

LGBTI Enlargement Review 2020

ILGA-Europe, in cooperation with ERA – LGBTI Equal Rights Association for Western Balkans and Turkey (Regional); Aleanca, Streha LGBT, Pro LGBT, Pink Embassy, Open Mind Spectrum Albania - OMSA (Albania); Sarajevo Open Centre (Bosnia and Herzegovina); Center for Social Group Development CSGD and Center for Equality and Liberty CEL (Kosovo); Association Spectra, LGBT Forum Progress, LGBTIQ Social Centre, Juventas and Queer Montenegro (Montenegro); Helsinki Committee for Human Rights – LGBTI Support Centre, Coalition for sexual and health rights of marginalized communities MARGINS, Subversive Front, LGBT United Tetovo (North Macedonia); Da se zna!, Geten – Center for LGBTIQ People's Rights, Labris, XY Spectrum, Crisis Response and Policy Centre (Serbia); SPoD, Red Umbrella Sexual Health and Human Rights Association and Kaos GL (Turkey).



3.2 BOSNIA AND HERZEGOVINA

Submitted by: Sarajevo Open Center

Summary of key developments, including political context and trends

- The process of drafting the Action Plan for Equality of LGBTI People continued in 2020;
- Due to Covid-19, the Interministerial Group for same-sex partnerships halted their activities;
- Due to Covid-19 the second Sarajevo Pride was cancelled, but a [Pride Motorcade](#) was organized through the city centre on 23 August;
- Hate-speech towards LGBTI people was ex officio recognized by one governmental institution, the Central Election Commission, despite the court stopping short of sanctions due to formal arguments;
- Fragmented legal provisions on freedom of assembly and problematic interpretation by public institutions still remains a problem;
- Trans people's needs are still unrecognized by the medical and insurance system.

Main action points for the coming year:

- Adoption of the Action Plan for Equality of LGBTI Persons in Bosnia and Herzegovina;
- Adoption of the Law on Same-Sex Partnerships;
- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people;
- Prosecutors, judges, police officers and civil servants need to be continuously educated, trained and informed about hate crimes and incitement to hatred and violence against LGBTI people.

Bias motivated speech, bias motivated violence

In [February](#), after the female basketball finals Republika Srpska Cup, the Secretary-General of the Mladi Krajišnik team, sent homophobic congratulations to the winning team on social media: "Congratulations to the opponent, the legion of foreigners and old women, promoters of the LGBT movement, on the victory and the fourth trophy won by the winners of the RS Cup, we wish them good luck in the next 15 years as much as they need to reach Mladi Krajisnik and our 19 won trophies of the RS Cup winners," read the message. The Ministry of Family, Youth and Sports of the Republic of Srpska [condemned](#) this statement.

In May, hateful slogans were [painted](#) on buildings in the city centre of Prijedor promoting symbols of the far-right organisations "Krv i čast" (Blood and Honor) and "Borba 18" (Fight 18). At the beginning of the year, the name of the organisation "Borba 18" was written on the facade of the Prijedor high school.

Adna Pandžić, mayoral candidate of Novo Sarajevo (Democratic Front (DF) and the Citizens Alliance (GS) [called](#) Pride a shameful march and made hateful comments about the LGBTI community in August. In September, the Central Election Commission (CIK) established that her post amounted to hate speech, violating the Election Law. Pandžić and her nominating parties were both fined, €1500 and €750, respectively. The decision was later annulled by the state Court of Bosnia and Herzegovina, as the post appeared before the official start of the election campaign.

Domestic and family violence still remains one of the main issues for the LGBTI community. 5 out of 14 cases of biased-motivated violence and harassment that were reported to SOC were cases of domestic violence.

Main action points for the coming year:

- Amend the criminal codes in the Federation of B&H and Brčko District, and expand the provisions on incitement to hatred and violence so that they include sexual orientation, gender identity and sex characteristics as protected grounds;
- Improve the cooperation between the police and the judiciary in prosecuting hate crimes against LGBTI people;
- Systematically collect data on hate crimes on the grounds of sexual orientation, gender identity and sex characteristics;
- Adopt protocols on joint action between the police and prosecutor's offices regarding hate crime cases;
- Introduce LGBTI inclusive modules in curricula and programmes in law schools and police academies, as well as the permanent and specialist programmes for police officers' training and civil service exams.

Education

Homophobia and transphobia are still very present in schools, especially when it comes to bullying. Education institutions still remain generally closed to any human rights initiatives regarding LGBTI from civil society.

