



PINK REPORT

2014

ANNUAL REPORT ON THE STATE OF
THE HUMAN RIGHTS OF LGBT
PEOPLE IN BIH IN 2014

PINK REPORT
ANNUAL REPORT ON THE STATE OF THE HUMAN RIGHTS
OF LGBT PEOPLE IN BOSNIA AND HERZEGOVINA IN 2014

SARAJEVO, 2015

Human Rights Series, published by Sarajevo Open Centre

Editor of the series: Emina Bošnjak

Publication no. 36

Title: Pink Report
Annual Report on the State of the Human Rights of
LGBT People in Bosnia and Herzegovina in 2014

Authors: Vladana Vasić, Saša Gavrić, Emina Bošnjak

Collaborator: Maida Zagorac

Translation: Alison Sluiter

Proofreading: Alison Sluiter

Layout and design: Feđa Bobić

Publisher: Sarajevo Open Centre, www.soc.ba

For the publisher: Saša Gavrić

© Sarajevo Open Centre

Non-commercial copying, photocopying, or any other reproduction of this publication in whole or in part is desirable, and possible with the previous written consent of the publisher. Please contact us at office@soc.ba.

This report covers the period until 15 January 2015.

This publication is a result of our human rights work on Sarajevo Open Centre's different projects, supported by (in alphabetical order): Civil Rights Defenders, European Union/EIDHR, ILGA Europe, Open Society Fund Bosnia and Herzegovina, and the Royal Norwegian Embassy in Sarajevo.

This publication has been produced within the project financed by the European Union, with the support of Astraea Foundation. The contents of this publication are the sole responsibility of the publisher and can in no way be taken to reflect the views of the European Union.

PROJEKAT FINANSIRA
EUROPSKA UNIJA



UZ FINANSIJSKU PODRŠKU
FONDACIJE ASTRAEA



Astraea

PROJEKAT IMPLEMENTIRA

SARAJEVSKI
OTVORENI
CENTAR

U PARTNERSTVU S

MEDIACENTAR
SARAJEVO

ISSN 2303-5552



PINK REPORT

ANNUAL REPORT ON THE STATE OF THE
HUMAN RIGHTS OF LGBT PEOPLE IN
BOSNIA AND HERZEGOVINA IN 2014

SARAJEVO, 2015



The publication of this report would not have been possible without the support of the phenomenal individuals and organizations that we cooperate with, as well as the support of our friends. Therefore, we would like to sincerely thank our friends, organization members, family members, external contributors, activists from BiH, partner organizations from BiH and the region, the Sarajevo Canton Police, other public institutions, publishers, service providers, donors, and all the wonderful people and organizations that have contributed to our work and our accomplishments.

CONTENT

ON-GOING PRACTICE OF HUMAN RIGHTS VIOLATIONS	
The Attack on the Merlinka Festival in February 2014	7
BEST PRACTICES	
Cooperation with the Sarajevo Canton's Ministry of Interior	8
EXECUTIVE SUMMARY	
The State of LGBT Human Rights in Bosnia and Herzegovina in 2014	9
I PRIORITY MEASURES TO BE UNDERTAKEN	
Legal Framework for Hate Crimes in the Federation of BiH	11
Special Report of the Human Rights Ombudsman of Bosnia and Herzegovina on the State of LGBT Human Rights in BiH	11
BiH Anti-Discrimination Strategy	12
II DISCRIMINATION	13
III VIOLENCE / HATE CRIMES / HATE SPEECH	16
IV FREEDOM OF ASSEMBLY AND ASSOCIATION	18
V SELECTED TOPICS	
2014 General Elections	20
Presentation of LGBT People and Related Topics in the Media	21
Asylum Seeking on the Grounds of Sexual Orientation and Gender Identity	22
VI LGBT GLOSSARY	23
VII APPENDIX	
The Political System of Bosnia and Herzegovina	28
Accomplishments of Sarajevo Open Centre in 2014	29
Authors	30
About Sarajevo Open Centre	31

ON-GOING PRACTICE OF HUMAN RIGHTS VIOLATIONS

THE ATTACK ON THE MERLINKA FESTIVAL IN FEBRUARY 2014

On Saturday, 1 February 2014 at 3:15 p.m., a group of 14 masked men stormed into Art Cinema Kriterion in Sarajevo at the beginning of a discussion entitled “Transsexuality in Transition” and attacked the event’s attendees. Most of the attendees were able to hide in an emergency exit and remained there for about 20 minutes, but three persons 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 minor injuries, with several individuals sent to the hospital. The entire attack lasted no longer than 1 minute, and all perpetrators escaped unscathed.

Sarajevo Open Centre (SOC) alerted the police about all events planned as part of the festival and the need for a security presence 20 days prior to the beginning of the festival. The police were informed of all dates and times during a meeting between SOC representatives Jozo Blažević and Lejla Huremović and a representative of the Sarajevo Canton Police. 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 called “Stop the Faggot Parade on May 1st.” They e-mailed the Ministry of Interior of the Sarajevo Canton and the police in order to report these threats at 12 p.m., and later called the police at 12:32 p.m. to ensure that they would be present at 3 p.m. in order to provide 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 Bosnian and Herzegovinian (BiH) police to ensure freedom of assembly and protect 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. at 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.

Parallel to the police investigation of the attack at the Merlinka Festival, Sarajevo Open Centre also filed two charges directly with the Sarajevo Canton Prosecutor’s Office not long after the attack. One charge was in relation to the endangerment of the safety of those present, the causing of physical harm, the violation of the right to assemble in public, and the intention to commit a criminal offense. The second charge was submitted due to the violation of equality of humans and citizens. Additionally, the failure of the police to be present at the time previously agreed to was reported to the internal control department of the Sarajevo Canton Ministry of Interior. One year following the attack (at the beginning of 2015), criminal proceedings were initiated against those responsible. Over the course of 2015, we will be able to observe the extent to which BiH’s judicial institutions understand the specificity of this case.

