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HATE CRIME UNDERREPORTING SURVEY 2023

BOSNIA AND HERZEGOVINA

Report with Recommendations

July 2024



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EXECUTIVE SUMMARY

Aims and objectives

- This report provides key findings from the 2023 Hate Crime Underreporting Survey for Bosnia and Herzegovina carried out between July and October 2023.
- The survey aimed to provide the first systematic account of the experience of potential hate crime and incident victimization in Bosnia and Herzegovina (BiH) affecting people in relation to interpersonal victimization off-and-online, damage against their property, and vicarious victimization involved in the damage or desecration of graves, tombstones, or memorials for deceased relatives.
- Overall, the objectives were to produce an evidence-base to inform the response of official and non-governmental stakeholder organizations and individuals working against hate crime in the country and provide policy recommendations based on the survey findings.

Survey design

- The survey aimed to maximise the potential to capture participants' experience of potential crime, and hate crime, victimization in the previous 12 months.
- A sample of 2438 respondents aged 15 years and older was recruited for the survey selected from 18 municipalities that consistently rank the highest in terms of the number of incidents recorded by the OSCE Mission to Bosnia and Herzegovina hate crimes database.
- The survey employed a quota sampling design.
- Self-completion interviews were conducted with a sample of an online panel of

respondents, and a sample of respondents directly recruited by interviewers—with some respondents completing the interview using a tablet computer provided by the interviewer.

Potential crime victimization

- 18% of the survey respondents noted that they had experienced a potential crime or incident at least once in the previous 12 months.

Potential hate crime victimization

- The survey findings about potential hate crime victimization indicate a far higher prevalence than suggested by official and hate crimes database captured data.
- In total, 562 potential hate incidents and crimes were experienced by respondents at least once in the previous 12 months.
- Strangers were the most common single type of perpetrators of hate incidents and crimes.
- Very few victims said that the perpetrator was a member of an extremist group.

Post-victimization distress and mental impact

- Respondents who experienced incidents and crimes for which they perceived some bias motivation, were more likely as a group to report post-victimization distress and mental impact than victims of incidents and crimes without perceived bias.

Reporting incidents and crimes to the police

- For each potential crime type asked about in the survey, only a minority was reported to the police.
- Different rates of reporting are evident for the different crime types.
- Potential incidents and crimes with a

perceived bias motivation were more likely to be reported to the police for all the crime types asked about in the survey compared with those without perceived bias motivation.

- The survey findings suggest substantial confidence in the police among the general public. However, it is notable that this generally positive view contrasts with the less favourable views of victims of potential incidents and crimes with and without bias motivation reported to the police, who expressed substantial levels of dissatisfaction.

Recommendations

- Recommendations informed by, and relevant to the survey's findings, are made for criminal justice, governmental, and non-governmental organisations.

Future usage

- The methodology and questionnaires used in this Survey will be made public, enabling their usage in repeating the research in the future by any interested stakeholder, until Bosnia and Herzegovina implement its official research.

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1. INTRODUCTION

This report provides the results from the 2023 *Hate Crime Underreporting Survey* for Bosnia and Herzegovina (BiH) carried out between July and October 2023. It was the first survey that aimed to systematically capture the experience of potential hate crime victimization in BiH. The survey was funded by the Norwegian Ministry of Foreign Affairs as part of the Cooperation Agreement with the OSCE regarding 2022-2024 extra-budgetary contributions and commissioned by the OSCE Mission to Bosnia and Herzegovina.

The European Union Agency for Fundamental Rights provided support in formulation of survey questions.

‘Hate crime’ is defined by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) as “criminal acts motivated by bias or prejudice towards particular groups of people”. And according to ODIHR, “Bias motivations can be defined as prejudice, intolerance or hatred directed at a particular group sharing a common identity trait, such as race, ethnicity, language, religion, nationality, sexual orientation, disability, gender or any other identity traits.”¹

This conceptualisation of ‘hate crime’ is aligned with the definition of hate crimes in criminal law in Bosnia and Herzegovina.

The key objectives of the survey were to produce an evidence-base to inform the response of official and non-governmental stakeholder organizations and individuals working against hate crime in BiH and provide policy recommendations based on the survey findings.

Following an explanation of the survey design and methodology in the next section of the report, an overview of the key findings is provided in a section on ‘Headline findings’. Respondents’ experiences of the potential crimes and incidents² asked about in the survey—with and without perceived bias motivation—are then presented in subsequent sections. Further sections of the report explore the survey findings in relation to other key issues asked about in the survey: policing and satisfaction with the police, experience of Roma communities, the experiences of minority ethnoreligious communities and ‘returnees’, and experience of LGBTI+ respondents. Recommendations informed by the survey findings are presented in each section of the report and the key recommendations in a final section.

¹ Home | HCRW (osce.org)

² The addition of the word ‘incidents’ acknowledges that not all occurrences of victimization noted by the survey respondents will amount to crimes as defined by the various Criminal Codes of Bosnia and Herzegovina.

2. SURVEY DESIGN AND METHODOLOGY

The survey methods

The survey recruited participants from the general population. Two approaches were used: (1) recruitment of 1077 respondents through the online panel “JaZnam” of the Valicon company contracted for the research fieldwork, and (2) in-person snowball recruitment of 1361 respondents. The survey aimed to collect as many respondents as possible through the online panel, and then find respondents from harder to reach segments of the population by in-person recruitment—specifically, members of ethnoreligious communities that were minorities in particular locations, members of the Roma population, young persons, and male respondents. Seventy-seven field interviewers were used for the in-person snowball recruitment with four quality control supervisors.

Sampling locations

To maximise the potential to find participants who had experienced potential hate crime and incidents the survey used a purposive selection of sampling locations. Potentially, the most reliable guide to finding persons who have experienced hate crime is the locations where such crimes have been known to recently occur relative to places where no hate crimes have been documented. This is based on the understanding that hate crimes are not just random events but are related to the social environment in particular locations.

Information for locating known hate crimes at municipality-level in BiH is provided by the OSCE

Mission to Bosnia and Herzegovina hate crimes database. The data show that 18 municipalities consistently rank the highest in terms of the number of incidents recorded over time.³ They feature in the top 21 ranking of the numbers of potential hate crimes recorded by the hate crimes database per municipality for the last five years and also for the full period since records began in 2013. These 18 municipalities were therefore selected as the locations for the survey interviews. Taken together they account for just under one-third (30%) of the BiH population according to 2013 census figures.

Sample design

The survey employed a quota sampling design. Budgetary constraints limited the potential for a national random sample survey—even before the availability of appropriate sampling frames for such a survey was considered. The costs escalate when seeking to survey a range of different segments of the population. Instead, quota sampling provides a cost-effective and time-efficient design for sample selection.

Sample size

In total, a sample of 2438 respondents aged 15 years and older was recruited for the survey—the largest sample that could be achieved within the project budget—to provide sufficient numbers for sub-group analysis on key survey questions. Targets were set to recruit at least 100 respondents in each municipality/city, with larger samples of 150 respondents in the six most populous municipalities/cities to account to some degree for greater population size.

³ Banja Luka, Bihać, Bijeljina, Bratunac, Brčko District BiH, Centar Sarajevo, Foča, Mostar, Kakanj, Livno, Maglaj, Prijedor, Srebrenica, Travnik, Visoko, Vlasenica, Zenica, and Žepče.

Sample quotas

- For each municipality/city, quotas were set for a minimum of 30 respondents from the smallest ethnoreligious minority population in the municipality/city and nearer to proportionate numbers relative to their population proportion for the more strongly represented ethnoreligious communities.
- A target was also set for 30 Roma respondents to be selected from each of the 10 municipalities with the highest numbers of Roma residents, to maximise the possibility to find potential hate crime victims among the Roma community.
- Given that the hate crime database data for the 18 selected municipalities/cities for 2018-22 show that males outnumber females among victims of potential hate crime by approximately 2:1, 60%:40%, male to female quotas were set to maximise the potential to find hate crime victims if indeed males were more likely to experience hate crime than females, while at the same time, to select a sufficient number of female respondents to enable meaningful sub-group analysis for key survey variables—including the experience of hate crime.
- Targets were also set for the younger age groups to be over-sampled relative to the older age groups. The hate crime database does not include information about the age of victims. However, the over-sampling of younger age groups in the *BiH Hate Crime Underreporting Survey* was informed by the European Union Fundamental Rights Agency's *EU MIDIS II Survey* which

showed a relationship between rising age of respondents and a declining rate of bias motivated harassment.⁴

A breakdown of the achieved sample recruited for the survey according to municipality/city, gender, and age group, is provided in Appendix Table 1 at the end of this report.

Interview questionnaire themes

Stakeholder needs assessment meetings were undertaken to inform the lines of inquiry covered by the interview questionnaire.⁵ The survey questions covered seven themes:

- The respondent's demographic information—used for quota sampling recruitment and analysis of the survey findings by respondent characteristics.
- Their potential experience of:
 - Insults and verbal assaults.
 - Physical assault, threats of violence, robbery, and theft from the person.
 - Damage and desecration of relatives' tombstones, memorials, and graves.
- Their experience of reporting incidents and potential crimes to the police, interactions with the police, and views about the efficacy of policing.
- The respondent's awareness of:
 - Incitement to hatred, discord, and intolerance.
 - Vandalism, graffiti, and other deliberate damage in their neighbourhood and beyond.

⁴ European Union Agency for Fundamental Rights (EU FRA) (2017) *Second European Union Minorities and Discrimination Survey. Main Results*, Luxembourg: Publications Office of the European Union, page 60.

⁵ The needs assessment meetings were held in-person and online between 14 November and 9 December 2022. Participants included members of the OSCE Mission to BiH Head Office Hate Crimes Team and Rule of Law Section National Legal Officers; representatives from official authorities: the National Point of Contact for Hate Crime from the Ministry of Security of BiH, the Ministry of Interior of Central Bosnia Canton, the District Prosecutors Office Banja Luka, the Ministry of Interior of Republika Srpska and its Police Administration Zvornik, the Prosecutor's Office of Brčko District; representatives from NGO and civil society organizations: Media House Balkan Investigative Reporting Network (BIRN), Sarajevo Open Centre, MyRight BiH and the Coordination Board of Disability NGOs in Canton Sarajevo, Nahla, Prosvjeta, the Roma Information Centre Bolja budućnost Tuzla, Returnee Support Centre Bosanski Petrovac, Srebrenica Memorial Center Potočari, the Prijedor Security Forum; and representatives from religious communities: Catholic Church, the Jewish Community Sarajevo, the Serb Orthodox Church, and; the football club Velež Mostar.

Several lines of questioning were pursued within each theme (See Figure 1), including whether any incidents and potential crimes experienced by respondents were perceived by them to be bias motivated.⁶

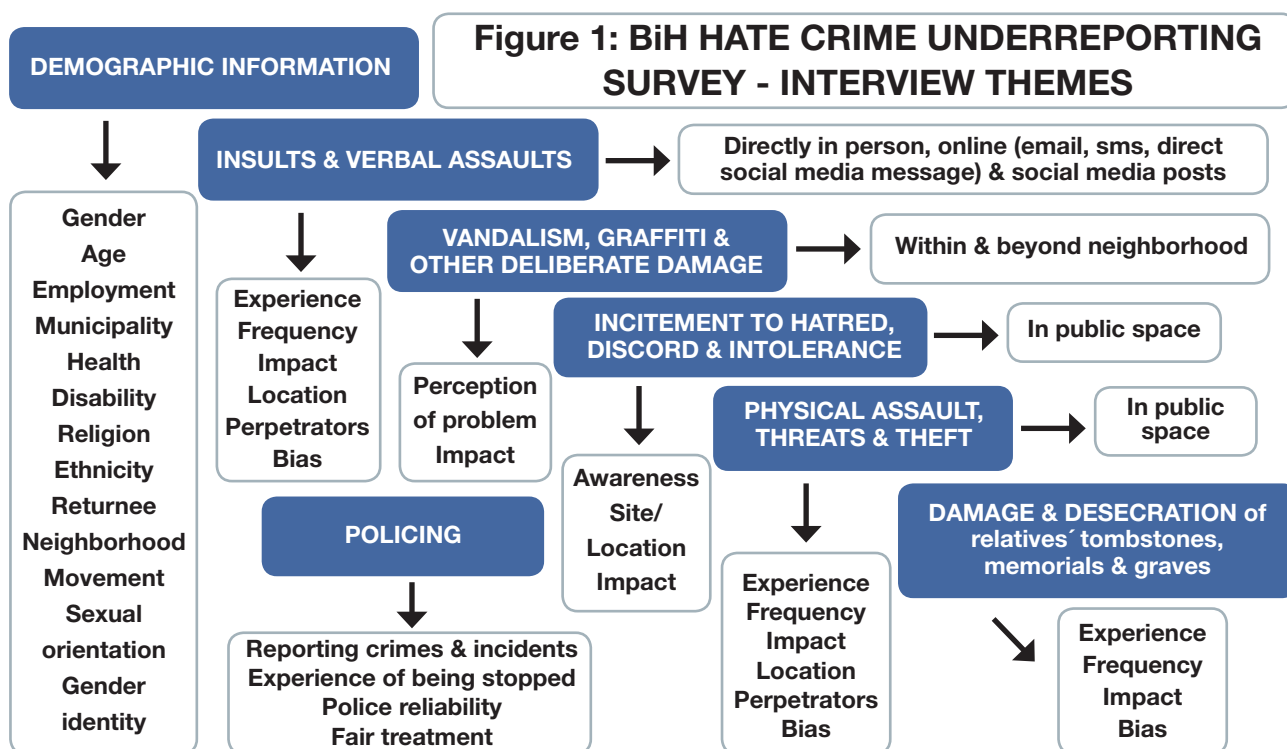
A reference period of the previous 12 months prior to the interview was used for all questions concerning the experience of incidents and potential crimes.

Prior to conducting the survey, from 26th-28th June 2023, pilot interviews were undertaken with 32

Defining ‘hate crime’ in the survey

Guided by ODIHR’s conceptualisation of hate crime noted in the introduction to this report, for each of the different types of potential crimes and incidents asked about in the survey that any of the respondents experienced, further questions were asked about whether respondents thought it happened partly or completely because of their:

- Ethnic or religious background.



respondents recruited through the “JaZnam” online panel and 34 respondents through face-to-face intercept recruitment in the municipality of Centar Sarajevo.

The objectives of the pilot were to test the interview questionnaire and its administration, check understanding of the questions, test the programming of the respondents’ answers, measure productivity in attaining willing respondents, and identify potential challenges before starting the full survey.

- Gender (in the case of female respondents).
- Disability, long-standing illness, or long-standing health problem (if they indicated that they had a disability, long-standing illness, or long-standing health problem lasting or expected to last for 12 months or more).
- (Potential crimes and incidents motivated by respondents’ sexual orientation or gender identity were asked about in a separate online survey as discussed in section 12 of this report).

⁶ Helpful comments on the questions were provided by the European Union Agency for Fundamental Rights.

Offenses associated with positive responses to any of these questions are classed in this report as ‘potential hate crimes and incidents’, and other offenses not perceived to be bias motivated are referred to as ‘potential crimes and incidents’. The use of the word ‘potential’ recognizes that in practice, verification is ultimately provided by the courts. From the survey data, it is not possible to legally verify whether incidents noted by respondents qualify as crimes under the law. But this is in common with crime victimization surveys internationally.

Interpreting the survey results

There is a consensus among academic social researchers that the non-random selection of respondents through approaches such as quota sampling prevents reliable statistical generalization of the survey findings beyond the survey’s participants. This is because population estimates, or generalization of findings, are underpinned by the premise of random sampling, as such an approach avoids sample selection bias. Quota sampling is thought to be potentially biased toward people who are willing, easy to reach, and interested in the subject matter.⁷ This is problematic if they differ as a group from the rest of the population concerning the topics of the survey. It is important to note here that due to the purposive sample design, the *BiH Hate Crime Underreporting Survey’s* findings cannot therefore be generalised beyond the sample of respondents. Given this, no attempt is made to weight the sample so that more closely matches the population of BiH. All results presented are unweighted results.

Because sample surveys only interview a fraction of the population, they are subject to sampling error.

Tests of statistical significance are conventionally applied to survey results when they are generalized to a wider population beyond the survey sample to determine whether observed differences between population sub-groups in the survey should be considered as actual differences in the total population—with 95% probability within the range of statistical variation. Such significance testing is underpinned theoretically and in practice by random or probability sampling.

Given that the *BiH Hate Crime Underreporting Survey* results are derived from a non-probability quota sample, however, tests of statistical significance are not routinely provided for the results provided in this report—as a key assumption behind significance testing is that the results are based on a random sample of respondents. However, to help interpretation of some key observed differences between sub-groups of respondents, comments are provided about whether those evident differences would be confirmed by tests of statistical significance if the samples were probability samples.

Also, to further help interpretation of the survey findings, as results based on a small number of responses in a survey are less reliable than others, the following practice is used in this report:

- Results based on 20 to 49 respondents in a group total or based on counts with fewer than 20 respondents are treated with caution as mentioned when discussing the results.
- Results based on fewer than 20 respondents in a group total are not presented (with just a few exceptions—for indicative purposes—which are noted where applicable).

⁷ For a useful review of the academic literature on this topic, see: Keming Yang and Ahmad Banamah (2014) ‘Quota Sampling as an Alternative to Probability Sampling? An Experimental Study’, *Sociological Research Online*, 19(1), pp. 56-66: <https://journals.sagepub.com/doi/abs/10.5153/sro.3199>

3. HEADLINE FINDINGS

Victimization rates by potential crime and incident type

Survey participants about any experience of crime and incident victimization in public places beyond the respondent's home in the previous 12 months and whether they perceived any bias motivation. The questions concentrated on four groups of crimes and incidents:

- Insults, verbal assaults, offensive gestures, and harassment—in-person and on-line.⁸
- Violence—physical assault with injury, physical assault without injury, serious threat to harm, and robbery (theft from the person with force or violence).⁹

- Deliberate damage or destruction of respondents' property.¹⁰
- Vicarious victimization—deliberate damage of a tombstone, memorial, or grave of a deceased relative.¹¹

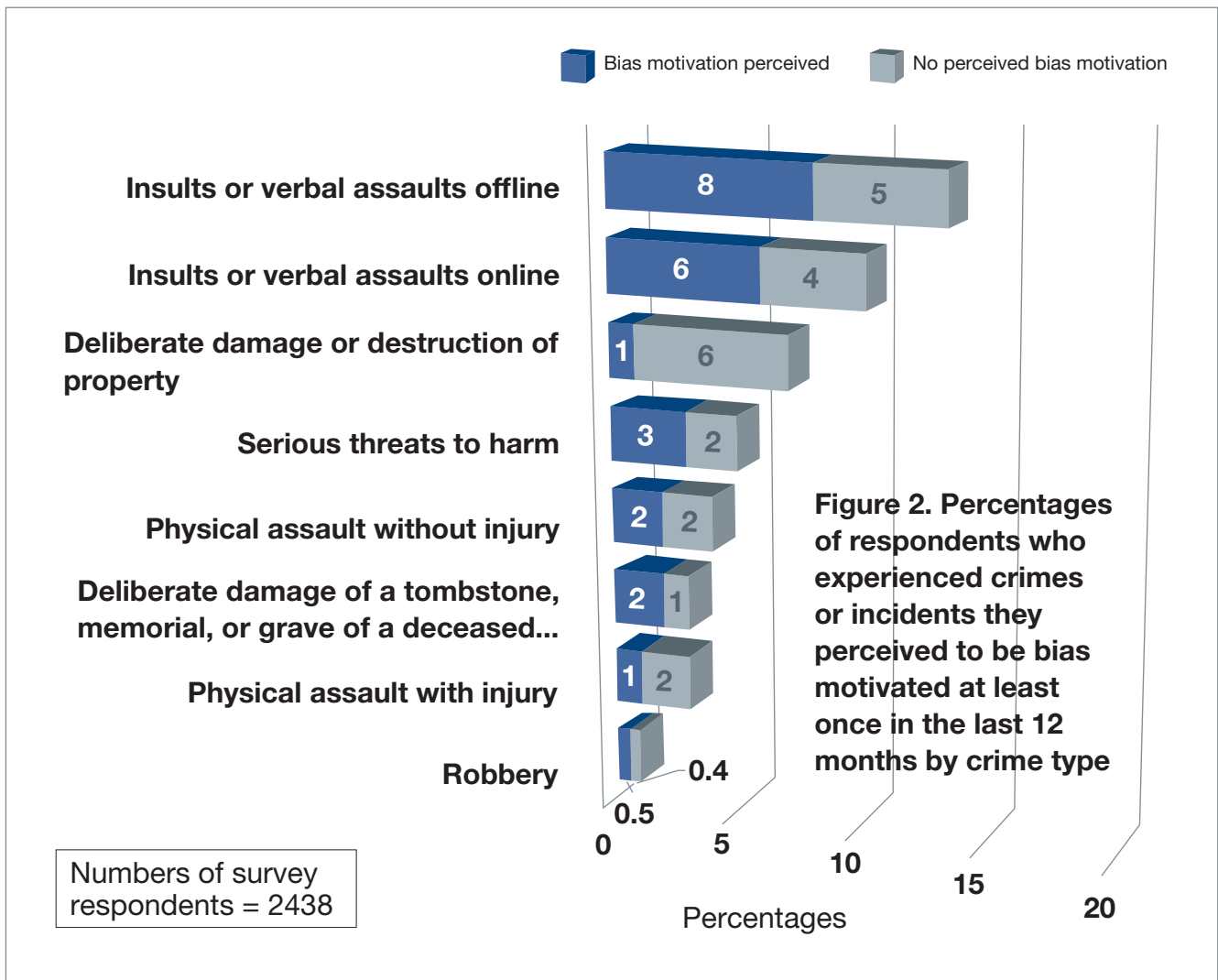
The most common type of potential crime and incident experienced involved in-person insults, verbal assaults, offensive gestures, and harassment —noted by around 1-in-8 respondents (Figure 2). Insults in-person were more frequently experienced than insults online. The proportions of respondents noting physical assaults were comparatively lower—but nevertheless not insignificant.

