



THE POSTURE OF SEXUAL VIOLENCE VICTIMS IN BOSNIA AND HERZEGOVINA DURING THE WAR

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Abstract

Sexual violence within the context of armed conflict is not a recent phenomenon. It has existed for as long as conflict has existed. According to international law, Bosnia and Herzegovina must compensate victims of sexual violence during war, thereby mitigating the effects of such war crimes. However, Bosnia and Herzegovina's failure to effectively implement reparations for victims of wartime sexual violence has a negative impact on their status. The Bosnia and Herzegovina reparation system are ineffective for a number of reasons, the foremost of which is the lack of a single legal structure that governs the victims' right to reparation in Bosnia - Herzegovina, which is why object laws govern their rights. However, the laws of the bodies that govern this matter vary greatly, starting with the recognition of the condition of victims of sexual assault during armed conflict as a distinct category of noncombatant victims of armed conflict, the requirements for requesting the privilege to reparation, and the categories of rights they may exercise. The main aim of this paper is to analyze sexual violence in an ongoing war. The qualitative research methodology has been used in the following article.

Keywords: Armed Conflicts, Bosnia and Herzegovina, Protection of Civilians, Sexual Violence



Introduction

Massive sexual violence, committed during the time of conflict, between 1992 and 1995, in Bosnia and Herzegovina, has left psychological and physical consequences for the victims, with whom they will live for the rest of their lives. Bosnia and Herzegovina are required by international law to compensate victims of wartime sexual assault in order to lessen the effects of such war crimes. However, Bosnia and Herzegovina's failure to effectively implement reparations for victims of wartime sexual violence has a negative impact on their status. The Bosnia and Herzegovina reparation system are ineffective for a number of reasons, the first of which is the lack of a single legal framework governing the victims' right to reparation in Bosnia - Herzegovina, which is why object laws govern their rights. However, the laws of the bodies that govern this matter vary greatly, starting with the recognition of the status of victims of sexual assault during armed conflict as a distinct category of civilian victims of armed conflict, the requirements for requesting the right to reparation, and the categories of rights they may exercise. In addition, Republika Srpska's legislation is not in line with the international principle of non-war crimes. It stipulates a deadline for submitting a claim for reparations, which passed at the end of 2007. Because Bosnia and Herzegovina's laws are not uniform, victims of sexual violence during conflict there do not receive equal treatment, which leads to prejudice against victims centered on where they live. Aside from that, the slow process of resolving war crimes involving sexual violence and the narrow definition of this crime in Bosnia and Herzegovina impacts victims' rights to satisfaction. The position of male war sexual violence victims, as well as children who were born as a result of rape during the war in Bosnia and Herzegovina, are all topics covered in this essay. This essay also aims to highlight the inadequate assistance given to such victims and to reveal their true situation in Bosnia and Herzegovina. Finally, this essay suggests steps that the government should take to better protect and assist Bosnia and Herzegovina's victims of war-related sexual violence (Skjelsbaek, 2001).

The Rights of Sexual Violence Victims in War Under International Law

Sexual violence during war includes: "*rape, forced pregnancy, forced sterilization of forced abortion, involuntary prostitution, sexual exploitation, trafficking in human beings, sexual slavery, castration, involuntary nudity*", and any other equally serious sexual assault type (Luping, 2009).

Every country that has gone through an armed conflict should implement interim justice. Interim justice implies a series of processes and ways that aim to make it easier for a society to mitigate the consequences of war crimes, punish responsible persons, and satisfy justice to achieve reconciliation between conflicting parties. One of the elements of transitional justice is compensation. The purpose of the reparation is to undo, as much



as is probable, the damage caused by the crimes committed during the war and to establish the situation that existed before such acts were committed. While the consequences of war-related sexual violence cannot be completely removed, reparation can alleviate the damage that has been incurred by helping victims to live normally (Obote-Odora, 2005). Thereby, the government must compensate for such acts or omissions. The UN Elementary Principles prescribe 5 types of reparation: rehabilitation, reparation, restitution, various forms of satisfaction (public apologies, commemorations, establishing the facts, truth-telling, etc.), and assurances of non-repetition. Moreover, according to the UN Basic Principles, victims are entitled to other types of support, such as *"access to the court and relevant information related to injuries and reparation mechanisms"* (UN General Assembly, 2006).

