

FREIE UNIVERSITÄT BERLIN
OTTO SUHR INSTITUTE FOR POLITICAL SCIENCE
SUMMER SEMESTER 2009; WINTER SEMESTER 2008-2009
DER SCHUTZ SEXUELLER IDENTITÄT ALS PROBLEM INTERNATIONALEN
MENSCHENRECHTSCHUTZES
PROFESSOR HANS-JOACHIM MENGEL

LGBTTIQ Rights – a Litmus Test for Secularity and Democracy in Bosnia and Herzegovina

Ivana Jurisic

18 March 2010

Table of contents

Introduction	p. 3
General information on Bosnia and Herzegovina.....	p.4
Legal framework of LGBTTIQ persons rights.....	p.5
Secularity and religious influences in society.....	p.6
Position of LGBTTIQ persons in B-H.....	p.8
Organisation Q	p.10
Media reactions.....	p.11
The Queer Sarajevo Festival 2008 and its aftermath.....	p.14
Next steps.....	p.16
Conclusion.....	p.17
Note.....	p.18
Literature Reference.....	p. 19

Introduction

This paper analyses the interconnection between the rights of LGBTTIQ persons and secularity in a young democratic country Bosnia and Herzegovina. The rights of the LGBTTIQ persons are guaranteed by the law, no discrimination against them is formally allowed. However, there is a big discrepancy between the legal rights and everyday reality in this regard.

Bosnia and Herzegovina is one of the former Yugoslav republics. It gained independence in 1992. The former socialist system did not acknowledge any of the religions in the country, thus the religious institutions saw their rebirth with the fall of Yugoslavia. What makes things further complicated in Bosnia and Herzegovina is the presence of three religions in the country: Islam, Orthodox Christianity and Roman-Catholicism.

In the legal sense, Bosnia and Herzegovina is a secular state however the religious institutions have a major influence on the political decision making in the country. As politicians closely cooperate with religious leaders, it is hard to define and limit the role of the religious institutions within a secular state. This state of affairs is also reflected in respect of the LGBTTIQ rights.

The central topic of this paper is the Queer Sarajevo Festival 2008 which first and last event was the opening ceremony. The visitors were brutally attacked by radical Islamists or the wahhabi. The radical Islamists felt offended by the fact that the Queer Sarajevo Festival was going to take place during the wholly month of Ramadan. The police was present in front of the venue however they failed to protect the civilians from the wahhabi. Several people were severely injured, but nobody was sanctioned by the law.

In this paper I argue that the state of Bosnia and Herzegovina cannot preserve its secularity as prescribed by the Constitution, considering the religious influences that occur in decision making. The incident that happened at the opening of the Queer Sarajevo Festival clearly indicates that the state cannot guarantee the respect of

LGBTTIQ rights, but neither can it guarantee that the secular laws of the country are above the religious perceptions of how a secular society should function.

I argue that the rights of LGBTTIQ present a litmus test for secularity and democracy of young country as is Bosnia and Herzegovina. This is not only an issue of the rights of this sexual minority, but of the rights of any minority, especially in a country where minorities suffered the most in the war that took place in 1992-1995. The independent variable in this paper is the discrimination against the LGBTTIQ persons tacitly supported by the state. My dependent variable is acknowledgement and protection of their rights and preserving the secularity of the state guaranteed by the Constitution. I argue that failure to protect the rights of LGBTTIQ persons can jeopardise the protection of the rights of other groups or minorities in the future.

General information on Bosnia and Herzegovina and on its polity

Bosnia and Herzegovina is located in South Eastern Europe. After the Second World War it as a constituent republic in the Socialist Federative Republic of Yugoslavia. B-H was a part of Yugoslavia until 1992 when it gained independence. In the same year aggression on Bosnia and Herzegovina began and it resulted into a fierce war that lasted until 1995. The Dayton Peace Agreement was signed in 1995 and its result was that the state of Bosnia and Herzegovina was very decentralised and divided into two political entities; the Federation of Bosnia and Herzegovina (51% of the territory) and the Republika Srpska (49%). The major national groups in Federation of B-H are Bosniacs and Croats, although the overall population of Croats in the country is 15%. The major national group in Republika Srpska are the Serbs¹. Apart from the national identities there is also a clear division regarding the religious identity. Most Bosniacs are Muslims, most Serbs are Orthodox and most Croats are Roman-Catholics.

