

RESEARCH REPORT ON ONLINE VIOLENCE AND HATE SPEECH TOWARDS LGBTI PERSONS IN BOSNIA AND HERZEGOVINA



Sanja Ramić

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Towards LGBTI Persons in Bosnia and Herzegovina**

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INTRODUCTION

In today's digital age, freedom of expression on the Internet is a key element of a democratic society, allowing for broad participation and exchange of ideas. However, this freedom is often abused to spread hate speech and online violence, especially towards vulnerable social groups such as LGBTIQ+ persons. Bosnia and Herzegovina faces the challenges of insufficient protection of the LGBTIQ+ community from online violence and hate speech, which is further complicated by a fragmented, maladaptive and unclear legislative framework, including inadequate implementation of the above, as well as a lack of effective institutional responses.

In Bosnia and Herzegovina, the digital sphere has become a fertile ground for expressing intolerance and hatred towards LGBTIQ+ persons, often hidden behind anonymity and aided by insufficient (self-) regulation of digital platforms. This phenomenon is not just a local, but a global challenge facing the whole world. While, on the one hand, rights and freedoms and the full enjoyment thereof are promoted, on the other hand, questions arise about the limits of freedom of expression and the need for adequate protection against violence and discrimination.

Online violence and hate speech against LGBTIQ+ persons often go hand in hand in the online space, creating an environment that can be challenging and dangerous for the LGBTIQ+ community, but at the same time serves as a platform for support, activism and fight for rights outside the online space.

One of the key causes of such violence lies in the anonymity that the Internet provides, which gives the perpetrators a sense of security, superiority and impunity. Also, the lack of adequate legislation and institutional mechanisms to combat hate speech on social networks and online platforms contributes to the spread of these phenomena. Although some technology giants have introduced policies and tools to combat online violence and hate speech, they are often insufficiently rigorous or not applied consistently. The lack of editorial policy of the online portal and the vicious circle of reporting and prosecuting hate speech to the competent authorities further affects the fact of impunity.

In general, research shows a high prevalence of hate speech and online violence against LGBTIQ+ persons in Bosnia and Herzegovina¹, especially directed towards sexual orientation and gender identities. In this regard, this research analyses various aspects of online violence and hate speech against LGBTIQ+ persons, trying to answer several questions:

- On which online platforms online violence and hate speech most often occur,
- Analyses whether the perpetrators are known and close to the victims or anonymous;
- Determines what types of hate speech and online violence LGBTIQ+ persons most often experience and to which entities they most often report;
- Identifies other relevant indicators that can serve as a useful input in formulating further institutional and legal changes and providing protection and justice.

1 Council of Europe, *Mapping of Responses to Hate Speech in Bosnia and Herzegovina, Report on Situational Analysis and Mapping*, 2022.

This research seeks to provide a deeper understanding of this problem and to formulate guidelines for creating recommendations to relevant institutions with the aim of improving the protection and rights of LG-BTIQ+ persons.

HATE SPEECH AND ONLINE VIOLENCE: BOUNDARIES AND FREEDOM OF EXPRESSION

In principle, hate speech means any form of communication that advocates, encourages, disseminates, promotes and/or justifies hatred, violence and discrimination against a person or group of persons on the basis of their race, ethnicity, national origin, religion, disability, sexual orientation, gender identity or other characteristics. Hate speech often involves the use of derogatory terms (e.g. profanity or pejorative terms used to dehumanize certain persons or groups of persons based on their identity), threats, incitement to violence, dissemination of lies, stereotypes and other disinformation to harm a person or group of persons, humiliating comments, and the use of symbols or images as expressions of hatred or discrimination against a particular group.

It is important to emphasize that hate speech is not protected by free speech, and it is very important to balance the protection of free speech and protection against discrimination and violence. Accordingly, the expression of different opinions, criticisms or discussions on religious, political or social topics, the use of satirical or artistic expressions that may provoke or criticize certain ideas or social norms, the expression of religious beliefs, political or philosophical views, even if these views are controversial or disagree with the views of others, are generally not considered hate speech, provided that they do not call or encourage violence or discrimination against a person or a group.

In the context of online violence, hate speech is a serious problem that appears on various online platforms, including social networks, forums, blogs, and

includes the dissemination of offensive, discriminatory and degrading messages directed at individuals or groups on the basis of their race, religion, ethnicity, sexual orientation, gender, disability or other personal characteristics.

1.1 Defining hate speech

There is no single, generally accepted definition of hate speech in international law. Definitions and legal frameworks for hate speech differ, further complicating the fight against this phenomenon. The working and most commonly used definition of hate speech is that of the Council of Europe, which defines hate speech as “all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”.²

The 2019 United Nations Action Plan defines hate speech as “any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor”.³

Recently, hate speech includes speech aimed at producing hatred and intolerance in the online sphere, and increasingly this term also includes intolerance towards different political and other opinions, as well as national and social origins. For the purpose of defining and clarifying hate speech in the online space, it is important to note the Additional Protocol to the Council of Europe Convention on Cybercrime, which defines hate speech as “any written material, any image, or any other representation

2 Recommendation no. R (97) 20 of the Committee of Ministers to Member States on “hate speech”, available at: <https://search.coe.int/cm?i=0900001680767bfe>

3 See more at: https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf

of ideas or theories that advocates, promotes, or incites hatred, discrimination, or violence against any individual or group of individuals, based on race colour, descent, or national or ethnic origin, as well as religion if used as a pretext for any of these factors.”⁴

At the level of the European Union, the forms of hate speech that are punishable are defined in the Framework Decision on combating certain forms and ways of expressing racism and xenophobia by means of criminal law: public incitement to violence or hatred against a group of persons or a member of such a group on the basis of race, colour, descent, religion or belief, or national or ethnic origin; dissemination or distribution of materials that encourage the said behaviour; public condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes, when such behaviour may incite violence or hatred against a group or a member of a group.⁵

Other acts of the European Union, such as the Recommendation on combating hate speech⁶, the European Commission initiative calling on the Council to adopt a decision on the inclusion of hate speech as a criminal offence in Article 83 (1) of the Treaty on the Functioning of the European Union,⁷ the adoption of the Digital Services Act in July 2024.⁸

4 Additional Protocol to the Convention on Cybercrime relating to the criminalization of acts of a racist and xenophobic nature committed through computer systems, Council of Europe, 2003. (ETS No.189), available at: <https://rm.coe.int/168008160f>

5 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and ways of expressing racism and xenophobia by means of criminal law, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM>

6 Recommendation CM/Rec (2022)16(1) of the Committee of Ministers of the Member States on combating hate speech, available at: <https://search.coe.int/cm/?i=0900001680a67955>

7 Communication from the Commission to the European Parliament and the Council: A more inclusive Europe that protects: extending the list of areas of crime in the EU to hate speech and hate crimes, COM/221/777 available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:52021DC0777>

8 See more at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act_hr

Also, the International Covenant on Civil and Political Rights requires states to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.⁹ The International Convention on the Elimination of All Forms of Racial Discrimination calls upon States to make punishable by law any dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and any acts of violence or incitement to such acts against any race or group of persons of other colour or ethnic origin.¹⁰

1.2 Boundaries of freedom of expression and hate speech

The key challenge in defining hate speech lies in setting the boundaries of freedom of expression. Too strict measures against hate speech can cause self-restraint in citizens when presenting justified criticisms of society. Also, there may be a decrease in the quality of democratic processes because people may be discouraged from freely communicating and exchanging ideas. While freedom of expression implies the right of the individual to freely express their views and ideas, speeches that incite hatred or discrimination can seriously jeopardize social cohesion and individual rights. That is why it is crucial to understand and define the boundaries between freedom of expression and hate speech to ensure that legal norms adequately protect all members of society. Legislation cannot sanction a particular speech in advance, but focuses on the consequences that hate speech can cause, even if it does not necessarily lead to physical violence. Violent hate speech, which directly incites violence against vulnerable groups or individuals, is a criminal offence and requires a quick response from judicial authorities.

9 Article 20, International Covenant on Civil and Political Rights, available at: <http://www.mhrr.gov.ba/pdf/medunarodnipakt%20b.pdf>

10 Article 4, International Convention on the Elimination of All Forms of Racial Discrimination, available at: <https://unmik.unmissions.org/sites/default/files/regulations/05bosniak/BRacialdiscrimination.pdf>

An important criterion for the analysis of hate speech is its intensity and sharpness, where the intensity depends on the intention to cause harm and on the real effects of that speech. This is crucial, especially for the judiciary, so it is necessary to distinguish extreme hate speech from one that is not, as this can have implications for legal permissibility. Offensive expressions themselves are not necessarily hate speech; the key is the motivation behind those expressions. If the insults refer to specific personal characteristics without a broader social context, it is not hate speech. However, when insults and swearwords arise from prejudices and stereotypes towards a particular group, we can talk about hate speech. Hate speech always targets personal characteristics or specific traits of the vulnerable group, such as race, gender, ethnicity, nationality, religion, sexual orientation, and other identity factors.

1.3 Online violence: Definition and characteristics

Online violence is becoming more and more present, representing the type of violence that takes place on the Internet. Defining online violence is the subject of academic and theoretical debate and can be described as a deliberate, explicit act that occurs online, directed at another person, including insults or threats through the Internet and digital communications, or as the use of digital technologies (Internet and mobile phones) with the aim of harassment, injury, humiliation and harm.¹¹

Online violence includes the dissemination of offensive comments, threats and the distribution of content that incites hatred against certain groups or individuals. Anonymity and the rapid distribution of content through social networks make it even more difficult to monitor and suppress such activities. Today, it is almost impossible to find a person or organization that is not present on a social network, which increases the risk of abuse, including the spread of hate speech.

