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**Study on Homophobia, Transphobia and Discrimination on  
Grounds of Sexual Orientation and Gender Identity**

**Sociological Report: Bosnia-Herzegovina**

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## **A. Executive summary**

1. The complex political structure and economic situation in Bosnia-Herzegovina (“BiH”) not only complicates data collection, but also create a context not facilitating a focus on LGBT issues and rights. The general view is that other grounds of discrimination (in particular ethnicity and religion) and problems related to poverty, social insecurity and infrastructure are such prominent issues in BiH that LGBT issues remain highly marginal when the political priorities are set.
2. Issues related to sexual orientation and gender identity are regarded as a private matter, and a representative survey from 2005 shows that 82% of the population have negative opinions about homosexual persons; 77% believe that accepting homosexuality in society would be detrimental for BiH; 71% believe that they would feel very uncomfortable in the company of a homosexual person.
3. The Queer Sarajevo Festival in 2008 illustrates the problems that arise when LGBT issues are put to the public’s attention. The Queer Festival was organised as a cultural event with an art exhibition, movies, etc., and was attacked by hooligans and religious extremists.
4. The events related to the Queer Sarajevo Festival are indicative of serious limitations related to the freedom of expression of LGBT persons and groups.
5. The Internet is one of the top means used to advocate anti-LGBT hate speech and sentiments. Hate speech and threats have been seen on the Internet when some LGBT events have been organised (exhibits, parties, etc.), and reached a new high in relation to the Queer Sarajevo Festival. Hate speech was also very present in a poster campaign. A concern is that no public institutions or officials clearly demarcated themselves from the hateful discourse, but only in some instances from the physical violence.
6. There is no legal recognition of same-sex partnerships, and no cohabitation rights for same-sex couples, even though there are for unmarried different-sex couples.
7. 17.1% of LGBT respondents in a representative survey stated that they have experienced discrimination and violation of human rights in school or some other educational institution, and there are examples of textbooks with outdated definitions listing homosexuality as a disease or deviation.
8. There are very little data on discrimination in employment: 8.6% of LGBT respondents in a representative survey stated that they had experienced discrimination and violation of human rights at work. This figure should be seen in light of the fact that few LGBT persons are out in their workplace.
9. Health professionals often lack the competences and knowledge to deal with the health issues of particular concern to LGBT persons. They receive no education in this area or in the area of anti-discrimination, and their views thus reflect the general societal attitude. Same-sex partners are not recognised as next of kin, and there are no possibilities for gender reassignment treatment. The HIV/AIDS prevalence is relatively low, and the Ministry of Health have run a pilot project targeting men who have sex with men (MSM). BiH has also, for years, been subject to a project funded by the Global Fund with outreach activities with MSM.
10. Studies show accounts of exclusion and discrimination on the grounds of sexual orientation, sexual/gender identity and gender expression in almost all public institutions

(hospitals, social care centres, schools, police stations, etc.) as well as non-governmental organisations and the private sector.

11. There are accounts of discrimination in the area of housing when private persons rent out their apartments/houses to individuals or NGOs. For example, Organization Q has experienced being kicked out of premises because of the work of the organisation.
12. In particular in relation to the Queer Sarajevo Festival anti-LGBT hate speech was present in the media. The Regulatory Agency for Communication of BiH has the right to induce sentences to media promoting hate speech. One has been induced on the grounds on sexual orientation.
13. There are no legal provisions as such on the rights of transgender persons, but the official interpretation of the possibilities for gender reassignment from the responsible ministry is that change of name and documents is a possibility - the latter requires the person to undergo gender reassignment surgery.

## **B. Data Collection**

14. Data have been collected for this report through:
15. A study of available online and print data on the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in BiH.
16. Data collection through interviews in BiH held in Sarajevo 9-13 March 2010 with:
17. Authorities:
  - Ministry of Justice
  - Department for Coordination of the Stabilisation and Association Process, BiH Ministry of Foreign Affairs
  - BiH Ministry for Human Rights and Refugees
  - Ministry of Health
18. NGOs:
  - Organization Q
  - The Helsinki Committee for Human Rights in BiH
  - The Human Rights House
  - Panel participants in the public debate on "Hate Speech in BiH Media", Mediacentar Sarajevo
19. National Human Rights Structures
  - Human Rights Ombudsman of BiH
  - Gender Equality Agency
  - Parliamentary Assembly Committee on Gender Equality
  - Parliamentary Assembly Committee on Human Rights

