



EDITA MIFTARI

# **HUMAN RIGHTS DO NOT RECOGNIZE POLITICAL IDEOLOGY!**

**Political Parties and the Human Rights of  
Lesbian, Gay, Bisexual and Transgender People**

Edita Miftari

Human Rights do not Recognize Political Ideology:  
Political Parties and the Human Rights of  
Lesbian, Gay, Bisexual and Transgender People

Sarajevo, 2015

*Human Rights Series*

Editor of the series: Emina Bošnjak

Publication no. 34

title: (original title) Ljudska prava ne poznaju političku ideologiju: Političke stranke i njihov angažman na pravima lezbejki, gejeva, biseksualnih i transrodnih osoba

Human Rights do not Recognize  
Political Ideology:  
Political Parties and the Human  
Rights of Lesbian, Gay, Bisexual and  
Transgender People

author: Edita Miftari

editors: Saša Gavrić, Emina Bošnjak

translation (ENG): Edita Miftari

proofreading (ENG): Selma Asotić

design\_layout: Lejla Huremović

publisher: Sarajevski otvoreni centar, [www.soc.ba](http://www.soc.ba)

for the publisher: Saša Gavrić

© Sarajevski otvoreni centar

Non-commercial copying, photocopying, or any other reproduction of this publication in whole or in part is desirable, and possible with the previous written consent of the publisher. Please contact us at [office@soc.ba](mailto:office@soc.ba).



This publication is made possible by the generous support of the American people through the United States Embassy in Bosnia and Herzegovina. The contents are the responsibility of Sarajevo Open Centre and the author, and do not necessarily reflect the views of the U.S. Embassy or the United States Government.

ISBN 978-9958-536-25-0

Edita Miftari

**Human Rights do not Recognize Political Ideology:  
Political Parties and the Human Rights of  
Lesbian, Gay, Bisexual and Transgender People**

Sarajevo, 2015

CIP - Katalogizacija u publikaciji  
Nacionalna i univerzitetska biblioteka  
Bosne i Hercegovine, Sarajevo

342.726:613.885]:329(497.6)

MIFTARI, Edita

Human rights do not recognize political  
ideology : political parties and the human rights  
of lesbian, gay, bisexual and transgender people /  
Edita Miftari ; [translation Edita Miftari]. -  
Sarajevo : Sarajevski otvoreni centar, 2015. - 55  
str. : ilustr. ; 21 cm. - (Human Rights Series ;  
book 34)

Prijevod djela: Ljudska prava ne poznaju političku  
ideologiju. - Author: str. 54. - Bibliografija:  
str. 48 ; bibliografske i druge bilješke uz tekst.

ISBN 978-9958-536-26-7

COBISS.BH-ID 21928454

# Contents

Publisher's Foreword	7
Introduction	10
European Political Parties' Relation Towards LGBT People: A Few Introductory Examples	14
Same-sex Partnership	20
Pride Parade as a Protest	27
Hate Speech, Hate Crime and Discrimination	35
LGBT Politicians	40
Transsexuality (Sex Reassignment) and Transgender	43
What Can be Done by Political Parties in Bosnia and Herzegovina?	45
Recommended Literature	48
LGBT glossary	49
Author	54
About Sarajevo Open Centre	55



## Publisher's Foreword

Our many years of experience in advocating human rights of lesbians, gay men, bisexual and transgender people in Bosnia and Herzegovina, one of the most complicated European countries, has taught us one thing: without significant support from political parties, the state of LGBT human rights will not improve.

We have decided to create this guidebook in order to enhance the relationship between civil society organizations and political parties. This way, we hope to strengthen this relationship and create new collaborative relationships, as well as to remove any ungrounded fears.

Having read this publication, you will arrive at different conclusions. Some of them might be:

LGBT persons represent an invisible minority in every society and are therefore exposed to violence and discrimination that deserve special attention;

The state of LGBT human rights largely depends on leading political parties' dedication to the human rights of the community;

- LGBT persons make up about 10% of every state's population, meaning to say they make up 10% of the electorate and could have a decisive role in electoral processes;
- Although LGBT human rights advocacy is usually linked to leftist parties, especially the social-



democratic and green parties, the reality is that parties of all political ideologies deal with LGBT human rights: from parties on the far right, to those on the far left;

- LGBT human rights advocacy from right-wing, traditionalist and conservative political parties did not result in their demise or in a loss of electorate and support. On the contrary, it was a means by which the said parties strengthened their democratic principles by attesting that all human beings are equal and deserve equal attention;
- Societies of developed European democracies have enabled LGBT persons to freely and publicly declare themselves as socially different, without suffering any consequences in their personal or professional lives. LGBT persons are presidents, prime ministers and ministers, parliament representatives, mayors, city councilors, etc., thus they actively contribute to the further development of their societies.

We also strongly believe that Bosnian and Herzegovinian political parties should be more responsible towards this marginalized community. Bosnian and Herzegovinian political parties should:

- Publicly condemn all forms of violence and discrimination against LGBT people, signaling to the public that any violation of the LGBT human rights is not allowed;
- Promote preventive measures to combat violence and discrimination against LGBT people, through governmental institutions, strategies and action plans;
- Through governmental institutions and with no restrictions, guarantee all the rights, including the freedom of assembly, in case of the initiative for organizing public protest marches (pride parade);
- Support legislative initiatives that abolish discrimination of LGBT people, such as adopting legislation that will enable same-sex couples to enjoy

the rights that derive from their cohabitation (the right to inheritance, the right to a pension inheritance, the right to health insurance through a partner, etc.) or enable medical support for sex adjustment when it comes to transsexual persons;

- Through media, education and other channels, promote tolerance towards all minorities, including LGBT persons, for the purpose of creating better living environment/conditions that will not force LGBT people to live in anonymity or even leave the country; intolerant social climate has enormous consequences on the Bosnian and Herzegovinian economy, having in mind that a large number of highly educated professionals leave Bosnia and Herzegovina every year, including LGBT persons.

Finally: we should not be waiting for the moment when our society becomes tolerant and inclusive, just as we should not be waiting for the generational shift since it will not happen as long as the Bosnian and Herzegovinian society is ruled by negative and quite homophobic politics. Political parties should keep in mind the fact that politics creates social consciousness, not vice versa, and act accordingly. Taking responsibility, being open to discussing these issues with a positive approach, avoiding excuses and the perpetual waiting for the right moment, as well as proactive thinking on these issues are only some of the ways to put the issues surrounding LGBT human rights on the current political agenda.

Saša Gavrić  
Sarajevo Open Centre

# INTRODUCTION

In order to create an accurate image of the issues this publication deals with, instead of a standard introduction, we will reflect on the study on the needs of the LGBT community in Bosnia and Herzegovina conducted by Sarajevo Open Centre in 2013. The said study was conducted throughout BiH with 545 LGBT respondents aged 15 to 54 years. The results of the study were published by Jasmina Čaušević (2013): *Numbers of life. Analysis of the results of the research on needs of LGBT community in Bosnia-Herzegovina, Sarajevo: Sarajevo Open Centre*<sup>1</sup>.

As the ***biggest problems they face***, respondents brought up a lack of support from their friends and family, and physical, verbal and psychological violence (Čaušević, 2013: 49). As the problem that should be urgently resolved, respondents emphasized the issue of prosecution and punishment of violence (Čaušević, 2013: 36), but also the problem of discrimination in the workplace, schools and universities (Čaušević, 2013: 32). Respondents also emphasized the lack of support from governmental institutions as well as unprofessional conduct of public servants in the police, judiciary and certain sectors of the healthcare system, caused by both ignorance of LGBT issues and/or a high level of homophobia (Čaušević, 2013: 38, 41).

Around 35% of LGBT persons faced discrimination (Čaušević, 2013: 7), while one in four LGBT persons were

<sup>1</sup> This publication is available in PDF at: <http://soc.ba/en/numbers-of-life-2/>

victims of violence, mostly physical and sexual (Čaušević, 2013: 7). Only 23% of LGBT persons, i.e. one in five people have confidence in the police, while one in three people have psychological problems as a consequence of living in constant fear (Čaušević, 2013: 7). Friends of 90.4% LGBT persons know about their sexual orientation and most of them are supportive, while 46.4% have colleagues from work or university who know of their sexual orientation.

The study also covers the issue of **political participation of LGBT people in BiH**. The aim of this part of the research was to explore the extent of active and passive political participation of LGBT people, but also to emphasize that LGBT people are a part of the BiH electorate as well as members of political parties that run in the elections and achieve certain results (Čaušević, 2013: 57).