⁸ “In the last 12 months, in a public place, have you been insulted, verbally assaulted, called names, had offensive gestures made to you, or been pestered or intimidated in any way in person (but not including threats of violence)?”; “In the last 12 months, have you been directly sent an insulting email, text message (SMS), or direct message on social media, (but not including threats of violence)?”

⁹ “Has someone physically assaulted you causing bodily injury in the last 12 months?”; “Has someone physically assaulted you without causing bodily injury in the last 12 months?”; “Apart from any assault you may have mentioned so far, has someone seriously threatened to harm you in person in the last 12 months?”; “Apart from anything else you might have mentioned so far, in the last 12 months was anything you were carrying stolen out of your hands or from your pockets or from a bag or case?”— “Was force or violence used?”

¹⁰ “Has someone deliberately damaged or destroyed any of your property in the last 12 months, such as your front door, windows, walls, car, or other parts of your property?”

¹¹ “Has someone deliberately damaged, defiled, or desecrated a tombstone, memorial, or grave for a deceased relative of yours in the last 12 months?”



For all the offenses combined, 18% of the respondents indicated that they had experienced at least one of these potential crimes or incidents in the previous 12 months. Some had experienced more than one type of potential crime or incident. Some also had more than one experience of the same type. In all instances of such multiple victimization, respondents were asked to think about the most serious instance they had experienced for the follow-up questions.

The respondents most likely to perceive bias-motivation were those who had been insulted, verbally assaulted, called names, had offensive gestures made to them, or had been harassed in some way in person in the previous 12 months.

Numbers of potential crimes and incidents with perceived bias motivation

Few hate crimes come to the attention of official authorities in Bosnia and Herzegovina. There is no systematic process for the hate or bias element of crimes to be recorded by the police, prosecution, or judicial authorities. And official data on hate crime provided by the authorities to the OSCE/ODIHR annual hate crime reporting programme show just a small number—42 hate crimes—recorded by the police for 2022 (the most recent data available).¹²

As is common with official hate crime data internationally, the number provided by the authorities to ODIHR for BiH are likely to be a considerable

¹² Bosnia and Herzegovina | HCRW (osce.org)

undercount of the actual occurrence of hate crime. Accordingly, monitoring by the OSCE Mission to Bosnia and Herzegovina shows a higher annual total than official hate crime records. According to the Mission’s hate crimes database—which relies primarily on information about incidents reported to the police available in the Police Daily Occurrence Reports (DOR) and other incidents widely publicised in the media, for instance, but not formally reported to the police—there were 133 bias-motivated incidents in total recorded for 2021. Almost all were recorded by the police as incidents, and some would probably not pass the crime threshold.

But the hate crimes database total is also likely to provide a considerable undercount. This is

shown by the numbers of potential crimes and incidents with perceived bias motivation captured by the *BiH Hate Crime Underreporting Survey*. In total, 562 potential hate crimes and incidents were experienced by respondents at least once in the previous 12 months (Figure 3), and some respondents were victimized more than once. The difference from the official records and the hate crimes database becomes stark when it is considered that the 562 potential hate crimes and incidents captured by the survey are based on the experience of only 2,438 respondent members of the BiH population. If the whole population is considered, there would be a much higher number of potential hate crimes and incidents.

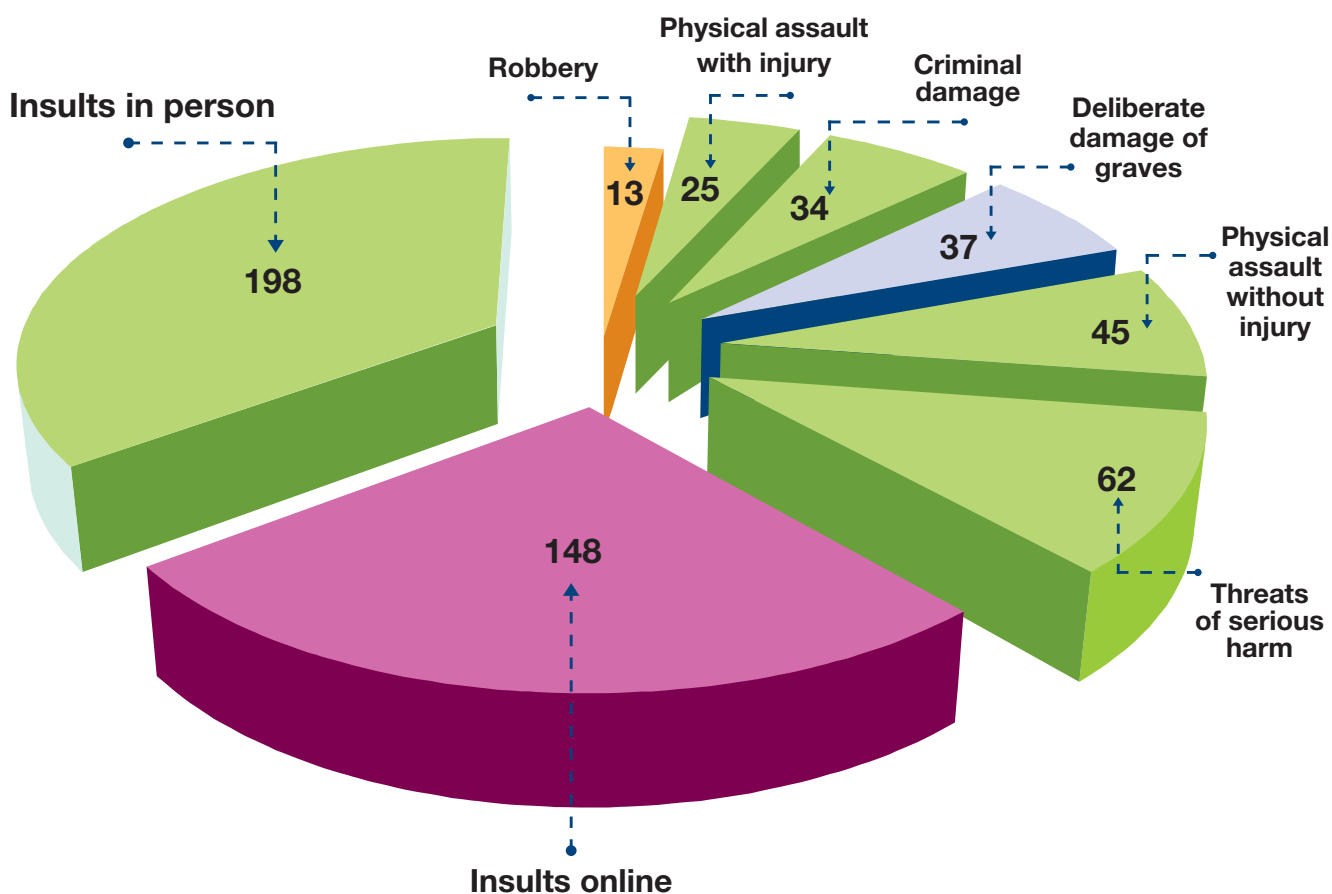
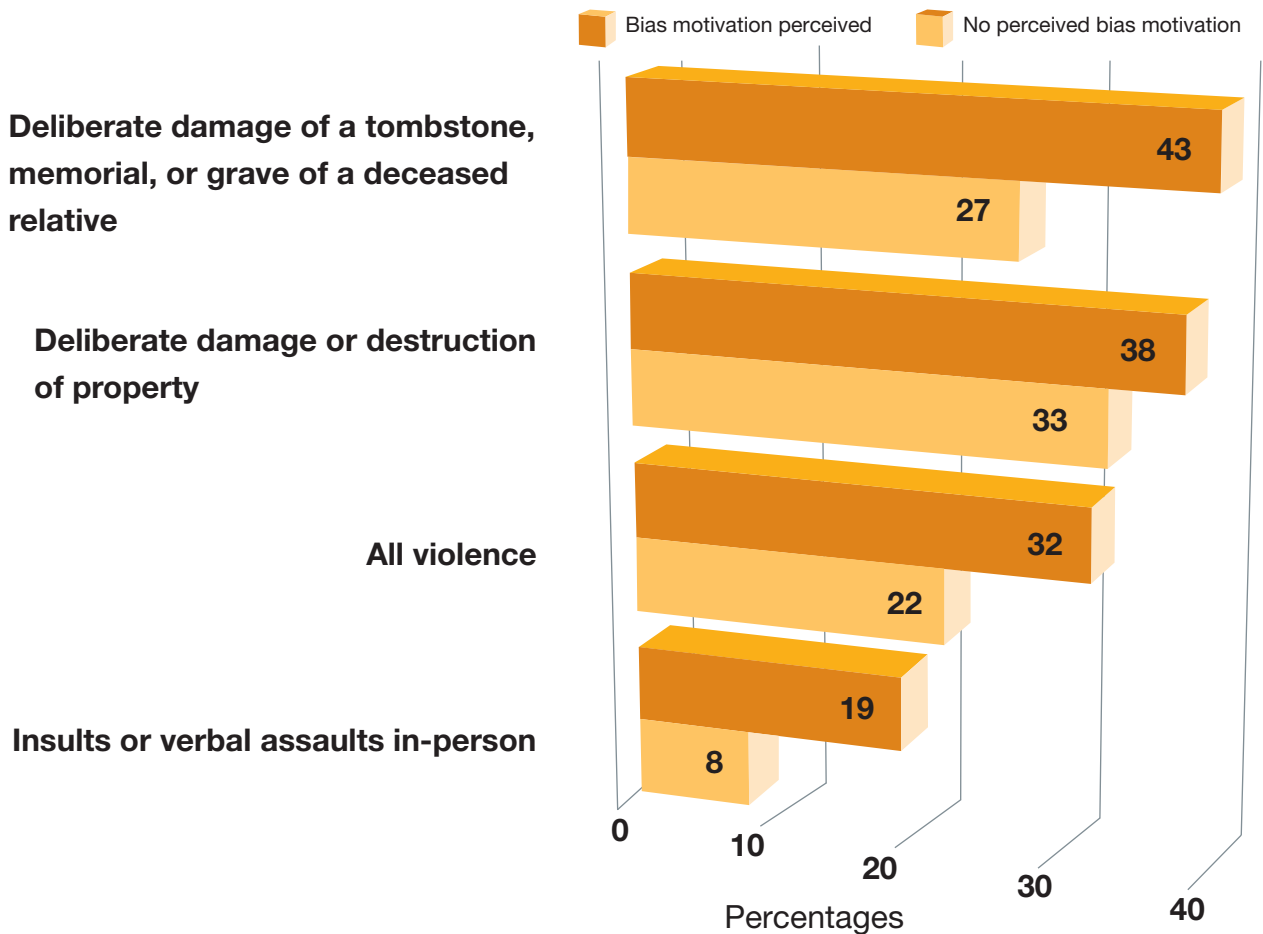


Figure 3. Numbers of potential hate crimes and incidents experienced at least once in the previous 12 months by crime type

Total numbers of potential hate crimes and incidents experienced at last once by respondents = 562

Figure 4. Percentages of victims who reported potential crimes or incidents to the police by crime type—bias motivated compared with not bias motivated



Numbers of incidents

Deliberate damage of a tombstone, memorial or grave of a deceased relative: Bias motivated = 37, Not bias motivated = 21
Deliberate damage or destruction of property: Bias motivated = 34, Not bias motivated = 151
All violence: Bias motivated = 145, Not bias motivated = 168
Insults or verbal assaults in person: Bias motivated = 198, Not bias motivated = 118

Potential crimes and incidents reported to the police

All survey respondents who noted that they had been a victim of one of the potential crimes or incidents asked about in the survey (apart from online insults) were asked if they or anybody else made a report about it to the police. For each potential crime type, only a minority of incidents were reported to the police (Figure 4).

Different rates of reporting are evident for the different crime types. Deliberate damage of a tombstone, memorial or grave of a deceased relative had the

highest rate of reporting, followed closely by damage or destruction of property. Notably, less than a third of all incidents of violence were reported to the police. In-person insults had the lowest rate of reporting. It is noticeable, however, that for each crime type, higher proportions of respondents made a report to the police for crimes and incidents which they perceived to be bias motivated compared with those not believed to be bias motivated. Although the relatively small numbers of incidents of criminal damage and vandalism believed to be bias motivated introduces caution in interpreting this finding for these types of crime.

4. INSULTS, VERBAL ASSAULTS, OFFENSIVE GESTURES, AND HARASSMENT

In some countries, street-level frictions between people going about their everyday lives appear to be commonplace. Many people are insulted, abused, harassed, or bothered in some other troublesome way by someone in a public place sometime in their lives. But, for a variety of reasons most persons who are on the receiving-end do not report incidents to the police. The needs assessment meetings for the *Hate Crime Underreporting Survey* indicated that insults and abuse in public places are a particular concern in BiH. Consequently, to seek a systematic account of the potential problem, the survey posed a set of questions to respondents aimed at exploring their experience of the type of behaviour of concern—insults, verbal assaults, offensive gestures, or harassment such as pestering or other intimidating behaviour—in public places in the previous 12 months. For those respondents who had experienced such incidents, the survey delved further to ask about the perpetrators, the possible impact of the incidents upon the respondents, and whether they had reported them to the police or other authorities. The questions specifically excluded threats of violence as they were asked about elsewhere in the survey.

Respondents' experience of insults, verbal assaults, offensive gestures, or harassment

Just over 1-in-8 (13%) of the survey respondents indicated that in the previous 12 months, in a public place, they had been insulted, verbally assaulted, called names, had offensive gestures made to them, or been pestered or intimidated in any way in person. A majority of respondents who experienced such incidents noted that it had happened more than once in the previous 12 months—twice for nearly a quarter (23%) and three times or more for a third (34%).

A substantial proportion of incidents—approximately 4-in-10 occurred outdoors, such as in the street, square, parking lot, parks, and similar outdoor public places (Table 1). Among these places, it is notable that around 1-in-10 incidents overall occurred outside or close-by respondents' homes. Under a fifth of incidents overall occurred at indoor public places—such as a café, restaurant, pub or club, shopping mall, indoor market, shop, or store. And just over a fifth of incidents overall occurred in the workplace, or at school, college, or university.

Table 1. Locations of insults, verbal assaults, offensive gestures, and harassment

<i>Locations noted by respondents</i>	<i>Percentage of respondents</i>
In the street, square, parking lot or similar public place	22
At my workplace	16
Outside my home or close by my home	12
In a café, restaurant, pub, or club	12
At school, college, or university	7
In a shopping mall, indoor market, shop, or store	6
While on public transport	6
In a sports venue or club	5
Somewhere else	5
In a park or other similar outdoor place	5
While in my car	4
In some other residential building	2
<i>Total number of respondents insulted or verbally assaulted in the previous 12 months</i>	316

Demographic risk factors

Identical proportions of females and males in the survey noted that they had been on the receiving-end of incidents at least once in the previous 12 months. When additionally considering the interaction of age

and gender, there is a clear association between incidents and younger age for both females and males, with a slightly stronger association for females than for males. Nevertheless, the results show that no section of the population is unaffected when age and gender are considered (Table 2).

Table 2. Experience of insults, verbal assaults, offensive gestures, and harassment in public places by gender and age

Percentage of survey respondents who noted that in the previous 12 months, in a public place, they had been insulted, verbally assaulted, called names, had offensive gestures made to them, or been pestered or intimidated in any way in person.				
<i>Column percentages</i>				
<i>Age group</i>	<i>Females</i>	<i>Males</i>	<i>Females & males</i>	<i>Total number of female & male respondents by age group</i>
15-24	19	16	17	643
25-44	12	14	13	1066
45-59	10	9	9	478
60 and over	9	7	8	247
<i>All age groups</i>	13	13	13	2434
<i>Total number of respondents all age groups</i>	1274	1160	2434	

Perpetrators

More than one perpetrator was involved in nearly half (46%) of the incidents. When respondents were asked who the perpetrator was, the most common response was that strangers—persons they didn't know—were involved (Table 3). Others mentioned that the perpetrator was a work colleague, a customer or

previous 12 months were asked if they perceived any bias motivations:

- Getting on for half (45%) believed that the incident happened partly or completely because of their ethnic or religious background. Not surprisingly, given that respondents were asked about their experience of insults,

Table 3. Perpetrators of insults, verbal assaults, offensive gestures, and harassment in public places

<i>Perpetrator</i>	<i>Percentage</i>
	<i>Column percentages</i>
	<i>(total exceeds 100% as multiple selection possible)</i>
A stranger	27
Someone you work with/colleague	10
Teenager or group of teenagers	9
Someone else you know	9
Someone from your neighbourhood	7
A neighbourhood	7
Someone from school or college	7
A customer, client, or patient	6
Public official	4
Football fan/hooligan	4
Police officer	3
Member of an extremist group	3
Other family member	3
Spouse/partner	2
Other	1
<i>Total number of respondents insulted or verbally assaulted in the previous 12 months</i>	316

client, or someone from school or college—indicating the very ordinary nature of some of the perpetrators. Only a small proportion of respondents noted that the perpetrator was a member of an extremist group. Similar proportions noted a police officer or a public official as the perpetrator.

Bias motivations

Survey respondents who noted that they had been on the receiving-end of incidents in a public place in the

verbal assaults, offensive gestures, and harassment, when asked why they believed ethnic or religious bias was involved, nearly three-quarters of respondents said that it was because of words used by the perpetrators. Nearly a quarter of respondents concluded that it was because of the perpetrator's own ethnic or religious background.

- A substantial minority of female respondents (44%) who had experienced incidents in a public

place in the previous 12 months believed it happened partly or completely because they are female. The types of incidents experienced by female respondents starkly illuminate their gendered nature (see box below).

- 16% of respondents with a disability, longstanding illness, or health problem, who had experienced incidents at least once in the previous 12 months believed that bias motivation on account of their condition was involved.

Post-victimization mental impact

There is a recognition in the international policy literature that hate crime victimization can inflict greater post-victimization mental distress compared with the impact of otherwise identical crimes without the bias motivation.¹³ To explore this in the *BiH Hate Crime Underreporting Survey*, all respondents who had experienced insults, verbal assaults, offensive gestures, pestering behaviour, or intimidation in the last 12 months were asked how distressing it was for them.

Types of incidents experienced by female respondents involving insults, verbal assaults, offensive gestures, or harassment in any way by someone in a public place.

72 female respondents experienced at least one incident in the previous 12 months that they believe happened partly or completely because they are female.

The survey questionnaire invited them to choose as many responses describing their experience.