Main action points for the coming year:

- Training of university academic staff to make them more sensitive in working with LGBTI people, including being able to recognise, denounce and avoid the use of hate speech towards LGBTI people;
- Develop a programme to combat peer violence in primary and secondary schools which will encompass homophobic and transphobic violence, as well as programmes to promote tolerance and create an inclusive education system.

Equality and non-discrimination, including legislation and enforcement

An informal working group, consisting of state and civil society representatives, and set up with the support of the Council of Europe, prepared the draft LGBTI Action Plan this year, the first of its kind in the country. The Plan covers protection from discrimination and violence, the right to private and family life of same-sex partners, asylum, and other key areas. It is expected to be adopted in 2021. Civil society has welcomed the Plan and looks forward to its adoption.

Main action points for the coming year:

- Implement the Law on Prohibition of Discrimination;
- Implement the multi-annual public policies on equality of LGBTI people at all levels of administration;
- Introduce LGBTI specific modules in education of future judges and prosecutors;
- Develop internal mechanisms and documents for all legal entities for solving cases of discrimination against LGBTI people.

Freedom of assembly, association and expression

The second Sarajevo Pride was [planned](#) for 23 August, but had to be cancelled due to the COVID-19 pandemic. During the preparation, organizers faced the same difficulties as last year, such as

unreasonably large financial and logistical burdens for securing the event with concrete fences, private security, etc.

In the end, on August 23 a [virtual event](#) was held alongside the so-called *Pride on Four Wheels*, where activists made a motorcade through the city centre, waving rainbow flags, honking car horns and sending out messages from their cars. During the event, police security was ensured by the Ministry of Interior throughout the route.

Main action points for the coming year:

- Amendment and harmonization of laws regulating the freedom of assembly of LGBTI people;
- Improve the existing legislation in order to clearly define the difference between protection of citizens' right to freedom of assembly, and commercial public gatherings and events.

Health

Sarajevo Open Center has documented increased violence against LGBTI people during the Covid-19 pandemic (in particular parental violence against LGBTIQ children). There has also been notable difficulty for trans people to access health resources needed for transitioning. Negative health outcomes have been exacerbated by loss of employment and income due to Covid-19.

Main action points for the coming year:

- Increase social, psychological and economic support for LGBTI people.

Human rights defenders

The Covid-19 pandemic has made the position of human rights defenders more difficult in terms of funding, conducting activities and their work.

Recognised unions for same sex couples

In March, Sarajevo Open Centre was [asked](#) by the Federal Government to participate in the first Intersectoral Working Group on same-sex rights and partnership. Due to the pandemic, the activities have since been put on hold.

Main action points for the coming year:

- Legally recognize same-sex partnerships and the rights of same-sex couples in both entities and Brčko District.

Rights and equal treatment of trans and intersex people

Trans-specific healthcare services in Bosnia and Herzegovina are still insufficient. Doctors, clinics and hospitals need to be educated, expand their knowledge and continue to exchange experiences on this issue in order to respond to the needs of trans people.

The procedure for changing one's gender marker in official documents is still very complicated and in practice mandates medical interventions on the body such as hormonal therapies and surgeries.

On [6 February](#), the Sarajevo Open Centre held the 8th annual Merlinka international queer film festival, named after Vjeran Miladinović Merlinka, a trans person who was brutally murdered in Belgrade in 2003.

In February Sarajevo Canton (SC) adopted an [LGBTI inclusive Gender Action Plan](#). The Action Plan recognizes LGBTI people as a particularly marginalized group and introduces special cooperation procedures between the police and the prosecutor's office in the processing of hate crimes, alongside measures that include trans inclusive standards and protection in the areas of sexual and reproductive health and integrity.

Main action points for the coming year:

- Recognize the medical needs of trans people within medical institutions and public health insurance providers;
- Systematically and comprehensively stipulate the procedure for change of gender marker in personal documents based on the right to self-determination;
- All administrative-political units should make sure that healthcare professionals are providing gender sensitive healthcare services and sexual and reproductive health improvement services to intersex people;
- Through its entity and cantonal ministries of health, as well as clinical centres, BiH needs to strengthen the protection of bodily integrity of intersex people, prohibit unnecessary "sex normalization" medical procedures conducted on intersex children and make transparent information on procedures and medical treatments available.

Recommendations on how the EU delegation can support LGBTI civil society

- Support in building a state-wide network for psychological support for LGBTI people;
- Clear and vocal support for advocacy actions towards the government related to legislation changes and amendments of laws;
- Support in the organization of the annual Pride march;
- Supporting advocacy work towards state institutions for eliminating discrimination against LGBTI people.