

Speaker: Rasim Ibrahimagić

Organization: Sarajevo Open Centre

UPR pre-session statement

Good morning everyone. My name is Rasim Ibrahimagić, and I am here to represent Sarajevo Open Centre.

About the organization

Sarajevo Open Centre (SOC) is an independent feminist civil society organization that strives to empower lesbian, gay, bisexual, trans* and intersex (LGBTI) people and women through community empowerment and activist movement building. SOC also promotes the human rights of LGBTI people and women publicly and advocates on national, European and international level for improved legislation and policies in Bosnia and Herzegovina (BiH).

National consultations on the UPR

Our National Report was only adopted two days ago by the Council of Ministers, and we believe that our country still hasn't submitted it. Except the e-consultation mechanism, none governmental body in BiH has organized any kind of face-to-face consultations in the process of drafting the National Report.

Statement outline

This statement will cover two main issues. First, the issue of not having a countrywide strategy nor action plan on anti-discrimination, including equality of LGBTI persons. Second issue relates to institutional capacity building on tackling discrimination and combating crimes against LGBTI persons.

I. Adoption of laws, strategies and action plans related to equality of LGBTI persons

Recommendations 107.27 and 107.37 made by Germany and Uruguay asked for drafting, adoption and implementation of measures which would ensure equality of rights and non-discrimination through a countrywide strategy with a special focus on sexual orientation and gender identity.

The Antidiscrimination Action Plan has never been made at the state level, although it is regularly announced in the draft annual work plan of the Ministry of Human Rights and Refugees of BiH. The reasons are lack of political will and consensus between the political actors at the state level, mainly due opposing to this by the Republika Srpska entity side.

In 2018, the Federation of BiH entity government gave a positive opinion regarding the draft Action Plan for Equality of LGBTI Persons in BiH 2018-2020, which is a countrywide document suggested by the Ministry. This draft follows the recommendations of the Committee of Ministers of the Council of Europe for the measures of combatting discrimination based on sexual orientation and gender identity. However, there is neither no positive opinion from the other Republika Srpska entity.

The state level Anti-discrimination Law prohibits discrimination based on sexual orientation, but authorities do not fully enforce it. Both entities and the Brčko District have laws that criminalize any form of hate crime committed on the basis of gender, sexual orientation, or gender identity. However, hate speech, discrimination, and violence against LGBTI individuals were widespread, where transgender persons were the most vulnerable LGBTI group. The government also has no institutional plan to combat peer violence. NGOs reported that schools were increasingly hostile environments, where LGBTI persons regularly experienced harassment and violence. Freedom of assembly is another sensitive issue when related to the LGBTI community on which you will hear more by our colleague Dragana Dardić.

Recommendations:

1. Therefore, we recommend that Bosnia and Herzegovina adopts a countrywide anti-discrimination strategy, followed by an action plan. In addition to this, there is a need to adopt an LGBTI equality action plan.
2. Bosnia and Herzegovina also has to adopt and amend laws to enable equal treatment of LGBTI persons in society, especially concerning transgender health care, same-sex partnerships, and freedom of assembly.
3. Through its entity and cantonal ministries of health, as well as clinical centers, Bosnia and Herzegovina needs to strengthen the protection of bodily integrity of intersex people and prohibit unnecessary "sex normalization" medical procedures conducted on intersex children.

II. Institutional capacity building and law enforcement

Recommendation 107.51 made by Norway asked to build upon training, coordination and awareness-raising among police in tackling discrimination of LGBT persons, as well as to implement these practices throughout the judiciary and the police.

The number of processed cases of hate crimes is very low, similarly to the number of cases reported to the institutions in general. Jurisprudence is practically non-existent so far concerning discrimination and hate crimes towards LGBTI persons.

Example: I will share one example. In 2014, a group of 14 masked men violently entered a cinema in Sarajevo with the intention of attacking the audience at a discussion on a queer film festival. The attack lasted less than a minute and resulted in minor injuries to three people and severe psychological consequences for all the members of the audience. The perpetrators got away intact. Although the assembly was reported to the police 20 days in advance, the police was not present in the venue in time to prevent the attack. Sarajevo Open Center filed two criminal lawsuits soon after the attack directly to the Prosecutor's Office, and they submitted a report to the internal control of the Ministry of Interior. An indictment was made only three years after against two identified attackers out of 14. A conviction was issued against one of the attackers by which the attacker is convicted for six months sentence in prison, but only as an postponed sentence with two years probation time.

The prosecution of assaults and other crimes committed against LGBTI individuals remains delayed and generally inadequate. Local NGOs reported increasing levels of documented domestic violence perpetrated by immediate family members as well as threats, blackmail, physical assaults, forced medical treatment and peer violence committed against LGBTI

individuals. Between January and September 2017 there were documented 39 cases of hate speech, mostly on social networks and online portals, seven cases of discrimination, and 23 cases of hate crimes towards LGBT people. These cases included eight cases of illegal imprisonment and forced conversion therapies by family members, five cases of homophobic and transphobic violence in schools (of which three were committed against children), and 10 threats of violence, physical, verbal and psychological violence, or blackmail.

Recommendations:

1. Bosnia and Herzegovina should build upon developments regarding training, coordination and awareness-raising in tackling discrimination of LGBTI persons and implement these practices throughout the judiciary and the police.
2. State and entity institutions, ministries of justice and social affairs, should work together with the civil society in order to harmonize entity laws on protection against domestic violence with the Istanbul Convention.

Thank you for your patience. I will be glad to answer any questions you might have, and please note that factsheets and a limited number of our coalition's Shadow Report are available here in hard copy, but they are also available online on our website www.soc.ba.