This study has shown that there is a significant number of LGBT respondents who are active in the political life of BiH through their membership in political parties (Čaušević, 2013: 58). Around 11% of respondents have stated they are members of a political party in BiH, mostly of left and center-left oriented parties, amongst which the most popular are the Social Democratic Party (Socijaldemokratska Partija, SDP) and Our Party (Naša Stranka, NS) (Čaušević, 2013: 58). Furthermore, 21% of respondents who are members of political parties have run in elections in BiH at least once, with differing results (Čaušević, 2013: 59). 40% of respondents voted in the last general elections in 2010, while the rest justify their decision not to vote with the opinion that the BiH political scene is meaningless (Čaušević, 2013: 59-60).

When asked for whom they will vote in the upcoming elections, the majority of respondents (49%) were not sure, 23% of respondents would not vote at all, while 23% of respondents stated they would vote for left or center-left oriented political parties such as NS, SDP, DF and LDS.

When asked **for whom they will vote in the upcoming elections**, the majority of

respondents (49%) were not sure, 23% of respondents would not vote at all, while 23% of respondents stated they would vote for left or center-left oriented political parties such as Our Party (Naša Stranka, NS), Social Democratic Party (Socijaldemokratska Partija, SDP), Democratic Front of BiH (Demokratska Fronta BiH, DF), and Liberal-democratic Party (Liberalno demokratska stranka, LDS) (Čaušević, 2013: 60). Almost every other bigger political party is represented in the respondents' answers in very small percentages of up to 1% (Čaušević, 2013: 60).

8.7% of respondents stated that **every political party should advocate LGBT human rights**, 12.4% said the same for SDP, 10.6% for SDA, 7.1% for NS, 5.1% for DF, 4% for LDS, 2.5% for SNSD, and 1.3% for SBB (Čaušević, 2013: 60). 33.8% of respondents who elaborated on their stance are **pessimistic towards the idea of potential LGBT human rights advocacy by the leading political parties in BiH** and emphasized the lack of will on behalf of the leading political parties, as well as their strong connections to nationalism and religion (Čaušević, 2013: 61).

The potential and number of LGBT voters should not be neglected since it is assumed that 1 in 10 in BiH is an LGBT person.

Finally, LGBT people in BiH have **the highest expectations from left-oriented political parties**, especially the ones with social democratic prefixes, followed by center-oriented parties, while no cooperation is thought to be possible with right-oriented political parties (Čaušević, 2013: 61). Čaušević concludes the chapter on political participation of LGBT people by emphasizing that the **potential and number of LGBT voters should not be neglected**, and invites political parties to include protection of LGBT human rights into their political agendas (2013: 61). Additionally, Čaušević points out that "some of the people who are involved in politics through membership in political parties also belong to the LGBT community and examples from the world and the region have shown that one can be very successful in political life and at the same

time be out as an LGBT person” (2013: 61).

Assuming that readers and users of this publication have some, if not even extensive working experience in political parties in Bosnia and Herzegovina, this publication will not address the political system constructed around the political parties that are the subject of this publication. Therefore, the biggest emphasis will be put on the work of some of the political parties of all orientations, both from the region and Europe, with the aim of showing ways and positive examples of an inclusive approach to LGBT people, i.e. LGBT voters. ***Due to the diversity of this publication’s target group, we will cover both left and center-oriented, as well as right wing political parties.***<sup>2</sup>

The aim of this publication is to deconstruct the existing models of political behavior towards non-heterosexual voters, through examples of related political parties who have incorporated work with LGBT voters and LGBT human rights advocacy into their agendas.

---

<sup>2</sup> The author and Sarajevo Open Centre distance themselves from any affiliation with political parties that are mentioned in this publication. Selection of political parties was not motivated by political preferences of the author or Sarajevo Open Centre, but by available positive examples of said political parties

# EUROPEAN POLITICAL PARTIES' RELATION TOWARDS LGBT PEOPLE: A FEW INTRODUCTORY EXAMPLES

In the circles of left, center-left, liberal and green politics, it is not unusual to see branches and organizations within the political parties that represent LGBT human rights and interests. Generally speaking, LGBT rights are human rights, and as such cannot be ignored and/or neglected by political orientations that advocate an inclusive society and equality on all grounds. Support for LGBT rights can be found on both the local and the international level. Therefore, in addition to local and national organizations, there are also many international political organizations that focus on promoting LGBT human rights.

## *The European Parliament Intergroup on LGBT Rights*

One of the best examples of such organizations is The European Parliament Intergroup on LGBT Rights, which is an informal forum for Members of the European Parliament who wish to advance and protect the fundamental rights of LGBT people.<sup>3</sup> The LGBT Intergroup is the largest of the European Parliament's 27 intergroups and gathers over 150 Members who are all democratically-elected Members of the European Parliament.<sup>4</sup> Members of the Intergroup take a positive stance on LGBT issues when they draft reports or amendments, vote in the Parliament or participate in other similar decision-making situations. The Intergroup features members from all EU member states, except Latvia, Lithuania

<sup>3</sup> Official website of The European Parliament Intergroup on LGBT Rights: <http://www.lgbt-ep.eu/>

<sup>4</sup> For more information, visit: <http://www.lgbt-ep.eu/about/>

and Luxemburg. The political orientation of the Intergroup's members is diverse: it includes affiliation with European People's Party (EPP), Progressive Alliance of Socialists and Democrats (S&D), Alliance of Liberals and Democrats for Europe (ALDE), The Greens/European Free Alliance (Greens/EFA), and European United Left/Nordic Green Left (GUE/NGL).<sup>5</sup> On the other hand, on national and local levels, political parties – members of said political groups – work on the advancement of the LGBT human rights in their societies.

Similar to the diverse political orientation of members of the European Parliament Intergroup on LGBT Rights, the political parties that advocate LGBT human rights in their local communities range from left wing and liberal, to far right wing and conservative political parties. The work of the latter is discussed later in this chapter, through three positive examples of two British and one Swedish pro-LGBT political organizations, which are also the most popular on the European continent.

### *The United Kingdom Independence Party*

The United Kingdom Independence Party, also known as UK Independence Party and UKIP, is a leading, eurosceptic, right-wing populist political party in Britain with more than 39 000 members. Although this political party had a negative public stance in the past when it comes to LGBT human rights, it has founded a branch within its structure known as LGBTQ\* in UKIP, with the slogan “Britain should be Out and Proud!”<sup>6</sup>

The aims of this initiative are stated on the official Facebook page of the aforementioned branch of UKIP. Among other things it says that it aims to operate as a social and support Society for all Members, to provide a welcoming safe space, encourage all Members to feel comfortable with their

5 The list of all members of The European Parliament Intergroup on LGBT Rights is available on the official Intergroup's website: <http://www.lgbt-ep.eu/about/members/>

6 Official Facebook page of the LGBTQ\* in UKIP: <https://www.facebook.com/UkipLgbt/>



sexuality and/or gender identity, promote the policies of UKIP to the wider LGBTQ\* Community and encourage LGBTQ\* people to join UKIP, represent the interests of lesbian, gay, bisexual, transgendered, queer/questioning (etc.) members of UKIP within the Party, organize meetings, speakers and social events which promote both the Society and highlight issues facing the LGBTQ\* (and other, alternative sexualities) Community, and to act, if requested by the NEC or the Policy groups, as an advisory body or provide an opinion on a policy proposal that involves the specific interests of the LGBTQ\* Community. In November 2013, a member of the European Parliament and the UKIP, Nikki Sinclair, came out as transgender in her autobiography, after she had previously been out as a lesbian.<sup>7</sup>



*LGBTQ\* in UKIP with Amjad Bashir, the European Parliament member. Below the slogan „Britain should be OUT and PROUD“, it is written: „We are committed to highlighting and campaigning to solve issues that sexual and gender minorities face, and providing a UKIP voice in the LGBTQ\* community“.*

*Source: Twitter, <https://twitter.com/ukiplgbt>*

### *Conservative Party (United Kingdom)*

The Conservative Party, colloquially referred to as the Tory Party or the Tories, is a center-right political party in the United Kingdom that claims to espouse the philosophies of

<sup>7</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 176, available at: <https://dl.dropboxusercontent.com/u/15245131/Annual%20Review%202014%20web%20version.pdf>

conservatism and British unionism. As of 2013 it is the largest single party in the House of Commons with 305 MPs, and it is the largest party in local government with more than 8 thousand councilors. The leader of the Conservative Party is David Cameron, the Prime Minister of the United Kingdom.<sup>8</sup>

Similarly to the UKIP, the Tory Party has its own LGBT branch, also known as LGBTory, that ensures visibility of the LGBT voice within the Party, but also of the conservative voice within the LGBT community.<sup>9</sup> In June 2013, Conservative MP Daniel Kawczynski, became the first out bisexual MP. He made the announcement while addressing his local conservative association, and was met with a standing ovation.<sup>10</sup>



*Members of the LGBTory led by MP Crispin Blunt, at the London Pride in June 2014.*

*Source: Twitter, <https://twitter.com/LGBToryUK>*

### *Moderaterna – The Moderate Party*

Swedish Moderaterna – the Moderate Party (Swedish: Moderata samlingspartiet, previously known as the National Organization of the Right and the Rightist Party) is a conservative or liberal-conservative political party, and the largest and most dominant party of the Swedish center-

<sup>8</sup> Official website of the Conservative Party: <http://www.conservatives.com/>

<sup>9</sup> Official website of the LGBTory: <http://www.lgbtory.co.uk/>

<sup>10</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 176.

right.<sup>11</sup> Following the 2010 general election, where the party gained more than 30% of the vote, the party became a major component of the center-right coalition, the so-called Alliance, along with the Centre Party, the Liberal People's Party and the Christian Democrats. The current chairman of the party, Fredrik Reinfeldt, was also the government Prime Minister. The Party is a full member of the International Democrat Union (IDU) and the European People's Party (EPP).

