

Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL BIH 1/2026

(Please use this reference in your reply)

21 May 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 54/8, 54/14, 53/4 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged systemic and ongoing discrimination against civilian victims of war and their families in Bosnia and Herzegovina, particularly in relation to legal recognition and access to reparation.

According to the information received:

Following the disintegration of the former Yugoslavia, a referendum in favour of independence led to Bosnia and Herzegovina declaring independence in March 1992. Hostilities erupted shortly thereafter and continued until 1995, when the General Framework Agreement for Peace in Bosnia and Herzegovina was signed. Genocide, crimes against humanity, war crimes and other serious violations of human rights and international humanitarian law were committed during the armed conflict as established by the International Criminal Tribunal for the former Yugoslavia and other international and domestic courts. In the aftermath of the conflict, and according to the peace agreement, the governance system is composed of a central government responsible for defence, foreign policy and fiscal policy, and a second tier of government composed of two entities (the Federation of Bosnia and Herzegovina, and Republika Srpska) responsible for overseeing most government functions and bestowed with their own constitution as well as executive, legislative and judicial powers. There is also the Brčko District. Within the Federation, additional competencies are devolved to 10 cantons.

Despite the passage of three decades since the end of the conflict, the administrative reparation framework remains fragmented and uneven. Due to the highly decentralized system highlighted above, different legal frameworks govern the legal recognition and access to reparation of civilian victims of war, including relatives of missing persons and of persons unlawfully killed, leading to inconsistent standards and unequal protection across the country. In practice, reparation has been essentially treated as a social protection matter and civilian

victims continue to face discrimination based on their legal status, place of residence, and other administrative barriers.

First, a structural imbalance persists between war veterans and civilian victims of war. Legal and policy frameworks prioritize veterans, while civilian victims and their families face more restrictive eligibility criteria and procedural barriers. Veterans are entitled to a broader and more comprehensive set of rights, including higher pensions, expanded healthcare coverage, housing benefits, prioritized access to employment and additional privileges. Administrative reparations for veterans are also significantly higher than those available to civilian victims, even in cases involving comparable or more severe harm.

Second, an inconsistent approach exists between Entities and Administrative Units across the Federation of Bosnia and Herzegovina, Republika Srpska, and the Brčko District. More precisely, in Republika Srpska, the deadline for applying for civilian victim status under the 2017 Republika Srpska Law on Victims of Wartime Torture expired in 2023, while in the Federation of Bosnia and Herzegovina and the Brčko District, applications remain as of today open. Furthermore, Republika Srpska does not recognise children born as a result of wartime sexual violence, unlike the Federation of Bosnia and Herzegovina and the Brčko District, since 2022. This results in unequal access to recognition and reparations for affected individuals based on place of residence or on the category of survivors, in contradiction with international standards.

Third, the Law on Protection of Civilian Victims of War in the Federation of Bosnia and Herzegovina introduces internal disparities. Most cantons have not yet adopted the necessary implementing legislation, and as a result, the Federation of Bosnia and Herzegovina law has largely remained unimplemented to date. According to article 4 of the Law, the realization and scope of rights depend on the financial capacities of each canton. As a result, individuals with identical legal status receive different levels of benefits depending on their canton of residence. This leads to significant disparities in access to financial support, healthcare, and social services.

We express serious concern at the apparent systemic discrimination against civilian victims of war and their families in Bosnia and Herzegovina. Many survivors of wartime torture, including conflict-related sexual violence, have not been able to claim their status as victims due to discriminatory and/or complex procedures, leading to re-traumatization. The differentiation in the treatment of victims creates a hierarchy between victims, which is inconsistent with international human rights standards that require equal recognition and protection for all victims of gross human rights violations. We are deeply concerned that this situation undermines the key principles of equality before the law, legal certainty and predictability, as well as non-discrimination.

We also express serious concern that the alleged systemic discrimination against civilian victims of war and their families appears to be embedded in legal and administrative frameworks resulting from the absence of a unified State-level reparations policy. Differences between the entities and among cantons within the Federation of Bosnia and Herzegovina result in a situation where the realization of the same rights depends on the place of residence, rather than on the actual needs and status

of civilian victims of war. Although there are significant normative possibilities for the protection of civilian victims of war, the operational implementation remains uneven and is often limited. In fact, the decentralized system, which may have had the advantage of creating space for the development of local solutions, leads to a fragmentation of rights, an imbalanced protection system, and unequal access to services.