## C. Findings

### C.1. Public opinion and attitudes towards LGBT people

20. A representative survey from 2005 shows that 82% of the population have negative opinions about homosexuals; 77% believe that accepting homosexuality in society would be detrimental for BiH; 71% believe that they would feel very uncomfortable in the company of a homosexual person.<sup>1</sup>
21. In a non-representative survey of LGBTIQ persons in BiH conducted in 2005 by the Organisation Q, the respondents identified "lack of acceptance" and "primitive, homophobic, conservative environment" as the biggest problems facing the LGBTTIQ community on BiH.<sup>2</sup> Accordingly, the respondents identified equality and non-discrimination as the biggest needs of the community.
22. It is worth noting, however, that the majority of the respondents in the above mentioned survey answered that they had never encountered non-acceptance due to their gender identity (56%), whereas only 22.4% stated that they had never encountered non-acceptance due to their sexual orientation.<sup>3</sup> The difference in figures is due to the fact that more LGB than transgender persons participated in the survey.
23. 47.1% of the respondents stated that they considered living outside of BiH due to their gender identity or sexual orientation.
24. Institutions and organisations interviewed for this study expressed the view that sexuality and sexual orientation are largely regarded as a private matter, and that anti-LGBT attitudes particularly emerge when the confinement to the private sphere is transgressed.<sup>4</sup> The importance of religion was also mentioned by all persons interviewed as a reason for opposition to LGBT rights and -persons.
25. A specific issue to be underlined is the complex political structure and economic situation which create a context that does not facilitate a focus on LGBT issues and -rights. Several stakeholders expressed the general view that other grounds of discrimination (in particular ethnicity and religion) and problems related to poverty, social insecurity and infrastructure are such prominent issues in BiH that LGBT issues remain highly marginal when the priorities are set.<sup>5</sup>
26. Representatives of all of the institutions and organisations that have been interviewed stated that BiH is a "traditional and conservative country" and that LGBT issues are not the priority, especially when compared with ethnic and national tensions between the three major ethnic groups (Bosnians, Serbs and Croats). There is a general perception that discrimination exists only on the inter-ethnic level, and all other grounds of discriminations are usually discarded.
27. The situation of LGBT rights in the Republika Srpska entity is the same as in the rest of BiH. In fact, according to a representative of Helsinki Parliament of Citizens,<sup>6</sup> the situation in Banja Luka (seat of Republika Srpska) is somewhat worse, bearing in mind that there

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1 Prism Research, *Researching Public Opinion about Homosexuality and Prostitution*, Sarajevo, 2005.

2 Organization Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

3 *ibid.*

4 Meetings with the Ministry of Foreign Affairs Directorate for Coordination of the Stabilisation and Association Process, 9 April 2010, Ministry for Human Rights Gender Equality Agency, 12 April 2010, Ministry of Justice, 12 April 2010.

5 *Ibid.*

6 Situated in Banja Luka but met at Media Centre Sarajevo, 12 April 2010.

are no LGBT organisations registered in Banja Luka. However, at the time of writing, the establishment of an LGBT NGO was initiated with the registration of the NGO Equilibrium in December 2009.<sup>7</sup>

28. Indicative of the political climate regarding LGBT rights in Republika Srpska is a statement in the media by Milorad Dodik, Prime Minister of Republika Srpska and the president of one of the biggest Serbian parties in BiH, Alliance of Independent Social Democrats, where he announced : "I simply will not allow various faggots into my cabinet."<sup>8</sup>