COOPERATION WITH THE SARAJEVO
CANTON'S MINISTRY OF INTERIOR

Since 2012, the Sarajevo Canton police have been cooperating with civil society organizations focused on the rights of LGBT individuals. Over the course of 2014, in cooperation with the Sarajevo Canton police, Sarajevo Open Centre implemented educational and informational activities about hate crimes motivated by sexual orientation and/or gender identity. Such activities constituted part of the permanent training program for police officers in 2014, and were offered with assistance from Sarajevo Open Centre. Over 1000 police officers attended these trainings.

The Sarajevo Canton Ministry of Interior appointed contact persons (police officers) for work with the LGBT victims of crime in four of the city's police stations: Stari Grad, Centar, Novo Sarajevo, and Novi Grad. This proved encouraging to LGBT individuals who were victims of hate crimes based on their sexual orientation or gender identity, as they could now report incidents to the police. This had previously not been the case due to fear of secondary victimization and forced outing. The best practices of the Sarajevo Canton police were recognized by the European Commission, which noted these developments in its strategic document accompanying the BiH Progress Report for 2014.¹ The UN Human Rights Council also recognized the program during its universal periodic review of human rights in BiH.²

We shared this example of best practices in cooperation with the Sarajevo Canton police with other organizations that deal with the human rights of LGBT individuals in Slovenia and Serbia (Škuc LL and Gayten). These organizations then applied our experiences to their work and communities.

Although this project was a considerable success, its scope remains limited. During 2015 and 2016, Sarajevo Open Centre will continue working with police officers from other cantons in the Federation of BiH (FBiH), and in the Republika Srpska (RS) in order to transfer the best practices applied by the Sarajevo Canton police. We will also continue with necessary educational trainings for prosecutors and judges regarding the specificities of hate crimes and instances of discrimination based on sexual orientation and gender identity. In this way, we will strengthen all participants involved in the process of prosecuting violations of the human rights of LGBT individuals.

¹ http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-strategy-paper_en.pdf

² Please see more at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BASession20.aspx>

THE STATE OF LGBT HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA IN 2014

In publishing the Pink Report, the annual report on the state of human rights of LGBT people in Bosnia and Herzegovina in 2014, Sarajevo Open Centre continues with its intensive advocacy work in the field of LGBT rights. The Pink Report is the only one of its kind in BiH dedicated exclusively to covering the human rights of LGBT individuals. It is being published for the fourth year in a row.

When we speak about the rights of LGBT people, we can conclude that the following important events occurred in 2014:

- Political stagnation, caused by the election campaign, post-election negotiations, and political instability have brought about a situation in which, **from the spring until the end of 2014, it was impossible to implement any relevant advocacy initiatives**, particularly where the amending of legislation or adoption of strategic documents were concerned;
- The election campaign, political parties' programs, and the processes in parliaments and governments have shown that **the rights of LGBT people are politically irrelevant**. Not a single party recognized this as a relevant problem, and no solutions were offered. Until this point, there has not been a single discussion about the rights of LGBT people at any governmental or parliamentary session;
- **The Federation of BiH was not able to change the FBiH Criminal Code**, despite the fact that there were two initiatives in the parliament. The Criminal Code should be amended to incorporate provisions related to the criminal offenses of hate crimes and hate speech;
- **Strategic documents that would have recognized the state of the rights of LGBT people and offer solutions and measures for the improvement of the rights of LGBT people were not adopted**. The Institution of Human Rights Ombudsman of BiH failed to draft a special report on the state of the rights of LGBT people. No other national documents, such as a strategy on combatting discrimination or a strategy for improving the rights of LGBT people were never even discussed.
- **Activism for the rights of LGBT people flourished**. In addition to the existing initiatives and organizations (for example, Q Sport or Okvir Association), which intensified their work, a number of new activist nuclei were formed. A Banja Luka-based association of queer activists was registered in 2014, and implemented a number of campaigns and carried out various activities. The Association LibertaMo is currently in the process of registration in Mostar, and the informal TANKA initiative is active in Tuzla;
- **In comparison to 2013, violence against LGBT people increased**. LGBT individuals, as well as LGBT activists, became the targets of more frequent attacks. However, during 2014, two judgments were delivered that confirmed the violation of the rights of LGBT people. A judgment of the Constitutional Court of BiH confirmed that the right to gather in public was violated in the case of the Queer Sarajevo Festival. This is the first decision of the Constitutional Court dealing with the rights of LGBT individuals in BiH.

10

Despite the articulated efforts and calls for concrete actions of civil society and international community, BH authorities remain ignorant of the needs of a large segment of its population. At the moment there are no indications that this attitude of BH authorities will change, all the while homophobia and transphobia remain a common experience in the governmental institutions.

In order to improve the rights of LGBT people, Sarajevo Open Centre is proposing three priority measures to be taken by the competent institutions this year.

I PRIORITY MEASURES TO BE UNDERTAKEN

LEGAL FRAMEWORK FOR HATE CRIMES IN THE FEDERATION OF BIH

On behalf of the Coalition for Combat against Hate Speech and Hate Crimes,³ Sarajevo Open Centre actively participated in the drafting of amendments to the Criminal Code of the FBiH with the Women's Caucus of Parliamentarians of the FBiH House of Representatives. The amendments drafted in cooperation with the Women's Caucus called for the legal regulation of hate crimes committed on the basis of sexual orientation and gender identity.

After drafting these amendments, the Women's Caucus began cooperating with the FBiH Ministry of Justice and submitted a comprehensive Draft Law of Amendments to the FBiH Criminal Code to the FBiH Parliament. In 2014, the FBiH House of Representatives adopted the Draft Law of Amendments.⁴ However, the session during which the FBiH House of Peoples was supposed to consider adopting the same Draft Law was not scheduled during 2014.⁵

The FBiH remains the only administrative unit in Bosnia and Herzegovina that does not include hate crimes in its Criminal Code. Given that general elections were held in BiH in 2014, the procedure for adopting the amendments to the FBiH Criminal Code will have to be resumed in 2015. Within the framework of the Coalition for Combat against Hate Speech and Hate Crimes, Sarajevo Open Centre will continue to advocate for the regulation of hate crimes within the FBiH Criminal Code. Such regulation should include homophobic and transphobic violence committed against LGBT people.