Bosnia & Herzegovina's Obligations to Victims of Wartime Sexual Abuse

Due to Annex 7 of the Dayton Peace Agreement, which provides compensation for harm caused during the armed conflict in Bosnia and Herzegovina, Bosnia and Herzegovina is grateful to be able to provide reparations to victims of wartime sexual violence. In addition, this obligation for Bosnia and Herzegovina is also derived from the UN mentioned above Basic Principles and international agreements. Despite the efforts of the relevant authorities, Bosnia and Herzegovina does not have national legislation governing reparations for war victims. Specifically, BIH professionals drafted the State Strategy for Transitional Justice, the Program for the Advancement of the Status of Women Victims of War Rapes, Sexual Abuse, and act of Torture in Bosnia and Herzegovina, and the Plan Of action for the Implementation of UN Resolution 1325 in Bosnia - Herzegovina, which regulates reparation for victims of war sexual violence and enhances their status. *"But because of the intricacy of the political arrangement in Bosnia and Herzegovina, their endeavors fizzled"* (Boltd, 2012).

In 2008, the *"Ministry of Human Rights and Refugees of Bosnia and Herzegovina"*, in cooperation with the Ministry of Justice, prepared a *"Transitional Justice Strategy in Bosnia and Herzegovina."* This strategy envisages a significant number of activities to improve the reparation system for victims of wartime sexual violence. The Transitional Justice Strategy's overarching goal is to lay a solid foundation for efficient and practical mechanisms and behavior that will right wrongs and treat trauma brought on by the war, restore trust in institutions, and stop future human rights abuses and war crimes (Šimić, 2013). The victims of wartime sexual violence are not designated as a separate war category by the strategy, but they are nonetheless included in the list of civilian war victims. However, the strategy offers a range of initiatives to enhance the reparations system, which will enhance the situation of all wartime victims, including those who have experienced sexual assault. However, because it is impossible for entities to harmonize, the approach has not been used.



In addition, in 2010, the “*Ministry of Human Rights and Refugees and the United Nations Population Fund (UNFPA)*” developed a Program to improve the Status of Women Victims of War Rape, Sexual Abuse, and Torture in Bosnia and Herzegovina (Wood, 2014). The program includes four key segments for the enhancement of the status of victims who have survived sexual violence during the war: the legal framework and its harmonization with international standards, access to legal aid and adequate measures to protect victims who testify at war crimes trials, capacity building of service providers, and partnership between the government and the non-governmental sector. Although initially focused only on women, subsequent changes expanded the program to include male victims of war. The program envisages measures to improve the situation of victims of sexual violence, which has significantly improved, but due to a lack of readiness for cooperation by entities of government, especially the Republika Srpska, the program is still not adopted (Džidić, 2012).

In addition to the Transitional Justice Policy and Program, *"improving the status of victims of sexual violence is provided and in the Action Plan for the implementation of UN Resolution 1325 in Bosnia and Herzegovina, adopted by the Council of Ministers in 2010"* (OSAGI, 2000).

The Action Plan was created to elevate the status of women in Bosnia - Herzegovina by continuing to increase their involvement in leadership roles within the armed forces, police, and peacekeeping operations. Enhancing the network of support and guidance for women and girls who were victims of the wars is another goal of the action plan. The implementation of this action plan has long been started but considering that his attention is not on the sufferers of wartime sexual violence, it does not contribute to improving their status.

Despite all the documents and legal provisions relating to improving the status of victims of sexual violence, these categories of victims have limited access to reparations. In practice, many of these victims encounter various obstacles in exercising their rights, and even when granted the right to reparations, victims are not receiving adequate support.