## C.2. Freedom of assembly and association

29. Whereas LGBT persons remain largely invisible socially and politically, one event illustrates the problem that arises when LGBT issues are put to public attention. In September 2008 the first public LGBT event (except for previous exhibitions, film screenings and parties) - Sarajevo Queer Festival - was attacked by hooligans and religious extremists (wahabists). The Queer Festival was organised as a cultural event with an art exhibition, movies, etc.<sup>9</sup>
30. In a statement from the LGBT Rights Intergroup of the European Parliament, condemning the attack, the situation was described as follows:
31. "The opening of the Sarajevo Queer Festival was brutally attacked and six people had to be taken to hospital. The festival is the first of its kind organised in Bosnia-Herzegovina, but unfortunately it has caused negative tensions in the society. Many extremist groups and politicians have openly called for violence against homosexual and transgender people."<sup>10</sup>
32. Representatives of the Helsinki Committee stated that the "Party of Democratic Action (Bosnian party) and Croatian Democratic Community (Croatian party) were the most aggressive ones." Basically the most important political parties in BiH have had their role in the creation of homophobic public speech in relation to QSF. Only two opposition parties, Our Party (*Nasa stranka*) and LDS (Liberal Democratic Party) gave open public support to the QSF.<sup>11</sup>
33. Subsequently, the Council of Europe Parliamentary assembly issued a statement in which it condemned "the discrimination and violence against lesbian, gay, bisexual and transgender people and the recent attacks against organisers and participants of the Sarajevo Queer Festival and journalists."<sup>12</sup>

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7 Meeting with Organization Q, 9 April 2010, and LGBT community members in Sarajevo.

8 Quoted in BHT, 13 September 2009 according to a press release of the Helsinki Committee of Human Rights in Bosnia and Herzegovina, edited version online, <http://humanrightshouse.org/noop/page.php?p=Articles/8267.html&d=rqhlInlwes>, accessed 21 April 2010, and according to a petition by Organization Q, [www.petitiononline.com/14092007/petition.html](http://www.petitiononline.com/14092007/petition.html), accessed 28 May 2010.

9 The Sarajevo Queer Festival and the events surrounding it is described in detail in a documentary made by the Organization Q: Queer Sarajevo Festival 2008 and in Queer Sarajevo Festival 2008 - narrative report.

10 Ilga Europe, [www.ilga-europe.org/europe/guide/country\\_by\\_country/bosnia\\_herzegovina/attacks\\_at\\_sarajevo\\_queer\\_festivals/members\\_of\\_the\\_european\\_parliament\\_condemn\\_the\\_attack\\_at\\_the\\_opening\\_of\\_the\\_sarajevo\\_queer\\_festival](http://www.ilga-europe.org/europe/guide/country_by_country/bosnia_herzegovina/attacks_at_sarajevo_queer_festivals/members_of_the_european_parliament_condemn_the_attack_at_the_opening_of_the_sarajevo_queer_festival), accessed 25 November 2009.

11 Meeting with the Helsinki Committee and the Human Rights House, 13 April 2010.

12 Council of Europe, <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1626.htm>, accessed 25 November 2009.

34. ILGA-Europe similarly condemned the "attacks on the participants of the events, attacks on the office of LGBT organisation, lack of police protection, death threats to the organisers of the festival."<sup>13</sup>
35. Due to the attacks on the Festival, the organisers chose to cancel the rest of the programme due to lack of safety for the participants. Apart from the physical attack on the Queer Festival phone calls, SMS messages, the Internet and posters calling for "death to faggots" and "we shall not allow gay festival in our town" were used to attack and extensively threaten the organisers as well as LGBT persons in general. Due to the security situation Organization Q had to move their offices.<sup>14</sup>
36. The criticism of the Queer Festival was generated by a highly critical newspaper campaign focusing on the fact that the event was to take place during Ramadan, and even accused the event for being a deliberate attack on religion (in particular Islam), something which the organisers consequently denied. Furthermore, daily newspapers like Dnevni Avaz, Nezavisne Novine and Oslobodjenje, published the names of all the individuals who were injured during the attacks thus putting them in additional danger.
37. A concern raised by the both LGBT and human rights NGOs interviewed was the fact that no public institutions or officials consequently defended the Queer Festival and the organisers' right to organise and hold the event - the only statements backing the event was related to disassociation from violence.<sup>15</sup> What also raises concern is that independent institutions like cultural- or university institutions did not react as well, specially bearing in mind that the event took place in the building of Academy of Fine Arts.<sup>16</sup>
38. 21 complaints were submitted to the police by the organisers of the Queer Sarajevo Festival and two by volunteers/guests who were attacked.<sup>17</sup> Two indictments were raised by the end of 2008,<sup>18</sup> but apart from that the Ministry of Justice report, after inquiring about the proceedings at the Prosecutor's Office, that "there is no record that something is done".<sup>19</sup>