One of the main principles of Moderaterna is equality of all people and all human rights, and the need to respect their personality and privacy.<sup>12</sup> Their official website states that Moderaterna is “working for an open and inclusive society where people can feel safe and confident, achieve their ambitions, and where everyone, regardless of their background, gender, disability, religion, ethnicity, age, or sexual orientation has the same opportunities to grow and develop.”



*Prime Minister Fredrik Reinfeldt (Moderaterna) is the first Swedish Prime Minister who participated in the Pride Parade, in Stockholm 2014.*

*Source: Flickr*

The establishment of an LGBT organization within Moderaterna, the Open Moderates, is proof that this was not just a declarative statement. The Open Moderates work both within the Moderate Party and directly with the public and the LGBT community. Open Moderates share the values of the Moderate Party and believe that LGBT issues are important political issues to work on from the perspective of the center-right.<sup>13</sup> Campaigns, debates, publications, seminars,

<sup>11</sup> Official website of the Moderaterna: <http://www.moderat.se/>

<sup>12</sup> Official website of the Moderaterna, section „Equality“: <http://www.moderat.se/jamstalldhet>

<sup>13</sup> Official website of the Moderaterna's LGBT branch, Open Moderates: <http://www.>

media activities and participation in various festivals such as the Stockholm Pride are all part of the Open Moderates' agenda. The aim of the Open Moderates is to influence the policies of the Moderate Party and Moderate politicians all over Sweden in order to ensure an LGBT agenda based on values of individual freedom and diversity and ensure active engagement of the Moderate party and its decision makers in LGBT issues.

The Open Moderates are focused on six political priorities: continuous modernization of family laws which should create better opportunities for LGBT people to form families and have children, rights for transgender people, international issues including Swedish immigration policies, anti-discrimination in everyday life, policies concerning HIV and also honor based crimes and violence. Over the years, the Open Moderates have influenced Swedish LGBT politics but also center and center-right oriented political parties. In 2007 the Open Moderates initiated a discussion on same-sex marriage which led to the reform and legalization of same-sex marriage in Sweden in 2009.

### *Other European Political Parties*

In addition to the ones already mentioned, other European political parties also have their branches and/or organizations for promotion and protection of LGBT human rights. When it comes to center-right oriented political parties, the most important are the French organization GayLib, affiliated with the Union for a Popular Movement (French: Union pour un mouvement populaire), Finish Kasary - National Rainbow Coalition, affiliated with the National Coalition Party (Finish: Kansallinen Kokoomus r.p., Kok.), German LSU - Lesbians and Gays in the Union, affiliated with the Christian Democratic Union (German: Christlich Demokratische Union Deutschlands, CDU) and the Christian Social Union in Bavaria (German: Christlich-Soziale Union in Bayern). There are at least two LGBT organizations in the United States of America that are affiliated with the Republican Party. These are the GOProud and the Log Cabin Republicans.

---

[opnamoderater.se/other-lang/english](http://opnamoderater.se/other-lang/english)

# SAME-SEX PARTNERSHIP

## Overview

Although the European continent leads the way when it comes to enabling and legalizing same-sex marriage, there are still some

Eleven European countries allow their citizens to enter into same-sex marriage: Belgium, Denmark, France, Iceland, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom (with the exception of the Northern Ireland). Another eleven countries recognize some sort of civil partnership (sometimes called registered partnership, civil union etc.): Andorra, Austria, Czech Republic, Finland, Croatia, Ireland, Lichtenstein, Hungary, Malta, Germany and Slovenia.

on-going debates in some parts of Europe on legalization proposals. Eleven European countries allow their citizens to enter into same-sex marriage: Belgium, Denmark, France, Iceland, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom (with the exception of Northern Ireland). Another eleven countries recognize some sort of civil partnership (sometimes called registered partnership, life partnership, civil union etc.): Andorra, Austria, Czech Republic, Finland, Croatia, Ireland, Lichtenstein, Hungary, Malta, Germany and Slovenia. Civil partnership is also recognized in Gibraltar, Greenland, Isle of Man and Jersey. Some European countries were discussing legal recognition of same-sex unions - ensuring legal equality of heterosexual and same-sex marriages or adopting laws on civil partnership - at the time this publication was written. Countries that have constitutionally banned same-sex marriage are Belarus, Bulgaria, Croatia, Hungary, Latvia, Lithuania,

Moldova, Montenegro, Poland, Serbia, Slovakia and Ukraine. Only two of the aforementioned states, Hungary and Croatia, legally recognize civil partnership. Unlike Croatia, which adopted the Life Partnership Act in 2014 after the constitutional referendum in 2013 that redefined marriage in the Croatian Constitution in a way that limited the right to marry to heterosexual couples only, Hungary has made a step backward by constitutionally banning same-sex marriage two years after legal recognition of registered partnership for same-sex couples in 2009.

### *Croatia: Life Partnership*

When it comes to Croatia, the Life Partnership Act from July 2014 ensures equal rights for same-sex and heterosexual couples, except when it comes to adoption. However, this law allows some sort of adoption through partner custody; Article 44 of this Act states that “partner custody is a type of care for a minor child that can be provided by the life partner after the life partner who is the child’s parent and even during the lifetime of the life partner who is the child’s parent, if the other parent is unknown”.<sup>14</sup>



*Life Partnership Initiative. Source: CROL LGBT News Portal, <http://www.crol.hr/>*

<sup>14</sup> Full text of the Life Partnership Act is available at: [http://www.uprava.hr/UserDocsImages/Savjetovanja%20sa%20zainteresiranom%20javno%C5%A1%C4%87u/2013/zivotno\\_partnerstvo/Nacrt%20zakona%20o%20%C5%BEivotnom%20partnerstvu%20-%2017%2010.pdf](http://www.uprava.hr/UserDocsImages/Savjetovanja%20sa%20zainteresiranom%20javno%C5%A1%C4%87u/2013/zivotno_partnerstvo/Nacrt%20zakona%20o%20%C5%BEivotnom%20partnerstvu%20-%2017%2010.pdf)

## Same-sex Marriage

The Netherlands was the first country in the world to legalize same-sex marriage on April 1st 2001, by 109 votes to 33.

**The Netherlands** was the first country in the world to legalize same-sex marriage on April 1st 2001. The long law adoption procedure started in 1995 when the Parliament decided to create a special commission for evaluating the possibility of same-sex marriages. After the 1998 election, the government promised it would deal with this issue which led to the debate on the final legislation draft in Dutch Parliament in September 2000. The marriage bill passed the House of Representatives by 109 votes to 33, and the Senate approved the bill in December 2000.<sup>15</sup>

It is interesting that the Dutch Remonstrants were the world's first Christian denomination to perform same-sex unions and marriages in 1986, while the Protestant Church in the Netherlands, the largest Protestant denomination in the Netherlands, allowed their congregations to perform same-sex marriages in 2004.<sup>16</sup>

In **Belgium**, LGBT human rights are generally supported by all ruling political parties, with the exception of the far-right wing political party Flemish Interest (Dutch: Vlaams Belang, previously known as Vlaams Blok). Belgium

Belgium became the second country in the world to legalize same-sex marriage, after the Netherlands. The same-sex marriage bill passed by 91 votes to 22 (and 9 abstentions), and was supported by the center-right wing, conservatively liberal and Christian democratically oriented, and the center-left wing social democrats.