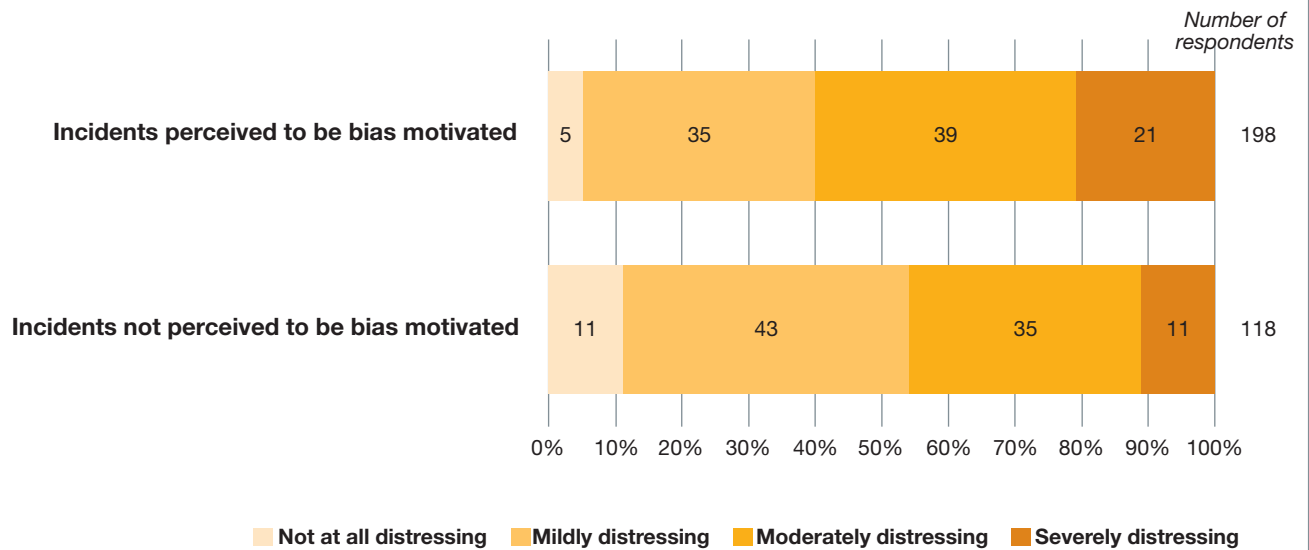
- 57% experienced someone using words or gestures against them that were disrespectful, prejudiced, or hateful towards women or girls.
- 50% heard someone whistling, sounding their car horn, or making other sounds at them.
- 49% noted intrusive comments made about their physical appearance that made them feel offended.
- 49% experienced feeling intimidated by someone staring inappropriately or leering at them.
- 36% noted sexually suggestive comments or jokes about them that made them feel offended.
- 35% were affected by intrusive questions or comments about their private life that made them feel offended.
- 22% were subjected to unwelcome touching, hugging, or kissing.
- 19% experienced inappropriate invitations to go out on dates.
- 11% were subjected to somebody indecently exposing themselves to them.

Putting these figures together into one category of respondents who perceived any bias motivation, a majority (63%) of respondents who had been insulted, verbally assaulted, called names, had offensive gestures made to them, or had been pestered or intimidated in any way in person in the previous 12 months, perceived some form of bias-motivation for the most serious incident. This equates to 8% of all respondents in the survey.

There is an evident association between perceived bias motivation and the degree of distress felt (Figure 5). Those respondents who perceived bias motivation behind the incident were more likely to have found it 'severely distressing', and less likely to be 'not distressing at all', than those respondents who perceived the incident not to be bias motivated. This finding is consistent with the international evidence that hate crime victimization can inflict greater post-victimization emotional impact compared with otherwise identical crimes without the bias motivation.

¹³ See: OSCE Office for Democratic Institutions and Human Rights (2020), *Understanding the Needs of Hate Crime Victims*, Warsaw: OSCE/ODIHR, pages 11-13.

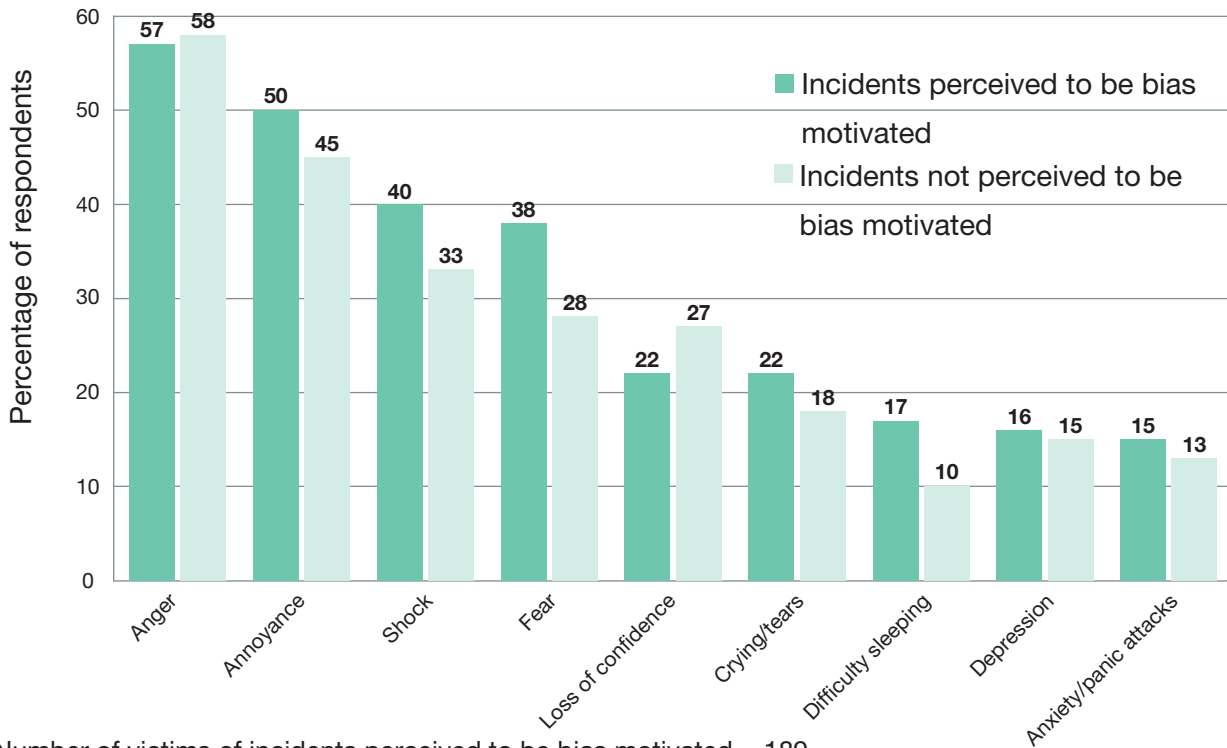
Figure 5. Distress felt following insults, verbal assaults, offensive gestures, or harassment



The survey questions included further measures of post-victimization mental impact (Figure 6). On most of the measures used, as a group, victims of incidents perceived to be bias motivated were more likely to report higher levels of mental impact than victims of incidents without a perceived bias motivation (apart from ‘anger’ and ‘loss of confidence’). While the observable differences would not be confirmed when judged by standards of statistical probability, the evident trend indicating the greater mental impact of incidents perceived

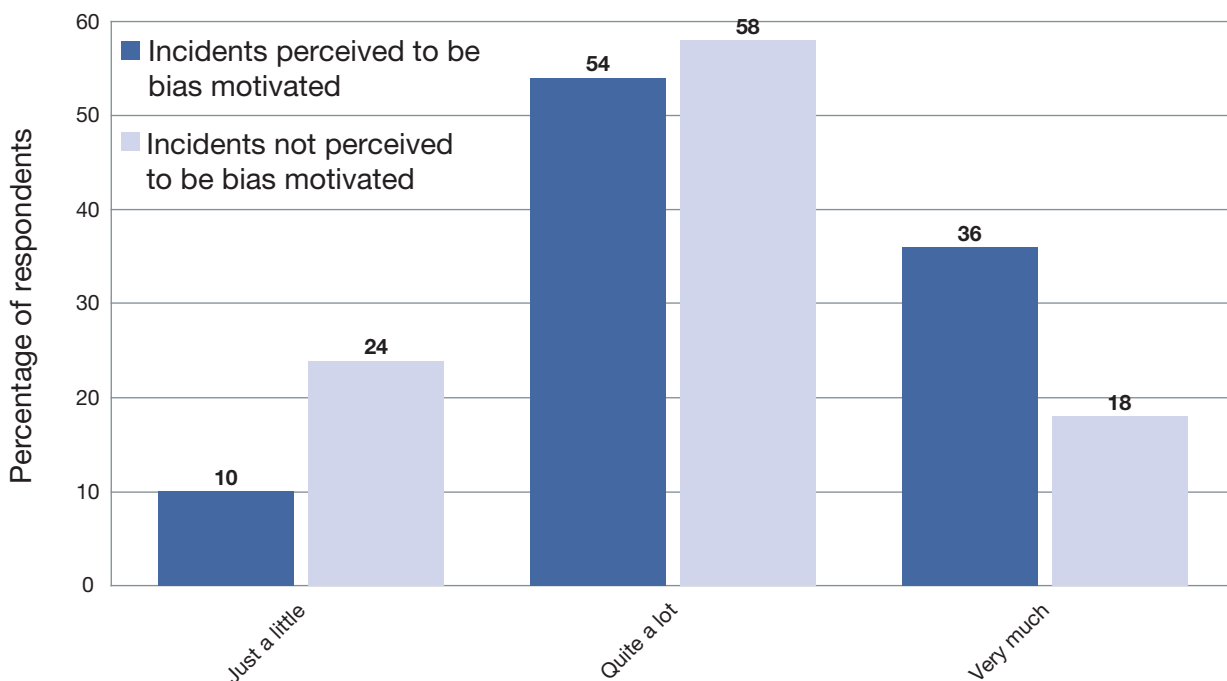
to be bias motivated would be confirmed with a larger sample size. This finding is underlined by further evidence from the survey about the depth of the mental impact. Respondents were asked ‘how much’ they were affected. Most indicated that they were affected more than ‘just a little’ (Figure 7). However, those respondents who perceived bias motivation behind the incidents were more likely to note that they were affected ‘very much’, and less likely to choose ‘just a little’, than those respondents who perceived the incident not to be bias motivated.

Figure 6. Mental impact of insults, verbal assaults, offensive gestures, or harassment



Number of victims of incidents perceived to be bias motivated = 189
 Number of victims of incidents not perceived to be bias motivated = 100

Figure 7. Depth of mental impact of insults, verbal assaults, offensive gestures, and harassment



Number of victims of incidents perceived to be bias motivated = 189
 Number of victims of incidents not perceived to be bias motivated = 100

Reporting incidents to the police

It is notable that only a small minority of respondents indicated that they or somebody else made a complaint to the police about the incidents they experienced. However, complaints were more likely to be made for incidents perceived to be bias motivated (19% compared with 8% for incidents not perceived to be bias motivated). This may well reflect the greater impact of bias motivated incidents. Given that only a small proportion of incidents of insults, verbal assaults, offensive gestures, or harassment in public places were reported to the police, the numbers are too few to explore the satisfaction of the survey respondents with the police response. However, later in this report, in a section on ‘Policing and victim satisfaction’, all types of incidents noted by the survey respondents are combined to provide sufficient numbers to examine satisfaction with the police response.

Conclusions and recommendations

Hate incidents and crime are part of a spectrum of incivility in public places that people experience in their lives. Insults, verbal assaults, offensive gestures, and pestering or intimidating behaviour, are dimensions of this spectrum. Such behaviour was cited as a particular concern in the *BiH Hate Crime Underreporting Survey* needs assessment meetings.

To date, however, without systematic empirical data it has been difficult to determine how widespread the problem really is. Of all the potential bias motivated incidents recorded on the hate crimes database of the OSCE Mission to Bosnia and Herzegovina from May 2013 to November 2022, 17%, or 257 incidents, involved a verbal assault of some form. Notably, by

comparison, in the *BiH Hate Crime Underreporting Survey*, 319 respondents out of a sample of 2345, noted that they had been insulted, verbally assaulted, called names, had offensive gestures made to them, or been pestered or intimidated in any way in person in a public place at least once in the previous 12 months. And a majority noted that they had experienced incidents more than once. The problem therefore appears to be substantial, and the *BiH Hate Crime Underreporting Survey* offers a useful insight into it. Much of the behaviour will fall outside the jurisdiction of the criminal law. However, capturing it and understanding it where it occurs can provide valuable intelligence for interventions against hate crime.

Some of the insulting behaviour might fall under the remit of various criminal code provisions in Bosnia and Herzegovina which address ‘harsh’ and ‘rude’ insults and ‘brutal’ abuse as well as serious threats to physical safety, under the category of ‘violent behaviour or endangering security.’¹⁴ However, there appears to be little publicly available data on prosecutions to provide a picture about the extent to which criminal code provisions are applied to the type of insulting behaviour captured by the survey. It is imperative, therefore, that existing relevant legislation be reviewed for its applicability to such behaviour—both bias motivated and non-bias motivated—with proposals for new provisions that may be needed if the existing criminal code provisions are deemed inadequate to address it. Additionally, the capacity of criminal justice—police, prosecutors, and courts—to adequately address this problem must be examined with proposals for capacity-building where necessary.

¹⁴ Criminal Code of Republika Srpska, Articles 385 and 150; Criminal Code of the Federation of Bosnia and Herzegovina, Articles 362 and 183; Criminal Code of the District of Brčko District of Bosnia and Herzegovina, Articles 356 and 180.

5. INSULTS ONLINE AND ON SOCIAL MEDIA

Interpersonal communication has been profoundly affected by the Internet and social media. The impact on social interaction passes as unremarkable for many persons for whom online communication permeates their lives. But what doesn't go unnoticed for some people is that the Internet and social media provide platforms for insults, harassment, and abuse against individuals. Such behaviour can be deeply harmful. In a well-publicized incident in 2022, for instance, a 22-year-old male from Laktaši in Republika Srpska, committed suicide following online harassment and bullying.¹⁵ There have been other cases of this kind internationally. While most incidents of interpersonal abuse online do not have such extreme consequences, many are still harmful. Consequently, the *BiH Hate Crime Underreporting Survey* posed a set of questions to respondents aimed at exploring their potential experience of insulting communications online and any related impact.

Respondents' experience of insulting online communications

Just over 1-in-20 respondents (6%) stated that in the previous 12 months they had been directly sent an insulting email, text message (SMS), or direct message on social media—not including threats of violence as threats were asked about elsewhere in the survey. A majority of those sent insulting messages noted that it had happened more than once in the previous 12 months—twice for just over a quarter (26%) and three times or more for a third (33%) of respondents who had been sent insulting messages.

Similarly, just over 1-in-20 respondents (6%) stated that in the previous 12 months insulting comments

had been posted about them on social media, such as on Facebook, Twitter, and Instagram—again excluding threats of violence. For a majority it had happened more than once in the previous 12 months—twice for just over a quarter (28%) and three times or more for well over a third (40%) of respondents about whom insulting comments had been posted on social media in the previous 12 months.

There is some overlap between the survey respondents who were directly sent insulting messages and those about whom insulting comments had been posted online. But the overlap only accounts for a minority of all the respondents noting some form of online abuse. Altogether, then, 1-in-10 (10%) (or 231) survey respondents noted that they had either been directly sent an insulting message (4%), or alternatively had insulting comments posted about them online (3%), or both (3%), in the previous 12 months.

Demographic risk factors

There is some association between gender and risk of experiencing insulting online communications. Male respondents as a group were a little more likely than females to have experienced some type of insulting online communication at least once in the previous 12 months (see Table 4). When additionally considering the interaction of age and gender, there is some association between younger age and experience of insulting online communications for females and males, with a slightly stronger association for females than for males.

¹⁵ Azem Kurtić 'Bosnia Urged to Tighten Cyberbullying Laws After Young Man's Suicide', *Balkan Insight*, October 31, 2022: <https://balkaninsight.com/2022/10/31/bosnia-urged-to-tighten-cyberbullying-laws-after-young-mans-suicide>

Table 4. Experience of insulting online communications by gender and age

Percentage of survey respondents who noted that they had either been directly sent an insulting message, or alternatively had insulting comments posted about them, or both, in the previous 12 months				
<i>Column percentages by age group</i>				
<i>Age group</i>	<i>Females</i>	<i>Males</i>	<i>Females & males</i>	<i>Total number of female & male respondents by age group</i>
<i>15-24</i>	12	10	11	643
<i>25-44</i>	9	12	11	1066
<i>45-59</i>	4	15	9	478
<i>60 and over</i>	5	3	4	247
<i>All age groups</i>	8	11	10	2434
<i>Total number of respondents all age groups</i>	1274	1160	2434	

Overall, however, the results show that while there are tendencies for some sections of the population—such as males as a group, and younger females—to have a slightly greater experience of insulting online communications, no section of the population is unaffected when age and gender are considered.

Bias motivations

Survey respondents who indicated that they had had some experience of insulting online communications in the previous twelve months were asked if they perceived any bias motivations:

- Nearly half (47%) of respondents who had directly received insulting messages, and a slightly larger proportion (53%) of those about whom insulting comments had been posted online, believed it happened partly or completely because of their ethnic or religious background—although the difference would not be confirmed by standards of statistical probability.
- Similarly, just over half (52%) of female respondents who had directly received insulting messages believed it happened partly or completely because they are female. A smaller

proportion (42%) of female respondents about whom insulting comments had been posted online believed it happened partly or completely because they are female—although again the apparent difference would not be confirmed by standards of statistical probability.

The nature of the online insults indicated by female respondents provides a flavour of their experience. As the survey questionnaire invited them to choose as many responses as described their experience for the most serious incident in the previous 12 months, 49 female respondents who had either been directly sent an insulting message, or alternatively had insulting comments posted about them online, or both, provided 141 responses. The most common response noted experiencing intrusive questions or comments about their private life that made respondents feel offended:

Nature of online insults experienced by female respondents

Of the 141 responses provided by 49 female respondents who experienced at least one insulting online communication in the previous 12 months ...

- 26% noted intrusive questions or comments about their private life that made them feel offended
- 16% noted someone using a sexist slur
- 17% noted sexually suggestive comments or jokes that made them feel offended
- 16% noted inappropriate invitations to go out on dates
- 16% noted intrusive comments about their physical appearance that made them feel offended
- 10% noted somebody sending sexually explicit pictures, images, or photos that made them feel offended

- Respondents with a disability who had some experience of insulting online communications in the previous 12 months were less likely to believe that bias motivation on account of their disability was involved: 14% of those who directly received insulting messages, and 33% of those about whom insulting comments had been posted online. The numbers of respondents are too low, however, for statistically reliable comparison between these figures.

Putting these figures together into one category of respondents who perceived any bias motivation—that is either on the basis of their ethnic or religious background, or because they are female, or because of their disability—nearly two-thirds (64%) of respondents who had either been directly sent an insulting message, or alternatively had insulting comments posted about them online, or both, in the previous 12 months, perceived some form of bias-motivation for the most serious incident. This equates to 6% of all respondents in the survey.

Post-victimization mental impact

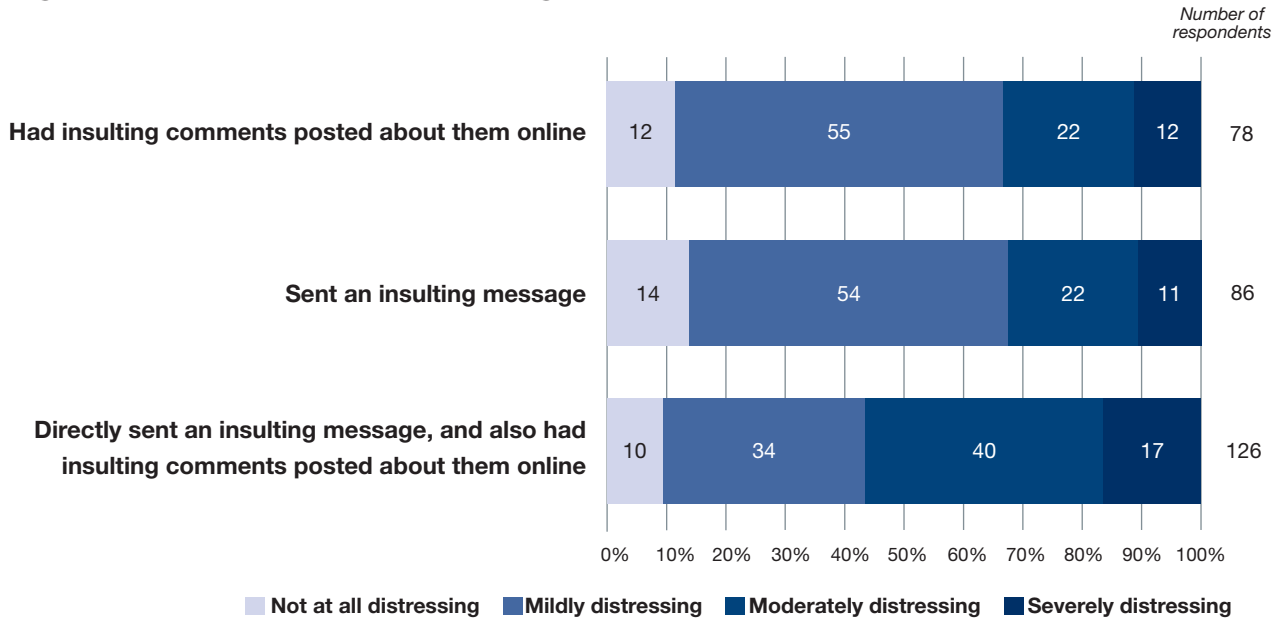
As noted in the previous section concerning insults in-person, there is a recognition in the international

policy literature that hate crime victimization can inflict greater post-victimization mental distress compared with the impact of otherwise identical crimes and incidents without bias motivation. This was explored further in the *BiH Hate Crime Underreporting Survey* for respondents who had experienced insulting communications online.

