels prior, during, and after trials take place.
- Guarantee the witness protection and support measures foreseen under the Law on Witness Protection Programme also before lower courts in the different entities, taking into account the specificities of the country.
- Ensure the full implementation of the sections of the National War Crimes Strategy concerning witness protection and support.
- Ensure that the Witness Protection Department within the Prosecutor's Office of BiH is either reactivated after having been adequately staffed and funded, or replaced by an alternative effective mechanism.
- Ensure that all victims of rape and other forms of sexual violence during war have equal access to social benefits and other measures of social support they are entitled to due to their status of civilian victims of war, irrespective of where they live. However, necessary improvements of the discriminatory

elements in the existing legislation of the entities related to social benefits should not be seen as an alternative to the State obligation to provide redress for the violations and harms suffered by the victims, including survivors of rape and other forms of sexual violence – ultimately separating the right to redress from the obligation of the State to provide equal access to social and economic rights to the general population.

- Ensure that courts and prosecutors across BiH shall guarantee the right of women to make any financial compensation claims during criminal proceedings. The precedents set by the Court of BiH on 24 and 29 June 2015 must be followed by other courts across BiH.
- Ensure that the redress and social benefits received by the civilian victims of war are not below those received by war veterans.
- Implement a national programme on measures of reparation for civilian victims of war, including victims of rape or other forms of sexual violence and relatives of missing persons that encompasses compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition. Also civilian victims of war currently living abroad shall be entitled to realise their right to compensation and restitution. In particular, the State shall guarantee, as a measure of reparation, access to free psychosocial support, provided through State's institutions and health services. Measures envisaged by the reparations programme shall have a transformative aim and victims of rape or other forms of sexual violence during the war shall be guaranteed full participation not only in the drafting of the programme, but also in the subsequent implementation, evaluation, and decision-making.
- Take measures to raise awareness about the status of civilian victim of war and, in particular, the possibility for applying for such status and the rights deriving from it.
- Ensure that adequate and effective criteria are applied to recognise the status of civilian victim of war without discrimination and further traumatising for the people involved.
- Undertake without delay all necessary measures to facilitate access to adequate housing to victims of rape or other forms of sexual violence during the war and guarantee them reintegration in the labour market. Both at the State and the entity level preferential treatment in employment shall be assured to victims of rape or other forms of sexual violence and legislation shall be amended accordingly.
- Guarantee to the children of victims of rape or other forms of sexual violence the access to education and, if they wish to continue with their studies, to the highest levels of instruction.
- Develop a system to provide victims of rape or other forms of sexual violence during the war, including those who live in remote areas of the country, with access to psychological accompaniment and

medical treatment free of charge. BiH shall remove existing barriers that unduly obstruct the access to medical and psychological treatment and medicines. Moreover the State shall support and provide resources to those organisations that already work in this field, making sure that they continue supplying good quality treatments to victims of rape or other forms of sexual violence. BiH shall ensure that programmes of health and psychological support are also put in place to adequately assist children born as a result of war-time rape.

- Ensure that a new draft law on free legal aid is finalised without delay and that associations of victims of rape or other forms of sexual violence during the war are thoroughly involved in such process and allowed to express their opinions, needs, and expectations. The draft law on free legal aid shall be promptly approved and its funding secured. BiH must ensure to set up without delay an effective public system of free legal aid enabling victims of war to receive legal support (counselling and, if need be, access to court), if they are not able to afford it. NGOs which provide free legal aid should be included in the financial segment of the Law and their role in the whole process of providing free legal aid should be emphasised.

On behalf of:

Association of Women-Victims of War

Centre of Legal Assistance for Women Zenica

Citizens Association Budućnost Modriča

Forum Žene Bratunac

Foundation of Local Democracy

Foundation United Women Banja Luka

Izvor-Prijedor

Medica Zenica

Naš Glas Association

Section of Women Victims of War in Republika Srpska

Sehara Association

Snaga Žene

Vive Žene

Women's International League for Peace and Freedom (WILPF)

Women's Section of the Association of Concentration Camp Torture Survivors Canton Sarajevo

Philip Grant

TRIAL Director



8. Information on the Associations Submitting the Follow-up Report

a) TRIAL (Track Impunity Always)