The Genuine Situation of Sexual Violence Victims During the Bosnia and Herzegovina War

The reparation system in Herzegovina and Bosnia does not deliver adequate sustenance to sufferers of conflict-time sexual violence. Even today, 23 years after the war ended, sufferers cannot exercise their rights fully. One of the core reasons for this is the absence of a single legal framework applicable throughout the territory of Bosnia and Herzegovina, which regulates compensations for victims of conflict-related sexual violence. Moreover, at the national level, there is no single rule or law regulating the right



to reparations for not only the victims of sexual violence but also civilians and military personnel, entity laws regulate these rights. In the Bosnia and Herzegovina Federation, there are laws protecting civil war victims, protecting families with children, and adhering to social protection philosophies. In the *Republika Srpska*, there is a law protecting civil war victims. However, these laws are not harmonized; therefore, between the Bosnian and Herzegovinian Federation and the *Republika Srpska*, there are significant differences in regulating the exercise of the right to reparations. The *Republika Srpska* Law on the Protection of Civil Victims prescribes stricter conditions for the exercise of those rights than the Law on Doctrines of Social Protection, the Protection of Civil Victims of War, and the Protection of Families with Children of the Federation of Bosnia and Herzegovina, which usually culminates in disparate treatment of victims of sexual assault (Sarajevo, 2007). These laws differ regarding recognizing a victim's status of wartime sexual violence, the applicant's residence criteria for recognizing a victim's position of wartime sexual violence, the deadlines for filing that claim, and the rights that victims can achieve.

Moreover, victims are not treated equally, even within the Bosnia and Herzegovinian Federation. Namely, the area of social and health protection is regulated at the cantonal level, but cantonal laws differ considerably in regulating this area. In addition, these laws are not harmonized with the law based on the Social Protection of the Bosnian and Herzegovinian Federation.

First of all, unlike the *Republika Srpska*, the Federation recognizes victims of war-related sexual violence as a legitimate category of civilian war victims under its unique legal system. In September 2006, these changes were made to the law based on the Federation of Bosnia and Herzegovina's Social Protection. Prior to them, sufferers of war sexual violence had to prove that they suffered a minimum of 60% of physical damage. Nevertheless, after the changes, according to Article 3, the victims have to show that they have grieved over sexual abuse during the conflict, not physical harm. In order to receive the status of a civilian victim of conflict in the Bosnian and Herzegovina Federation, victims of wartime sexual violence must present a certificate on the recognized position and effects of acts of rape and abuse as well as the necessary medical documentation (BiH, 2006). Institutions and other civic organizations that support victims of abuse and rape may issue these certificates with the written consent of the Federal Ministry of Labor and Social Strategy. However, the *Republika of Srpska's* law governing the safety of noncombatants victims does not specifically mention victims of sexual assault as a separate category; rather, these victims share the same status as other civilian war victims and are required to exhibit a minimum of 60% bodily harm (Sarajevo, 2007).

Consequently, the *Republika Srpska's Law on the Protection of Civilian Victims War* does not distinguish between victims of sexual violence committed during war and other



civilian victims, despite the fact that physical injuries are not the proper standard for determining a victim's status in the case of rape. Namely, physical harm is not always the result of sexual assault. The psychological effects of this kind of violence, particularly “*Post-Traumatic Stress Disorder (PTSD)*,” on the victim, are more significant (Medical Examination, 2016).

Pertaining the applicant's residence for acknowledgement of the status of a victim of wartime sexual violence, the Law of the Federation of Bosnia and Herzegovina varies from the Republika Srpska. However, the law based on Social Protection of the Federation of BiH also contains a restriction on the exercise of the right to reparation because those rights cannot be realized by people staying outside BiH for more than three months. Therefore, sufferers of war-related sexual violence living outside Bosnia and Herzegovina cannot exercise any rights under this law. If they have acquired the status of the victim, they will lose their previously acquired rights.

