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Right Livelihood

# INVISIBLE CHILDREN:

The Legal Status of Children Born of Wartime  
Sexual Violence in Bosnia and Herzegovina and  
the Republic of Croatia

Comparative Legal Analysis and Practical Recommendations

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## Executive Summary



# IMPRESSUM

**Title:**

Invisible Children: The Legal Status of Children Born of Wartime Sexual Violence in Bosnia and Herzegovina and the Republic of Croatia - Comparative Legal Analysis and Practical Recommendations

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# Summary


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*Invisible Children: The Legal Status of Children Born of Wartime Sexual Violence in Bosnia and Herzegovina and the Republic of Croatia* addresses one of the most neglected human rights issues in the post-Yugoslav region and draws attention to the continuing violation of the rights of children born of wartime sexual violence. More than three decades after the armed conflicts that accompanied the dissolution of Yugoslavia, children born of wartime sexual violence remain only partially recognised in Bosnia and Herzegovina, while in the Republic of Croatia they remain entirely absent from legal recognition as a distinct category of civilian victims of war. This reality is particularly concerning given Croatia's obligations as a Member State of the European Union and a party to numerous international and regional human rights instruments that require the protection of vulnerable groups without discrimination.

While conflict-related sexual violence has increasingly been recognised as a grave violation of international human rights and humanitarian law, children born as a consequence of such violence remain largely marginalised within legal and policy frameworks.

Rather than being recognised as independent rights-holders, they have often been viewed primarily through the circumstances of their birth and as a consequence of wartime sexual violence, rather than as individuals entitled to rights in their own capacity. As a result, this category of victims has remained largely invisible within legal frameworks, public policies, institutional responses, and collective memory. The continued absence of adequate recognition and protection cannot be understood solely as a legal gap. Rather, it reflects a prolonged failure to address the enduring human consequences of wartime sexual violence and raises serious concerns regarding compliance with fundamental human rights obligations. For many individuals affected, the lack of recognition and the absence of adequate legal protection have resulted in decades of exclusion, stigma, discrimination, and obstacles to the full enjoyment of rights guaranteed under international human rights law.

Against this backdrop, the publication examines the legal visibility of children born of wartime sexual violence through a comparative analysis of Bosnia and Herzegovina and the Republic of Croatia.




It explores how legal systems can either reinforce or challenge the marginalisation of individuals whose experiences have historically received limited public and institutional attention, while situating the issue within broader discussions on human rights protection, victim recognition, and post-conflict justice. Particular emphasis is placed on the relationship between legal recognition and social inclusion, arguing that the absence of recognition reflects not only legal shortcomings but also wider societal and institutional failures to address the enduring consequences of armed conflict.

**The publication demonstrates that Bosnia and Herzegovina has, despite significant challenges, taken important steps towards recognising children born of wartime sexual violence as a distinct category of civilian victims of war.** These developments emerged through sustained advocacy efforts led by civil society organisations, particularly the Association *Forgotten Children of War*, in cooperation with researchers and affected individuals themselves. The experience of Bosnia and Herzegovina demonstrates that legal recognition does not occur spontaneously but is often the result of long-term advocacy, knowledge production, and public engagement. The activities of the Association were instrumental in transforming children born of wartime sexual violence from a largely invisible group into a socially, institutionally, and

legally recognised category of civilian victims of war, providing an important example of how evidence-based advocacy can contribute to meaningful legislative and institutional change. **In contrast, Croatia has yet to establish a legal framework specifically addressing the rights and status of children born of wartime sexual violence. Consequently, this group remains largely absent from legal, institutional, and public discourse, creating a situation of continued invisibility despite the passage of more than thirty years since the end of the war.**

Building on its comparative findings, the publication argues that addressing this ongoing invisibility requires a combination of legal reform, institutional recognition, public awareness, and sustained knowledge production.

**Particular attention is given to the need for legislative amendments in Croatia that would formally recognise children born of wartime sexual violence as a distinct category of civilian victims of war and as rights-holders in their own capacity, thereby addressing a longstanding gap in legal recognition and protection. Such reforms are essential not only for correcting a legal omission, but also for preventing the continued denial of rights and protections to which this group is entitled under international human rights standards. More than three decades after the end of the war, the**



**absence of legal recognition continues to impede the effective enjoyment of rights by children born of wartime sexual violence and contributes to their ongoing social and institutional marginalisation.**

At the same time, the publication identifies the near-total absence of empirical data in Croatia as one of the principal obstacles to effective policy development and legal recognition. **What remains undocumented is easily ignored, and what remains unresearched struggles to enter legal and political agendas. For this reason, the study calls upon academic institutions, funding bodies, and research organisations to invest in and support further interdisciplinary research on children born of wartime sexual violence. Such research is essential not only for advancing academic knowledge but also for equipping civil society organisations with credible evidence and advocacy tools necessary to influence public debate, support legislative reform, and strengthen the protection of human rights. In the Croatian context, where this issue remains almost entirely absent from legal and policy frameworks despite the country's obligations as a Member State of the European Union, strengthening the evidence base represents a necessary step towards ending decades of institutional invisibility.**

By bringing together comparative legal analysis, human rights perspectives, and practical recommendations, Invisible Children contributes to emerging scholarly and policy debates on conflict-related sexual violence, victimhood, memory, recognition, and post-conflict reconstruction. More broadly, it raises important questions about the responsibilities of post-conflict societies towards individuals whose experiences have remained overlooked despite the enduring consequences of war. The publication concludes that meaningful recognition requires more than symbolic acknowledgement; it requires the development of legal, institutional, and social mechanisms capable of ensuring dignity, protection, inclusion, and equal participation. Further delay is not a neutral option. For children born of wartime sexual violence, it represents the continuation of institutional invisibility and the persistence of conditions that have prevented the full realisation of their rights for more than three decades. In the Croatian context, continued inaction risks reinforcing the perception that the systematic exclusion of an entire category of civilian victims of war from legal recognition and protection remains acceptable, despite the human rights obligations incumbent upon a Member State of the European Union.

- Iris Knežević, Global Campus of Human Rights Alumna