SPECIAL REPORT OF THE BIH HUMAN RIGHTS OMBUDSMAN ON THE STATE OF LGBT HUMAN RIGHTS IN BIH

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

The existing discrepancy between the adoption of documents for the protection of human rights, and harmonization and adequate implementation of

³ Please find more information about the Coalition for the Struggle against Hate Speech and Hate Crimes online at: <http://soc.ba/en/programmes/lgbt/hate-crime/>

⁴ More information about BiH's political structure can be found in the appendix of this report.

⁵ Please find more information at: <http://soc.ba/en/reaction-to-the-non-adoption-of-hate-crime-into-the-criminal-law-of-fbih/>

the aforementioned laws, has caused human rights organizations to recognize the need for the Institution of Human Rights Ombudsman to produce a special report on the state of the rights of LGBT people in BiH. This special report should present a realistic picture of the current state of respect for and protection of the human rights of LGBT people. Its recommendations should include case studies and remove perceived omissions in order to improve the respect for and protection of the human rights of LGBT people in BiH.

Sarajevo Open Centre reiterated the request for such a report at a consultative meeting with the representatives of civil society organizations, which was organized by the Institution of the Human Rights Ombudsman of BiH in Sarajevo on 3 December 2014.

At the time of publishing, we had not yet received confirmation on whether this repeated request would be respected. Given that the Institution of the Human Rights Ombudsman of BiH did not accept the responsibility for drafting a special report on the human rights of LGBT people in BiH in 2013 and 2014, this priority is to be transferred to 2015. A report with clear recommendations for the BiH state institutions and entity and canton level governments would provide the first guidelines for BiH in terms of determining what should be done to improve the legal and living standards of LGBT people.

BIH ANTI-DISCRIMINATION STRATEGY

After the 2009 adoption of the BiH Anti-discrimination Law, there have been no further developments when it comes to the implementation of this law.⁶

Unlike its neighboring countries, BiH has not adopted any instruments to effectively implement the BiH Anti-discrimination Law.

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

Consequently, in 2014, Sarajevo Open Centre initiated a debate within civil society on the necessity of such a strategy for BiH. For this debate, we relied on the assistance of experts that were involved in the process of creating and adopting such strategies and action plans related to the combat against discrimination in the Republic of Serbia and the Republic of Croatia.

During 2015, Sarajevo Open Centre plans to advocate for the adoption of a comprehensive strategy on combatting discrimination at the state level. We will rely on the expertise of representatives of the Institution of the Human Rights Ombudsman of BiH, the Ministry of Human Rights and Refugees of BiH, relevant parliamentary commissions, public policy experts, and other members of civil society committed to reducing and preventing discrimination in BiH society.

⁶ For an analysis on the BiH Anti-discrimination Law and problems concerning its implementation, please see: <http://www.analitika.ba/bs/projekti/pregled-ad-okvira-i-praksi-u-bih>

When it comes to the legal framework addressing LGBT rights in BiH, the BiH Gender Equality Law adopted in 2003 and amended in 2009 is the first law that stipulates prohibition of discrimination on grounds of sex/gender (spol) and sexual orientation (spolna orijentacija).⁷

The 2009 BiH Anti-Discrimination Law covers the prohibition of discrimination on grounds of “sex expression and/or orientation.”⁸ It was adopted as a result of pressure exercised by the international community. However, these terms were not defined and are now left to the interpretation of lawyers. Gender identity (important for trans people) is not covered by the law (but can be classified under “sex expression”). Different laws on the state, entity and cantonal levels fail to tackle sexual orientation or gender identity.

Information about discrimination based on gender, sexual orientation and gender identity has not been collected or tracked yet because the BiH Ministry of Human Rights and Refugees did not create a database (that was to be created 90 days after the adoption of the 2009 Anti-Discrimination Law). The existing discrimination cases in courts demonstrate that legal proceedings are not efficient, as some cases take up to three years to be solved. As research shows⁹, LGBT people do not trust the judicial system and there were no trust-building efforts by the institutions towards the LGBT community.

Laws are still not harmonized with the Anti-Discrimination Law although this was supposed to happen within 90 days of the adoption of the Law. As a result, different laws (e.g. labor or higher education laws) have different anti-discrimination provisions (some cover sexual orientation and gender identity while others do not). For example, the new draft of the FBiH Labor Law did not stipulate sexual orientation in the anti-discrimination provisions, leaving the level of workplace protection to the BiH Anti-Discrimination Law.

The BiH Ombudsman Institution has very limited resources to work on discrimination cases. Although the Anti-Discrimination Law stipulated a special budget allocation for the Ombudsman Institution for this purpose, the Anti-Discrimination Department of the Ombudsman Institution never received any additional funds. The BiH Ombudsman Institution did not agree to work on the Special Report on the State of Rights of LGBT people in BiH, but they announced consultations on the report for December 2014.

Judges and prosecutors countrywide have little or no training related to the Anti-Discrimination Law. The result is that the law is still not being implemented in the manner stipulated by its provisions.¹⁰

7 The Bosnian/Croatian/Serbian translations of “gender” and “sexual orientation” should be “rod” and “seksualna orijentacija”.

