



# Bosnia and Herzegovina



The need to make quicker progress on equality issues in Bosnia and Herzegovina was stressed by the European Commission and acknowledged at national level, as political figures noted they were lagging behind their neighbours. The BiH state parliament discussed the rights of LGBTI people for the first time. The Council of Ministers adopted amendments to anti-discrimination law; while not finalised, this is an important first step. The experiences of trans people were documented in a major new NGO study. NGOs continued to offer trainings for police officers, along with similar schemes for politicians, judges and prosecutors.

## Access to goods and services

- In Banja Luka, a bar published homophobic comments (and later threatened LGBTI activists who reacted) on their Facebook page. The case was reported to the police but no action was taken. In Sarajevo, two women were asked to leave a bar after kissing each other. When NGO Sarajevo Open Centre (SOC) tried to reserve a table at the same bar, they were warned not to hug or kiss as the owner did not want any problems at his premises. The NGO was considering legal action at the end of the year.

## Asylum

- NGO SOC proposed improvements to the Ministry of Security's new draft of the Asylum Law. Activists asked that sexual orientation and gender identity be included as asylum grounds and these amendments were adopted by the House of Representatives in December. The House of Peoples passed a different version of the law that did not include sexual orientation and gender identity; its contents will be finalised in February 2016 at a joint committee.
- Vaša Prava, a legal information NGO, assisted a gay man from Africa with his successful asylum application.

## Bias-motivated speech

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 72% of the LGBTI people surveyed in Bosnia and Herzegovina had been verbally harassed or abused because of their sexual orientation or gender identity.
- NGO SOC documented 123 hate speech cases in 2015. The cases mostly involved online hate speech but also included newspaper articles promoting discrimination against LGBT people.

## Bias-motivated violence

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 15% of the LGBTI people surveyed in Bosnia and Herzegovina had been the victim of physical violence because of their sexual orientation or gender identity.
- NGO SOC documented 18 cases of bias-motivated crimes, involving physical and verbal attacks, blackmail,

threats, domestic violence and malpractice by law enforcement officers.

- In November, Vesna Švancer, Vice-president of the House of Representatives of the Parliament of the Federation (Union for a Better Future of BiH, SBB; centre-right) announced that her party would propose amendments to the country's criminal code to better regulate hate crime by the end of 2015. The process was delayed and the amendments will be proposed in 2016. If adopted, all three federal units will have hate crime provisions.
- In December, a 14 year-old boy in Sarajevo committed suicide, allegedly due to homophobic bullying and abuse he experienced at school. The Prosecutor's Office of Canton Sarajevo and the BiH Ombudsperson for Human Rights both announced they would work on this case.

## Data collection

- *Life Beyond the Set Norms*, the first major study on trans people in BiH, was published by NGO SOC in December. The research showed that 70% of trans people surveyed saw fear of violence and exclusion as their main obstacle from living freely. 18% were discriminated against in health care institutions and 30% in education. 60% of trans people that participated experienced physical violence and 80% experienced psychological/emotional violence. 100% of trans people questioned had encountered problems while filing for personal documents and 88% of trans people in the study would change their sex marker on documents right away if they were legally able to do so.

## Enlargement

- Bosnia and Herzegovina has been a potential candidate to join the European Union since 2003. In its annual report on progress made towards EU accession, published in November, the European Commission pointed out that no attempts have been made to develop a national anti-discrimination strategy or to systematically record reported hate crimes. The Commission said that anti-discrimination legislation and criminal codes need to be amended to protect LGBTI citizens from discrimination

and hate speech. The report also noted the lack of a clear legal gender recognition process for trans people. Bosnia and Herzegovina will submit a request for EU membership in February 2016.

## Equality and non-discrimination

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 51% of the LGBTI people surveyed in Bosnia and Herzegovina had been personally discriminated against because of their sexual orientation or gender identity.
- Amendments to the Anti-Discrimination Law, including prohibiting discrimination on the grounds of sexual orientation, gender identity and sex characteristics, were adopted by the Council of Ministers (state government) in December. The draft law will go through the Parliamentary Assembly's procedure in 2016 before being finalised.
- The Government of Republika Srpska adopted their operational plan for the implementation of the Gender Action Plan for 2016 on 15 December; this is the first operational plan approved by a government in BiH that explicitly mentions LGBT people. Bosnia and Herzegovina made a similar operational state-level plan and the Federation of Bosnia and Herzegovina also initiated an operational plan on entity level – both will be adopted in early 2016.
- A final report under the UN's Universal Periodic Review process was adopted for BiH in 2015 (see **United Nations**).

## Family

- The Council of Muftis of the BiH Islamic Community published a statement on 15 December, saying that marriage is only between a man and woman, homosexuality is a great sin but that violence against a person because of their personal traits is forbidden.
- During a TV interview organised by TV Liberty and LGBT NGO SOC, Maja Gasal-Vražalica (Democratic Front, DF; centre-left) and Damir Arnaut (Union for a Better Future of BiH, SBB; centre-right) openly stated their support for legally recognising same-sex couples.

## Freedom of assembly

- An opinion poll carried out by the US-based National Democratic Institute (NDI, see **Public opinion**) revealed that 69% of LGBTI people surveyed in Bosnia and Herzegovina felt that public LGBTI events have improved the position of the LGBTI community in society.
- In 2015, the Merlinka LGBT Film Festival was held in Sarajevo and Tuzla without any problems; an investigation by the Prosecutor's Office into the 2014 attack on the festival was still on-going.

## Freedom of association

- Mostar-based LGBTI group Liberta Mo officially registered as an NGO; additionally the Tuzlanski otvoreni centar (TOC – Tuzla Open Centre) initiated their registration.

## Participation in public, cultural and political life

- To mark IDAHOT on 17 May, the Joint Committee on Human Rights of the BiH Parliamentary Assembly addressed the rights of LGBT people. This was the first time that the issue had ever been discussed by a legislative body in Bosnia and Herzegovina.
- In November, Chairman of the BiH parliamentary Committee on Human Rights Borislav Bojić (Serb Democratic Party, SDS) said that Bosnia and Herzegovina was behind its neighbours Serbia and Croatia in terms of protecting the rights of LGBTI people, during a meeting with US State Department Envoy Randy Berry in Sarajevo.
- NGO SOC ran a two-day training session on the issues faced by LGBTI people for nine members of three political parties (Democratic Front, Social Democratic Party and Union for a Better Future of BiH) in December.

## Police and law enforcement

- In total, 161 police officers from every canton in the Federation of BiH received training, from NGO SOC and the OSCE Mission to BiH, on how to respond effectively to hate crimes. They also organised training for apprentices of courts and prosecutors' offices, attended by 23 people.

- In May, a total of 42 judges and prosecutors were trained in how to combat discrimination of minority groups by Heinrich Böll Stiftung, organised by the NGO SOC with the support of the two Centres for Judicial and Prosecutorial Training of the Republika Srpska and Federation at various sessions in Sarajevo.

## **Public opinion**

- From June – August, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. In Bosnia and Herzegovina, 44% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 52% said they would not vote for a political party that championed the rights of LGBTI people.