The most common response was that their experience was ‘mildly distressing’. But a substantial proportion of responses indicated that the experience was ‘moderately distressing’, and just over 1-in-8 responses indicated that it was ‘severely distressing’ (Figure 8).

Those respondents who had been directly sent an insulting message and also had insulting comments posted about them online, were more likely to indicate that they found the insults to be ‘moderately distressing’ and ‘severely distressing’, than those who had solely experienced one or the other type of insulting online communication in the previous 12 months. This indicates a possible cumulative effect for the impact of insulting communications online.

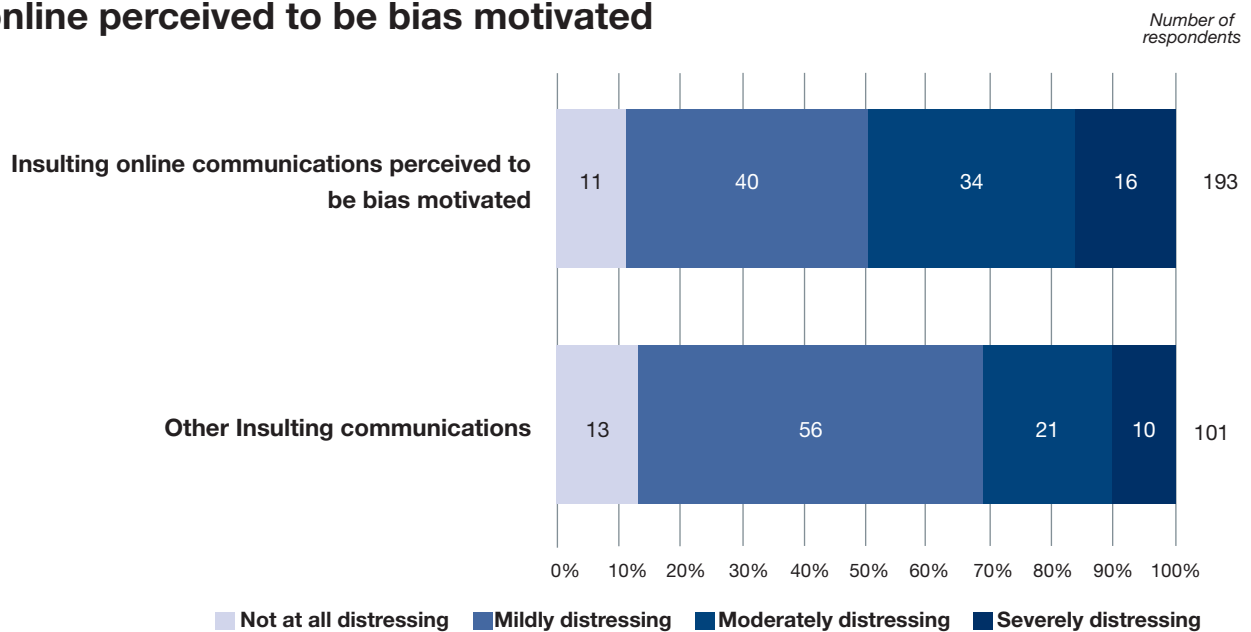
Figure 8. Distress felt following insults communications online



There is also an association between perceived bias motivation and the degree of distress felt (Figure 9). Those respondents who perceived bias motivation behind the insulting online communications they experienced in the previous 12 months were more likely to have found the insults to be ‘moderately distressing’ and ‘severely distressing’, than those

respondents who had experienced insulting online communications perceived not to be bias motivated. This finding is consistent with the international evidence that hate crime victimization can inflict greater post-victimization emotional and psychological distress compared with the impact of otherwise identical crimes without the bias motivation.

Figure 9. Distress felt following insults communications online perceived to be bias motivated



Conclusions and recommendations

There has been little systematic empirical information available to date about the extent and experience of insulting interpersonal communications online in Bosnia and Herzegovina. The *BiH Hate Crime Underreporting Survey* therefore offers a useful insight into the problem. Considering that 1-in-10 respondents, or 231 out of 2345 respondents, reported experiencing some type of insulting online communication at least once in the previous 12 months, the issue is not insignificant. Bias-motivated insulting communications online are also not an insignificant matter considering that nearly two-thirds of the survey respondents insulted online perceived some form of bias motivation. It is also notable that 6% of all the potential bias motivated incidents recorded on the hate crimes database of the OSCE Mission to Bosnia and Herzegovina from May 2013 to November 2022 involved insulting phone, Internet, or SMS messages.

As noted in the previous section of this report concerning insults in-person, some criminal code provisions in Bosnia and Herzegovina address ‘harsh’ and ‘rude’ insults and ‘brutal’ abuse as well as serious threats to physical safety offline under the category of violent behaviour or endangering security.¹⁶ It is impossible to determine the severity

of the insulting online communications experienced by the survey respondents as the matter was not explored. But it is possible that some of the insulting communications online would qualify as a crime, considering that some of the respondents described them as ‘severely distressing’ in their impact and even more so for insulting communications perceived to be bias motivated.

However, the legal and policy framework in the various jurisdictions in Bosnia and Herzegovina in respect of providing access to justice for persons subject to insulting interpersonal communications online is ambiguous. There also appears to be little publicly available data on prosecutions. There is a need, therefore, for a review of existing relevant legislation with proposals for new legislation to be adopted if necessary to prevent and provide protection against insulting online communications and prosecute the perpetrators. There is also a need for a review of the capacity of criminal justice—police, prosecution services, and the courts—to respond adequately to the problem with proposals for capacity-building where necessary. Furthermore, the need for action would be strengthened by a more in-depth understanding of the dimensions of insulting communications online and their impact through a population survey specifically focusing on the problem.

¹⁶ Criminal Code of Republika Srpska, Articles 385 and 150; Criminal Code of the Federation of Bosnia and Herzegovina, Articles 362 and 183; Criminal Code of the District of Brčko District of Bosnia and Herzegovina, Articles 356 and 180.

6. PHYSICAL VIOLENCE, THREATS OF VIOLENCE, AND ROBBERY

Violent crimes generally receive disproportionately more media coverage when compared with other types of crime. And more people are commonly afraid of violent crime than other types of crime victimization. In actuality, however, violent crime is usually far less prevalent than portrayed by the media and what people fear. Nonetheless, it is difficult to determine the prevalence of violent crime in Bosnia and Herzegovina in the absence of official published data. The *BiH Hate Crime Underreporting Survey* therefore provides valuable understanding about the phenomenon. All respondents were asked whether in the previous 12 months, in a public place, they had experienced physical violence, threats of violence, or robbery. Specifically, they were asked whether someone had physically assaulted them with or without causing bodily injury, if someone had seriously threatened to harm them in person, and if something they were carrying in their hands, pockets, in a bag or purse, for instance, was stolen from them with the use of force or violence.

Respondents' experience of physical violence, threats of violence, and robbery

Only small proportions of survey respondents noted that they had been a victim of one of the types of violence at least once in the previous 12 months:

- Less than 1-in-30 (3%) noted that they had been physically assaulted with consequent injury.
- Less than 1-in-20 (4%) had been physically assaulted without consequent injury.
- Around 1-in-20 (5%) had been seriously threatened with harm.
- Just under 1-in-100 (1%) had been robbed—having something stolen from them with force or violence.

Altogether, just under 1-in-10 (9%) of all the survey respondents, or 224 respondents, experienced at least one of the types of violence at least once in the previous 12 months. A small number experienced more than one type of violent victimization—28 respondents had experienced two of the types of violence asked about in the survey, 20 respondents experienced three types, and seven respondents noted that they had experienced all four types of violence.

While violent acts were experienced on just one occasion by most victims in the previous 12 months, some respondents experienced violence on more than one occasion (Table 5).

Table 5. Frequency of experience of physical violence, threats of violence, and robbery

Percentages of survey respondents who experienced multiple violent victimization in the previous 12 months in a public place, by type of violence				
<i>Row percentages</i>				
	<i>Number of times experienced</i>			
	<i>Once</i>	<i>Twice</i>	<i>Three times or more</i>	<i>Number of respondents</i>
<i>Physical assault with injury</i>	59	23	17	64
<i>Physical assault without injury</i>	54	26	20	105
<i>Serious threat of harm</i>	60	25	16	122
<i>Robbery (theft with force or violence)</i>	64	14	23	22
<i>Total number of respondents experiencing some type of violence at least once</i>				313

Given that some respondents experienced more than one type of violent assault asked about in the survey, altogether at least 313 violent acts were experienced by 224 respondents in total. Almost half of the violent acts occurred outdoors, such as in the street, square, parking lot, parks, and similar outdoor public places (Table 6), with notably over

a fifth occurring outside or close-by respondents' homes. One quarter occurred inside indoor public places—such as a café, restaurant, pub or club, shopping mall, indoor market, shop, or store, or on public transport. And just over 1-in-6 violent assaults occurred in the workplace, or at school, college, or university.

Table 6. Locations of violent assaults, threats of violence, and robbery

<i>Locations noted by respondents</i>	<i>Percentage of incidents</i>
	<i>Column percentages</i>
Outside my home or close by my home	22
In the street, square, parking lot or similar public place	17
At my workplace	11
In a café, restaurant, pub, or club	11
In a park or other similar outdoor place	9
In a shopping mall, indoor market, shop, or store	6
At school, college, or university	5
Somewhere else	5
In some other residential building	4
While on public transport	4
In a sports venue or club	4
While in my car	3
<i>Total number of incidents of violent assault, threats of violence, and robbery, experienced in the previous 12 months</i>	313

Demographic risk factors

Male respondents were more likely than females to note that they had experienced violence in the previous 12 months (Table 7). Males were also more likely to have experienced multiple violent victimization. When considering the interaction of age and gender, there is a clear association between

Perpetrators

In over half (57%) of the violent incidents, the perpetrator acted alone. In over a third of assaults more than one perpetrator was involved (37%). A small remaining proportion of respondents did not know how many perpetrators were involved when asked.

Table 7. Experience of violence by gender and age

Percentages of survey respondents who noted that in the previous 12 months, in a public place, they had been physically assaulted with or without injury, seriously threatened with harm, or robbed with force or violence				
<i>Column percentages</i>				
<i>Age group</i>	<i>Females</i>	<i>Males</i>	<i>Females & males</i>	<i>Total number of female & male respondents by age group</i>
15-24	10	16	13	643
25-44	8	12	9	1066
45-59	4	9	6	478
60 and over	3	6	5	247
All age groups	7	12	9	2434
<i>Total number of respondents all age groups</i>	1274	1160	2434	

experience of violent victimization and younger age for both females and males (Table 7). Notably, 1-in-6 of the 15-24-year-old male respondents in the survey noted that they had experienced at least one type of violence asked about on at least one occasion—the highest proportion among the age groups by gender.

When respondents were asked who the perpetrator was, the most common response was that strangers were involved—persons they didn't know—mentioned by over half of victims of violence (Table 8). Neighbours were mentioned as perpetrators by a fifth of respondents. Only a small proportion of respondents noted that the perpetrator was a member of an extremist group. Similarly small proportions noted a police officer or a public official as the perpetrator.

Table 8. Perpetrators of violence

	<i>Percentage of responses (total exceeds 100% as multiple selection possible)</i>	<i>Percentage of respondents</i>
<i>Column percentages</i>		
A stranger	26	53
A neighbour	11	21
Someone else you know	9	17
Teenager or group of teenagers	8	16
Spouse/partner	7	13
Someone you work with/colleague	7	14
Someone from your neighbourhood	7	14
Someone from school or college	4	9
Other family member	4	9
A customer, client, or patient	4	8
Police officer	4	8
Football fan/hooligan	4	7
Member of an extremist group	3	7
Public official	2	4
Other	2	5
<i>Number of responses = 457 Number of respondents = 224</i>		

Bias motivations

Survey respondents who noted that they had experienced violent victimization in a public place in the previous 12 months were asked for the most serious incident for each of the types of violence covered by the survey, whether they perceived some bias motivation:

- Almost one third (31%) of respondents believed that the violence happened partly or completely because of their ethnic or religious background.
- A much higher proportion of female victims of violence as a group—well over half (56%)—believed that it happened because they are a woman.
- Just less than one fifth (19%) of victims with a disability, longstanding illness, or health problem,

who experienced violence in the previous 12 months believed that bias motivation on account of their condition was involved.

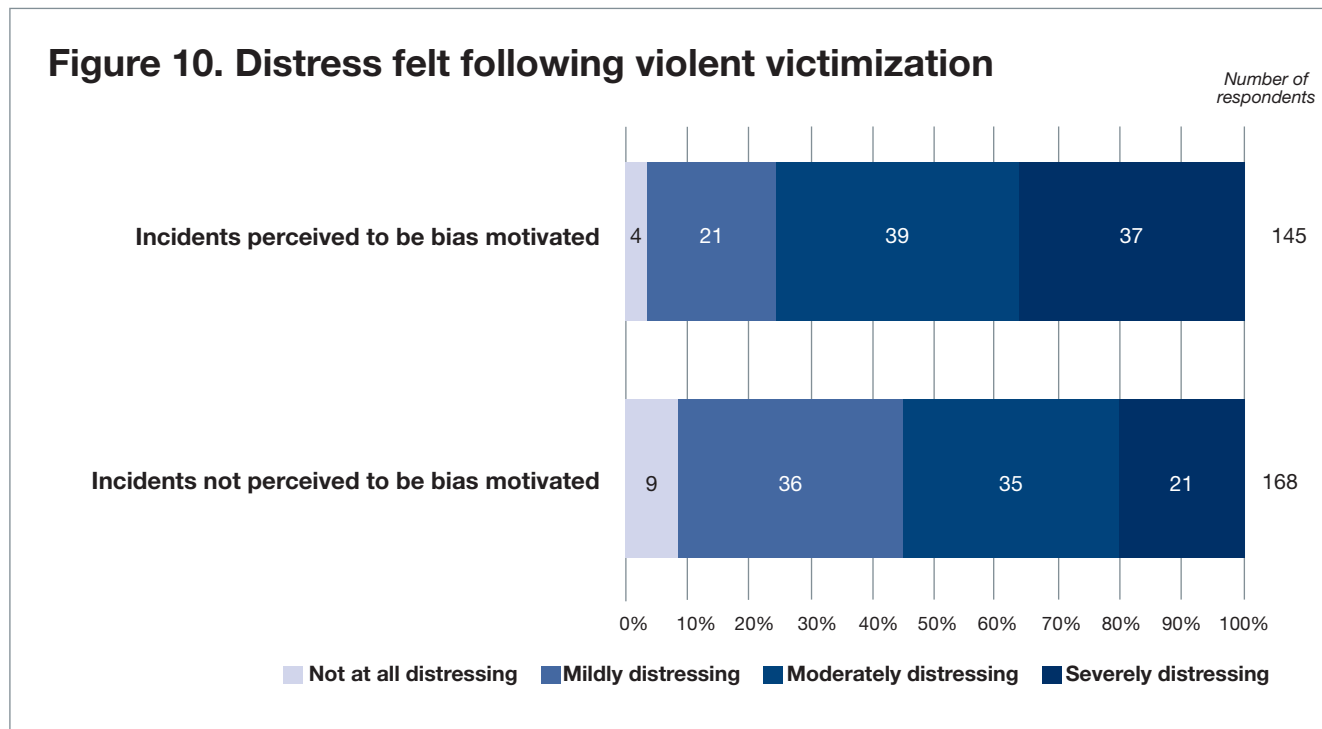
Putting these figures altogether into one category of victims of violence who perceived any bias motivation, just under half (47%) of the 224 respondents who had experienced violence in the previous 12 months, perceived some form of bias-motivation for the most serious assault. This equates to 4%, or 1-in-25, of all respondents in the survey.

Post-victimization mental impact

Respondents who had experienced violent victimization in the previous 12 months were asked for the most serious assault they experienced, how distressing it was for them for each of the four

types of violence covered by the survey. Given that some respondents experienced more than one type of violence, it is more instructive to examine the responses to the question across each of the types of violence combined into one category of ‘all

As noted in the discussion of the impact of victimization in the section of this report on ‘Insults, verbal assaults, offensive gestures and harassment’, the survey questions included some further measures of mental impact. On most of the measures used, for



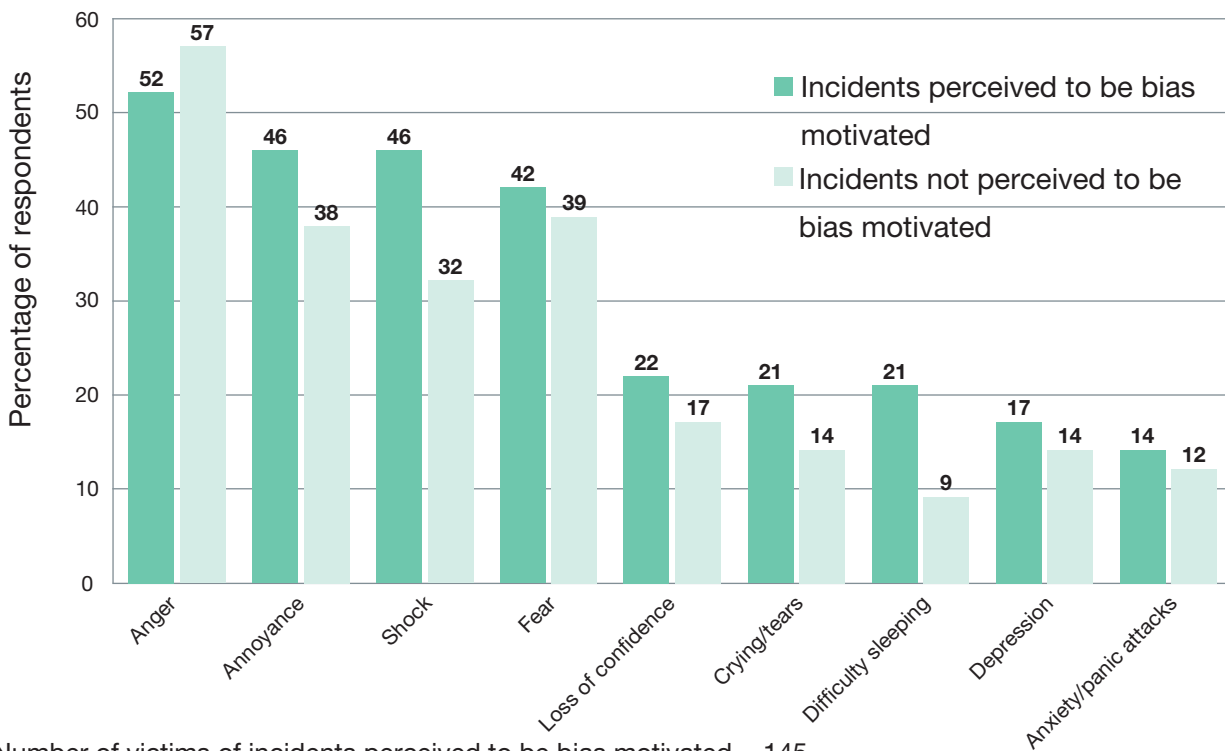
violence’, in other words, for all the most serious incidents of violence for individual respondents. The survey findings show an evident association between perceived bias motivation and the degree of distress felt by victims (Figure 10).

Those respondents who perceived bias motivation behind the violent assaults were more likely to have found them to be ‘moderately distressing’ and ‘severely distressing’, and less likely to be ‘mildly distressing’ and ‘not distressing at all’, than those respondents who did not perceive bias motivation. While this pattern of difference is also consistent across three of the four different assault types within the combined category of ‘all violence’, the pattern is not evident for the small number of victims of robbery (although given the small number—23 victims of robbery in total—this finding should be cautiously treated as only indicative).

the four types of violence asked about in the survey combined into a single category of ‘all violence’, victims of assaults perceived to be bias motivated, were more likely as a group to report higher levels of mental impact than victims of violence without a perceived bias motivation (apart from ‘anger’) (Figure 11).

As was also the case with the mental impact of insults, verbal assaults, offensive gestures, and harassment, the observable pattern of difference between the mental impact of bias motivated and otherwise motivated assaults for the single category of ‘all violence’ would not be confirmed when judged by standards of statistical probability. However, the evident trend indicating the greater mental impact of violent assaults perceived to be bias motivated would be confirmed with a larger sample size.