8 The term “sexual expression and/or orientation” should be “gender expression and/or sexual orientation.”

9 Please see Numbers of life. Analysis of the results of the research on needs of LGBT community in Bosnia-Herzegovina at: <http://soc.ba/en/numbers-of-life-2/>

10 Please see a series of policy recommendations and analyses at: <http://www.analitika.ba/bs/projekti/pregled-ad-okvira-i-praksi-u-bih>

BiH never adopted a countrywide anti-discrimination strategy that would define concrete and realistic measures on how to fight discrimination (including discrimination based on sexual orientation and gender identity) and prejudices, but that would also promote tolerance and equality on state, entity, canton and local levels. BiH did adopt the Council of Europe's (CoE) Recommendation on measures to fight against discrimination based on sexual orientation and gender identity, but it did not take any steps to implement this Recommendation.¹¹ If the CoE Recommendation had been implemented, the BiH institutions would have been more informed and aware about the discrimination against LGBT people.

In November 2014, BiH received recommendations in the Universal Periodic Review (UPR) which, among other things, were related to the adoption of a comprehensive, strategic plan/national action plan on the combat against discrimination in cooperation with interested stakeholders, including civil society organizations. BiH will review and provide responses in a timely manner, but no later than at the 28th session of the Human Rights Council in March 2015.¹² The European Commission recognized the lack of a strategy to combat discrimination in its 2014 Progress Report for BiH.¹³

The family laws of FBiH, RS, and Brčko District (BD) define marriage and domestic partnership as a union between a woman and a man. However, the jurisprudence¹⁴ of the European Court for Human Rights indirectly obligates BiH as a Council of Europe member state to extend its legislation to recognize some of the rights and obligations (social rights) that stem from the union of same-sex couples. This is because it is the opinion of the court that same-sex couples in stable de facto relationships are equally protected by Article 8 of the European Convention on Human Rights and Fundamental Freedoms. Unfortunately, there was no attempt to adopt a law on registered partnership for same-sex couples in any of the BiH administrative units. Among other things, same-sex couples cannot access reproductive technologies or adopt children, as the law reserves these rights only for married couples and heterosexual couples in domestic partnerships.

Another issue is lack of medical and financial support for transexual people. Operations have to be done abroad, while the official social security system does not cover any of the related costs. However, once sex reassignment is complete, transexual people can legally change their name, personal identification number (JMB) and documents. Only the BD Law on Registers does not stipulate "sex reassignment" as a ground for legal change of personal data. Civil society organizations have called on the relevant institutions of BD to initiate amendments to this law. The BD Government refused this request, after which the Institution of Ombudsman received a complaint of discrimination against transexual people. The Institution of Ombudsman closed this case after the Human Rights Commission of Brčko District replied that it would initiate amendments to this act, which has yet to happen.

Sarajevo Open Centre documented six cases of discrimination during 2014. Three of the six cases were related to incitement of discrimination of LGBT individuals at secondary and higher educational institutions. The other three cases were related to the ban on blood donations by men who have sex with men at the Institute for Transfusion Medicine of the RS, the year-round incitement to discrimination and marginalization of LGBT people by the Saff magazine, and discrimination against LGBT individuals who want to conclude registered partnerships in Croatia. The latter proved problematic because when a certificate of free marital status is issued, it is necessary to provide the name of one's future (female) partner.

11 Monitoring the Implementation of the Council of Europe Committee of Ministers Recommendation on Combating Sexual Orientation and Gender Identity Discrimination. Bosnia-Herzegovina Summary Report.: <http://soc.ba/en/monitoring-the-implementation-of-the-council-of-europe-committee-of-ministers-recommendation-on-combating-sogi-discrimination-2/>

12 Please see more at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BASession20.aspx>

13 Please see more at: http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-bosnia-and-herzegovina-progress-report_en.pdf

14 For example, the case of Schalk and Kopf vs. Austria, 30141/04

Given that BiH's laws do not recognize the institution of same-sex relationship in any way, a confirmation with the name of a partner of the same sex could not be issued. LGBT individuals resorted to other methods of obtaining such certificate, stating they were needed for scholarship and job applications, etc.

RECOMMENDATIONS AND GUIDELINES FOR FURTHER ACTION

- *Amend the BiH Anti-Discrimination Law and clearly define the grounds on which discrimination is prohibited so that they explicitly include the following: sexual orientation, gender identity, gender expression, and intersex status;*
- *Implement the BiH Anti-Discrimination Law by drafting and adopting a countrywide multiannual anti-discrimination strategy and action plan, which defines concrete and realistic measures on state, entity, cantonal and local levels to challenge discrimination against inter alia, LGBT people. This should happen in close cooperation with civil society, as was foreseen by the UPR recommendations and the 2014 BiH Progress Report;*
- *In order to fight homophobia and prejudices within institutions, train and inform judges, prosecutors, police officers, and public servants on discrimination against LGBT people;*
- *BiH Ombudsman Institution should draft a special report on the state of rights of LGBT people in BiH, which will serve as the basis for the development of further actions and policies;*
- *Mainstream social acceptance and inclusion of LGBT people through the media, institutions, and the educational system, and thus prevent any future discrimination and hate-related incidents;*
- *Analyze curricula and textbooks at all educational levels (primary and secondary schools, as well as universities), remove all discriminatory and derogative content, and introduce LGBT inclusive diversity education;*
- *Introduce LGBT specific modules into the education of future teachers, but also train the existing school staff to work on creating LGBT inclusive schools;*
- *Introduce LGBT inclusive anti-discrimination modules into the curricula of faculties of law and civil service exams;*
- *Introduce LGBT specific modules into medicine and psychology study programs to work towards LGBT inclusive health services;*
- *Provide sex reassignment medical support for transexual people. Ensure cost coverage through the official social security systems and define clear procedures for legal recognition of sex reassignment;*
- *Adopt and implement laws in all three administrative units (RS, FBiH, and BD) to legally recognize same-sex relationships, and define the duties and rights of a union of two same-sex persons (focusing on social and economic rights).*

III VIOLENCE / HATE CRIME / HATE SPEECH

CURRENT SITUATION

The BiH state-level Ministry of Security and the Organization for Security and Cooperation in Europe (OSCE) urged the BiH administrative units (FBiH, RS, and BD) to adopt amendments to their criminal codes by incorporating provisions on hate crime. RS and BD did so in 2010, stipulating, inter alia, the grounds of sexual orientation and gender identity in the definition of hate crime. FBiH has not yet adopted the amendments to the Criminal Code. Since December 2012, an informal coalition¹⁵ has been advocating for the addition of a provision on hate crime to the FBiH Criminal Code. Although the FBiH House of Representatives adopted the amendments in July 2013, the second chamber – the FBiH House of Peoples – failed to do so. In 2014, the House of Representatives adopted another draft law on the amendments to the FBiH Criminal Code, which was a result of the collective efforts of the Women’s Caucus of FBiH House of Representatives, the FBiH Ministry of Justice, and civil society organizations. However, during 2014 the House of Peoples did not convene a session for the consideration of this proposal.