Founded in 2002 **TRIAL** is an association under Swiss law based in Geneva putting the law at the service of victims of crimes under international law (genocide, crimes against humanity, war crimes, torture and enforced disappearances). TRIAL fights against the impunity of perpetrators and instigators of the most serious crimes under international law and their accomplices. The organization defends the interests of the victims before Swiss and foreign courts and various international human rights bodies. TRIAL also raises awareness among the authorities and the general public regarding the necessity of an efficient national and international justice system for the prosecution of crimes under international law. To date TRIAL has defended more than 350 victims in the course of 143 international proceedings. In addition, 40 reports were submitted to the United Nations and 15 criminal complaints filed in Switzerland, which have led to various investigations and a trial.

Contact person: Dr. iur. Philip Grant, Director

E-mail: philip.grant@trial-ch.org

Address: TRIAL (Track Impunity Always), P.O. Box 5116, 1211, Geneva 11, Switzerland

Tel./Fax No.: + 41 22 321 61 10

Website: www.trial-ch.org and www.trial-ch.org/BiH

Office in BiH: Ćobanija, 19 - 71 000 Sarajevo, BiH

Tel./Fax No.: +38733 219 873

b) Association of Women-Victims of War

The **Association of Women-Victims of War** is a NGO founded in 2003 with the aim to gather women who have been subjected to rape or other forms of sexual violence during the war in order to help them in fulfilling their rights and in acceding the benefits they are entitled to under the law, also in terms of social and health protection. As a part of its mandate, the association is multiethnic and multinational. In 2006 also some men who were subjected to rape or other forms of sexual violence during the war joined the association. The main activities of the association are: 1) capacity building of its members; 2) helping its members to return to normal life after the grave violation they have suffered; and 3) enabling members to enjoy health protection, as well as to obtain a stable employment and to solve housing problems.

The Association of Women-Victims of War is one of the institutions designated in the Federation of BiH to issue certificates attesting the situation of victims of sexual violence which enable the holders to apply for the status as civilian victim of war.

Contact person: Ms. Bakira Hasečić, President

Address: Hamdije Ćemerlića No. 7, Sarajevo, BiH

Tel. No: ++387 33 658 879

Fax No: ++387 693 261

E-mail: udruzenjezenazrtva_rata@bih.net.ba

c) Centre of Legal Assistance for Women Zenica

The **Centre for Legal Assistance for Women Zenica** was founded in 1996. The Centre participates in activities in the country and the region. Programmes of the Center have no territorial restrictions due to the fact that provision of free legal aid, monitoring of judiciary, monitoring of regulations and level of exercising rights has no cantonal or entity framework. The association is composed of a team of activist and defenders of human rights of women and girls, and it

advocates the concept of gender equality in all social relations. The centre acts independently and, in alliance with similar organizations, it enhances the integrated policy of gender equality and sensitises professionals to act respecting the human rights of women and girls.

Contact person: Ms. Meliha Sendić
Address: Mejdandžik 9, 72000 Zenica, BiH
Tel. /Fax No: + 387 32 40 20 49
E-mail: czppzz@gmail.com
Website: www.cenppz.org.ba

d) Citizen Association Budućnost Modriča

Citizen Association Budućnost Modriča is a NGO established shortly after the signing of the Dayton Peace Agreements. The organisation was founded by a few optimistically oriented women activists who believed in a better future and decided to take an active part in the construction of the post-war Bosnian society. Since its inception, Budućnost Modriča has always been faithful to its main strategy, i.e. to the promotion and protection of women's human rights.

Budućnost Modriča supports women who have been subjected to violence. It runs a hotline and a shelter, offering various forms of therapy and legal advice. The organisation works to prevent violence against women, and supports women in politics and in society at large. Budućnost also organises projects on peace-building and seeks to increase women's awareness of their rights.

