



Bosnia and Herzegovina



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 case of the derogatory comments made by the Deputy Minister of Human Rights and Refugees in one of the main newspapers was an example of how government officials contributed to perpetuating homophobia. Positively, the Blood Transfusion Institute amended its blood donation regulations by deleting the discriminatory provisions.

Access to goods and services

- Two gay men who lived as a couple in a rented apartment in a small town in Bosnia and Herzegovina (BiH) were asked to move out of the apartment when the landlady became suspicious of their relationship. It is believed that their small business went bust for the same reason and their families have been harassed. As a result they were forced to leave the town and now live in economic hardship and social isolation. They have not reported the case to the authorities.

Bias motivated speech

- In March, Dnevni Avaz, the largest and most influential daily newspaper in Bosnia and Herzegovina, published an article on 'homosexuality' under the heading: *How many homosexuals are there in Bosnia and Herzegovina?* The article quoted representatives of religious communities but did not include comments of human rights organisations. The paper quoted the Deputy Minister of Human Rights and Refugees Saliha Đuderija saying that a potential public gathering "shall not interfere with or disrupt the human rights of others. Expression must not provoke conflicts and not disturb public order." The article also stated that LGBTI people are seen at "a maximum of two places" in Bania Luka.
- In April, an incident took place at the University of Sarajevo when a group of students criticised the discriminatory practice of blood collection. One of the students came out as a lesbian during the event, and was threatened as a result. A public servant at the University library told the lesbian student that "if you were my child, I would kill you on the spot" and that she would be waiting for the student at the end of the day. Students also experienced threatening behaviour and were assaulted by an employee of the Institute for Transfusion Medicine, who organised the blood donation event.

Bias motivated violence

- In May, an organisation working on human rights of LGBT people received a phone call from a man threatening to "come and deal" with the people working in the organisation. This threat was reported to the police but no action was taken.

- In December, a young man was attacked and beaten by unknown men in Mostar, sustaining severe physical injuries. According to eyewitnesses unknown men attacked the victim because of his sexual orientation. The case came to the attention of Sarajevo Open Centre through a web portal. The organisation issued a press statement calling on the Ministry of Interior Affairs and Prosecutor's Office to swiftly investigate the case.

Education

- Sarajevo Open Centre started a school for law students on the human rights of LGBT people. A three-day training event was held in October; trainers and speakers included one of the Ombudspersons of BiH, experts and representatives from national and regional NGOs, the OSCE Mission, the Council of Europe and academics.

Enlargement

- Bosnia and Herzegovina is a potential candidate country for EU membership. In October, the European Commission issued its *2012 Progress Report on Bosnia and Herzegovina* where it reiterated that discrimination against LGBT persons remains widespread in BiH. The report also stated "LGBT activists continue to be subjected to threats and harassment. Hate speech and intolerance towards LGBT persons by media and politicians remain an issue of concern".

Equality and non-discrimination

- To mark *International Human Rights Day*, Sarajevo Open Centre, together with the Council of Europe office in Sarajevo, organised an event entitled *LGBT rights are human rights*. Key stakeholders, including administration level Ministries of BiH, Ambassadors and heads of international organisations, attended the event.
- In its *2012 Progress Report on Bosnia and Herzegovina*, the European Commission noted that limited steps have been taken by the authorities to ensure effective implementation of the anti-discrimination law. In addition, it found that "public awareness of the legal remedies provided by the law remains weak and the

number of discrimination cases brought by citizens remains low”.

Freedom of assembly

- In October, Sarajevo based LGBT organisation Okvir planned a peaceful 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 planned gatherings had changed and fourteen days advance notice, instead of seven, were now required. In spite of this claim, 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.

Health

- In October, the Blood Transfusion Institute of Federation of BiH, following advocacy activities 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” from donating blood. The new questionnaire for blood donors emphasizes high-risk sexual behaviour, instead of sexual orientation, as a deferral criterion.

Police and law enforcement

- In BiH the police has the right to determine whether an act “violates the public order or public morality”. On various occasions the police interfered in situations such as women kissing in a bar or two men holding hands in a park, stating that 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 their identity documents didn’t match his/her gender identity and expression. The case was not reported up the command structure.

Member organisations of ILGA-Europe

Organisation Q
www.queer.ba

Sarajevo Open Centre
www.soc.ba