In addition, hate speech provisions that include inter alia sexual orientation and gender identity are not stipulated by the Criminal Codes of FBiH, RS, and BD. To date, there has not been any attempt to amend this situation.

Data on hate crime acts committed on the grounds of gender, sexual orientation, and gender identity has not been systematically collected or tracked by police or judiciary. Nevertheless, the police in BiH are working on concrete cases (hate crime acts against homosexual people), and one of these cases concluded in a final judgment in which offenders received prison sentences.

In July 2014, the trial chamber of the Sarajevo Canton Court delivered a first instance verdict in a case involving two men who used a dating website to come in contact with gay men and rob them. In fact, one of the offenders in this instance was a gay man who entered into contact with other gay men via the site, earned their trust, and convinced them to agree to meet up at a certain location in town. His accomplice would wait at the selected destination with two or three other men. These men were armed and would take the victim’s credit cards, cell phone, laptop, car keys, and any other valuables they could find. One of the perpetrators was sentenced to an imprisonment of five years and six months. Another received a sentence of four years and two months. To our knowledge, this verdict is the first public verdict in which the country of BiH has passed a judgment on crimes committed against LGBT people. The verdict was passed within less than a year of the committed felony. It is clear that both the police and the Sarajevo Canton Prosecutor’s Office recognized the sensitivity of this case and responded in an adequate manner with the goal of sanctioning those responsible. Furthermore, the names and identities of the victims were published in media, but were replaced by the initials soon after the publishing. Although the damage was done, this act still demonstrates an additional level of willingness on the part of state institutions to actively engage in the protection of the confidential information regarding LGBT citizens.

15 Please see: <http://soc.ba/en/hate-crime-to-be-introduced-into-the-criminal-code-of-federation-of-bih/>

Countrywide LGBT community research¹⁶ shows that every third LGBT person has been violated, but only every seventh incident of violence has been reported to the police. This is a clear sign of the lack of trust in law enforcement institutions.

Sarajevo Canton Police have been cooperating with civil society organizations working on LGBT rights since 2012. Educational and informational trainings were conducted on hate crimes motivated by sexual orientation and/or gender identity during 2014. During the same year, such trainings were included into a permanent feature of police training during 2014, which were provided with the assistance of Sarajevo Open Centre team members. Over 1000 police officers attended such trainings. In 2014, trainings for judges and prosecutors about human rights violations of LGBT people were organized as well. Special attention was given to hate crimes and discrimination.

Sarajevo Open Centre documented 42 cases of hate speech and 20 cases of crimes and incidents motivated by prejudices based on sexual orientation and/or gender identity. Eleven of the 20 cases of hate crimes refer to threats, harassment, and attacks on LGBT activists and LGBT people who are prominent in activist circles. Thirteen of these hate crime cases were reported to the competent institutions. We are still waiting for responses from these institutions.

RECOMMENDATIONS AND GUIDELINES FOR FURTHER ACTION

- *Amend the Criminal Code of the Federation of Bosnia and Herzegovina to include hate crime provisions on inter alia grounds of sexual orientation and gender identity;*
- *Amend the Criminal Codes of the three administrative units (RS, FBiH, and BD) to include hate speech provisions on inter alia grounds of sexual orientation and gender identity;*
- *In order to fight homophobia and prejudices within institutions, train and inform judges, prosecutors, police officers, and public servants on hate crimes and hate speech directed against LGBT people;*
- *High officials of governments and parliaments at all administrative levels should publicly condemn hate-related incidents in order to send a clear message to citizens that LGBT hate crimes will not be tolerated;*
- *Mainstream social acceptance and inclusion of LGBT people through the media, institutions, and the educational system, thus preventing any future discrimination and hate-related incidents;*
- *Introduce LGBT inclusive hate crime modules into curricula of faculties of law and police academies, police ministries' training programs, and civil service exams;*
- *Appoint contact persons for LGBT hate-related incidents in all police stations and train them;*
- *Raise awareness of citizens on LGBT hate crimes and hate speech by implementing public campaigns in the media, through art, and in public spaces;*
- *Collect and analyze data on documented, prosecuted – but also officially undocumented – hate crime and hate speech incidents and report thereon annually to national and international institutions (such as the OSCE-ODIHR office). The BiH Ministry of Security should coordinate this.*

¹⁶ Numbers of life. Analysis of the results of the research on needs of LGBT community in Bosnia-Herzegovina: <http://soc.ba/numbers-of-life/>

IV FREEDOM OF ASSEMBLY AND ASSOCIATION

CURRENT SITUATION

The constitution and laws of BiH guarantee freedom of assembly, but in practice different minority groups, including LGBT people, are prevented from exercising it.

After the attack on Queer Sarajevo Festival in September 2008, when eight individuals were injured, no one was prosecuted. An appeal made to the BiH Constitutional Court in 2011. In 2014, six years after the attack, the Constitutional Court issued a verdict in which it found that the freedom of assembly of LGBT people had been violated. The verdict obligated the FBiH government and Sarajevo Canton government to “pay a sum of 3,000 KM each in non-pecuniary damages for the violation of a constitutional right within three months of the date of the verdict’s issue” to Association Q.¹⁷ This is the first time in the history of BiH that a constitutional court has delivered a verdict recognizing a violation of the rights of LGBT people.