11 Dinić, B, *Digital Violence*, Novi Sad, RS: Faculty of Philosophy in Novi Sad, 2022.

Characteristics of the Internet that favour the spread of hate speech include global availability, anonymity, interactivity, and a decentralized structure make it difficult to regulate. Internet portals, often connected to social networks, allow users to express their opinions, but also to spread hate speech through comments. The responsibility for sanctioning and controlling hate speech lies with the moderators of these portals and the ownership structure of social networks, which are obliged to respond to threats and calls for violence.

Very often, events that polarize the public, such as a pride parade, are catalysts for hate speech, especially towards minority groups.¹² When the media is intensively engaged in such events, the online sphere records increased activity of users who often use derogatory expressions, accusations, insults and language that can be considered hate speech.

The key characteristics of online violence are as follows:¹³

- Space of occurrence: Violence occurs in the online space, through digital or electronic media, and is related to the use of information and communication technologies.
- Interpersonal dynamics: The digital environment is characterized by specific interpersonal dynamics where people are more prone to inadequate behaviour through electronic means than *in a direct face-to-face* encounters.
- Intent: Abusers have the intent to harm another person.

12 Council of Europe, *Mapping of Responses to Hate Speech in Bosnia and Herzegovina, Report on Situational Analysis and Mapping*, 2022

13 Dinić, B, *Digital Violence*, Novi Sad, RS: Faculty of Philosophy in Novi Sad, 2022, 39 (note 10)

- Act: There is an act or behaviour that causes harm to someone or it is certain that it will cause harm.
- Repetitiveness: Digital violence does not necessarily have to be repetitive, but it most often is.
- Constant availability: Digital violence can happen 24 hours a day, at any time of the day or night, and is not related to any space.
- Anonymity: The possibility of anonymity is one of the characteristics of digital violence.
- Larger audience: Digital violence enables and provides for a larger audience.
- Durability of the act: When some content is posted online or sent to another person, it can hardly be permanently removed. There is an option to request removal of content, but there is no guarantee that the content has not already been recorded and saved, and that it cannot be shared further.
- Dehumanization of the victim: Due to online communication, the abuser is not able to see the victim's reaction, which can lead to the dehumanization of the victim.

These characteristics make online violence specific and different from traditional violence, and distinguish it as a special type of violence, and not just as another way or form of harm, i.e. a subtype of traditional violence.¹⁴ In view of this, the need for a special approach in understanding and combating online violence, including its inclusion as a separate criminal offence, was emphasised. Online violence that manifests itself

14 Ibid.

as hate speech can have serious far-reaching consequences, which can be emotional, social, academic and professional in nature. Emotional consequences most often include anxiety, depression, and a sense of hopelessness in victims.¹⁵ Social consequences can lead to isolation, withdrawal from social activities and reduced self-confidence.¹⁶ Online violence can affect professional reputation and career.¹⁷ On a social level, hate speech encourages bigotry and prejudice, creating a polarized and hostile environment. This can lead to physical violence and other forms of abuse.

15 Interviews with a representative of the LGBTIQ+ community about experiences with hate speech and online violence.

16 Ibid.

17 Ibid.

INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORK

2.1 International legal framework

International standards emphasize that the rights people enjoy outside the Internet must also be protected on the Internet, with particular emphasis on the right to privacy and freedom of expression.

Freedom of expression is a fundamental human right guaranteed by numerous international and regional acts, including Article 19 of the **Universal Declaration of Human Rights**¹⁸, Article 10 of the **European Convention on Human Rights** (ECHR), previously mentioned Articles 19 and 20 of the **International Covenant on Civil and Political Rights**, and Article 5 of the **International Convention on the Elimination of All Forms of Racial Discrimination**¹⁹.

18 Article 19 of the Universal Declaration of Human Rights: “Everyone has the right to freedom of opinion and expression; this right includes the right to freedom of opinion without harassment and the freedom to seek, receive and disseminate information and ideas through any media and regardless of borders”, available at: https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/cnr.pdf

19 Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination points out that Member States condemn any propaganda and organizations based on racial superiority or hatred and commit to take urgent measures to eliminate such discrimination. They commit to criminalize the spread of racist ideas, ban organizations that encourage racial discrimination, and prevent public authorities from promoting racial discrimination. They also undertake to prohibit racial discrimination in all forms and ensure equal rights for all, including political, civil, economic, social and cultural rights, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

The most important regional document is the **European Convention for the Protection of Human Rights and Fundamental Freedoms**, Article 10 of which guarantees freedom of expression. Although it does not explicitly require a ban on hate speech, paragraph 2 of Article 10 contains conditions for restricting freedom of expression (which, in fact, means a ban on hate speech), when speech is not of such intensity as to negate the values of the Convention. The restriction must be prescribed by law, there must be a legitimate objective and it must be necessary in a democratic society. In its practice, the European Court of Human Rights (ECtHR) has established a position according to which all forms of expression involving hate speech or denial of the basic values guaranteed by the Convention are excluded from the protection referred to in Article 10, which is based on Article 17 of the Convention prohibiting the abuse of the rights guaranteed by this document.

The case law of the ECtHR further establishes standards. The court did not give a uniform definition of hate speech, but through a series of judgments, it determined the factors for deciding on the prohibition of hate speech, taking into account the goals of the speaker, the content of the speech, the context, the profile of hate speech targets, publicity and the potential impact of the statement, and the nature and severity of sanctions. Through the judgments, the Court has developed key principles that help understand how LGBTIQ+ rights can be protected in an online environment. Judgments such as *Beizaras and Levickas v. Lithuania* (2021) emphasize the importance of protecting the rights of LGBTIQ+ persons from hate speech and discrimination.²⁰ The court directly considered the issues of hate speech. Although it did not refer to Article 10 of the ECHR, the Court analysed the comments on the photo (on the social network) of the complainants in the context of hate speech. The Court concluded that the comments on Facebook were extremely offensive, inciting hatred and violence against

20 European Court of Human Rights, *Beizaras and Levickas v. Lithuania*, app. no. 41288/15 of 14 January 2020.

LGBTIQ+ persons, and that they had a serious negative impact on the psychological well-being and dignity of the complainants. The court pointed out that the state authorities, by not initiating an investigation, acted in a discriminatory manner and did not protect the complainants from hate speech.²¹ The Court emphasized that the state has a positive obligation to protect individuals from hate speech and violence, and that comments that incite hatred and violence require effective measures and an appropriate legal response. In conclusion, the Court ruled that the state violated Article 14 (Prohibition of Discrimination) in conjunction with Article 8 (Right to private and family life), because it did not respond adequately to hate speech directed against the complainants.

In the context of protection against hate speech in the comments of anonymous users on online portals, as well as the responsibility in this case, the Court ruled in the 2015 case *Delfi AS v. Estonia* that the owner of the Internet portal is responsible for content posted without editorial supervision²² and recognized the Internet as a platform with public influence that requires regulation and protection of users' rights, which implies its public nature.²³ The Court found that comments on online portals that constitute hate speech or incitement to violence establish the responsibility of online portals, especially large ones, to remove such comments, even without a specific request from the victim or third parties. In the 2018 case of *Savva Terentyev v. Russia*, the Court found that the same principles apply to comments on blogs.²⁴

21 See more at: European Audio-Visual Observatory, <https://merlin.obs.coe.int/article/8821>; ILGA Europe, <https://www.ilga-europe.org/case-law/beizaras-and-levickas-v-lithuania/>.

22 European Court of Human Rights, *Delfi AS v. Estonia*, app. no. 64569/09 of 10 October 2013.

23 Columbia University, Global Freedom of Expression, Case Analysis, available at: <https://globalfreedomofexpression.columbia.edu/cases/delfi-as-v-estonia/>.

24 European Court, *Savva Terentyev v. Russia*, app. no. 10692/09 of 28 August 2018.

There are also a number of acts that specifically regulate hate speech. The **2008 Framework Decision on combating racism and xenophobia of the Council of the European Union** defines as a criminal offence any public incitement to violence or hatred against a group of persons or an individual on the basis of race, colour, religion, descent, and national or ethnic origin, including the Internet. The European Commission and large technology companies (e.g. Facebook, Microsoft, Twitter, and YouTube) introduced in 2016 a **Code of Conduct to combat illegal hate speech online**, which was later joined by other companies such as Instagram, Google+, and Snapchat. The **2003 Additional Protocol²⁵ to the Council of Europe Convention on Cybercrime** criminalizes racist and xenophobic speech on the Internet²⁶, while **Recommendation (97)20 of the Council of Europe** emphasizes that laws on hate speech must not be used to intimidate those who promote democracy, and **Recommendation (2022)16 on combating hate speech** seeks a comprehensive approach to preventing and combating hate speech. Based on the findings of the monitoring of the situation in the countries,

25 Additional Protocol to the Convention on Cybercrime relating to the criminalization of acts of a racist and xenophobic nature committed through computer systems, Council of Europe, 2003. (ETS No.189), available at: <https://rm.coe.int/168008160f>.

