



**PINK
REPORT**

**ANNUAL REPORT ON
THE STATE OF THE HUMAN
RIGHTS OF LGBT PERSONS
IN BOSNIA AND HERZEGOVINA**

| 2013

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SARAJEVO, 2014.

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CONTENT

AN ON-GOING PRACTICE OF HUMAN RIGHTS VIOLATION: The attack on the Merlinka festival on February 1st 2014	7
EXECUTIVE SUMMARY: Human rights of LGBT persons in Bosnia and Herzegovina in 2013	8
I PRIORITY MEASURES TO BE UNDERTAKEN	
Hate crime and hate speech legislation	9
Training of law enforcement officers and civil servants on human rights of LGBT persons	10
Special report of the BiH Human Rights Ombudsman on the status of human rights of LGBT persons	10
BiH anti-discrimination strategy	11
II HATE CRIMES: Recommendations, Legislation, and Cases	12
III HATE SPEECH: Recommendations, Legislation, and Cases	15
IV DISCRIMINATION: Recommendations, Legislation, and Cases	17
V SELECTED AREAS AND TOPICS	
Health	19
Education	20
Presentation of LGBT persons and topics in the media	21
Public opinion about LGBT persons and their rights	21
VI FREEDOM OF ASSEMBLY	22
VII LGBT GLOSSARY	23
VIII APPENDIX	
The federal political structure of Bosnia and Herzegovina	28
Accomplishments of Sarajevo Open Centre in 2013	29
Authors of the report	29
About Sarajevo Open Centre	30

AN ON-GOING PRACTICE OF HUMAN RIGHTS VIOLATION: THE ATTACK ON THE MERLINKA FESTIVAL ON FEBRUARY 1st 2014

On Saturday, February 1, 2014 at 3:15 p.m., a group of 14 masked men stormed into Art Cinema Kriterion in Sarajevo at the start of a discussion entitled “Transsexuality in Transition” and attacked the event’s attendees. The majority were able to hide in an emergency exit and remained there for about 20 minutes, but three people were physically assaulted, including the festival’s organizer from Belgrade and one person who had been assaulted at 2008’s Queer Sarajevo festival. The attack resulted in light injuries and the two being sent to the hospital. The whole attack lasted no longer than 1 minute, and all perpetrators escaped unscathed.

Sarajevo Open Centre alerted the police of the events and the need for security presence 20 days before the event, and the police were informed of all dates and times during a meeting between SOC representatives Jozo Blažević and Lejla Huremović and a police representative. The police were present at Art Cinema Kriterion for Friday’s events. On Saturday morning, members of the Sarajevo Open Centre team saw threats to the festival on a Facebook group entitled “Stop the Faggot Parade on May 1st” and e-mailed the Ministry of internal affair of Canton Sarajevo and the Police Administration reporting these threats at 12 p.m., and later called the police at 12:32 p.m. to ensure that they would be there at 3 p.m. providing security at Kriterion. However, the police were not present at 3 p.m. for the discussion about transsexuality and thus were not able to prevent the foreseeable attack.

This attack against LGBT people showed the same violent patterns as the attack on the 2008 Queer Sarajevo Festival. Unfortunately, it also showed the negligence of the BiH police to ensure freedom of assembly and protection of its citizens.

However, Sarajevo Open Centre decided to continue the festival on Sunday, encouraging its local and international allies to come together at 4 p.m. in Kriterion to show that the LGBT community cannot be forced into the closet once again. Around 200 people came to the event, which started with an introduction by Sarajevo Open Centre’s executive director as well as the festival’s organizer from Belgrade. Okvir, another Sarajevo LGBT organisation, showed their film about the personal lives of young LGBT people in BiH and how important it is that parents accept their children no matter what. Sunday’s gathering helped restore faith within the community, showing that in the upcoming months of legal proceedings and negotiations, Sarajevo Open Centre and its allies will have the support of a multitude of individuals and organisations.

At the time of publication, two of the 14 suspected perpetrators have been apprehended and a legal investigation has commenced. It is crucial that those responsible for negligence within the police force be held responsible so that LGBT people and other minorities in Bosnia and Herzegovina can be reassured that their rights will be protected on the same level as other citizens. It must be noted that online hate speech through the anti-LGBT Facebook group was most likely the impetus behind this attack; targeting these verbally violent outbursts and working to eliminate them will also lead to the reduction of physical violence.

EXECUTIVE SUMMARY: HUMAN RIGHTS OF LGBT PERSONS IN BOSNIA AND HERZEGOVINA IN 2013

Experiences of homophobia and transphobia remain very common in Bosnia and Herzegovina (BiH) with limited or no action taken by authorities to address such discrimination, harassment and violence. Regular attacks against LGBT persons as well as attacks against LGBT human rights defenders and hateful comments in print, online and electronic media further fuel the atmosphere of intolerance against LGBT people. The complex federal system, the low level of progress in the field of rule of law and the generally low level of visibility of LGBT persons and LGBT activism allow political structures to be negligent in their protection of LGBT rights.

On the positive side, police forces have also demonstrated increased willingness to take into account LGBT-specific issues. In one of the Cantons of the Federation of BiH, Canton Sarajevo, they have even collaborated with civil society and Sarajevo Open Centre on their own sensitization in an effort to increase the both the trust of LGBT persons in governmental institutions as well as the number of reported cases. Nevertheless, the attack on the Merlinka Festival shows that the freedom of assembly for LGBT persons is not guaranteed. There is an obvious need to continue working with law enforcement institutions (police, prosecutors' offices and courts).

Violations of the human rights of LGBT persons in BiH represents a much wider spectrum of individual cases of discrimination or violence, and points to institutional and legislative neglect, disregard of the needs and rights of LGBT persons and the unwillingness of state institutions to implement the laws of Bosnia and Herzegovina.

As a quantitative research project showed,¹ there is a very low level of sensitization throughout the general population towards LGBT people, as well as insufficient knowledge about the problems that LGBT people face. 56.5% of the respondents said "homosexuality must be cured," which is a result of a lack of knowledge and plethora of entrenched stereotypes about homosexuality, which has been removed from the list of illnesses and social disorders. For three fourths of the respondents, same-sex kissing in public is unacceptable, whereas having a sex change is considered repulsive by 59.5%.

In 2013, the LGBT community has become more visible within BiH society, especially through the work of human rights organisations who work to prevent discrimination and violence against LGBT persons. However, a large percentage of LGBT persons still live in hiding, making invisibility one of the biggest problems in the community. The first step to be recognized and protected is to be visible and claim your rights, especially in a politically challenging context like contemporary BiH.

Therefore, it is imperative that state institutions start working proactively on different measures to ensure that all citizens, including LGBT people, are protected against discrimination and/or violence. For that purpose it is urgent that the Federation of Bosnia and Herzegovina (FBiH, one of two federal entities²) amends its criminal law and includes hate crime on the grounds of sexual orientation and gender identity, among others. Also, throughout the whole country, law enforcement officers, judges and prosecutors, health care workers, educational staff and other civil servants need to be trained in the specifics of human rights education regarding the needs and problems LGBT people are facing in BiH.

¹ Popov-Momčinović, Zlatiborka (2013), Ko smo mi da sudimo drugima? Ispitivanje javnog mijenja o stavovima prema homoseksualnosti i transrodnosti u BiH, Sarajevo, Sarajevo Open Centre, can be downloaded at: <http://soc.ba/en/who-are-we-to-judge-research-of-public-opinion-on-homosexuality-and-transgenderism-in-bih/>

² Learn more about BiH federal system in the Appendix of this report.