### **C.3. Freedom of expression**

39. The events related to the Queer Sarajevo Festival (described in the previous section), and the general viewpoint that sexual orientation and gender identity is a "private matter" are indicative of serious limitations related to freedom of expression of LGBT persons and groups.
40. In 2009, Organization Q thus decided to make the Queer Sarajevo Festival without an actual festival, but instead in the form of promotional material and statements distributed via the Internet, billboards, posters, etc.<sup>20</sup>
41. The Internet is one of the top means used to advocate anti-LGBT hate speech and sentiments. Although hate speech and threats have been seen on the Internet before when

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13 Ilga Europe, [www.ilga-europe.org/europe/guide/country\\_by\\_country/bosnia\\_herzegovina/attacks\\_at\\_sarajevo\\_queer\\_festivals/ilga\\_europe\\_s\\_statement\\_on\\_sarajevo\\_events](http://www.ilga-europe.org/europe/guide/country_by_country/bosnia_herzegovina/attacks_at_sarajevo_queer_festivals/ilga_europe_s_statement_on_sarajevo_events), accessed 25 November 2009.

14 Meeting with Organization Q, 9 April 2010, also documented in the documentary about the Festival: Queer Sarajevo Festival 2008, and Organization Q (2008) Queer Sarajevo Festival 2008 - Narrative Report.

15 Meetings with Organization Q, 9 April 2010 and Helsinki Committee and Human Rights House, 13 April 2010.

16 Public debate on "Hate speech in BiH Media" Mediacentar Sarajevo, 12 April 2010. To be noted: Part of QSF took place at the Mediacentar, 25 September.

17 Meeting with Organization Q, 9 April 2010.

18 Ibid.

19 Mail from the Ministry of Justice received, 19 April 2010.

20 Meeting with Organization Q, 9 April 2010.

some LGBT events were organised (exhibits, parties, etc.), it was during the QSF organisation that hate speech reached a new high. Various Facebook groups, forum discussions and webpages presented the outpouring of hate speech. Hate speech was also present on sites that do not have a discriminatory character, but that simply do not monitor hate speech on their pages (Radio Sarajevo, Sarajevo-x, etc.). In addition, a new webpage was opened just for the purpose of anti-LGBT hate speech.<sup>21</sup>

42. Content analyses of the media reporting during QSF, presented in the Media Centre in Sarajevo,<sup>22</sup> show that the civil sector was very passive in the public debate during the events around QSF. Only 2% of the total number of statements during QSF has been given by NGOs. Dominating actors in the media and public space were politicians, religious groups and different independent authors – even though there were some reactions from the civil sector. Caroline Ravaud,<sup>23</sup> explained this with the fact that two out of three dominating nationalities in BiH generally do not have a notion of the common good because they have their kin states (Croatia and Serbia). This means that the civil sector, to some extent, is also divided.

#### **C.4. Hate crime - hate speech**

43. There are little data on the issue. However, in the LGBTTIQ survey published by Organization Q, 6.5% of the respondents answered they have experienced physical attacks due to their sex/gender, and 15.7% have experienced maltreatment.<sup>24</sup> The answers and the analyses of them do not leave a clear picture of the prevalence of physical attacks, but 85% of the respondents had not experienced physical attacks. Verbal comments and indirect discrimination are the most frequent kinds of discrimination.
44. Only 16% of the cases of violence of discrimination were reported to an institution such as the police.
45. 8.1% of the respondents in the Organization Q survey stated that they had experienced discrimination and violation of human rights at the police station - 2.4% in the courtroom/judicial institution.<sup>25</sup> 31% of the respondents had witnessed discrimination against LGBTTIQ persons by the police.
46. 50% of the respondents expressed experiencing fear of severe physical violence a feeling of lack of safety.
47. Bosnia-Herzegovina did not respond to the OSCE hate crime questionnaire for the ODIHR annual hate crime reports.<sup>26</sup>
48. Regarding hate speech, the Regulatory Agency for Communication (RAC) has issued 36 sentences to different media for using hate speech (from their establishment in 2002 to 2009). The vast majority of the sentences have been issued on the grounds of national or ethnic hate speech and on the promotion of violence - one on grounds of sexual orientation and none on gender.<sup>27</sup>

