



Annual Review

of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People
in Bosnia and Herzegovina covering the period of January to December 2018

Bosnia and Herzegovina

Access to goods and services

In September, Sarajevo Open Centre (SOC) planned to organise a public exhibition at the Academy of Fine Arts, marking 10 years of public LGBTI activism in Bosnia & Herzegovina (BiH). The Vice Dean of the Academy confirmed that the event could take place in the exhibition space, but three days later withdrew the approval without any explanation. SOC filed a complaint to the Ombudsperson, but has not received a response so far.

Asylum

In January, a gay asylum seeker from Syria had to be relocated from an asylum centre due to violence and harassment from peers. A growing number of LGBT citizens of BiH have contacted SOC for information on moving to or seeking asylum in the EU or the US on the ground of their SOGI.

Bias-motivated violence

In 2018, SOC documented 29 hate crime cases on grounds of SOGI, amongst that 7 cases of school bullying and 5 of domestic violence. Hate crimes based on SOGI are regulated by criminal codes of BiH, but implementation and education of police, prosecutors and judges are lacking. In January, the Cantonal Prosecutor's Office in Sarajevo dedicated a special prosecutor as a contact person for SOGI related hate crimes.

Bodily integrity

A four-country comparative study on intersex issues was published by UNDP in May. The chapter on BiH noted the complexity of the health system, with its 13 subsystems, and the lack of internal protocols regarding intersex children. The report recommended forming multi-disciplinary medical teams to care for intersex children and support parents; developing written treatment protocols; and collecting data on intersex-related practices in hospitals.

Data collection

The police and the justice sector still do not collect data on gender and SOGIESC based hate crimes. In 2017 and 2018, SOC sent inquiries to all courts in BiH regarding the number of these crimes. Most courts reported that they have not dealt with such cases yet.

Employment

In 2018, three persons contacted SOC because they suffered discrimination in employment because of their SOGI. Two of them were too afraid to report the case and one left the country.

Enlargement

In April, the European Commission published its interim report on BiH. The report finds a lack of breakthroughs on LGBTI rights, that the prosecution of hate crimes and hate speech remains insufficient, there is still no legal recognition of same-sex couples, freedom of assembly legislation has to be aligned with international standards, and trans people continue being marginalised.

Equality and non-discrimination

In September, the Ministry of Human Rights and Refugees of BiH prepared a draft "Action Plan for Equality of LGBTI People in BiH (2018-2020)", which was welcomed by the Government of Federation of BiH. There was no equivalent initiative in Republika Srpska entity and the Action Plan can only be adopted at the country level with the agreement of the Rep. Srpska. Civil society is expecting developments in the first half of 2019.

The Ministry of Labour, Social Policy, Displaced Persons and Refugees of Sarajevo Canton is working on a report on the human rights of LGBTI people and women, to be published soon. The report is meant to be the starting point for an action plan on equality of LGBTI people and women.

Family

An increasing number of same-sex couples registered their relationship abroad and asked for legal recognition in BiH. In October, the Federal Ministry of Interior acknowledged the need to legally regulate the issue. The Government is currently setting up an inter-ministerial group to identify necessary legislative changes. Following persistent lobbying, the Government promised to include civil society experts. In Republika Srpska no progress was made in this area.

Freedom of assembly

In mid-March, SOC tried to organise a public event on Trans Day of Visibility, but was unable to get a permit from the BBI Center shopping mall to use their space. The reasoning of the BBI Centre was that it was a high risk event and its messages were inappropriate.

Health

There are still no legal provisions providing for state funded health care for trans people.

Legal gender recognition

Legal gender recognition remains medicalised, and requires sterilisation, surgical and other medical interventions.

Police and law enforcement

In 2018, the Judicial and Prosecutorial Training Centre and police bodies in the Federation of BiH continued their educational activities on hate crimes and LGBTI issues. The Federal Ministry of Internal Affairs gave positive signals towards implementing hate crime modules in the Police Academy of FBiH next year. No formal agreement was made, but NGOs are expecting the trainings to begin shortly.

Public opinion

During the campaign period for the 2018 elections, most presidential candidates positioned themselves against same-sex partnerships and the Pride march. Only very few politicians publicly supported LGBTI rights. The increased and professional reporting of mainstream media on LGBTI topics continued in 2018.

Social security and social protection

SOC held trainings for social workers, psychologists, psychiatrists and civil servants in public institutions in the Sarajevo Canton. Local departments of social services have since provided psychological support to victims of bullying and worked with the families of victims, and schools.

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