I PRIORITY MEASURES TO BE UNDERTAKEN

HATE CRIME AND HATE SPEECH LEGISLATION

2013 was a rather turbulent year in regards to hate crime regulation in Bosnia and Herzegovina (BiH). The Criminal Law of Republika Srpska (RS, the second federal entity) was amended and its hate crime regulation improved and expanded. Instead of regulating bias motivation as an aggravating circumstance, which had been the case since 2010, the RS Criminal Law now explicitly regulates hate crimes defined as bias-motivated criminal acts. A list of protected characteristics, which had included only sexual orientation, now also include gender identity within the prohibited grounds of hate crime. This regulation is partially based on the amendments that were proposed by the Coalition for Combat Against Hate Speech and Hate Crime³, which SOC drafted.

The most recent hate crime documentation that Sarajevo Open Centre performed reveals that several hate crimes towards LGBT persons concerning severe criminal acts were reported to the police. Due to a lack of regulation, these cases will not be processed as hate crimes. Since these cases occurred in the FBiH, where hate crimes are not included in the Criminal Law, bias motivation will not be taken into account as an aggravating circumstance of the criminal acts.

Even though there has been an obvious increase in hate crimes in FBiH, hate crime regulation still has not been adopted into its Criminal Law. In 2013, there were two initiatives for the amendment of the Criminal Law of the FBiH – one from the government of FBiH, which was adopted in the House of the Representatives of the Parliament of FBiH (July 2013). The House of Representatives even included the integral text of the amendments on hate crime proposed by the Coalition for Combat Against Hate Speech and Hate Crime; however, the entire law on amendments to the Criminal Law of FBiH was rejected in the House of Peoples of the Parliament of FBiH (September 2013)⁴.

In the fall of 2013 in FBiH, two new initiatives to amend the FBiH Criminal Law and regulate hate crime began - one from the FBiH Government and another from the Parliamentary Women's Club of the House of Representatives of the FBiH Parliament. Sarajevo Open Centre, on behalf of the Coalition for Combat Against Hate Speech and Hate Crime, actively participated in the drafting of the proposition of the Parliamentary Women's Club and is also currently lobbying within the FBiH Parliament for the amendments of the Coalition regarding hate speech and hate crime to be included into whichever law on amendments to the FBiH Criminal Law is adopted. However, the FBiH Ministry of Justice changed its proposal into a draft in order to cooperate with the Parliamentary Women's Club on incorporating their proposals and submitting a comprehensive proposal of the law on amendments to the FBiH Criminal Law. We hope that the law on amendments will soon be included into the parliamentary procedure.

³ Learn more about the Coalition on: <http://soc.ba/en/programmes/lgbt/hate-crime/>

⁴ Read more: <http://soc.ba/en/reaction-to-the-non-adoption-of-hate-crime-into-the-criminal-law-of-fbih/>

TRAINING OF LAW ENFORCEMENT OFFICERS AND CIVIL SERVANTS ON THE HUMAN RIGHTS OF LGBT PERSONS

One of the causes of deep homophobia and transphobia within BiH society is the lack of knowledge about LGBT issues and people. This is extremely severe when it comes to public services and their providers, i.e. civil servants. This is one of the reasons that Sarajevo Open Centre is advocating for the increase of human rights education within different sectors. So far, we have successfully organized one training for law enforcement officers of the Canton Sarajevo (September 2013) and another one for school teachers and counsellors (November 2013). In 2014 we will work with judges and prosecutors (September 2014) as well as continuing cooperation with the police (March 2014) and teachers (May 2014). The goal of these trainings is to present the existing legal mechanisms for the protection of LGBT rights, which have not as of yet been implemented, and to exchange good practices in order to recognize and classify these violations, efficiently implementing the Law on Prohibition of Discrimination and criminal laws.

We are targeting relevant stakeholders in the sectors of justice, the interior, education and health, focusing on raising the level of knowledge and participation of relevant institutions in the protection of LGBT rights, which will contribute to better protection of LGBT persons from discrimination and hate crime and diminish homophobia in BH society.

Public servants, who understand the problems of violence and unequal treatment of LGBT persons, are an important link in the institutional and social acceptance and protection of LGBT persons through the legal system. Therefore, this human rights educational campaign cannot be exclusively implemented by civil society organisations; it should be mandatory and organized by the abovementioned ministries. Human rights educational campaigns about the rights of LGBT persons should become a mandatory part of the permanent education of police departments, education institutions and all other civil servants.

SPECIAL REPORT OF THE BIH HUMAN RIGHTS OMBUDSMAN ON THE STATUS OF HUMAN RIGHTS OF LGBT PERSONS

In September of 2013, Sarajevo Open Centre spearheaded the sending of a common request, along with several other human rights organisations, to the Institution of the BiH Human Rights Ombudsman to produce a special report on the state of human rights of LGBT persons in Bosnia and Herzegovina as part of the competences of this institution. The basis for this request is the necessity to revise existing legislature and policies, which could or already have led to violations of the human rights of LGBT persons.

The existing discrepancy between the adoption of documents for the protection of the human rights and harmonization and adequate implementation of said laws has motivated human rights organisations to recognize the necessity of the Institution of Human Rights Ombudsman to produce a special report on the state of the rights of LGBT persons in BiH. This special report should present a realistic picture of the current state of respect and protection of the human rights of LGBT persons, and its recommendations would include case studies and remove perceived omissions in order to improve the respect and protection of the human rights of LGBT persons in BiH.

Because the Institution of Human Rights Ombudsman did not commit to producing the report in 2013, this remains a priority for 2014. A report with clear recommendations to BiH institutions on the state, entity and cantonal levels will be a first guideline for BiH on what needs to be done in order to improve the legal and life standards of LGBT persons.

BIH ANTI-DISCRIMINATION STRATEGY

After the 2009 adoption of the Law on Prohibition of Discrimination, there have been no further developments when it comes to implementation of the present law.⁵

Unlike its neighbouring countries, BiH has not adopted any instruments to effectively implement the Law on Prohibition of Discrimination.

Therefore, one of the priorities of the BiH Ministry of Human Rights and Refugees should be to develop and adopt a general and multiyear Anti-Discrimination Strategy that should tackle all kinds of discrimination on all grounds, with emphasis on especially vulnerable groups, including LGBT persons.

Consequently, Sarajevo Open Centre will initiate this year a debate on the necessity of such a strategy for BiH, and for this debate we will rely on the expertise of representatives from the BiH Human Rights Ombudsman institution and other members of civil society that were involved in similar processes in the Republic of Serbia and the Republic of Croatia.

⁵ Read a number of excellent analysis and policy papers (all in English) about the anti-discrimination law and the problem with its implementation on <http://analitika.ba/en/projects/overview-ad-framework-and-practice-bih>

II HATE CRIMES: RECOMMENDATIONS, LEGISLATION AND CASES⁶

RECOMMENDATIONS

It is necessary to include hate crime regulation in the FBiH Criminal Law and to ensure adequate trainings and education for law enforcement officers and the judicial sector on processing hate crimes in RS, FBiH and BD. Hate crime education must become part of the police academies and faculties that educate lawyers and inspectors, as well as part of the permanent educational programmes of the ministries of interior on the entity and cantonal levels. The harmonization of hate crime regulations in BiH must be initiated.