<sup>15</sup> For more information, visit: <http://www.nytimes.com/2000/09/13/world/dutch-legislators-approve-full-marriage-rights-for-gays.html?scp=2&sq=Norway+Gay+Marriages&st=nyt>

<sup>16</sup> For more information, visit: <http://www.trouw.nl/tr/nl/4324/Nieuws/article/detail/1086030/2010/01/25/Remonstranten-en-Boomsma-krijgen-homomancipatieprijs.dhtml>, i: <http://janandriesdeboer.nl/?p=41>



became the second country in the world to legalize same-sex marriage, after the Netherlands. The same-sex marriage bill was passed by 91 votes to 22 (and 9 abstentions), and was supported by the center-right wing, conservatively liberal oriented Flemish Liberals and Democrats (Dutch: Open Vlaamse Liberalen en Democraten, VLD), and center-right wing Christian democratically oriented Christian People's Party (Dutch: Christelijke Volkspartij, CVP, later Christian Democratic and Flemish, Dutch: Christen-Democratisch en Vlaams), but also by the center-left wing social democrats, Francophone Socialist Party (French: Parti Socialiste, PS), Flemish Socialist Party (Dutch: Socialistische Partij Anders), and green parties Ecolo and Agalev (Groen). The same-sex marriage bill states that two persons of different sex or of the same-sex may enter into marriage. A survey in the French-speaking Wallonia showed that 57% of respondents were in favor of marriage equality, and 70% in favor of allowing adoption to same-sex couples.<sup>17</sup>



Mayor of Liège, Willy Demeyer, officiating the wedding of a gay couple.

Source: Wikipedia

In November 2012, David Coburn of UKIP's National Executive Committee clarified the party's policies and positions with regard to LGBT issues in the **United Kingdom**. The party fully supports the existing concept of civil partnerships. Coburn stated, "UKIP's stance on gay

<sup>17</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 47.



marriage is simple: we entirely, wholeheartedly support equal rights for couples regardless of their sexuality and we believe this has been achieved through the introduction of civil partnerships, which UKIP supported.”<sup>18</sup> When it comes to full same-sex marriage that includes adoption regulations, UKIP’s position is somewhat complicated due to the influence of religious communities. For example, UKIP cites its stance that places of worship should not be forced to perform a marriage that is incompatible with their religious beliefs as their main reason for not supporting full legislation. They also cite the case of Catholic adoption agencies which have been shut down for opposing gay adoption, a move that endangered the welfare of children, as well as their chance for adoption.<sup>19</sup> Taking a stance on the same issue, the Conservative Party announced they would consider lifting the ban on same-sex marriages if they won the 2010 elections,<sup>20</sup> and they have affirmed their commitment by publishing the Contract for Equalities in May 2010.<sup>21</sup> Same-sex marriage was legalized in the United Kingdom in March 2014,<sup>22</sup> with the exception of the Northern Ireland.

When it comes to the dominantly Christian **Malta**, the Prime Minister Lawrence Gonzi announced legal regulation of the so-called cohabitation in 2010, that would also include the rights of same-sex couples. In June 2012, a MaltaToday survey found that 60% of 18 to 34 year-olds agreed with the introduction of marriage for same-sex couples, i.e. 41% of all respondents, which represented a great improvement in comparison to a 2006 research from when only 18% of the Maltese population expressed their support.<sup>23</sup> In accordance with his pre-election promise from

18 For more information, visit: <http://ukineurope.com/ukip.html>

19 Ibidem.

20 For more information, visit: <http://www.telegraph.co.uk/news/election-2010/7578697/Chris-Grayling-row-Conservatives-to-consider-legalising-gay-marriage-if-they-win-power.html>

21 For more information, visit: <http://www.telegraph.co.uk/news/religion/7673224/Gay-couples-could-be-allowed-to-marry-under-Tory-election-plans.html>

22 For more information, visit: <http://www.legislation.gov.uk/ukpga/2013/30/contents>

23 For more information, visit: <http://www.maltatoday.com.mt/news/>

2013, the Minister for Social Dialogue, Consumer Affairs, and Civil Liberties of the newly elected government led by the Labour Party announced that the government was entering negotiations on a bill that would ensure recognition of same-sex unions. He presented this bill to the Maltese Parliament in September 2013.<sup>24</sup> The Civil Unions Act<sup>25</sup> that recognized same-sex partnerships (but under the name of civil unions instead of marriage) and gave them the same rights and duties as married couples, including legal and joint adoption, was adopted in April 2014 after the third reading.<sup>26</sup> Here, it is important to emphasize that 69 seats in the Malta Parliament are currently shared by the two dominant parties: the already mentioned center-left wing Labour Party, and the Christian democratic and conservative, center-right oriented Nationalist Party (Maltese: Partit Nazzjonalista, PN).<sup>27</sup> In regards to Parliament voting on the aforementioned bill, the Nationalist Party abstained since it was ready to accept the Civil Unions Act, but not the legalization of adoption by same-sex couples, which was included in the same bill by the government.<sup>28</sup>

The Civil Unions Act that recognized same-sex partnerships (but under the name of civil unions instead of marriage) and gave LGBT people the same rights and duties as married couples, including legal and joint adoption, was adopted in April 2014 after the third reading. Here, it is important to emphasize that 69 seats in the Malta Parliament are currently shared by the two dominant parties: the already mentioned center-left wing Labour Party, and Christian democratic and conservative, center-right oriented Nationalist Party (Maltese: Partit Nazzjonalista, PN).

national/18680/heartening-change-in-attitudes-to-put-gay-unions-on-political-agenda-20120604#.U9KBkvmSx1Y

24 For more information, visit: <http://www.timesofmalta.com/articles/view/20130930/local/parliament-meets-today-bill-on-civil-unions-tops-agenda.488310>

25 The bill is available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26024&l=1>

26 For more information, visit: <http://www.timesofmalta.com/articles/view/20131014/local/civil-liberties-bill-will-give-gay-couples-same-rights-duties-as-married-couples.490275#.UllmWbT6oh0> i <http://www.independent.com.mt/articles/2014-04-17/news/president-signs-gay-marriage-bill-4664328194/>

27 For more information, visit: <http://www.parliament.mt/home>

28 For more information, visit: <http://www.timesofmalta.com/articles/view/20140417/local/We-had-no-choice-but-to-abstain-Busutil.515276>

Only a month later, the Nationalist Party suffered a loss in the European Parliament election against the governing Labor Party by over 34,000 votes.



*People celebrate in Saint George's Square after adoption of the Civil Unions Act by the Maltese Parliament.*

*Source: AAP*

## PRIDE PARADE AS A PROTEST

In addition to the limitations to family life of LGBT people in terms of same-sex marriage and adoption, one of the biggest problems that LGBT people face concerns **freedom of speech and assembly**. This problem is mostly manifested through a ban on gatherings, i.e. organization of pride parades, also known as **gay prides**. Čaušević (2013: 50) defines the pride parade as “a march of lesbians, gays, bisexual, transgender, transsexual, intersexual, queer persons, their friends and all others who disagree with the idea that persons should suffer violence and discrimination just because of their sexual orientation or gender identity. Pride parade is a march of all people who advocate for an indiscriminate approach to human rights.” Pride parade is an annual manifestation that takes place all around the world and serves to direct public attention to LGBT human rights.

Many **parades still preserve at least some of the original political, activist or protest character**, especially in less accepting settings, while in more accepting societies, the parades take on a festive or carnival-like character. Most pride events occur in June to commemorate the Stonewall riots, but on a global level, pride events take place throughout the year. The Stonewall riots were a series of spontaneous, violent demonstrations by members of the gay community against a police raid that took place in the early morning hours of June 28, 1969, at the Stonewall Inn in the Greenwich Village neighborhood of New York City. They are widely

considered as the single most important event that led to the gay liberation movement and the modern fight for LGBT rights in the United States.

**The essence of the pride** parade is simple: through marches, LGBT people express their dissatisfaction with violations of their human rights and demand greater involvement of the state in these issues. The Pride parade is a test for the state and its security agencies; if the state is not willing to protect such gatherings, than that says a lot about its relationship (or lack of it) with the LGBT population.

### *Pride Parades in Europe*

The biggest **international LGBT pride parade** in Europe is EuroPride. Each year, EuroPride is hosted by a different European city, and the host city is usually one with an established gay pride event or a significant LGBT community. Europride was inaugurated in London in 1992. London Pride is one of the oldest pride parades that has been regularly taking place since 1972. Amsterdam Gay Pride has been taking place every year since 1996 and is considered to be one of the most successful pride parades in gaining support and social acceptance. Pride has taken place regularly in Budapest since 1997 and in Ljubljana since 2001. The tenth jubilee pride parade in Ljubljana was held in July 2010 in the presence of Slovenian high-ranking government officials.

### *Pride parades in the Balkans*

In neighboring Croatia, pride parades have been regularly taking place in Zagreb and Split. Zagreb Pride is an event that has been taking place annually since 2002. It consists of a diverse program and is most notable for its march, i.e. public gathering that traditionally takes place on a Saturday that is the closest to 28th June. In addition to Zagreb, pride parades are organized in Split (since 2011) and Osijek (in September 2014 for the first time) too.