¹ <http://education.stateuniversity.com/pages/174/Bosnia-Herzegovina-HISTORY-BACKGROUND.html>, last accessed on 12 March 2010

There are approximately 3.5 million people living in Bosnia and Herzegovina. It is considered to be a third-world country, as it was devastated in the war and is recovering at a very slow pace. One of the reasons is that the country is also ‘‘the most corrupt in the region’’, according to the report of the Transparency International².

The political power and state authorities are decentralised and rather weakened. The two separate political units have their own prime ministers and they adopt their own laws on their territories. The Federation of Bosnia and Herzegovina is further divided into ten cantons which also have their own prime ministers, ministries and other instances of authority³.

Legal framework of rights of LGBTTIQ persons

As Bosnia and Herzegovina was a part of Yugoslavia, the Yugoslav Criminal Law was in force and regulated the treatment of lesbians and homosexuals. The Article 186, Paragraph 2 prescribed that a male homosexual act was considered to be criminal, and it would be punished by one-year sentence in prison⁴. The female homosexual act was not considered to be criminal, but was considered to be buggery and therefore it represented a misdemeanour. However there were no registered cases of putting this legal regulation into force. There may have been some abuse of homosexuals by policemen or other authorities⁵. One of the explanations could be that in former Yugoslavia it was considered that homosexuals and lesbians do not exist in reality. As the society was and still is hetero-patriarchal, the image of macho men was dominant and thus it was considered that men can only have relationships with women.

Bosnia and Herzegovina was the very last former Yugoslav republic to have decriminalised homosexuality. The legal change came into power only in 1996 in the Federation of B-H and in 1998 in the Republika Srpska. Compared with Slovenia and

² http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dsee/dv/1002_11_/1002_11_en.pdf, last accessed on 12 March 2010

³ <http://www.oscebih.org/overview/>, last accessed on 12 March 2010

⁴ <http://corbis.blog.hr/2006/03/1620837437/zakonske-promjene-u-sr-hrvatskoj.html>, last accessed on 15 March 2010

⁵ Ibid

Croatia that decriminalised it in 1974 and 1977 respectively, it can be said that this was very late⁶.

The Law on Gender Equality was put into force in both political entities in B-H in 2003. The legal regulations proscribe discrimination on the basis of sex and of sexual orientation. However the concept of sex is interpreted as a concept of gender and there is no explanation what the sexual orientation of an individual is⁷. By reading the articles from the Law on Gender Equality it can be concluded that the Law is entirely based on the problematic of male-female relations. It does not explicitly mention lesbians or homosexuals, although these categories should be comprised by the regulations. Discrimination based on gender should also be treated as discrimination based on sexual orientation.

The Law on Gender Equality also established that discrimination is prohibited in the following areas: education; employment, work and access to all the forms of public resources; social protection; health protection, sports and culture; public life and media⁸.

This regulation is very important, especially taking into consideration that the media were literally inviting people to lynch the participants and visitors of the Queer Sarajevo Festival. Nobody was held accountable for breaching the Law on Gender Equality.

Secularity and religious influences in society

As Bosnia and Herzegovina was a federal republic in the Socialist Yugoslavia until 1992, the Communist Party of Yugoslavia promoted atheism as a part of its ideology⁹. Religious people could not be members of the Party, what would have as a consequence that they could not make professional careers and neither was their reputation in the society high. Atheism was a "state religion" and practicing religion was

⁶ <http://hr.wikipedia.org/wiki/LGBTIQ>, last accessed on 15 March 2010

⁷ <http://www.queer.ba/files/LGBTIQPravna.pdf>, last accessed on 15 March 2010

⁸ Ibid

⁹ http://sh.wikipedia.org/wiki/Dr%C5%BEavni_ateizam, last accessed on 15 March 2010

highly discouraged as it was considered that it enticed nationalism and underline the difference between national and religious identities.¹⁰

However, as the former Yugoslav republics started gaining their independence, in the early 1990's, nationalism, as well as religious identity was on the rise with all the national groups. It was especially tense in Bosnia and Herzegovina what resulted in a terrible war. The territory of one country was and still is populated by three ethnic groups. National and religious identities had become one for each of the three peoples in the country. Serbs are automatically perceived as Orthodox, Bosniacs are Muslims and Croats are Roman-Catholic, to almost no exception¹¹.