Figure 11. Mental impact of violent victimization



Number of victims of incidents perceived to be bias motivated = 145
 Number of victims of incidents not perceived to be bias motivated = 168

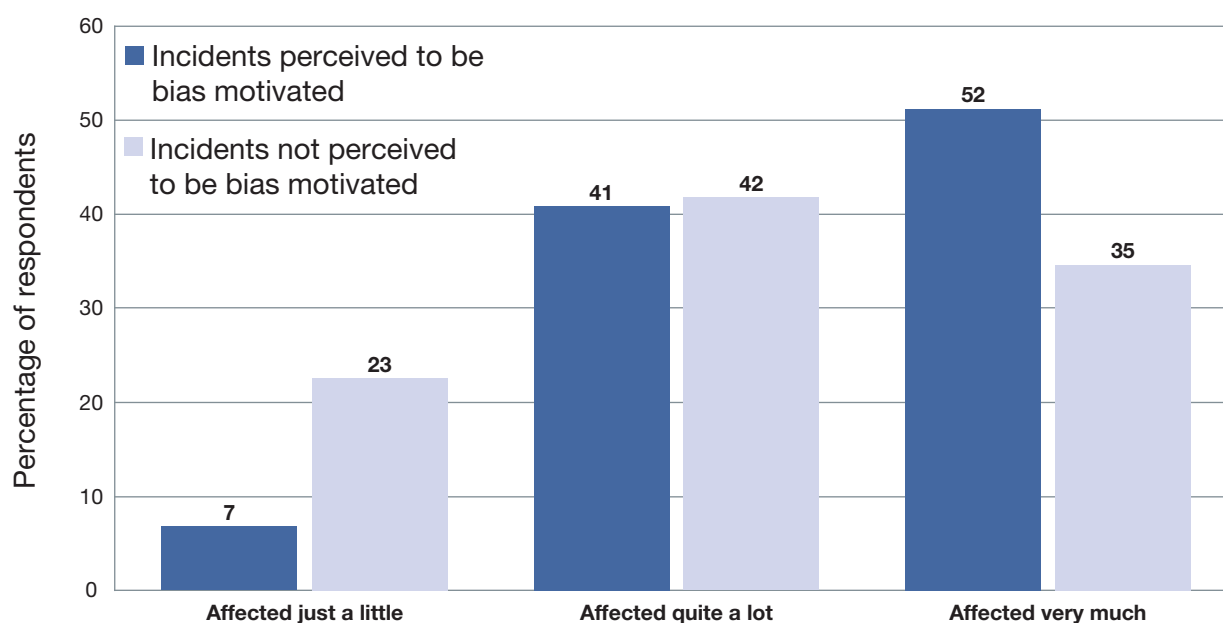
Two further important observations can also be made about the mental impact of violent assaults:

- The evident pattern of difference between violence perceived to be bias motivated and violence perceived to be otherwise motivated for the single combined category of ‘all violence’, does not apply consistently for each of the four different types of violence separately as violence with injury, and robbery, stand out as exceptions to the trend (although as noted earlier, given the small number—23 victims of robbery in total—this finding should be cautiously treated as only indicative).
- While the single combined category of ‘all violence’ shows that mostly victims of bias

motivated violence as a group report a greater mental impact than victims of otherwise motivated violence as a group, the two groups of victims are more alike than different on each of the measures of mental impact.

Lastly, it is also instructive to consider the depth of mental impact noted by the survey respondents who had experienced violent incidents. For the four types of violence asked about in the survey combined into a single category of ‘all violence’, victims of assaults perceived to be bias motivated, were more likely as a group to note that they were affected ‘very much’, and less likely to note ‘just a little’, compared with victims of violence without a perceived bias motivation (Figure 12).

Figure 12. Depth of the mental impact of violent victimization



Number of victims of incidents perceived to be bias motivated = 111
 Number of victims of incidents not perceived to be bias motivated = 119

While this pattern of difference is consistent across three of the four different crime types within the combined category of ‘all violence’—the pattern is not evident for the small number of victims of robbery.

Reporting incidents to the police

Only a minority of respondents who had experienced violence in the previous 12 months—for the single combined category of ‘all violence’—indicated that they or somebody else made a complaint about it to the police. While complaints were seemingly more likely to be made for assaults perceived to be bias motivated—32% compared with 22% for assaults not perceived to be bias motivated—the observable difference between bias motivated and otherwise motivated violent incidents would not be confirmed when judged by standards of statistical probability.

As was the case for incidents of insults, verbal assaults, offensive gestures, or harassment in public places discussed earlier in this report, given that small proportions of incidents of violence were reported to the police, the numbers are too few to

explore the satisfaction of the survey respondents with the police response. However, later in this report, in a section on ‘Policing potential crimes and incidents’, all types of incidents noted by the survey respondents are combined to provide sufficient numbers to examine satisfaction with the police response.

Conclusions and recommendations

Of all the potential bias motivated incidents recorded on the hate crimes database of the OSCE Mission to Bosnia and Herzegovina from May 2013 to November 2022, 136 incidents involved physical violence. By comparison, the *BiH Hate Crime Underreporting Survey* captured 145 bias motivated incidents of violence which respondents experienced in public places in just the previous 12 months, out of a sample of 2438 respondents. It is likely that many of these incidents would amount to crimes according to the various criminal code provisions in Bosnia and Herzegovina for violent behaviour or endangering security. It stands out, therefore, that under a third of the violent incidents were reported to the police. This is particularly notable given that a greater severity

of post-victimization distress was reported by respondents who had experienced physical violence compared with some other potential crimes and incidents discussed in this report.

To ensure that victims of violent crime attain support and justice, it would be valuable for police and prosecution services to undertake a review of

the reasons why only a minority of violent incidents come to the attention of criminal justice authorities. While many victims take an active decision not to report incidents of violence to the police, it would be useful for consideration to be given to measures that might potentially encourage victims to engage with criminal justice processes to secure justice if they wish.

7. CRIMINAL DAMAGE AND VANDALISM

The needs assessment meetings for the *BiH Hate Crime Underreporting Survey* indicated the importance of illuminating how hate crime manifests in relation to bias-motivated damage and vandalism against the built environment, including graffiti on the road infrastructure such as road signs and bridges —just as much as it is important to illuminate how hate crime manifests in relation to interpersonal victimization. However, a view also voiced in the needs assessment meetings was that bias motivated crime against the built environment is treated less seriously by criminal justice authorities in BiH than interpersonal victimization. Yet its impact can be considerable. Consequently, the survey explored respondents' experiences, and the impact, of three types of criminal damage: deliberate damage or destruction of respondents' property; deliberate damage of tombstones, memorials, or graves for deceased relatives; and bias motivated graffiti and vandalism.

Deliberate damage or destruction of respondents' property

All respondents were asked whether, in the previous 12 months, someone had deliberately damaged or destroyed their property, such as their front door, windows, walls, or other parts of their property, or their car if they owned one. Almost 8%, or 185 respondents, had experienced such criminal damage at least once in the previous 12 months. Most of these respondents (70%) experienced one incident of criminal damage. But it occurred twice for almost a quarter (24%) of those victimized, and three times or more for a small proportion (6%) in the previous 12 months. Theft, or attempted theft, was noted by respondents in over a third (36%) of the incidents overall.

Only small minorities of persons victimized believed that the incidents were bias motivated:

- 15%, or 27 of the 185 victims, believed it happened partly or completely because of their ethnic or religious background.
- 10%, or 9 of the 93 female respondents who had experienced incidents of criminal damage believe it happened partly or completely because they are female.
- 11%, or 6 of the 56 respondents with a disability, longstanding illness, or health problem, who experienced criminal damage in the previous 12 months believed that bias motivation on account of their condition was involved.

Putting these figures altogether into one category of victims of criminal damage who perceived any bias motivation, 34 respondents, or less than a fifth (18%) of the 185 respondents who had at least one experience of criminal damage in the previous 12 months, perceived some form of bias-motivation for the most serious incident. This equates to just over 1% of all respondents in the survey.

As is the case for the other potential crimes and incidents discussed in this report, respondents who experienced incidents of criminal damage that they believed to be bias motivated noted a higher level of distress compared with victims of criminal damage not perceived to be bias motivated. However, this finding needs to be treated with caution given the small number of victims of incidents of criminal damage perceived to be bias motivated. It should also be noted that the pattern of difference would not be confirmed by standards of statistical probability.

The pattern of difference would, however, be confirmed with a larger sample size.

Lastly, only a minority (34%) of respondents who had experienced incidents of criminal damage in the previous 12 months indicated that they or somebody else made a complaint about it to the police. Complaints were slightly more likely to be made for incidents perceived to be bias motivated—38% compared with 33% for incidents not perceived to be bias motivated. However, this observable difference would not be confirmed when judged by standards of statistical probability, and the small number of victims of criminal damage they perceived to be bias motivated also adds caution to interpreting any difference.

Deliberate damage of tombstones, memorials, or graves

When asked whether someone had ‘deliberately damaged, defiled, or desecrated a tombstone, memorial, or grave for a deceased relative of yours in the last 12 months?’, 58 respondents, or just over 2% of all respondents in the survey, noted that they had experienced such an incident at least once. For most of these respondents it happened only once in the previous 12 months (83%), and more than once for just a small minority.

Questions about potential bias motivation were confined to the deceased relative’s ethnic or religious background. Notably, a substantial majority, or 37 out of the 58 respondents who noted such incidents believed that they happened partly or completely because of their deceased relative’s ethnic or religious background. This was believed to be the case by over half of these respondents, or 20 out of the 37, because of words or symbols scrawled by the offenders. The next most frequent reason given by 11 respondents was that ‘it had happened before’.

Respondents who experienced incidents of deliberate damage, defilement, or desecration of a tombstone, memorial, or grave, for a deceased relative of theirs that they believed to be bias motivated on the basis of ethnicity or religion, noted a higher level of distress compared with victims of such incidents not perceived to be bias motivated.

However, as was the case with incidents of criminal damage, this finding also needs to be treated with caution given the small number of respondents who noted of incidents of damage or desecration of graves, tombstones or memorials perceived to be bias motivated. Furthermore, the pattern of difference would not be confirmed by standards of statistical probability. It would be confirmed, however, with a larger sample size.

Lastly, only a minority (38%) of respondents who had experienced damage or desecration of graves, tombstones, or memorials, for a deceased relative of theirs in the previous 12 months indicated that they or somebody else made a complaint about it to the police. Complaints were slightly more likely to be made for incidents with perceived ethnic bias motivation—43% compared with 27% for incidents not perceived to have an ethnic bias motivation. This difference must be interpreted cautiously, however, due to the small number of victims of incidents. However, it should be noted that while this observable difference would not be confirmed when judged by standards of statistical probability, it would be confirmed with a larger sample size.

Bias motivated graffiti and vandalism

It is recognised in public health circles that the built environment impacts upon people’s wellbeing. In this context, bias-motivated graffiti, vandalism, and other criminal damage, can have a community-wide impact raising people’s fear of crime with consequent avoidance behaviour. Conventionally, the problem has been excluded from crime surveys that have traditionally focused on inter-personal crime victimization. Yet a view voiced in the needs assessment meetings was that bias motivated vandalism against the built environment, including the road infrastructure such as road signs and bridges, is treated less seriously by criminal justice authorities. Hence the *BiH Hate Crime Underreporting Survey* included questions designed to illuminate the problem and explore its impact.

All respondents were asked how much of a problem is vandalism, graffiti and other deliberate damage to property or vehicles in their neighbourhood (within a 5-minute walk from their home). They were also

asked whether in the previous 12 months they had noticed any nationalistic or ethnically or religiously offensive graffiti or symbols on walls, bus shelters, road signs, or other structures, in public streets and areas, within and beyond their neighbourhood.

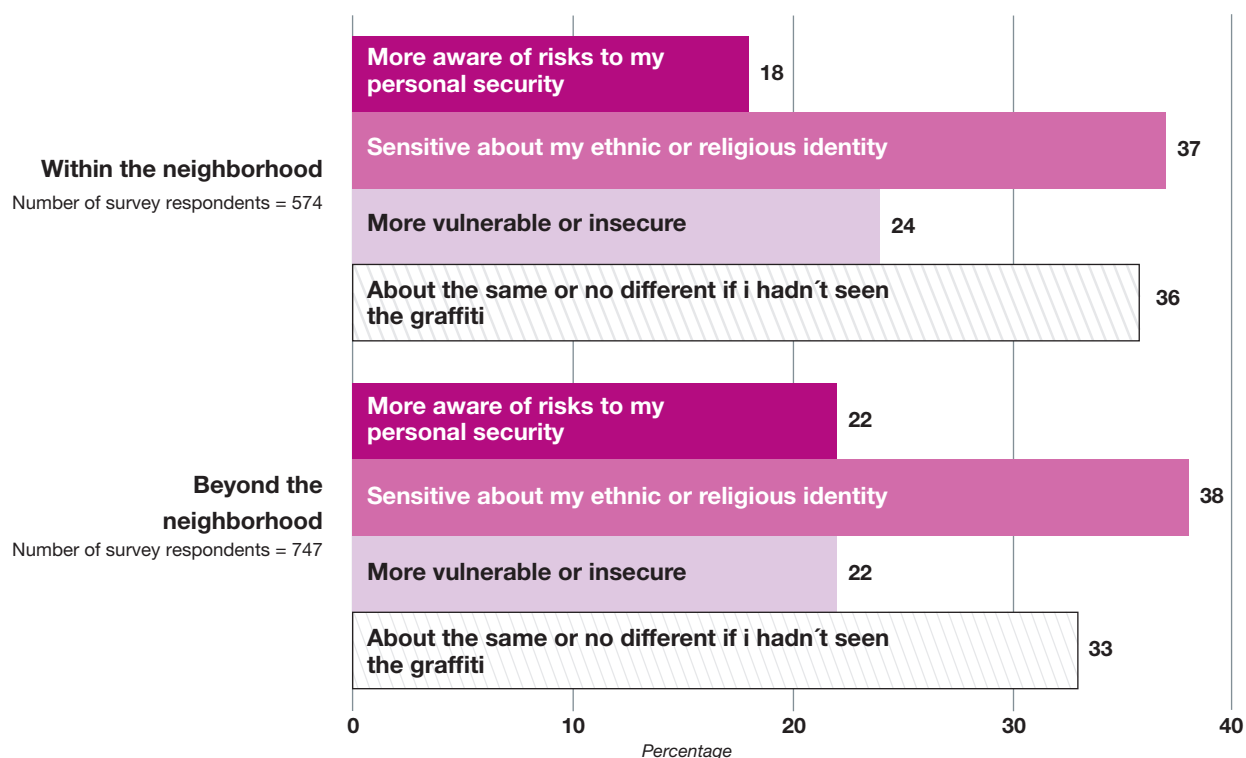
One third (33%) of respondents said that vandalism, graffiti and other deliberate damage to property or vehicles in their neighbourhood was not a problem at all. However, a small but not insubstantial, minority (18%) said that it was either a fairly big,

While approximately one third of respondents said they felt the same or no different had they not seen the graffiti just over a third said it made them feel sensitive about their ethnic religious identity, around a fifth said they felt more vulnerable or insecure, with smaller proportions saying they were more aware of risks to their personal security.

Conclusions and recommendations

Of all the potential bias motivated incidents recorded on the hate crimes database of the OSCE Mission to

Figure 13. Impact of nationalistic or ethnically or religiously offensive graffiti or symbols within and beyond the neighbourhood in the last 12 months



or very big, problem. Almost a quarter (24%) of respondents had noticed nationalistic or ethnically or religiously offensive graffiti in their neighbourhood in the previous 12 months. A higher proportion (31%) had noticed such graffiti beyond their neighbourhood.

There was an evident impact for many of those who observed nationalistic or ethnically or religiously offensive graffiti within and beyond their neighbourhood (Figure 13).

Bosnia and Herzegovina from May 2013 to November 2022, 16%, or 246 incidents, involved criminal damage of some form. Notably, by comparison, in the *BiH Hate Crime Underreporting Survey*, 34 respondents noted that someone had deliberately damaged or destroyed their property, such as their front door, windows, walls, or other parts of their property, or their car, in incidents perceived to be bias motivated. But this was just in the previous 12 months. And the 34 victims were out of a sample of just a small fraction of the population. The problem

of bias motivated criminal damage is therefore likely to be even far more extensive than the numbers captured by the *BiH Hate Crime Underreporting Survey*. Notably, however, despite each incident of criminal damage likely constituting a crime according to the various BiH criminal codes, only approximately one-third of victims noted that a report had been made to the police or another authority. It is imperative, therefore, that police and local authorities promote the reporting of such crimes by victims and witnesses. Publicizing accounts of positive experiences of reporting with successful criminal justice outcomes might potentially encourage victims to engage with criminal justice.

While questions about criminal damage of respondent's property are commonly included in

crime victimization surveys, the problem of bias-motivated damage and vandalism against other aspects of the built environment is usually treated as beyond the scope of such surveys which are usually confined to interpersonal victimization. The *BiH Hate Crime Underreporting Survey* therefore valuably illuminates two dimensions of the problem: vicarious victimization arising from deliberate damage of tombstones, memorials, or graves for deceased relatives, and bias motivated graffiti and vandalism. Given the evident community impact of these types of criminal damage it is important that relevant authorities review their capacity to respond speedily to repair damage and remove graffiti and improve their responses where necessary.

8. INCITEMENT TO HATRED, DISCORD, AND INTOLERANCE

The stakeholder needs assessment meetings undertaken to inform the design of the *BiH Hate Crime Underreporting Survey* suggested that there is a prevailing climate of insecurity among the population due to a general narrative of intolerance in political discourse, in the content of print, broadcast, and online news media, in comments sections of the online news media, on social media, and in everyday life. On occasion the narrative includes nationalistic rhetoric, expressions of inter-group conflict, hostility and rage, advocacy of racial, ethnic and religious hatred, and incitement to violence. All are manifestations of ‘hate speech’ as defined by the international human rights community.¹⁷ Escalation of hate speech in BiH appears to be associated with the run-up to elections for political office, memorial events commemorating atrocities of the 1992-95 war, religious and secular holidays, and some sporting occasions such as football and basketball matches with a particular history of conflict between supporters’ groups.

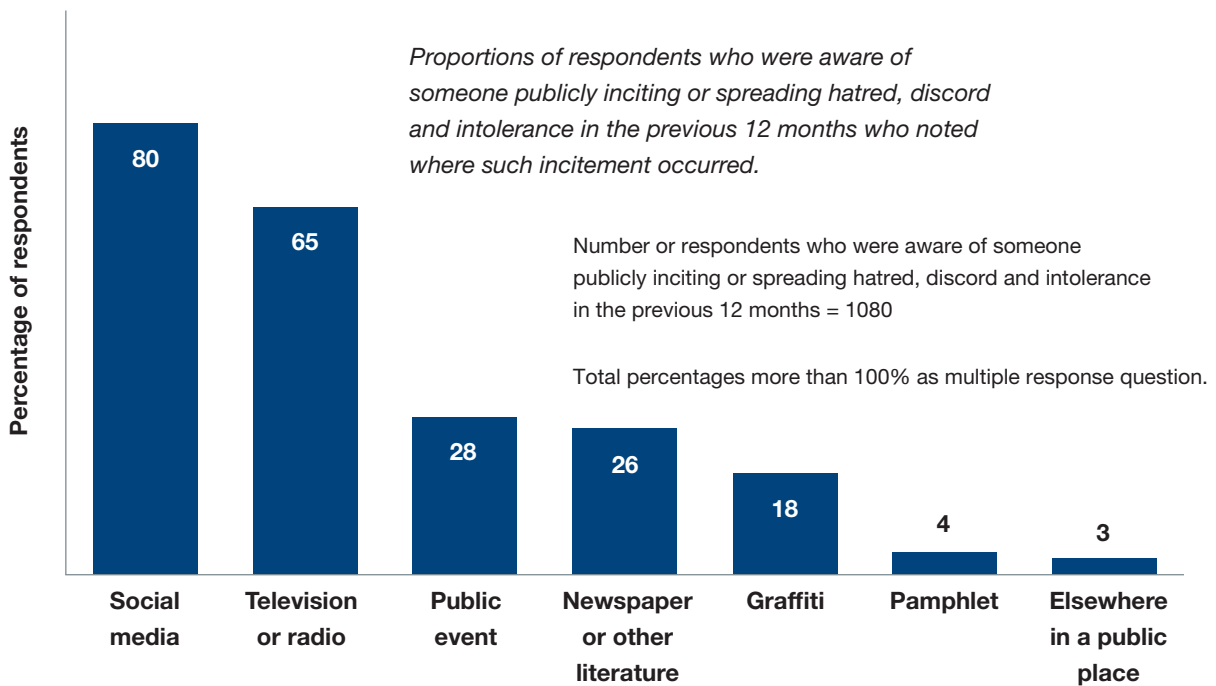
Awareness of incitement to hatred, discord, and intolerance

Incitement to hatred is at the sharp end of narratives of intolerance. Accordingly, given the prominence in the needs assessment meetings to the relationship between narratives of intolerance in public discourse and a prevailing climate of insecurity, all survey respondents were asked if they were “aware of someone publicly inciting or spreading hatred, discord and intolerance in the past 12 months”, and if they were, how it might have affected their sense of personal security and any sensitivity about their ethnic or religious identity.

A substantial proportion of respondents—44%—stated that they were aware of such incitement in the past 12 months. Social media, television, and radio, feature as the main media for the broadcasting of incitement—according to the survey respondents (Figure 14).