*Zagreb Pride 2013. Source: Oneworld – platform for South East Europe, <http://oneworldsee.org/>*

In neighboring Serbia, the first successful attempt of organizing a pride parade happened in 2010. The first Pride Parade was organized in 2001 after the regime change in Serbia, but it ended in physical violence against participants of Pride by hooligans and right-wing groups. The Pride Parade was planned again in 2004, but the event was canceled after riots of March 2004 and the setting on fire of mosques in Niš and Belgrade. After several inactive years, the next Pride Parade was announced in 2009, but it was canceled again, or more precisely, forbidden. This happened after the Ministry of Interior suggested that the event be held in a different location, which was not accepted by the Pride Parade organizers. Another reason for canceling the Pride in 2009 was the nationalist groups' negative reactions and increased violence against LGBT persons and persons who were perceived as LGBT. The Pride Parade was again announced in 2010, when it successfully took place for the first time, on 10th October. Around one thousand citizens participated in this march, while the number of police officers who were securing the event was five times higher. After 2010 and despite the decisions of the Constitutional Court, the government banned pride parades that were planned for 2011, 2012 and 2013.



*Belgrade Pride in 2010. Source: Mondo.rs*

Two pride parades took place in Montenegro, while the third is planned for 2014. The first Pride took place in Budva, in summer 2013, and ended in violence, while the second Pride took place in Podgorica a couple of months later, with minor incidents and arrests of dozens of people.

### *Political parties and pride parades*

As mentioned earlier, the freedom of gathering for LGBT people in the form of pride parades is more accessible in Western Europe, than in Eastern and South Eastern Europe. Hence, it is no surprise that in some European countries pride parades have enormous social and political support that comes from all political orientations, both left and right wing. One of the better examples of such support is the New Flemish Alliance (Dutch: Nieuw-Vlaamse Alliantie, N-VA), a Flemish nationalist and conservative political party in **Belgium**, founded in 2001. It is a regionalist and separatist movement that self-identifies with the promotion of civic nationalism, and as a part of the Flemish Movement it strives for the peaceful and gradual secession of Flanders from Belgium.<sup>29</sup> N-VA currently leads the 2014–2019 Flemish Government in the coalition with Christian Democratic and Flemish (Dutch: Christen-Democratisch en Vlaams, CD&V)

<sup>29</sup> Official website of the N-VA Party: <http://english.n-va.be/>



and Open Flemish Liberals and Democrats (Dutch: Open Vlaamse Liberalen en Democraten).<sup>30</sup> In this particular context, it is important to emphasize the support of the New Flemish Alliance for the LGBT movement in Belgium; each year, N-VA officially joins the Pride Parade in Brussels by emphasizing that diversity is the foundation of any tolerant community, reminding the public of the years of their LGBT human rights advocacy and by encouraging the Belgian society to accept sexual diversity.



*N-VA members at the Brussels Pride in May 2014. With their presence, N-VA has once again shown that it shares the values of the Pride Parade, and that it strives to achieve equality, tolerance and solidarity for all. Source: Official website of the N-VA Party, <http://www.n-va.be/>*

In a short report from the Brussels Pride 2012, N-VA pointed out that “discrimination on the basis of sexual orientation or gender identity is unacceptable for the N-VA”.<sup>31</sup> N-VA supported Pride Parade in 2013 as well, acknowledging the great success that was accomplished in previous years but also the challenges that are ahead. In their report, N-VA says: “Our community is open and diverse, because Flemish

<sup>30</sup> For more information on the current composition of the Flanders Government, visit: <http://www.flanders.be/en/authorities/members-and-responsibilities-government-flanders-2014-2019>

<sup>31</sup> For more information on this event, visit: <http://english.n-va.be/en/highlights/n-va-joins-lgbt-movement-celebrations>



people come in all shapes and sizes, each with their own unique background, origin, belief and orientation. With this conviction, the N-VA walked at the forefront of the Gay Pride.”<sup>32</sup>

The first Pride Parade in **Spain** was held in Madrid after the death of Franco, with the arrival of democracy, in 1979. Since then, dozens of companies and several political parties and trade unions have supported the parade. When it comes to political parties, the support regularly comes from center-left oriented Spanish Socialist Workers’ Party (Spanish: Partido Socialista Obrero Español, PSOE), left-wing party United Left (Spanish: Izquierda Unida, IU), center oriented Union, Progress and Democracy (Spanish: Unión, Progreso y Democracia, UPyD), and labor unions the Workers’ Commissions (Spanish: Comisiones Obreras, CCOO) and General Union of Workers (Spanish: Unión General de Trabajadores, UGT). The Madrid Pride is normally the biggest demonstration of LGBT people in Europe; About 2.5 million people attended the Madrid Pride in 2007.

The center oriented and progressive UPyD has publicly supported Madrid Pride Parade (Spanish: El Desfile del Orgullo) 2014 with its attendance and slogan: “They are human rights” (Spanish: “Son derechos humanos”). The aim of this slogan is to remind us that “while in most of the advanced democracies and developed countries the LGBT community has little by little won the right to enjoy their civil rights, there are still dozens of countries in the world where homosexuality is prosecuted and punished by law. Defending and advocating equality must not be ignored as the symbol of the UPyD. Hence, UPyD advocates the promotion of LGBT human rights of in Spain and Europe and in all countries of the world.”<sup>33</sup> **Further, the UPyD is the fourth political power in Spain and is a party that had the biggest increase of**

<sup>32</sup> For more information on this event, visit: <http://english.n-va.be/en/highlights/n-va-partied-along-lgbt-movement-gay-pride-event-brussels>

<sup>33</sup> Official announcement on the UPyD website: [http://www.upyd.es/contenidos/noticias/318/117396-UPyD\\_asistira\\_como\\_cada\\_ano\\_a\\_la\\_manifestacion\\_del\\_Orgullo\\_LGTBI](http://www.upyd.es/contenidos/noticias/318/117396-UPyD_asistira_como_cada_ano_a_la_manifestacion_del_Orgullo_LGTBI)

voters in the last several years, compared to the results of previous elections.<sup>34</sup> The official twitter account of the UPyD has reached a number of 85 thousand followers in only four years, which says a lot about the popularity of this political party.<sup>35</sup>

Despite its conservative Catholic background, Spain has in recent years been the most progressive country when it comes to upholding LGBT human rights. In 2005, Spain became the third country in the world to legalize same-sex marriage. Additionally, Spain legally allowed adoption by same-sex couples and equal access to artificial insemination and surrogate adoption for all couples and individuals. Recent research shows that Spanish people are world leaders when it comes to homosexuality acceptance; Pew Global has conducted a survey on global views on morality, and the results have shown that Spain is the least homophobic country of all 40 countries that have participated in this research.<sup>36</sup> This study has also shown that 55% of Spanish people see homosexuality as “morally acceptable”, while 38% believes this issue is debatable. Only 6% of respondents felt that homosexuality is “morally unacceptable”.<sup>37</sup>

The first Pride Parade in Spain was held in Madrid after the death of Franco, with the arrival of democracy, in 1979. The center oriented and progressive UPyD has publicly supported Madrid Pride Parade 2014 with its attendance and slogan: “They are human rights”. UPyD is the fourth political power in Spain, and is a party that had the biggest increase of voters in the last several years, compared to the results of previous elections.

34 For more information, visit: <http://www.lavozlibre.com/noticias/ampliar/366463/el-llamativo-ascenso-de-upyd-region-a-region>

35 Official Twitter account of UPyD-a: <https://twitter.com/UPyD/>

36 More information on: Pew Research, Global Attitudes Project, Global Views on Morality, <http://www.pewglobal.org/2014/04/15/global-morality/table/> homosexuality/

37 Ibidem.

Of all the countries in Europe, only Russia and Moldova still have legislation that limits the freedom of speech.

Of all the countries in Europe, only Russia and Moldova still have legislation that limits the freedom of speech.<sup>38</sup> Russia is also the leading country in limiting the freedom of assembly, together with Belarus and Azerbaijan.<sup>39</sup> Public gatherings of LGBT people were prevented repeatedly by the state in the last five years in Albania, Armenia, Azerbaijan, Belarus, Croatia, Georgia, Hungary, Kosovo, Lichtenstein, Lithuania, Moldova, Monaco, Russia, San Marino, Serbia, Ukraine, and Bosnia and Herzegovina.<sup>40</sup>

<sup>38</sup> ILGA-Europe, Rainbow Europe Index, May 2013.

<sup>39</sup> Ibidem.

<sup>40</sup> Ibidem.

## HATE SPEECH, HATE CRIME AND DISCRIMINATION

When it comes to adopting **legislation and legal provisions on prohibition of hate speech and hate crime**, that refer to but are not limited to LGBT persons solely, only a few European Union countries have not adopted the appropriate legislation (Bulgaria, Cyprus, Czech Republic, Germany, Italy, Latvia and Poland).

