

## **BOSNIA & HERZEGOVINA**

### **CEDAW A/49/38 (1994)**

732. The Committee considered the report of Bosnia and Herzegovina at its 253<sup>rd</sup> meeting, on 1 February (see CEDAW/C/SR.253).

733. The representative of Bosnia and Herzegovina made an oral report, in which she confirmed the commitment of her country to the Convention and to all other international human rights treaties. She referred to the unprecedented suffering of civilians in her country in the last 21 months as a result of the aggression of the regular and irregular armed forces of Serbia and Montenegro and their surrogates in Bosnia as well as parts of the armed forces of the Croatian Defence Council under the command of extremist nationalists and with the active participation, and support in terms of manpower and military equipment, of parts of the regular armed forces of Croatia. Thousands of people had been killed or were unaccounted for; thousands were wounded, handicapped, had disappeared or died of starvation, cold and disease; thousands had been forced to abandon their homes and their land, often losing families and friends. In pursuing the goal of ethnic cleansing, which was the direct cause of the vast majority of gross human rights violations, various atrocities and the infliction of terror among the population, the Serb aggressors and Croat extremists violated international legislative standards of human behaviour. Numerous cities, various places of worship and cultural monuments had been destroyed. So had homes, shops and places of business. As confirmed by the numerous reports of intergovernmental and non-governmental investigating teams, commissions and groups, refugees in the detention camps were often exposed to terror, torture and humiliation. Even in the declared United Nations "safe areas", they lived in inhuman conditions, exposed to indiscriminate shelling, starvation and constant fear.

734. She referred to the mass and systematic rape of non-Serbian women of all ages, stressing that the majority had been Muslim women, as one of the most complex manifestations of aggression, the policy of ethnic cleansing and a particular form of genocide. According to the State Commission in Bosnia and Herzegovina, approximately 25,000 victims had been registered. Women had also been victims of massive deportation and detention in most of the 200 registered camps in the occupied territories. Those camps were the scene of large-scale rapes, forced prostitution and other abuses. She provided examples of camps, restaurants and hotels where such abuses took place on a massive scale. In some cases, after being raped, women were killed, had disappeared or had committed suicide. Those actions were premeditated, carefully organized and meant as acts to humiliate, shame and degrade the entire ethnic group. They were not just products of the "war environment". Some acts of violence against women's integrity took place in front of their family members, or even local communities. She referred further to the reports of experts, submitted to the General Assembly or the Security Council, for example, the report of the Special Rapporteur (A/48/92-S/25341), as well as the relevant resolutions of those organs (General Assembly resolution 48/143; Security Council resolutions 780 (1992) and 798 (1992)), in which they strongly condemned those acts and pointed to the consequences of those crimes for their victims, such as unwanted pregnancies, mainly ending in abortions, and physical and psychological damage, ruining their family, social and private lives as well as their health and well-being. For the nation it meant humiliation, disintegration of tradition and culture. In order to assist the victims, the Government had committed itself to their protection, focusing on financial, medical and psychotherapeutic help

as well as the prevention of any form of discrimination and assistance in their reintegration into society. The issue was addressed in the work of some non-governmental organizations and several centres had been opened to assist traumatized women.

735. She also referred to the situation of refugees, in imminent danger while fleeing from or through the areas of armed conflict and living in very difficult conditions in refugee camps. Among the estimated 1,250,000 refugees from the territory of Bosnia and Herzegovina, 60 per cent were women and, of 1,288,000 displaced persons, women constituted 65 per cent. Their needs, however, were far from being properly addressed in spite of the efforts of numerous women's groups, individuals and international organizations. The main needs of women refugees related to health care, nutrition, basic housing facilities and responsibility for their children.

#### General observations

736. Members of the Committee commended the report and welcomed the fact that the representative of the country was attending the meeting of the Committee, despite the dramatic situation in the country. They expressed their solidarity as women with the women of Bosnia and Herzegovina and their deep concern about the prevailing war and ongoing violations of human rights, particularly the rights of women. They expressed their dismay at the daily information about ongoing atrocities, ethnic cleansing and acts of violence directed against women and children, including mass rapes. They emphasized that, as members of the Committee, they were interested in any further information that could lead to a better understanding and an improvement of the situation of women, protection of their rights, alleviation of their sufferings and prevention of actions contrary to international standards of human rights and the provisions of the Convention.

