To Whom it May Concern,

Thank you for inviting the BH Pride March to submit evidence to the United Nations' Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI).

Please see below our responses:

1. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of expression by civil society organizations or activists advocating for LGBT persons’ human rights?

1. This could include, but is not limited to, laws on the so-called propaganda of homosexuality, morality policies or codes, censorship of media content, restrictions on school curriculum, censorship of any content or scenes, censorship of literature, printed materials, blocking of sites or social media platforms, persecution of artists and authors working with the topic, etc.

In the last year, the entity of Republika Srpska has adopted the Law on Amendments to the Criminal Code envisaging criminalization of defamation , which is expected to have the biggest impact on journalists, citizens and civil society organizations who are criticizing government officials. The Amendments of the Law severely influence the civil society environment and limits freedom of expression and of the media in Republika Srpska. It is a major step backwards in the protection of fundamental rights.

2. If there are no such laws or policies, have there been attempts or incentives in the last ten years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or locally? If so, who were the actors/groups/individuals or organizations behind these attempts, and what is the current situation?

There have been examples of government officials and political party leaders publicly calling for censorship of media content, restrictions of school curriculums, as well as restriction of access to LGBT persons’ access to schools. The existence of LGBTQIA+ persons has been portrayed as proof of influence of foreign, western propaganda, and everything was wrapped in a narrative about traditional values being the only way of assuring the survival of a nation.

3. Does your country have any laws, policies, or practices that, explicitly or implicitly, ban, restrict or make more challenging the exercising of freedom of association and freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons’ human rights?

1. Those can include – but are not limited to – explicit bans on registration of organizations working on LGBT persons’ human rights or related topics, procedures making the registration impossible or almost impossible, obstacles for applying for and receiving funding (foreign or otherwise), ignoring or indirectly encouraging attacks and threats on LGBT-related events and using such attacks as a justification for banning peaceful marches/protests, refusing to guarantee the protection of the peaceful protests by State security forces, etc.

As described below, there are no explicit laws or policies that are limiting the practice of freedom of association and freedom of peaceful assembly by civil society organizations or activists advocating for LGBT persons’ human rights, hence, the political and social atmosphere almost invites and supports a violent reaction against LGBT people and activists. One example is a violent attack on Pride March Organizing committee activists in Bosnia and Herzegovina, that took place in March, in Banja Luka, hours after the police banned a planned Pride March event in Banja Luka. Several people were injured.

4. If there are no such laws or policies, have there been attempts or incentives in the last ten years (2013-2023) to introduce such explicit or implicit restrictions, either nationally or locally? If so, who were the actors/groups/individuals or organizations behind these attempts and what is the current situation?

There are no laws or policies passed in 2023, but in the entity of Republika Srpska, a law about “foreign agents” has been presented and will very likely get passed in 2024. This law proposes heightened control of CSOs that receive exclusively foreign funding, and forbids these CSOs to be politically active in any way - this includes, for example, calling citizens to vote responsibly, and would also very likely include advocacy for LGBTQIA+ rights, as well as women’s, ethnic minorities and migrants’ rights.

In March 2023, the BH. Pride March Organizing Committee was attacked in Banja Luka, after a series of calls from political leaders for the cancellation of a pre-BH Pride\* event that was supposed to happen. All institutions were publicly instructed to make sure this event doesn’t happen, as right-wing groups led the public to believe that there would be a Pride March in Banja Luka. The police denied protection to the event, subsequently instructing the Committee to cancel it. However, a group of hooligans attacked members of the Committee as they were having an informal (and private) gathering of their own.

\*(Bosnia and Herzegovina Pride takes place in Sarajevo, but the Committee has monthly events for the LGBTQIA+ community in other cities of the country, with the intent of promoting Pride and hearing the community’s needs)

5. Are there practices, procedures, groups or actors, societal and political trends, incentives, civil society and constituency mobilization, laws, bills or policies, which you have not mentioned above but that already affect or are likely to affect in the future, directly or indirectly, the exercising of the human rights to freedom of expression, association and/or peaceful assembly by LGBT people, activists and civil society organizations in your country, nationally or locally?

The rise of right-wing non-governmental organizations is what should further concern the public. The primary task of such organizations is retraditionalization and repatriarchalization, strengthening national enthusiasm, and strengthening the incendiary narrative against the LGBTIQA movement. As a reminder, a group of such non-governmental organizations acted jointly when they spread hate speech in public immediately before the event was organized by BH. pride March committee in Banja Luka. None of these organizations have been sanctioned, and some of them are financially supported by government institutions.

In solidarity,

Organising Committee of the BH Pride March