LEGISLATION

Hate crime and hate speech legislation has been in place in Brčko District and Republika Srpska since 2010. Despite the fact that the OSCE and the BiH state-level Ministry of Security proposed that the FBiH's criminal law should be amended in 2010, FBiH never did so. In 2013, we saw a failed attempt to introduce hate crime legislation in FBiH.

There is no comprehensive mechanism for collecting data on hate crimes. Identification, investigation and reporting by the police and cooperation between the police and prosecutors remain insufficient. The law enforcement body in Sarajevo Canton has shown willingness to appoint a direct contact in every police station for LGBT related crimes, but has not yet done so.⁷

In fall 2013, the newly formed Coalition for Combat Against Hate Speech and Hate Crime proposed a new draft law on the regulation of hate crime and hate speech to be introduced into the criminal law of FBiH. The law was passed at the House of Representatives, but it was overturned in the House of Peoples. SOC, on behalf of the Coalition for Combat Against Hate Speech and Hate Crime, also contributed to the development of the draft law on amendments to the FBiH Criminal Law of the FBiH Parliamentary Women's Club. The Parliamentary Women's Club is currently lobbying for this text to be incorporated into the law on amendments to the FBiH Criminal Law proposed by the FBiH Government; it will hopefully be sent to the Parliament of FBiH soon after.

⁶ Vasić, Vladana (2014), Homophobic and Transphobic Hate Crimes and Incidents in Bosnia and Herzegovina, Sarajevo, Sarajevo Open Centre, can be downloaded at: <http://soc.ba/en/homophobic-and-transphobic-hate-crimes-and-incidents-in-bosnia-and-herzegovina-data-collected-from-march-to-november-2013-3/>

⁷ <http://soc.ba/en/ec-bosnia-and-herzegovina-progress-report-discrimination-of-lgbt-persons-still-widespread/>

In the analysis of the results of the research project on the needs of the LGBT community in Bosnia and Herzegovina, conducted by SOC in 2013, it was revealed that 23.5 % of LGBT persons have experienced violence due to their gender expression or sexual identity whereas 74.2 % have never been victims of violence. Of those who have suffered violence, almost everyone (94.6 %) has experienced psychological or verbal violence. Physical violence was experienced by every third person (36.1 %) and sexual violence by almost every fifth examinee (17%). Other forms of violence such as cyber and domestic violence have also been occurring.

Although issues related to hate crime seemed to stagnate on the legislative level, many incidents of hate crime were reported to SOC in 2013. We will present some of them.

In March 2013, several LGBT activists in Sarajevo were attacked by a group of 10 to 15 young men aged 18-25. This attack occurred next to the building of the BiH Presidency. The activists reported the case immediately upon the arrival of the police. However, they denied a criminal investigation in order to protect several non-outed persons that were in their company during the attack.

In July 2013, a young gay waiter in Sarajevo was assaulted in his workplace (bar) by a number of hooded young men on account of his sexual orientation. The bar is known as the only place in Sarajevo where LGBT parties have been taking place (since 2006) on a monthly basis. First, two men came, and then around eight more joined them in order to physically assault the gay waiter while he was taking their order. The case was reported to the police and the perpetrators and witnesses have been called for an interview. The investigation, however, officially started three months after the event's reporting in September of 2013 due to police holidays. By then, one of the accomplices whose identity was known had left the country and the bar where the perpetrators were gathering had closed. As of January 2014, the case had not been prosecuted.

In August 2013, Sarajevo Open Centre was contacted by a young gay man from central Bosnia who has been suffering domestic abuse since he came out to his mother. He was assaulted and beaten up by his cousin whom he then reported to the police. However, after the pressure he had to endure from his family, he withdrew the complaint and is currently undergoing psychological counselling.

In August 2013, several gay men (five, as far as police are aware) in Sarajevo were robbed by a group of approximately four armed perpetrators. One of the perpetrators, who is actually a gay man himself, arranged meetings through a gay dating site with the victims, and then led them into the area where he had arranged for his armed accomplices to steal the victim's possessions. One of the victims contacted Sarajevo Open Centre and the police. This case was reported all over the news in a biased manner, attempting to portray gay people as potentially dangerous. The case is currently being processed by prosecutors and is awaiting trial. The perpetrators are in detention and the case has been prosecuted at the prosecutors office in Sarajevo.

In September 2013, a gay man from Sarajevo visited Sarajevo Open Centre and reported that he had been physically assaulted the night before by a group of approximately five young men aged 18-25. They had threatened to kill him because he was gay. The same group of men had already been verbally and emotionally abusing him for three years, throwing stones and objects at his house, insulting, threatening and intimidating him. At this point the case was reported to the police. It later escalated: the man was again harassed and physically assaulted, which resulted in a severe hip injury and an urgent surgical procedure. The victim was hospitalized. The police already found several suspects and apprehended them. The victim was released home and is currently waiting for the prosecutor's office to carry on with the investigation and raise charges.

In September 2013, a gay human rights activist and many activists and their friends and relatives in northwest Bosnia were targeted and often threatened by a group of young neo-Nazis. These neo-Nazis wrote graffiti revealing the sexual orientation of the gay man and his boyfriend, both of whom are human rights activists, and have been threatening to "deal with" them. The neo-Nazis have also been confronting the

⁸ All cases presented in the report are documented in our organisational database. Because of the security of the victims we will present only limited information without publishing any personal data.

activists' work companions, friends, and family, trying to intimidate them; however, they always did so very indirectly, as if they were trying to warn them about what might happen if they continued their work. They only did so only if they encountered the victims alone, so there were no witnesses or evidence of the threats made. The case has been reported to the police, who talked to several perpetrators, after which the threats seemed to stop.

In October 2013, a young woman in Sarajevo was attacked while waiting for her friend outside her building. She was attacked by the owner of a car wash in front of which she had parked her car after receiving authorization from the workers. The owner jumped on her car claiming that she had hit him and telling her that everyone would testify that is what that happened. He proceeded by screaming at her, stating that she and her friends should not come to the part of town where he was born, and that all lesbians should be "fucked properly." Out of fear, the case was never reported to the police.

The number of cases reported to Sarajevo Open Centre tripled in 2013 compared to 2012, especially as a consequence of the increase of trust within the LGBT community towards SOC as the central organisation dealing with LGBT human rights in BiH.

III HATE SPEECH: RECOMMENDATIONS, LEGISLATION AND CASES

RECOMMENDATIONS

Incitement to violence and discrimination as forms of hate speech need to be criminalised and regulated by the criminal laws of Republika Srpska, Federation of BiH and Brčko District. Public hate speech expressed through media, social media and web portals should not go unnoticed and unsanctioned, regardless of whether it is coming from public officials or anonymous web users. The police should strengthen human capacities and technical equipment in order to be able to better investigate online hate speech.

LEGISLATION

Legislation penalizing hate speech exists in the criminal laws of the FBiH and Brčko District. In Republika Srpska, hate speech is not expressly recognized, although criminal law prohibits incitement to ethnic, racial and religious hatred. None of them penalize specifically homophobic or transphobic hate speech. Both the BiH Communications Regulatory Agency (state institution) in charge of electronic media and the BiH Press Council, a self-regulated body in charge of print and online media, include sexual orientation in their laws as a ground for discrimination and prejudice that needs to be avoided.