¹⁷ In its 2019 *Strategy and Plan of Action on Hate Speech* the UN states that it understands hate speech to be: “...any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor”. (Page 2): UN Strategy and Plan of Action on Hate Speech 18 June SYNOPSIS.pdf

Figure 14. Where incitement occurs

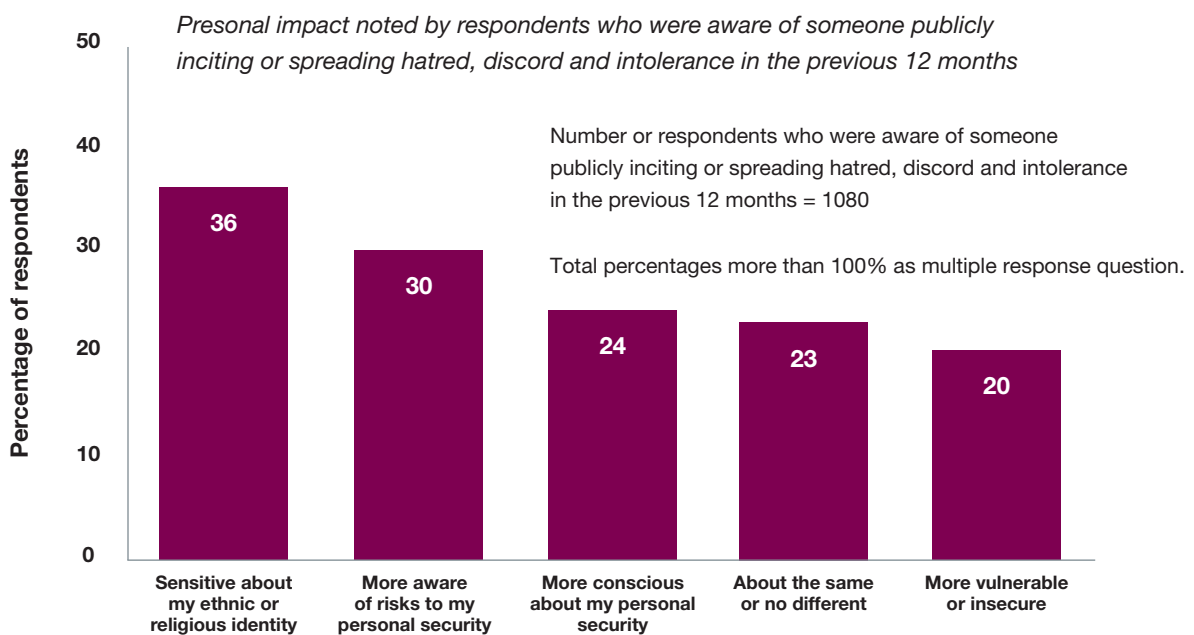


Impact

The contribution made by incitement to a climate of insecurity is evidenced by the survey findings. While around a quarter of respondents who had been aware of incitement to hatred, discord, or intolerance in the previous 12 months said that it had made no

impact upon them, other respondents noted some impact. Over a third said it made them feel more sensitive about their ethnic or religious identity. Some were more conscious about their personal security and risks. Some felt more vulnerable or insecure (Figure 15).

Figure 15. Impact of incitement to hatred, discord, and intolerance



Conclusions and recommendations

The findings from the *BiH Hate Crime Underreporting Survey* indicate potentially widespread public exposure to incitement to hatred, discord, and intolerance, and evidence how such exposure potentially contributes to a prevailing climate of insecurity. It is possible that much of the hatred, discord, and intolerance that the survey respondents noted lies beyond the province of the criminal law. However, it is also likely that some of the incitement would be actionable under the various BiH criminal codes.¹⁸ Notably, however, the existing criminal code provisions only specify incitement to national, racial, or religious hatred, discord, or intolerance. While the criminal code provisions against incitement potentially extend to incitement against other sections of society, it is imperative that

the provisions should be reviewed and amended to ensure that all incitement to hatred, discord, and intolerance directed at persons on the basis of their social identity traits is explicitly included in the criminal codes to more inclusively address prevailing instances of incitement. Furthermore, for public transparency, progress should be published on achieving the 2017 recommendation of the European Commission against Racism and Intolerance (ECRI) that the authorities should “develop, jointly with the relevant civil society groups and international organisations, a comprehensive strategy to combat hate speech”.¹⁹ Again, for transparency, such a progress review should include information about the numbers and nature of cases of incitement reported to the authorities and actions taken—including information about prosecutions, convictions, and sentences.

¹⁸ Criminal Code of Bosnia and Herzegovina: Article 145a *Inciting national, racial and religious hatred, discord and intolerance*; Criminal Code of the Federation of Bosnia and Herzegovina: Article 163 *Inciting National, Racial or Religious Hatred, Discord or Hostility*; Criminal Code of Republika Srpska: Article 359 *Incitement to Violence and Hatred*; Criminal Code of the Brčko District of Bosnia and Herzegovina: Article 160 *Inciting National, Racial or Religious Hatred, Discord or Hostility*.

¹⁹ ECRI *Report on Bosnia and Herzegovina (fifth monitoring cycle)* (2017), para. 37, page 18: ECRI_report_FR (coe.int)

9. POLICING AND VICTIM SATISFACTION

The ability of the police to prevent and tackle crime is dependent to a large extent on the willing co-operation of the public. Such co-operation can be dependent upon the degree of fairness, impartiality, and respect, which persons perceive in their encounters with the police. The experience of victims who report crimes to the police can also be significant for public confidence in the criminal justice system and continued engagement with its processes. The *BiH Hate Crime Underreporting Survey* therefore included some questions designed to gauge attitudes towards the police by the public in general, and the satisfaction of victims of potential crimes and incidents reported to the police in particular.

Experience of being stopped by the police

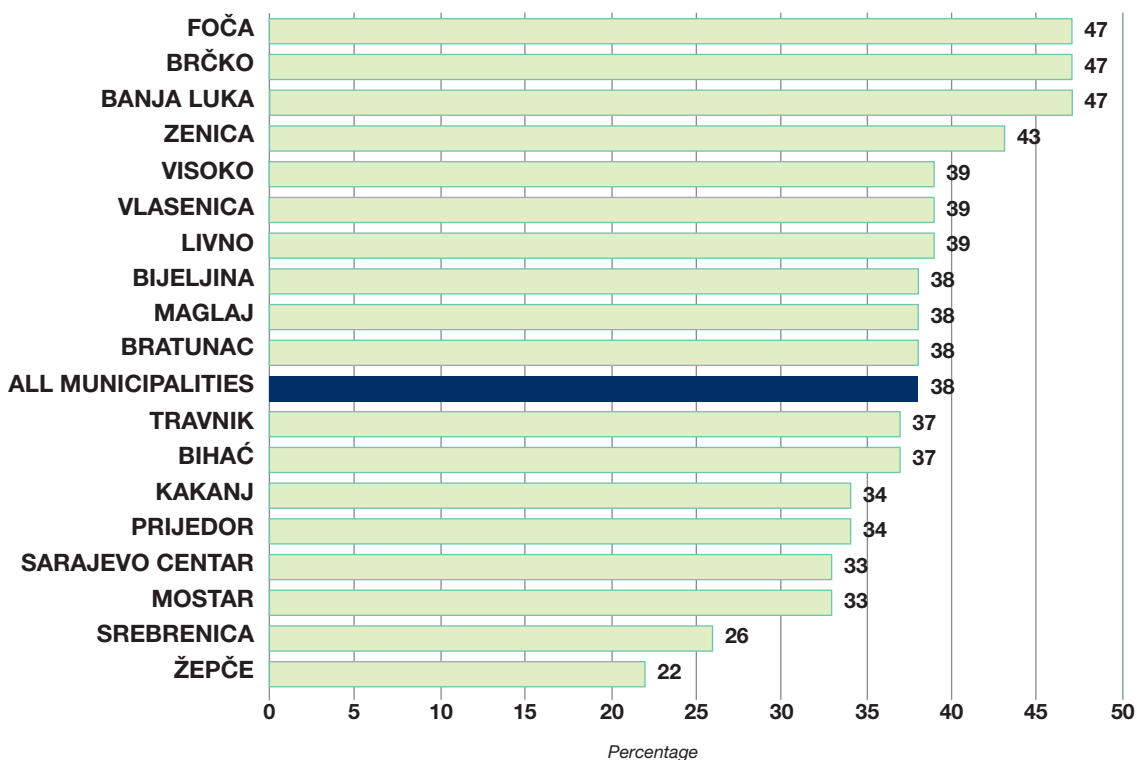
All respondents were asked whether in the last 12 months they had been stopped, searched,

or questioned by the police when they might have been in a car, on a motorbike or bicycle, on public transport, or on foot. Well over a third of all respondents (38%) said that they had been stopped.

When asked about the last time they had been stopped within the previous 12 months, the great majority (86%) said that they were stopped while in a car. Among the small proportion of those stopped when on foot on the street, males were more than twice as likely than females to be stopped (11% males: 5% females). Only a small proportion (2%) of those who were stopped, believed they were stopped because of their ethnic or religious background.

There was some variation among the rates of police stops between the municipalities selected for the survey. Brčko District BiH, Foča, and Banja Luka, had the highest rates, and Srebrenica and Žepče the lowest (Figure 16).

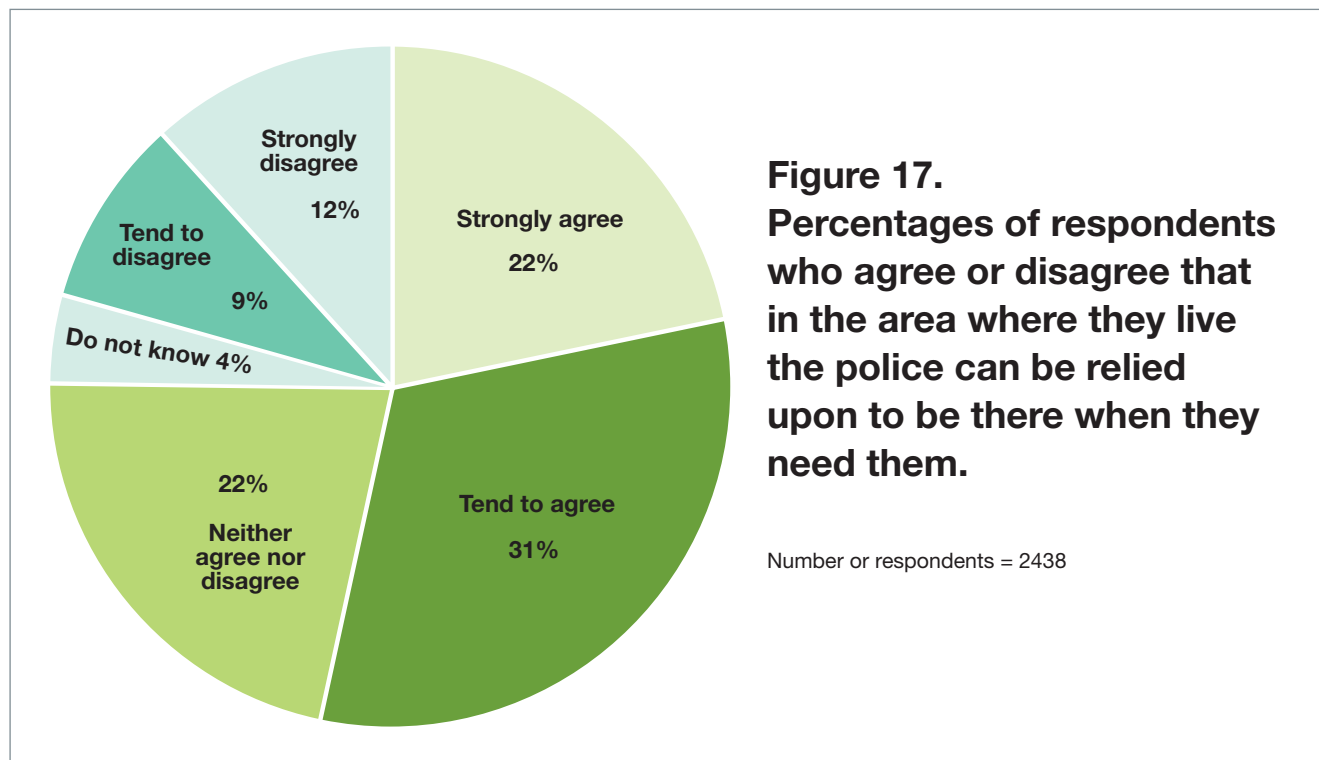
Figure 16. Percentages of respondents stopped by the police within last 12 months by municipality



For all the survey municipalities combined, males were more likely than females to say that they had been stopped, searched, or questioned, by the police—almost half of all male respondents said they had been stopped (47% for males compared with 30% for females). The greater rate of stops for males is evident for most of the survey municipalities (apart from Bihać and Livno, although the greater rates for females in these two municipalities could not be

Satisfaction with the police

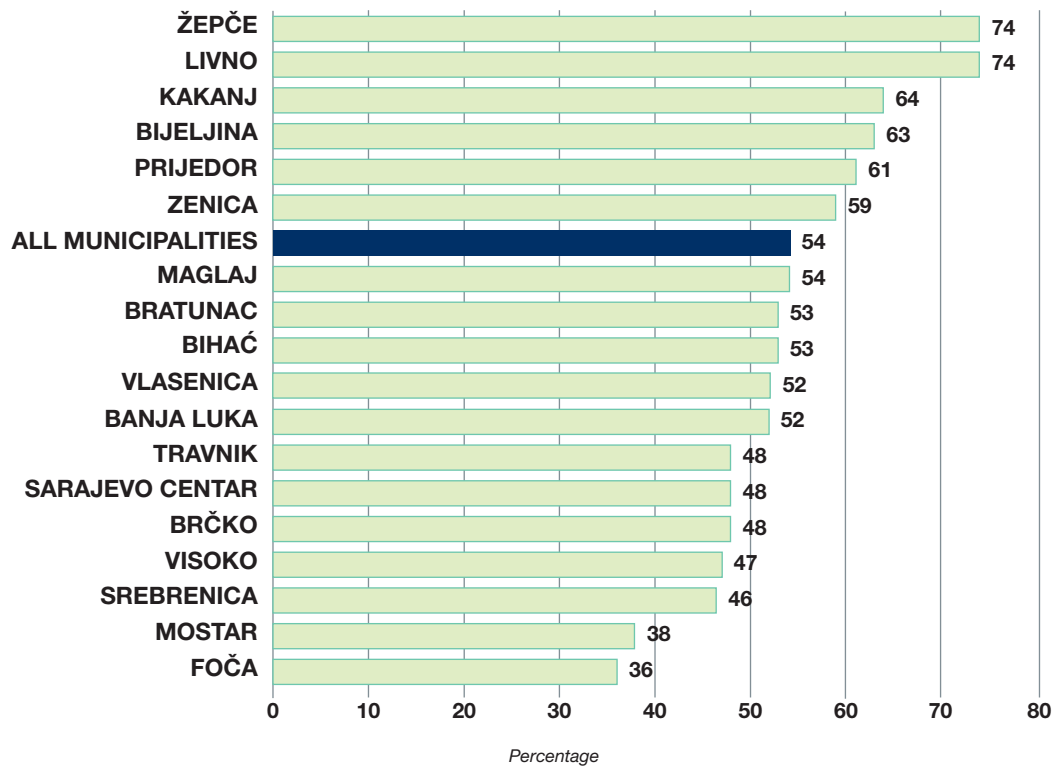
Over half of all the survey respondents (54%) said they either ‘strongly agree’ or ‘tend to agree’, that in the area where they live the police can be ‘relied on to be there’ when needed. Small proportions of respondents said they ‘tend to disagree’ or ‘strongly disagree’. The remaining respondents were either neutral or didn’t know (Figure 17).



confirmed to standards of statistical significance). Notably, over half of all male respondents residing in Banja Luka (60%), Brčko District BiH (59%), Foča (56%), Travnik (54%), Zenica (52%), and Bratunac (51%), had been stopped by the police in the previous 12 months.

There is some variation between the municipalities in views about the reliability of the police when they are needed. While almost three quarters of respondents in Livno and Žepče, for instance, said that the police could be relied upon to be there when needed, only just over a third of respondents in Foča and Mostar felt the same way (Figure 18).

Figure 18. Percentages of respondents who agree that the police can be relied upon to be there when needed, by municipality



The mostly positive attitudes overall about the police are also evident with respect to perceptions about police fairness. When asked whether they ‘agree or disagree that in the area where you live, the police treat everyone fairly regardless of

who they are?’, almost half (49%) of the survey respondents said they ‘strongly agree’ or tend to ‘agree’. Over a quarter (28%) disagreed, and remaining respondents were either neutral or did not know (Figure 19).

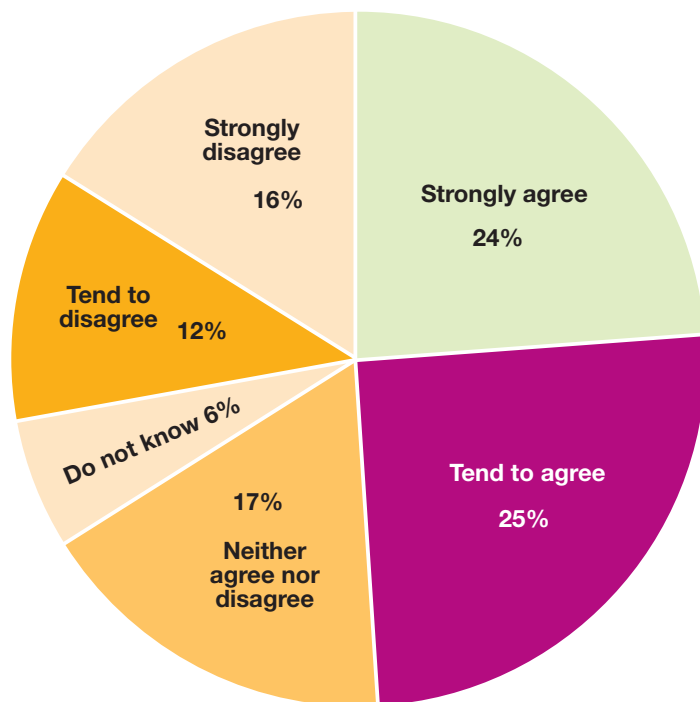


Figure 19. Percentages of respondents who agree or disagree that in the area where they live the police treat everyone fairly regardless of who they are.

Number of respondents = 2438

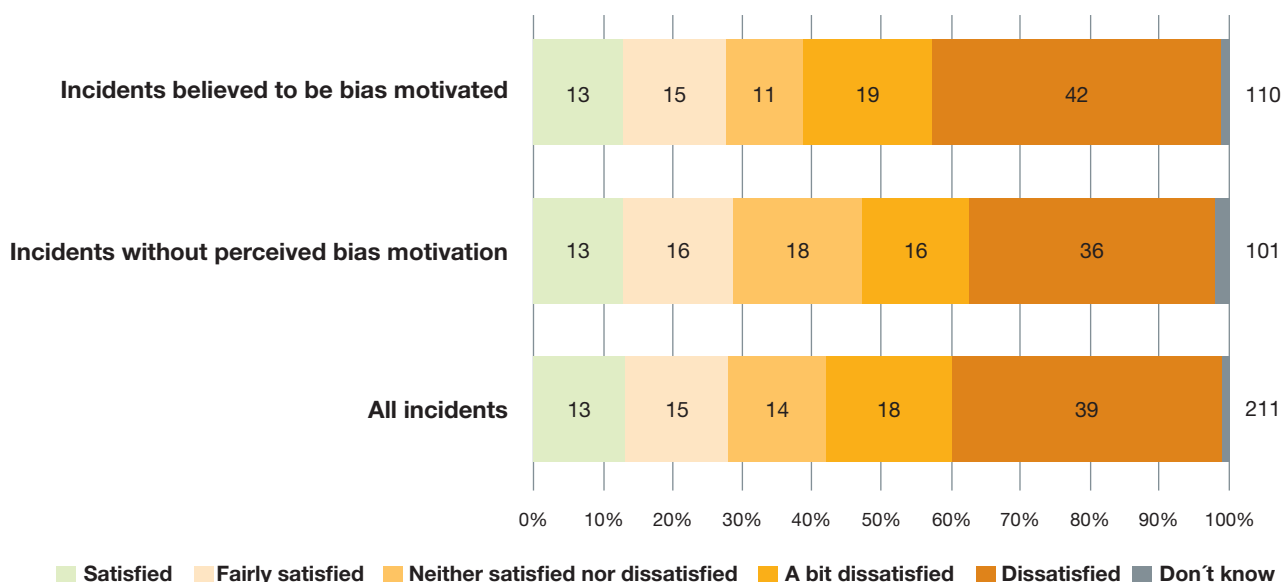
For those respondents who had been stopped by the police within the previous 12 months, when asked how respectful the police were with them the last time they were stopped, almost three quarters of respondents noted that the police were either 'very respectful' (37%) or 'fairly respectful' (35%). Just over a fifth (21%) were neutral, saying that the police were neither 'respectful nor disrespectful'. Only a small proportion of respondents said that the police were either 'fairly disrespectful' (4%) or 'very disrespectful' (2%).

of respondents who were either satisfied or fairly satisfied. While there appear to be indications that victims of incidents believed to be bias motivated were slightly more dissatisfied than victims of incidents not perceived to be bias motivated, the small difference would not be confirmed by standards of statistical probability.