The deadlines for requesting recognition of the status of a victim of wartime sexual violence also vary according to entity laws. The Federation of Bosnia and Herzegovina's Social Protection Law does not stipulate a deadline for submitting a request for acknowledgement of the status of a victim of wartime sexual violence. In contrast, the law on *the Protection of Civilian Victims of the War of the Republika Srpska* provides a deadline for filing this request, expiring on December 31, 2007 (Sarajevo, 2007, Art 34). Setting deadlines for claiming the right to reparations is against the UN Basic Principles, which state that provisions for obsolescence shall not apply to severe violations of international humanitarian law and grave violations of human rights that constitute crimes under international law because war crimes do not become obsolete (UN General Assembly, 2006).

Regarding the rights that they impose on victims, entity laws vary. Victims in both entities have the right to a monthly pension, health care, and job training when they can demonstrate that they experienced sexual violence during the war (Retooling, specialist rehabilitation, and extra training) (Sarajevo, 2007, Art 58). The Law on Social Protection of the Federation of Bosnia and Herzegovina, however, gives the necessary to priority full time work, shelter, and legal assistance, in contrast to *the Law on the Protection of Civilian Victims of the War of Republika Srpska* (Ibid, Art. 58, para. 7, 8, 9). Therefore, the victims in the Republika Srpska do not have the opportunity to exercise these rights, which is another of the many indicators of the unequal position of victims in the entities of Bosnia and Herzegovina.

The rights of victims of sexual assault during war are governed by various cantonal laws, in addition to entity laws that are not uniform. In particular, the cantonal laws governing this matter do not comply with the Federation of Bosnia and Herzegovina's Law on Social



Protection. As a result, the laws on social protection in the cantons of Herzegovina-Neretva and Posavina do not even mention civilian war victims. As a result, civilian war victims in these two cantons, including those who were sexually assaulted during combat, are unable to exercise their right to restitution. Although the Federation of Bosnia and Herzegovina's Law on Social Protection states that rights not covered by cantonal law are governed by federal law, this rarely occurs in reality (Banja Luka, 2020). Furthermore, unlike federal law, cantonal regulations do not specify rights for victims. In particular, the Federation of Bosnia and Herzegovina's Law on Social Protection stipulates that the right to priority workforce for victims is decided at the cantonal level. However, this right is not included in cantonal law (Sarajevo, 2007, Art 58).

It is evident from the above that sufferers of war-related sexual violence do not have equal treatment in Bosnia and Herzegovina since the entities, and even the cantons, regulate the rights of these victims in a completely different way. The reality that the Federation of Bosnia - Herzegovina regulatory frameworks grants the status of a special category of war victims shows that victims of sexual assault during wartime in Bosnia and Herzegovina face discrimination based on where they live. In contrast, in the Republika Srpska, these victims are equated with civilian victims of war. In addition, entity laws do not prescribe equal rights for victims of wartime sexual violence. Moreover, in the Republika of Srpska after 2007, victims can not apply for reparations. In addition, the treatment of these victims is not the same in all cantons. However, according to international standards, all victims should have equal treatment throughout Bosnia and Herzegovina. The only way to achieve this is to have their rights regulated at the state level since war crimes concern Bosnia and Herzegovina in its entirety and not the entities individually. The competent authorities of Bosnia and Herzegovina should recognize the status of a special category of civilian victims of war for all victims of wartime sexual violence throughout the territory of Bosnia and Herzegovina; respect the principle of international law on non-war crimes, and abolish deadlines for filing claims for reparations.

Realization of the Rights of Victims of War Sexual Violence in Bosnia and Herzegovina

Within the right to reparation, "victims of war sexual violence have the right to financial compensation and free health, psychological and legal assistance. Nevertheless, access to these rights in Bosnia and Herzegovina is very limited. Support for victims of war sexual violence is mostly provided by non-governmental organizations, mainly financed by international organizations, where the participation of state authorities is minimal. In addition to the limited access to the abovementioned rights, victims have been denied the right to satisfaction due to the slow process of war crimes prosecution."