Bosnia and Herzegovina is a secular state. By Constitution it is a "democratic country, which functions in accordance with Law and on the basis of free and democratic elections"¹². However after the fall of communism, the religious institutions, such as the Serbian Orthodox Church, Islamic Religious Community and Roman-Catholic Church, saw their rebirth and started exerting their influence on their religious groups, thus also enhancing nationalism among them. The fierce war fought between the Serbs, Croats and Bosniacs in B-H and it was not disapproved by the religious leaders. By rule, the ethnic group which was a minority on a certain territory would suffer the most¹³.

This important fact needs to be taken into account when examining the situation of the LGBTTIQ community, as they are a minority. They are not defined along the religious or national lines, however they are a minority. The 1992-1995 war showed what happens to the people in Bosnia and Herzegovina when they are in a minority. Therefore this argument has to be taken into consideration when talking about preserving and sustaining the young democracy.

¹⁰ Ibid

¹¹ Ivan Ivekovic, Nationalism and Political Use and Abuse of Religion, *Social Compass* 2002, 49;523-536, p.523 at <http://scp.sagepub.com/cgi/reprint/49/4/523>, last accessed on 15 March 2010

¹² http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_hrv.pdf, p.2, last accessed on 15 March 2010

¹³ Ivan Ivekovic, Nationalism and Political Use and Abuse of Religion, *Social Compass* 2002, 49;523-536, p.531, at <http://scp.sagepub.com/cgi/reprint/49/4/523>, last accessed on 15 March 2010

The reality in the country is such that all the three confessions are influential in the territories where they are in majority. The religious leaders closely cooperate with politicians and with their non-secular views they shape the contemporary B-H politics. It is not at all unusual to see the religious symbols in public institutions or in public space.

The religious leaders were the loudest in condemning the organizing of the Queer Sarajevo Festival in 2008. As their opinion is highly appreciated, the general public was very hostile toward the event, too¹⁴.

Position of LGBTTIQ persons in B-H

The image of a homosexual person in Bosnia and Herzegovina is very negative, especially taking into consideration that hetero-patriarchal values are still deeply embedded in society. The awareness of the existence of LGBTTIQ community has not been formed yet. This community is rather seen to be consisting of the male homosexuals only. Homosexuals are perceived to have psychological disturbances, they are considered to be perverts and homosexuality is constantly associated and compared with paedophilia. One of the common sayings in the people is: "If we accept homosexuality to be normal, we shall soon accept paedophilia to be normal, too."

The most concerning fact is that the level of education does not at all influence the personal opinion on the homosexuals. Many young, intelligent, highly educated people, who are not very different from their peers in the developed countries, consider homosexuality to be perversion or a disease. A blatant example of such thinking can be seen in the following statement:

"I think the illness should be treated and not supported or sustained. Psychiatrists and psychologists should deal with psychological deviations of homosexuals and especially that this is not typical of our mentality. I am very surprised that Spain, historically known for introducing the inquisition in the Middle Age, allowed the homosexual marriages. ... Homosexuality is condemned by every religion. Who are we to approve of something what is disapproved by God?"¹⁵

¹⁴ B-H political Magazine "Dani", article "Bosanski barometer – Islamska zajednica BiH", p.20, 03 October 2008

¹⁵ B-H political magazine "Dani", Anketa dana, p.25, 29 August 2008

This statement was made by Dr. Amila Alikadic-Husovic; a Member of Parliament and medical doctor, head of an ophthalmological Clinic. If a prominent and politically active person can give such statements, it is deeply worrying to think of what opinion the people with no formal education have. It also needs to be borne in mind that politicians as Dr. Alikadic-Husovic are members of Parliament in a secular country where the secular and not religious laws are in force.