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21 [www.zdravodrustvo.org](http://www.zdravodrustvo.org)

22 Public debate on "Hate speech in BiH public" Media centre Sarajevo, 12 April 2010.

23 Special Representative of the Secretary General of the CoE in BiH, Meeting, 12 April 2010.

24 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

25 *ibid*

26 OSCE, *Hate Crime in the OSCE Region - Incidents and Responses*. Annual Report for 2008, 2009.

27 Meeting with Organization Q, 9 April 2010. And the press conference "Hate Speech in BiH Media" Mediacentar Sarajevo, 12 April 2010.

49. At the same, during the QSF activities, a You Tube clip was posted representing a direct death threat to one of the QSF organisers showing her being beheaded. The organisation's email addresses and mailing lists were hacked, including the whole forum. The investigation that was initiated even before the opening of the Festival has not yielded any results as of yet in regards to the perpetrators (a call for one individual was issued, a Bosnian living in Germany).<sup>28</sup>

### **C.5. Family issues**

50. There is no legal recognition of same-sex partnerships in BiH.
51. With regards to discrimination and attitudes within the family, only 5.7% of the LGBT respondents in a survey conducted in 2005 and published in English in 2008 stated that they were accepted by their parents and siblings, 3.7% that they were supported. 3.8% answered that they were psychologically abused.<sup>29</sup>

### **C.6. Asylum and refugee issues**

52. There are no official data of any asylum claims based on persecution on the grounds of sexual orientation or gender identity in BiH. However, Organization Q is knowledgeable of one case, which was forwarded to Amnesty International in London. This case was filed in 2009 by an applicant himself, from the Immigration Centre in Lukavica. The applicant is a citizen of Cameroon who has prohibition of return to his home country due to his homosexuality (original communiqué written by the government of Cameroon, dated 14 January 2007).<sup>30</sup>

### **C.7. Social security, social care and insurance**

53. There are little data in this area, but an important discriminatory element in the legislation having consequences for the possibilities for same-sex couples is the fact that there are no cohabitation rights for same-sex couples, even though there are for unmarried different-sex couples.<sup>31</sup>

### **C.8. Education**

54. 17.1% of the respondents in the Organization Q survey stated that they have experienced discrimination and violation of human rights in school or some other educational institution.<sup>32</sup>
55. Examples provided in the questionnaire referred to situations where LGBTIQ persons were treated unfavourably (lower grades, more questioned, more discipline etc.) by their teachers who suspected or knew of their identity or based in their gender expression. Other examples described teachers expressing the views that homosexuality is a disease, unnatural, and abnormal.

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28 Meeting with Organization Q, 9 April 2010.

29 Organization Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

30 Durkovic S., *Legal report BiH drafted for this study*, 2010.

31 Meeting with Ministry of Justice, 12 April 2010.

32 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

56. "Also, individuals were subjected to gender behaviour which had to be in line with their prescribed sex. Such individuals faced verbal comments, name-calling by their peers as well as teachers, and were victims of ridicule and verbal ostracism."<sup>33</sup>
57. 45.7% of the respondents had witnessed discrimination against LGBTTIQ persons in educational institutions.
58. Textbooks listing homosexuality as a disease or deviant and with outdated definitions were also reported by several persons interviewed. Organization Q report that school curricula do not include sexual education. Sexual education seems to be taught through the subjects of Biology, Sociology, Psychology, Ethics and other subjects. Although some subjects seem to be neutral when discussing different forms of sexual orientation, most textbooks discuss homosexuality and bisexuality as wrong or a deviant state. Issues of transexualism are barely mentioned and intersex issues are discussed as an anomaly and abnormality.<sup>34</sup>
59. Social or legal gender change can impact the possibilities of a student or teacher to participate in school activities given that such an environment is very genderphobic. Change of name and sex on diplomas and other documents would be initiated with the change of other legal documents. However, there are no known cases, as of yet, where legal sex change has taken place for student or teachers while still in school.<sup>35</sup>
60. A youth group from the Human Rights House realised a project in 2009 in order to present to high school students that homosexuality is not a criminal offence and is not considered as sickness. The project furthermore included education regarding the notions of sex and gender. Initially planned to visit 25 schools, they ended up visiting only nine. The reason was that the Ministry of Education did not want to issue the permission for visiting the schools, which forced the organisers to rely on the good will of the directors of the high schools willing to cooperate. Different incidents have been reported by the students who attended the presentations (isolation from their peers, bullying, etc...). During the project the booklet "*Creation of Sex? Gender?*" done by Organization Q and the Women's Room from Croatia was disseminated.<sup>36</sup>
61. According to local media in July 2009 the director of the state-run Sarajevo Student Center, stated that "gay students do not belong in student dormitories in Sarajevo." A similar declaration was made around the same time by the director of the state-run student dormitory of the University of Mostar. While civil society representatives and the media protested what they described as unacceptable hate speech, government authorities remained silent on the issue.<sup>37</sup>