26 The 2003 Additional Protocol obliges the states that have ratified it to adopt legislative and other measures that will criminalize certain forms of hate speech in the online space. This Protocol requires that as criminal offences, if committed intentionally and unjustifiably, the domestic laws of the Member States prescribe: the distribution or otherwise making available to the public of racist or xenophobic material through computer systems; threats to commit serious criminal offences defined by domestic law committed through computer systems against a person because of his/her membership of a group on the basis of race, colour, descent or national or ethnic origin and religion or against a group of persons who differ in any of these characteristics; public insults through computer systems directed at a person for his/her belonging to a group on the basis of race, colour, descent or national or ethnic origin or religion or a group of persons differing on the basis of these characteristics; distribution or otherwise making available to the public, through computer systems, materials denying, grossly minimising, approving or justifying acts of genocide or crimes against humanity as defined in international law and set out in final and binding judgments of the International Military Tribunal established by the London Agreement of 1945 or any another international court established by international instruments and whose jurisdiction has been recognized by the state.

the European Commission against Racism and Intolerance (ECRI) of the Council of Europe issued in 2016 a **General Policy Recommendation no. 15 on combating hate speech**,²⁷ which emphasizes the importance of effectively opposing hate speech. The Recommendation requires the recognition of the key importance of freedom of expression, tolerance and respect for equal dignity, the recognition of factors that contribute to the spread of hate speech, and the application of appropriate measures to combat them. It also highlights the need for engagement and commitment from a wide range of public and private entities, including non-governmental entities. Recommendation (2010)5 of the Council of Europe to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity recommends, inter alia, active action to eliminate all forms of discrimination on grounds of sexual orientation or gender identity. That Recommendation provided guidance to Member States to examine existing legislative and other measures, to ensure effective protection against all forms of discrimination and hate crime, including effective remedies, and in particular to be guided in their legislation, policies and practices, by the principles and measures contained in the appendix to this Recommendation.

These acts are not aimed at intimidating citizens or organizations that promote democracy, but at protecting against those who disturb public order, spread hate speech and harass in the online sphere. **Recommendation (2016)5 of the Council of Europe** emphasizes that laws on hate speech must not be used in a way that prevents public debate.²⁸

27 European Commission against Racism and Intolerance (ECRI), General Policy Recommendation no. 15 on combating hate speech, available at: <https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-hate-speech-bosnian-transl/1680a0bb2d>

28 Item 2.4.3 “Laws addressing hate speech or protecting public order, public morals, minors, national security or official security and data protection laws are not applied in a way that inhibits public debate. Such laws impose restrictions on freedom of expression only in response to a pressing matter of public interest, are defined as narrowly as possible to meet the public interest and include proportionate sanctions.”, available at: <https://yzs.ba/preporuka-cm-rec-20165-odbora-ministara-drzavama-clanicama-o-slobodi-interneta/>

Thus, regulating hate speech essentially implies restricting freedom of expression, but to the extent necessary to protect other fundamental rights. Freedom of expression is not an unrestricted right and may be restricted to protect public security, territorial integrity, national security, and the rights of others, which the court assesses on the basis of the purpose, content, and context of expression.

Through the Anti-racism Action Plan (2020–2025) and the **Digital Services Act** of 2022, the European Commission has introduced measures that oblige digital platforms to be more accountable for the content posted by users, including the rapid removal of wrongful hate speech and online violence. The revised Audiovisual Media Services Directive of 2018 extends protection to video-sharing platforms, requiring them to take measures to protect the public from content that incites violence or hatred.²⁹

These additional elements highlight the EU's continued efforts to improve the legal framework and practical measures against online violence, including strengthening the accountability of digital platforms, coordinating activities among Member States and cooperating with NGOs. Education of citizens through media literacy initiatives also plays a key role in preventing the spread of online violence and hatred, ensuring that Internet users are aware of the dangers and ways of responding to such content.

In addition to the key Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which guarantee freedom of expression, other UN documents further explain the boundaries of freedom of expression. **The general comments of the UN Human**

29 Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), This Directive was revised in 2018 to include additional measures to protect the public, including those directed against hate speech and online violence on video-sharing platforms, available at: <http://data.europa.eu/eli/dir/2010/13/oj>

Rights Committee further clarify that the exercise of the right to freedom of expression carries special duties and responsibilities, and certain restrictions are allowed that relate to the interests of other persons or society as a whole. General Comment No. 34 of 2011 provides detailed interpretations of international law regarding freedom of expression in the digital age, especially regarding protection against hate speech and online violence.³⁰

The Rabat Guidelines³¹ provide a framework for interpreting restrictions on freedom of expression. The Rabat Plan of Action offers guidelines for the interpretation and application of the Convention on Civil and Political Rights, proposing a high threshold for defining restrictions on freedom of expression and the application of Article 20 of the International Covenant on Civil and Political Rights, taking into account the six-part threshold verification system corresponding to the factors for deciding on the prohibition of hate speech established by the ECtHR.

The combination of regional and international legal standards is key to protecting the rights of LGBTIQ+ persons from hate speech and online violence. Continuous improvement of laws, policies and practices is necessary to ensure a fairer and safer future for all citizens, regardless of their sexual orientation or gender identity. The combat against hate speech and online violence takes place not only through legislation and case law, but also through education, community empowerment and awareness raising. The international legal framework provides the basis for action, but continuous improvement of laws and policies is necessary to better protect the rights of LGBTIQ+ persons in all spheres of life, including the digital sphere.

30 International Covenant on Civil and Political Rights, Human Rights Committee, 2011, available at: <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

31 Guidelines from Rabat, available at: <https://www.ohchr.org/en/issues/freedomopinion/articles19-20/pages/index.aspx>

2.2 Legal framework and institutional mechanisms in Bosnia and Herzegovina

Freedom of expression is guaranteed by the Constitution of Bosnia and Herzegovina³², the Constitution of the Federation of Bosnia and Herzegovina,³³ the Constitution of Republika Srpska³⁴. Only the Statute of the Brcko District of Bosnia and Herzegovina does not explicitly state freedom of expression, but it guarantees that all persons in the territory of the District enjoy the rights and freedoms guaranteed by the Constitution and laws of Bosnia and Herzegovina, the Statute and the laws of the Brcko District of Bosnia and Herzegovina, without discrimination on any grounds, as well as that they enjoy the rights and freedoms granted to them by the ECtHR, which also presupposes freedom of expression.³⁵ The Constitution of Bosnia and Herzegovina stipulates that Bosnia and Herzegovina and both entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. The rights and freedoms provided for in the ECtHR and its Protocols are directly applicable in Bosnia and Herzegovina and take precedence over all other laws.³⁶

Although these constitutions do not explicitly prohibit hate speech, there is a very broad constitutional and legal basis for the protection of human rights and fundamental freedoms from statements that can be characterized as hate speech. This constitutional basis, which also implies the direct application of international human rights standards, leaves enough

32 Article 2 (Human Rights and Freedoms), available at: https://www.ustavnisud.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf

33 Part II, Article 2, available at: <https://parliamentfbih.gov.ba/v2/bs/stranica.php?idpage=71>

34 Part II, Article 25, available at: https://www.narodnaskupstinar.net/sites/default/files/upload/dokumenti/ustav/lat/ustav_republike_srpske.pdf

35 Title II, Article 13 (1) and (4), available at: <https://skupstinabd.ba/images/dokumenti/ba/statut-brcko-distrikta.pdf>

36 Article 2 of the Constitution of Bosnia and Herzegovina, available at: https://www.ustavnisud.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_bos.pdf

room for further legislative action in order to protect against hate speech that encourages, justifies or glorifies discrimination on any grounds.

Bosnia and Herzegovina is a signatory to most relevant international treaties, but the legal framework is not adequate to protect against hate speech in the online space, including LGBTIQ+ persons. There is no specific legislation that would regulate the issue of the prohibition of hate speech in a holistic manner, including *lex specialis* that would regulate the issue of the prohibition of hate speech on the Internet.

Certain forms of hate speech are prohibited by criminal codes in Bosnia and Herzegovina, the Election Law of Bosnia and Herzegovina, and the codes/rules of the Communications Regulatory Agency (which apply only to television and radio stations). The self-regulatory body for print and online media, the Press and Online Media Council of Bosnia and Herzegovina, is limited to mediation and non-binding decisions on media content that violate the standards of the Press and Online Media Code of Bosnia and Herzegovina, including hate speech. The Press Code of Bosnia and Herzegovina, amended at the end of 2021, contains a number of new articles, including those on the use of information technologies and disinformation. However, the Council does not have the possibility of sanctioning a portal that facilitates hate speech. It can only state that an expression is hate speech and, accordingly, recommend to the online media to take appropriate measures, i.e. to remove such statements. Some cases are referred to the police for further investigative actions, but “it has rarely been the case that the prosecution has contacted the Council nor has the Council received feedback.”³⁷

The state, entity and criminal codes of the Brcko District of Bosnia and Herzegovina criminalize public provocation of national, racial and religious hatred, discord and intolerance. However, with the exception of the

37 Sevima Sali Terzić, *Hate Speech on the Internet: International Standards and Protection*, 2019. https://analiziraj.ba/govor-mrznje-na-internetu-medunarodni-standardi-i-zastita/#_ftn36

Criminal Code of Republika Srpska and the Criminal Code of the Brčko Distrikt of Bosnia and Herzegovina, criminal legislation in Bosnia and Herzegovina does not include other protected categories such as skin colour, gender, sexual orientation, disability and other grounds, which are part of international standards. Criminal codes do not recognize online violence as a criminal offence. Also, there are no institutional mechanisms for protection against online violence.

The legislation on public order prescribes what is considered a misdemeanour and provides for sanctions that may be fines or protective measures. The Law on Public Order and Peace of Republika Srpska, the Law on Misdemeanours against Public Order and Peace of the Posavina Canton, and decisions regulating public order and peace at the level of certain municipalities of the Una-Sana Canton (Cazin, Bihać and Velika Kladuša) in the definition of a public place include social networks/online space, which further fragment the legislative framework and protection mechanisms. Accordingly, in the context of offenses against public order, it would be more appropriate to harmonize the application of international standards that require the protection of the rights people enjoy outside and on the Internet than to regulate them in a partial and incoherent manner in different levels of government.

