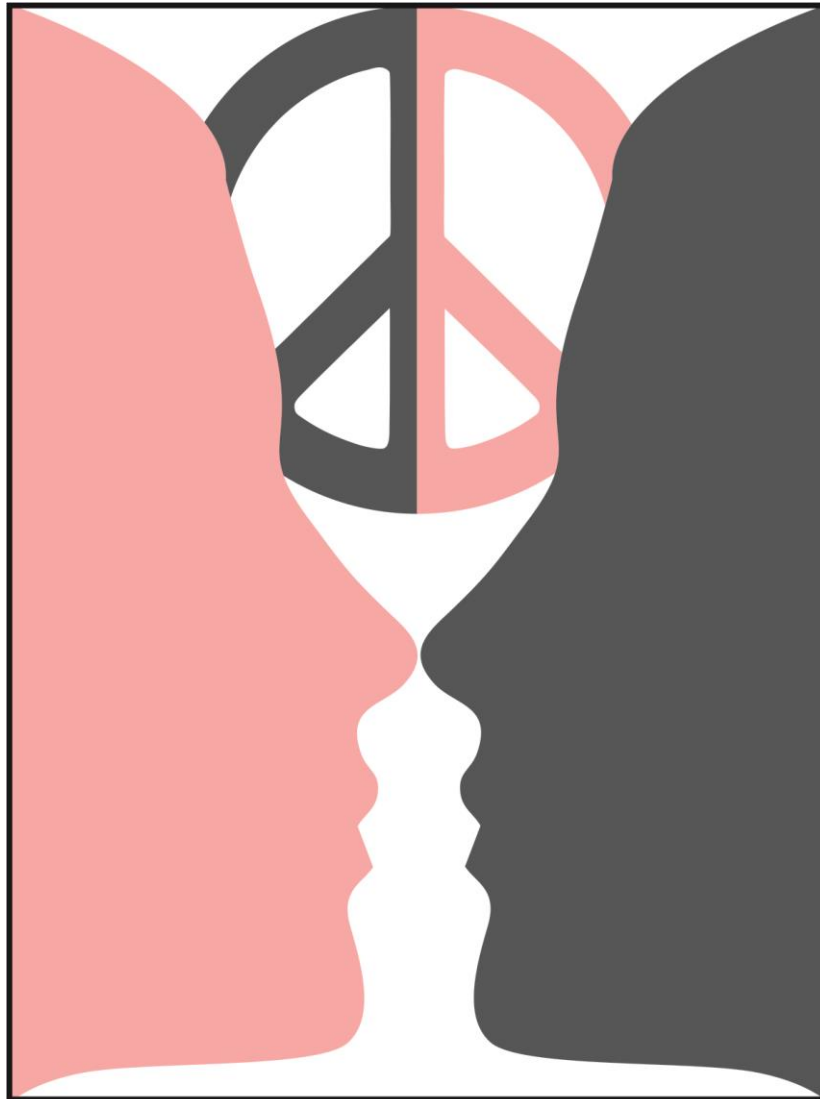


GENDER ASPECTS OF PEACE-BUILDING IN BOSNIA AND HERZEGOVINA POLICY DOCUMENT



Mir sa Ženskim Licem

The Initiative “Peace with Woman’s face” (“Mir s ženskim licem”) is an initiative for dealing with the past, coordinated by Foundation "Lara" from Bijeljina and "Horizonti" from Tuzla, and supported by the Kvinna till Kvinna Foundation. The Initiative involves 12 women's civil society organizations from nine towns in BiH: UG "Buducnost" (Modrica), CURE Foundation (Sarajevo), Most (Visegrad), Center for Legal Assistance to Women (Zenica), "Forum zena" (Bratunac), "Zena BiH" (Mostar), "Women Citizens Association Grahovo" (Grahovo), "Glas zena" (Bihac), Helsinki citizens' Assembly (Banja Luka) and Foundation United Women (Banja Luka).



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1. Summary

This Policy document aims at offering possible solutions to the process of peace-building in Bosnia and Herzegovina (BiH), which unambiguously include the gender perspective as well as the specific knowledge and experiences of women in this field. All information set forth in this document are the result of intensive work in the field and with women of different profiles.