### *Prime Minister of Belgium and Hate Crimes*

One of the positive examples comes from Belgium; Following several LGBT-phobic attacks in 2012, Prime Minister **Elio Di Rupo** announced that the government would introduce a new law on bias-motivated crimes. The bill on aggravated sanctions foresees that crimes motivated by hatred, contempt or hostility towards someone on the basis of their gender, sexual orientation, gender identity or expression will be punished by mandatory aggravated sanctions.<sup>41</sup>

*Elio Di Rupo is a social democrat from the Socialist Party (French: Parti Socialiste, PS) and the Prime Minister of Di Rupo Government of Belgium since December 2011. He is the first francophone to hold the office since 1979 and the first socialist Prime Minister since 1974. Furthermore, Di Rupo is the first Belgian Prime Minister of non-Belgian descent as well as the world's second openly gay head of government in modern times. With Di Rupo's appointment,*

<sup>41</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 46.

*Belgium ended 589 days without a government, believed to be the longest streak of this kind for a country in the developed world (Jackson, 2011).*

Following the adoption of the law the Belgian government issued a circular to call police forces' attention to homophobic and transphobic crimes, including online incidents (stalking, harassment, insults and discriminatory statements).

All European Union member states have partially or completely resolved the issue of prohibition of discrimination against LGBT people through laws on prohibition of discrimination. Many countries have developed specific strategies for fight against discrimination and action plans for implementing those strategies.

All European Union member states have partially or completely resolved the issue of **prohibition of discrimination against LGBT people** through laws on prohibition of discrimination. Many countries have developed **specific strategies for fighting against discrimination and action plans** for implementing these strategies. In connection to this, on the International Day Against Homophobia in May 2013, the Belgian Government presented the National Action Plan to fight against discrimination based on sexual orientation and gender identity. This action plan aims to eliminate structural discrimination in private and public life and to fight against stereotypes in the society, especially through work with youth, in schools and in healthcare facilities.

In neighboring Croatia in May 2013, Foreign Affairs Minister Vesna Pusić (from center oriented Croatian People's Party - Liberal Democrats, Croatian: Hrvatska narodna stranka - liberalni demokrati, HNS) was one of 11 national ministers to co-sign a call for the European Commission to work on a comprehensive EU policy for LGBT equality (ILGA-Europe, 2014: 55). HNS is a political party that has been supporting LGBT community in Croatia through its activities, from supporting pride parades, to various activities such as round tables and academies on LGBT human rights. At the last Academy on LGBT human rights that took place

in June 2014, Boris Blažeković, the Academy's Director and MP from HNS, emphasized the importance of LGBT human rights, just after the Zagreb Pride was finalized. Participants of the Academy were also addressed by Davor Gjenero, Coordinator of the Council of the 5th Department of Political Academy of HNS and political analyst, Siniša Rodin from the Law School of the Zagreb University, Goran Selanec, Deputy Ombudsman for Gender Equality, Tena Šimonović Einwalter from the Office of the Ombudsman of the Republic of Croatia, Franko Dota from Zagreb Pride, Gordan Duhaček, journalist and author of the blog *Pride and Prejudice* (Croatian: *Ponos i predrasude*), and Igor Kolman, MP from HNS.<sup>42</sup> On this occasion, Kolman agreed with his Parliament colleague: "In my opinion, the Government cannot only follow the trends imposed by the current majority, but has to impose positive social values. The Family Law must be put in order, as well as sexual legislation". HNS has also supported Split Pride in June 2014, by calling its membership and all citizens to support this event for the sake of equal position of LGBT people in Croatian society.<sup>43</sup> On this occasion, HNS' branch in Split stated: "When it comes to fighting for human rights, no events is unnecessary. Those who believe that the LGBT community is asking for greater rights are wrong, and with their homophobic statements, they invite the public to revolt not only against the LGBT community, but also against every citizen who believes that all people should have equal rights."<sup>44</sup>

Croatia is one of the first countries in the region that **sanctions hate speech**. While the freedom of speech is guaranteed by the Croatian Constitution, the Criminal Code of the Republic of Croatia prescribes punishments for anyone who "for the purpose of spreading racial, religious, sexual, national, ethnic hatred or hatred based on skin color or sexual orientation, or other personal characteristics, or for the

Croatia is one of the first countries in the region that sanctions hate speech.

<sup>42</sup> More information on the official website of HNS: <http://www.hns.hr/>

<sup>43</sup> More information on the official website of Croatian Radio-Television, HRT: <http://vijesti.hrt.hr/zagreb-pride-daje-potpuru-split-prideu>

<sup>44</sup> Ibidem.

purpose of humiliation, publicly asserts or disseminates ideas of superiority or inferiority of one race or ethnic or religious group, gender, nation, or the superiority or inferiority based on skin color or sexual orientation, or other personal characteristics".<sup>45</sup> In connection to this, in January 2013 Davor R. from Split was punished with a fine of five thousand Kuna due to online threats made against LGBT persons.



*Split Pride 2013. Source: CROPIX*

Ministry for Human and Minority Rights, Public Administration and Local Self-Government of Serbia has adopted National strategy for prevention and protection from discrimination in June 2013. Five LGBT organizations were included in the drafting process of this Strategy.

**Serbia** has also made some significant steps in the **fight against discrimination**. The Ministry for Human and Minority Rights, Public Administration and Local Self-Government of Serbia adopted the **National Strategy for Prevention and Protection from Discrimination** in June 2013. Five LGBT organizations were included in the drafting process of this Strategy, but also in the drafting process of the Action Plan for the implementation of the said Strategy before the end of 2013. Additionally, together with European Commission, Serbian Ministry for Human and Minority Rights gathered non-governmental organizations and representatives of relevant institutions from

<sup>45</sup> More information on the official website of Dnevnik.hr: <http://dnevnik.hr/vijesti/hrvatska/splicanin-kaznjen-s-5-tisuca-kuna-zbog-prijetnji-gay-populaciji-na-internetu---270704.html>

Western Balkans, Turkey and Iceland for a regional, two-day workshop in Belgrade on LGBT human rights, equal treatment and fight against discrimination. Furthermore, Serbia has played an active role in the Council of Europe LGBT project that helps governments to develop intersectional LGBT policies and to fight discrimination based on sexual orientation and gender identity.<sup>46</sup>

LGBT organizations in **Kosovo** have confirmed that there is a great level of cooperation between the non-governmental sector and the Kosovo Government; the Kosovo Government regularly invites NGOs for consultations on adopting new legislation and implementing the existing one. In May 2013, the Center for Social Emancipation (Albanian: Qendra Për Emancipim Shoqëror, QESh) organized a round table on current LGBT issues with the support of Kosovo Government. Ombudsman Sami Krteshi and Minister for European Integrations Vlora Citaku attended the event. Last year, the Legal Office of the Prime Minister of Kosovo Government worked on amendments to the Law on the prohibition of discrimination and held consultations with the aforementioned LGBT organization QESh. As a result of this cooperation, gender identity was included as grounds for discrimination (in addition to sexual orientation which was already on the list.)<sup>47</sup>

<sup>46</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 149.

<sup>47</sup> ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe 2014, p. 99.



## LGBT POLITICIANS

Many politicians contribute to the improvement of the LGBT community's social position, through their personal involvement and by publicly coming out as members of the community. According to the 2013 Annual Report of ILGA Europe, member of the Spanish Parliament and Socialist Workers' Party (Spanish: Partido Socialista Obrero Español, PSOE), Ángeles Álvarez, came out as a lesbian in April 2013. In Croatia, a member of the left-wing Croatian Labor Party (Croatian: Hrvatski laburisti) and the European Parliament candidate, Damir Hršak, was the first Croatian politician ever to come out as gay. His party received 6% of the votes, enough to elect their list leader but not Mr Hršak. In November 2013, Serbian LGBT activist Boris Milićević became Adviser to the Minister of European Integration, focusing on human rights. In September 2013, a mayoral candidate in the Turkish coastal town of Giresun came out as gay. Can Çavuşoğlu announced he would run in the March 2014 election, but then withdrew his candidacy. In the local elections, both center-left oriented, social-democrat and Atatürkist/Kemalist (Turkish: Atatürkçülük, Atatürkçü düşünce) Republican People's Party (Turkish: Cumhuriyet Halk Partisi, CHP) and left-wing People's Democratic Party (Turkish: Halkların Demokratik Partisi, HDP) put forward LGBT candidates for municipality councils.

Prime Minister of Iceland and publicly declared lesbian, Jóhanna Sigurðardóttir, resigned in April 2013, just before the general elections, and announced that she is withdrawing from politics. At the time of taking office, Sigurðardóttir was the

first openly gay/lesbian person in the world to lead a country. Following early elections in Luxembourg in October 2013, a coalition of the center-right oriented Democratic Party (Luxembourgish: Demokratesch Partei, DP), center-left oriented Socialist Workers' Party (Luxembourgish: Lëtzebuerger Sozialistesche Aarbechterpartei, LSAP/ POSL) and center-left oriented The Greens (Luxembourgish: DéiDéigGréng), led Xavier Bettel, Luxembourg City's openly gay mayor, to become Prime Minister. For Vice-Prime Minister he nominated the leader of the Socialist Workers' Party - Étienne Schneider, who also happens to be openly gay.

