

# **Hate Crimes and Bias-Motivated Incidents in Bosnia and Herzegovina:** 2015 Monitoring Findings of the OSCE Mission to Bosnia and Herzegovina

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## Introduction

According to data collected as part of the OSCE Mission to Bosnia and Herzegovina Hate Crimes Project, at least 146 alleged<sup>1</sup> bias-motivated incidents were reported to police in Bosnia and Herzegovina (BiH) in 2015. The most frequent type of incident was offensive graffiti (24 per cent), followed by verbal assaults (21 per cent), damage to religious facilities/desecration of graveyards (19 per cent), displaying of symbols (18 per cent), damage to property (14 per cent), and physical violence (11 per cent). The most common bias motivation was nationality/ethnicity/religion; namely, in 85 per cent of incidents victims were targeted because of their Bosniak/Muslim, Croat/Catholic or Serb/Orthodox affiliation. On the other hand, only two incidents (1 per cent) against Roma (the largest national minority in BiH) and three incidents (2 per cent) against sexual minorities were reported to authorities. Such low figures are generally attributed to the underreporting of incidents against the Roma community and sexual minorities.

Incidents motivated by bias related to nationality/ethnicity/religion occurred most frequently in areas where the victim belongs to a demographic minority, i.e. in areas inhabited by returnees who had been displaced during the 1992-1995 armed conflict. Some less inhabited and mono-ethnic areas in BiH have not recorded any incidents in 2015. Incidents with a national/ethnic/religious bias motivation occurred most frequently in the months of July and August, when the most important commemorations for victims of the past war are held and when a significant number of individuals from the diaspora visit BiH. It should be noted that, during 2015, one final convicting verdict on hate crimes charges was issued by courts in BiH, while two convictions and one acquittal were issued in relation to the criminal offence of Inciting National, Religious or Racial Hatred (a form of criminalized hate speech). A number of incidents were qualified as “ordinary” criminal offences (i.e. without a bias motive) or as misdemeanours (e.g. disturbing public peace and order). For further details please see Table contained in section 4.1.

A slight decrease in the number of reported incidents was registered in 2015 compared to 2014 (146 in 2015 vs. 163 in 2014). There has also been a notable shift in the typology of incidents, which in 2015 tended to be of a less serious criminal nature than in 2014. Namely, whereas in 2015 the damaging of religious facilities/desecration of graveyards and physical violence decreased as a percentage of overall incidents reported (19 per cent in 2015 vs. 33 per cent in 2014 for damaging of religious facilities/desecration of graveyards, and 11 per cent in 2015 vs. 18 per cent in 2014 for physical violence), there was an increase in 2015 of less serious offences of offensive graffiti and displaying of symbols (24 per cent in 2015 vs. 21 per cent in 2014 for offensive graffiti, and 18 per cent in 2015 vs. 6 per cent in 2014 of displaying of symbols). The prevailing bias motivation remains nationality/ethnicity/religion, although the number of incidents in this category decreased by 7 per cent when compared to

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<sup>1</sup> In identifying cases of alleged bias-motivated incidents/crimes, the OSCE Mission to Bosnia and Herzegovina is guided by the following set of indicators developed by the OSCE, i.e. perception of the victim/witness; comments, written statements, gestures or graffiti; racial, ethnic, gender and cultural differences between the victim and the perpetrator; organized hate groups as perpetrators; previous bias-motivated incidents/crimes.

2014<sup>2</sup>. Despite figures which suggest improvement in this respect, there continues to be a lack of related systemic solutions. Furthermore, intolerant rhetoric continues to dominate media and social networks, creating a protracted climate of discomfort, intimidation and insecurity.

## ***1. Legislative Developments***

Unlike Republika Srpska (RS) and the Brčko District of BiH, the Federation of Bosnia and Herzegovina (FBiH) has, for a number of years, been lacking a comprehensive legal framework for combatting hate crimes, therefore jeopardizing equality before the law and legal certainty. A new set of amendments was drafted and adopted by the FBiH Government in November 2015, subsequently adopted by the FBiH Parliament in April 2016, and entered into force in June 2016. This process was supported by the OSCE Mission to Bosnia and Herzegovina.

Similarly as in RS and Brčko District of BiH, the amendments introduce the ‘discriminatory selection’ model<sup>3</sup> in the definition of hate crimes and represent a significant step toward ensuring equal protection to discriminated groups. The closed list of protected characteristics corresponds to the list provided in the RS Criminal Code, i.e. race, colour, religious beliefs, nationality or ethnicity, language, disability, sex, sexual orientation, and gender identity.