The proposals and recommendations contained in this document relate to several key areas: the culture of memory and truth-telling, reparations, institutional reform and integrated security. Each of these topic is important to the peace-building in BiH with particular attention to the role of women. This document gives a number of recommendations on how to efficiently involve women in these processes, while at the same time considering their specific needs. Special value of these recommendations is the fact that women appear as beneficiaries but also as initiators and leaders of peace activities. The proposed measures are entirely the result of the contribution of 213 women – participants and represent a starting point for further development of plans, strategies and activities of the Initiative "Peace with women's face" and as well as other interested parties, such as relevant institutions, civil society organizations, the media and others who directly or indirectly can and should enable an environment of peace in BiH that will ensure that women, as one of the most vulnerable groups in our society, exercise and achieve their rights to safety, protection and equality.

2. Background

According to the demographic report of the International Criminal Tribunal for the former Yugoslavia, the number of killed citizens of BiH during the armed conflict (1992-95) amounts to 104,732. Out of it, the total numbers of killed 36,700 were civilians, of which were 7,974 women¹. Although there are no official data, it is estimated that at least 20,000 women were raped or experienced sexual violence during armed conflicts in BiH². Accurate data on the number of women who were detained in camps and other facilities are not available, neither are data on the number of women who are registered as missing persons. So far, the institutions had taken no initiative to officially establish a number of: a) casualties, b) persons detained in camps and other facilities, c) persons whose physical or mental health has been seriously damaged through war, d) refugees or internally displaced persons, e) persons who were forced to work, f) persons who have lost their property and employment as a result of the war. These data (classified by age, gender, geographical origin) should serve as the basis for the design and implementation of strategies for reparations, rehabilitation, truth-telling and institutional reforms. Due to the lack of official initiatives, activities aimed at supporting people who are direct and indirect victims of the war were carried out by non-governmental organizations, which eventually built their capacity to provide psychosocial support to civilian victims of war and to

¹ http://www.icty.org/x/file/About/OTP/War_Demographics/bcs/bih_referat_konf_100201.pdf

² <http://trial.ba/wp-content/uploads/2015/10/Izme%C4%91u-stigme-i-zaborava-Vodi%C4%8D-za-odbranu-prava-%C5%BEena-%C5%Bertava-silovanja-ili-drugih-oblika-seksualnog-nasilja-u-Bosni-i-hercegovini.pdf>

advocate towards the institutions. Peace-building activities should be an integral part of institutional efforts in addressing war consequences.

The activities of the Initiative "Peace with Women's face" implemented during 2015-2016 draw on previous achievements in empowering women to deal with the past and are based on the consultative process including 12 women's organizations from BiH – members of the Initiative – with the intention to contribute to the equal participation of women in public and political life in BiH. Moreover, it aimed at defining priorities and empowering women to advocate for engendering transitional justice policies.

The process of developing the Platform for women's priority for transitional justice is a result of joint efforts of 213 women from BiH who have participated in 12 consultative meetings of local peace networks and three inter-entity dialogue workshops (Federation of BiH and Republika Srpska entities).

Participants are women human right defenders from women organizations and the women's movement, women from rural areas, educational sphere, women in politics, and women in the media. Diverse economic and educational background of participants from different local communities and entities, and various experiences and lessons learned during the war and post-war period, have added value to the consultation meetings and thus to improving transitional justice policies in BiH.

3. International and legal framework

Through the ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women, BiH has made a commitment to ensure full equality of women and men in all spheres of life, which is crucial for the protection of human rights, respect for the rule of law, democracy, and economic development.

In October 2000, the UN Security Council adopted the Resolution 1325 on "Women, Peace and Security", which for the first time recognizes the importance of gender-sensitive approach in the design and implementation of activities in the field of building lasting peace and conflict prevention and resolution, as well as equal participation of women in decision-making processes in this context. As a result, BiH adopted an Action Plan for the implementation of the Resolution - first time in 2010, and second time, in December 2014 for the period 2014-2017.

Equality between women and men in BiH, in addition to international commitments reflected in the domestic legal framework, is proscribed by the Law on Gender Equality in BiH and Anti-Discrimination Law. Rights of women belonging to a specific group of direct and indirect victims of the war in BiH are recognized at the entity level. In Republika Srpska – by the Law on Protection of Civilian Victims of War, and in the Federation of BiH through the Law on Social Protection, protection of civilian war victims and protection of families and children. In Brcko District, this matter is regulated by the Decision on the protection of civilian victims of war of the Brcko District Assembly.

