



An investment in Bosnia and Herzegovina's future: Compensating survivors of wartime sexual violence

Economic disadvantage is one result of sexual violence during the Bosnian War

Written by [Balkan Diskurs](https://globalvoices.org/author/balkan-diskurs/) [https://globalvoices.org/author/balkan-diskurs/].

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[https://globalvoices.org/wp-

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Sarajevo, the capital of Bosnia and Herzegovina, was subject to a brutal [siege from 1992 to 1996](https://en.wikipedia.org/wiki/Siege_of_Sarajevo)

[https://en.wikipedia.org/wiki/Siege_of_Sarajevo]. Photo from 2019 by Filip Stojanovski/Global Voices, (CC-BY 4.0)

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“The topic [of compensating survivors] is still young and there are many things that have to be discussed, improved, and written on paper. The good thing is that something is happening now, and it is not something that will stop.” – Alma Taso Deljkovic, [Head of the Witness Support Office of the Court of BiH](http://www.sudbih.gov.ba/) [http://www.sudbih.gov.ba/]

The sexual violence endured by women and men during the [Bosnian War](https://en.wikipedia.org/wiki/Bosnian_War) [https://en.wikipedia.org/wiki/Bosnian_War] has had a concrete and lasting impact on survivors. One of the ways this manifests itself is economically. Whether because of physical disability, psychological trauma or community stigmatization, many survivors face barriers to earning a living, which, unfortunately, may lead to a permanent reduction in their quality of life. Granting survivors reparations for what they have suffered helps them reclaim their past and build a better future, a necessary step in overcoming the legacy of conflict-related sexual violence (CRSV). But economically empowering survivors is not the only crucial function of reparations. [As outlined by the International Center of](#)

[Transitional Justice](https://www.ictj.org/our-work/transitional-justice-issues/reparations#:~:text=With%20their%20material%20and%20symbolic,funded%20measure%20of%20transitional%20justice.) [https://www.ictj.org/our-work/transitional-justice-

issues/reparations#:~:text=With%20their%20material%20and%20symbolic,funded%20measure%20of%20transitional%20justice.], granting reparations to survivors expresses “to victims and society more generally that the state is committed to addressing the root causes of past violations and ensuring they do not happen again.”

However, despite the clear need for reparations, the complicated practices of courts in Bosnia and Herzegovina (BiH) often prevent survivors from obtaining compensation.

Ostensibly, there are laws that entitle survivors of sexual violence to monetary compensation across BiH, particularly the national [Law on Protection of Civilian Victims of War](https://evaw-global-database.unwomen.org/es/countries/europe/bosnia-and-herzegovina/1999/law-on-social-protection--protection-of-civilian-victims-of-war-and-protection) [https://evaw-global-database.unwomen.org/es/countries/europe/bosnia-and-herzegovina/1999/law-on-social-protection--protection-of-civilian-victims-of-war-and-protection], which was an important first step that shouldn't be overlooked. With that said, this law is applied unevenly across the different entities of BiH. For example, unlike the Federation of BiH, [Republika Srpska](https://en.wikipedia.org/wiki/Republika_Srpska) [https://en.wikipedia.org/wiki/Republika_Srpska] [does not](https://www.amnesty.org/en/documents/eur63/7219/2017/en/) [https://www.amnesty.org/en/documents/eur63/7219/2017/en/]. recognize survivors of sexual violence as a separate category within the umbrella status of civilian victims of war, and the application deadline for those seeking reparation was in 2007. These barriers and [numerous others across the entities](https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/reparations-for-conflict-related-sexual-violence-en.pdf?la=en&vs=31041) [https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/reparations-for-conflict-related-sexual-violence-en.pdf?la=en&vs=31041], including inconsistent requirements for medical certificates and proof of physical damage, have led the UN Committee against Torture to [order BiH](https://trialinternational.org/wp-content/uploads/2021/06/News_BiH_Compensation_20210506.pdf) [https://trialinternational.org/wp-content/uploads/2021/06/News_BiH_Compensation_20210506.pdf] to “establish an effective reparation scheme at the *national* level.” Unfortunately, today there is still no such law in place.

The final step for survivors seeking reparations is going through court proceedings. However, pursuing this option in BiH has been extremely difficult and discouraging for survivors, with many giving up and not seeking reparations at all. The main problem lies in how compensation claims are dealt with by courts. According to a report by the [Organization for Security and Co-operation in Europe](https://www.osce.org/mission-to-bosnia-and-herzegovina/324131) [https://www.osce.org/mission-to-bosnia-and-herzegovina/324131] (OSCE), many courts have been reluctant to grant such claims, instead referring survivors of CRSV to civil proceedings following the conclusion of the criminal trial. This practice has had devastating consequences for survivors; most give up on pursuing reparations to avoid the trauma of re-testifying and losing the privacy granted by protective measures in criminal proceedings. Essentially, survivors are forced to choose between their privacy and their right to claim non-material damages.