Contact persons: Ms. Gordana Vidović, Director
Address: Živojina Mišića 4a, 74480 Modriča, BiH
Tel. No.: +387 053 820 700
Fax: +387 053 820 701
Mobile: +387 065 627 977
E-mail: gocalg@gmail.com
Website: www.buducnost-md.com

e) Forum Žena Bratunac

Forum Žena is a NGO which was established in 1999 in Bratunac. Since the foundation, the association is committed to advocate for the rights of women and girls in contact with institutions, media, and the public. The foundational values of the association are respect, trust, and solidarity in order to encourage the individual potential of female citizens. The association is voluntary, and democratic and it works in the eastern part of Republika Srpska, and the Western Balkans with the aim of preserving, defining needs and helping to solve problems of women and girls in society, particularly in politics, in the areas of public life, law, social welfare and culture.

Contact person: Ms. Stanojka Tešić, Director
Address: Kosovska bb, 75420 Bratunac, BiH
Tel. No.: + 387 56/411 143
E-mail: office@forumzena.org, zena.forum@gmail.com
Website: www.forumzena.org

f) Foundation of Local Democracy

The **Foundation of Local Democracy (FLD)** is a local NGO with a 19-year experience of work in the field. Its primary focus is on protection, promotion and advancement of human rights, especially the rights of victims of gender-based violence, community building, and creation of institutional capacity for networking and development. FLD carries out a

number of activities, including promoting and protecting human rights at all levels of social and public life, and through organising and implementing education, training, seminars, conferences and congresses; preparing and publishing brochures, books and other promotional materials, in accordance with applicable legal regulations in BiH; stimulating and supporting research projects and policies; supporting collective action of women's groups and NGOs to empower women in actively participating in the transformation of BiH society and promote their equal role in public and private spheres; fundraising and the creation of a fund to help the NGO sector in BiH and the institutions designed for their institutional and economic empowerment in accordance with applicable legal regulations in BiH; improving the social status of women through: prevention and protection from domestic violence by organising shelters, centres and private treatment centres, but also training, retraining and assistance in the organization brought in particular by providing legal assistance; promoting and protecting of children's rights especially regarding domestic violence, manipulation of children and their exploitation in any form, and by organising educational and cultural programmes dedicated to children and adults.

Contact Person: Mrs. Jasmina Mujezinović, Director
Address: Radićeva 11, 71000 Sarajevo, BiH
Tel/Fax No.: +387 33 237 240 / 236 899 / 6689
E-mail: adl@bih.net.ba

g) Foundation United Women Banja Luka

The **Foundation United Women Banja Luka** is a non-profit foundation established on 16 August 1996. The principal goal of the foundation is to improve the social status of women, and their right to a life free of violence in the family and in public life. The foundation aims to foster women's participation in decision-making positions in government institutions at all levels in BiH. The foundation's vision is "a woman conscious of her power, equal, respected, employed and happy". The foundation runs two major programme areas, i.e. preventing and combating violence against women, and strengthening the role of women in decision-making positions in BiH.

Contact person : Ms. Aleksandra Petrić, Executive Director
Address: Kalemegdanska 18, 78000 Banja Luka, BiH
Tel No: +387 51 462 146
Fax No: +387 51 463 143
E-mail: office@unitedwomenbl.org
Website: <http://www.unitedwomenbl.org>

h) Izvor-Prijedor

The **Association of Women from Prijedor - Izvor** was founded on 3 June 1996 with its headquarters in Prijedor, Bosanska Krajina region. The association represents the victims of the war in and around this region. Over the past years, Izvor has been working on the collection of data and the documenting of facts about the people from this region who were arbitrarily killed or were subjected to enforced disappearance. A concrete result from this effort is an established database and two editions of a book "Ni krivi ni dužni" where 3,227 disappeared persons from Prijedor municipality have been registered. In addition to this, Izvor gives advice and provides help to all the victims of gross

human rights violations perpetrated during the war and their relatives to realise their rights and obtain justice and reparation before domestic institutions and judicial bodies. One of the most frequent activities of Izvor is the support given to witnesses in war crimes trials before the State and other courts in BiH. Since 2008 Izvor established cooperation with the TRIAL and the two organizations are filing applications to the European Court of Human Rights and to the Human Rights Committee, as well as to the Constitutional Court of BiH, on behalf of relatives of disappeared people from the Bosanska Krajina region.