CASES

Sarajevo Open Centre monitored and documented hate speech against LGBT persons during 2013 and documented the following cases:

In May 2013, SOC reported hate speech that was issued in a statement of a nationalist network called Active Bosniak Network (Aktivna Bošnjačka Mreža). It encouraged the discrimination and marginalisation of, as well as violence towards, LGBT persons. This hate speech was reported to the ministries of internal affairs and police administration of Sarajevo Canton and Federation of BiH, who have not responded.

In June 2013 the mayor of Prijedor (a town in northwest Bosnia) called a march commemorating the victims of war crimes “nothing but a gay parade.” This had grave consequences for the public view of LGBT issues. This hate speech was reported to the Ministry of Internal Affairs and the police administration of Republika Srpska, who have yet to respond. SOC also reported this case to the European Union Commissioner for Enlargement, which monitors hate speech from public officials.

In August 2013 the BH magazine Dani published an article concerning Prides and the possible organisation of one in Sarajevo called Balkan Macho-sexist Culture and/ or Tolerance. Samir Kaplan, the FBiH Minister of Culture, Sports and Youth addressed the issue of the necessity of a pride parade in BiH as “a demonstration of someone’s

internal needs on the streets that has no sense.” He declared that these parades are unnecessary and only cause more troubles because they provoke reactions such as criminal offences. The minister said to the magazine that he considers pride parades to be “the oppression of the majority by the minority.”

In November 2013 the Muslim, right-wing magazine Saff published a series of articles targeting LGBT persons and activists as well as other human rights activists for “disseminating homosexuality amongst children through programmes on gender-based violence.” After a massive call from readers to remove the text, the magazine responded by publishing an article about a coordinated attack of the “faggots” against Saff. Hate speech and incitement to discrimination have been reported to the responsible institutions.

Sarajevo Open Centre documented 17 cases of hate speech in 2013, displayed either in the text or in the comments of different articles, mostly on online portals. Out of these 17 cases, 11 of them were directly inciting discrimination, hatred and violence and were reported to the police, the communications regulatory agency of BiH and the press council of BiH. The police never responded to any of these reports and the hate speech expressed was left unattended; the perpetrators were not sanctioned in any way.

IV DISCRIMINATION: RECOMMENDATIONS, LEGISLATION AND CASES

RECOMMENDATIONS

The BiH Law on Prohibition of Discrimination in place has not been implemented to its fullest extent. A state-level database of discrimination cases must be set up, harmonization of other laws (on the state, entity and cantonal levels) with the abovementioned law must be undertaken, and the law's implementation needs to be supported. Also, proper terms and definitions of sexual orientation and gender identity should be introduced into the law. BiH needs to work on proactive policy measures to fight discrimination based on sexual orientation and gender identity, i.e. by adopting a multi-year, state-wide anti-discrimination strategy and action plan.

LEGISLATION

The BiH Law on Prohibition of Discrimination, adopted in 2009, prohibits discrimination on the grounds of sexual orientation and gender identity. However, the terms "spolna orijentacija" and "spolno izražavanje," which are used to describe sexual orientation and gender identity, might lead to possible misinterpretations even though their meaning is the same. They should be replaced with "seksualna orijentacija" (sexual orientation) and "rodni identitet" (gender identity).

A state-level database of discrimination cases hasn't been set up, and overall, implementation of the law remains weak.⁹ This is largely due to low public awareness of legal remedies and the limited capacities of relevant institutions to implement the law. This includes the BiH Human Rights Ombudsman. The Ombudsperson's office has expressed willingness to cooperate with non-governmental organisations to implement the anti-discrimination law, including on the basis of sexual orientation and gender identity. However, the office is under-resourced and the awareness-raising actions that Ombudsperson's office should undertake are not being implemented; the Ombudsperson's office uses its lack of resources as an excuse not to participate in the events that promote tolerance and antidiscrimination of LGBT persons. The office did not accept the role of patron of the first regional conference on advancing the human rights of LGBT persons that took place in Sarajevo in December 2013, even though they were not expected to contribute to it financially.¹⁰ They also displayed less than usual willingness to cooperate during the preparations of the conference, and only disclosed the name of their representative to participate in the conference two days before its start, despite being invited four months in advance. The BiH Human Rights Ombudsman Institution was also invited in fall 2013 to produce a special report on the situation of human rights of LGBT persons in BiH. The invitation has been neither rejected nor accepted.

In the 2013 four complaints of discrimination on grounds of sexual orientation and gender identity were reported to the BiH Ombudsman Institution. Yet again that is a clear sign of the lack of trust of LGBT people in the institution, therefore, the need of a proactive role of the BiH Ombudsman is manifested.

⁹ Read a number of excellent analysis and policy papers (all in English) about the anti-discrimination law and the problem with its implementation on <http://analitika.ba/en/projects/overview-ad-framework-and-practice-bih>

¹⁰ Learn more about the conference: <http://soc.ba/en/first-bh-lgbt-conference-december-16-2013-sarajevo/>

Discrimination based on sexual orientation and gender identity remains widespread. A research project conducted by Sarajevo Open Centre interviewed 545 LGBT people aged 14-54 from all regions in BiH¹¹ showed that lesbians aged 20 to 30 are the most exposed to discrimination, with 74% of this age group having experienced some form of discrimination. They are followed by gay men in the same age group – 69.8% of them had experienced some form of denial of rights. A significant number of bisexuals – 61% - from this same group have also experienced some form of discrimination. Persons who have experienced discrimination and decided to report it have done so in a human rights nongovernmental organisation – 3 (0.5%). The same amount has reported to the Office of the Human Rights Ombudsman – 3 (0.5%), and to an attorney: 2 (0.4%). Only 3 cases of discrimination have been prosecuted, one of them is still on going and 23 cases that have been reported have never been processed. Only one case was completed successfully, one (0.2 %) is ongoing, while other processes have been settled in different manners: finding an excuse for getting fired from work after three years of engagement for an NGO is one example, and it is oft repeated that one should change his/her behaviour and that it is his/her fault.

Sarajevo Open Centre documented the following cases of discrimination on grounds of sexual orientation and/or gender identity in 2013.

In March 2013, Sarajevo Open Centre provided legal counselling to a young woman from Banja Luka who contacted members of SOC for advice on what to do in case of discrimination. This young woman had been looking for an apartment to rent. After finding one, she introduced herself to her future roommates, told them about her sexual orientation, and asked whether it was going to be a problem. They said it was not a problem and that she could move in tomorrow. However, half an hour later, these girls called her and told her that they had spoken with the landlord and told him she was a lesbian, and he did not want her to live in his apartment.

In April 2013, a group of young people reported to Sarajevo Open Centre that the owner of a cafe in Banja Luka prohibited all the LGBT individuals whose sexual orientation or gender identity he knew from entering his cafe.

In June 2013, a woman reported that her gay friend had been publicly humiliated, offended, verbally assaulted, threatened with violence, and eventually fired from his job by his employer because of his presumed homosexuality.

Also, in July 2013, Sarajevo Open Centre was contacted by a gay man who lived in a small town and who claimed he had been denied employment on account of his sexual orientation. He claimed his potential employer had known about his sexual orientation and refused to employ him because of the reputation his company might have gained.

None of these cases has been brought before courts.