It is very hard for the LGBTTIQ persons to live their sexuality and to openly speak about it. Getting out of the closet is not at all an option in Bosnia and Herzegovina. It is highly probable that the LGBTTIQ persons would experience both psychological and physical violence even from their families and friends, let alone the people they do not know. The report on situation of lesbians in B-H made by a non-profit organisation Schweizerische Flüchtlingshilfe, shows that it is even harder and almost impossible to reveal one's sexual orientation in smaller towns and rural areas¹⁶. The help from the police cannot be expected as it was shown at the Queer Sarajevo Festival 2008.

For the purpose of this paper, I made an interview with Nino L., a gay student from my home town Mostar, who originally comes from a smaller town. Nino is 22 years old, and he got out of the closet when he was 18. He makes similar statements:

“In my family only my mother knows I am gay. It was very hard at the beginning; we did not talk to each other at all. Now it is better, but we never talk about it. My biggest problem is the relationship with my partner who is not out – many things depend on whether our relationship would be made public and it would result in terrible things, he would be fired, etc. But we make it somehow... But who knows, perhaps we shall leave in the end. In case we are not able to live here anymore.

I think one cannot normally live here as a gay – even if nobody assaults you, there are no elementary laws that enable us to live a normal life, because it is all very stressful. Apart from all the other problems, we have to worry about that [assaulting], too.

¹⁶ Johanna Fuchs, “Bosnien-Herzegowina: Situation von homosexuellen Frauen”, Schweizerische Flüchtlingshilfe, September 2008, pp.4,5, <http://www.fluechtlingshilfe.ch/herkunftslander/europe/bosnien-herzegowina>, last accessed on 15 March 2010

Gay people from smaller towns have even bigger problems, because it is harder for them to meet someone of the same sexual orientation. These towns are under a stronger influence of the hetero-patriarchal system and of religious organisations. In most cases such persons will not admit their sexual orientation and they will assimilate in such society.¹⁷

The above mentioned statements and examples give a rather accurate picture of everyday reality for the LGBTTIQ persons in Bosnia and Herzegovina. As the country is a post-socialist one, the civil society is still developing and the non-governmental organizations, albeit numerous, have no particular say in the society. When the LGBTTIQ activism is in question, the Organisation Q is the most outspoken in advocating the LGBTTIQ rights¹⁸.

Organisation Q

In 2002 there is an initiative for advocating the rights of LGBTTIQ persons, only two people are involved in it. One year later there are more activists and in 2004 the Organisation Q is registered as the first LGBTTIQ association in Bosnia and Herzegovina. It is also the last such association to register, in comparison with associations in other former Yugoslav republics. The Organization Q works on promotion and protection of culture, identities, and human rights of queer persons. Their activism is based on the standards and principles of human rights, as well as on the principles of peace, post-feminist and LGBTTIQ movements¹⁹.

In 2008 the Organisation Q plans to make the first event ever in B-H that would promote the LGBTTIQ persons. It would not be a gay parade which would have drawn much more attention by taking place in the streets. It is planned to organise an artistic and cultural festival where local and international artists and activists would present their

¹⁷ Interview with Nino L. (the name has been changed), a gay student and activist from Mostar, February 2010

¹⁸ <http://www.queer.ba/>, last accessed on 15 March 2010

¹⁹ <http://www.queer.ba/bs/content/udru%C5%BEenje-q> , last accessed on 16 March 2010

work and invite the visitors to gain an insight into life of the LGBTTIQ persons. The following citation is taken from an introductory note to the Festival:

“Through the films, exhibitons, performances and discussions we shall finally disclose to you what “queer” means, as well as all those “LGBTTIQ” letters. You will see, hear and participate in the life stories of lesbians, gays, trans, intersex, queer people; the stories full of tears, laughter, hope, love, friendship, struggle, fears, victory and pride”²⁰.

The Queer Sarajevo Festival is planned to be opened on 24 September 2008, and to last for five days. The main sponsors of the Festival are the Dutch, Swiss and Canadian embassies, as well international non-governmental organisations Global Fund for Women, and Heart and Hand Fund²¹. There is no support from the state authorities or from the governmental organisations from Bosnia and Herzegovina.