Notwithstanding these obstacles, progress has been made in recent years. Alma Taso Deljkovic, head of the Witness Support Office of the Court of BiH, explained during a July 6 interview that a crucial turning point in Bosnia came via a 2015 decision of the Court of BiH that granted compensation to a CRSV survivor during a criminal proceeding for the first time. Since then, courts have increasingly discussed compensation claims in criminal proceedings, only referring survivors to civil proceedings when evidence is insufficient. However, according to Deljkovic, there is room for improvement.

With the issue finally in the spotlight, it is likely that improvements can continue in the coming years, thanks to joint efforts between the relevant authorities and civil society organizations (CSOs). For instance, CSOs like [Trial International](https://trialinternational.org/) [https://trialinternational.org/] are working in the country to inform survivors of what their rights are and what they can do to obtain reparations. Lejla Heremić, director of Social Pedagogy at the survivor-supporting organization [Medica Zenica](https://medicazenica.org/en/) [https://medicazenica.org/en/], said in an interview that the Federal Ministry of Labor and Social Policy has granted the organization the ability to issue survivors' certificates that maintain their “civilian victim of war” status. This, she said, has encouraged many survivors to come forward to Medica Zenica, receive a certificate, and pursue monetary reparations after.

Work is being done on an international level, as well. The [Global Survivors Fund](https://www.globalsurvivorsfund.org/) [https://www.globalsurvivorsfund.org/] (GSF) is a new, but outstanding Geneva-based organization which, as explained by their Communications Advisor Maud Scelo, emerged in 2018 from the work of Dr. Denis Mukwege and Nadia Murad, who received the Nobel Peace Prize for their efforts to end CRSV in 2018. The [Global Reparations Study](https://www.globalsurvivorsfund.org/guide) [https://www.globalsurvivorsfund.org/guide], a project that the GSF is currently undertaking, focuses on the status of reparations for survivors of CRSV in over 20 countries, including BiH.

As Scelo explained, securing reparations is an extremely complicated ordeal for survivors, who often have to deal with the unwillingness of states to grant judicial reparations, and excruciatingly long wait times. Moreover, no universal solution exists; reparations take different forms depending on the specific context, country, culture and gender of the survivor. Indeed,

compensating survivors is just [one of many forms](https://www.ictj.org/our-work/transitional-justice-issues/reparations#:~:text=With%20their%20material%20and%20symbolic,funded%20measure%20of%20transitional%20justice.) [https://www.ictj.org/our-work/transitional-justice-issues/reparations#:~:text=With%20their%20material%20and%20symbolic,funded%20measure%20of%20transitional%20justice.] of reparations.

In addition to the recognition of non-material damages before courts, economic reparations can also come in the form of a monthly salary, physical and psychological rehabilitation, education funding for the children of survivors, the coverage of health care costs, and more. The GSF's purpose is to step in when states are unable or unwilling to provide survivors with effective reparations. Vitrally, their initiatives utilize survivor-centered approaches, including understanding and mapping survivors' real-life needs, providing interim reparative measures when legal reparations are lacking, guiding CSOs and national authorities, and advocacy campaigns aimed at national and international authorities that ensure that reparations stay at the top of the political agenda.

Nonetheless, in a country such as BiH, shared historical truth can be hard to come by, especially in politics, making broader collective reparation policies an uphill battle. Thus, investing economically in the future of CRSV survivors is imperative if the state is to acknowledge their responsibility and repair past damage to the extent that it is possible. Finally, compensating those who have suffered can build trust in the government, which is critical if BiH is to heal the broken relationship between CRSV survivors and the state—for a democracy that casts one group aside fails all of its people.

This article is part of the series “Progress and Challenges in Addressing Conflict-Related Sexual Violence,” highlighting the experience of survivors of conflict-related sexual violence in Bosnia and Herzegovina and abroad. The series comprises the following articles:

- [Dealing with the legacy of wartime sexual violence in Bosnia and Herzegovina](https://globalvoices.org/2021/08/10/dealing-with-the-legacy-of-wartime-sexual-violence-in-bosnia-and-herzegovina/) [https://globalvoices.org/2021/08/10/dealing-with-the-legacy-of-wartime-sexual-violence-in-bosnia-and-herzegovina/]
- [Supporting witnesses: First step towards ending impunity for war crimes in Bosnia and Herzegovina](https://globalvoices.org/2021/08/17/supporting-witnesses-first-step-towards-ending-impunity-for-war-crimes-in-bosnia-and-herzegovina/) [https://globalvoices.org/2021/08/17/supporting-witnesses-first-step-towards-ending-impunity-for-war-crimes-in-bosnia-and-herzegovina/]
- [An investment in Bosnia and Herzegovina's future: Compensating survivors of wartime sexual violence](https://globalvoices.org/2021/09/23/an-investment-in-bosnias-future-compensating-survivors-of-wartime-sexual-violence/) [https://globalvoices.org/2021/09/23/an-investment-in-bosnias-future-compensating-survivors-of-wartime-sexual-violence/]
- [Combating Stereotypes: Recognizing Male Victims of Wartime Sexual Violence](https://globalvoices.org/2021/10/04/combating-stereotypes-the-need-to-recognize-male-victims-of-wartime-sexual-violence-in-bosnia/) [https://globalvoices.org/2021/10/04/combating-stereotypes-the-need-to-recognize-male-victims-of-wartime-sexual-violence-in-bosnia/]

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