¹¹ Čaušević, Jasmina (2013): Numbers of life. Analysis of the results of the research on needs of LGBT community in Bosnia-Herzegovina, Sarajevo: Sarajevski otvoreni centar, download at: <http://soc.ba/numbers-of-life/>

HEALTH

Recommendations: additional education and sensitization on LGBT issues for persons working in different areas of health sector and the needs of LGBT persons (for example, related to the coming out process) should be included into regular secondary and university education for medical and psychological workers, especially in the case of trans and intersex issues; medical workers need to be trained to monitor and support the transition processes of transexual persons and supply the necessary medical help. Medical staff to safely conduct sex reassignment surgery should be trained and secured, and health care extended to cover full or partial costs of these procedures; public authorities should also keep precise documentation on the birth of intersexual babies and educate medical workers to monitor and conduct the processes these babies are subjected to and avoid them when and if possible.

Various aspects of the health sector are not consistent when it comes to LGBT patients. Inconsistent professional attitudes of health workers, their (mis) interpretation of work ethics, and the lack of implementation of legal regulations, among other things, contribute to the poor functioning of the health system for LGBT people. Although the situation is not strictly black and white, the worrying issue is that personal values and the level of knowledge (or ignorance, in this case) of every health worker influences the professional treatment of LGBT patients.

Withholding adequate health protection because of negligence or ignorance contributes to discrimination against LGBT persons; when it comes to transexual and intersexual persons, the situation is even more specific – their gender identities are not recognized as the norm. The lack of specialized programmes that integrate their needs shows that there is no awareness, knowledge or willingness to suppress marginalization motivated by homophobia.

In 2013, Sarajevo Open Centre reported two cases of discrimination against voluntary blood donors on the grounds of their sexual orientation to the BiH Human Rights Ombudsman. One complaint was against a cantonal hospital in Zenica for maintaining old information that men who have sex with men were excluded from voluntary blood donating on their website, even though the questionnaire in the entire FBiH had changed. The cantonal hospital responded to the complaint stating that they had been using the new questionnaire and not preventing men who have sex with men from blood donation, and had updated their website and changed the criteria in question from risky sexual orientation to risky sexual behaviour.

The second complaint that was filed against the Institute for Transfusion Medicine of Republika Srpska for discriminating against and excluding men who have sex with men and female partners of MSM from voluntary blood donation. This complaint resulted in an agreement between Sarajevo Open Centre and the legal department of the Institute for Transfusion Medicine of Republika Srpska that in the beginning of 2014 they will cooperate on revising and amending the questionnaire for voluntary blood donors in order to avoid discrimination against LGBT persons and still maintain a high standard of safety.

Recommendations: Introduce amendments to educational legislation on the cantonal, entity, district and state levels that should include sexual orientation and gender identity explicitly as forbidden types of discrimination in the right to education; Remove inaccurate discriminatory and stereotypical information about LGBT people from textbooks and curricula, and introduce objective information about sexual orientation, gender identity and expression; the ministries of education should introduce regular training for school staff in order to sensitize them to the needs and problems of LGBT students, in order to provide a safer environment and support programmes for LGBT students who suffer homo/transphobic bullying; LGBT issues should be included in the university education of teachers.

The legal framework of education is extremely stratified according to the administrative divisions of the country, making it very complicated to make the different ministries of education accountable to protect and promote the right to education without discrimination. In this field there is a special need, since educational institutions remain one of the places where LGBT persons are most discriminated against. As shown in the research of SOC,¹² approximately 36% of examinees experience discrimination in their schools or faculties.

Also, Sarajevo Open Centre conducted a qualitative research project about the situation of LGBT persons in the educational system, interviewing teachers and psychologists working in different urban centres and small towns of BiH. One of the conclusions of this research project is that most teachers and psychologists interviewed didn't know a single LGBT person in the context of school and had never received any training on these issues, just showing how much the LGBT community is invisible and easily discriminated against within the school system.

In November of 2013, Sarajevo Open Centre, in partnership with the Heinrich Böll Foundation, BiH Office and the CURE Foundation organised the training "(R)education of Homophobia and Transphobia in High Schools in Bosnia and Herzegovina." The participants were the psychologists and pedagogues of high schools from all over BiH, and showed willingness to use the knowledge they gained in their own schools and to take a more active role in combating homophobia and transphobia. Unfortunately, this training was neither supported by the Canton Sarajevo Ministry of Education nor the Pedagogical institute, This did not reflect negatively on the training, since SOC received more than 40 applications for it.

We also documented the following human rights violations cases in the educational field: In December 2013, a group of informal LGBT activists informed Sarajevo Open Centre that they had received a complaint from several students from Catholic School Centre, a high school in Tuzla, about incitement to discrimination, which is a violation of the Anti-Discrimination Law. A school pedagogue/psychologist visited all of the final year students in their classes to promote the campaign from Croatia, inviting all the citizens of BiH with Croatian citizenship to vote on the referendum for the inclusion of marriage defined as a union between man and a woman in the Constitution of Croatia. The pedagogue/psychologist told the students it was their moral duty to do the right thing. The case was reported to the BiH Human Rights Ombudsman, the Ministry for Education, Science, Culture and Sports of Tuzla Canton and the school authorities. The Ministry asked the school for an explanation, but the school claimed that there was neither violation of the laws of conduct for educational workers nor the laws of BiH. And since the students in this case wanted to remain anonymous, there was no way to prove that the discrimination actually happened.

12 Čaušević, Jasmina (2013): Numbers of life. Analysis of the Results of the Research on the Needs of the LGBT Community in Bosnia-Herzegovina, Sarajevo: Sarajevski otvoreni centar, download at: <http://soc.ba/numbers-of-life/>

Private and public media is still publishing biased information, stereotypes, and offensive terminology and are, at best, neutral towards LGBT topics. The media still don't practice ethical and professional reporting in relation to sexual orientation and gender identity and still support unequal treatment and intolerance towards an already marginalized group.

However, our media analysis showed that print media reporting on LGBT improved in 2013 compared to 2012. Even though reporting still focuses on international news (ban of prides, marriage, pop stars, etc.), there has been a significant rise in the number of articles related to the BiH LGBT context (28 in 2012, 173 in 2013) due especially to monthly info sessions organized by Sarajevo Open Centre for journalists as well as direct texts sent to media by specialists coordinated by these organisations. Nevertheless, even though our media analysis shows an improvement in ethical and professional reporting about LGBT issues, intolerance and stereotyping of LGBT persons is still very present in public and private media. Those media sources that are sympathetic to LGBT issues still lack the proper information to increase the quality of reporting related to LGBT issues, as shown by our 2013 media analysis.¹³

PUBLIC OPINION ABOUT LGBT PERSONS AND RIGHTS

The Heinrich Boll Foundation – BiH, the CURE Foundation, and SOC are implementing the project: "Coming Out! Advocating for the Promotion and Protection of LGBT Rights," financed by the European Union. Part of the project is a quantitative research project done throughout BiH in order to better understand the reasons behind homophobia/transphobia and discrimination on the basis of sexual orientation and gender identity in BiH.

This public opinion research project was completed using the responses from 1010 participants. All the results are presented in the publication "Who are we to Judge Others? A Public Opinion Survey on Opinions About Homosexuality and Transgenderism in BiH." ("Ko smo mi da sudimo?". Ispitivanje javnog mnijenja o stavovima prema homoseksualnosti i transrodnosti u Bosni i Hercegovini.)¹⁴ The book also includes a thorough analysis of the results in a Bosnian context.