In Republika Srpska, the relevant legislation governing the rights of civilian war victims such as the right to a civil or family disability allowance, allowance for care and assistance of another person, health care, access to education and employment³. But the existence of the legal deadline for applying for recognition of these rights under this Act expired on 21st December 2007 and

³ Article 2 and Article 8 of the Law on civilian victims of war in RS.

left many without the possibility to exercise their rights. In the Federation, the law makes a distinction between civilian victims of war and a status of victims of war, and defines the rights of the individual in the context of protection, recognizing the status of civilian victims of war to people who suffered a physical disability below 60% or significant impairment of health⁴. Law of the Federation of BiH does not provide legal deadline for submission of applications, which enables persons who suffer damage to apply afterwards. However, this law stipulates that the applicant has registered residence in the Federation, thus for the returnees in RS, this means their rights cannot be achieved nor in RS, nor in the territory of the Federation.

At the state level there is no single law on the rights and protection of victims of war, which would equally regulate the statutory rights of civilian war victims, regardless of their place of residence, nationality, ethnicity, religion, sex and gender. Although the Committee against Torture, that is established on behalf of the UN to monitor the compliance with the Convention against Torture and 6 Other Cruel, Inhuman or Degrading Treatment or Punishment, which BiH signed and ratified on a number of occasions, has pointed out the need to adopt a law on the civilian victims of war at the state level, to this day this has not happened. The state law would enable equal access to all the victims of war in the exercise of their statutory rights, provide a uniform definition of the circumstances that led to a person's status of civilian victims of war, and devise mechanisms to protect the civilian victims of war through the prism of their needs.

Women victims/survivors of war, due to non-compliance of the entity regulations are particularly exposed to marginalization and lack of their rights, especially in the area of reparations. Other areas of the wider process of peace-building, such as the field of truth-telling are not regulated by law, except in the framework of the Law on Missing Persons of BiH, which covers only a narrow set part of the process of truth-telling. Other forms of memorialization and commemorations are not recognized by the legal regulations.

4. Main findings

As recommended by participants', main findings were defined in relation to the current situation and the perceived problems within five thematic areas: *culture of remembrance, truth-telling, reparations, institutional reform and integrated security*.

Culture of remembrance and Truth-telling

- **Creating a safe space at local level in which women can tell their experiences from the war period, including positive stories.**

Previous initiatives in the field of culture of remembrance and truth-telling in BiH are largely related to the experiences of women who have been victims of conflict-related sexual violence. From war to the present day, these two categories of women are visible in the context of women affected by the war. Limited space is left for stories of women who do not belong to these categories, which resulted in the marginalization and exclusion of a large number of women in the context of truth-telling, trauma recovery and rehabilitation. Opening space for the voices and

⁴ Art. 54 of the Law on Social Protection, Protection of Civil War Victims and Families with Children

stories of women who have different experiences from the war, but not the dominant victims of gender-based and/or conflicted-related sexual violence, would contribute to:

- social acceptance of the general assumption that women's experiences of war are significantly different from the experiences of men, and that war experiences and traumas should also be considered from the gender-sensitive aspect
 - social, and institutional recognition of women victims of the war beyond the scope of women victims of gender-based and/or conflicted-related sexual violence
 - coming out with positive stories from the war, which promote solidarity and humanity and that are told from woman's point of view.
- **Founding the Memorial Day to Remembrance of the suffering of women in the war in BiH, and establishing the culture of remembrance on the women victims of war**

Despite the fact that the suffering of women in war are often in the public spotlight, especially through the prism of conflict-related sexual violence, initiatives to create an official culture of memory that is dedicated to the suffering of women is very sporadic and mainly conducted by few civil society organisations who are striving for gender equality and woman human rights. Broader social initiatives dealing with different aspects of women's suffering in the war in BiH, unfortunately, do not exist. Recognizing the need for a gender-sensitive approach to the process of truth-telling, would result in:

- recognizing the suffering of women in the war in BiH not as collateral damage of war, but as a deliberately applied tactic of war,
- women victims/survivors of war in BiH not being regarded as a "second-class victims", but as equal to the needs and rights
- institutional recognition of the reality that women in the war in BiH went through, to which the State and the society must provide adequate response.