Other politicians that have publicly come out as LGBT are Austrian, center-left oriented politician Ulrike Lunacek, the already mentioned Belgian Prime Minister Elio di Rupo, social-democrat and MP from Flanders Pascal Smet, Brussels' Government Minister and member of the Green Party Bruno De Lille, former Czech Minister of Transport Gustáv Slamečka, former member of the Czech Senate Václav Fischer, former Danish MPs Yvonne Herløv Anderse and Torben Lund, Finnish MPs Jani Toivola, Merikukka Forsius, Oras Tynkkynen, Pekka Haavisto, Reijo Paananen and Silvia Modig. Also, openly gay is the leader of the Finnish Green Party, former Minister of Environment and later Minister for International Development, Pekka Haavisto, French Secretary of State Roger Karoutchi, former Mayor of Paris Bertrand Delanoë, current Mayor of Berlin and former President of German Federal Council (German: Bundesrat), social-democrat Klaus Wowereit, former Mayor of Hamburg Ole von Beust, and former German MPs Herbert Rusche and Volker Beck.

Publicly out is also Guido Westerwelle, the leader of the German

There are many politicians across Europe who serve as presidents, prime ministers, MPs, ministers, mayors, city councilors, etc. They have been nominated by different political parties from both the right and left wing, and as such they work or they have worked for the benefit of their countries. The freedom to express their sexual orientation was of huge significance for the aforementioned politicians, and despite the fact that they belong to a social minority, it was not a reason to discriminate against them.

center-right oriented Free Democratic Party (German: Freie Demokratische Partei, FDP), former Minister of Foreign Affairs of Germany and former deputy of the German Chancellor Angela Merkel. Gábor Szetey is the first publicly declared gay politician in Hungary, who served as Hungarian Secretary of State for Human Resources; Hungarian MP Klára Ungár is also openly lesbian. Besides many Italian MPs who publicly came out as LGBT, the most significant is former Minister of Agriculture and late Minister of Environment Alfonso Pecoraro Scanio. Additionally, two presidents of Italian regions are publicly out, President of Apulia Nichi Vendola and president of Sicily Rosario Crocetta. Lithuanian MP and right-wing politician, Rokas Žilinskas, came out in 2009. Krystian Legierski is Polish LGBT activist who got elected to the Warsaw City Council in 2010, and thereby became the first LGBT person ever to be elected for a public and political position in Poland. Soon after him, Polish Parliament got a first gay MP Robert Biedroń and the first transgender person (woman) Anna Grodzka.

Since 2013, Grodzka is the only transgender woman MP in the world. Current Mayor of Zurich, Corine Mauch, is a lesbian, and in addition to her, Swiss MPs Claude Janiak, Martin Naef, Hans-Peter Portmann, Daniel Stolz and Doris Stump publicly came out as gay/lesbian. Swedish Minister of Environment, Andreas Carlgren, is also gay, and Swedish Minister for Migration, Tobias Billström, publicly came out as bisexual. The list continues with politicians from other European countries that have not been mentioned here.

As you can notice from the list, there are many politicians across Europe who serve as presidents, prime ministers, MPs, ministers, mayors, city councilors, etc. They have been nominated by different political parties from both the right and left wing, and as such they work or they have worked for the benefit of their countries. The freedom of expressing their sexual orientation was of huge significance for the aforementioned politicians, and despite the fact that they belong to a social minority, it was not a reason to discriminate against them.

## TRANSEXUALITY (SEX RE-ASSIGNMENT) AND TRANSGENDER

Protection of the human rights of transgender people is not equally regulated in the legislation of the European Union; Although the European Parliament adopted a resolution on the rights of transsexual people in 1989, transgender identity is still not incorporated into EU funds.<sup>48</sup> Also, unlike sexual orientation, transgender identity is not mentioned in the regulation of the European Institute for Gender Equality (EIGE). However, jurisprudence of the European Court of Justice (the highest court of the European Union) provides certain protection of transgender persons by interpreting and implementing sex based discrimination to people who have made sex adjustments. With this practice in mind, it can be said that all European Union legislation that refers to sex, i.e. gender based discrimination, are applicable to transgender persons too.<sup>49</sup> The Directive on Equal Treatment from 1976 was amended in 2002 so as to include gender based discrimination.<sup>50</sup> Gender based discrimination refers here to discrimination of transgender/transsexual persons too.

**Belgium** is the one stand-out European country when it comes

The jurisprudence of the European Court of Justice provides certain protection of transgender persons by interpreting and implementing sex based discrimination to people who have made sex adjustments.

48 For more information, visit: <http://www.cafebabel.co.uk/society/article/perspective-what-has-the-eu-done-for-lgbt-rights.html>

49 For more information, visit: <http://www.cafebabel.co.uk/society/article/perspective-what-has-the-eu-done-for-lgbt-rights.html>

50 For more information, check the reports of ILGA-Europe: [http://www.ilga-europe.org/home/guide\\_europe/eu/lgbt\\_rights](http://www.ilga-europe.org/home/guide_europe/eu/lgbt_rights)

to regulations of the right for sex re-assignment, which was resolved with legislation from 2007. There are some conditions that have to be fulfilled before this procedure can take place, such as the requirement that the person must possess a continuous and irretrievable inner conviction that he or she belongs to the sex opposite to the one stated on his or her birth certificate, that the body of the person is physically adapted to the opposite sex as much as possible, and that the procedure is justified from the medical point of view.<sup>51</sup> Legal sex change is possible only through judicial proceedings. Additionally, through the Flanders regional Parliament, the coalition of political parties that consists of VLD, CDV, PS, SPA, Ecolo and Agalev approved and supported a resolution that invites the government to take action and support the advancement of the position of transgender people.<sup>52</sup> For the European Parliament Elections 2014, Petra De Sutter was second on the list of the Green Party, and has thereby become the first transgender person in Belgium to run for Parliament.<sup>53</sup>

As far as countries from the region are concerned, Serbia is most definitely the leader. Since 2012, sex re-assignment solely for medical reasons is part of the right to compulsory health insurance. The then Deputy Minister of Health, Zorica Pavlović stated that it is an issue of “a small group of people who should be given an opportunity to be socially accepted. It is also important that the authorities issue them suitable personal documents in due time.”<sup>54</sup> Sex re-assignment operations started in Serbia in 1989, despite the fact that transexuality was a great taboo in Former Yugoslavia. Today, the medical team in Belgrade is known across the world.<sup>55</sup>

51 For more information, visit: [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=nl&la=N&table\\_name=wet&cn=2007051055](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2007051055)

52 For more information, visit: <http://www.vlaamsparlement.be/Proteus5/showParlInitiatief.action?id=888517>

53 For more information, visit: <http://www.hln.be/hln/nl/957/Binnenland/article/detail/1800410/2014/02/25/Petra-De-Sutter-op-tweede-plaats-Europese-lijst-Groen.dhtml>

54 For more information, visit: <http://depo.ba/clanak/62397/od-danas-moguca-promjena-spola-o-trosku-drzave>

55 For more information, visit: <http://www.vecernji.hr/svijet/new-york-times-ako-zelite-promijeniti-spol-idite-u-srbiju-434834>

## WHAT CAN BE DONE BY POLITICAL PARTIES IN BOSNIA AND HERZEGOVINA?

Whether we are talking about left, center or right-wing political party, we hope that this publication has shown that advocating LGBT human rights is part of the agenda of any serious political party. With the exception of certain religiously motivated parties, we can say that **every political party is obligated to deal with these issues**. This brings us to the conclusion that LGTB human rights validation is inevitable, and that political parties can choose the easier or the harder way towards an inclusive society for LGBT people.

Since choosing the easier way is the only sensible choice, political parties will soon realize that, besides encouraging equality and the creation of an inclusive society, promoting family stability, democratic values, economic and business opportunities, strengthening the national identity and international reputation, **LGBT rights advocacy can bring rewards for them as well**. One of the rewards includes the **LGBT electorate**, also known as the Pink Vote.

The Pink Vote refers to the voting eligibility of LGBT people, i.e. the Pink Vote represents every vote cast by LGBT people. This concept is predominant in the UK, but has quickly spread to the United States and

The Pink Vote refers to the voting eligibility of LGBT people, i.e. the Pink Vote represents every vote cast by LGBT people. It is assumed that every one in ten people in the U.S.A. is a LGBT person, which would mean that 10% of the U.S. population consists out of LGBT people.

Canada, while other countries such as Australia and the South African Republic have also starting applying it. Therefore, political parties in the UK necessarily aim towards the Pink Vote, and conduct serious campaigns to convince the LGBT community to vote for them.<sup>56</sup> Thus, the significance of the Pink Vote has increased over time, so much so that even the most conservative British leaders took drastic measures to obtain over three million British Pink Votes in 2009.<sup>57</sup>

The Pink Vote plays an important part in the United States of America as well; according to the Gallup report, it is assumed that every one in ten people in the U.S.A. is an LGBT person, which means that LGBT people make up 10% of the U.S. population.<sup>58</sup> In any case, this share plays a significant role in the election results, and therefore political parties apply various efforts to obtain these Pink Votes. Similar scenarios can be found in Canada, as well as Australia.