The research showed a very low level of sensitization throughout the general population towards lesbians, gays, bisexuals, and transgender (LGBT) people, as well as insufficient knowledge about the problems that LGBT people face. 56.5% of the respondents said "homosexuality must be cured," which is evidenced by a lack of knowledge and entrenched stereotypes about homosexuality, which was removed from the list of illnesses and social disorders. For three fourths of the respondents, same-sex kissing in public is unacceptable, whereas having a sex change is considered repulsive by 59.5%. A certain degree of tolerance of LGBT people can be assumed considering the fact that more than 90% of respondents said that they would not use physical or verbal violence against LGBT people. 75.6% said they wouldn't stand and watch passively; they would help an LGBT victim of violence.

The public opinion survey showed the gender and education are the most important factors that affect a person's level of homophobia. Women have considerably more liberal opinions about homosexuality compared to men, as well as do those who live in urban settings as compared to those who live in a rural environment. If you take age into account, younger participants are a lot more tolerant and open towards LGBT people than older participants.

¹³ Huremović, Lejla; Ljevak, Kristina and Čaušević, Jasmina (2014), Ka pozitivnim praksama: Izvještavanje medija u 2013. godini o LGBT temama u Bosni i Hercegovini, Sarajevo, Sarajevo Open Centre, download at: <http://soc.ba/en/towards-positive-practices-bh-media-reporting-on-lgbt-topics-in-2013/>

¹⁴ Popov-Momčinović, Zlatiborka (2013), Ko smo mi da sudimo drugima? Ispitivanje javnog mnijenja o stavovima prema homoseksualnosti i transrodnosti u BiH, Sarajevo, Sarajevo Open Centre, download at: <http://soc.ba/en/who-are-we-to-judge-research-of-public-opinion-on-homosexuality-and-transgenderism-in-bih/>

Recommendations: Besides the training already organized with law enforcement officers of the Canton Sarajevo, there is still a need for further human rights education in other BiH federal units; as the attack on the Merlinka Festival showed, police authorities need to understand the “specific” framework of LGBT public events and to ensure the right level of pre-event investigation and protection of the events.

In October of 2013, an LGBTTIQ organisation was holding a press conference in order to promote their project on digital stories of LGBT persons when a group of five young men (some of who were allegedly minors) crashed in the hall where these activists were with two other civil rights organisations and started threatening and shouting at the present people. Even though the perpetrators threatened violence, they ran away as soon as the police were called and there were no injured persons. The police reacted quickly and adequately and were investigating the incident; however, the activists in question decided against the investigation.

In December of 2013, Sarajevo Open Centre and several other civil society organisations organised a diversity march in Sarajevo on the occasion of International Human Rights Day.¹⁵ The aim of this gathering and the protest was to raise the awareness within the public and the government of the constant violations of human rights occurring within different vulnerable categories of BiH society. The participants of the march protested in front of several governmental institutions and read out loud the demands for better protection of the human rights of women, people with disabilities, ethnic minorities, LGBT persons, children, etc.

Even though the police primarily assumed that this organisation was an attempt at a Pride Parade, they organised themselves and ensured adequate and even excessive protection to prevent any kind of danger that might occur since LGBT organisations and persons were included in the march. The gathering went smoothly and the police followed the participants the whole time, ensuring their safety.

However, the full freedom of public assembly of the LGBT community as well as how the police will ensure this right is still to be proven, since the community is not yet ready to organize and/or participate in a Pride Parade as such. In fact, as the case of the violent attacks against the Merlinka film festival have proven, the police, in spite of the trainings they have received, are not prepared to ensure the freedom of assembly of the LGBT community, even in a closed event.

¹⁵ Learn more at: <http://soc.ba/en/december-10-a-unique-opportunity-to-raise-your-voice/>

BIPHOBIA

Irrational fear, intolerance, prejudice and/or discrimination against bisexual individuals made by heterosexuals (in this case, it is a synonym for homophobia) or homosexual people.

BISEXUAL PERSON

A person who is sexually and/or emotionally attracted to people of both sexes.

COMING OUT

Concept derived from the phrase coming out of the closet, routinely used to describe public or open declarations and affirmation of one's (homo)sexual orientation. It is common on two levels: as a self-discovery, and as a more or less public notification. Coming out from silence refers to the act of coming out from isolation and negation, and it announces to other people the right to a different life. In activism and queer theory, coming out is a political act of resistance and confrontation of traditional views.

DISCRIMINATION

Discrimination refers to every distinction, exclusion, limitation and form of putting a person or a group of people at disadvantage. There are various grounds and characteristics by which a person or group of people is led to a disadvantaged position (sexual orientation, sex, gender, gender identity, gender expression, age, political affiliation, etc.)

INDIRECT DISCRIMINATION

Any situation in which neutral regulation, criterion or practice has or would have the effect of putting a person or group of people in an unfavorable or less favorable position in respect to other people.

DIRECT DISCRIMINATION

Any differential treatment or failure of treatment when a person or group of people has been or could have been disadvantaged as opposed to some other person or group of people in similar situations.

INSTITUTIONALIZED DISCRIMINATION

A social precept reflected in institutions of power (language, media, education, economy, religion, etc.) that favor one group (or one system of quality) over another. Contemporary theories agree in principle that this often refers to a group of white (race) heterosexual (orientation) middle-aged (age) men (gender) who are members of the middle or upper-middle class (class). Everyone who, in one way or another, deviates from the given group is treated as a minority (even when they form a more numerous group). The power of that group, even over approximately equal (e.g., black men with all

¹⁶ Glossary of basic LGBT terms is a result of Sarajevo Open Centre's team joint effort. For further reading we recommend Jasmina Čaušević i Saša Gavrić (2012). *Pojmovnik LGBT kulture*. Sarajevo: Sarajevski otvoreni centar, only in BCS language; <http://soc.ba/pojmovnik-lgbt-kulture/>

of the above features) or larger groups (women in general), is held by these institutions.

MULTIPLE DISCRIMINATION

Describes discrimination that occurs on several grounds (for example, the same person may experience discrimination based on sexual orientation, gender identity, race, etc.). This refers to a situation in which there are multiple grounds of discrimination at the same time; they are difficult to separate and consider separately.

HARASSMENT

Harassment is considered discrimination in any situation in which behavior related to race, color of the skin, language, religion, ethnicity, national or social origin, connections with a national minority, political or other opinion, financial status, membership in a trade union or other association, education, social status, gender, sexual orientation or expression, has the purpose or effect of violating one's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment.

SEXUAL HARRASMENT

Sexual harassment is every form of unwanted verbal, non-verbal or physical conduct of a sexual nature which has the purpose or effect of harming the dignity of a person, especially when it creates an intimidating, hostile, degrading, humiliating or offensive environment.

MOBBING

Mobbing is a form of non-physical harassment in the workplace that implies repetitive actions that have the effect of degrading the victim. Its purpose or effect is to degrade one's working conditions or professional employee status.

SEGREGATION

Segregation is an act by which one person (natural person or legal entity) separates other people on the basis of race, color, language, religion, ethnicity, national or social origin, connections with a national minority, political or other opinion, financial status, union membership or other association, education, social status, sex, gender, sexual orientation or expression, in accordance with the definition of discrimination.