Media reactions

As soon as the whereabouts of the Festival become known, the organisers receive death threats²². The homophobic media starts their offensive on the Queer Sarajevo Festival in August 2008. The leading one is the daily newspaper “Dnevni Avaz”, mostly read by the Bosniacs. With the bombastic headlines, such as “Provocative Gay Gathering in the Ramadan!”, “The Gay Gathering as a Set Up for Bosniacs in the Holy Month of Ramadan”, the newspaper produces hysteria in the general public stating that the gay festival is planned on purpose to take place in the holy month of Ramadan. Thus the homosexuals are perceived as the enemies of the Bosniacs, they want to provoke them, jeopardise them, denigrate Islam and Muslims, etc²³.

The timing factor of the Queer Sarajevo Festival becomes an excellent excuse for inviting people to lynch the gays. The organisers explain for many times that their

²⁰ <http://www.queer.ba/v1/ofestu.htm>, last accessed on 16 March 2010

²¹ <http://www.queer.ba/v1/sponzori.htm>, last accessed on 16 March 2010

²² Political magazine Slobodna Bosna, “Dodjite i pogledajte da makar znate sta mrzite”, pp.60-62, 4 September 2008

²³ Dnevni Avaz, “Ko Bosnjacima podvaljuje gej okupljanje u ramazanu?”, p.2, 28 August 2008

intention is not to provoke the Muslims and that B-H is a secular country where events are not defined by religious calendars²⁴.

What the Dnevni Avaz does is that on the pretext of asking the public opinion, it creates the public opinion by asking the politicians, religious leaders and priests, as well as theologians, what they think of the Queer Sarajevo Festival. They do not ask the experts or sociologists or human rights activists. The homosexuals are presented as the biggest enemies of the Muslims. A logical question can be asked: what have got the homosexuals to do with the Muslims? And if the Muslims or other religious people belonging to any religion are so firm in their beliefs, how can they then be terrified or threatened by the homosexuals?

The following statements reflect the opinions of the religious leaders:

''I think freedom and democracy should not be exploited for promotion of such perverted ideas and that garbage that is imported from the West. We are a free society in any case, but we need to promote healthy ideas and healthy life. And this simply does not fit into the vision of Bosniacs, I believe, of people in general, and of other religious communities. All the attempts of diverting the young Muslim population from the true religion have failed. And now these attempts are made in another, treacherous way²⁵.'' (Seid ef. Smajkic, the Mostar mufti)

''The Catholic Church has always advocated the freedom of man. However the society must find a way of confronting the event organised by a small group of people who promote ideas which are not the core values²⁶.'' (Ivo Tomasevic, secretary of the B-H Bishop conference)

The general public is thus served the opinions of religious leaders, as if they were the most competent to comment on the events that take place in a secular country and in a secular society. It is especially important to bear in mind that there are three religions in Bosnia and Herzegovina what should lead to a conclusion that tolerance towards the Other, be it a national, religious or sexual minority. It is more than necessary to be

²⁴ Political magazine Slobodna Bosna, ''Dodjite i pogledajte da makar znate sta mrzite'', pp.60-62, 4 September 2008

²⁵ Dnevni Avaz, ''Ef. Smajkic: Slobodu ne treba koristiti za promociju tog smeca sa Zapada'', p.9, 2 September 2008

²⁶ Dnevni Avaz ''Ko Bosnjacima podvaljuje gej okupljanje u ramazanu?'', p.2, 28 August 2008

tolerant in order to live in such a multiethnic and multicultural society, even if one does not approve or like the Other. Hence the secularity of such society is crucial, in order for different groups, including the sexual minorities, to be guaranteed their freedom and basic rights.

The media also reflects the unity of political opponents coming from the Croatian, Serbian and Bosniac sides. Politicians, whose nationalistic rhetoric is practically against anybody who does not belong to the respective national group, suddenly become unanimous when they need to condemn the Queer Sarajevo Festival and homosexuals in general²⁷. Paradoxically the nationalists from three ethnic groups become united in their hatred against homosexuals. It is not relevant any more that the country is the most corrupt in the region, that the workers do not receive their salaries for months, that people live in poverty. The homosexuals become the biggest problem in Bosnia and Herzegovina.