Nevertheless, there are a number of laws that ensure the prohibition of discrimination and violence against marginalized groups. The legal framework, which indirectly prohibits hate speech, but prohibits discrimination and violence against marginalized groups at the state level, includes, in addition to the above, the Law on Gender Equality in Bosnia and Herzegovina and the Law on the Prohibition of Discrimination in Bosnia and Herzegovina. However, due to significant shortcomings in criminal legislation related to the criminalization of hate speech, it is not realistic to expect adequate protection by referring only to the Law on Prohibition of Discrimination.³⁸

38 Ibid.

Cases of processing hate speech in Bosnia and Herzegovina are rare³⁹, especially on the Internet, and court decisions are inconsistent. Respondents state that there is a lack of understanding of the meaning of hate speech and freedom of expression even among practitioners, there are special difficulties in defining what is considered a public space, and that there are no laws or that the existing ones are not adequately applied or harmonized.

However, it is important to note that Article 2 of the Constitution of Bosnia and Herzegovina allows judges in Bosnia and Herzegovina to directly apply the European Convention for the Protection of Human Rights and Fundamental Freedoms, even if domestic legislation is not harmonised with this. The Constitutional Court of Bosnia and Herzegovina also emphasizes that regular courts are obliged to monitor and apply the case law of the European Court of Justice and the Constitutional Court by including it in their decisions in order to comply with the guarantees provided by the European Convention, especially when it comes to criminal cases.⁴⁰

Following the Recommendation CM/Rec (2010)5 of the Council of Europe to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity, Bosnia and Herzegovina adopted in 2022 the first Action Plan to improve human rights and fundamental freedoms of LGBTIQ+ persons in Bosnia and Herzegovina for the period 2021–2024.⁴¹ Although the adoption of the Action Plan undoubtedly

39 In April 2022, the Municipal Court in Sarajevo issued a first-instance judgment, which for the first time in Bosnia and Herzegovina confirmed discrimination against LGBTIQ+ persons. In May 2024, the Municipal Court in Sarajevo sentenced I.M. to a single sentence of four years and I.B. to one year in prison for committing robbery and blackmail against members of the LGBTIQ community on several occasions.

40 Decision of the Constitutional Court of BiH, AP-4407/11 of 17 December 2014

41 The action plan aims to create a society in which equal opportunities and prohibition of discrimination, equal rights in all spheres of life and respect for diversity are ensured. To achieve these goals, the plan contains four strategic goals: to provide effective mechanisms to protect LGBTI persons from discrimination and hate crime, to guarantee equal rights for LGBTI persons in public and private life, to promote

means an important contribution to the protection and exercise of the rights and freedoms of LGBTIQ+ persons in Bosnia and Herzegovina and to some extent the response of Bosnia and Herzegovina to the obligations under international documents and the process of joining the European Union, it is necessary to ensure its implementation, which implies, among other things, institutional strengthening and financial support. One of the shortcomings is the insufficiently defined responsibility of online portals in combating hate speech.⁴² There is also no committee in place to monitor the implementation of the plan. However, our interlocutors point out that they are aware of the insufficiency of the current action plan and possible shortcomings, as well as the problem of hate speech and online violence against LGBTIQ+ persons in Bosnia and Herzegovina. They point out that the current action plan is more focused on developing awareness.

International reports emphasize that the main obstacles in combating hate speech according to international standards are the lack of appropriate legislation and insufficient knowledge of key actors, especially judges and prosecutors, on international standards. Not all cases of hate speech are unlawful, and many hate narratives, including political discourse, remain in grey areas where there are no adequate bans.

The key problems are shortcomings in criminal codes that inadequately regulate hate speech and online violence. The lack of harmonization of legislation between the entities further complicates the situation and creates legal gaps that make it difficult to protect the LGBTIQ+ community⁴³, especially bearing in mind that Republika Srpska has initiated the removal of gender identity from the law.⁴⁴

awareness of the need to combat prejudice and stereotypes about LGBTI persons, and to establish an effective monitoring and reporting system.

42 Interview with K.I. from the Agency for Gender Equality of Bosnia and Herzegovina.

43 Interview with KIIs from the Ministry of Human Rights and from the non-governmental organization for the protection and promotion of LGBTIQ+ rights.

44 Sarajevo Open Centre, 2024, Pink Report 2024. Annual Report on the State of Human

Also, there is no systematic collection of data on cases of discrimination that would allow insight into methodologically comparable data. In the judicial information system, there is still no possibility to collect disaggregated data regarding processed cases of hate crimes against LGBTIQ+ persons. There is an uneven practice of administrative staff to designate a party as “LGBTQ” so that based on this search parameter, cases in which it is listed as such can be singled out. Since this makes it difficult to keep official statistics, the contact person from the judiciary and the Sarajevo Open Centre are periodically adjusted in communication in relation to the number of cases.⁴⁵

In its Report on Bosnia and Herzegovina from 2023, the European Commission recommended (again) that the legislation in Bosnia and Herzegovina be fully harmonized with the EU acquis, because current laws only provide for the criminal offense of inciting religious and national hatred and intolerance, without including other forms of hatred. Also, the Report states that the authorities have not taken any measures to combat hate speech, which is still present in the official discourse, and there is no monitoring or implementation of the ban on hate speech in online media.⁴⁶

The 2016 Report of the European Commission against Racism and Intolerance (ECRI) states that online media in Bosnia and Herzegovina are “increasingly used for the transmission of hate speech, and especially the

Rights of LGBTI Persons in Bosnia and Herzegovina, available at: https://soc.ba/site/wp-content/uploads/2024/06/rozi-izvjestaj-BOS-2024_6_12-1.pdf. At its 76th session held on 4 July 2024, the Government of Republika Srpska established the Draft Law on Amendments to the Criminal Code of Republika Srpska, which deletes the concept of gender identity from the provisions of the Criminal Code.

45 Ibid; Interview with K.I. from the Prosecutor’s Office.

46 European Commission Report on Bosnia and Herzegovina for 2023, p. 43, published on 8 November 2023, available at: https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a_en?filename=SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf

space for comments on news portals, Internet editions of print media and specialized Internet forums”,⁴⁷ as well as that hate speech, prejudices and stereotypes are also present in articles on the Internet. Among other things, the report pointed out that LGBTIQ+ persons were exposed to hate speech, and later became victims of physical violence.

Bosnia and Herzegovina also ratified the aforementioned Council of Europe Convention on Cybercrime in 2001 and its additional protocol back in 2006, but its recommendations on the adoption of legislative and other necessary measures to establish as criminal offenses the acts listed in the Protocol and committed through a computer system have not yet been implemented.⁴⁸

The combination of the legislative frameworks of the European Union and international legal standards plays a key role in protecting the rights of LGBTIQ+ persons from hate speech and online violence. The international legal framework provides the basis for action, but continuous improvement of laws and policies is necessary to better protect the rights of LGBTIQ+ persons in all spheres of life, including the digital sphere. The application of these standards is key to creating a more inclusive and safer environment for all citizens, regardless of their sexual orientation or gender identity.

47 ECRI Report on Bosnia and Herzegovina (fifth cycle of monitoring), adopted on 6 December 2016, published on 28 February 2017, p. 22, available at: <https://hudoc.ecri.coe.int/eng#...Toc473181854>.

48 European Commission Report on Bosnia and Herzegovina for 2023, (note 43).

ONLINE PORTALS AND SOCIAL NETWORKS

Online portals have different practices in moderating their comment spaces. Some media do not have space for comments, some do not allow certain words in comment posts, some preview all comments before publishing, while some delete comments after users report them.

From 2021, the provisions of the Press and Online Media Code of Bosnia and Herzegovina extend the editor's responsibility for the total content of print or online media, including user comments.⁴⁹ According to these provisions, the editor is obliged to remove user comments that constitute hate speech, incitement to violence, incitement, intolerance, insults, threats and any other form of inappropriate and socially unacceptable communication. However, while this mechanism is important for raising professional standards among professional content producers without imposing sanctions, its reach is still limited, especially with regard to non-professional content producers and anonymous portals.

Digital transformation has led to the rise of non-professional content creators on the Internet, including anonymous websites. A recent survey identified 615 informative online media in Bosnia and Herzegovina, of which only 27% have impressum on their websites.⁵⁰

49 Press and Online Media Council in Bosnia and Herzegovina, Code for Print and Online Media in Bosnia and Herzegovina, Article 2, available at: <https://vzs.ba/kodeks-za-stampane-i-online-medije-bih/>.

50 Media Centar Sarajevo, *Regulation of harmful content on the Internet in Bosnia and Herzegovina: Between freedom of expression and damage to democracy*, available at:

Also, most online media lack the capacity to fact-check their online content, and to monitor and moderate comments posted on that content, including social media accounts.⁵¹ This is also highlighted by the example of one of the online media, Klix.ba, which established an internal system for monitoring hate speech in user-generated content at the end of 2021. By March 2022, there were more than 1.3 million reported comments on this website, of which more than 2.5 million were removed, and the profiles of 30 thousand users were blocked.⁵² According to the text on the disclaimer above the comment space, the comments reflect the views of their authors only, who can also be prosecuted for hate speech. Since May 2024, Klix.ba, using an artificial intelligence algorithm, has managed to significantly reduce comments containing hate speech in a month of application. They themselves point out that the internal system for monitoring hate speech through administrators could not remove a large number of comments containing hate speech and online violence.⁵³

Social networks are important freedom of expression platforms used by individuals, groups and organisations for different purposes. However, they are also spaces where harmful content targets different groups, which requires better, transparent and more responsible content moderation. All social networks have prescribed rules for dealing with various types of harmful content published on their platforms with a focus on hate speech and disinformation. Users have at their disposal a set of tools to report and flag inappropriate, offensive, or malicious content or behaviour. These platforms have a policy on hate speech, detailing which types of expressions and statements users should not publish and which are subject to reporting and removal.