GENDER IDENTITY

Associated with an individual's experience and comprehension of one's own sex, which may or may not correspond to the sex assigned at birth, and includes personal experience of their body or other gender expression such as clothing and mannerisms. One's sex is usually assigned at birth, immediately becoming a social and legal issue. Sex implies a personal concept/construct that can be compatible with socially regulated definitions of sex/gender, or can deny, transcend, or change them. Some people do not identify themselves with the biological sex assigned to them at birth – these people are called transgender people. Gender identity is not the same as sexual orientation; transgender people can have various sexual orientations.

GENDER EXPRESSION

The external, visible presentation of every person that is reflected through clothing, hair, behavior, and body language.

HATE CRIMES AGAINST LGBT PEOPLE

Refers to criminal acts motivated by prejudices towards a person or group of people. Hate crimes include deterrence, threats, property damage, abuse, homicide or any other criminal act whose victim became a target of the assault because of their actual or assumed sexual orientation or gender identity, or because the victim is connected, supports, belongs to or is a member of an LGBT group. For an act to be considered a

hate crime, there must be a grounded suspicion that the offender was motivated by the victim's sexual orientation or gender identity.

HATE SPEECH

Hate speech against LGBT people is related to public expression that encourages expansion, promotion or justification of hatred, discrimination and hostility towards LGBT people – for example, statements made by political and religious leaders or opinions of other authorities published in the press or on the internet, aiming to incite hatred.

HOMOPHOBIA

Irrational fear, intolerance, prejudice and/or discrimination against gay men and lesbians (and bisexual people [see biphobia]). It manifests as an unquestionable belief in heterosexual superiority, which is encouraged by cultural and institutional social practices. This incites violence against people who are not heterosexual, which is justified by a belief in heterosexual superiority (and the inferiority of others). Violence is reflected in verbal and physical attacks, prohibition/removal of children from non-heterosexual parents, discrimination in employment, payment of taxes, retirement, immigration proceedings, etc. These forms of discrimination are part of the social domain and many homophobes will deny taking part. However, homophobia is easy to recognize on the individual level in everyday situations, e.g. when a lesbian or gay man is not perceived as a complete person but is instead identified only by their sexual orientation.

INTERNALIZED HOMOPHOBIA

Internalized self-hatred arises as a result of the acceptance of negative stereotypes created by an oppressive community. It often involves conflicting feelings that non-straight people are either inferior and inherently bad, or that they are superior or exclusively good; that such information can be trusted only to members of the group or that it cannot be trusted to members of the group at any cost; that for the sake of safety one should hide forever, or conversely that for safety's sake one should come forward and reveal their sexual orientation; that there is no safe place in the whole world, etc.

HOMOSEXUAL PERSON

A person who is attracted to person(s) of the same sex.

LESBIAN

Woman who is sexually and/or emotionally attracted to other women. Lesbian is one of the oldest and most affirmative terms for homosexual women, which in lesbian feminist theory does not only refer to a sexual identity opposing the conventional expectations of a member of the female gender, but also a social and political identity created to oppose male chauvinism, patriarchy, heterosexism, and phallocentrism. The term originated from the name of the Greek island Lesbos where poet Sappho, who eulogized love between women, was born.

GAY

Basic meaning of the term is gleeful, merry. The term got a new meaning during the 19th century: female prostitutes were called gay based on contempt for their occupation. It was then attributed to men who were using their services, but also to male prostitutes. In the early 20th century, some American men and women adopted the expression as a substitute for the clinical term homosexual person. In the 1960s and 70s, when the media accepted the gay movement's advocacy to substitute the term homosexual (used by psychiatrists to diagnose mental illness) with the term gay, it gained broader use.

HOMOSEXUAL

Outdated clinical term for people whose sexual orientation is towards people of the same sex, i.e. person that is sexually and/or emotionally attracted to people of the same sex. This term is inappropriate and many gays and lesbians find it offensive. Better terms are gay (man) and lesbian.

INTERSEXUAL PERSON

People born with chromosomal, hormonal or genital characteristics that do not match specified standards of the male and female categories because of their sexual or reproductive anatomy. This term replaced the term hermaphrodite, which was widely used by doctors during 18th and 19th centuries but is considered to be unprofessional today. Intersexuality can take many forms and include different states of intersexual people.

LGBT

All encompassing term used to denote lesbians, gay men, bisexual, and transgender people. The term denotes a heterogenic group usually identified by the title LGBT in social and political activism. The term LGBT can sometimes be expanded to include intersexual and queer people too (LGBTIQ).

LGBTTIQ

Abbreviation for lesbians, gay men, bisexual, transgender, transsexual, intersexual and queer people.

QUEER

Term that primarily refers to everything that is different from the conventional or usual way (synonym for weird, eccentric). Connotations of this term in gay usage were initially negative, and there is resistance to this term even today, especially among elderly homosexual people. Since the term subversively unmasks existing, supposedly fixed models, discarding differences (all LGBTs are covered without distinction) and identities (none of the LGBT identities is favored), the term is becoming more widely accepted. Many transexual, bisexual and even heterosexual people whose sexuality does not fit the cultural standards of a monogamous heterosexual marriage have accepted this label as sexual dissidents. It was used earlier in the English language as a derogatory way to refer to non-heterosexual people. The term was later taken over by LGBTTIQ people as a way to describe themselves. Some people particularly appreciate this term because it signifies defiance and includes diversity – not only gays and lesbians, but also bisexual, transgender, intersexual people, and even heterosexual people living outside the heteropatriarchal norms.

SEXUAL ORIENTATION

Emotional and/or sexual attraction or affection towards people of the same and/or opposite sex. Use of the offensive term sexual preference should be avoided as it is often used to imply that orientation towards the same sex is something that can and should be changed.

TRANSGENDER

All-encompassing term used to describe different people, behaviors, and groups who commonly, partially, or completely oppose imposed gender roles. The term does not refer to one's sexual orientation.

TRANSGENDER PERSON

Term used for people whose gender identity is not in accordance with their sex assigned at birth, but also for people who wish to express their gender identity differently than the sex they were assigned at birth. Transgender people feel, prefer, or choose to present themselves differently from traditionally prescribed gender roles assigned to

them at birth. This can be expressed through clothing, mannerisms, makeup, or body modifications. Among other things, the term transgender refers to people who do not identify themselves as either male or female, transsexual, transvestites or cross dressers. A transgender man is a person who was assigned the female sex at birth, but his gender identity is masculine, or in the spectrum of masculine gender identities. A transgender woman is a person who was assigned the male sex at birth, but her gender identity is feminine, or in the spectrum of feminine gender identities. Labels for the sexual orientation of transgender people are used in accordance with their gender identity, not the sex they were assigned at birth. A transgender heterosexual man is, for example, a transgender man who is attracted to, and chooses women as partners. The term transgender refers to the transgender identity and expression.

TRANSSEXUAL PERSON

Person who has clear desire and intent to modify their sex, or who has partially or completely modified (including physical and/or hormonal therapy and operations) their body and presentation, expressing their gender and/or sexual identity and sense of self.

TRANSPHOBIA

Analogous with biphobia and homophobia, it is a form of discrimination based on fear, ignorance, and hatred against transsexual and transgender people. This prejudice can be perpetuated by straight people, gay men, lesbians and/or bisexual people.

TRANSITION

Represents the process of changing one's gender expression to adjust to the inner experience of one's own gender.

THE FEDERAL POLITICAL STRUCTURE IN BOSNIA AND HERZEGOVINA

In order to understand the development of human rights in general and the rights of LGBT persons, it is important to take into consideration the political system of Bosnia and Herzegovina.