On 1 February 2014, a hooligan group attacked the LGBT film festival Merlinka in Sarajevo. Although the event was duly reported to the police 20 days in advance, the police showed up at the festival location 50 minutes late. During the attack, three people were physically injured, and 25 other participants were intimidated and distressed. Leading human rights institutions and ministries in BiH have been urged to condemn the attack, however only the BiH Human Rights Ombudsman Institution has done so. The BiH Ministry for Human Rights and Refugees reacted with a press release 15 days later. A year after the attack on the Merlinka festival, court cases have still not been initiated against those responsible.¹⁸

Activists of the organizations Sarajevo Open Centre and BUKA (Banja Luka Queer Activists Association), as well as LGBT individuals prominent in human rights activism, have been the targets of threats and attacks. We do not have any information on whether these cases are being prosecuted.

To date in BiH, there have been no attempts to organize a pride parade or public discussions on this topic. This fact is an indicator of the current state of the rights of LGBT people in BiH, as well as the conditions in which human rights defenders work.

In October 2014, the Banja Luka Queer Activists Association, which until that time had acted as an informal group, was registered as a citizens’ association at the state level. The association’s official name is U.K.A. – Association of Queer Activists. It took over a year from the initial date of application for the registration to be completed. During its registration process, the association faced various bureaucratic obstacles. Sarajevo Open Centre provided assistance via the services of a lawyer, who successfully guided the registration process. Another informal group of LGBT activists from Mostar, LibertaMo, contacted Sarajevo Open Centre in October with a request for assistance with their registration, which is currently underway.

The freedom of association of LGBT people, although guaranteed by BiH’s laws, is difficult in practice for procedural reasons. These are not necessarily due to discrimination based on sexual orientation or gender identity. During 2015, we will continue to monitor this situation due to the global trend of shrinking space for civil society.¹⁹

¹⁷ The verdict of the BiH Constitutional Court is available at: <http://www.ccbh.ba/bos/odluke/index.php?src=2>.

¹⁸ Learn more about the attack at the Festival at the beginning of the Report

¹⁹ Please see more at: <http://freeassembly.net/rapporteurpressnews/kiai-video-denmark/>

- *Train and inform judges, prosecutors, police officers, and public servants on special challenges related to the freedom of assembly of LGBT people in order to fight homophobia and prejudices within institutions, and to be ready to adequately protect such events;*
- *Police and human rights institutions should stay in direct and ongoing contact with human rights organizations and groups working on the protection of the rights of LGBT people in order to build trust, gather data and prevent any future violence;*
- *Each public LGBT event should be carefully and professionally planned in close cooperation with human rights defenders. Police should protect every public –but also private – event, given that LGBT events are regularly the target of attacks;*
- *Raise citizens' awareness on LGBT hate crimes and hate speech by implementing public campaigns in the media, through art, and in public spaces.*

During the election campaign, it was almost impossible to find any references to LGBT people or protection from discrimination based on sexual orientation or gender identity in debates, candidate appearances or in the election programs. In the statutes and basic program goals and visions articulated by the parliamentary parties running in the general elections of 2014, all the monitored parties clearly expressed its support and commitment to respecting and ensuring basic human rights and freedoms. Statements of respect for and commitments to implementing international documents on human rights were mentioned only superficially without any clear goals. Such statements were related almost exclusively to conditions of European integration. In their program summaries, several parties emphasized the fight against discrimination in various forms, but they omitted any references to sexual orientation or gender identity. As part of our project entitled “Political Parties and the Rights of LGBT People in BiH,” Sarajevo Open Centre created a questionnaire that was used to research the views of the most relevant political parties participating in the 2014 general elections regarding social and economic issues related to LGBT people in BiH. This questionnaire was sent to the SDP BiH, SNSD, SDA, SBB, SDS, HDZ BiH, SBiH, HDZ 1990, NSRzB, DNZ, PDP, and DNS in September 2014. We never received any responses to our questionnaire. The same questionnaire was sent again in December 2014 following the general elections. Once again, not a single party responded to our questionnaire.

However, the 2014 election campaign was the first time candidates were questioned about the rights of LGBT people in the media. Unfortunately, this data speaks more to the high level of sensibility among civil society than to the politicians’ awareness of the human rights of LGBT and their needs, which require proactive action. An election debate on BHT featured Mirsad Džonlagić (SBB), Asim Sarajlić (SDA), Mladen Ivanković Lijanović (NSRzB), Zaim Backović (BPS), and Mirko Sovilj (DNS). As was the case with their parties’ programs, these candidates demonstrated that they do not understand the specificities of violations of the rights of LGBT people. Their answers they offered were rather generalizations about human rights.²⁰ Another example of a forum for debate in 2014 was the *Imate riječ!* project, which was implemented by the National Democratic Institute in Bosnia and Herzegovina (NDI BiH). This project’s goal was to enable all citizens to pose questions to the various political parties in an impartial environment, thus enabling them to ask about the topics they are most interested in and enable them to vote in the general election based on the information they obtained. A series of video interviews were conducted within the framework of this project. One of the questions posed during the interviews was related to LGBT individuals (“In your opinion, how can you improve the rights of LGBT people?”). Jozo Ćosić (HDZ 1990), Edin Forto (Naša stranka), Marija Zelenika (HDZ), Igor Crnadak (PDP), Besima Borić (SDP BiH), and Arnej Misirlić (SDA) responded to this question.²¹

20 Please see more at: <http://lgbt.ba/kako-izgleda-sloboda-okupljanja-lgbt-osoba-u-bih-ako-moze-dobrovoljacka-onda-moze-i-prajd/>

21 The video interviews are available online at: <https://www.youtube.com/user/ImateRijec>

Stereotyping, medicalization, sexualization, and secrecy were unfortunately just as present in 2014 as methods of information manipulation in media reports about LGBT people and topics as they were in the 1990s and 2000s. Stereotypes are derived from the medicalization of homosexuality and the that one is not born gay, but rather – through propaganda – that becoming gay is a disease that is spread and transmitted. This stereotype suggests that young people are particularly susceptible to becoming gay and that one’s own sexuality is not seen as a part of a spectrum of his/her other identities. Homosexuality is still a taboo, and for that reason it’s a good source for scandals, shock, and disbelief for tabloids. The only goal of such ‘journalism’ is to entertain, and certainly not inform.