The amendments also introduce bias/hatred motivation as a mandatory aggravating circumstance to be taken into consideration as part of sentencing. Furthermore, improved protection is provided to victims with the introduction of aggravating forms of the criminal offences of murder, grievous bodily harm, rape and malicious mischief, when committed out of hatred.

The importance of responding to hate crimes is recognized in the [BiH Strategy for the Prevention and Fight against Terrorism 2015-2020](#), which was adopted by the Council of Ministers of BiH on 8 July 2015. Hate crimes can and often do contribute to radicalization and violence that threatens the security situation in the country. Accordingly, training for law enforcement and legal professionals, the establishment of a data collection system, and preventive activities in relation to hate crimes, have all been included in the Strategy<sup>4</sup>. The Action Plan for the implementation of the Strategy was prepared in September 2015.

## ***2. Collection of Data/Statistical Information***

Additional commitment is needed on the part of BiH authorities to establish systematic data collection on bias-motivated incidents and hate crimes at the police, prosecutorial and judicial

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<sup>2</sup> The entire set of data on hate crimes and bias-motivated incidents can be found in the [Hate Monitor](#), issued on a monthly basis.

<sup>3</sup> In the discriminatory selection model, the offender deliberately targets the victim because of a protected characteristic, but, unlike with the hostility model, no actual hatred or hostility is necessary to prove the offence.

<sup>4</sup> The OSCE Mission to Bosnia and Herzegovina has provided its input to this process

levels. The mechanisms available for providing information to the National Point of Contact for Hate Crimes continue to be *ad hoc* and non-systemic in nature. The reporting on the part of the BiH law enforcement agencies fails to efficiently disaggregate data on incidents and bias-motivated crimes from other crimes for reporting purposes. The ‘police incidents recording’ pilot system developed under TAIEX<sup>5</sup> in co-operation with the Directorate for Co-ordination of Police Bodies of BiH has the technical possibility to introduce disaggregation of bias-motivated incidents already at the level of police. However, at present, this possibility is not being utilised. The High Judicial and Prosecutorial Council (HJPC) of BiH has limited capacity to compile and disaggregate data on criminal proceedings related to hate crimes. In addition to the key recommendations to the HJPC BiH contained in this report, it is recommended that more consideration be given to ensuring that the current databases available to judiciary<sup>6</sup> capture and group bias motive under the criminal offence categories, both in prosecutorial and judicial decisions.<sup>7</sup>

### 3. Overview of Incidents and Authorities’ Responses

The overview of data under this subheading is extracted from the OSCE Mission to Bosnia and Herzegovina’s monitoring of crimes or incidents characterized by the presence of ‘bias indicators’, and is based on incidents reported to police in BiH. Many of the recorded cases are not investigated, qualified or prosecuted as hate crimes.

#### 3.1. Judicial Cases

##### Case Status

2015	Hate crimes	Inciting Racial, National or Religious Hatred	Non-bias charge	Misdemeanour charge
Initiated cases	0	4	15	13
Ongoing cases	0	2	8	10
Completed cases	1	3	8	12

##### Final Decisions

Charge	Acquittals	Convictions	Imprisonment (months)	Fine (BAM <sup>8</sup> )
Grievous Bodily Harm - <i>out of hatred</i>	0	1	6	0
Defiling a Grave or a Corpse	0	1	juvenile correctional measure	

<sup>5</sup> Technical Assistance and Information Exchange instrument of the European Commission

<sup>6</sup> CMS- Court Case Management System and TCMS- Prosecution Case Management System

<sup>7</sup> See ODIHR’s Hate Crime Data Collection and Monitoring: A Practical Guide, available at <http://www.osce.org/odihr/datacollectionguide>

<sup>8</sup> 1 BAM = EUR 0.51

Murder	0	1	120	0
Inciting Racial, National or Religious Hatred	1	2	4	0
Aggravated Theft	0	1	3	0
Causing Public Danger	0			0
Illegal Possession of Weapons or Explosive	0	1	1	0
Violent Behaviour	0	1	3 (suspended 12)	0
Malicious Mischief	0	2	9 (suspended 24)	0
Light Bodily Injury	0	1		0
Threatening Security	1	0	0	0
Infringing the Inviolability of Dwelling	0	2	1	1500
Misdemeanour (violation of public peace and order)	5	7	0	4350

