

Written submission to Bosnia and Herzegovina 2016 Report

Political criteria

Human rights and protection of minorities: LGBTI HUMAN RIGHTS

Two years after the attack on the Merlinka Festival in 2014, no one has been indicted. Another public attack on LGBTI persons occurred on Friday 4th of March 2016 when four young men entered the Art Kriterion Cinema, threatened those present with violence, and threw bottles, ashtrays and glasses at them and injured one person. The perpetrators used hate speech towards LGBTI persons during the attack. According to the media reports the police took all four perpetrators to the Police Precinct, and they released them after taking their statements. Although both cases were obvious hate crimes, their bias motivation was completely disregarded and the police classified the attacks as misdemeanours.

In December 2015, Government of Republika Srpska passed the Annual Operational Plan based on the Gender Action Plan for 2016, which addresses a number of LGBTI measures to be undertaken by the institutions. The Government of the FBiH also included LGBTI measures into their Annual Operational Plan adopted in March 2016. A state-level Operational Plan is currently being made and it should be adopted by autumn of 2016. A more systematic and active approach of BH institutions to LGBTI human rights and inclusion in BiH could be achieved through adoption of a multi annual Action Plan for Equality of LGBTI people which would contain concrete measures for tackling inequality on the basis of sexual orientation, gender identity and sex characteristics.

Council of Ministers BiH passed the Draft Law on the Changes and Amendments of the Law on Prohibition of Discrimination in December of 2016, which includes sexual orientation, gender identity and sex characteristics as protected grounds. If this Law is passed through the BiH Parliamentary Assembly, BiH will become one of the first countries in Europe to ban discrimination on the basis of sex characteristics, which will provide better protection from discrimination for intersex persons.

In the beginning of 2016, Parliament of Federation of BiH adopted the amendments to its Criminal Code which included hate crimes on several ground including sexual orientation and gender identity. Federation adopted these amendments six years after Republika Srpska and Brčko District. Hate speech against LGBTI persons is still not regulated in any of the administrative units of BiH.

Transgender community remains marginalized and no efforts were taken to simplify the procedure of legal sex change, which would enable legal gender recognition without having to complete medical transition.

Same-sex couples are continuously discriminated through legal system that fails to regulate any of their social and economic rights. However, no attempts were made to legally recognize the rights and responsibilities of these couples.

More information can be found in our Annual report on the state of human rights of LGBTI People in BiH in 2016, at <http://soc.ba/en/publications/edition-human-rights/>.