➤ **Identify and publicly promote war heroines**

Past practice in BiH points to the fact that heroines of war in BiH are mentioned only if they were members of one of the army that were active during the war or proven as women combat soldiers, brave and willing to take the initiative on the frontlines. However, heroines who were not carrying weapons and uniforms, but still showed courage and initiative, humanity and empathy, are not visible in the culture of remembrance. They are even deliberately ignored, and their stories are sometimes hidden, because they do not fit the generally accepted ethno-national perceptions. Public promotion of war heroines would:

- demilitarize the image of women in the war, which implies that women can show their courage and strength in other ways not only if they are involved in military formation
- spread understanding of the heroic conduct in the war, which includes various forms of behavior of individuals in difficult and dangerous times
- offer a new perspective for confidence building and normalization of social relations

➤ **To establish peace programs for women within state institutions**

The institutional framework for women's peace initiatives is needed in order to:

- contribute to the empowerment of ordinary women to be bearers of peace activities and positive social change, which can increase their social and political engagement, and improve their overall psychological well-being
- increase the number of peacekeeping activities designed in a way to suit the needs of ordinary women, which will as such have a greater impact on the target groups.
- show that the institutions recognize the importance of women's peace activities, create space and provide resources for their realization

Reparations, institutional reform and integrated security

➤ Strengthen existing structures to provide psychological support to women victims of war

Mental health centers within entity institutions do not have enough capacity to adequately respond to the needs of different groups of victims of war, including women. An additional aggravating circumstance is the fact that these institutions are static, and people who live in remote places and remote villages in most cases have no information that these institutions even exist. Furthermore, to ask for psychological support is still considered taboo, and people who seek this type of help are often perceived as mentally unstable. However, increasing the psychological support especially for women victims of war would:

- significantly reduce the number of post-war traumatic disorders and support their reintegration process in life and society
- impact on reducing domestic violence, which is the result of mental imbalances, including the reduction of trans-generational trauma
- increase their public, social and economic engagement

➤ Facilitate access to rights for women victims of war, through the amendment of the normative framework and social environment through which victims should exercise their rights

In BiH there is still no overarching law on civilian victims of war, through which the women war victims may exercise their right to rehabilitation, compensation and other forms of reparation. An improved legislation would:

- increase the number of women beneficiaries of rehabilitation, which would speed up their recovery and reintegration into life and society
- improve the institutional recognition of women's suffering during the conflict

5. Recommendations

The recommendations presented below have been initiated by participants for the institutions and key stakeholders.

Local governments

Thematic fields: Culture of memory and truth-telling

Responsible institutions: The Municipal/City department of social services

The goal: Create a safe space at local level in which women can tell their experiences from the war period, including positive stories.

Measures	<ul style="list-style-type: none"> ▪ at the level of local communities organize truth-telling sessions where women will have the opportunity to speak out about their own wartime experiences, fears, traumas or the positive experiences from that period ▪ design and implement institutional or non-institutional self-assisting groups for war widows, women who were mobilized in the army, etc., and thus provide opportunities that women with similar experiences can help one another in the process of social and personal (re)integration
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Objective: To establish peace programs for women at the state level

Measures	<ul style="list-style-type: none"> ▪ Establish a fund for women's peace activities, which would be implemented at the local level, by women's informal groups and that would be focused on the needs of women. The Fund could be established at the central level, ie, within the Ministry for Human Rights or local level of local administration
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Thematic fields: Reparations, institutional reforms, integrated security

Responsible institutions: Public Health – Mental Health Centers

Objective: To strengthen the existing structure to provide psychological support to women victims/survivors of war

Measures	<ul style="list-style-type: none"> ▪ design and implement additional training for the staff of the Centers for Mental Health, which will focus on topics that are especially important for women victims of war ▪ establish <i>Mobile teams</i>, which will regularly visit remote local communities and villages in their jurisdiction, and provide services on the "spot"
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Thematic fields: Culture of memory and truth-telling