### **Final hate crimes verdict for grievous bodily harm**

In June 2015, a second instance court issued the final guilty verdict and handed down a six-month imprisonment sentence to a man of Serb ethnicity who, in August 2013, attacked two Bosniak returnees (father and son) who were on their way to the Eid Morning Prayer at the Begsuja Mosque in Zvornik (RS). The father and son were intercepted by the assailants as they were approaching the Mosque and one of the assailants, under the influence of alcohol, started a quarrel regarding the use of the religious greeting ‘Salaam-Alaikum’. The quarrel resulted in a physical altercation in which the elderly Bosniak returnee sustained serious bodily injuries and one of the Serbs sustained light bodily injuries.

The police reported this incident to the District Prosecutor’s Office (PO) in Bijeljina with an initial qualification of ‘infliction of bodily injuries’. Both the perpetrators and the victims were treated as suspects. Ultimately however, the police investigation concluded that only the Serb perpetrator participated in the commission of the crime qualified as a grievous bodily injury committed out of hatred. Despite the initial qualification of the offence by the police, the PO subsequently acknowledged hate as being an element of the offence leading to a change in the legal qualification.

Although the case was adjudicated as a hate crime, the first instance court sentenced the perpetrator to three months of imprisonment, a sentence below the legal minimum prescribed for this type of offence<sup>9</sup>, assessing several mitigating circumstances as one particularly mitigating circumstance. The second instance court upheld the first instance decision, but increased the imprisonment sentence to six months; a period which is still below the prescribed legal minimum.

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<sup>9</sup> Sentence range is 1 to 8 years of imprisonment

### **Kozluk murder case (non-bias charge)**

In April 2014, an elderly Bosniak returnee to the village of Kozluk, Zvornik (RS), was brutally murdered on Orthodox Easter with an axe in his front yard by his Serb neighbour. The murder followed a quarrel in a local bar earlier that evening about the 1992-1995 armed conflict and the refusal of the victim to take Easter eggs offered by the perpetrator. Soon after discovering the victim's body, the local police identified the suspect and arrested him. The perpetrator was charged with murder without bias motivation.

This crime resulted in a great degree of concern on the part of the local community and throughout BiH, and drew significant media attention.

In February 2015, the first instance court found the perpetrator guilty and sentenced him to ten years of imprisonment. The appeal procedure was finalised in June 2015 by confirmation of the first instance verdict. No bias motive was investigated, nor was it raised in the indictment by the prosecutor within the first instance or appeals procedure despite the fact that some witnesses expressly provided bias motivated background of the aforementioned quarrel.

## **3.2. Instances of Incidents in 2015**

### **Physical violence in Kotor Varoš**

In July 2015, in Vrbanjci, Kotor Varoš (RS), a returnee of Bosniak ethnicity was attacked by three masked persons on the road from Vrbanjci to Banja Luka. The perpetrators carved the shape of a cross and the 'four S' sign (in Cyrillic alphabet)<sup>10</sup> on his body. The victim was in his van on his way to collect supplies for a grocery store. Based on the statement given by the victim, he was intercepted on the road by three masked males, two of them with handguns. The victim was hit over the head and lost consciousness as a result. When he regained consciousness, he found himself and his van on a side road, his T-shirt was taken off, and he had a number of injuries - one injury in the shape of a cross on his stomach, one injury in the shape of a cross on his back, and one such injury was attempted to be inflicted on his chest. Subsequent to the attack the victim went home, and after a discussion with his family he reported the incident to the police. The police interviewed the victim, took photographs of the injuries, and sent him to receive care at the hospital. The victim told the police and the prosecutor that he does not suspect anyone, emphasizing that he cannot even say that the attack was committed by ethnic Serbs. The victim had a significant amount of money on the passenger's seat of the van at the time of the attack, but only his mobile phone was taken by the attackers.

### **Displaying offensive symbols in Doboj**

In March 2015, in Doboj (RS), a football supporter group 'Vojvode' gathered in the city park to support a war veterans association that was staging a protest related to the Mayor's decision

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The Serbian cross, perceived as offensive by most Bosniaks and Croats

to join the *Union of Turkish World Municipalities*<sup>11</sup>. The group carried a banner reading “we despise those disgusting individuals who convert to Islam, Doboj has been and will stay Serbian!”<sup>12</sup>. The local Coalition against Hate, the local football club ‘Sloga’, and the Union of National Minority of Doboj Region condemned this incident.

