

2023
**ANNUAL
REVIEW**

OF THE HUMAN RIGHTS SITUATION
OF LESBIAN, GAY, BISEXUAL, TRANS
AND INTERSEX PEOPLE IN EUROPE
AND CENTRAL ASIA

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BOSNIA AND HERZEGOVINA

ASYLUM

The Sarajevo Open Centre (SOC) supported one gay asylum seeker this year, whose request was denied by the authorities in both the first and second instance.

BIAS-MOTIVATED SPEECH

The rise of hate speech in Bosnia and Herzegovina (BiH), in general, was highlighted as a key concern by the Office of the UN High Commissioner for Human Rights in January. Anti-LGBT hate speech has also continued to be a serious issue and increased during the month of Pride, in June. For instance, the Minister of Economy on the cantonal level shared his personal and hostile views on Pride on the Ministry's social media page. Activists filed a criminal complaint against him. Hate speech was also widely used by candidates running in the general elections in October. Throughout the year, SOC documented 13 hate speech cases and reported ten to the authorities.

On a positive note, the first court victory was celebrated on 4 April this year, when the Municipal Court of Sarajevo ruled that former MP Samra Čosović Hajdarević's 2019 social media post constituted hate speech on grounds of SOGIESC. Responding to the Pride march event, Hajdarević then wrote that "people like this" should be isolated and that events like Pride are a threat to the state. Hajdarević was banned from making similar statements.

"This verdict is very important because it has been proven that spreading hate speech and calling for violence against LGBTQ+ persons in the online sphere [can] affect the quality of life of LGBTQ+ persons, or lead to physical violence. This is a confirmation that hate speech and incitement to violence on social networks, especially of public figures and politicians, is not permissible and can be sanctioned." - Lejla Huremović, member of the Organising Committee of the BiH Pride March

This was the first such ruling since the country's anti-discrimination law was adopted 13 years ago. Hajdarević filed an appeal later.

An anti-LGBT banner was hung in the town of Trebinje in July. The case was reported to the Prosecutor's Office.

BIAS-MOTIVATED VIOLENCE

Following Tuzla (2021) and Sarajevo Cantons (2018), Trebinje, Herzegovina-Neretva, Una-Sana also appointed a staff person in the Prosecutor's Office in charge of overseeing anti-LGBTI hate crimes. Trebinje was the first canton in Republika Srpska to take this important step. By November, all ten cantonal Prosecutor's Offices had put the relevant personnel in place. These prosecutors were trained by SOC on anti-LGBTI hate speech and hate crimes.

SOC documented 11 anti-LGBTI hate crimes this year - six were reported to the authorities.

DATA COLLECTION

Civil society remained concerned that the state does not gather data on hate crimes and hate speech against LGBTI people.

EQUALITY AND NON-DISCRIMINATION

After a year of being stalled, the national LGBTI Action Plan was adopted in late July - an important step welcomed by civil society, the Council of Europe, and the EU. The Action Plan was formally presented in the parliament in October. The Action Plan was prepared by state and civil society representatives and covers protection from discrimination and violence, the right to private and family life of same-sex partners, asylum, and other key areas.

In May, Sarajevo Open Centre (SOC) published its 2021 Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina.

FAMILY

On the occasion of IDAHOBIT in May, SOC held a symbolic protest and filed a formal request with the authorities to legally recognise same-sex relationships. The process of legislating the issue started in 2018 and got stalled in 2021. In November, the federal government approved the opinion of the Working Group on the need for a law that



provides legal recognition to same-sex partners. The federal Ministry of Interior launched a public consultation, which was held on 9 December. Government representatives and public servants jointly expressed their commitment to regulating same-sex partnerships in the Federation of BiH, and unanimously supported the official conclusion. This sets out that the government should start drafting the law on same-sex partnerships and that the law should cover the widest possible range of rights for same-sex partners.

FOREIGN POLICY

In July the European Parliament adopted its report on Bosnia and Herzegovina, which included calling on the government to draft a law on same-sex partnership, calling for the adoption of the stalled LGBTI Action Plan, and calling for SOGISC to be added as protected grounds to the criminal code.

FREEDOM OF ASSEMBLY

The third Sarajevo Pride was held in June, under the slogan 'Family Gathering'. The event addressed the importance of support and acceptance from family members, rainbow families, and chosen families. The march was joined by hundreds of people and went safely, despite a counter-demonstration again this year. Civil society however recorded a number of irregularities at the hands of the police, who guided some participants to entrances that did not exist, blocked entrances with tape, or asked for an entry pass. The organisers were also met with hostile attitudes from the authorities in the months leading up to the event and had to fulfil burdensome administrative requirements. On a positive note, the city of Sarajevo and Canton of Sarajevo covered the costs of additional security for the second year in a row. The financial support was provided thanks to the goodwill of local politicians. Civil society does not consider this a sustainable solution and continues to advocate for clear legislation on this issue.

HEALTH

Sarajevo Open Centre continued to advocate for access to gender-affirming healthcare and for insurance coverage, as part of meetings with health authorities. In September, a trans man filed a lawsuit against the Health Insurance Fund in Republika Srpska

with the support of SOC, for refusing to cover the cost of his phalloplasty surgery abroad. In October, SOC held a conference on trans-specific healthcare and legal gender recognition in BiH.

SOC held a series of training events on the importance of mental healthcare, both to LGBTQI people and mental healthcare professionals. As a result, a network of trained mental health professionals was set up.

SOC held several meetings with public health institutions on the monkeypox virus and is preparing informational material to reduce the stigma against men who have sex with men.

There was a temporary crisis in the distribution of antiretroviral medication this year.

HPV immunisation started in November in the Canton of Sarajevo.

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.

HUMAN RIGHTS DEFENDERS

SOC celebrated its 15th birthday in August.

INSTITUTIONAL SUPPORT

The federal Ministry of Interior sent urgent appeals to the federal government to adopt a law on same-sex partnerships as soon as possible.

LEGAL GENDER RECOGNITION

SOC published a handbook for public administration officers on relevant legal solutions and best practices concerning legal gender recognition. The current procedure in BiH lacks clarity and is difficult to access. In October, SOC held a conference on trans-specific healthcare and legal gender recognition in BiH. SOC and trans activists continued to lobby for legal gender recognition that is based on self-determination.



The Ministry of Health in Tuzla formally asked the federal Ministry of Health to clarify the process of legal gender recognition and adopt a federal regulation on the matter.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

In June, the activist-art collective Odron organised the exhibition 'Who are the queer icons of Bosnia and Herzegovina?' In the capital.

The new summer festival Kvirhana was held in June in Sarajevo and in July in Tuzla.

As part of the #svepocinjeizborom [Eng: Everything starts with a choice] campaign, civil society encouraged LGBTI people to participate in this year's parliamentary elections in October and provided them with important information on party politics regarding LGBTI rights.

PUBLIC OPINION

The Ombudsman highlighted in a statement in June that the public acceptance of LGBT people has positively increased.

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