Call for input by the Independent Expert on SOGI

1. What are the current efforts by States to increase their knowledge of the LGBT population? Specifically, are questions about sexual orientation and gender identity included in government surveys (e.g. the census, national health surveys, income and living condition surveys, or other surveys funded or mandated by the State), administrative records (e.g. birth certificates/birth registries, identity Cards, school records, professional licenses, social security and public benefit records, and other government documents)?

The State of Bosnia and Herzegovina, as well as its entities and Brčko District, have taken no serious steps to increase the information of its institutions and the knowledge of public officials on the issues of LGBTI persons. The last census, as well as the recent statistical data collected by the institutions in charge, fail to provide any information particular to LGBTI citizens in BiH.

1. What kinds of data can be collected by the government to understand the nature and extent of violence (e.g. through statistics on LGBT-phobic hate crimes and hate speech), discrimination, and disparities in health, education, labour, civic participation, and other important areas?

The governments on all levels of BiH could collect data on hate crimes, hate speech and discrimination, disaggregated by the motive of these acts, including sexual orientation and gender identity. This kind of data can be collected within the police, prosecutors’ offices and courts. This data could be compiled with the data collected at the ombudsman’s office and the gender equality mechanism. In the healthcare system assessment needs of LGBTI, patients must be made, as well as a study of the adequate access of LGBTI people to healthcare services. Healthcare providers should start collecting statistics regarding intersex children, their treatment and wellbeing. In the educational system, detailed analysis of the textbooks and educational material regarding spreading stereotypes, prejudice and hate towards LGBTI people, and adequate material promoting tolerance and inclusion must be developed. Schools, social centres and police should establish a system on documenting bullying, including homo/transphobic violence. Surveys concerning employment and the field of labour should also include questions regarding discrimination on the grounds of sexual orientation, gender identity and sex characteristics.

1. What safeguards are in place, and what safeguards are needed, to protect the human rights of individuals providing personal data as well as individuals collecting such data? This question includes the following:
   1. Safeguards to protect the privacy of individuals who provide data about their sexual orientation/gender identity, and the confidentiality of the data provided by these individuals.
   2. Broader statutory rules or administrative policies to ensure transparency and accountability of government institutions such as statistical bodies.

Currently, the State of Bosnia and Herzegovina is not collecting any data regarding the LGBTI identity of its citizens. However, there are systems and legislation in place aimed to protect personal data that could also be applied if similar data was collected. Sexual orientation, gender identity should be considered personal information under the Law on the protection of personal information, which is unfortunately not the case now.

1. What are the risks associated with the collection and management of data on sexual orientation and gender identity and initiatives to overcome those?

The risk associated with the collection and management of data on sexual orientation, gender identity and sex characteristics, is the possibility of the information leak, abuse of information or position, illegal disclosure of personal information and other methods in which the identity of LGBTI persons can be compromised and might lead to social exclusion, discrimination, threats and violence.

1. Are there circumstances where data collection is ill-advised, such as in countries that criminalize same-sex behaviour or where particular government agencies have demonstrated a cause for concern regarding their treatment of issues related to sexual orientation and gender identity?

Since Bosnia and Herzegovina is still a patriarchal and xenophobic society, there is a threat of misuse and abuse of such information, should they be collected and compiled, by the individuals within the institutions and agencies of the state, its entities and Brčko District. However, this is only hypothetical since no such cases have been recorded so far.

For Bosnia and Herzegovina, its entities and Brčko District, it would be most beneficial to start collecting data regarding LGBTI persons, since so far all of the institutions have expressed the lack of concrete data as a problem for amendment of legislation and creation of policies which would also advance the human rights and equality of LGBTI people.

1. When States engage in data gathering activity, to what extent is civil society able to meaningfully participate in the design and implementation of these programs? This question includes the following:
   1. Do states have policies that guide the process of civil society participation national statistical programs and other State efforts to increase knowledge about LGBT populations?
   2. Does civil society have the capacity, in terms of expertise and technical knowledge, to meaningfully participate in State efforts to gather data?
   3. What constitutes meaningful participation in this area?

There is no policy nor concrete mechanism of cooperation between agencies of the state, its entities and Brčko District, and the civil society regarding data gathering and documentation. Civil society is the only source of the data on human rights, especially human rights of minorities such as LGBTI persons in BiH, therefore civil society organisations could be, and are already on a smaller scale, a useful resource and partner to the state institutions in BiH.

1. Does the lack of a global classification scheme carry risks that data will not be useful for international comparisons or will not accurately reflect the identities and lived realities of local populations?

Lack of global classification scheme definitely affects the development of the domestic classification scheme as there are no standards to be used for the development of the domestic classification, nor the data collecting mechanism and will, in the long run, affect the international comparability of the data, as well as influence advocacy actions of the civil society which, for the most part, rely on comparison with other states.

About Sarajevo Open Centre

Sarajevo Open Centre (SOC) advocates the full respect for human rights and social inclusion of LGBTI persons and women. Sarajevo Open Centre is an independent, feminist civil society organisation which strives to empower LGBTI (lesbian, gay, bisexual, trans\* and intersex) persons and women by strengthening the community and building the activist movement. SOC also publicly promotes human rights of LGBTI persons and women and it advocates the improvement of public policies in Bosnia and Herzegovina at the State, European and international levels.

Here, we will only mention some of the achievements made in terms of equality of LGBTI people. In addition to psychosocial and legal counselling, we also continued running the only LGBTI media outlet in the state – a web portal www. lgbt.ba. We organized training for the police, the prosecutor’s offices and the courts and we worked intensively on creating a local institutional network of support for LGBTI persons in Sarajevo Canton, improving the recommendation of regulating bio-medically assisted fertilisation in FBiH, the rights of working women regarding the discrimination on the grounds of sex and maternity leave, but also on raising awareness about gender-based violence in BiH. In 2017, several of our legislative and policy initiatives have been submitted to governmental or parliamentary procedures.

Our advocacy focuses on issues of policies for the equality of women and LGBTI persons in BiH, the issues of reproductive rights of women and men, parenthood in the context of conciliating the private and the business life, the freedom of assembly of LGBTI persons and improving the institutional framework for the protection against violence and discrimination. In the previous year, we had media campaigns that reached over a million of BiH citizens and we organised the LGBTI film festival Merlinka.

You can find out more about our work at www.soc.ba.