737. The view was expressed that the crimes against women should be thoroughly looked into, like any other human rights violations. Proper legal proceedings should be established. An end should be put to the ongoing war and lasting peace and justice for all parties should be ensured.

#### General questions

738. Asked whether there were any specific machineries for women providing them with humanitarian and legal assistance and information about their rights and the Convention, the representative answered that she was not aware of any specific mechanism dealing separately with women's issues. People had many more immediate and dramatic needs that the Government had to address, such as the lack of water, food, fuel, other basic goods, medicines and shelter in the besieged cities. Initiatives and structures related to the advancement of women had existed before the war. She would, however, provide more details in the next report.

739. Other questions related to the specific assistance provided to women victims of rape; the exact number of therapeutic and rehabilitation centres for women victims of violence; and the ways in which women were involved in their organization. It was also asked whether the denunciation of the rapes by the international public opinion and media was helpful.

740. In reply the representative stated that there were specific centres for all traumatized women, providing psychotherapy, consultations and other forms of assistance to alleviate their plight.

Although those centres assisted women victims of rape, they were also accessible to other war victims in order not to label and single out raped women. She was not able to provide comprehensive information on those centres, and she stated that any assistance from the international community with regard to alleviating the consequences of that traumatic situation for women was helpful.

741. With regard to the request for more detailed information about how the number of 25,000 women victims of rape had been estimated, the representative replied that it was difficult to compile the full evidence in the conditions of war. Certain camps were not accessible even to the official investigating teams, or had often been relocated or closed if the inspection was expected. Certain parts of the country had not been accessible until now. Besides, many women were not willing to provide testimony, but rather preferred to put the tragedy behind them and move on with their lives. Thus, the data compiled by the State Commission had been based on the reports of various commissions, women's testimonies, information provided by women's groups and refugee women. The figure of 25,000 had been carefully estimated and was considered on the low side. She further pointed to the necessity to distinguish between the rape that was known to take place in the environment of war and disorder and the genocidal rape of women in her country, which was a matter of policy and was used as means of warfare to achieve the goals of ethnic cleansing, to humiliate the nation and the ethnic group, to result in forced pregnancies reminding women of the terror and preventing them and their families from leading normal lives. Thus, attempts to educate society how to help the victims and cope with the situation were very important.

742. The experts further asked who specifically dealt with the consequences of violence against women, including forced pregnancies, what measures had been taken in that respect by the Government and non-governmental organizations and whether there were any women's support groups. It was asked whether abortion was accessible to women victims of rape if they decided to undergo it; what was the legal status of children born as a result of rape and whether they were taken back by the families or placed in orphanages.

743. In reply, the expert stated that, in assisting traumatized women, the Government could not go much beyond the measures already described in her presentation. Daily preoccupation with such essential matters as the provision of fuel, food, clothing and medicines; maintenance and reconstruction of electricity, water, telecommunication and transportation lines; restoration of houses, shelters and hospitals absorbed fully the Government. Besides, the war was still going on and creating additional daily demands. There was no information on the number of abortions performed as a result of rape. However, it was assumed that a number of women decided to give birth to the child, neither admitting nor discussing the fact that it had been conceived as the result of rape. There were, however, also the cases of self-inflicted abortions, reported by some grass-roots organizations. Although the law permitted abortion, it was not always possible in practice owing to scarce medical facilities. There was also no specific information on children born as the result of forced pregnancies and the incidence of rape. Numerous non-governmental organizations carried out various forms of medical, psychological and therapeutic activities aimed at assisting those women, helping them to cope with the situation, to go on with their lives. Some other non-governmental organizations focused on the collection of data and testimonies from women victims of rape in order to prepare for court proceedings, including the future presentation of cases at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of

International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. Those women's groups often received assistance and training from women's networks in other countries, mainly in the West.

744. With regard to the possibility of the International Tribunal taking up the cases of violence, the question was asked whether the victims of such actions, considered for the first time as war crimes instead of individual acts of violence, would be given compensation as victims of torture and special assistance by the Government. Compensation to women victims should be a part of the peace agreement.

745. In reaction to those statements, the representative replied that her Government attached great importance to the establishment of the International Tribunal to follow up the cases of war crimes and that it considered essential that rape be included in the list of war crimes. Such a decision would establish an important legal precedent. The issue of monetary compensation to women victims of war rape would be referred to in her Government's regular report. However, the Government viewed that issue in the context of war crimes, considering rape as a war weapon and an instrument of the ethnic cleansing policy.