[https://bosniaherzegovina.un.org/sites/default/files/2022-05/BOS %20Regulacija%20%C5%A1tetnog%20sadr%C5%BEaja%20na%20internetu%20-%20web%20pages.pdf](https://bosniaherzegovina.un.org/sites/default/files/2022-05/BOS%20Regulacija%20%C5%A1tetnog%20sadr%C5%BEaja%20na%20internetu%20-%20web%20pages.pdf)

51 Ibid.

52 Ibid.

53 <https://www.klix.ba/vijesti/bih/kako-je-umjetna-inteligencija-gotovo-istrijebila-govor-mrznje-citatelja-na-klixu/240629056>

RESEARCH ON ONLINE VIOLENCE AND HATE SPEECH AGAINST LGBTIQ+ PERSONS IN BOSNIA AND HERZEGOVINA

4.1 Research methodology

The research methodology was based on a multidisciplinary approach that enabled a detailed understanding of the problem of online violence and hate speech against LGBTIQ+ persons in Bosnia and Herzegovina. To this end, several research methods were combined in order to gain insight into the beliefs, knowledge and attitudes of the relevant actors:

Review and analysis of relevant literature

A detailed review and analysis of the literature included the analysis of existing studies, research and reports of relevant organizations and institutions on online violence and hate speech against LGBTIQ+ persons in Bosnia and Herzegovina. This method involved gathering information from various sources to understand the current state and impact of policies aimed at combating hate speech and online violence with a focus on the LGBTIQ+ community. This has led to the identification and analysis of key documents such as official reports of public authorities, strategic documents, action plans, relevant laws and academic publications relevant to the fight against hate speech and online violence in Bosnia and Herzegovina. These documents included written materials from competent ministries and agencies, international organizations and civil society organizations dealing with issues of protection and promotion of the rights of LGBTIQ+ persons. The analysis of documents as a method of data collection served as one of the sources of secondary data. Also, an

analysis of domestic, EU and international relevant legislation was carried out, as well as the case law of the European Court of Human Rights on online violence and hate speech in relation to LGBTIQ+ persons, in order to identify the standards that should be implemented through domestic legislation.

In-depth semi-structured interviews

In-depth semi-structured interviews were used as the primary method of data collection. A total of 11 interviews were conducted using a tailored, open questionnaire designed specifically to cover a wide range of experiences and insights.

These interviews were held with key informants representing various stakeholders, such as representatives of civil society groups dealing with the promotion and protection of the rights of LGBTIQ+ persons, representatives of institutions responsible for creating strategic and legislative frameworks, representatives of the judiciary, representatives of the police and activists promoting the protection of the rights of LGBTIQ+ persons in their communities. Through these interviews, the research aimed to gain insight into the challenges, successes and concerns related to hate speech and online violence against LGBTIQ+ persons, as well as contextually specific knowledge about online violence and hate speech against LGBTIQ+ persons in Bosnia and Herzegovina, including the implementation of relevant legislation and institutional capacities.

Also, in-depth semi-structured interviews were held with six members of the LGBTIQ+ community in Bosnia and Herzegovina who have different experiences with online violence and hate speech. The participants were males, 25-34 years old within the LGBTIQ+ community, and all of them use social networks and visit online portals on a daily basis. The objective was to explore their experiences, perceptions and strategies for dealing with online violence and hate speech.

Online survey questionnaire

An online questionnaire was also used as the primary method of data collection.

An online survey on hate speech and online violence against LGBTIQ+ persons in Bosnia and Herzegovina was conducted through the Google platform from June 12 to June 30 of 2024. The online questionnaire contained questions that explore the perception, prevalence, types and forms of online violence and hate speech, as well as the location, perpetrators and consequences of such incidents. This provided a comprehensive overview that is essential for understanding the context in which respondents experience and perceive issues related to violence and hate speech. A total of 112 respondents completed the questionnaire, the largest number of which belongs to the age group from 25 to 34 years, which makes 45% of respondents.

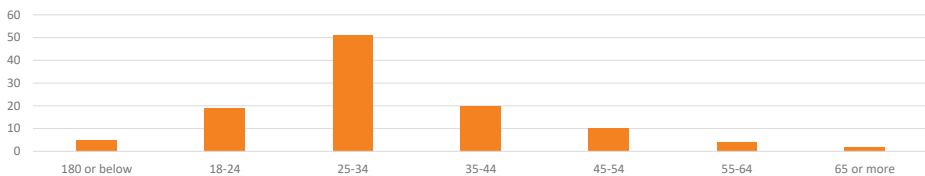


Figure 1 *Overview of respondents' age*

The largest number of respondents is employed in the non-governmental sector (29.4%), while the other most represented respondents are employed in the private sector (25.7%) and as civil servants (18.3%). (Figure 2)

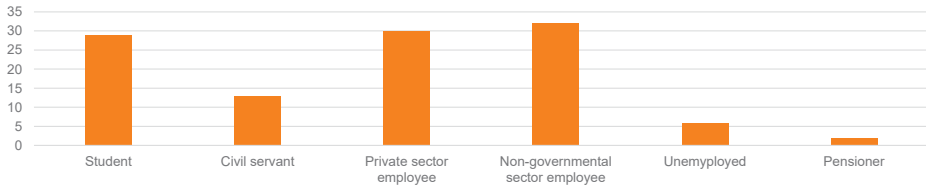


Figure 2 Overview of respondents' occupations

When it comes to geographical distribution, the largest number of respondents comes from the Federation of Bosnia and Herzegovina (86.2%), while a smaller number comes from Republika Srpska (7.3%) and the Brčko District of Bosnia and Herzegovina (6.4%).

The gender distribution shows that the majority of respondents are female (66.4%), while 31.8% are male. The rest did not want to determine their gender; that is, they declared themselves as non-binary or transgender. (Figure 3)



Figure 3 Gender distribution of respondents

All respondents use the Internet on a daily basis, and most of them visit Instagram (84.7%), followed by YouTube (79.3%), and Facebook (68.5%). (Figure 4)

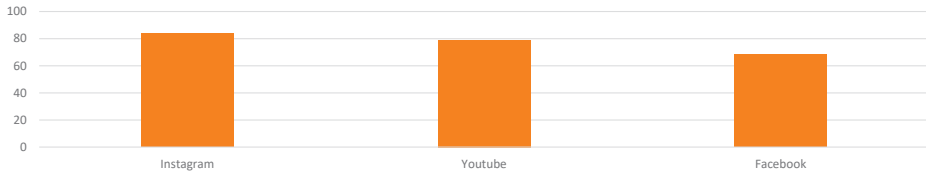


Figure 4 *The three most commonly used online platforms*

4.1.1 Research limitations

The research on hate speech against LGBTIQ+ persons in Bosnia and Herzegovina faces several limitations that may affect the scope and depth of the analysis. One of the key limitations is the lack of complete data on the incidence of hate speech and online violence on the Internet, which can limit the accuracy in assessing the actual extent of the problem. Also, variability in the approach and understanding of the legislative framework between different participants in Bosnia and Herzegovina can complicate the generalization of results. In addition, limited access to data from institutional sources may make it difficult to evaluate the effectiveness of existing protection mechanisms and reactions to hate speech reports. All this points to the need for a multidisciplinary and comprehensive approach that will take into account the complex factors affecting the phenomenon of hate speech on the Internet towards the LGBTIQ+ community in Bosnia and Herzegovina.

This research uses a non-probabilistic approach to sampling, using an online survey distributed through various channels, including social networks, mailing lists and networks of non-governmental organizations active in the promotion and protection of LGBT rights. The primary goal is not to generalize the findings to the entire population, but to collect insights and identify trends that can inform future steps in formulating further institutional and legal changes, and providing protection and justice.

Given the distribution method, the sample is subject to self-selection bias, where individuals choose to participate based on their interest or share in a particular topic. This approach is particularly relevant to research studies that seek to explore the perspectives and experiences of those directly engaged or affected by specific issues. The research deliberately targeted a higher percentage of participants due to the nature of the topic that is closely related to the experiences of online violence and hate speech against the LGBTQ+ community, but also to the percentage of participants who are not part of the LGBTQ+ community with the aim of having an insight into ways of thinking and acting in the online space in the context of hate speech against LGBTQ+ persons. As expected, this resulted in an uneven distribution, with most responses coming from the members of the LGBTQ+ community. This imbalance reflects both the focus of the survey and is instrumental in providing deeper insights into the perspective on these issues.

The use of NGO networks, especially those focusing on the rights of marginalized communities, including the LGBTQ+ community, further influenced the distribution of survey participants. These networks tend to have more engagement among their members and members of marginalized communities, which likely contributed to a higher percentage of responses from the member of the LGBTQ+ community and women.

While acknowledging the limitations inherent in this sampling approach, it is important to recognize that the insights obtained from respondents are key to understanding the current dynamics and informing targeted interventions. The findings of the research offer an overview of the perceptions and attitudes present among the segment of the population that is probably more interested in or affected by hate speech and online violence. This targeted focus helps ensure that the voices of those most affected are heard, making research results particularly relevant to policymaking and program development in this area.

4.2 Key results of the research

Using these multiple methods of data collection, the triangulation of the collected data was used to increase the credibility and validity of the findings. The triangulation involved comparing and contrasting data from various sources or methods to confirm the findings and ensure the reliability of the conclusions drawn from the research. In research, combining different research methods allows for a more holistic approach to understanding complex issues. Each method brings its own advantages and limitations, and by integrating, researchers can gain a more comprehensive understanding of the research topic, encompassing both qualitative insights and quantitative trends.

4.2.1 Inadequate legislative framework

The current legislative framework and institutional capacities in Bosnia and Herzegovina are not adequate for effective protection of LGBTIQ+ persons from online violence and hate speech. Key obstacles have been identified, such as non-compliance of laws with each other and with international standards, lack of resources, and the need for continuous education and greater engagement of all relevant actors.

