

## ILGA-Europe's submission to the European Commission's 2011 Progress Report on BiH

Brussels, April 29, 2011

### Political criteria

Human rights and the protection of minorities	
<i>Civil and political rights</i>	
<b>Freedom of assembly, association and expression</b>	<p>The law provides for freedom of assembly and association. In practice these rights are not respected in relation to LGBT people.</p> <p>After the 2008 the Queer Sarajevo Festival (QSF) which was violently interrupted by hooligans and religious groups resulting in eight casualties, no public events were organized on LGBT issues in BiH. In fact, after QSF, LGBT people in BiH prefer to conceal their sexual orientation and gender identity and refrain from speaking about their rights based on a legitimate fear of discrimination and violence.</p> <p>The level of organizing of LGBT people is very low. The only active LGBT organization in BiH, Organisation Q, ceased to exist in 2010 and the two human rights defenders working in the organisation had to leave the country.</p> <p>Sarajevo Open Centre, an NGO working to promote intercultural dialogue between the different strata of bosnian-herzegovinian society is currently organizing some queer art events and monthly gatherings, parties for LGBT community which, however, largely remain private, limited to a certain number of people who are invited.</p>
<b>Hate crime and hate speech, public statements targeting LGBT people</b>	<p>The Criminal Code of BiH does not contain any general provisions that expressly enable the homophobic and transphobic motives of the offenders to be taken into account by the courts as an aggravating circumstance when sentencing. While it enhanced penalties in case of murder, if the murder is committed on "racial, national or religious grounds", sexual orientation is not included as a bias ground.</p> <p>None of the perpetrators of the violence during 2008 Queer Sarajevo Festival have been</p>

	<p>prosecuted.</p> <p>During the festival many politicians and media legitimated attacks against the organizers and participants of the Festival by their homophobic statements. Commissioner for Human Rights of the Council of Europe, Thomas Hammerberg, in his March 2011 report on Bosnia and Herzegovina expressed his concern ‘about statements of parliamentarians and some religious leaders supporting persons who had physically assaulted participants of the Festival [...]’<sup>1</sup>.</p> <p>Death threats have been continually issued on the Internet against LGBT human rights defenders months before and after the opening of the Festival, including a YouTube film showing digitally manipulated images of one of the organizers to make them look as if they were beheaded. A number of websites have called for the organizers of the Festival to be lynched, stoned, doused with petrol or expelled from the country.</p> <p>The violence during the Festival and continuous threats against the organizers of the event lead Organisation Q to a crisis and eventual dissolution of the organisation.</p> <p>Due to the fact that there is no LGBT organisation in BiH documenting the cases of homo/transphobic violence, only very few individual cases of violence come to our attention. In May 2010, a transgender person was attacked in Tuzla on the grounds of gender identity. He didn’t report the incident to anyone.<sup>2</sup></p> <p>Most cases of violence against LGBT people in BiH go unreported.</p>
<i>Economic and social rights</i>	
<p><b>Discrimination/ Anti-discrimination policies</b></p>	<p>A comprehensive anti-discrimination law has been adopted in July 2009.</p> <p>However, as mentioned in US State Department 2010 Human Rights Report on Bosnia and Herzegovina ‘While the law prohibits discrimination on the basis of sexual orientation, it was not fully enforced in practice, and there was frequent societal discrimination against gay, lesbian, bisexual, and transgender (LGBT) persons. Gays and lesbians faced frequent harassment and</p>

<sup>1</sup> <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1766837&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>2</sup> Report by Organisation Q, 24 May, 2010

discrimination, including termination from employment. In some cases, dismissal letters explicitly stated that sexual orientation was the cause of termination, making it extremely difficult for them to find another job.’<sup>3</sup>

In summer of 2009 the directors of Student Center Sarajevo and Student Dormitory of University in Mostar announced that the doors of both public institutions are closed for LGBT people.<sup>4</sup>

Also as mentioned in Commissioner Hammerberg’s March 2011 country visit report on BiH ‘Extreme stereotyping, discrimination and homophobia in media continue to be of serious concern to the Commissioner.’<sup>5</sup>

According to the recent report by Sarajevo Open Centre, in March 2011, local TV journalist Alen Albinovic aired a programme on trans performer Edin Aladuz Kalimero. The programme was full of transphobic statements and verbal attacks labeling the artist as a ‘sick person’. The programme also featured a psychologist saying that ‘religious books forbid cross-dressing’.

2008 research and the report by Organisation Q revealed that many LGBT people are ‘not out’ because of the fear of social discrimination and exclusion. In the same study Organization Q documented that one individual was fired after her employer found out about her sexual orientation, another individual was not hired because of her appearance /gender expression. They had reports by people experiencing demeaning and verbally abusive comments while at work, in hospitals and at schools. One person mentioned that an employee of a hospital have stated that ‘they all have to be burned’. Another person noted how his doctor often tries to convince him that he should change and that many serious illnesses can steam from his sexual orientation. Other examples also reflected doctors’ statements asserting that homosexuality is a disorder. There have also been many reports of verbal and physical abuse by the police and failure to investigate the crimes perpetrated against LGBT people<sup>6</sup>

<sup>3</sup> <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154416.htm>

<sup>4</sup> <http://www.queer.ba/en/content/fascism-student-dormitories>

<sup>5</sup> <https://wcd.coe.int/wcd/ViewDoc.jsp?id=1766837&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

<sup>6</sup> The Invisible Q-Organisation Q-Sarajevo, BiH,2008

	At the same time, many politicians and representatives of state and religious institutions in Bosnia and Herzegovina show complete ignorance, prejudices and derogation of LGBT population, describing them as 'ill' and in the need for medical assistance. <sup>7</sup>
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<sup>7</sup> Report by Sarajevo Open Centre, March 2011