Financial Compensation

Financial compensation, also known as indemnification, is the most typical type of reparation. This reparation to Bosnia and Herzegovina's wartime sexual violence victims is not properly regulated. This is primarily due to the fact that cash benefits are frequently paid in accordance with entity law governing the rights of civilian war victims and, to a lesser degree, through judicial cases for remuneration of content and non-material destruction. According to Articles 195 and 198 of “*the Criminal Procedure Code of Bosnia and Herzegovina*,” the court has two options: one is to allocate the victim what she wants; and the other is to send the victim to the civil procedure, which will be decided following the law governing contractual relations (Criminal Procedure). In most cases, the court chooses the second option. For instance, the judge of Bosnia - Herzegovina stated during the roundtable discussion on the subject of land claims for victims of crimes dedicated during the war in September 2014 that no case law of more than 300 prosecution had obtained a property claim with a time procedure (TRIAL, 2021).

The main reason for referring the victims to civil proceedings is that the decision on the request for compensation seizes a considerable amount of time, which affects the delay in the criminal proceedings (Manjoo, 2013). This justification has been criticized by experts who consider that this claim has no basis because of the time it takes to produce evidence concerning the allegations in criminal proceedings. Compared with that decision, it would only take a small part of that time. Referral to civil proceedings is less favorable for victims because such a procedure requires a lawyer, and victims do not have enough material resources. That is why they often do not continue with their compensation claim. Another reason why victims do not realize their right to compensation because they do not submit a claim in which they specify the height and basis of the damage (TRIAL, 2021, Article 26, p. 16). The reason is that, in most cases, the competent authorities do not inform victims of this possibility and how to do it. In addition, as noted above, most victims do not have enough funds to pay for professional legal aid, and free legal aid is not adequately regulated in Bosnia and Herzegovina. Specific problems in exercising the right to financial compensation arise when a protected witness submits this request for compensation. Thus, a protected witness referred to civil proceedings is forced to reveal his identity, creating additional damage problems. For example, a case was reported in which a woman victim of war-related sexual violence, with a protected witness status, filed a lawsuit for compensation with the Municipal Court in Sarajevo after the accused was found guilty of crimes against her. However, the Municipal Court in Sarajevo rejected her lawsuit, explaining that the lawsuit did not meet the requirements prescribed by the “*Law on Civil Procedure of the Federation of Bosnia and Herzegovina*” (Code of Civil Procedure, 2003). The court did not recognize the category of protected witness as litigants; therefore, the only remaining solution was for the prosecutor to waive her status as a protected witness, which she ultimately had to do



(Tovar & Lin, 2022).

Free Legal Aid

Due to fragmented legislation governing victims' rights to compensation and the availability of free legal aid, Bosnia and Herzegovina's victims of wartime sexual violence have very limited access to free legal assistance. *“The Law on Social Protection of the Federation of Bosnia and Herzegovina, in contrast to the Law on the Protection of Civilian Victims of the War of the Republika of Srpska”*, grants victims the right to free legal representation. It prescribes that cantonal laws regulate this law. However, Bosnia and Herzegovina's legal aid system is ineffective, and the amount of free legal assistance available to those who have experienced sexual assault during a war is very constrained. In particular, there is no state law governing free legal aid; instead, this issue is governed at the entity level. As previously mentioned, the Federation of Bosnia and Herzegovina's free legal aid institutes implement the right to free legal aid at the cantonal level.

