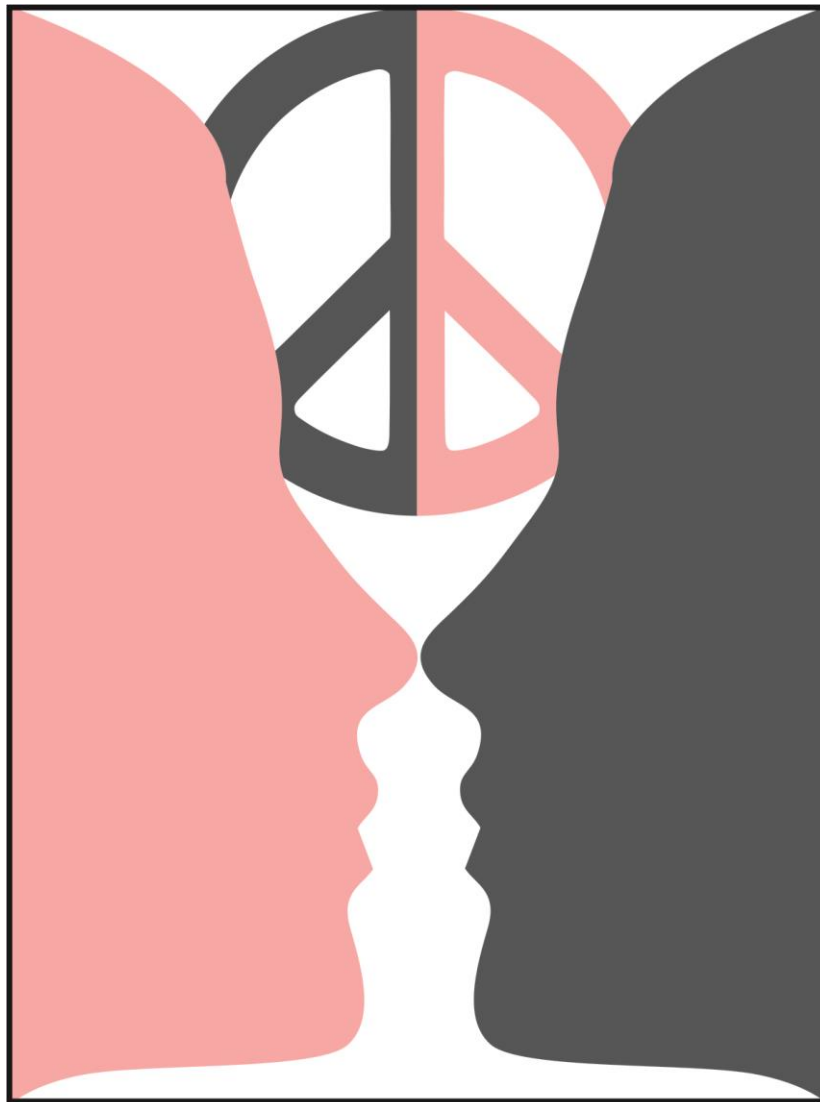


**PLATFORM OF WOMEN'S PRIORITIES IN  
TRANSITIONAL JUSTICE POLICIES IN BIH**

*Mir sa Ženskim Licem*



The Initiative “Peace with Woman’s face” (“Mir s zenskim 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. The demographic structure of participants

During May and June 2016, a series of workshops/consultative meetings with the participation of 65 women of different age, education, and ethnicity from Sarajevo, Banja Luka, Bijeljina, Tuzla, Zenica, Modrica, Grahovo, Mostar, Bihac, Bratunac, Visegrad took place, as follows:

- I. workshop, Brcko, on 28 and 29 May 2016
- II. workshop, Brcko, on 4 and 5 June 2016
- III. workshop, Jahorina, on 28 and 29 June 2016

The main goal of these meetings was to gather recommendations from the participants and guidelines related to:

- a) A desirable course of action in the field of transitional justice in Bosnia and Herzegovina
- b) Current measures and activities undertaken in this field

When it comes to participants, more than 80% come from small or large urban areas, while around 20% of them live in villages. This fact probably affects their perception of certain processes of transitional justice, and certainly influences their personal perspective about the usefulness of various existing transitional justice mechanisms.

Half of the participants have a university degree, something around 12% of them have a bachelor degree and 30% them completed high school education. These parameters show that we had the opportunity to work with, on average, quite educated women in their communities. We should bear in mind that the recommendations and information gathered would have very probably been different if the educational structure was different.