It is especially pointed out that there is insufficient regulation within the Criminal Code of Bosnia and Herzegovina and the need to balance freedom of expression with the suppression of hate speech. Recent incidents, in which politicians use their statements to indirectly incite violence under the guise of protecting traditional values, further illustrate this issue. Numerous shortcomings in the existing legislative framework have also been identified, which make it difficult to efficiently prosecute cases of online violence and hate speech.

The legislative framework has not been sufficiently updated to respond to the contemporary challenges of digital communication, and judicial

institutions do not have adequate resources and capacities to process these cases effectively. The most common forms of reported online violence and hate speech cannot be classified under the legislative framework of criminal legislation. Despite efforts put in education and cooperation with NGOs, problems such as the lack of specialized staff and material resources remain key obstacles. In addition, the police face significant challenges in investigating and prosecuting cases of online violence and hate speech. Difficulties in proving the motives of these crimes and the need for continuous training of police officers are particularly emphasized.

All respondents provided a critical assessment of the existing legislative framework, primarily pointing to the inconsistency of criminal codes between different entities in Bosnia and Herzegovina. It was also emphasized that the legislative framework does not recognize enough the specifics of online space as a public space, and that the existing mechanisms are not strong enough to effectively sanction hate speech on Internet portals.

4.2.2 High prevalence of hate speech and online violence against LGBTIQ+ persons

The data collected shows that the majority of respondents who identify as LGBTIQ+ have been exposed to online violence or hate speech. Of this number, women who declare themselves as LGBTIQ+ persons are more exposed to online violence than men in the same group, although the difference is relatively small (women account for 50% of those affected, while men account for 45.24%). These data highlight the seriousness of the problem of online violence within the LGBTIQ+ community.

Members of the LGBTIQ+ community are most often exposed to hate speech and online violence on social networks and online portals, but also through messages on private messaging applications such as Viber. Also, they often witness homophobic statements on online portals and social networks that, although not directly addressed to them, have a

significant psychological impact. Social events such as the Pride Parade very often intensify such cases, although this does not diminish the fact that hate speech and online violence occur continuously.

“It is present all the time, regardless of the procession, but then, when the visibility of the LGBTIQ+ community is increased, the visibility of hatred is also increased.”

The data show that the perpetrators of hate speech and online violence vary, from anonymous users of social networks and online portals to celebrities. The majority of respondents (88%) stated that they have witnessed online violence or hate speech against LGBTIQ+ persons. This high percentage indicates the prevalence of this problem and the need for urgent interventions.

Also, the data show that witnessing violence often leads to support actions, but there is a need for additional reporting and protection mechanisms as well as clear guidelines on how to report hate speech in the online space. Knowing LGBTIQ+ persons increases awareness and sensitivity to the problem, while demographic analysis shows that certain groups, especially women and younger adults, are most affected. These findings can serve as an important input for formulating institutional and legal changes, and providing better protection and justice for victims of online violence. In particular, 80.85% of respondents who witnessed such incidents decided to report the incident or provide support to the victim. (Figure 5a and Figure 5b)



Figure 5a *Have you witnessed online violence or hate speech against LGBTIQ+ persons?*

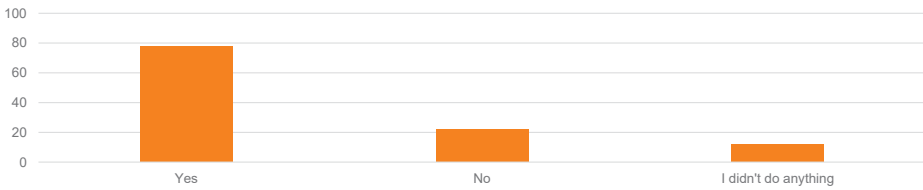


Figure 5b *If so, have you done anything about it? (e.g. reported the incident, provided support to the victim)*

The most common forms of hate speech and online violence against LGBTIQ+ persons

Based on the analysis of responses provided by respondents, the most common forms of online violence against LGBTIQ+ persons can be divided into several main categories:

- **Direct insults and threats:** A large number of respondents reported that they were the target of direct insults and threats through social networks. Insults often include homophobic and transphobic expressions, while threats can be directed at a person's physical safety. For example, one respondent stated, "I received threatening messages because of my open identity. I've received threatening comments and insults about my posts supporting the LGBTIQ+ community. Death threats, breaking of windows and threats of being arrested. These

threats were continuous, including messages that I would be attacked on the street and that I would be physically harmed.”

- **Ridicule and humiliation:** Ridicule and humiliation, often publicly on social media, is manifested through sarcastic comments, memes, and images that are designed to belittle and humiliate LGBTIQ+ persons. It is important to note that such incidents contribute to feelings of insecurity, discomfort, feelings of anger, depression among LGBTIQ+ persons. For example, one respondent said, “I follow all the news on online portals regarding LGBTIQ+, and when I see the comments, I feel some anger, even though I am not that kind of person at all, even though I tell myself that such comments will not touch me, I still feel some sadness.”
- **Spread of lies and disinformation:** Some respondents reported the spread of false information and disinformation about them or the LGBTIQ+ community in general. This may include false claims about the lifestyle, health and behaviour of LGBTIQ+ persons. One respondent described, “They spread lies about me on social media, which affects my reputation and personal life. There are a worrying number of videos on Tik Tok claiming that homosexuality is a disease.”
- **Discrimination and rejection:** Discrimination and rejection are also common forms of violence. This can be manifested through the exclusion of LGBTIQ+ persons from online communities, groups or activities. One comment read: “Members in a chat group excluded me after I came out of the closet.”
- **Sexual harassment:** Sexual harassment has also been reported by some respondents. This may include rude comments, unsolicited sexual messages, or requests for sexual favours. One respondent shared: “Although I did not ask for them, I constantly receive rude messages and requests on social networks that are very disturbing. I constantly received messages on social networks that sexualize me as a woman.”

Data on the most frequently reported forms of online violence and hate speech against LGBTIQ+ persons by respondents indicate the diversity and severity of online violence against LGBTIQ+ persons:

- **Insults based on sexual orientation or gender identity:** This is the most commonly reported form of violence. Respondents pointed out that they were often the target of insults related to their sexual orientation or gender identity.
- **Discrimination:** The second most frequently reported form is discrimination. This category includes cases where respondents have been unfairly treated or excluded because of their sexual orientation or gender identity.
- **Threats:** Respondents stated that they received threats that threatened their safety due to their sexual orientation or gender identity. “I received anonymous threats that they would reveal to my parents that I was gay.”
- **Publishing of private information without permission:** Respondents stated that their private information was published without their permission, which further threatened their privacy and security.
- **Blackmail:** Respondents were forced to take certain actions under the threat of disclosure of private information or other consequences. “I was blackmailed by an anonymous profile that they would reveal to my family that I was gay. I decided in the end to block that person.”
- **Other types of insults:** Respondents also reported other forms of insult, including insult based on physical appearance and insult based on gender and perceived sexual orientation.

The most frequently reported forms of violence (insult, discrimination and threats) suggest the need for more effective mechanisms of protection and support for victims, as well as for strengthening legal measures against online violence. These forms of violence indicate the prevalence and diversity of ways in which LGBTIQ+ persons can be attacked online or exposed to hate speech.

The research suggests that most of the persons who sent blackmail, swearing, insults and threats to the respondents were anonymous.

Reactions to incident reporting

Incidents of online violence or hate speech against LGBTIQ+ persons according to data from online questionnaires and interviews were most often reported to:

- **Administration of social networks:** The most common reporting of incidents is carried out by the administration of social networks, according to an online survey in 51.49% of cases. However, this percentage may be higher, as some respondents have experienced incidents repeatedly and reported them again and again. Also, 80.85% of respondents said through an online survey and additionally through interviews that they report homophobic statements, threats and insults on social networks, even when they are not directly addressed to them. This indicates that the majority of respondents turn to the platforms where the violence was committed in the hope that the administrators will take appropriate measures.
- **Police:** The police are the second most common entity to which respondents report violence, according to an online survey in 16.42% of cases. Also, interviews show that respondents initially decided to report incidents to the police or would do so in case of more serious incidents, however, in some cases, based on previous experience, they

have not done so since they do not trust the police to take appropriate measures. However, the data suggest that some respondents believe that online violence is serious enough to require the intervention of the law.

- Non-governmental organization: Non-governmental organizations were also the place of reporting in 14.93% of cases according to an online survey. Interviews show a greater degree of trust in NGOs that are engaged in the protection and promotion of the rights of LGBTIQ+ persons. In most cases, when deciding whether to file a complaint for online violence and hate speech, respondents seek legal advice from non-governmental organizations. In most cases, these organizations submit complaints on behalf of the respondents or on behalf of several of them. This shows that there is trust in organizations that are engaged in the protection of the rights of LGBTIQ+ persons and the fight against online violence.

However, it is a fact that a number of respondents stated that they did not report hate speech and online violence. An online survey indicates a percentage of 7.46% of respondents, while interviews indicate a sense of powerlessness and a lack of trust in reporting systems on social networks or the police. Also, interlocutors often pointed out in interviews that they ignore hate speech and online violence because they “want to preserve their peace” and that only in case of more serious incidents would they probably decide to report it.

Reactions to incident reporting were mostly negative and disappointing for 65.23% of respondents. Respondents had different experiences and levels of satisfaction regarding reporting online violence or hate speech against LGBTIQ+ persons. The majority of respondents are not satisfied with the reactions to reports of online violence, especially regarding the reactions of social networks and the sense of security and protection when reporting to the police. The reactions of the administration of social

networks were minimal in the form of generic responses without specific actions or non-existent, i.e. the administration of social networks rarely removed threats.⁵⁴ (Figure 6) Many respondents believe that institutions are not proactive or effective enough in responding to reports where they point out that the police often did not respond to reports or reactions were inadequate. Some respondents had positive experiences, especially when they approached NGOs where they mostly receive support, legal advice and assistance.⁵⁵ However, even in these cases, some of the comments point to the lack of responsibility and action of institutions.

