

ILGA-Europe's written submission to the European Commission's 2013 Progress Report on BiH¹

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Reporting period: October 2012-April 2013

A summary of key developments and trends

Experiences of homophobia and transphobia remain very common in Bosnia and Herzegovina with limited or no action taken by authorities to address such discrimination, harassment or violence. In fact, the cases of attacks against LGBTI human rights defenders, homophobic and transphobic rhetoric in print and social media and TV further fuel violence against LGBTI people. Positively, the Blood Transfusion Institute amended its blood donation regulations by deleting the discriminatory provisions. There is also some willingness from Ombudsperson's office to promote non-discrimination on the ground of sexual orientation and gender identity although the institution remains under-resourced for any effective actions.

Bias motivated speech

- In January and February 2013, Sarajevo Open Centre documented four cases of homophobic hate speech, three of which were expressed in comments on online web portals and facebook pages of news portals, and one in the comments of the viewers which were broadcast during a TV show on a local TV station. These cases were reported to the institutions in charge, including the police, however, none of them have yet reacted or sanctioned the persons responsible for expressing and disseminating hate speech in public.
- In January 2013 a young man's sexual orientation was revealed on Facebook by his former friend who posted his picture along with an offensive and mocking comments regarding his sexual orientation.

Bias motivated violence

- In December 2012, a young man was attacked and beaten up by unknown men in Mostar sustaining severe physical injuries. According to eyewitnesses unknown men attacked the victim because of his sexual orientation. The police and prosecutor's office didn't take necessary actions to find and arrest the perpetrators. The case came to the attention of Sarajevo Open Centre through a web portal. The organisation has issued a press statement calling on the Ministry of Interior Affairs and Prosecutor's Office to swiftly investigate the case.
- In March 2013, a group of seven people of which five were human rights defenders of LGBTI organisation Okvir, were attacked within the protected zone of the Presidency building in Sarajevo. Unknown group of 10-15 young men has followed and physically attacked the activists shouting "Kill the faggots!", "Half foreigners, half faggots!". The victims reported the incident to the police as well as to international and intergovernmental organisations.

Equality and non-discrimination

- In October 2012, the Blood Transfusion Institute of Federation of B&H, following the advocacy actions by LGBT human rights defenders, changed the discriminatory regulation and practice of voluntary blood donation which prohibited “all the individuals who had temporary or permanent sexual contacts with homosexuals” to donate blood. The new questionnaire for blood donors emphasizes high-risk sexual behaviour instead of sexual orientation, as deferral criteria.
- In March 2013, a young lesbian woman was refused to be rented an apartment when the landlord has found out about her sexual orientation even when the roommates didn't object to the apartment share with her knowing that she is lesbian. She reported this case to Sarajevo Open Centre seeking legal advice.
- The Ombudsperson's office has expressed willingness to cooperate with non-governmental organisations for implementation of the anti-discrimination law and for raising public awareness on discrimination, including on the bases of sexual orientation and gender identity, and redress mechanisms, procedures. However, the office is under-resourced and is not implementing needed awareness raising actions.

Freedom of assembly

- In October, LGBTI organisation Okvir have planned a peaceful assembly, a flash mob *We are everywhere*, in front of the Presidency building followed by a short walk to the Cathedral. The organisers gave the required advance notice to police about the gathering. The police informed Okvir that their action could not be held because the legal procedure for informing the police about the planned gatherings had changed and fourteen days of advance notice were required instead of the previous seven days. However, the only publicly available Law on public gathering, published on the website of the Ministry of Internal Affairs, continued to clearly state that planned peaceful public gatherings should be reported to the police only five days before the day of the gathering.

Police and law enforcement

- In BiH the police has the right to determine whether an act “violates the public order or public morality”. In various examples the police interfered in situations such as women kissing in a bar or two men holding hands in a park, stating the behaviour violated public morality.
- A trans person was taken to the police station for disobeying a police officer on the street and was mocked by the police officers when they saw that the person's name in identity documents didn't match with his/her gender identity and expression. The case was not reported to the hierarchy.
- Representatives of the law enforcement forces of Sarajevo Canton have shown willingness to support and cooperate with Sarajevo Open Centre and to appoint a person in every police station as a direct contact for LGBT persons. This is a new and welcome development. Its implementation is still to be seen and monitored.

¹ This submission gives a snapshot of human rights situation of LGBTI people in the country and follows a structure and approach similar to ILGA-Europe's Annual Review 2013. It is based on continuous monitoring of the country situation, collection and analysis of first-hand information from LGBTI human rights defenders and country experts.