Less than 50% is employed, 23% unemployed, 20% of them are pensioners and about 5% are students. More than 70% of women are in some way socially active in their local environment, of which 70% are active in civil society organisations and different citizen's initiatives, and 30% are members of political parties. Finally, a large percentage of women has survived certain form of violence during the war or as a consequence of the war situation: almost 50% have been forced to change the place of residence, close to 15% have lost their jobs during the war, nearly 30% had lost a family member and around 12% experienced different types of violence.

Around 10% of women are eligible for compensation based on the suffering they experienced during the war. Only about 11% of women received financial help for the reconstruction of their household. This data shows a great disproportion between losses, physical and psychological aspect, and material compensations.

## 2. A method used

The method used during the workshop was a combination of presentations and keynote speeches (30% of the time) and interactive work with the participants (70% of the time) during which they had opportunity to talk, reflect on, seek clarification of certain concepts, and direct the discussion toward what is most relevant to them.

This method requires a lot of flexibility and willingness to improvise, but leaves a lot of space for the discussion to be tailored to the specific needs of women. Also, the chosen method is quite close to the method of open dialogue group in which coordinators act as facilitators and unobtrusively stir the discussion, while the selection of topics, length and intensity of the discussions are primarily adjusted to the needs of the group.

This moment of real and present dialogue was the deciding factor for many participants to actively engage in the discussion. The need for a dialogue was evident. The tension that could be felt at the beginning of the work soon disappeared thanks to recalling the most "neuralgic" points – challenges of war, and, in particular, the post-war survival; shared concerns over the deeply rooted enemy images; experience of leaving the home town and the long adjusting to a new environment and a new city; the problem of defining what happened during the war (civil war, aggression, religious conflict, responsibility, guilt, criminals, victims, bystanders...).

We can say the discussion around these sensitive issues was a success in itself because it enabled collecting information about the opinions of women on the transitional justice process in BiH, and because it provided open space for discussion on their needs, wishes and visions about the future. Also, it enabled an open exchange on "conflicting" narratives of the past. The coordinating team has consciously avoided defining this activity as an activity of "reconciliation" because of the ambiguity of the said term, but we can say that the dialogue dimension of our activities to a large extent contributed to an open communication on sensitive issues that are obviously still difficult for the majority of women.

Finally, it is important to say that the Platform was developed as a result of the three aforementioned workshops, which led us to conclude the following: the willingness of women to support and engage in activities of transitional justice; to take into account the female perspective; to define activities in relation to specifics of the local context; to include broader socio-economic prospects.

### **3. Transitional justice in Bosnia and Herzegovina**

**T**he war in BiH (1992-1995) left behind heavy human, material and economic losses, of which this country is still recovering. The number of dead and injured, location of mass graves, establishing the facts in relation to their death and suffering, and, finally, establishing accountability for these misdeeds are just some of the major issues of concerns to citizens of BiH. And no less important are as well reparations for victims and survivors, the memorialization process, and, aspecially, how to prevent that violence doesn't occur in the future.

For these, and many other questions that are not mentioned here, the institutions have tried to offer different answers and approaches, with more or less success, and with more or less political will to really tackle these questions.

“Since the end of the war in BIH, a number of international, national and local transitional justice

initiatives have been launched. Criminal prosecution of those accountable for human rights abuses and war crimes began; the institutions at different levels and some civil society organizations implemented, and continue to implement, the fact-finding and truth-telling activities; the relevant legislation governing reparations to some extent is in place; vetting was, and still is, conducted to examine and evaluate the professional capacity and moral integrity of those working in the public administration; new institutions have been formed; the old ones were closed down ; and some reform laws were adopted. However, those initiatives have not resulted in a consensus within the BiH society on the ways in which the war-related traumas could be overcome.”<sup>1</sup>

During 2009-2011, a comprehensive process of developing and adopting a Transitional Justice Strategy at the state level was launched. The overall aim of the Transitional Justice Strategy is to “create an acceptable platform for more effective and realistic mechanisms and activities through which it will be possible to redress injustice and heal the traumas related to the armed conflict in 1992-1995, to restore confidence in institutions and to prevent human rights’ abuses and war crimes from recurring in the future. The Transitional Justice Strategy considers the relevant transitional justice issues, in particular those which have not been adequately treated within the government institutions and the legal system. Specifically, this Strategy covers non-judicial transitional justice mechanisms: fact-finding and truth-telling, reparations and memorials, and institutional reforms”<sup>2</sup>. However, the Strategy was never adopted due to the lack of political will. Yet an enormous work has been done and issues identified still remain as one of the most pressing priorities for citizens.