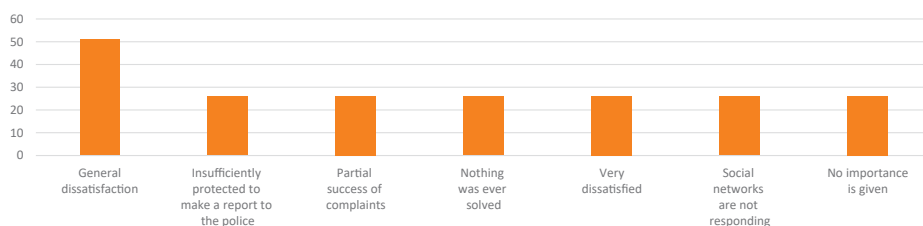


Figure 6 *Presentation of reactions to incident reporting*

These findings emphasize the need to improve the response to complaints of online violence, both by social networks and legal institutions, as well as to educate respondents about the importance of reporting and the available mechanisms for reporting. It is also important to ensure that social media administrations, police and NGOs respond effectively to reports in order to reduce online violence and provide adequate support to victims.

4.2.3 Psychological consequences and survival strategies

Feelings of insecurity, agitation, frustration, depression and anxiety were common among the respondents. The majority of respondents use

⁵⁴ Interviews with a representative of the LGBTIQ+ community about experiences with hate speech and online violence.

⁵⁵ Ibid.

psychotherapy as the main way of dealing with violence and threats, as well as recognizing hate speech and online violence. Respondents also find support among family or friends, which helps them cope with unpleasant situations. However, due to continuous threats and violence, some respondents decided to leave the country in search of a safer environment or withdrew from online platforms to reduce exposure to hate speech and online violence. All participants pointed out that they felt significant psychological stress caused by their experiences and emphasized the importance of educating the public and the LGBTIQ+ community, community and ally support, as well as institutional support in the fight against online violence and hate speech.

“There was an article once about me and my business and the comments on that article were: Look at this faggot, what he’s doing here?! As much as I tried to trivialize it, it had a psychological impact on me. Because everyone is reading that article... my colleagues and everyone else.”

4.2.4 Lack of public awareness

Education and promotion of the rights of LGBTIQ+ persons have been identified as key elements in the fight against online violence and hate speech. In this research, the interlocutors emphasize that the lack of knowledge and awareness of the rights of LGBTIQ+ persons among the wider society and within institutions is a major obstacle. They point out that many people, including perpetrators of hate speech, often lack adequate information or understanding about the LGBTIQ+ community. This ignorance can lead to fear, intolerance, hate speech and, ultimately, violence. It was pointed out that some people are driven by frustration and lack of control over their negative emotions, and that they often act out of ignorance or inherited trauma. The interlocutors believe that it is necessary to invest more effort in educational programs that will inform the public about LGBTIQ+ rights, as well as the harmful consequences of hate speech.

Furthermore, the interlocutors emphasize that the perpetrators of online violence and hate speech are often motivated by ignorance and intolerance towards LGBTIQ+ persons. They point out that a change in social attitudes can only occur through continuous education about hate speech and its consequences. In their opinion, it is necessary to constantly work on raising awareness and understanding about the importance of respecting human rights for everyone, including the LGBTIQ+ community. Educational programs, public campaigns and workshops that promote understanding and tolerance, the interlocutors believe, can play a key role in reducing hate speech and online violence.

4.2.5 Insufficient mechanisms of protection against hate speech and online violence

Insufficient mechanisms of protection against hate speech and online violence are one of the most significant obstacles in the fight against hate speech and the promotion of equality. In Bosnia and Herzegovina, in the past few years, LGBTIQ+ persons have faced a high prevalence of hate speech and online violence.⁵⁶ Prejudice against LGBTIQ+ persons is deeply rooted and indicates a systemic lack of understanding and protection. This all results in fear and great distrust in police and judicial protection.

Research has shown that police protection for LGBTIQ+ persons is often inadequate. The police often discourage the filing of complaints,⁵⁷ cases are not processed,⁵⁸ and the implementation of the complaints takes a long

56 Council of Europe, *Mapping of Responses to Hate Speech in Bosnia and Herzegovina, Report on Situational Analysis and Mapping*, 2022.

57 Interview with K.I. from the non-governmental organization for the protection and promotion of LGBTIQ+ rights.

58 Interview with a representative from the LGBTIQ+ community about experiences with hate speech and online violence and K.I. from the non-governmental organization for the protection and promotion of LGBTIQ+ rights.

time and often does not result in a satisfactory outcome.⁵⁹ Complainants, whether submitting complaints in person or through an NGO on behalf of the injured party, often do not receive feedback on the status of their complaints, which results in fear and great distrust in police and judicial protection. Also highlighted is the worrying fact that representatives of the judiciary do not have basic knowledge in defining legal norms in the context of sanctioning hate speech, and often these cases are filed under other legal norms. Official statistics on the number of received reports of online violence and hate speech against LGBTIQ+ persons currently do not exist.⁶⁰ Cases of processing hate speech in Bosnia and Herzegovina are rare, especially when it comes to hate speech on the Internet. Judicial decisions are often inconsistent, and respondents state that there is a lack of understanding of the meaning of hate speech, public space, online space and freedom of expression, even among practitioners. There are particular difficulties in defining what is considered a public space, since the legislation in Bosnia and Herzegovina defines the term in a partial and incoherent manner at different levels of government or does not define it at all. The number of initiated cases is quite small compared to the presence of hate speech on the Internet, which results in a large number of acquittals.⁶¹

Establishing the practice of forming contact points for LGBTIQ+ persons in police departments did not give the expected results. Contact points exist only in three police departments, although they often do not function as intended, and due to the frequent fluctuation of employees at one time it was not even known who these persons were. On the one hand,

59 Interview with K.I. from the non-governmental organization for the protection and promotion of LGBTIQ+ rights.

60 Ibid.

61 Media Centar Sarajevo, *Regulation of harmful content on the Internet in Bosnia and Herzegovina: Between freedom of expression and damage to democracy*, 2022. https://bosniaherzegovina.un.org/sites/default/files/2022-05/BOS_%20Regulacija%20%C5%A1tetnog%20sadr%C5%BEaja%20na%20internetu%20-%20web%20pages.pdf

the establishment of specialized liaison officers who would deal with LG-BTIQ+ issues is considered something that could encourage victims to report incidents, while on the other hand, activists do not consider that the establishment of specialized liaison officers who would deal with LG-BTIQ+ issues in three cantons has significantly changed the situation in the context of reporting hate speech and online violence.⁶²

62 Interview with an LGBTIQ+ rights activist.

CONCLUSION

The legal framework and institutional mechanisms in Bosnia and Herzegovina provide the basis for the protection of freedom of expression, but at the same time reveal significant shortcomings in the regulation and protection against hate speech and online violence, especially towards LGBTIQ+ persons. Although the Constitution of Bosnia and Herzegovina and the constitutions of the entities guarantee freedom of expression and the application of international human rights standards, the lack of specific laws that would directly address online violence and hate speech, as well as the adequate implementation of the existing ones, is a serious obstacle. The fragmentation of the legal framework further creates legal gaps that make it difficult to consistently protect LGBTIQ+ persons, and the planned removal of gender identity from the law of Republika Srpska further endangers the rights of this community.

Although Bosnia and Herzegovina has ratified the relevant international treaties, their application in practice is lagging behind due to the lack of adequate legislation and insufficient institutional capacity to monitor and respond to these phenomena. The competent institutions often do not have enough resources or training to respond effectively to reports and process cases of hate speech and online violence.

In addition, attitudes towards the LGBTIQ+ community are often negative, which further complicates the fight against hate speech and violence. Many LGBTIQ+ persons in Bosnia and Herzegovina face discrimination and violence in their everyday lives, which is also reflected in the online space.

Online violence against LGBTIQ+ persons is often expressed through hate speech on the Internet, including insults, threats and the dissemination of false information that dehumanizes or discriminates against LGBTIQ+ persons. Hate speech and hate narratives against LGBTIQ+ persons on the Internet are present in user comments of online media and on social networks. The Internet provides anonymity and wide reach, allowing individuals to express their prejudices and hatred of LGBTIQ+ persons without fear of consequences or responsibility. All of this can and does have a negative impact on the mental health of LGBTIQ+ persons, causing fear, insecurity, and even depression or anxiety.

The high prevalence of hate speech and online violence against LGBTIQ+ persons requires urgent intervention and strengthening trust in online violence reporting systems. The education of officials in judicial and police institutions, as well as wider social education through the media, public campaigns and educational programs, are key to reducing prejudice and increasing tolerance. State institutions should actively support these initiatives to ensure their sustainability and long-term positive impact on society. Continuous education of officials in judicial and police institutions is essential to ensure that they have the necessary skills and knowledge to effectively deal with cases of violence and discrimination. In addition, informing the public about the rights and problems faced by LGBTIQ+ persons can significantly contribute to changing social attitudes and ultimately creating a more inclusive and safer environment. Public media and campaigns can play a key role in breaking stereotypes and promoting messages that support diversity and equality. State institutions should actively support these initiatives to ensure their sustainability and long-term positive impact on society. Support may include the financing of educational programs, the organization of public campaigns and the implementation of educational content in schools.

Only a coordinated and comprehensive approach can permanently make changes in the perception and treatment of LGBTIQ+ persons, thus

ensuring their better protection and integration into society. Hate speech is a complex phenomenon that requires an integrated approach including legislative measures, education, awareness raising and active engagement of social networks and online platforms. Only such a holistic approach can provide effective protection against this serious social problem. Clear legal and regulatory frameworks are necessary to define and combat hate speech, while balancing freedom of expression and user protection. Imprecise and too wide-ranging provisions of the law can lead to abuse, so it is imperative that the legal provisions are precise and clear.