Nevertheless, these departments have not been established in all cantons (missing in Central Bosanski and Herzeg Bosanski Canton), which means that victims of wartime sexual violence residing in these cantons have no access to free legal aid. In the Republika Srpska, a center for free legal assistance, which deals with the provision of these services to the socially vulnerable category, has been established. However, to get access to free legal aid, one must prove that they are indigent. In addition, all legal aid centers in Bosnia and Herzegovina do not have sufficient resources to work, and there is a question about how many people working are experts in the field to provide these services in the domain of exercising the right to reparation for victims of wartime sexual violence (Northern Ireland Human Rights Commission, 2021). However, the resources of these organizations are very limited, for they cannot provide adequate legal assistance. Free legal aid is important for victims of sexual violence because it facilitates access to information on the right to reparation, considering that many victims are unfamiliar with this law and how it can be achieved. As most victims of sexual violence in Bosnia and Herzegovina are indigent, and there are insufficient funds for professional legal assistance, the authorities should take appropriate measures to enable the victim's full access to free and adequate legal assistance (Zenica, 2014).

Health and Psychological Care

Sexual violence causes corporal and mental damage (trauma) to victims. According to the regulation based on *“Social Protection of Bosnian and Herzegovinian Citizens and the Law on the Protection of Civil Sufferers of the War of the Republika Srpska”*, victims are entitled to free health care. However, as with other types of aid, victims of wartime sexual violence are not adequately cared for when it comes to free medical and



psychological assistance. For example, in a survey by MedicaZenica, 80% of these victims' ranked health and psychological support as the most necessary (in addition to financial assistance and housing). Due to the lack of support from state institutions, victims of wartime sexual violence receive this type of assistance mainly from non-governmental organizations (Amnesty International, 2012).

Sexual assault victims in BiH suffer from post-traumatic stress disorder, high levels of anxiety, STIs, anemia, diabetes, fatigue, and sleeplessness, and recompense for victims (who have fought to be classified as victims of sexual assault during wartime) is insufficient to pay for their treatment and medication needs, among other living expenses. Involved authorities must act to provide victims across Bosnia and Herzegovina with free medical and legal assistance. One of the best solutions would be the adoption of the Policy mentioned above for “*Transitional Justice in Bosnia and Herzegovina and the Program for the Development of the Situation of Female Sufferers of Rape, Sexual Violence and Torture,*” which, among other laws, governs the right to be free medical care and counseling for victims of sexual assault on Bosnia and Herzegovina's soil (Bryant-Jefferies, 2005).

Justice For the Victims

One of the components of reparation is the right to satisfaction, as prescribed by the “*United Nations 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,*” Verification of the facts and full public disclosure of the information, provided that doing so does not result in further harm or jeopardize the safety and welfare of the victim, the victim's family, witnesses, or anyone else who helped the victim or intervened to stop further devastation; For example, part of reparations is punishing the perpetrators of wartime sexual violence crimes. However, this type of reparation in Bosnia and Herzegovina is not effectively implemented, given the slow process of dealing with war crime cases. To solve this problem, in 2008, the “*Council of Ministers adopted the National Policy for Working on War Crimes Cases*”, which stipulates that by 2015, and in all other cases, the most multifaceted and highest-importance cases should be completed by 2023. However, significant results have not been achieved by the strategy. “*The Bosnia and Herzegovina Prosecutor's Office had informed the Supervisory Board*” that the strategy's objectives could not be met. Thus, for cases to be dealt with by the end of 2015, the deadline has been extended to the end of 2018.

In addition, there were very few cases of wartime sexual violence before the Bosnian and Herzegovina Court in comparison to the 20,000–50,000 victims of this violence. For instance, 256 war crimes act cases in Bosnia - Herzegovina were managed among 2005



and 2013, with 76 of those cases involving sexual assault. For instance, 256 war crimes Act cases in Bosnia - Herzegovina were handled among 2005 and 2013, with 76 of those cases involving sexual assault. Of these, 30 cases were handled beside entity courts, and 36 were handled in front of the Jury of Bosnia - Herzegovina. A total of 35 additional cases are still pending, and numerous investigations into claims of sexual assault are ongoing. 73% of the 36 cases that were brought before the Court of Bosnia - Herzegovina resulted in convictions, which the OSCE regarded as a sign of progress in the court proceedings of war crimes. Additionally, the limited description of the crime present in domestic law, which does not adhere to international standards, makes it more difficult to prosecute cases of sexual violence committed during times of war (Bryant-Jefferies, 2005).