This situation, which adversely affects victims based on their legal status and place of residence, aggravated by the exclusion of certain categories of victims, has been underscored by the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence at the end of his country visit to Bosnia and Herzegovina in 2021. In his report, he recommended the adoption, in full consultation with victims, of “a comprehensive legal framework, and a concomitant national reparation programme, that: (a) recognizes the status of all categories of wartime victims, including, inter alia, victims of torture, victims of conflict-related sexual violence, children born of rape, and relatives of missing persons; and (b) provide full, prompt and effective reparation (including compensation, rehabilitation, restitution and satisfaction) to all categories of victims, regardless of their place of residence, their ethnic origin or where the violation took place.”

We would also like to recall that, in its country visit report ([A/HRC/16/48/Add.1](#)), the Working Group on Enforced or Involuntary Disappearances recommended that the State, in cooperation with entity authorities, take steps, including through legislative amendments, to ensure that all relatives of disappeared persons have access to social benefits and other measures of social support irrespective of their place of residence. The Working Group further underscored that such legislation should be adopted at the State level, in order to prevent the continuation of discrimination in access to, and levels of, social benefits depending on the entity.

In the light of the State’s reported failure to align existing measures with international transitional justice standards, we would once again recommend that the State establish a comprehensive, State-level reparations framework that would be applicable consistently across entities and cantons and guarantee equal treatment of all victims. We also recommend ensuring the inclusive recognition of all victims in all reparation processes, regardless of their status, ethnic background, place of residence, or any other grounds.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what measures have been taken, or are being considered, to guarantee that all victims of gross human rights violations have equal

access to reparations, based on harm, not status, place of residence or any other grounds.

3. Please indicate what measures have been considered to follow up on the recommendations made by the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence following his visit to the country, in particular his recommendation to adopt a national reparations program for all victims who suffered human rights violations during wartime and if, in this regard, any consultation with victims was carried out.
4. Please indicate what is the status of the implementation of recommendations made by the Working Group on Enforced or Involuntary Disappearances following its country visit to the country, in particular its recommendation that State-level legislation be adopted to ensure all relatives of disappeared persons have equal access to social benefits and support measures, regardless of their place of residence, in order to eliminate entity-based discrimination.
5. Please indicate what measures have been taken to advance a comprehensive transitional justice process aimed at ensuring accountability, reconciliation and sustainable peace, including measures to facilitate victims' access to adequate and effective reparation, including for women victims of wartime sexual violence.
6. Please indicate what processes and measures have been taken to ensure that victims and survivors, and their representatives, have been able to play an active role in transitional justice processes, and that they are seen as partners in the process of reconciliation and sustainable peace.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Bernard Duhaime
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without prejudging the accuracy of these allegations, we would like to bring to the attention of your Excellency's Government to international instruments in relation to the rights of victims to reparations.

Article 2(3) of the International Covenant on Civil and Political Rights, to which Bosnia and Herzegovina became a party in 1993, guarantees the right of each person whose rights or freedoms recognized in the Covenant are violated to an effective remedy.

Absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment

Article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); article 37(b) of the Convention on the Rights of the Child; and at least articles 1, 2 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture) establish obligations to prevent and prohibit torture and other cruel, inhuman or degrading treatment or punishment. The prohibition on torture has attained the status of a peremptory norm of international law for which no exceptions or derogations are permissible.

Attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible, and to provide remedies to victims.¹

States parties to the Convention against Torture have explicit treaty duties to establish all acts of torture as offences under domestic law (art. 4), to exercise jurisdiction over said offences (art. 5), to receive complaints and examine them promptly and impartially (art. 13), and to investigate those allegations promptly and impartially (art. 12).

Defendants cannot rely on orders of a superior or public authority, or states of emergency, to exonerate their actions (art. 2 (3) and 2(2)), while any legal mechanisms which interfere with that obligation, such as statutes of limitations, immunities or amnesties, are considered contrary to the non-derogable nature of the prohibition (art. 2(2)). Amnesties provided at domestic law do not remove criminal liability pursuant to international tribunals or universal jurisdiction. Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (art. 15).

¹ For full explanation of the obligations to criminalize, investigate and prosecute the crimes of torture and related ill-treatment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502): <https://documentsddsny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>

Victims are to be protected from reprisals or intimidation during said investigations (art. 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (art. 14).

States are to establish jurisdiction over all acts of torture on territoriality, flag State, active nationality, passive nationality and universal jurisdiction principles (art. 5). The Convention against Torture further imposes duties to extradite alleged offenders when they are not prosecuted (arts. 5 (2) and 7 (1)).

At no time shall torture be used to extract information or a confession (art. 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (art. 15).

States parties to Convention against Torture have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel including military officials on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

Under international humanitarian law, torture and other inhumane acts are likewise absolutely prohibited.