### **Physical violence in Sarajevo against bikers from Serbia**

In May 2015 in Sarajevo, a group of 30 male supporters of the football club ‘Sarajevo’ physically assaulted four bikers from Čačak, Serbia, who were visiting Sarajevo as tourists after a motorcycle race which was held in Pale (RS). Four injured bikers reported the incident to the Pale out-patients clinic whose personnel notified the Pale Police Administration. The police took statements from the injured parties on the incident and notified Canton Sarajevo Police. According to the statements, a group of 30 unknown persons first threatened them that they would slaughter them, verbally assaulted them and called them ‘Chetniks’<sup>13</sup>, after which they hit them and kicked them. Subsequently, the victims managed to escape from the attackers. While running away, the victims noticed police officers, to whom they then reported the incident. The police escorted the victims to the exit from Sarajevo towards Pale. The Pale Police Administration informed the RS Ministry of Interior, the Canton Sarajevo Ministry of Interior, as well as the Embassy of Republic of Serbia in Sarajevo of the incident. A bikers club from Tuzla (FBiH) condemned the incident and sent a letter to the Canton Sarajevo Minister of Interior with a request to act in accordance with the law and investigate and process those responsible for the attack.

### **Offensive graffiti in Osmaci**

In June 2015, an unknown perpetrator/s drew the following graffiti on the facade of the Primary School ‘Aleksa Šantić’ in Osmaci (RS): ‘Naser O. Kravica - Hey, who came on Christmas day’. In addition, the following graffiti appeared on the supporting wall of the school playground: ‘Who came to Kravica on Christmas day’ and ‘We are waiting for your order, General Naser Orić’<sup>14</sup>.

### **Offensive graffiti in Teslić**

In August 2015, a threatening graffiti ‘We the Serbs do not drink wine, we will drink the blood of all Croats’<sup>15</sup> and a cross with the ‘four S’ sign (*in Cyrillic alphabet*) appeared on the public house in the village of Studenci, Teslić (RS), a village mainly inhabited by Croats. The police conducted a timely investigation of the crime scene and determined that the insulting graffiti were written on a public building, but also at a nearby sports field. The report on

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<sup>11</sup> [The Union of Turkish World Municipalities](#) is an organization (TDBB) established with the purpose of establishing co-operation with the countries and regions where the Turkish language and its dialects are spoken as well as local administrations and unions from places that have geographic, historical and cultural commonalities with them, providing support for their development and ensuring the preservation of the city heritage. It has 1001 members from 16 countries.’ Doboj decided to join as a precondition for accessing funds for recovery after floods and landslides in May 2014

<sup>12</sup> *‘Poturice odvratne mnogo ste nam mrski, Doboj je bio i ostaće Srpski!’*

<sup>13</sup> ‘Chetnik’ refers to a Serbian nationalist movement that operated during World War II. It is also used to refer to Serbs that fought in the Bosnian Serb Army in the 1992-95 armed conflict in BiH, and at times as a derogatory term referring simply to someone of Serb ethnicity.

<sup>14</sup> *‘Naser O. Kravica – Hej, Ko na Božić dođe. Ko na Božić u Kravicu dođe i Čekamo zapovijed Generalu Naseru Oriću.’* General Naser Orić was tried and acquitted of command responsibility before ICTY for failing to prevent assault on Kravica on Orthodox Christmas in 1993 in which many Serbs, including civilians, were killed and injured and property destroyed on a large scale.

<sup>15</sup> *‘Mi Srbi ne pijemo vina, napićemo se krvi Hrvatima svima’*



findings was submitted to the prosecutor in charge, who qualified this incident as a criminal offence of Inciting National, Racial or Religious Hatred, Discord or Hostility. No perpetrators were identified. The inhabitants of the village took the initiative to remove the graffiti on the same day. The local community representative publicly condemned the incident and asked for tensions not to be raised.

### **Verbal assault in Teslić**

In August of 2015, an incident occurred in the village of Slatina, Teslić (RS). According to police, three young men of Serb ethnicity previously known to police were driving through the Croat village shouting insults and threats on ethnic grounds. They subsequently stopped in front of the village tavern and attacked the people celebrating the Catholic holiday of the Assumption of the Blessed Virgin Mary. One of the guests of the tavern suffered light bodily injuries. The reaction of the police was prompt and all three perpetrators were detained.