Another magazine that openly invited people to lynch the Festival participants is the radical Islamist magazine Saff. Their rhetoric borders with the fascist one, the hate speech produced in their articles should have, but did not result in a law suit. One of the Saff columnists, Fatmir Alispahic, writes the following:

“...the night of the faggot festival was the crystal night of Islamophobia...
They are paid to humiliate, denigrate and terrify the Muslims...
The Muslims have always been and are victims ... the faggot festival is a fascist initiative, they are aggressive and violent...
The faggots are going to kill, abduct and molest the Muslims and their opponents, using the methods of the CIA, KGB and Mossad. That is what they usually do...
The faggots are so powerful; they act as a state within a state, or above the state, or the state themselves.”²⁸

The irony of the text is that Alispahic emphasises that the Ramadan is a month of compassion and forgiveness however the compassion and forgiveness are obviously very selective. He does not give a single argument or example for his very strong statements.

²⁷ Ibid

²⁸ Fatmir Alispahic, “Pederland” Saff, pp.18-19, 10 October 2008

This article and the similar ones offered sufficient material to the radical Muslims to get organised and react to the threats of the "gay mafia". They did not bother to consider that it was illegal to exercise their laws and perceptions over other people.

The Queer Sarajevo Festival and its aftermath

A group on the Facebook "Say No to the Gay Parade in Sarajevo", consisting of Muslim religious radicals and football fans, as well as of "true Sarajevo patriots" and even more disturbingly, of the university students, had already started planning how to attack the "faggots" at the beginning of the festival²⁹. Their statements ranged from "Hitler was an intelligent man", to "this faggot vermin should be beheaded"³⁰. The culmination of the hate speech is reached in a statement made by a girl on the IslamBosna website who writes:

"...you should put the petrol in the detergent bottles that can spray and then spray them [homosexuals] and burn them alive..."³¹.

What is even more concerning, none of the hate speech caught the attention of the police or of judicial instances, as these examples clearly indicate an offence.

The Sarajevo Queer Festival itself lasts for only a couple of hours. The venue of the opening ceremony/exhibition is the Academy of Fine Arts. The organisers have previously made an arrangement with the police and their security is supposed to be guaranteed. The police do secure the entrance of the venue, but they do not find it important to secure the area around the building, i.e. the space in which the visitors would be when exiting the venue. There are 300-400 visitors at the opening ceremony. A large group of wahhabi gathers in front of the building and waits for the people to start leaving the exhibition. They start following and chasing the people; some of them are in their cars and started following the cars of the visitors. The police simply do not react to any of these incidents. Eight people are severely injured. Some of them are young girls. The police states afterwards the wahhabi could not be prevented from what they did as they

²⁹ Political Magazine Start, "Odbor za linc pred Akademijom" by Almir Panjeta, pp.18-20, October 2008

³⁰ Ibid

³¹ Political magazine Dani, p.23, 29 August 2008

too have the freedom of movement. The police also state they did their job the best they could and they were very professional³².

The aftermath of these incidents is that nobody is held accountable for this violence. No ministries or governmental organisations or politicians condemn violence; nobody exerts pressure on the police to prosecute the perpetrators. Not even the Office of the High Representative condemns the incidents. The Islamic Religious Community do not distance themselves from the radical Islamists nor do they condemn violence committed in the month of Ramadan, the month of compassion and forgiveness. The only reaction comes from the Council of Europe. A week after the Queer Sarajevo Festival, the Parliamentary Assembly of the Council of Europe condemns the aforementioned incidents and requests from the state of Bosnia and Herzegovina to carry out the full investigation on the events. The Prosecutor's Office does file two law suits, but there have been no sentences up to now³³.

The Queer Sarajevo Festival 2008 is officially never closed. Thus it leaves a large question mark for the tenets of democracy in Bosnia and Herzegovina, as well as for freedom of its citizens. The incidents at the Festival show how weak the state authorities in the country are and that police are not in service of all the citizens. The radicalism and violent behaviour are not only sanctioned, but the tacit approval coming from the state authorities makes a wide path for new forms of intolerance and violence against various groups that may not be liked by the Islamist or any other radicals. These groups do not have to be any kind of minority. They can also be people who like to drink alcohol or women who like to wear miniskirts or youngsters who like a particular kind of music. If there are no consequences for wahhabi's violent behaviour, the state authorities send them an indirect message that they can express their own perceptions by force, the B-H society is not really a secular one, and that aggressiveness in general is a legitimate means of communication.