#### **4. Human losses during the 1992-1995 war**

**P**robably the most important fact in connection with human losses in BiH is that there are no aggregate/joint data at the state level, and that no state institutions did perform this important task which would, in theory, represent a good and necessary foundation for undertaking other important steps in the process of dealing with the past and transitional justice. The reasons for this are numerous, but the most important is certainly a lack of political will to reach a consensus over the number of victims (murdered, disappeared, killed, displaced).

Having this in mind, there are only two relevant sources of information about human losses – research done by the Research and Documentation Center (RDC) in Sarajevo and the demographic report of the International Criminal Tribunal for the former Yugoslavia. According to IDC, the total number of victims in BiH is 95,940, of which 38,239 civilians and 57,701 soldiers. If one looks at the ethnic structure, most victims were Bosniaks (62,000, of which 31,107 civilians), followed by Serbs (24,953, of which 4,178 civilians) and Croats (8,403, of which 2,484 civilians).

According to a demographic report of the International Criminal Tribunal for the former Yugoslavia, the number of killed citizens during the armed conflict 92-95 is 104,732: 36,700 of

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<sup>1</sup> [http://www.nuhanovicfoundation.org/user/file/2013\\_transitional\\_justice\\_strategy\\_bih\\_-\\_new.pdf](http://www.nuhanovicfoundation.org/user/file/2013_transitional_justice_strategy_bih_-_new.pdf)

<sup>2</sup> Idem.

them were civilians of which 7,974 women.<sup>3</sup> Despite the lack of official data, it is estimated that at least 20,000 women were raped and sexually tortured during the armed conflict in BiH<sup>4</sup>. 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.

## **5. The limitations of the transitional justice concept**

The concept of transitional justice, introduced in BiH in the first half of the 90's is certainly not an ideologically neutral concept and not without its own internal limitations and contradictions. It is a new method in theory and practice of human rights protection. The aim of transitional justice is to initiate the process of redressing the legacies of human rights abuse and war crimes by the states and societies, which will result in political, legal, socio-cultural and economic transformations, i.e. in forming such an institutional and social framework which will ensure the introduction and protection of democratic values and human rights of citizens, acknowledgement and recognition of past atrocities and general prevention of human rights abuse in the future.<sup>5</sup>

In the broadest sense, transitional justice concept is part of broader efforts for establishing a liberal peace in conflict-affected areas that have been and are under close supervision (including leadership) of the most influential international institutions and agencies. In a narrow sense, and looking into the complex context of BiH, this means that the supposed frame of "transition" covers only the intended transition to democracy, and from a state of conflict transformation into the state of a developed democracy, while the other transitions, economical from a (socialist) to another (liberal, capitalist) economic system, is left outside the scope of interest and the proposed measures.

For tens of thousands of citizens of BiH this means that the transition will not in any way address the loss of their economic and social rights based on four transitional justice pillars: criminal justice, truth-telling, reparations and institutional reform. It is beyond the scope of this document to discuss the reasons for which the violations of civil and political rights have absolute priority over violations of economic and social rights but it is appropriate to conclude that it was the biggest gap of this concept of transitional justice, and probably the main reason why the overwhelming majority of our interlocutors didn't recognize the capacity of the transitional justice to improve their own difficult situation in the local community.

## **6. What women told us?**

*"The victim is an institution for itself, this should not be questioned. We, as individuals who for all truths to be equally represented, we burn out just because we do not have institutional support to do what we are meant to."*

<sup>3</sup> [http://www.icty.org/x/file/About/OTP/War\\_Demographics/bcs/bih\\_referat\\_konf\\_100201.pdf](http://www.icty.org/x/file/About/OTP/War_Demographics/bcs/bih_referat_konf_100201.pdf)

<sup>4</sup> <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>

<sup>5</sup> [http://www.nuhanovicfoundation.org/user/file/2013\\_transitional\\_justice\\_strategy\\_bih\\_new.pdf](http://www.nuhanovicfoundation.org/user/file/2013_transitional_justice_strategy_bih_new.pdf)

*"It is important that victims speak out, to give them space for open speech, but it risks feeding the nationalism which is used as an instrument of power."*

Before we get to the systematization of the main findings it would be useful to more closely describe the atmosphere in which we talked and worked together. Each workshop began with the atmosphere of tension, which is not unusual for a groupwork dealing with a violent past. In an atmosphere of anticipation, our sessions would start mainly with some short introductions during which women would particularly pay attention to the area/city they come from. Given the different generations within the group, we could notice that women of middle and older generations identify more with the city where they were born than with the city in which they currently live. Thus, during workshops, we analyzed in details three "city-case" (Tuzla, Sarajevo and Mostar) based on the pre-war, wartime and post-war context and experiences of participants.