The perpetrators were under the influence of alcohol and were known to police as having tendencies toward violence and misconduct. The victim, who expressed concern about his safety, was instructed by police to visit a doctor and obtain a medical report on his injuries. In order to prevent any further escalation of violence, the police increased the number of the police patrols in the area. The duty prosecutor was informed about the related police activities. Initially, the prosecutor qualified the incident as an offence of violent behavior. The political party HDZ 1990 published a statement in relation to both incidents in which they said that the situation of the Croat returnees in Teslić is serious and frightening. It was also said that a dozen Croat houses and other property were vandalised and destroyed in 2014.

### **Racist abuse in Zenica**

During the BiH Premiere League football match between FC Čelik Zenica and FC Sarajevo, played in Zenica (FBiH), the media recorded incidents caused by the home and visiting football supporters, including attacks by supporters of FC Sarajevo on police officers who were securing the game, and racist abuse, resulting in the suspending of the game for 20 minutes. Subsequently, FC Sarajevo addressed the press, stating that the supporters of FC Čelik racially abused Harmony Ikande, a Nigerian player of FC Sarajevo, by making monkey noises directed at him, including when Ikande was being substituted out of the game. The media published a video showing Ikande being heckled by the FC Čelik supporters. FC Sarajevo expressed its disappointment and condemned the 'racial discrimination and nationalism during the match'. A criminal report was subsequently filed for violent behaviour of the FC Sarajevo supporters. The racist outburst was not included in the criminal report.

### **Verbal assault against Roma**

In March 2015, in a collective accommodation centre in the village of Bukvik, Brčko District BiH, a husband and wife (of Bosniak and Serb ethnicity) verbally assaulted a Roma person on ethnic grounds and threatened to expel her from the collective accommodation centre. In retaliation, the Roma person verbally assaulted the two of them, including by calling the Serb a 'Chetnik' and verbally assaulting him on ethnic grounds. The police fined all three in misdemeanour proceedings for violation of public peace and order, but only the Roma woman was also accused of verbal assault based on ethnic and national grounds.

### **Mosque incident**

In August 2015, on the Catholic holiday of the Assumption of the Blessed Virgin Mary, a group of approximately ten young men of Croat ethnicity arrived to the village Omerovići, Tomislavgrad Municipality (FBiH) in two vehicles. The assailants placed a gas container at the entrance to the local mosque and allowed the gas to leak. They then verbally assaulted the

Bosniak/Muslim inhabitants on ethnic/religious grounds and demolished their cars parked nearby. The police apprehended the perpetrators and filed a criminal report for Inciting National, Racial and Religious Hatred, Discord or Hostility. The competent court ordered one-month custody for eight suspects, all with dual citizenships (BiH/Croatian/Swiss). This incident was publicly condemned by the Tomislavgrad Mayor, local and cantonal boards of Croat political parties, and the Islamic Community in BiH.

#### **Desecration of an Orthodox cemetery**

In June 2015, the Orthodox cemetery in Osjek, Ilidža Municipality (FBiH) was desecrated. Several grave stones were damaged by red paint. Also, a cross from one of the graves was placed on another grave, several marble vases were broken, and eight brass handles were stolen from one grave. The police identified two juveniles as suspects. One of the two Vice Presidents of the FBiH (an ethnic Serb) publicly condemned this incident. Similar incidents took place in the past at the same cemetery.

#### **Graffiti on an Adventist church**

In January 2015, in Prijedor (RS), an unknown perpetrator/s sprayed a cross and four letters “S” sign in Cyrillic alphabet across the side wall of the Adventist church in the centre of Prijedor. The police secured the scene, took photographs of the graffiti, and drafted a preliminary report.

#### **Desecration of a Catholic cemetery and damage to a parish office**

In September 2015, in Zavidovići (FBiH), unknown perpetrators stole all the metal vases and statutes from a local Catholic cemetery and damaged one grave stone. Also, unknown perpetrators broke into the town’s parish office and stole a small amount of money. In addressing the media, the Parson expressed hope that the authorities would do more to protect religious objects and the congregation.

#### **Homophobic incident**

In May 2015, at a football match between FC Sarajevo and Željezničar in Novo Sarajevo (FBiH), supporters of FC Sarajevo displayed a large banner with offensive content against the LGBT population<sup>16</sup>. This incident occurred on the occasion of the International Day against Homophobia. The FARE (Football against Racism in Europe) Director Piara Powar said that this was one of the worst examples of homophobia that was seen that season. Powar also called on BiH authorities to react and stressed that the banner was not removed during the game despite the large presence of police forces securing the event. Also, the Centre for Legal Assistance for Women in Zenica publicly condemned the incident.