1949 Geneva Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, provides:

Article 17, fourth para: “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.”

Article 87, third para.: “Any form of torture or cruelty is forbidden.”

Article 89: “In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.”

Article 32 of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 32 provides: “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering ... of protected persons in their hands. This prohibition applies not only to ... torture ... but also to any other measures of brutality whether applied by civilian or military agents.”

“Torture or inhuman treatment” and “wilfully causing great suffering or serious injury to body or health” are grave breaches according to article 50 of the 1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva; article 51 of the 1949 Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; article 130 of the 1949 Geneva Convention (III) relative to the

Treatment of Prisoners of War; and article 147 of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War.

Also under international humanitarian law, similar investigative obligations exist as those under Convention against Torture. As a grave breach of each of the four Geneva Conventions of 1949, the High Contracting Parties are obliged: to enact legislation to provide penal sanctions for persons committing, or ordering to be committed, torture and inhuman treatment, including biological experiments; to search for such persons in order to bring them to justice; and to prosecute suspects of acts of torture as grave breaches under universal jurisdiction, which is considered obligatory. States may discharge their obligation to investigate war crimes and prosecute the suspects by setting up international or mixed tribunals.²

The duty to investigate and prosecute torture as genocide, war crimes or crimes against humanity is also determined to be customary law, applicable for crimes committed in international and non-international armed conflict, which requires States to establish jurisdiction and investigate war crimes allegedly committed by its nationals or armed forces, or including outside their territory, and, if appropriate, to prosecute the suspects. Customary law has also established that soldiers have a duty to disobey orders of a superior for grave breaches and that there is no relief for following superior orders. Also considered customary norms are the rules against amnesties and statutes of limitation.³

Absolute prohibition of sexual torture

Sexual torture – like all other forms of torture – is strictly prohibited under international law (A/77/502, para. 29). The obligations and rights mentioned above must also be applied to cases of sexual torture.

Sexual torture may constitute a war crime, crime against humanity or even genocide. Sexual violence in war or other security or terrorism contexts can also constitute a crime of torture without further qualifying elements. The Special Rapporteur on torture considers that there is an overwhelming consensus which crystallizes rape and other forms of sexual aggression of comparable gravity into prohibited forms of torture as *jus cogens*.⁴

Sexual torture and similar outrages upon human dignity include such acts as forced nudity, verbal abuse and threats of a sexual nature, forced masturbation or urination, physical trauma, electrocuting, mutilating or targeting of genitalia, reproductive organs or breasts, rape (involving digital, object or penile penetration), enslavement, mock or real castrations and forced abortions, pregnancies or sterilizations. These violations are intended to cause maximum humiliation and cruelty. In extreme cases sexual torture may be part of political and/or military strategies.⁵

² Ibid

³ Ibid

⁴ A/79/181, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Investigating, prosecuting and preventing wartime sexual torture, and providing rehabilitation to victims and survivors, 18 July 2024, para. 30, <https://www.ohchr.org/en/documents/thematic-reports/a79181-torture-and-other-cruel-inhuman-or-degrading-treatment-or>,

⁵ Ibid., para. 22

Sexual assaults committed by warring parties are almost always torture.⁶ The Trial Chamber of the International Criminal Tribunal for Rwanda found “Like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of the person. Like torture, rape is a violation of personal dignity”.⁷ The International Criminal Tribunal for the former Yugoslavia held that forcing male prisoners to commit sexual acts against each other⁸, and forcing people to watch other people being raped⁹, constitute torture or cruel and inhuman treatment. The International Criminal Court has found that rape and sexual violence against abducted women constitutes torture as a crime against humanity and a war crime.¹⁰

Every international and regional human rights body (courts and committees) has recognized rape and other sexual assaults of comparable gravity as torture or cruel, inhuman or degrading treatment or punishment, and has placed a priority on victims of war violence.

The Convention on the Elimination of All Forms of Discrimination against Women that your Excellency Government ratified on 23 January 1981, defines in article 1 discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. The Committee on the Elimination of All Forms of Discrimination Against Women has acknowledged that various forms of gender-based violence may constitute torture (CEDAW/C/GC/35, paras. 16–18).

The Human Rights Committee held that gang rape by soldiers violated article 7 of the International Covenant on Civil and Political Rights.¹¹

The Committee against Torture has regularly, through its individual communications procedure, prevented the expulsion of individuals at risk of threats of sexual torture.¹²

The European Court of Human Rights has held that individually or by accumulation, acts of physical and mental violence including rape amount to torture in violation of article 3 of the European Convention on Human Rights.¹³

⁶ Ibid., para. 21

⁷ International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment of 2 September 1998, para. 687.