Next steps

³² Political magazine Start, "Sarajevo je srce vehabizma" by Faruk Sehic, pp.29-32, October 2008

³³ Interview with Ms Svetlana Djurkovic, one of the organisers of the QSF, February 2010

The Queer Sarajevo Festival 2009 takes place in an almost invisible manner. The organisers make a different concept of the Festival, being aware of the fact that the prospective visitors may not be guaranteed safety³⁴. The billboards are set up around the country and there are video clips on TV, as well paper ads in daily and weekly newspapers in Bosnia and Herzegovina. There are no exhibitions or any other kind of gathering in the public.

When asked what would happen if the Festival were organised in September 2010, Ms Svetlana Djurkovic, the activist and one of the organisers, says:

“If the QSF were organised in September 2010, the police would be more efficient in protecting the Festival, but this is only my personal view. This does not mean that there would be no violence or violent attempts. However, a big damage has already been done and it is questionable whether the next festival would at all stand a chance. ... Every increased visibility causes the increase of violence. On the other hand, every decreased positive reaction is followed by violence. And this is obviously our path in fighting for human rights, and I do not only mean the question of LGBTIQ people, but the B-H population in general.³⁵”

This statement also shows that the Queer Sarajevo Festival is not only an issue of the rights of LGBTTIQ persons, but of all the citizens in Bosnia and Herzegovina, so that they can live in a state which authorities will guarantee the basic human rights. If the laws are not respected and there is no sanction for unpermitted behaviour, this gives way to various kinds of extremism, including the religious one. Hence the people feel enticed to exercise authority over the others following only their own principles. And this clearly indicates the absence of the rule of law.

Ms Djurkovic also says that the incidents at the Queer Sarajevo Festival did not jeopardise secularity in Bosnia and Herzegovina, but it was only a proof that secularity had already been under a big question mark. The Festival was a test for the society to strengthen secularity, unfortunately the society badly failed this test³⁶.

³⁴ <http://www.queer.ba/bs/qs09>, last accessed on 17 March 2010

³⁵ Interview with Ms Svetlana Djurkovic, one of the organisers of the QSF, February 2010

³⁶ Interview with Ms Svetlana Djurkovic, one of the organisers of the QSF, February 2010

Only the citizens of Bosnia and Herzegovina can introduce the changes in their society. That cannot be done from the outside. Obviously a critical mass has not been reached yet, in order to see that the rights of LGBTTIQ persons are connected with the rights of other groups or minorities in the country. Once they are perceived as a sexual minority and not as a group of sick and deviant creatures, then will their rights be guaranteed. This is naturally the task of the society and of the citizens, but also of the LGBTTIQ people. Nino L., the activist, thinks that the LGBTTIQ population in Bosnia and Herzegovina is not as active as they should be and neither are they are so interested in their rights and freedoms³⁷. It can be concluded that this group too needs to reach a critical mass, in order make the change happen.

Conclusion

The aforementioned arguments show that the rights of the LGBTTIQ persons and secularity in Bosnia and Herzegovina are in correlation with one another. The position of LGBTTIQ persons can be perceived as a litmus test for secularity in a young democratic country. If people cannot tolerate existence of LGBTTIQ population, if they cannot accept the Other, then it cannot be said the society is truly tolerant and democratic.

The atrocities committed by all the ethnic groups in the armed conflict show that a high level of tolerance and mutual respect among people is a precondition for living in peace in this country torn by the war. Tolerance and mutual respect imply that the national, ethnic and religious views must not be imposed upon other people otherwise the escalation of conflict is very probable.

The organising of the Queer Sarajevo Festival in holy month of Ramadan was an excellent pretext for radical Muslims to attack the organizers of the Festival, as that was mentioned as the main reason for humiliation and provocation. Even if the Festival had been organised in a different time period, the hate speech and invitation to lynch the LGBTTIQ people would not have missed out.