The BiH political system is very complex and consists of three federal units, two entities (Federation of Bosnia and Herzegovina – FBiH – and Republika Srpska – RS) and Brčko District. While the entity Republika Srpska has a unitary political system (divided only into municipalities and towns), the other entity, the Federation of Bosnia and Herzegovina, is divided into ten cantons. Each canton has its own executive, legislative and judiciary institutions and consists of three or more municipalities/towns. This means that BiH has one state level, two entities and one district, ten cantons and 143 municipal units.

The BiH Constitution regulates the responsibilities of, and relations between, the institutions of the state, entities, cantons and Brčko District. The state, the entities and the cantons each have their own Constitution and different administrative and political systems. Brčko District has its own administrative system and its own statute as the highest legal act.

At the state level there is a tripartite Presidency, a government (Council of Ministers), and a two-chamber parliament (Parliamentary Assembly). The institutions at the state level are notably responsible for foreign, financial and monetary policies, immigration, refugee and asylum regulation, and most importantly for protection of human rights, by way of the BiH Ministry of Human Rights and Refugees, the BiH Human Rights Ombudsman and the BiH Gender Equality Agency. Discrimination prohibition, including sexual orientation and gender identity, is regulated by a state law (BiH Law on Prohibition of Discrimination). Lower government levels (entities, cantons, district) don't have their own anti-discrimination laws but are obliged to harmonize laws of their competence (like the laws regulating education or labour) with the BiH anti-discrimination law.

Both entities (RS and FBiH) have a President and two Vice Presidents, entity governments and two-chamber parliaments. The entities are in charge of the majority of competences, i.e. education (primary, secondary, higher), labour/work-place, internal affairs (criminal laws), health, family law, etc. The same competences are also given to the Brčko District. Based on this competency division, different levels of human rights are guaranteed. For example, the criminal laws of RS and BD have had hate crime provisions (including sexual orientation and gender identity) since 2010, while FBiH still doesn't have them today. In the future, we might also have the situation that same-sex registered partnership laws might be adopted in one entity but not in the other. There is no effective coordination and harmonization of relevant legal provisions related to human rights of LGBT persons between these three federal units (the two entities and the district).

FBiH is divided into ten cantons. Cantons are granted substantial autonomy; they have their own governments, parliaments and competences. Cantons do independently regulate some of the areas such as education; in other areas, they share competences with the FBiH governance level (social insurance) and in yet other areas they just implement FBiH laws (for example, the FBiH criminal law).

The Brčko District's structure is based on an American-style concept of municipal organisation operating under a Chief Executive (Mayor) with a District Assembly and different executive departments, which were created to correspond to the ministries in the entities. BD has the same competences as the entities.

The complex political system with a complicated system of sharing competences amongst the different levels of government allows public institutions to avoid responsibility and leave the majority of their tasks related to protection and promotion of human rights undone. It is difficult to have authorities accountable for the basic competence of a public administration, which is the protection of all of the citizens.

ACCOMPLISHMENTS OF SARAJEVO OPEN CENTRE IN 2013

Sarajevo Open Centre is recognized as a relevant civil society actor in advocating for reduction of discrimination on the basis of sex, sexual orientation, and gender identity on the national and international level.

On the national level, we initiated the advocacy that led the FBiH Parliament to include hate crimes in the Draft Law on amendments to the Criminal Code of FBiH; we also successfully pressed for the changing of a discriminatory questionnaire for voluntary blood donation in the FBiH and RS.

On the international level, we conducted monitoring of the implementation of the Council of Europe's recommendations on measures to combat discrimination based on sexual orientation and gender identity; we contributed to the EU Progress Reports and the State Department Report; we participated in the preparation of the UN's Universal Periodic Review Alternative Reports; we coordinated the creation of an alternative CEDAW Report, and we provided support to a platform of women's priorities for constitutional changes.

We started and are implementing the first and only civil society register for the documentation of human rights abuses of LGBT persons.

Research and analysis of the problems and concrete needs of LGBT persons in BiH for the further addressing of these issues through concrete work with governments and other institutions and extensive publishing efforts through which we have created, promoted, and distributed numerous publications throughout the whole country – to public libraries, public and private faculties, partners, and individuals.

Work with the media – we started BiH's first internet portal about LGBT human rights (www.lgbt-prava.ba) which is edited by volunteers every day; we regularly organize info sessions with journalists and write texts related to LGBT that are published in the mainstream media. In 2013 we gave awards for the ethical and professional reporting of LGBT people and events.

The LGBT community – we offer free, specialized legal assistance for LGBT people about their rights and mechanisms of protection; traveling workshops about rights and activism for the empowerment of LGBT people in Tuzla, Mostar, Sarajevo, Zenica, and Banja Luka; frequent events for the LGBT community (a self defence course, the club Wednesdays at SOC!, creative workshops, and empowerment workshops), and fun activities.

Mariña Barreiro (1985, Noia, Spain) studied political science and international relations in Spain and France. She finished postgraduate studies in Prevention and Management of International Conflicts, as well as Master Studies in International Relations and Diplomacy at the Diplomatic School of the MFA of Spain. She worked as a Political Adviser at the Spanish Embassy in Sarajevo. At Sarajevo Open Centre, as the Programme Manager, she is in charge for international relations, advocacy, strategic programme development and fundraising/reporting. E-mail: marinha@soc.ba

Vladana Vasić (1990, Sarajevo, BiH) finished law studies at the University of Sarajevo. She is finishing her master studies at the same university with a focus on criminal law. She has been working in Sarajevo Open Centre since April 2012 on issues of advocacy, legal counselling and monitoring of the work of public institutions. She is the author of different legislative and policy proposals towards BiH institutions. Vladana is a member of the European Commission for Sexual Orientation Law. E-mail: vladana@soc.ba

Jordan Maze (1989, Columbia, MO, USA) has studied Russian language and politics and is currently working on a master's degree in Southeastern European Studies through the University of Belgrade. She has been volunteering at Sarajevo Open Centre since November 2013 and living in the region since 2012. E-mail: jordan@soc.ba

Saša Gavrić (1984, Tuzla, BiH) graduated in 2007 with a Bachelor's degree in Political and Administrative Sciences from the University of Konstanz (Germany) and has an M.A. in International Relations and Diplomacy from Sarajevo. He is one of the founders and the Executive Director of the Sarajevo Open Centre. E-mail: sasa@soc.ba

ABOUT THE SARAJEVO OPEN CENTRE

Sarajevo Open Centre is an independent, non-partisan and non-profit organisation dedicated to advocating for the full respect of human rights and decreasing the level of discrimination on the grounds of sex, sexual orientation and gender identity.

Sarajevo Open Centre is an organisation that empowers women and LGBT (lesbian, gay, bisexual and transgender) persons through community activities and promotes the human rights of women and LGBT persons in the general public. Sarajevo Open Centre advocates for improved legislation and policies and the implementation of the existing ones within BiH institutions and international bodies.

SOC was established in 2007, and we have been working intensively since 2011, when we opened our first office and had our activists constantly working in the Sarajevo Open Centre. The team grew from 3 (2011) to 9 (February 2014) members. Learn more about our work on www.soc.ba and in our narrative and financial reports available on our webpage.

www.soc.ba // www.lgbt-prava.ba // office@soc.ba

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