### **3.3 Key Findings**

The training efforts for law enforcement, prosecutors and judiciary on tackling hate crimes have yielded only limited progress in terms of the quality of investigations, proper

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<sup>16</sup> '17.5. je Međunarodni dan borbe protiv homofobije. U čast sutrašnjeg praznika vašeg, napušite se dobro k... našeg' (17 May is the International Day against Homophobia. In honour of your holiday, suck our d...)

qualification of crimes and appropriate sanctioning. Such an outcome was in part a result of the inadequate legal framework in FBiH, as noted above. Investigations of bias motive are still not at a satisfactory level. Instead of investigating on possible bias motives, practitioners often opt to qualify hate crimes under the criminal offence of Inciting National, Racial or Religious Hatred, Discord or Hostility. This occurs not only in instances of verbal assaults or other forms of hate speech, but also in cases of physical violence or property damage with a bias motive. In addition, a significant number of incidents are being processed through misdemeanour proceedings or as non-bias criminal offences. Accordingly, areas of concern in this respect include: bias motive is not investigated even in cases where one or more bias indicators are present, and thus remains unsanctioned; failure to prove the criminal offence of Inciting National, Racial or Religious Hatred, Discord or Hostility leading to impunity; a very lenient sentencing policy (even for non-bias crimes), with the most frequent sentences being at, or below, the legal minimum; victims' rights in proceedings being very limited and mostly dependent on the willingness and ability of the prosecutor to take into account the interest of the victims and provide advice, resulting in a situation where none of the victims in the reported incidents were provided legal aid; the high risk of undercharging when incidents are dealt with as misdemeanours, and the consequent preclusion of the possibility to initiate criminal proceedings because of the risk of violating the *ne bis in idem* principle.

The training of police, prosecutors and judiciary on applying hate crimes provisions is a long-term and continuing process that involves both enhancing the knowledge and skills of practitioners, as well as raising awareness and understanding of prejudice, the protection of vulnerable groups, and the need for a more secure society.

### 3.4 Responses

In 2015, there were 96 responses issued by religious leaders, officials and civil society, in relation to 41 bias-motivated incidents. Public officials were the most active in publicly condemning these types of incidents, followed by religious leaders and civil society representatives. Local activists carried out a number of activities for the removing of offensive graffiti. The highest number of public condemnations was issued in relation to an incident that occurred in Prijedor (RS) in August 2015 when a group of ethnic Serb youth engaged in verbal insults and a physical altercation with a group of ethnic Bosniak youth.

In comparison to 2014, when condemnations were related to more than one third of all bias-motivated incidents/crimes, in 2015 this number dropped to less than one third. Coalitions against Hate<sup>17</sup> and informal local groups of NGOs in BiH mobilised around promoting tolerance and social cohesion (*Supergradani* and *Supergradanke*), reacted to incidents and issued 11 public condemnations. Reactions also included activities implemented in local communities after the incidents took place, and in order to lower tensions and prevent possible counter-incidents (e.g. radio shows with local authorities after the terrorist attack in Zvornik, wall of tolerance after the incidents in Prijedor, visiting victims to show support, etc.).

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<sup>17</sup> Supported by the OSCE Mission to Bosnia and Herzegovina

The above-noted trend may be linked to the previously-described change in typology of incidents recorded in 2015.

## ***4. Governmental and Non-governmental Initiatives to Combat Hate Crimes***

### **4.1. Governmental Initiatives**

In 2015, Judicial and Prosecutorial Training Centres in FBiH and RS, as well as entity Police Academies provided training on hate crimes for judges, prosecutors and law enforcement.<sup>18</sup> Four training events for 80 judges and prosecutors, and two training events for 46 law enforcement officers, were held.

In 2015, local authorities in five municipalities<sup>19</sup> in BiH adopted Community Cohesion Action Plans (CCAPs) aimed at preventing/responding to bias-motivated incidents in a more efficient manner.<sup>20</sup>

The National Point of Contact for Hate Crimes - a staff member of the BiH Ministry of Security - was proactive in participating in hate crimes related events and activities.