For the first time in four years – the length of time we’ve been monitoring the media – news from BiH has become a secondary priority in terms of reporting. However, in analyzing the content related to the BiH context, one conclusion that can be drawn is that the cause of this increase, unfortunately, was the attack that occurred in Sarajevo in February 2014 at the queer festival Merlinka. News reported in the crime section of papers is generally about those who are given ‘the most space,’ generally speaking in the media. As such, we were not surprised in this case. On the other hand, most coverage throughout the region was related to pride parades. This demonstrates that such an activist event has the potential to attract the attention of journalists.

Compared to the media analysis in 2013, there was no trend of increase in number of positive articles. The same is true for the reduction of number of negative articles. Most stories in the print media were (primarily) neutral and (secondarily) negative. There was an increase in negative articles as compared to last year.

In general, there were fewer stories about LGBT topics on television this year. The same status could be observed in terms of rating such programming.

In March 2014, the Sarajevo Open Centre offered to partner with the Radio-Television of Republika Srpska (RTRS) in order to – with the support of a public broadcaster – open a new space for discourse on the violation of human rights of LGBT people. This was to be done through the provision of copyright for the screening of a documentary, and financial compensation. RTRS declined this offer without providing any explanation. The other public broadcasters we contacted with the same offer (FTV and BHRT) expressed their readiness to cooperate and screenings and other types of cooperation occurred in 2014.

Generally speaking, the number of online media publications decreased. The way the news is conveyed has not changed. News is produced by agencies according to the ‘copy-paste’ principle, and the differences between neutral and positive content and negative content are enormous.

Although the level of awareness with regard to gender sensitive language and politically correct terminology increased, significant progress in terms of media coverage about LGBT people and topics could not be observed as compared to the previous year.

²² For detailed information on the presentation of LGBT people and topics in the media in 2014, please see *Ka pozitivnim praksama: Izvještavanje medija u 2014. godini o LGBT temama u Bosni i Hercegovini*: <http://soc.ba/ka-pozitivnim-praksama-izvjestavanje-medija-u-2014-godini-o-lgbt-temama-u-bosni-i-hercegovini/>

Sarajevo Open Centre has documented 6 cases of LGBT people seeking asylum to countries of Europe and the United States of America: 5 on the grounds of sexual orientation and 1 on the grounds of gender identity, during 2014. People contacting Sarajevo Open Centre for support in their asylum process stated different reasons for asylum seeking. These reasons vary from psychological consequences of life in homophobic and transphobic environment, to psychological and physical violence, discrimination in employment and persecution they were facing because of their sexual orientation and gender identity. Most the inquiries received came from LGBT people living in smaller urban or rural areas in Bosnia and Herzegovina.

Since the beginning of 2015 Sarajevo Open Centre has already documented 4 inquiries regarding support in asylum seeking process (3 on the grounds of sexual orientation and 1 on the grounds of gender identity). This fact points to an alarming trend of increase in number of LGBT people seeking asylum determined to leave Bosnia and Herzegovina permanently. It is also another indicator of inefficient and inadequate work of BiH governmental institutions when it comes to protection of human rights and social inclusion of LGBT people in Bosnia and Herzegovina.

BIPHOBIA

Irrational fear, intolerance, prejudices 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

A concept derived from the phrase 'coming out of the closet,' which is 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 a group of people in an unfavorable or less favorable position in respect to other people.

DIRECT DISCRIMINATION

Any differential treatment or failure of treatment in which 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 of the above features) or larger groups (women in general), is held by these institutions.

²³ The Glossary of Basic LGBT Terms is a result of a joint effort by Sarajevo Open Centre's team.

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, skin color, 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, or 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 (a 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, or sexual orientation or expression in accordance with the definition of discrimination.

GENDER IDENTITY

This is 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 the 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 and 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, which aim 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 in such acts. 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

A 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 the Sappho, who eulogized love between women, was born.

The basic meaning of the term is gleeful or merry. The term received a new meaning during the 19th century: female prostitutes were called gay based on the 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

An outdated clinical term for people whose sexual orientation is towards people of the same sex, i.e. a 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 the 18th and 19th centuries, but is considered to be unprofessional today. Intersexuality can take many forms and include different states of intersexual people.

LGBT

An 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

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

QUEER

A 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 transsexual, 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 earlier used 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, and intersexual people, and even heterosexual people living outside hetero-patriarchal norms.

SEXUAL ORIENTATION

An 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/TRANS*

An 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

A 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 male or female, or as 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 transgender identity and expression.

TRANSSEXUAL PERSON

A person who has a 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, thus 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 POLITICAL SYSTEM OF
BOSNIA AND HERZEGOVINA

BiH's political system is very complex and made up of two entities (Federation of BiH and Republika Srpska), and Brčko District. The BiH Constitution regulates responsibilities and relations between the joint state institutions, entities, and Brčko District. The state and both its entities have their own constitutions, as well as different administrative and political systems. Brčko District has its own administrative system and a Statute, the District's highest legal act.

At the state level, there is a three-member Presidency, whose members – one Bosniak, one Croat, and one Serb – rotate every eight months, the Council of Ministers, and the Parliamentary Assembly. The latter is composed of the House of Representatives and the House of Peoples. Both entities have a President and Vice President, as well as all necessary ministries. However, their legislative powers are contrary.