The survey questions enabled some exploration of the potential reasons why victims of incidents reported to the police were dissatisfied with the way

Figure 20. Victim satisfaction with how police dealt with the matter following reporting of incidents

Number of respondents



Views of victims of potential crimes and incidents reported to the police

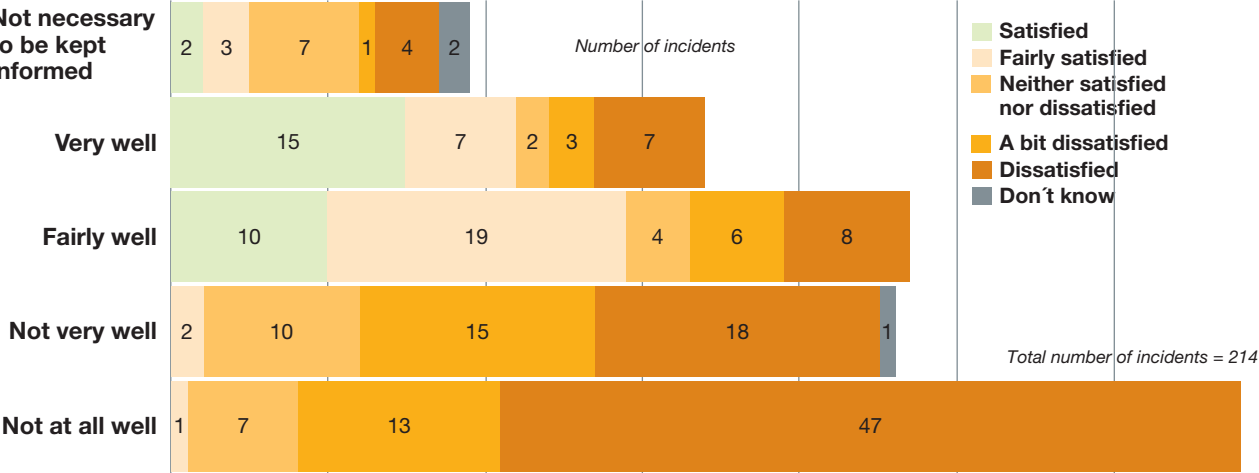
Lastly, it is instructive to consider the views of those respondents who experienced potential crimes or incidents in the previous 12 months for which reports were made to the police (Figure 20). The views provided are less positive towards the police than evident in the overall survey respondents' attitudes discussed to this point.

For all incidents, more respondents as a group were either dissatisfied, or a bit dissatisfied, with the way the police dealt with the matter than the proportions

the police dealt with the matter. There is a strong evident association between victim satisfaction and being kept informed (Figure 21). Those who felt they were not at all well informed expressed the lowest level of satisfaction. Those who felt they were kept well informed expressed the highest level of satisfaction. Overall, though, in over half (53%) of the incidents reported to the police, the victims said they were not at all informed, or not very well informed, about the progress of their case. The number of victims is too few, unfortunately, to make a reliable comparison for this measure between victims of crimes and incidents perceived to be bias motivated, and incidents without a bias motivation.

Figure 21. Association between satisfaction with the police and how well victims felt they were kept informed about the progress of their case for reported crimes and incidents

How well victims felt they were kept informed by the police



Conclusions and recommendations

The survey evidence shows that overall, the respondents were mostly positive about the police as they expressed solid levels of support for the view that the police can be ‘relied on to be there’ when needed and a belief that the police treat everybody fairly. These findings potentially indicate substantial confidence in the police among the general public. However, it is notable that this generally positive view contrasts with the less favourable views of victims of potential crimes and incidents reported to the police who expressed substantial levels of dissatisfaction. One point of potential dissatisfaction asked about in the survey concerned how well victims felt they were kept informed about the progress of their case. There is a clear association between victim satisfaction and being kept informed: those who felt they were not well informed—representing over half of the victims

of potential crimes and incidents reported to the police—expressed the lowest level of satisfaction.

It is noted in the international hate crime policy literature that one of the most important things that victims want is to be kept regularly informed about the progress of their case after reporting a crime to the police or another authority—even if there hasn’t been any progress. Informing victims is a responsibility of the police, prosecution authorities, and courts.²⁰

It is essential, therefore, that criminal justice authorities evaluate and review the effectiveness of their processes for ensuring that all victims are consulted and updated as set out, for instance, under Article 6 (‘Victims’ rights to receive information about their case’) of the EU Victims’ Rights Directive.²¹ Such a review could be undertaken in the context of a wider evaluation of progress to securing other victims’ rights as presented in the Directive.

²⁰ OSCE Office for Democratic Institutions and Human Rights (2021) *Hate Crime Victim Support. Policy Brief*, (Warsaw: ODIHR, 2021), page 21-22.

²¹ Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

10. ROMA RESPONDENTS — EXPERIENCE OF POTENTIAL CRIMES AND INCIDENTS

Mixed accounts were offered in the needs assessment meetings for the *BiH Hate Crime Underreporting Survey* about Roma communities' experience in Bosnia and Herzegovina of crime victimization with a bias motivation. There was agreement that anti-Roma hate speech appears to be commonplace. But one view posited was that there are not as many bias motivated attacks against Roma people in BiH compared with some other countries in the region. A competing viewpoint proposed, however, was that hate crimes against Roma communities frequently occur, but that police and prosecution authorities regard such crimes as minor offences and give them little attention. In addition, it was asserted that there is little political interest in tackling anti-Roma hate crime, and such a lack of interest is part of a general and longstanding political and institutional indifference to the situation of Roma communities in BiH. One consequence, suggested in the needs assessment meetings, is that the alleged indifference to hate crime victimization experienced by Roma communities fosters feelings of insecurity and has eroded trust in the criminal justice system—demonstrated by a lack of reporting hate crimes when they are experienced.

Notably, there is barely any publicly available evidence about anti-Roma victimization in BiH to test these assertions. The *BiH Hate Crime Underreporting Survey* therefore sought to uniquely explore the problem by attempting to recruit a sufficient sample of Roma respondents to adequately analyse their experience. The key results of that analysis are presented in this section of the report.

Methodological note

To introduce the key findings from the survey's Roma respondents, it is instructive to note that the company (Valicon) contracted to undertake

the fieldwork for the survey, encountered some challenges. Several representatives of the Roma communities confirmed to them that mistrust is quite pronounced among the communities as there is a perception that much research has been conducted with them, but they have not seen any subsequent benefits. There is a particular challenge when this perception is held by community leaders in instances where it is not possible to undertake research work without their cooperation. To try to attain respondents from the Roma communities, as well as seeking to secure the cooperation of community leaders, Valicon recruited some interviewers from the Roma population in the municipalities selected for the survey along with other interviewers with significant experience of working with Roma communities.

In total, 189 Roma respondents agreed to participate in the survey—fewer than hoped for, but sufficient for an indicative analysis of their experience of potential crime victimization. Most were recruited by snowball sampling with face-to-face interviews carried out rather than the use of Valicon's "JaZnam" online panel which had only a few Roma participants.

The 189 Roma respondents were drawn from 10 of the 18 municipalities included in the survey. However, in two of the municipalities only one Roma respondent was recruited, only two respondents in another, and just 12 Roma respondents in a fourth municipality. Due the very large imbalance in these four municipalities between the relative numbers of Roma and other respondents for any comparisons to be drawn, they were excluded from the analysis. In each of the remaining six municipalities Roma respondents accounted for at least 10% of all respondents in the municipality. The remaining sample of Roma respondents used for the analysis amounted to 173 persons drawn from

six municipalities (Bihać, Bijeljina, Brčko, Kakanj, Sarajevo Centar, and Visoko). Where comparisons are made between Roma and other respondents, the comparisons are confined to these six municipalities.

Experience of potential crimes and incidents

Almost one-third (32%) of the Roma respondents had experienced at least one of the potential crimes or incidents asked about in the survey on at least one occasion in the previous 12 months, compared with just over one-fifth (22%) of non-Roma respondents.

The gender and age profile of the Roma and non-Roma respondents as groups differ in that males, and younger respondents, are proportionately greater among the Roma sample compared with the non-Roma sample of respondents. It is therefore instructive to examine the potential crime and incident victimization rates by gender and age. In doing so it is notable that the relative difference between the two groups barely changes: 33% of male Roma respondents compared with 21% of non-Roma males experienced a potential crime or incident in the previous 12 months. However, an apparent difference in victimization rates for females (30% of Roma females compared with 23% of non-

Roma females) would not be confirmed by standards of statistical probability.

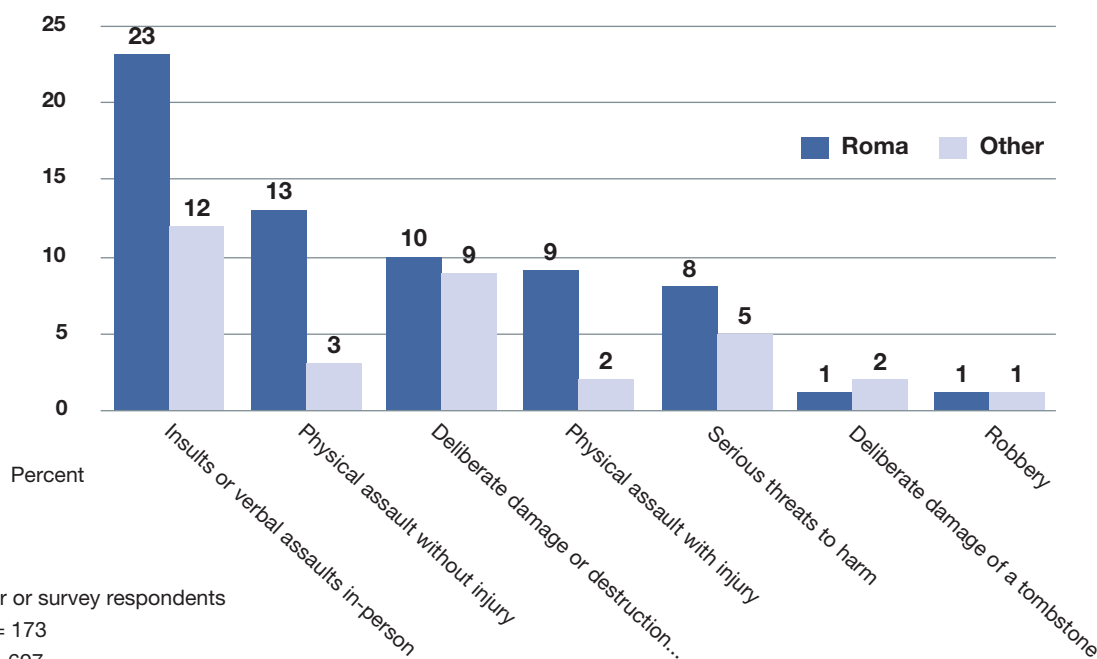
When considering age for female and male respondents combined, 34% of under 45-year-old Roma respondents as a group compared with 25% of non-Roma males experienced a potential crime or incident in the previous 12 months. For over 45-year-olds, an apparent difference in victimization rates between Roma (24%) and non-Roma respondents (18%) would not be confirmed by standards of statistical probability.

In short, while gender and age have some mediation effect on the relative victimization rates between Roma and non-Roma respondents, it can be observed that for the sample of participant respondents in the *BiH Hate Crime Underreporting Survey*, Roma respondents were more likely than non-Roma respondents to note experiencing potential crime or incident victimization in the previous 12 months.

Crime victimization by crime type

It is also instructive to compare the victimization experience of Roma and non-Roma respondents for the different types of crime asked about in the survey (Figure 22).

Figure 22. Percentages of Roma and other respondents who experienced potential crimes or incidents at least once in the last 12 months by crime and incident type



In total, 109 separate incidents were experienced on at least one occasion by the Roma respondents, and 237 incidents experienced by non-Roma respondents. For each of the interpersonal crimes—insults or verbal assaults in-person, physical assaults with or without injury, and serious threats of violence—apart from robbery, higher proportions of Roma respondents compared with non-Roma respondents noted that they had experienced a potential crime or incident on at least one occasion in the previous 12 months. There is little or no difference in the case of property crimes—deliberate damage or destruction of property, or deliberate damage of a tombstone, memorial or grave for a deceased relative.

When considering potential ethnic or religious bias motivation behind the crimes or incidents as perceived by the respondents, the numbers are too few for consideration for each separate crime type. When putting all the incidents together, a very small difference between Roma and non-Roma respondents (31%: 30%) would not be supported by standards of statistical probability. It is notable, though, that Roma respondents were getting on for twice as likely as non-Roma respondents to note that they “did not know” when asked about perceived ethnic or religious bias motivation (43%: 23%).

Policing

As noted to this point in the report, only a minority of the survey respondents who experienced potential crimes or incidents indicated that they or somebody else made a complaint to the police about their experience. The same applies to Roma and non-Roma respondents in the six municipalities selected for the analysis. For most of the crime types asked about in the survey and included in the analysis, the reporting rates were lower for Roma respondents than non-Roma respondents. The numbers are too few to provide a reliable comparison by type of crime. However, for all potential crimes and incidents combined, 23% of those experienced by Roma respondents were reported to the police, compared with 31% for the non-Roma respondents. This finding must rest as indicative only, as the evident difference in reporting rates would not be confirmed

by standards of statistical probability. However, it would be confirmed with a larger sample size.

In the case of other experience with the police, it is notable that proportionately fewer Roma respondents than non-Roma respondents in the survey noted that they had been stopped, searched, or questioned by the police in the previous 12 months:

- 17% of Roma female respondents had been stopped by the police compared with 35% of non-Roma females.
- 31% of Roma male respondents had been stopped by the police compared with 50% of non-Roma males.
- Almost 1-in-10 (9%) Roma respondents who were stopped by the police believed that they were stopped because of their ethnic or religious background, compared with just 1-in-100 (1%) of non-Roma respondents. Furthermore, a higher proportion of Roma respondents (36%) than non-Roma respondents (5%) said that they “did not know” if they were stopped because of their ethnic or religious background. Although, some caution must be exercised in interpreting these findings due to the low number of Roma respondents (44) in the survey stopped by the police. Furthermore, the numbers are too small to reliably compare the responses for males and females separately.
- Roma respondents who were stopped by the police were less likely than non-Roma respondents (25%: 42%) to note that the police were “very respectful” with them, and more likely to note that the police were “very disrespectful” (6%: 1% —although these are very small proportions). Again, some caution must be exercised in interpreting these findings due to the low number of Roma respondents in the survey stopped by the police. The findings can only be seen as potentially indicative.

Finally, in considering views about the police for all Roma respondents as a group in the survey in the six selected municipalities compared with all non-Roma respondents in those municipalities, it is evident that

Roma respondents were slightly more positive:

- 28% of Roma respondents compared with 21% of the non-Roma respondents strongly agreed that in the area where they live the police can be relied upon to “be there” when needed.
- Almost half of Roma and non-Roma respondents strongly agreed (26%: 28%) or tended to agree (23%: 23%) that in the area where they live the police treat everyone fairly, regardless of who they are.

In sum, while there are indications that potential crimes or incidents experienced by the survey’s Roma respondents were less likely to be reported to the police than those experienced by non-Roma respondents, this does not appear to be associated with more negative views about the police or a lesser degree of trust among the Roma respondents.

Conclusions and recommendations

Collectively, the Roma communities reportedly constitute one of the most marginalized minorities in Bosnia and Herzegovina, experiencing relative socio-economic deprivation and barriers to integration.²² This relative disadvantage appears to extend to experience of potential crimes and incidents as Roma respondents in the *BiH Hate Crime Underreporting Survey* were more likely than non-Roma respondents to note experiencing potential victimization in the previous 12 months. Although notably, they were

not more likely to perceive ethnic or religious bias motivation behind the potential crimes and incidents they experienced. While Roma respondents were less likely to report crimes and incidents to the police, this does not appear to correspond with more negative views about the police as measured by the survey.

It must be noted that some caution needs to be exercised in interpreting these survey findings. Not all of the municipalities with substantial numbers of Roma residents included in the survey could be included in the specific analysis for this section of the survey report. This was due to an absence, and in some instances, resistance of Roma associations concerning negotiations for the survey fieldwork.

Nevertheless, the survey findings provide a step forward in understanding the potential crime and incident victimization experience of Roma persons in BiH. The findings provide sufficient indications to support a case for a criminal justice action plan specific to the Roma communities targeted at increasing the reporting of bias motivated crime, and crimes in general to the police, underpinned by appropriate victim support. Such an action plan could, for instance, include a dedicated crime reporting hotline managed in cooperation with Roma associations. The positive views expressed about the police by the Roma respondents in the survey indicate that there is the potential for such cooperation.

²² ECRI Report on Bosnia and Herzegovina (fifth monitoring cycle) (2017), para. 68, pages 25-26: ECRI_report_FR (coe.int).

11. ETHNORELIGIOUS MINORITIES AND ‘RETURNEES’

Hate crimes and ethnoreligious bias motivation

Ethnicity and religion in Bosnia and Herzegovina are strongly correlated. Crimes with an ethnic or religious bias motivation account for the great majority of hate crimes in the data provided by the BiH authorities to the OSCE/ODIHR annual hate crime reporting programme. They also account for the great majority of hate crimes recorded on the OSCE Mission to Bosnia and Herzegovina hate crimes database.

In the *BiH Hate Crime Underreporting Survey*, 11% of all respondents, or 260 respondents in total, indicated that they perceived ethnoreligious bias motivation for at least one potential crime or incident they experienced in the previous 12 months.

Ethnoreligious minorities

Focusing on the three main ethnoreligious groups in BiH—Bosniak, Croat, and Serb—the survey findings were explored to determine whether higher rates of perceived bias motivation for potential crimes and incidents were evident for respondents belonging to an ethnoreligious minority in their municipality of residence.²³ In each of 16 municipalities selected for the survey, two of the three ethnoreligious groups constituted demographic minorities of different proportions. In the Brčko District of BiH and in Mostar each of the three ethnoreligious groups constituted a minority in terms of their proportion of the overall population. All respondents were therefore classified as belonging to one of three group categories in their municipality—smallest, second smallest, and largest ethnoreligious group.

It is notable that the analysis showed no pattern of difference in perceived rates of ethnoreligious bias motivation between these groups of respondents: 11% of respondents grouped into the smallest minority group, and also 11% for the second smallest group, indicated that they perceived ethnoreligious bias motivation for at least one potential crime or incident they experienced in the previous 12 months. While a slightly smaller proportion—9%—of respondents grouped into the largest ethnoreligious group category for their municipalities indicated ethnoreligious bias motivation, this very small difference in rates would not be confirmed by standards of statistical probability.

‘Returnees’

A further dimension of crimes with an ethnoreligious bias motivation in BiH also relates to ‘returnees’: persons displaced internally or to other countries during the 1992-95 war, and their descendants, who have since returned to their places of origin. Shortly after the war, in a 1999 report, the Ombudsperson for Bosnia and Herzegovina noted the problem of violence against returnees and the failure of authorities to investigate incidents.²⁴ Two decades on, the U.S. State Department noted the persistence of “isolated attacks against minority returnees” with inadequate investigation and prosecution.²⁵

Consequently, in a set of questions, the *BiH Hate Crime Underreporting Survey* explored whether respondents were potentially ‘returnees’:

²³ The analysis used municipality population data from the 2013 population census—the most recent census data available. It should be noted, however, that the analysis was undertaken very cautiously as due to the passage of time since the census enumeration the census data are not likely to provide an accurate profile of the current population in BiH. Added to this, the accuracy of the 2013 census records was contested (See for instance: <https://reliefweb.int/report/bosnia-and-herzegovina/bosnia-erupts-feuding-over-new-census-data>).

²⁴ Human Rights Ombudsperson for Bosnia-Herzegovina, *Special Report on Discrimination in the Effective Protection of Human Rights of Returnees in Both Entities of Bosnia-Herzegovina*, No. 3275/99, 29 September 1999, as cited in Amnesty International (2000) BOSNIA-HERZEGOVINA *Waiting on the doorstep: minority returns to eastern Republika Srpska*, Page 20: Bosnia-Herzegovina: Waiting on the doorstep: Minority returns to eastern Republika Srpska - Amnesty International.

²⁵ U.S. Department of State, *Bosnia and Herzegovina 2021 Human Rights Report Executive Summary*, page 22: BOSNIA AND HERZEGOVINA 2021 HUMAN RIGHTS REPORT (state.gov).