⁸ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Tadić*, IT-94-1-T, Judgment of 7 May 1997, paras. 206, 726, and 730.

⁹ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundžija*, IT-95-17/I-T, Judgment of 10 December 1998, paras. 266–269.

¹⁰ International Criminal Court, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Judgment of 4 February 2021, paras. 3072–3077

¹¹ *Purna Maya v. Nepal*, CCPR/C/119/D/2245/2013, 23 June 2017, para. 12.4.

¹² *Bakatu-Bia v. Sweden*, CAT/C/46/D/379/2009, 8 July 2011, paras. 10.6–10.8; *E.K.W. v Finland*, CAT/C/54/D/490/2012, 25 June 2015, para. 9.5; *A.Sh et al. v Switzerland*, CAT/C/63/D/717/2015, para. 9.7.

¹³ *Aydin v. Turkey*, Application No. 57/1996/676/866, 25 September 1997, paras. 83–87.

Remedies and reparations

Article 24, paragraphs 4, 5 and 6, of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), to which Bosnia and Herzegovina is a State party, further affirms the right of victims of enforced disappearance to obtain reparation and prompt, fair and adequate compensation. In particular, the Convention requires States to ensure that victims have access to forms of reparation that include restitution, rehabilitation, satisfaction, including the right to the truth, and guarantees of non-repetition, and to take appropriate measures to ensure these rights are effectively implemented.

The 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, adopted in the resolution 60/147 by the General Assembly on 16 December 2005 (hereinafter, “The Principles on the Right to a Remedy”), determines that “remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to (...) an equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; [and] access to relevant information concerning violations and reparation mechanisms” (A/RES/60/147, principle VII). At the same time, according to principle 31 of the United Nations Updated Set of principles for the protection and promotion of human rights through action to combat impunity (hereinafter, the “Set of Principles on Impunity”) victims shall have access to an effective, prompt and readily available remedy, which can be obtain as criminal, civil, administrative or disciplinary proceeding (E/CN.4/2005/102/Add.1).

In his report to the Human Rights Council following his visit to Bosnia and Herzegovina in December 2021, the former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence recommended the adoption, in full consultation with victims, of “a comprehensive legal framework, and a concomitant national reparation programme, that: (a) recognizes the status of all categories of wartime victims, including, inter alia, victims of torture, victims of conflict-related sexual violence, children born of rape, and relatives of missing persons; and (b) provide full, prompt and effective reparation (including compensation, rehabilitation, restitution and satisfaction) to all categories of victims, regardless of their place of residence, their ethnic origin or where the violation took place.” He advised that: “The framework should clearly define the criteria for obtaining the status of victim and set out the specific rights and entitlements guaranteed to all victims throughout the country. Registration procedures should be clearly communicated and accessible to all victims, require a low threshold of evidence of victimhood, and not be time-bound.” The Special Rapporteur further recommended the establishment of “a mechanism to monitor the effective and adequate registration, recognition, and awarding of reparations to wartime victims, which includes data disaggregated by type of violation suffered, ethnicity, gender, place of residence, and type and amount of reparation granted to victims”, and called for the immediately termination of the application of the statute of limitations to reparation claims.

In 2017, the Committee against Torture, in its Concluding Observations on Bosnia and Herzegovina, recommended that the Government takes steps to “establish an effective reparation scheme at the national level to provide all forms of redress to

victims of war crimes, including sexual violence; develop and adopt a framework law that clearly defines criteria for obtaining the status of victims of war crimes, including sexual violence, and sets out the specific rights and entitlements guaranteed to victims throughout the State party; ensure that the authorities at the entity level remove restrictive and discriminatory provisions from their legislation and policies relating to redress for civilian victims of war, including survivors of war-time sexual violence; compile data, disaggregated by age, sex and ethnicity, on the number of victims in order to fully assess their needs and to provide holistic rehabilitation services to victims without discrimination on account of their place of residence”.¹⁴ In a 2019 decision concerning the case of a survivor of conflict-related sexual violence, the Committee against Torture asked for specific remedies while also recommending reparation for civilian victims of war, including a public apology.