746. Asked about the cases of violations of women's human rights by members of the military of Bosnia and Herzegovina or by individuals, the representatives replied that, although the Special Rapporteur stated in his report that acts of violence against women had been committed by all parties, the majority of those acts were targeted against Muslim women by the Serbs. At the beginning of the aggression against Bosnia and Herzegovina, there had been no army in her country and the defence had been organized by citizens, in a spontaneous manner. Thus, there had been individual cases of violence against women, either meant as acts of revenge, or individual war-related acts of violence. Those cases, when discovered, had been punished by the authorities with dismissal from the army or detention. The Government also took steps to prevent such acts.

747. Attention was drawn to the relevance of general recommendation 19 of the Committee related to the issues of violence against women and the 1974 Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly resolution 3318 (XXIX)). The obligation of Governments to eliminate and prosecute discrimination and cases of violence committed by public authorities as well as individuals was emphasized. Questions were raised as to whether any measures had been taken by the Government of Bosnia and Herzegovina to prevent violence, to protect women and children and to eliminate hatred and whether the Committee could help in that respect. It was further asked what was the role of women's organizations in that regard.

748. In reply to the question about government policies for assistance to families in wartime, the representative replied that, although the capacity of the Government had been very limited and focused on the immediate and basic needs of society, the issue had been addressed in the mass media; there were centres of family counselling and there were attempts to raise awareness of the importance of the family to its members.

749. In reply to questions related to the medical needs of women, in particular specific needs of women victims of rape, and the overall state of the health services, the representative replied that, although the level of medical services had been very high in the past, they had been largely

destroyed through the war and were affected by the lack of basic equipment and medicines. Thus, the capacity of those services had been very limited and continued to be affected on a daily basis by shelling or siege.

750. With regard to the request to assist the Committee in seeking practical help for women at the highest level of the United Nations and the question about existing assistance provided to women by international governmental and non-governmental organizations, the representative replied that those organizations had been doing a great deal to alleviate the suffering of the population, but had not succeeded in putting an end to the war, the cause of the present situation. Some organizations of the United Nations system, such as the Office of the United Nations High Commissioner for Refugees, and humanitarian non-governmental organizations contributed to the provision of basic goods and assistance, medical intervention in serious cases requiring transfer abroad and training for local women's groups dealing with traumatized women. However, much foreign assistance was not available owing to the siege of towns and villages, the blockade of ports and the shelling of transport facilities. One of the experts asked what would be the form of assistance from women in Western countries most required by the women in Bosnia and Herzegovina.

751. Regarding the observation on the importance of the full participation of women in all spheres of life for the future of the country and referring to a request for more information on the participation and role of women in decision-making bodies at the government and local levels, as well as in the peace negotiations, and discussions concerning the future of the country, the representative stated that the data would be submitted in the next report. She further remarked that there were many women in the foreign service and a woman occupied the crucial post of ambassador to Croatia.

752. With regard to questions related to the situation of refugee women and children, their safety, specific needs and the services they required, the representative stated that their situation had been increasingly difficult as most of them lived on the territory of Bosnia and Herzegovina, already severely suffering from war and the shortage of basic goods and services, and the flow of refugees from war affected areas to the refugee camps continued. Many refugees had been killed or affected on their way to safety and it was very difficult to protect them. International assistance was particularly important in that respect, including the acceptance of many refugees by foreign countries.

#### Concluding comments of the Committee

753. The Committee commended the representative of Bosnia and Herzegovina for presenting its report on an extraordinary basis despite the regrettable situation in her country and also for providing answers to most of the questions posed by members of the Committee.

754. The Committee noted the information provided about the massive rape of women as an instrument of ethnic cleansing and other forms of violation of women's human rights, and recalled that it had always condemned violence against women in all its forms.

755. The Committee therefore expressed its full support for, and solidarity with, all women of Bosnia and Herzegovina in their sad situation in this unfortunate war.

756. The Committee therefore, while condemning in the strongest terms the use of rape and violations of women's rights as an instrument of warfare, called on all of the women of Bosnia and Herzegovina not to remain passive. Women must henceforth become visible at both the governmental and non-governmental levels. The Committee hoped that in that way women would generate the political will requisite for change and an urgent end to the war.

757. The Committee called on the Government, for its part, to do all it could to stop the rape and protect the human rights of women, who, as always, were particularly vulnerable in this unfortunate fratricidal war.