### **4.2. Non-governmental Initiatives**

In 2015, 19 local **Coalitions against Hate**, implemented approximately one hundred activities in the following areas:

1. *Preventive activities*: Promotion of tolerance and cohesion, including workshops with students of all ages, tolerance fairs, sports competitions, cultural events and radio shows.
2. *Alternatives to hate*: By painting over offensive graffiti and working on projects beneficial to the community, such as repairing playgrounds, the Coalitions showed to community members that may have been at risk of radicalization or influence of hate groups actions and initiatives which are beneficial to their communities and provided them with alternative ways of expressing themselves.

Coalitions against Hate also organized the Month of Tolerance (16 October 2015 - 17 November 2015) and implemented 50 associated activities at 19 locations throughout BiH. These activities promoted tolerance, mutual respect and cohesion in communities. This was

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<sup>18</sup> In co-operation with the OSCE Mission to Bosnia and Herzegovina

<sup>19</sup> Višegrad, Doboj, Vitez, Zavidovići and Brčko District BiH

<sup>20</sup> This process was supported by the OSCE Mission to Bosnia and Herzegovina

the first time that all Coalitions used the same visual identity (printed banners, stickers, t-shirts) and disseminated the same co-ordinated messages across BiH. Coalitions against Hate were also involved in the process of public consultations related to the adoption of the BiH Strategy for the Prevention and Fight against Terrorism 2015-2020.

In 2015, the **Sarajevo Open Centre** (SOC) continued implementing the two-year *Fighting Hate Crime in BiH* project funded by the Delegation of the Kingdom of the Netherlands to the OSCE<sup>21</sup>. This project included the holding of six trainings for 155 police officers in FBiH on hate crimes, and one training for 24 judicial and prosecutorial trainees. In addition, there were two trainings for 40 representatives of CSOs. As part of this project, two educational videos on [prejudice and stereotypes](#), [hate crimes and hate speech](#), one [infographic](#), as well as an educational documentary on hate crimes were produced.

The **Inter-Religious Council** of BiH<sup>22</sup> published its fifth [annual report](#) on attacks on religious buildings and other religious sites in BiH.

In May 2015, the NGO **Association for Democratic Initiatives** (ADI) initiated contacts with victims of ongoing trials in hate crimes and Incitement to Hatred cases in order to provide legal assistance. ADI managed to reach two victims and discuss possible avenues of legal redress in compensation cases.

### 4.3. Social Media Outreach

In 2015, the Social Media Team (SMT) was established<sup>23</sup> to develop strategies and materials for social media platforms, promoting the activities of the Coalitions against Hate, and developing positive narratives. The Team's first campaign was conducted during the Month of Tolerance (16 October 2015 - 17 November 2015), when 50 activities were implemented in 19 cities across BiH. The SMT prepared promotional material, audio-visual messages, and covered the work of the Coalitions on the ground. The SMT consists of 11 core members, and a wider group of supporters - all volunteers from the Coalitions against Hate. The SMT has recently also been bolstered by the addition of two Youth Advisory Group (YAG)<sup>24</sup> members. The SMT supports the OSCE's #UnitedCVE campaign with development of positive narratives and work with youth.

Online tools that provide data on bias-motivated incidents and hate crimes and counter-narratives are as follows:

- [Hate Monitor](#) – a monthly info-graph containing data, statistics and trends contained in the OSCE Mission to Bosnia and Herzegovina Hate Crimes Database and relating to the occurrence of bias-motivated incidents/crimes and the responses to them by the

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<sup>21</sup> The project is implemented in co-operation with the OSCE Mission to Bosnia and Herzegovina in the period October 2014 - December 2016

<sup>22</sup> Međureligijsko vijeće u BiH

<sup>23</sup> With support of the OSCE Mission to Bosnia and Herzegovina

<sup>24</sup> An internal youth mainstreaming tool established by the OSCE Mission to Bosnia and Herzegovina in 2014

justice sector, local authorities and civil society, including long-term prevention efforts.

- [Supergradani/Supergradanke](#) – an online mapping tool for public uploading of data regarding bias-motivated incidents, responses to such, and initiatives aimed at their prevention.
- [Supergradani/Supergradanke Facebook page](#), with news and photographs from activities implemented by the Coalitions against Hate
- [@SupergradaniKe](#) Twitter account
- [SupergradaniKe](#) Instagram Account
- [SupergradaniKe](#) YouTube account

## 5. Key Recommendations

Instead of providing new recommendations, the OSCE Mission to Bosnia and Herzegovina reiterates and underlines its previous recommendations that continue to bare relevance,<sup>25</sup> as provided for in its 2012 [Tackling Hate Crimes Report](#). These recommendations are in accordance with the commitments undertaken by all OSCE participating States, including Bosnia and Herzegovina, in the OSCE Ministerial Council Decisions on Hate Crimes<sup>26</sup>:

*To the BiH Ministry of Security:*

- Establish a mechanism to ensure consultation between law enforcement agencies and civil society groups and representatives of victims groups;
- Serve as the centralized collection point for all data and disaggregated statistics on hate crimes in BiH, and work towards greater harmonization in the collection of data across all jurisdictions (entity and cantonal); and
- Provide the necessary working conditions and support to the BiH National Point of Contact including ensuring that there are reliable hate crimes records and that these are reported to the ODIHR on an annual basis.

