

BOSNIA AND HERZEGOVINA

BIAS-MOTIVATED SPEECH

Sarajevo Open Center (SOC) documented eight cases of hate speech based on SOGIESC. Three of them were reported to the authorities.

BIAS-MOTIVATED VIOLENCE

Following Tuzla (2021), Sarajevo (2018), Trebinje, Herzegovina-Neretva, Una-Sana Cantons (2023), remaining cantons in Republika Srpska and in Brcko District also appointed a staff person in the Prosecutor's Office in charge of overseeing anti-LGBTI hate crimes. This now covers the majority of Bosnia and Herzegovina.

LGBTI activists consider that President Dodik was partially responsible for the violent attacks against LGBTI activists and journalists in Banja Luka in March (see under Freedom of Assembly). They urged authorities to start a criminal investigation and classify the incidents as a hate crime. The day before the planned Pride events in Banja Luka, extremists roamed the streets chanting “kill the fags” and vandalised the venue where some events were to take place. A day after the march and during a local football match, extremists displayed a banner stating “Stop disease” while shouting “kill faggots”. The Council of Europe High Commissioner for Human Rights condemned the events and called local authorities to prosecute perpetrators.

In July, the European Parliament adopted the Commission's 2022 report on Bosnia and Herzegovina and called on the government to add SOGI as grounds to hate crime laws. SOC documented 12 anti-LGBTI hate crimes this year – seven were reported to the authorities.

DATA COLLECTION

The Prosecutor's office in the canton of Sarajevo started to collect data on hate crimes and hate speech against LGBTI people.

EDUCATION

(See under Freedom of Expression)

EQUALITY AND NON-DISCRIMINATION

In late June, Republika Srpska adopted the Law on a Non-Enforcement of Decisions of the Constitutional Court, which prohibits the implementation of the Court's decisions in the entity. On 5 July, representatives of the European Parliament issued a statement condemning the law.

Ahead of the fourth Pride March in Sarajevo, the city mayor declined to approve illuminating the City Hall with the rainbow flag. LGBTI activists plan to file a lawsuit based on discrimination on SOGI grounds.

FAMILY

The Federal Government instructed the Ministry of Justice to nominate experts who will draft the same-sex partnership law, with SOC members as observers.

In February, a same-sex couple filed the first-ever appeal to the Constitutional Court after their same-sex partnership, issued in Croatia, was not recognised by local authorities. In March, a lesbian woman filed an appeal to the same court, claiming her right to inherit from her partner.

FREEDOM OF ASSEMBLY

On 8 March, several participants of the Women's Day March in Banja Luka were attacked by four men, including two minors, because one participant was carrying a rainbow flag. The extremists took away the flag and verbally and physically harassed several people. Previously, the event was excluded from the city's official programs.

On 17 March, Pride organisers were to host a march, a film screening, a discussion, and a party in the town of Banja Luka. A few hours before the event, the police banned the screening allegedly due to increasing threats from violent groups. When activists met up to discuss the cancellation, the police told them to leave the premises and also leave the city as they were not safe. The police left the activists and two journalists unprotected on the street, who were physically and verbally attacked by 30-40 extremists shortly thereafter. The activists reported that the police were present, but did not intervene. Three activists were injured. Some fled the region soon after. The screening's venue was also vandalised. A few days before the screening, President Dodik said the authorities should consider banning the event, which was echoed by the mayor. Both politicians condemned the violence, but took no responsibility. Dodik said he felt “no remorse”. On 21 March, the CoE Commissioner for Human Rights issued a statement condemning the ban and affirming that threats cannot be a reason to restrict freedom of assembly.

Several other international entities expressed concern about the attacks.

The fourth Sarajevo Pride was held in June, under the slogan ‘Proudly Together’. The march was joined by hundreds of people



and went ahead safely, despite a counter-demonstration again this year.

Adopted in July, a European Parliament report which called on the government to ensure LGBTIQ+ people can exercise their freedom of assembly and that they are protected from violence. The report condemns the attacks in Banja Luka.

In March 2023, SOC filed an anti-discriminatory lawsuit against BBI Center and Sarajevo Center Municipality, also related to the right to freedom of assembly.

FREEDOM OF ASSOCIATION

In March, President Dodik (Republika Srpska) called for the adoption of a foreign agents law, similar to that in Russia. Dodik's statements were widely criticised in the country and by the EU, and later by the Venice Commission and the OSCE in a joint opinion. The law was adopted a few weeks later.

Dodik also shared plans that content on LGBT people would be banned in schools and LGBT activists would not be allowed to enter schools, citing the Hungarian 'propaganda law' as a positive example.

FREEDOM OF EXPRESSION

In July, the Republika Srpska Parliament adopted amendments to the Criminal Code, which will impose thousands of Euros of fines for defamation, which many believe would contribute to censorship. The EU called for the withdrawal of the law.

HEALTH

Trans activists and SOC continued to advocate for access to gender-affirming healthcare and for insurance coverage. SOC launched a policy brief on trans-specific healthcare, published a trans healthcare guide for medical professionals, and trained healthcare providers.

In January, a law that makes gender-affirming healthcare less affordable and more difficult to access came into force. The new legislation classifies certain procedures as ineligible for funding through mandatory health insurance and implies that it is an aesthetic rather than a vital medical procedure.

The antiretroviral medication available this year belonged to an older generation of products.

In December, Bosnia and Herzegovina submitted its trans-

specific healthcare system for a voluntary national review under the Council of Europe's Thematic Review process.

HOUSING

SOC reported being contacted by several LGBT persons this year whose families threw them out due to their SOGI - the lack of shelters for LGBT people remains an issue.

INSTITUTIONAL SUPPORT

(See under Family).

LEGAL GENDER RECOGNITION

The European Parliament's resolution (see above) called on BiH to introduce a legal gender recognition procedure (LGR) based on self-determination. SOC launched a policy brief on LGR. The current procedure in BiH lacks clarity and is difficult to access - SOC and trans activists continue to lobby for LGR that is based on self-determination.

The Ministry of Human Rights and Refugees endorsed SOC's draft proposal on legal gender recognition and CSOs continued to call on the Federal Ministry of Health to adopt a federal regulation on the matter.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

The second edition of the summer festival Kvirhana was held in June in Sarajevo, and in July in Tuzla.

POLICE AND LAW ENFORCEMENT

SOC provided a two-month training on combatting hate against LGBTI people to about 400 future police officers. This training is now part of the regular program of the Federal Police Academy.

PUBLIC OPINION

SOC research showed that 43% of respondents find it unacceptable for their child to be LGBTI and 34% find it unacceptable to have a relative to be LGBTI.



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