### **C.9. Employment**

62. There are very little official data on direct discrimination in employment. However the survey by Organisation Q reveals that:

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33 ibid

34 Meeting with Organization Q,, 9 April 2010. Also see: Also, see 1+1=0: Analiza srednjoskolskih udzbenika o LGBTIQ pojmovima u Bosni i Hercegovini, Udruzenje Q, Sarajevo, 2010.

35 Meeting with Organization Q, 9 April 2010.

36 Meeting with the Human Rights House, 13 April 2010.

37 2010 Human Rights Watch World Report (Section on BiH), [www.hrw.org/en/node/87501](http://www.hrw.org/en/node/87501), accessed 30 September 2010.

- 63. 8.6% of the respondents in the Organization Q survey stated that they had experienced discrimination and violation of human rights at work/bureau for employment.<sup>38</sup>
- 64. 22.9% of the respondents had witnessed discrimination against LGBTTIQ persons in employment.

### **C.10. Housing**

- 65. There are accounts of discrimination in the area of housing when private persons rent out their apartments/houses to private individuals or NGOs. For example, Organization Q has experienced being kicked out of premises because of the work of the organisation.<sup>39</sup>

### **C.11. Health care**

- 66. 4.8% of the respondents in the Organization Q survey stated that they had experienced discrimination and violation of human rights in a hospital / health institution.<sup>40</sup> 24.3% of the respondents had witnessed discrimination against LGBTTIQ persons.
- 67. In the questionnaire, one positive example was given about a doctor who reacted negatively towards parents who brought their child for a check up due to his or her non-heterosexual orientation. Other examples, however, pointed to a rather negative picture.
- 68. Moreover, in the LGBTIQ survey conducted by the Organisation Q, it is stated that:
- 69. "Right to health seems extremely important due to visible influence that social exclusion and wider non-acceptance have on individual's mental health. However, if health services are homo/bi/transphobic and are not in line with scientific standards of their profession, health sector is ill equipped to provide necessary assistance to LGBTIQ persons. Actually, such services may further exacerbate the situation and negatively affect mental health of LGBTIQ persons. Based on this analysis, the health is violated in terms of equality and non-discrimination, as well as regarding the very low level of quality of services, institutions, and assistance."<sup>41</sup>
- 70. A third of the respondents state that lack of acceptance affect their psychological health.
- 71. According to a representative of the Ministry of Health, centres for mental health in the local communities can provide psychological support, but the personnel and the doctors (psychologists and psychiatrists) are not educated in LGBT issues and about the specific problems of these groups. Furthermore, keeping in mind the poor financial situation in the health sector, the financial means for such training are not to be expected from the national budget. The Ministry of Health state that there is most probably incidents of discrimination against LGBT persons in the health sector, but that they are in accordance with the general attitude of the society which is very conservative.<sup>42</sup>

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38 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

39 Meeting with Organization Q, 9 April 2010.

40 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

41 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008 p. 61.