- Respondents aged 31 years and upwards were asked: “Were you displaced internally, or to another country during the 1992-95 war, and since returned to reside in your pre-war home or area of residence?”
- All those who weren’t themselves displaced were asked: “Are you a descendant of a family that was displaced internally, or to another country during the 1992-95 war, and since returned to reside in their pre-war home or area of residence?”

Respondents who indicated that they were displaced themselves or they are descended from a displaced family were further asked:

- “Have you since returned to live in your pre-war home or area of residence?”
- “Do you yourself reside in that home?”

Notably, almost half—47%—of the respondents who were asked, indicated that they themselves had been displaced. Almost 7-in-10 (68%) had returned to live in their pre-war home or area of residence.

Of the remaining respondents who had not been displaced themselves, getting on for a third—29%—indicated that they were descended from a family that had been displaced, and almost 7-in-10 (69%) had returned to live in the family’s pre-war home or area of residence.

Returnees’ experience of potential bias motivated crimes and incidents

Notably, 16% of respondents who were descended from a family that had been displaced indicated that they had experienced at least one potential crime or incident in the previous 12 months that they perceived to be motivated by ethnoreligious bias, compared with 8% of respondents who were not a descendant of a displaced family. Among the descendants of displaced families, a higher rate of those who had returned to live in their family’s pre-war home or area of residence than those descendants who live elsewhere, indicated experiencing perceived ethnoreligious bias victimization (18%: 12%). While this difference

would not be confirmed by standards of statistical probability, it would be confirmed by a larger sample size. However, there is no consistent association between the greater rate of perceived ethnoreligious bias victimization for descendants of displaced families and their ethnoreligious group proportion in their municipalities.

Finally, respondents who had been displaced themselves indicated a slightly higher rate of potential ethnoreligious bias motivated victimization than those who had not been displaced (11%: 9%), but the difference would not be confirmed to standards of statistical probability.

Concluding observations

The needs assessment meetings indicated some positive initiatives undertaken for the social and economic reintegration of returnees involving cooperation between civil society and criminal justice and other public authorities. It was also suggested that the problem of bias-motivated violence against returnees is not as severe as in the years immediately following the war: incidents are now isolated and sporadic, and mainly carried out by individuals rather than being orchestrated by organised groups. Some incidents occur in the context of conflicts with diasporic returnees visiting for holidays, but some positive interventions against this problem were also noted in the needs assessment meetings. Furthermore, the value of even using the notion of ‘returnee’ was questioned on the basis that arguably 28 years after the end of the armed conflict in BiH, the process of ‘return’ has long since ended. It was proposed that while ‘returnees’ experience acts of hate crime, they are victimized because of their ethnoreligious identity, regardless of the fact whether they are returnees or not.

12. LGBTI+ BiH HATE CRIME UNDERREPORTING SURVEY

Hate crimes against LGBTI+ persons

Despite the progression of LGBTI+ rights in Bosnia and Herzegovina, a 2016 report from the Ombudsperson for Bosnia and Herzegovina²⁶ noted that LGBTI+ persons are subjected to hate speech on internet portals, offensive graffiti, threats to freedom of assembly and expression, threats of violence, and instances of physical violence. However, the Ombudsperson's report also noted that proceedings are rarely initiated due to distrust in the institutions and fear of condemnation or retaliation against those who declare their sexual orientation.

In 2021, 14 cases of potential crimes or incidents with a bias motivation on the grounds of sexual orientation or gender identity were documented by the Sarajevo Open Centre,²⁷ and 13 in 2022.²⁸ Beyond such figures, there is barely any publicly available systematic evidence about the victimization of LGBTI+ persons in Bosnia and Herzegovina. The *BiH Hate Crime Underreporting Survey* therefore sought to gather evidence about the problem.

Online self-completion survey for LGBTI+ persons

Previous experience with similar hate crime victimization surveys in North Macedonia²⁹ indicated that it would have been likely that LGBTI+ respondents in the *BiH Hate Crime Underreporting Survey* would not be recruited in sufficient numbers for useful analysis of any victimization experience. Furthermore, during the in-person pilot trial of the survey interview for the *BiH Hate Crime Underreporting Survey* in the centre of Sarajevo, one respondent strongly objected to even being asked a question about their sexual orientation.

Taking these considerations in to account, a separate online version of the survey tailored for LGBTI+ persons was established with a secure link protecting the identity of respondents. The Sarajevo Open Centre³⁰—a civil society organization dedicated to advancing human rights in Bosnia and Herzegovina with a particular emphasis on gender equality and rights for LGBTI+ persons—collaborated by disseminating information about the survey with an invitation to voluntarily participate. Forty-nine respondents completed the online questionnaire:

²⁶ Human Rights Ombudsperson for Bosnia-Herzegovina, Special Report about the Rights of LGBT Persons in Bosnia-Herzegovina, September 2016, page 68.

²⁷ Amil Brković, Branko Čulibrk, Delila Hasanbegović, Dina Bajraktarević, Jozo Blažević, *Pink Report 2022 – Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina*, Sarajevo Open Centre, May 23rd, 2022, page 30; Pink Report 2022 – Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina – Sarajevski Otvoreni Centar (soc.ba).

²⁸ Amil Brković, Branko Čulibrk, Delila Hasanbegović, Dina Bajraktarević, Jozo Blažević, *Pink Report 2023 – Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina*, Sarajevo Open Centre, May 23rd, 2022, page 31; Pink Report 2023 – Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina – Sarajevski Otvoreni Centar (soc.ba).

²⁹ Iganski, P. (2019) *Hate Crime Victimization Survey Report*, Skopje: OSCE Mission to Skopje, pp. 24-25; Hate Crime Victimization Survey, Report | OSCE; Iganski, P. (2023) *Hate Crime Victimization Survey Report*, Skopje: OSCE Mission to Skopje, page 31; Hate Crime Victimization Survey Report | OSCE. About us – Sarajevski Otvoreni Centar (soc.ba)

³⁰ About us – Sarajevski Otvoreni Centar (soc.ba).

LGBTI+ BiH HATE CRIME UNDERREPORTING SURVEY

About the respondents

- Almost half (23 respondents) noted that they were ‘Homosexual’ (gay or lesbian); 11 ‘Bisexual’; 11 ‘Heterosexual’; one ‘Other’; and three respondents indicated they ‘Prefer not to say’.
- Most (44 respondents) noted that their gender identity was the same as that assigned at birth; four respondents noted that it was not the same; and one respondent indicated they ‘Prefer not to say’.
- Over three-quarters (38 respondents) identified themselves as female, a fifth (10 respondents) as male, and one person as “Other”.
- Most (39 respondents) were under 35 years of age.
- The majority (28 respondents) were in full-time or part-time work, or self-employed; almost one third were in education or training (14 respondents); the remainder were either unemployed (6 respondents) or ‘Other’ (1 respondent).
- 13 respondents identified their religion as ‘Islam’; 3 as ‘Christian Orthodox’; 1 as ‘Christian Catholic’; and the remainder either indicated that they had no religion (8 respondents) or ‘Other’ (2 respondents), or ‘Prefer not to say’ (2 respondents).
- Getting on for half (22 respondents) described their ethnic background as Bosniak; 4 as Serb; 3 as Croat; 14 as ‘Other’; and 6 said they ‘Prefer not say’.

As it is a small, self-selected sample of respondents, the results cannot be regarded in any way as being representative of all LGBTI+ persons in Bosnia and Herzegovina. However, the findings presented are arguably nevertheless instructive.

Experience of potential crimes and incidents

Given the small number of people who completed the BiH LGBTI+ Hate Crime Underreporting Survey, comparisons between different groups of

respondents according to how they self-classified their sexual orientation from the different options given on the online questionnaire, would not be reliable. However, it is still arguably instructive to examine the potential victimization experience of LGBTI+ respondents combined as a group, in comparison with those who indicated they are ‘heterosexual’, also in comparison with a combined group of those who indicated ‘Other’, or ‘Prefer not to say’.

LGBTI+ BiH HATE CRIME UNDERREPORTING SURVEY

Key findings

- Just over half—17 out of the 34—LGBTI+ respondents had been insulted in-person in the previous 12 months, compared with just under half—5 out of 11—heterosexual respondents, and 1 out of the remaining 4 respondents who said ‘Other’ or ‘Prefer not say’.
- 8 LGBTI+ respondents, 4 heterosexual respondents, and 1 of the remaining had been directly sent an insulting email, text message (SMS), or direct message on social media in the previous 12 months.
- 5 LGBTI+ respondents, 1 heterosexual respondent, and 1 of the remaining had insulting comments posted about them on social media in the previous 12 months.
- Only 2 LGBTI+ respondents, 1 heterosexual respondent, and none of the remaining had been physically assaulted with resultant injury in the previous 12 months.
- Only 2 LGBTI+ respondents, 1 heterosexual respondent, and one of the remaining had been physically assaulted without injury in the previous 12 months.
- Almost a quarter—8 out of 34—LGBTI+ respondents had been threatened with serious harm in the previous 12 months, compared with just 1 heterosexual respondent, and none of the remainder.
- None of the respondents had experienced robbery in the previous 12 months.

Putting all these incidents together, in almost three quarters of incidents—31 out of 42—experienced by LGBTI+ respondents, the respondents believed that the incidents happened partly or completely because of their sexual orientation or gender identity. To sum up, then, the LGBTI+ respondents were more likely to be insulted in person or threatened with serious harm than the other respondents and the majority believed that bias motivation on the basis of their sexual orientation or gender identity was involved.

Reporting to the police

For 29 of the 42 incidents experienced by LGBTI+ respondents, a question was asked about whether

they had been reported to the police. For economy of respondents’ time this question was not asked for insulting SMS or direct social media messages or posts they experienced. Notably, only four of the 29 incidents were reported to the police. Two incidents were reported to the Ombudsperson and one to the media.

For the 25 potential incidents or crimes that were not reported to the police, respondents were asked the reasons why. Multiple responses were possible.

LGBTI+ BiH HATE CRIME UNDERREPORTING SURVEY

Reasons for not reporting incidents to the police

- For over three-quarters (18) of the incidents not reported to the police the respondents said that the police would not have bothered or not been interested.
- For 11 incidents the respondents said that they were not confident the police would be able to do anything.
- 9 incidents were said to be too trivial and not worth reporting.
- 7 incidents were described as a common event, just one of those things, or just something that happens.
- For 5 of the incidents concerns were noted about negative consequences if reported.
- Fear of intimidation from perpetrators if reported was noted for 4 of the incidents.
- For 3 incidents, dislike/fear of the police/previous bad experience with the police was given as one of the reasons for not reporting.
- Respondents noted for 2 incidents that they had tried to make a report but were not able to contact the police or the police were not interested.

In short, the evidence from just this small number of LGBTI+ respondents suggests that measures need to be taken to demonstrate that the police would take seriously all potential crimes and incidents reported to them and improve confidence in the willingness of the police to act on reports.

Conclusions and recommendations

Given the small, self-selected, sample of LGBTI+ respondents, the findings discussed in this section of the report can only be indicative. But they provide strong indications that potentially, LGBTI+ persons are more likely than others to be insulted in person or threatened with serious harm, yet they are less likely to report their experiences to the police. To ensure that LGBTI+ persons who experience of potential crimes and incidents attain support and justice, it would be valuable for police and prosecution services to undertake a review of the reasons why so few such potential crimes and incidents come to the attention of criminal justice authorities. It would also

be useful for consideration to be given to measures that might potentially encourage LGBTI+ victims of potential crimes and incidents to engage with criminal justice processes to secure justice if they wish.

The survey findings underpin the need for the strategic objective, and activities, as outlined in the 2021-2024 Action plan to improve the state of human rights and fundamental freedoms of LGBTI people in Bosnia and Herzegovina, adopted by the Council of Ministers of Bosnia and Herzegovina on 28 July 2022 to “[e]nsure efficient mechanisms for the protection of LGBTI people from discrimination and hate crimes”.³¹ However, a comprehensive evidence-base gathered through a more extensive dedicated survey of the experiences of LGBTI+ persons concerning bias-motivated crimes and incidents in BiH would inform a review of the success of achieving this strategic objective and further activities that need to be undertaken.

³¹ [lgbti3.cdr\(arsbih.gov.ba\)](http://lgbti3.cdr(arsbih.gov.ba)).

13. KEY RECOMMENDATIONS

Legislative framework

- It is recommended that the authorities in Bosnia and Herzegovina should comprehensively assess and harmonise the applicable legal framework for both criminal and minor offenses, in order to remove inconsistencies and ensure more severe sanctions for bias motivated offenses. As part of this process the introduction of new offenses may be required.
- The *BiH Hate Crime Underreporting Survey* showed that insulting behavior and threats and harassment in public places, with and without bias motivation, amount to a substantial problem. While much of it is likely to be beyond the jurisdiction of the criminal law, some will fall under the remit of various criminal code provisions in Bosnia and Herzegovina. It is imperative, therefore, that existing relevant legislation be reviewed for its applicability to such behaviour—both bias motivated and non-bias motivated conduct—with proposals for new provisions if the applicable criminal code provisions are deemed to be lacking. Such a review should encompass minor offense legislation related to the regulation of public peace and order with the aim of insuring coherence of the legal framework and elimination of conflicting provisions.
- The *BiH Hate Crime Underreporting Survey* also showed that insulting online communications with and without bias motivation are also a significant problem. However, the legal and policy framework in the various jurisdictions of Bosnia and Herzegovina in respect of providing access to justice for persons subject to insulting interpersonal communications online is ambiguous. There is a need, therefore, for a review of existing relevant legislation with proposals for new legislation to be adopted if necessary related to online conduct.
- The findings from the *BiH Hate Crime Underreporting Survey* indicate potentially widespread public exposure to incitement to hatred, discord, and intolerance, and evidence how such exposure potentially contributes to a prevailing climate of insecurity. Notably, however, the existing criminal code provisions are not harmonised. It is imperative that they should be reviewed and amended to ensure consistency among different criminal jurisdictions, and coherence with minor offense legislation as well as inclusion of sexual orientation, gender, and gender identity, as explicitly provided grounds of incitement.

Capacity building

- It is recommended that the authorities in Bosnia and Herzegovina should develop a comprehensive and harmonised training curriculum for the police, prosecutors, and judges, and provide continuous training related to effective responses against bias motivated incidents and crimes. Special attention should be dedicated to responding to the problem of insulting behaviour, threats, and harassment, in public places and online.

Reporting

- It is recommended that the authorities in Bosnia and Herzegovina should use data and research to establish measures that might potentially encourage crime victims to engage with criminal justice processes and provide different avenues of reporting along with outreach activities.
- Publicizing accounts of positive experiences of reporting with successful criminal justice outcomes might potentially encourage victims to engage with criminal justice authorities.
- Despite each incident of criminal damage captured by the *BiH Hate Crime Underreporting Survey* likely constituting a crime according

to the various BiH criminal codes, only approximately one-third of victims indicated that a report had been made to the police or another authority. It is imperative, therefore, that police and local authorities promote the reporting of such crimes by victims and witnesses.

- It is likely that many incidents of violence indicated in the *BiH Hate Crime Underreporting Survey* would amount to crimes according to the various criminal code provisions in Bosnia and Herzegovina for violent behaviour or endangering security. It stands out, therefore, that less than a third of the incidents indicated in the survey were reported to the police. To ensure that victims of violent crime attain support and justice, it would be valuable for police and prosecution services to undertake a review of the reasons why only a minority of violent crimes come to the attention of criminal justice authorities.
- Collectively, the Roma communities reportedly constitute one of the most marginalized minorities in Bosnia and Herzegovina, experiencing relative socio-economic deprivation and barriers to integration. This relative disadvantage appears to extend to experience of potential crimes and incidents. Roma respondents in the *BiH Hate Crime Underreporting Survey* were more likely than non-Roma respondents to indicate experiencing potential victimization but less likely to report crimes and incidents to the police. The findings provide sufficient indications to support a case for a criminal justice action plan specific to the Roma communities targeted at increasing the reporting of bias motivated crime, and crimes in general to the police, and underpinned by appropriate victim support.
- As the survey potentially indicates that LGBTI+ persons are more likely than others to be insulted in person or threatened with serious harm, but less likely to report their experiences to the police, it would be valuable for police and prosecution services to undertake a review of the reasons why so few such potential crimes and

incidents come to the attention of criminal justice authorities.

Data, research, and transparency

- It is recommended that the authorities in Bosnia and Herzegovina should establish a harmonised system of data recording for bias motivated incidents and crimes for police, prosecutorial, and judicial institutions, and periodically make the recorded information publicly available. The data should be used for informing preventative measures and other interventions.
- A regular crime victimization survey should be established to complement the institutional data recording to illuminate the extent of underreported crime and inform policy and practice to increase the reporting of crimes in general and bias motivated incidents and crimes more specifically.
- A more in-depth understanding of the dimensions of insulting communications online and their impact should be addressed through a population survey specifically focusing on the problem.

Community Response

- It is recommended that the authorities in Bosnia and Herzegovina should prioritise mechanisms to efficiently respond through the justice system and other avenues to the instances of different forms of bias motivated crimes and incidents given their particular negative community impact.
- The *BiH Hate Crime Underreporting Survey* illuminates two dimensions of the problem of bias motivated damage and vandalism: vicarious victimization arising from deliberate damage of tombstones, memorials, or graves for deceased relatives, and bias motivated graffiti and vandalism. Given the evident community impact of these types of criminal damage it is important that relevant local authorities review their capacity to respond speedily to repair damage and remove graffiti and improve their responses where necessary.

Victims' rights

- It is recommended that the authorities in Bosnia and Herzegovina should review and evaluate the existence and effectiveness of their processes for ensuring that all victims of crime are informed and assisted. This would, among other things, entail defining 'a victim' and enumerating the rights of the victim of crimes. The EU Victims' Rights Directive could be used as a reference point for such an assessment.
- While the survey evidence shows that overall the survey respondents were mostly positive about the police, it is notable that this contrasts

with the less favourable views of victims of potential crimes and incidents reported to the police as they expressed substantial levels of dissatisfaction with the police response. One of the most important things that victims want is to be kept regularly informed about the progress of their case after reporting a crime to the police or another authority—even if there hasn't been any progress. Involving specialized staff such as psychologists, or witness support officers where available, as well as timely informing victims would improve this perception and experiences of victims. Informing the victims of their rights is a responsibility of the police, prosecution authorities, and courts.

APPENDIX TABLE 1

SURVEY SAMPLE BY MUNICIPALITY, GENDER, AND AGE GROUP

	Female					Male					TOTAL
	15-24	25-44	45-59	60 and over	Total female	15-24	25-44	45-59	60 and over	Total male	
Banja Luka	23	48	17	11	99	33	70	30	1	134	233
Bihać	10	33	11	8	62	19	24	12	11	66	128
Bijeljina	23	53	24	9	109	13	30	27	19	89	198
Bratunac	39	11	2	4	56	23	11	3	2	39	95
Brčko	14	49	22	3	88	14	43	12	9	78	166
Foča	23	30	6	6	65	7	12	4	9	32	97
Kakanj	9	32	12	2	55	14	19	6	14	53	108
Livno	4	29	17	4	54	18	17	16	4	55	109
Maglaj	7	18	12	5	42	4	11	5	1	21	63
Mostar	20	59	21	6	106	16	44	17	5	82	188
Prijedor	17	34	24	9	84	26	14	17	14	71	155
Sarajevo Centar	14	39	20	13	86	22	33	16	10	81	167
Srebrenica	20	34	12	5	71	15	19	11	5	50	121
Travnik	17	26	8	4	55	13	8	5	0	26	81
Visoko	11	30	10	5	56	14	23	4	4	45	101
Vlasenica	20	13	5	4	42	23	29	7	3	62	104
Zenica	26	38	28	16	108	17	58	18	19	112	220
Žepče	12	14	8	2	36	43	11	9	1	64	100
All municipalities	309	590	259	116	1274	334	476	219	131	1160	*2434

*4 respondents classified themselves as 'Other' gender.

About the author

Paul Iganski combines 25 years of research and practical knowledge of approaches to tackling hate crime. He has specialist expertise in research design and methodology and mostly conducts applied research in collaboration with, or commissioned by, NGOs and the equalities sector internationally. His academic career began with the award of a PhD in Social Policy at the London School of Economics. Currently, Paul is Professor Emeritus in the Lancaster University Law School, and formerly Head of Department of Applied Social Science at Lancaster University. Since retiring from teaching in 2020, Paul continues as an independent researcher and consultant. His most recent activities include: hate crime training for police officers, prosecutors, and judges, for the Romanian Consiliul National pentru Combaterea Discriminarii (2019-20); drafting policy documents for the OSCE's Office for Democratic Institutions and Human Rights' Enhancing Hate Crime Victim Support project (2020-22); survey design, and analysing and reporting results for hate crime victimisation surveys in North Macedonia (2019 & 2024), Kosovo (2021), and presently in Bosnia and Herzegovina (2023-24)—in work commissioned by the OSCE Missions.