Responsible institutions: The municipal/city/assemblies/parliaments

Objective: To facilitate access to the rights of women victims of war, the changes to the

social environment in which the victim/survivor must exercise their rights	
Measures	<ul style="list-style-type: none"> ▪ creation of local policies and action plans for a reinforced and focused economic and psychological support to women victims of war ▪ adoption of the program of support to employment, self-employment and launching a start-up business for women victims/survivors of war, with a focus on rural areas and their members/families ▪ development and adoption of local regulations for the construction and maintenance of the monument commemoration, which serve the culture of remembrance, and equally include a gender perspective

Ministry of Health at the entity level and Brcko District

Thematic fields: Reparations, institutional reforms, integrated security

Responsible institutions: Department of Public Health

Objective: To strengthen the existing structure to provide psychological support to women victims of war	
Measures	<ul style="list-style-type: none"> ▪ institutionalize Economic co-operation between mental health centers and specialized NGOs for psychological counseling and support for women victims of war through the MoU and other forms of formalized cooperation ▪ implement promotional campaigns to encourage citizens to use the services of the Centers for mental health, including existing or newly established hotlines and other forms of psychological support

Ministry of Education – Entities and Brcko District of BiH

Thematic fields: Culture of memory and truth-telling

Responsible institutions: Sector of Culture

Objective: Establishing the Day of Remembrance of the suffering of women in the war in BiH	
Measures	<ul style="list-style-type: none"> ▪ Through the special fund for the creation of women's literature animate and support educational institutions or associations and civil society organizations that will collect and publish literature that deals with different war experiences. This fund should be set up within the Ministry for Human

	<p>Rights, but also through the Entity Ministry of Education</p> <ul style="list-style-type: none"> ▪ Establish Memory Museums which will serve to display the suffering of women in the war, including stories of mobilized women, soldiers, housewives, war widows
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The Ministry of Human Rights and Refugees

Thematic fields: Culture of memory and truth-telling

Responsible institutions: Sector for Refugees from BiH and Displaced Persons and Housing Policy, Department of Human Rights, Gender Equality Agency in BiH

Objective: Establishing the Memorial Day to pay respect to the suffering of women in the war in BiH	
Measures	<ul style="list-style-type: none"> ▪ establish a national day of remembrance of the suffering of women during the war in BiH (included in the list of public holidays in both entities and Brcko District), which would be freed of ethnic, religious, national context, and exclusively focused on the memory of the suffering of women. ▪ Through the special fund for the creation of women's literature animate and support educational institutions or associations and civil society organizations to gather, process and publish literature that deals with different war experiences of women. This fund should be set up within the Ministry for Human Rights, but also through the Entity Ministry of Education.
Objective: To facilitate access to rights of the women victims of war, the changes to the legislative framework and social environment through which victims should exercise their rights	
Measures	<ul style="list-style-type: none"> ▪ Adopt the Law on civilian victims of war at the state level, which will provide the same level of rights to all civilian victims of war

The media

Thematic fields: Culture of memory and truth-telling

Responsible institutions: The media, journalists' associations, portals

The goal: Create a safe space at local level in which women can tell their experiences from the war period, including positive stories.	
Measures	<ul style="list-style-type: none"> ▪ Collect positive stories of women from the war, and through a variety of traditional and modern media in BiH affirm these positive stories

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| | <ul style="list-style-type: none"> ▪ To promote women's peace initiatives and achievements |
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Civil society organizations

Thematic fields: Culture of memory and truth-telling

Responsible institutions: NGOs that focus on relevant topics

Objective: Establishing the Memorial Day to pay respect to the suffering of women in the war in BiH	
Measures	<ul style="list-style-type: none"> ▪ Design and run Civic Initiative for the memory of the women in the war, which would support the setting up of a joint memorial for the women victims of the war, changing the names of streets and institutions, which bore the names of prominent women who were either victims or heroines of the war.
Objective: To identify and publicly promote heroines of war	
Measures	<ul style="list-style-type: none"> ▪ Create an Archive of heroines of war in Bosnia, which will record stories of women who have distinguished themselves through their heroic behavior, with a special focus on women who were not soldiers ▪ Publish a book of 100 heroines of our time, which will include hundreds of stories of courageous women who have shown initiative, humanity, courage, solidarity and decisiveness in times of war. ▪ Collected material in this research process should also serve as a basis for initiating the change of the names of streets, institutions, so to ensure that the identified heroines are celebrated throughout streets, institutions, parks, etc.