³⁷ Interview with Nino L. (the name has been changed), a gay student and activist from Mostar, February 2010

It is paradoxical to see homosexuality as one of the biggest sins or the biggest sin, taking into consideration all the crimes committed against the people in the war in Bosnia and Herzegovina. It is actually disturbing that such crimes and suffering did not teach the people to be compassionate and not judging towards the other, since the minorities had suffered most in the armed conflict. Even if the LGBTTIQ people are a sexual minority and not an ethnic minority, they should not be an exception and they should be treated with respect.

Involvement of the religious institutions into the functioning of the state, as well as close relations between the politicians and religious representatives inevitably lead to discriminating against other groups or minorities. This is a danger for a secular state, regardless of the issue of LGBTTIQ rights. When all the groups and categories in a society are guaranteed their rights and are protected by the rule of law, regardless of whether the police and politicians like or dislike these groups, then such state can be perceived as democratic and secular.

Note:

I would like to express my gratitude to the Organisation Q and to Ms Svetlana Djurkovic, as well as to Nino L., without whose information and help I could not conduct my research and write my paper. The activists from the Organisation Q were kind enough to send me all the archived press material they had from 2008, so I could construct the sequence of events based on that.

Literature reference

Dani, political magazine, p.23, 29 August 2008

Dani, political magazine, "Anketa dana", p.25, 29 August 2008

Dani, political magazine, "Bosanski barometer – Islamska zajednica BiH", p.20, 3 October 2008

Dnevni Avaz, daily newspaper, "Ef. Smajkic: Slobodu ne treba koristiti za promociju tog smeca sa Zapada", p.9, 2 September 2008

Dnevni Avaz, daily newspaper, "Ko Bosnjacima podvaljuje gej okupljanje u ramazanu?", p.2, 28 August 2008

Ivan Ivekovic, "Nationalism and Political Use and Abuse of Religion", *Social Compass* 2002, 49;523-536, p.523 at <http://scp.sagepub.com/cgi/reprint/49/4/523>, last accessed on 15 March 2010

Interview with Ms Svetlana Djurkovic, one of the organisers of the QSF, February 2010

Interview with Nino L. (the name has been changed), a student and gay activist from Mostar, February 2010

Johanna Fuchs, "Bosnien-Herzegowina: Situation von homosexuellen Frauen", Schweizerische Flüchtlingshilfe, pp.4-5, September 2008, <http://www.fluechtlingshilfe.ch/herkunftslander/europe/bosnien-herzegowina>, last accessed on 15 March 2010

Saff, Islamist magazine, "Pederland" by Fatmir Alispahic, pp.18-19, 10 October 2008

Slobodna Bosna, political magazine, "Dodjite i pogledajte da makar znate sta mrzite" by Adisa Ceco, pp.60-62, 4 September 2008

Start, political magazine, "Odbor za linc pred Akademijom" by Almir Panjeta, pp.18-20, October 2008

Start, political magazine, "Sarajevo je srce vehabizma" by Faruk Sehic, pp.29-32, October 2008

<http://corbis.blog.hr/2006/03/1620837437/zakonske-promjene-u-sr-hrvatskoj.html>, last accessed on 15 March 2010

<http://education.stateuniversity.com/pages/174/Bosnia-Herzegovina-HISTORY-BACKGROUND.html>, last accessed on 12 March 2010

<http://hr.wikipedia.org/wiki/LGBTIQ>, last accessed on 15 March 2010

http://sh.wikipedia.org/wiki/Dr%C5%BEavni_ateizam, last accessed on 15 March 2010

http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_hrv.pdf, p.2, last accessed on 15 March 2010

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/dsee/dv/1002_11_/1002_11_en.pdf, last accessed on 12 March 2010

<http://www.oscebih.org/overview/>, last accessed on 12 March 2010

Web pages of Organisation Q

<http://www.queer.ba/>, last accessed on 15 March 2010

<http://www.queer.ba/bs/content/udru%C5%BEenje-q> , last accessed on 16 March 2010

<http://www.queer.ba/bs/qs09>, last accessed on 17 March 2010

<http://www.queer.ba/files/LGBTIQPravna.pdf>, last accessed on 15 March 2010

<http://www.queer.ba/v1/ofestu.htm>, last accessed on 16 March 2010

<http://www.queer.ba/v1/sponzori.htm>, last accessed on 16 March 2010