In its 2021 Concluding Observations, the Committee on Economic, Social and Cultural Rights reminded Bosnia and Herzegovina¹⁵ that “it bears the ultimate responsibility for the implementation of the Covenant at all levels of government, including cantons and municipalities” and recommended that “the State party take all measures necessary to ensure the enjoyment of rights guaranteed in the Covenant regardless of place of residence in the country”. Moreover, the Committee expressed regret that “the State party has made little progress in relation to its previous recommendation regarding the unequal protection of rights between war veterans and civilians”, and reiterated its “concern that the right to social assistance of certain categories of persons, such as war veterans, is established in ad hoc laws that are not included within the group of general laws on social protection”, noting “this results in significant disparities with respect to the level of protection, and in discrimination against other categories of victims, such as civilian war victims”. It reiterated that “the State party ensure a more equitable allocation of existing funds for social protection, in particular for war veterans with disabilities, civilian war victims and persons with disabilities in general, with a view to reducing discrepancies between the allocated budgets for each of the categories mentioned. It also recommends that the State party intensify its efforts to combat the stigmatization of, and social prejudice and discrimination against, civilian war victims, particularly women and children, based on a victim-centred approach; to provide them with compensation commensurate with the gravity of their pain and enhance rehabilitation support and services; and to restore their dignity.”

We further recall that, in its concluding observations on Bosnia and Herzegovina ([CED/C/BIH/CO/1](#)), the Committee on Enforced Disappearances recommended that the State ensure comprehensive reparations for victims of enforced disappearance, including restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition, and access to truth, in accordance with article 24, paragraphs 4, 5 and 6, of the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee stressed the need to establish effective and non-discriminatory legal and administrative frameworks ensuring that all victims, including relatives of disappeared persons, can access reparation measures irrespective of their place of residence. It further urged the removal of obstacles such as statutes of limitation and restrictive eligibility criteria and emphasized that victims should be meaningfully consulted in the design and implementation of reparation programmes.

¹⁴ CAT/C/BIH/CO/6

¹⁵ <https://docs.un.org/en/E/C.12/BIH/CO/3>

We also recall article 19 of the Declaration on the Protection of All Persons from Enforced Disappearance, which affirms the right of victims to obtain redress and adequate compensation, and the Study of the Working Group on Enforced or Involuntary Disappearances on reparations (2012), which clarifies that reparations for enforced disappearance must be comprehensive, victim-centred, and accessible in practice, including through integrated forms of restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, provided on a non-discriminatory basis.

The Special Rapporteur on extrajudicial, summary or arbitrary executions has emphasized that under international human rights law families of victims of unlawful killings must be recognized as victims in their own right and accorded their rights to truth, justice and reparation. He has further underlined that reparations must treat victims' families with humanity, respect their dignity, safeguard their psychological well-being, and prevent, or at least minimize, the risk of revictimization. Reparation processes should be victim-centered and gender-sensitive and take into account the suffering endured by families. Given the severe impact of unlawful killings on relatives' health and well-being, the Special Rapporteur has also emphasized that access to medical, psychological and rehabilitation services is crucial, and that such services should be adapted to the specific needs of families, including children, and provide comprehensive and holistic support (A/HRC/59/54, paras. 14, 29 and 30).

We also highlight that around 15 recommendations from the fourth Universal Periodic Review (UPR) of Bosnia and Herzegovina, which took place in 2025, pertain to transitional justice efforts, including reparation, and all were accepted by the Government of Bosnia and Herzegovina.¹⁶

At the regional level, a European Commission Staff working Document from 2023 recommended that “the country needs to move from a status-based approach (with war veterans and civilian victims of war enjoying priority) to one based on needs, with a uniform definition of disability, and harmonised eligibility criteria, rights and standards of social protection across the country”.¹⁷

Victims and survivors of torture and other cruel, inhuman or degrading treatment or punishment

In her report to the Human Rights Council A/HRC/61/42, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment presented a Charter of Rights of Victims and Survivors of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Charter provides a framework for action for States and other actors to strengthen accountability, justice, reparation and rehabilitation.¹⁸ In particular, survivors have demanded – in article 2: States must publicly acknowledge the truth about what has been done to us and our loved ones. They must bear responsibility for the commission of torture and related abuses, disclose the full facts about these crimes and ensure that those responsible, including those who ordered or enabled those acts to be carried out, are brought to justice. And in article 3:

¹⁶ <https://www.ohchr.org/en/hr-bodies/upr/ba-index>

¹⁷ [bosnia-and-herzegovina-2023-report_1699537472.pdf](https://www.ohchr.org/en/hr-bodies/upr/ba-index/bosnia-and-herzegovina-2023-report_1699537472.pdf)

¹⁸ See [A/HRC/61/42](https://www.ohchr.org/en/hr-bodies/upr/ba-index)

We have the right to fully participate – as stakeholders and leaders – in all efforts to address torture and other ill-treatment.

The Special Rapporteur on torture has indicated that she sees this Charter – drafted by survivors – as a complement to the 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.