Contact person: Mr. Edin Ramulić, Project Coordinator
Address: Muharema Suljanovića 52, 79000 Prijedor, BiH
Tel. No.: + 387 52 215 635
E-mail: izvorpd@gmail.com

i) Medica Zenica

Medica Zenica is professional women's NGO, which since April 1993 has continuously been providing psycho-social and medical support to women and children victims of war, and post-war violence, including victims of war rape and sexual violence in peacetime; victims of domestic violence and victims of human trafficking. Medica Zenica's approach to women and children victims of violence, is based on humanistic values and includes the provision of shelter and psychological counselling along with medical and psychological assistance to women, children and men within a family therapy programme (psychological counselling during recovery from trauma and violence, as well as occupational therapy and economic empowerment through retraining programmes, crafting trainings for people living in rural areas). In addition to the direct work with victims of trauma and violence, Medica Zenica also conducts educational, research, publishing and advocating projects aimed at the promotion and protection of human rights, prevention of sexual and domestic violence, and combating human trafficking.

Contact Person: Mrs. Sabiha Husić (Director)
Address: Krivače 4, 72000 Zenica, BiH
Tel. No.: ++387 (032) 463 920
Tel./fax No.: ++ 387 (032) 463 924
E-mail: medica1@bih.net.ba
Web-site: www.medicazenica.org

j) Naš Glas Association

Naš Glas' mission is to break the "conspiracy of silence" through adequate dealing with the past, with the improvement of the status of social inclusion of victims and survivors of sexual violence during the war, and to continue promoting of the values of a democratic civil society, such as humanism, non-violence and tolerance. The association works on strengthening the victims and survivors of sexual violence in war through the improvement of health, economic and social status, and improvement of quality of life, social inclusion of victims and survivors of sexual violence in war, partnership and networking with institutions and associations that have similar goals, including cross-border, support to the process of building peace and coexistence among the peoples of BiH through the contribution to the development of new model and violence prevention programmes and psychosocial care.

Contact person: Ms. Mirsada Terzić (President)
Address: Turalibegova 22, 75 000 Tuzla, BiH
Tel. No.: + 387 35 257 010
E-mail: info@nasglas.ba
Website: www.nasglas.ba

k) Section of Women Victims of War in Republika Srpska

The Section was established in March 2013, aiming to unite the female population inside of Union of camp detainees of Republika Srpska. The Section advocates for the improvement of the status of women victims of war in Republika Srpska, in regard to the current law or create new one who will give rights to this population. Beside this the Section closely works with its members in order to: protect them from the public while they give a statement to the competent authorities, ensure the privacy and personal security, speed up the prosecution of crimes and provide legal and psychological help during their testimony.

Contact person: Ms. Olga Draško, President
Tel No: + 387 58 623 220, 065 654 220
E-mail: dr-zavod@hotmail.com

l) Sehara Association

The **Sehara Association** was established with the aim to help women who are victims of war to have their own space for gathering. The mission of the association is to empower and help women who survived one of the worst forms of torture in order to continue and improve the quality of their lives. The association provides women the opportunity for gathering and talking without embarrassment and shame related to what they suffered during the war. The members of the association are specialised in handcraft works, which is an aspect of working-occupational therapy.

Address: Seada Sofovića Sofe br.10, Goražde, BiH
Tel. No: + 387 062/538588
E-mail: udruzenjesehara@ymail.com

m) Snaga Žene

The association **Snaga Žene** was established in 1999 upon the initiative of women from Tuzla and the German association Vive Žene e.V. from Dortmund. The association is active in the area of Tuzla Canton and Eastern Republika Srpska. It offers psychological, social, medical, pedagogical and legal support to women, children and adolescents (refugees, returnees and displaced persons) who suffered different traumatic experiences during and after the war in BiH. Snaga Žene supports these people in retrieving their psychological balance, strengthening their family relations and in their endeavours to fit into everyday life. Snaga Žene takes part to the activity of different networks and advocates for better social, educational, police, legislative, medical and social services in order to deal effectively with the impacts of trauma, domestic violence, trafficking and general violence against women and children's problems.