The Federation of BiH has the same form as the joint institutions, including a House of Representatives and House of Peoples. Republika Srpska, on the other hand, has only a National Assembly. The Federation of BiH's cantons (there are 10 cantons) are guaranteed substantial autonomy and their own local governments. They have the power to adopt laws at the canton level provided these are not in contradiction to the laws of the Federation. The structure of the District is based on the concept of city administration, in the American style. The District has a mayor, the District Assembly, and ten ministries that have been created to correspond to the entity ministries. At the state level, institutions are responsible for foreign, financial, and monetary policy, immigration, refugees, and asylum policy and regulation. The most important institutions responsible for the protection of human rights are the Ministry of Human Rights and Refugees, the Institution of Human Rights Ombudsman of BiH, and the Gender Equality Agency. The highest judicial authorities are the three constitutional courts – one for each entity and one at the state level – and the Appellate Court of the Brčko District. The police are under the jurisdiction of the entities and the District. Joint responsibility for the Federation and cantonal police institutions lies with the Ministry of Internal Affairs of FBiH. The entities, Brčko District, and the cantons within the FBiH have their own competencies and ministries, which include ministries of health, education, the interior, social welfare, etc. Both entities have gender centers, which are responsible for working against discrimination based on sex/gender and sexual orientation.

Our beneficiaries, as well as civil society in BiH, the media, public institutions, and international partners, have recognized Sarajevo Open Centre as one of the leading human rights organizations in BiH.

During 2014, Sarajevo Open Centre led or participated in advocacy initiatives at the national, European, and international levels. Activities included initiating draft amendments in cooperation with civil society organizations for the BiH Law on Prohibition of Discrimination, debating with civil society organizations on the drafting and adoption of a comprehensive strategy on combatting discrimination, continuing to advocate for a special report on the human rights of LGBT people to be drafted by the Institution of Human Rights Ombudsman of BiH, and calling for amendments to the discriminatory questionnaire given to blood donors in the RS. We contributed to the production of the Report on BiH's Progress in the Field of Women's Human Rights and Human Rights of LGBT People, provided consultations and written submissions on the Structured Dialogue on Justice between BiH and the EU, and led a group of organizations in the creation of the Alternative Report on BiH's Progress in 2014. We were one of only two organizations from BiH's civil society to assist in the drafting of a report on hate crimes by the OSCE/ODIHR. Sarajevo Open Centre has provided submissions and participated in consultations on the creation of the UPR.

Over the course of the year, Sarajevo Open Centre supported and led the development of the women's movement through empowering the Women's Network in BiH, as well as the LGBT movement through supporting the development of activist groups in Sarajevo, Tuzla, Banja Luka, and Mostar. We supported these groups' independent actions and activities.

Through our work with the community, we enhanced our strategic commitment to expanding the outreach of currently existing services to the community, including pro bono legal consultation, regular events for the LGBT community, creative and educational workshops, social events, and legal and social empowerment. We are consistently available to the LGBT community.

We continued to produce knowledge on topics related to human rights and LGBT culture, as well as the human rights of women and their visibility in BiH society. We contributed to the state of women's human rights through our improved program called Women's Rights. We made knowledge and information available, not only via distributed printed material, but also through regular public events (Someone said Feminism, Merlinka, etc.). We worked together with the media, on various campaigns, and with several online platforms: www.soc.ba, www.lgbt.ba, www.zenskamreza.ba, www.eu-monitoring.ba. The total number of visits to our website in 2014 was over 130,000.

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

Saša Gavrić (1984, Tuzla) graduated from the Faculty of Political Science in Constance, Germany in 2007, and gained his masters degree in international relations and diplomacy at the University of Sarajevo. From 2005 to 2011 he worked in the Goethe Institute. Together with his colleagues he founded Sarajevo Open Centre, an organization he still runs. He has published a great number of journalistic works and professional and scientific articles and has edited numerous books. He is researching the political systems of Bosnia and Herzegovina, and is very interested in human rights and cultural policies. E-mail: sasa@soc.ba

Emina Bošnjak (1983, Zenica) is a feminist and an LGBT activist. She has been working as a Program Coordinator at Sarajevo Open Centre on different project related to LGBT rights since 2012. In June 2014, she became a Program Manager. In this position, she contributes to the management of the organization, international advocacy, and the production of annual reports on the state of the human rights of women and LGBT people in Bosnia and Herzegovina. E-mail: emina@soc.ba

Sarajevo Open Centre has been recognized by our beneficiaries, but also by BiH civil society organizations, the media, public institutions, and international partners as one of the leading human rights organizations in Bosnia and Herzegovina.

Sarajevo Open Centre (SOC) advocates for the full respect of human rights and the social inclusion of LGBT people and women. Sarajevo Open Centre is an independent, non-partisan, and non-profit organization that empowers LGBT (lesbian, gay, bisexual, and trans*) people and women through community and movement building. SOC also promotes the human rights of LGBT people and women publically, and advocates on the national, European, and international level for improved legislation and policies in Bosnia and Herzegovina.

Between 2007 and 2011, we worked on different projects related to political science research and political education, literature, film and art promotion, and interreligious education without having clear program areas, an office, or employed staff. In 2011, we opened our first office and our first three team members began working full-time at Sarajevo Open Centre. The team has since grown from three (May 2011) to eleven (October 2014) full-time employees.

Sarajevo Open Centre is a member of many national, regional, and international networks of civil society organizations, leads the Initiative for Monitoring BiH's European Integration, and, together with the CURE Foundation, co-leads the Women's Network BiH. Sarajevo Open Centre is the creator and administrator of lgbt.ba, the only BiH LGBT web portal, which is a virtual space for the LGBT community and the public.

www.soc.ba // www.lgbt.ba // www.zenskamreza.ba // www.eu-monitoring.ba

CIP