Male Victims of Wartime Sexual Violence in Bosnia and Herzegovina

Both men and women experienced sexual assault during the war that lasted from 1992 to 1995. An estimated 3,000 men were sexually assaulted during the conflict. In a patriarchal society in Bosnia and Herzegovina, sexual violence against men is considered to diminish masculinity, and male victims of rape are much more stigmatized than women. All the provisions of the Bosnian Herzegovinian laws, which define wartime sexual violence, except for forced pregnancy, also apply to men. Therefore, men, just like women who prove that sexual violence against them has been committed during the war, can submit requests for reparations and exercise all the rights set out in the legal provisions. However, because of the fear of stigmatization, the male victim rarely speaks of such trauma.

Moreover, men are less likely than women to agree to testify in court regarding wartime sexual violence. Therefore, the authorities need to pay special attention to male victims of wartime sexual violence, which in the first place should be free psychological assistance from experts in sexual violence against men. Professional psychological assistance would help male victims deal with trauma and fear of stigmatization and testify to the crimes committed against them (Bryant-Jefferies, 2005).

Children Born as A Result of Wartime Sexual Violence

In Bosnia - Herzegovina, raping women served as a tool for ethnic cleansing, with one of the objectives being the compelled pregnancy of women. Bosnia and Herzegovina rarely talks about the children who were born as a consequence of rape during the previous war. Many rape victims were purposefully kept in incarceration until it was far too late for them to have an abortion. It was impossible to keep track of how many rape-related children were left in the center point for abandoned children during the war. Although the orphanage could only accommodate 110 children, we admitted 700 children in 1993



alone, according to *Advija Hercegovac* of the *VojoPeric orphanage* in Tuzla. There was chaos at the time, and we had more pressing matters to attend to than keeping meticulous records, so it's possible that many of those were the offspring of raped women. Because no birth data was collected, their position is unregulated, and that there is no information on how many of these kids there are. After giving birth, a large number of women renounced children who were born as a result of rape. Such children are placed in homes for uninhabited children, and most are unfamiliar with their origin. The standard guidelines for protecting both the adoptees' and adoptive parents' identities apply to the children who have been later adopted. There have also been cases where mothers' spouses have decided to keep the child, which is done in such a way that the mother's spouse recognizes paternity over the child and never tells the child the truth about his conception (Bryant-Jefferies, 2005).

State officials are responsible for children who were raped during the war even though they are now adults because they, such as victims of war sexual abuse, are victims of war crimes. The competent authorities should take appropriate measures and allow this category of victims as part of the right to reparation. Non-governmental organizations that assist victims of sexual violence during war should be included in the development of a program to aid these victims, as they are the most involved in this region and have information about the number of children born as a result of such violence who are registered with them.

Conclusion

Islamic boarding schools are reeducation, rehabilitation, resocialization, and reintegration. With pesantren, perpetrators exposed to radicalism can be temporarily separated, but not imprisoned. The actors can also interact and even add religious knowledge. Thus the thirst for understanding about religion will be channeled properly, through the guidance of uztad and kyai who are certainly pro-nationalism and loyal to the Unitary State of Indonesia. After the perpetrators exposed to radicalism have understood their mistakes and are loyal to the Unitary State of the Republic of Indonesia, resocialization will be carried out, and reintegration into society will be carried out. Deradicalization boarding schools are, of course, currently a humanist discourse in tackling radicalism. Radicalism is sometimes not only overcome through repressive legal means, but can also use humanist and persuasive methods. Therefore, deradicalization pesantren is an answer for mapping as well as de-radicalizing perpetrators exposed to radicalism without committing terrorism.



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