Different views of women about what a relevant city once was, and what it is at this moment, various memories of everyday life and the situation just before and during the war, have served to sharpen the focus on transitional justice, but it also drew attention to what is really important to these women – personal experiences, individual perspective, and the desire to tell at least a bit of what was suppressed, forgotten, or never told.

During three weekend sessions several aspects came out as common to all three groups:

- All groups were very diverse in their age, profession and ethnicity, with a significant percentage of women who are not active in the civil sector (about 30%), however, we noted a similar bitterness and a high level of frustration with the way things work from local to state level. To understand this, it is necessary to bear in mind that this frustration comes partly as a result of the general lack of confidence or reduced citizens' trust to the work of institutions, but it is also partly caused by specific negative experiences of women who have tried to accomplish their guaranteed rights. Some of the negative experiences common to all: difficulties in exercising a right to the psycho-social support, incompetence and lack of skilled personnel, economic constraints, inability to find work especially for women who are not close to any of the influential political parties; discrimination on ethnic grounds, and so on.
- The absolute dominance of the social and economic aspects. All women have emphasized this as the most important and absolutely crucial, not only for them personally, but also at the level of the wider community. Job loss, inability to find work, inadequate wages, violation of labor and social rights, denial of rights guaranteed by law are some of the issues participants identified.
- The need for dialogue and discussion beyond division lines was much emphasized. Women have expressed a clear need "to sit down and to talk", often emphasizing the need for "open debate, without strings and gloves." What are the challenges? The first is no doubt the issue of ethnic division. But, generational, regional and class differences are also mentioned as important. All this can be interpreted as an expression of a common feeling of exclusion of women (social and political) from the decision-making process. That feeling is common to all participants, regardless of their ethnicity, age, professional background and political affiliation. While some women also competed as spokespersons of certain nationalistic narratives, these narratives



would, as a rule, fall apart before individual stories, and conflicts that would be on the horizon would soon transform into shared perspectives.

- Establishing broken solidarity is a goal shared by all participants. While not minimizing the importance to work at the institutional and legislative level, women privileged activities at the local, micro level, and consider it as essential and necessary to their daily life. These solidarity networks become even more important if we keep in mind that participants are loyal to their social and political community/collectives whose values and attitudes they share, sometimes reluctantly, sometimes unconsciously. It is therefore not surprising that these women often have an ambivalent (even contradictory) position that, on the one hand, clearly reflect the feeling of not belonging, of exclusion and of non-identification with the existing policies, while at the same time identifying with dominant national/collective narratives and dominant truths about the past and visions of the future. For any future successful joint activity, it is necessary to avoid the trap of essentialism and to build the networks of solidarity beyond these contradictions and women own positions in the community.

## **7. Specific recommendations based on four pillars of transitional justice**

**N**ote: The dialogue was conceived on the three pillars of transitional justice, with the expansion of perspective focusing on the culture of remembrance and the concept of integrated security. This is a concept established by UNSCR 1325 that requires respect for the suffering of women and girls in the war and creation of adequate measures to achieve justice for them, with a mandatory level of participation of women in peace building processes. Below are listed joint collective recommendations gathered during all three workshops. They are presented in their integral form without further clarification or conceptual framework that would maybe make them more clear. As such they should be seen as a guideline for possible consideration and further actions.