The Internet can be a positive force to promote tolerance and human rights protection, but it requires a holistic approach and coordinated efforts by competent institutions, non-governmental organizations and the media, to ensure a safe and inclusive environment for all citizens.

RECOMMENDATIONS AND MEASURES TO IMPROVE THE PROTECTION AGAINST HATE SPEECH AND ONLINE VIOLENCE AGAINST LGBTIQ+ PERSONS IN BOSNIA AND HERZEGOVINA

Freedom of expression on the Internet must be balanced with the right to protection against violence and discrimination. In order to ensure a safe and inclusive digital environment, Bosnia and Herzegovina must take concrete steps towards improving the legislative framework and institutional mechanisms to combat online violence and hate speech against the LGBTIQ+ community. This includes revising existing laws, ensuring adequate resources and training for competent institutions, conducting educational campaigns and providing support to victims. Through their implementation, the change of social attitudes and norms can be positively influenced, and better protection and inclusion of the LGBTIQ+ community in Bosnia and Herzegovina can be ensured.

1. Improving the legislative framework

Recommendation: Adopt new or amend existing laws and rules in order to clearly define forms of online violence and hate speech and provide adequate penalties for perpetrators. The legislative framework should also include data protection, privacy, and measures to react quickly and remove harmful content from digital platforms.

Measures:

Revision of criminal codes at the level of Bosnia and Herzegovina, entities and the Brcko District of Bosnia and Herzegovina in accordance with European and international standards, the EU

acquis and the case law of the European Court of Human Rights (This implies the adoption of uniform, mutually harmonized laws in order to eliminate legal gaps and ensure consistent protection):

- Defining hate speech in accordance with European and international standards in order to enable clear identification and processing of such acts.
- Alternatively, adopt a *lex specialis* on hate speech that would define the concept of hate speech, including hate speech on the Internet, and prescribe the obligations of online portals regarding the monitoring and removal of hate speech.
- Alignment with the Additional Protocol on Cybercrime with the aim of identifying specific forms of online violence.
- Criminalization of online violence and harassment, thus providing comprehensive protection to victims.
- Compliance with ECRI recommendations.

Adopt the Law on Electronic Communications and the Law on Electronic Media in accordance with the EU acquis in order to regulate the rights and obligations of electronic media, including content control mechanisms.

Adopt the law on transparency of media ownership, media financing and concentration of media ownership, including online media in accordance with the EU acquis. This would allow for greater media accountability and prevent monopolization.

Start preparing the transposition of the EU Digital Services Act into the legislation of Bosnia and Herzegovina to ensure the

comprehensive protection of users of digital services, both with regard to illegal goods, content or services and with regard to their fundamental rights.

2. Strengthening the capacity of institutions

Recommendation: Strengthen the capacities of police and judicial institutions for effective institutional monitoring and processing of hate speech and online violence.

Measures:

Continuous education and training:

- Organize continuous education of judges, prosecutors and police officers on international human rights standards and the specifics of hate speech and online violence, including unlawful and harmful content and Article 10 of the European Convention on Human Rights. This education should also include techniques for recognizing and processing online violence. By directly applying the European Convention, courts can ensure adequate protection of those who have been harmed by hate speech, even before the adoption of appropriate regulations.

Establishment of contact points:

- Establish contact points for LGBTIQ+ persons in all police departments and prosecutor's offices at all levels of government with clear procedures and permanent staff who are trained to work with the LGBTIQ+ community. Adopt standard operating procedures for responding to complaints on hate speech and online violence. Network these contact points to ensure coordination and exchange of information.

Establishment of an institutional system of data collection, monitoring and reporting:

- Establish a functional system for collecting disaggregated data to provide a coherent and integrated overview of cases, including recording specific motives of homo/transphobic hate crimes reported to the police and monitoring the activities of the judiciary. This would allow for better monitoring of trends and identifying the need for additional measures.

Recommendation: Strengthening the capacity of regulatory and self-regulatory bodies responsible for responding to hate speech in the online space. This would include ensuring greater resources and training for employees.

Measures:

Strengthen the functions of **the Communications Regulatory Agency** to monitor and regulate online content (online media), including hate speech.

Strengthen the capacities **of the Press and Online Media Council of Bosnia and Herzegovina** to intensify activities within its competence, such as promoting the Press Code to improve professional standards on the Internet, and conducting monitoring of online media and coordination with online portals to effectively respond to cases of hate speech.

Strengthen the capacities of the **Institution of Human Rights Ombudsman of BiH** in order to effectively monitor and respond to cases of hate speech and online violence against LGBTIQ+ persons.

3. Education and raising public awareness

Recommendation: Increase public awareness of the harmful effects of hate speech and the importance of protecting LGBTIQ+ rights through comprehensive educational campaigns and programs that will promote tolerance, respect for diversity and fight against stereotypes.

Measures:

Campaigns:

- Organize public campaigns and educational programs to raise awareness of the rights of LGBTIQ+ persons and the harmful effects of hate speech. These campaigns should include media spots, billboards, social networks and public events.

Educational programs:

- Integrate topics on human rights, tolerance and diversity into the school curriculum. This would include the development of teaching materials and the training of teaching staff to ensure that these topics are adequately addressed in schools.

Media support:

- Collaborate with the media to promote positive narratives about the LGBTIQ+ community and fight stereotypes. Work on media campaigns that promote positive stories and examples from the LGBTIQ+ community. Collaboration with influencers and public figures who support LGBTIQ+ rights.

4. Cooperation with digital platforms

Recommendation: Establish cooperation with social networks and other digital platforms to ensure a quick response to reports and removal of harmful content.

Measure:

Signing of a **memorandum on cooperation of competent authorities with digital platforms**. Create direct channels of communication between competent institutions and platforms for faster and more efficient response. Promote the use of tools to report harmful content.

5. Victim support

Recommendation: Ensure adequate support and protection for LGBTIQ+ victims of hate speech and online violence.

Measures:

Provide greater funding and **strengthen the capacities of NGOs** that are engaged in the protection of LGBTIQ+ rights in the segment of providing legal assistance and psychological support. This includes ensuring continued support and the development of victim support networks (e.g. psychological helplines and victim counselling, free legal advice, reporting support, etc.)

Regular **cooperation of non-governmental organizations and competent institutions with international organizations** such as the European Union, the Council of Europe, the United Nations, with the aim of exchanging experiences, good practice and obtaining support for projects related to the protection of LGBTIQ+ rights.

6. Establishment of mechanisms and tools for monitoring hate speech in the online space

Recommendation: For non-governmental organizations to establish mechanisms and tools for monitoring hate speech in the online space.

Measures:

Active monitoring and supervision of social networks and platforms where hate speech often occurs. This may include, for example, using hashtag tracking tools, tagging keywords, and tracking posts that have such content.

Regular reporting on monitoring activities, and exchange of data with competent institutions with the aim of combating hate speech against LGBTIQ+ persons through the creation of adequate policies, decisions and strategic interventions.

Recommendation: That online media adhere to the Code for print and online media of Bosnia and Herzegovina, and to ensure the monitoring and removal of content that contains hate speech.

Measures:

Improve algorithms and tools for recognizing and removing hateful content on online portals. Collaborate with technology companies to ensure effective systems to filter and report harmful content.

Recruitment and training of moderators who will be trained to recognize hate speech, and will review content that is labelled as potentially harmful.

Establishing clear policies on what is considered hate speech, and **defining procedures** for reporting and resolving cases of hate speech.

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ABOUT SARAJEVO OPEN CENTRE

Sarajevo Open Centre (SOC) is a civil society organization that works to improve human rights in Bosnia and Herzegovina. We initiate and create systemic social changes, with an emphasis on gender equality and the position of LGBTI+ persons.

Sarajevo Open Centre believes in a fair, democratic and inclusive society, based on equal rights and opportunities for all.

Here we will highlight only some achievements related to the equality of LGBTI people and women. In addition to psychosocial and legal counselling, we continue to run the only LGBTI media portal in the country – the portal www.lgbti.ba. The SOC team organized trainings for police, prosecutors' offices and courts, focusing on the topics of hate crime, hate speech and the application of anti-discrimination law, then for professional medical staff, and persons working in the health sector, focusing on trans-specific and trans-inclusive gender adaptation, and for the LGBTIQ community. We are intensively working on the creation of a local institutional network of support for LGBTIQ persons in the Sarajevo Canton, improving the regulation of biomedically assisted fertilization in the Federation of Bosnia and Herzegovina, the rights of workers regarding discrimination on the basis of gender and maternity leave, the introduction of gender-sensitive language in parliaments and universities, the adoption and implementation of cantonal gender action plans, but also raising awareness of gender-based violence in Bosnia and Herzegovina.

Over the past years, several of our legislative and policy initiatives have entered the government or parliamentary procedure. Our advocacy focus is directed on issues regarding the policies for equality of women and LGBTI persons in Bosnia and Herzegovina, on issues of reproductive rights of women and men, parenting in the context of harmonization of the private and business segment of life, freedom of assembly of LGBTI persons and improvement of the institutional framework for protection against violence and discrimination, and we intend to continue working on issues concerning transgender persons, intersex persons, same-sex communities, their social inclusion, but also the position of LGBTI persons in education, health, work and employment. Over the past years, media campaigns have been carried out that reached more than a million people in Bosnia and Herzegovina, and the LGBTI film festival *Merlinka* was organized, which from 2021 became the local festival *Kvirhana*, in cooperation with the Tuzla Open Centre.

More about our work can be found at www.soc.ba.

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