Contact Person: Ms. Branka Antić Štauber, President
Address: Slanac bb, Tuzla 75000, BiH
Tel./Fax No.: + 38735 314 740, 314 741, 225 447
E-mail: s.zenebh @ bih.net.ba
Website: www.snagazene.org

n) Vive Žene

Vive Žene (Centre for Therapy and Rehabilitation) is a NGO established in 1994 that focuses on psycho-social help and support, education, and promotional-editorial activities with a multi-disciplinary, democratic and participatory approach to the work with traumatised families and individuals. The primary goal of Vive Žene is to improve the mental health of people who were subjected to torture during the conflict in BiH, minimising the effects of trauma-related disorders in the lives of tortured, raped or abused victims and facilitating their emotional healing. Vive Žene considers that the maintaining and protection of the mental health of citizens is a sound way to contribute to the reconstruction of a war-

torn society. While respecting the basic principles of humanity and human rights, the organization implements basic values laid through the work with marginalised groups, civilian victims of war and the protection of the families with children. The work carried out by Vive Žene aims at preventing torture through a multidisciplinary approach, including psychotherapy, psychosocial, social, medical and legal counselling. Accordingly, the team of Vive Žene consists of psychologists, social workers, instructors, teachers, doctors, a nurse, a psychotherapist and a legal counsel. Besides working with individuals, the organization works also in the community, with a view to foster reconciliation, representation, rebuilding of trust and reconstruction of broken relationships and reduction of ethnic barriers.

Contact Person: Ms. Jasna Zečević, Director
Address: Alekse Šantića bb, 75000 Tuzla, BiH
Tel. No.: + 387 35 224 310
Fax No.: + 387 35 224 311
E-mail: vivezene@bih.net.ba
Website: www.vivezene.ba/

o) Women's International League for Peace and Freedom (WILPF)

The Women's International League for Peace and Freedom (WILPF) is an international NGO with national sections covering every continent, an International Secretariat based in Geneva, and a New York office focused on the work of the United Nations.

Since its establishment in 1915, it has brought together women from around the world who are united in working for peace by non-violent means and promoting political, economic and social justice for all. WILPF is the first organisation to gain consultative status (category B) with the United Nations, and the only women's anti-war organisation so recognised.

Since 2013, WILPF is spearheading the Women Organising for Change in BiH and Syria project. The project focuses on the importance of taking into consideration existing experiences and empirical knowledge of women who went through an armed conflict and struggled for women rights, in an attempt to change the dominant narrative of women as victims. Through this project, WILPF advocates for women's rights to be represented at all levels in the peace-building process. WILPF puts the spot light on the peace activism of women during war and defends the human rights of women and promotes social, economic and political justice.

Contact person: Ms. Nela Porobić Isaković, Project coordinator for BiH
Tel. No.: + 387 (0)61 417 276
Website: <http://www.wilpfinternational.org/>

p) Women's Section of the Association of Concentration Camp Torture Survivors Canton Sarajevo

The **Women's Section of the Association of Concentration Camp Torture Survivors Canton Sarajevo** functions as part of the Union of Concentration Camp Torture Survivors of Canton Sarajevo (formed in 1997) and it is an NGO that gathers women who were forcibly taken away and interned in concentration camps during the war in BiH. The Women's Section has about 1,000 members out of which around 60% came from Eastern Bosnia: Foča, Rogatica, Rudo, Višegrad, Čajniče, while around 40% from the area of Sarajevo Canton. Most of the members of the association suffered the worst possible psychological and physical torture, rape or other forms of sexual violence which deeply affected their mental and physical health. The Women's Section works with people who consider themselves persons who have been changed forever and for whom it is unlikely that they would ever be able to function in line with their role in the family and society. The Women's Section offers to these victims the following programmes of support: computer literacy; English school; sewing classes; nature empowerment programme; human rights classes; discount on bus tickets; support packages (including food and hygienic items); medical and psychological support in collaboration with the Centre for

Victims of Torture; and massage treatments in collaboration with "Healing Hands Network". Ten members of the Women's Section participated in the award-winning film Grbavica directed by Ms. Jasmila Žbanić.

Contact person: Mr. Almin Dželilović, President

Address: Canton Sarajevo - 7 Saraći, Sarajevo, 71000, BiH

Tel. No.: +387 33 232 925

E-mail: Sulks3@bih.net.ba

Website: <http://www.accts.org.ba>