### **➤ CULTURE OF REMEMBRANCE**

- that focuses on personal memories
- to be in the service of truth
- relying on established facts
- that includes monuments and marking important dates
- that takes into account the different narratives
- that highlights the human dimension and solidarity in focus
- to be part of the institutional framework, especially in the education sector
- that has a clear gender perspective
- spreads the story of women through the names of streets, institutions, squares

### **➤ TRUTH-TELLING AND ESTABLISHING THE FACTS**

- to strengthen the projects and initiatives that advocate for peace and reconciliation
- to strengthen the work with young people on issues of truth and reconciliation

- that is based on established facts required to determine the dates of commemoration
- emphasizing collective responsibility (as opposed to individual guilt) for the attitude towards the crimes committed
- publicly condemn political activities that stifle the process of truth-telling
- religion classes should be removed from schools and kindergartens
- in primary and secondary schools to introduce religious topics about the benefits of each dominant religion in BiH
- to reform the Constitution of BiH from which women are excluded
- to collect data on the suffering of women in war (men on the battlefield, and the women bore the burden of everyday life)
- should explore and write down the role of women in war and post-war period
- to honor the memory of a shared culture and achievements at the national/state level

➤ **REPARATION AND INTEGRATED SECURITY**

- to set up a Memorial day for women victims of war
- to included women heroines, female soldiers, mobilized women in the official memorial culture in BiH
- to name streets and public institutions after the prominent women from the period 92-95
- to establish Museums of memories of women suffering in war (including the forced mobilization of women, etc.)
- to start anti-stigmatization activities on various grounds for war victims
- to launch psychosocial programs in rural areas
- to provide economic assistance for women who have been directly or indirectly affected by the war (eg, self-employment programs, incentives, etc.)
- to incorporate the status of women victims of rape into the Rehabilitation Act
- to revise the employment situation for the population that was expelled/internally displaced persons
- to introduce PTSD as a permanent and incurable disease into the law
- to enhance the psycho-social protection of witnesses of rape and torture
- to pass a law on the status of victims of torture
- to plan budgetary funds in line ministries at the entity level for return
- to amend the laws of civilian casualties, which would encompass all victims without categorization as a social category
- to establish rehabilitation centers that would give assistance and support to victims
- to set up a network of support and self-support programs for women as a platform for exchange
- to promote service centers for psychological support for women
- to create spaces for dialogue between women who during the war were on different sides or in similar situations
- to create safe spaces for women for dialogue on personal memories of past events

## **8. Recommendations for further advocacy work**

- Advocacy activities, with emphasis on the memory culture with a gender dimension. Workshop participants also emphasized that the Initiative "Peace with women face" is

recognized as one of the missing link within the transitional justice processes in BiH. Some ways on how to integrate the gender dimension in the culture of remembrance: dealing with feminine side of history, women public and political participation, emphasizing a woman side in monuments and memorials, etc.

- Advocacy activities in order to improve the psycho-social support to victims and women affected by human rights violations, including economic and social rights. Campaigns for greater availability of psychosocial support; advocacy for the education of skilled personnel; advocating for the availability of these programs in rural areas; support groups, etc.
- Advocacy activities with an emphasis on the necessity of including the concept of economic and social justice in the concept of transitional justice, especially in the available mechanisms at the local level. This is an opportunity to get into the concept of transitional justice, and introduce the concept of social justice, given that women are most affected by the current situation.
- Dialog activities - in local communities, but also at the broader regional or national levels. Women civil society organizations have organizational capacities and good connections throughout the country and this should be used in this field. These activities could potentially contribute to greater support within the communities for a variety of advocacy and other activities.
- Work actively to research and document different neglected aspects of women's history, in particular those concerning the ways in which women lived and survived the war, but also the post-war period.
- The combination of research and field activities that would recognize the women's potential for change, and which at the same time could be an opportunity for the inclusion of a large number of young and educated women in these local communities in the creation and preservation of women's history in this area (for instance, making a single archive / virtual museum about women's resistance...)
- Active work on creating new networks of solidarity that are not composed only of non-governmental organizations and their members - local networking of women, union members, single mothers, civilian victims of war, etc.

## **9. Conclusion**

All participants agreed on several key points: that the existing system does not only guarantee any justice to citizens, but constantly produces policies that hamper citizens in exercising their basic rights. Participants agree to dialogue and believe that it is only by taking an active role in public and political life that their positions can change, but in order to do that, it is necessary to rebuild the broken links and create networks of solidarity. Women want and can be active participants in all these social and political processes, they know what is the reality they would

love to live (without fear of violence, poverty, economic, social and any other exposure to injustice), but a key challenge is how to organize, and solve the accumulated problems. In this regard, this Platform offers an outline of some possible courses of action which should be taken into account and for woman's voices not to be eternally neglected, nor instrumental to current political and/or financial interests of ruling elites.