*To the entity Ministries of Interior and the police:*

- Ensure that all law enforcement officials possess the required knowledge and skills to identify bias indicators and conduct a thorough, expeditious and impartial investigation;
- Ensure that there are ongoing training opportunities for law enforcement officials handling hate crimes;
- Ensure that the police draw the prosecutor's attention to the presence of a possible bias motivation and bias indicators, and encourage effective communication between police and prosecutors;

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<sup>25</sup> The recommendation to the FBiH legislative authorities and the FBiH Ministry of Justice to adopt necessary legislation on hate crimes and the recommendation to the entity Ministries of Interior to include specialised training on hate crimes in the training curriculum of the Police Academies have been implemented

<sup>26</sup> OSCE Ministerial Council Decisions [4/03](#), [12/04](#), [10/05](#), [13/06](#), [10/07](#), [9/09](#) and [4/13](#)

- Encourage community policing strategies and create close contact with leaders in vulnerable communities, in particular returnee communities, who are frequently the victims of hate crimes; and
- Take the lead in organizing and co-ordinating efforts to initiate, develop and establish mechanisms for the collection and maintenance of data (including number and type of bias-related offences reported to the police; the number of bias-related cases prosecuted; and the sentences imposed, including in minor offence proceedings).

*To municipal authorities:*

- Condemn bias-motivated incidents in an appropriate and consistent manner that respects the presumption of innocence and the dignity of the individuals involved (both suspect and victim) and the respective groups they belong to, with the ultimate aim of preventing and limiting the potentially broader effects of such incidents;
- Take immediate action to counter expressions of intolerance, such as removing bias-related graffiti and supporting the reconstruction of public property damaged as a result of these crimes;
- Devise and establish comprehensive programmes or initiatives primarily aimed at raising awareness of the destructive impact of hate crimes; encourage tolerance and understanding through educational channels and policies; and work towards other general preventative measures relating to hate crimes in BiH, namely through the work of the Security Forums and Councils; and
- Establish reliable and comprehensive support services to victims of bias-motivated incidents, and cultivate relationships with other agencies and civil society organizations that can assist in victim support.

*To the High Judicial and Prosecutorial Council of BiH and the entity Judicial and Prosecutorial Training Centres:*

- Undertake measures, including comprehensive and specialized training, to assist prosecutors and judges to adequately process hate crimes; and
- Continue to update the HJPC BiH database of court decisions in all hate crimes cases to provide a foundation for the development of robust and consistent judicial practice.

*To judges:*

- Determine sentences that take into account the respective penalty enhancements for bias-motivated crimes in the legislative framework and provide thorough reasoning in verdicts in support of the imposed sentences. For instance, when deciding to impose a suspended sentence, the court is obliged to fully take into account certain factors stipulated by their respective Criminal Codes and to provide the necessary reasoning; and
- Provide guidance on the application and meaning of the ‘incitement to hatred’ provision, for example by using the HJPC BiH database of court decisions as a reference tool to ensure consistency in application.

*To Prosecutor’s Offices:*

- Ensure that prosecutors possess the requisite knowledge to recognize bias motivation and are familiar with the relevant legislative penalty enhancements, aggravated forms of certain offences and the right to compensation that can be employed in situations where bias motivation is present;
- Support an effective and communicative working relationship with the police in cases of a hate-related nature, and be able to request additional investigation actions in cases when there are potential indications of bias; and

- Inform victims of hate crimes of their right to apply for compensation and to collate the necessary evidence for those claims.

*To civil society organizations:*

- Work towards supporting the victims of hate crimes through services and advocacy such as: assisting victims to report hate crimes; advocating on behalf of victims; acting as an intermediary for contact with local authorities and law enforcement/judicial authorities; and providing counselling to victims; and
- Monitor and raise awareness of hate crimes and hate-related incidents in BiH.