6. Glossary

Truth-Telling

One of the mechanisms of transitional justice is a fact-finding and truth-telling. In theory and practice of transitional justice terms "truth-telling" and "search for truth" often are used interchangeably, but there are subtle differences. Specifically, the "search for truth" means the continued need for information, ie. for research and for spreading knowledge about the past. The term "truth-telling" refers to the processes through which the state and society tell stories about past traumatic periods, such as armed conflict, and recognizes the need to speak and to be heard, and to share experiences about what has happened and what gives a sense of empowerment and recognition to those who are most affected (victims).

The definition of "victim"

This document uses the definition of the term "victim" in paragraph 8 of Resolution 60/147 of the *General Assembly of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. *Victims are persons who, individually or in group suffered harm, including physical or mental injury, emotional suffering, economic loss or a serious violation of their fundamental rights through acts or omissions that constitute gross violations of international human rights law or serious violations of international humanitarian law. When appropriate and in accordance with domestic law, the term "victim" also includes the immediate family members or protégés of the direct victim and persons who have suffered damage in an effort to assist victims in distress or to prevent their victimization.*

Civilian Victims of War

For the purpose of the document will be used the following definition of the term "civilian war victims".

The civilian victim of war is the person who, during the war or of imminent danger as a result of wounds suffered damage to the body, including mental damage or significant impairment of health or death of the person in the period from 30 April 1991 to 14 February 1996.

The victim of torture

The victim of torture is a person who has suffered damage to the body or substantial impairment of health due to torture, inhuman or degrading treatment, sexual violence, rape, unlawful punishment, unlawful detention in detention centers and forced labor during the war or imminent threat of war in the period from 30 April 1991 to 14 February 1996.

A missing person is considered a victim of torture and covered by this definition, according to the definition of "missing person" in Article 2 (1) of the *Law on Missing Persons of BiH: A missing person is a person of whom the family has no news and / or is reported on the basis of reliable information as a missing person as a result of the armed conflict that occurred in the former Yugoslavia. This law applies to persons who disappeared in the period from 30 April 1991 to 14 February 1996.*

Women victims of war

A woman who in the war and postwar period, directly or indirectly had suffered and is still suffering the consequences of the war caused by different circumstances, inter alia, sexual violence, mobilization, the job description, detention, expulsion, exile, invalidation, loss of family members, loss of economic and social status and employment, etc.

Detention Site

The relevant international documents, such as the Third Geneva Convention (prisoners of war) and the Fourth Geneva Convention (on the protection of civilians in armed conflict), there is no definition of the term concentration camp, the detention centers, the collection center and so on. This document uses the term "detention site" in a generic and descriptive sense. This concept includes the facts of individual and mass unlawful imprisonment or closing people with the existence of a legal basis, that have taken place across the country during the armed conflict of 1992 - 1995 and which were carried out criminal activities such as ill-treatment, torture and other cruel, inhuman or degrading treatment.

Armed conflict and war

We use "armed conflict" and "war" as synonyms. The need for clarifying the above mentioned terms is due to the fact that practitioners and theorists of the concept of transitional justice use these terms differently, and refer to "internal conflict" (armed conflict), ie. "international conflict" (the war). This reasoning is not argument in international law. Also, in recent relevant international documents, such as the additional protocol to the Geneva Convention, the term "armed conflict" is widely used. International humanitarian law the term "armed conflict" is using in a broad sense and includes both internal and international conflict. Specifically, in the Tadic case, which was conducted before the ICTY, the decision on interlocutory appeal (Eng. Interlocutory appeal - special / temporary / previous appeal by one of the parties starts during the proceedings, while decisions on the merits of the case is still pending) defense on Jurisdiction of 2 October 1995, at paragraph 70 is given the following definition of armed conflict: ***An armed conflict exists whenever there is resort to armed force between states or protracted armed violence between governmental authorities and organized armed groups or between such groups within a state. International humanitarian law applies from the initiation of such armed conflicts until the end of hostilities, or until the conclusion of peace or, in the case of internal conflicts, until a peaceful settlement. Until that moment, international humanitarian law applies to the entire territory of the warring states or, in the case of internal conflicts, the whole territory under the control of a party, regardless of whether the water is there fighting or not.***