42 Meeting with the Ministry of Health, 13 April 2010.

72. Same-sex partners are not recognised as next of kin.<sup>43</sup>
73. The Ministry of Health does not have information on requests for gender reassignment treatment after the war, and there are no possibilities to do operations in BiH. Before the war there were a few cases, but the operations were done in Belgrade or Ljubljana. Also, BiH does not recognise the gender reassignment surgery as eligible for financing from the health insurance (national insurance), neither pre- nor post-operational treatment or hormonal therapy. The medication for the therapy is also not on the eligible list of drugs (which can be obtained free of charge).<sup>44</sup>
74. BiH has had for years been subject to a project on a national level, funded by the Global Fund Against Malaria, Tuberculosis and HIV. Organization Q works, along with other NGOs and governmental agencies, on the project which is about doing outreach work with MSM.<sup>45</sup>
75. The Ministry of Health has some programmes targeting men who have sex with men (MSM). One is a drop-in centre for MSM where they can be tested for HIV or other sexually transmitted infections. In the first pilot phase there have been 250-260 MSM interviewed, but because of the lack of the financial support, the second phase (which will show the development) can not still be implemented. In general, the prevalence of HIV in BiH is relatively low.<sup>46</sup>

#### **C.12. Access to goods and services**

76. Access to goods and services, be it in the private or the public sector, is evident. People have reported exclusion and discrimination on the grounds of sexual orientation, sexual/gender identity and gender expression in almost all public institutions (hospitals, social care centres, schools, police stations, etc.) as well as non-governmental organisations and the private sector.<sup>47</sup>
77. Most of such incidents are not reported - most LGBT persons choose not to report it due to lack of confidence/trust issues in authorities as well as further public exposure or cost of time/energy which would be wasted if the cases do not yield positive results.<sup>48</sup>

#### **C.13. Media**

78. 11% of the respondents in the Organization Q survey stated that they had experienced discrimination and violation of human rights at/from media institutions.<sup>49</sup> 58.1% of the respondents had witnessed discrimination against LGBTTIQ persons by the media.
79. In the report it is further stated that:
80. "The media was listed as extremely homophobic in its presentation and writing. Only one person stated that the media has improved compared to the reporting in the previous years. The media has been seen as the primary public promoter of homophobia through the use of hate language. Also, all foreign films are translated and subtitled. In most cases,

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43 ibid

44 ibid

45 Meeting with Organization Q, 9 April 2010.

46 Meeting with the Ministry of Health, 13 April 2010.

47 Organisation Q, *The Invisible Q? Human Rights Issues and Concerns of LGBTIQ Persons in Bosnia and Herzegovina*, Sarajevo, 2008.

48 Ibid.

49 ibid

words such as 'gay' are translated as 'faggot', which has an extremely derogatory and offensive context and meaning.<sup>50</sup>

81. Incidents that occurred around SQF in 2008 were partly provoked by the media which falsely reported that a Gay Pride (instead of a queer art festival) would take place during Ramadan, thus provoking violent responses from extremist religious groups.
82. The Regulatory Agency for Communication of B&H has the right to induce sentences to media promoting hate speech.

#### **C.14. Transgender issues**

83. The Ministry for Human Rights and Refugees mentions a case<sup>51</sup> outlining the possibilities for change of documents for transgender persons. The case both illustrate a lack of regulation in the area, and a decision creating a precedence allowing for the change of documents.
84. In 2009 the Ministry got a request from local authorities on the process and interpretation of the law for changing documents after gender reassignment surgery. The interpretation of the Ministry was, and is, that documents (identity card, birth certificate, etc.) should be changed after the treatment, and once the identity card is changed all other documents (diplomas etc.) can also be changed. Gender reassignment surgery is a precondition for change of documents. A name can be changed without the requirement of surgery.
85. A few cases where documents have been changed after transition are known by Organization Q.<sup>52</sup>

#### **C.15. Data availability**

86. There are very little official data on LGBT issues and rights violations in BiH. The situation is further complicated by the complex and decentralised political structure of BiH with many political institutions with overlapping mandates. It has only been possible to visit Sarajevo in spite of a high level of autonomy for parts of the country. However, the data collected indicate that the issues and tendencies identified largely cover the whole country.

A few cases and highlighted incidents referred to by all persons interviewed provide data on the situation in several of the areas looked into. Furthermore, Organization Q (LGBT NGO) have done comprehensive work in monitoring and studying discrimination in a number of fields and other human rights NGOs have paid attention to the issue of the rights of LGBT persons. This altogether makes it possible to outline a substantiated analysis of the situation regarding homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in BiH.

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50 Ibid.

51 Meeting with the Ministry of Human Rights and Refugees, 12 April 2010.

52 Meeting with Organization Q, 9 April 2010.