Gupta and Smith (2010) from Columbia University have come to the conclusion that LGBT voters in the U.S. make up a big part of the electorate, much more so than in previous decades, and that they identify themselves more with the Democratic Party simply because more democrats include LGTB issues in their party policies, along with equality rights altogether.<sup>59</sup>

It seems that the share of LGTB voters is significant, and should not be neglected, even when the political party in question does not meet the demands of the LGBT population, as is the case in Bosnia and Herzegovina. In the introductory part we reflected on research (Čaušević, 2013) showing that LGBT persons in BiH expect the most from left-wing parties, especially those with social-democratic prefix, followed by

56 For more information, visit: <http://www.independent.co.uk/news/uk/politics/battle-for-pink-vote-gets-poisonous-1731253.html>

57 For more information, visit: <http://www.thesun.co.uk/sol/homepage/news/2517277/Leaders-fight-for-the-pink-vote.html>

58 Gallup Report available at: <http://www.gallup.com/poll/6961/what-percentage-population-gay.aspx>

59 More details available at: <http://academiccommons.columbia.edu/catalog/ac%3A137497>

center winged parties, while simultaneously assuming that right winged parties are impossible to cooperate with.

However, as we have seen in this publication, more and more center and right-wing political parties incorporate LGBT issues into their agendas, so these conclusions should not discourage anyone who wants to advocate LGBT human rights from the position that is far right from social-democracy. We shouldn't be waiting for the moment when our society becomes tolerant and inclusive, just as we shouldn't be waiting for the generational shift since it will not happen as long as the Bosnian and Herzegovinian society is ruled by negative and quite homophobic politics. Political parties should keep in mind the fact that politics creates social consciousness, not vice versa, and act accordingly. Taking responsibility, being open to discussing these issues with a positive approach, avoiding excuses and the perpetual waiting for the right moment, as well as proactive thinking on these issues are only some of the ways to put the issues surrounding LGBT human rights on the current political agenda.



## FURTHER READINGS

Dragana Rašević, Vuk Vučetić, Zlatiborka Popov-Momčinović (2013): Prava LGBT osoba u Bosni i Hercegovini: Političke partije. Sarajevo: Fondacija CURE, Fondacija Heinrich Boell – Ured u BiH, Sarajevski otvoreni centar.

Jasmina Čaušević (2013): Brojevi koji ravnopravnost znače. Analiza rezultata istraživanja potreba LGBT osoba u Bosni i Hercegovini. Sarajevo: Sarajevski otvoreni centar.

Mariña Barreiro, Vladana Vasić, Jordan Maze, Saša Gavrić (2014): Rozi izvještaj. Godišnji izvještaj o stanju ljudskih prava LGBT osoba u Bosni i Hercegovini u 2013. godini. Sarajevo: Sarajevski otvoreni centar.

Vladana Vasić (2014): Homofobni i transfobni incidenti i zločini iz mržnje u Bosni i Hercegovini u periodu od marta do novembra 2013. godine. Sarajevo: Sarajevski otvoreni centar.

Zlatiborka Popov-Momčinović (2013): “Ko smo mi da sudimo?”. Ispitivanje javnog mnijenja o stavovima prema homoseksualnosti i transrodnosti u Bosni i Hercegovini. Sarajevo: Fondacija CURE, Fondacija Heinrich Boell – Ured u BiH, Sarajevski otvoreni centar.

All of these publications, and many more are available on the webpage of Sarajevo Open Centre: <http://soc.ba/en/publications/>.

## LGBT GLOSSARY<sup>60</sup>

### BISEXUAL PERSON

A person who is sexually and/or emotionally attracted to people of both sexes.

### COMING OUT

A concept derived from the phrase ‘coming out of the closet,’ which is routinely used to describe public or open declarations and affirmation of one’s (homo)sexual orientation. It is common on two levels: as a self-discovery, and as a more or less public notification. Coming out from silence refers to the act of coming out from isolation and negation, and it announces to other people the right to a different life. In activism and queer theory, coming out is a political act of resistance and confrontation of traditional views.

### DISCRIMINATION

Discrimination refers to every distinction, exclusion, limitation, and form of putting a person or a group of people at disadvantage. There are various grounds and characteristics by which a person or group of people is led to a disadvantaged position (sexual orientation, sex, gender, gender identity, gender expression, age, political affiliation, etc.)

### GAY

The basic meaning of the term is gleeful or merry. The term received a new meaning during the 19th century: female

---

<sup>60</sup> The Glossary of Basic LGBT Terms is a result of a joint effort by Sarajevo Open Centre’s team.

prostitutes were called gay based on the contempt for their occupation. It was then attributed to men who were using their services, but also to male prostitutes. In the early 20th century, some American men and women adopted the expression as a substitute for the clinical term homosexual person. In the 1960s and 70s, when the media accepted the gay movement's advocacy to substitute the term homosexual (used by psychiatrists to diagnose mental illness) with the term gay, it gained broader use.

### GENDER IDENTITY

This is associated with an individual's experience and comprehension of one's own sex, which may or may not correspond to the sex assigned at birth, and includes the personal experience of their body or other gender expression such as clothing and mannerisms. One's sex is usually assigned at birth, immediately becoming a social and legal issue. Sex implies a personal concept/construct that can be compatible with socially regulated definitions of sex/gender, or can deny, transcend, or change them. Some people do not identify themselves with the biological sex assigned to them at birth – these people are called transgender people. Gender identity is not the same as sexual orientation; transgender people can have various sexual orientations.

### HATE CRIMES AGAINST LGBT PEOPLE

Refers to criminal acts motivated by prejudices towards a person or group of people. Hate crimes include deterrence, threats, property damage, abuse, homicide or any other criminal act whose victim became a target of the assault because of their actual or assumed sexual orientation or gender identity, or because the victim is connected, supports, belongs to or is a member of an LGBT group. For an act to be considered a hate crime, there must be a grounded suspicion that the offender was motivated by the victim's sexual orientation or gender identity.

### HATE SPEECH

Hate speech against LGBT people is related to public expression that encourages expansion, promotion or

justification of hatred, discrimination and hostility towards LGBT people – for example, statements made by political and religious leaders or opinions of other authorities published in the press or on the internet, which aim to incite hatred.

### HOMOPHOBIA

Irrational fear, intolerance, prejudice and/or discrimination against gay men and lesbians (and bisexual people). It manifests as an unquestionable belief in heterosexual superiority, which is encouraged by cultural and institutional social practices. This incites violence against people who are not heterosexual, which is justified by a belief in heterosexual superiority (and the inferiority of others). Violence is reflected in verbal and physical attacks, prohibition/removal of children from non-heterosexual parents, discrimination in employment, payment of taxes, retirement, immigration proceedings, etc. These forms of discrimination are part of the social domain and many homophobes will deny taking part in such acts. However, homophobia is easy to recognize on the individual level in everyday situations, e.g. when a lesbian or gay man is not perceived as a complete person but is instead identified only by their sexual orientation.

### HOMOSEXUAL

An outdated clinical term for people whose sexual orientation is towards people of the same sex, i.e. a person that is sexually and/or emotionally attracted to people of the same sex. This term is inappropriate and many gays and lesbians find it offensive. Better terms are gay (man) and lesbian.

### LESBIAN

A woman who is sexually and/or emotionally attracted to other women. Lesbian is one of the oldest and most affirmative terms for homosexual women, which in lesbian feminist theory does not only refer to a sexual identity opposing the conventional expectations of a member of the female gender, but also a social and political identity created to oppose male chauvinism, patriarchy, heterosexism, and phallocentrism. The term originated from the name of the

Greek island Lesbos, where poet the Sappho, who eulogized love between women, was born.

### LGBT

An all-encompassing term used to denote lesbians, gay men, bisexual, and transgender people. The term denotes a heterogenic group usually identified by the title LGBT in social and political activism. The term LGBT can sometimes be expanded to include intersexual and queer people too (LGBTIQ).

### LGBTTIQ

The abbreviation for lesbians, gay men, bisexual, transgender, transsexual, intersexual, and queer people.

### SEXUAL ORIENTATION

An emotional and/or sexual attraction or affection towards people of the same and/or opposite sex. Use of the offensive term sexual preference should be avoided as it is often used to imply that orientation towards the same sex is something that can and should be changed.

### TRANSGENDER/TRANS\*

An all-encompassing term used to describe different people, behaviors, and groups who commonly, partially, or completely oppose imposed gender roles. The term does not refer to one's sexual orientation.

### TRANSGENDER PERSON

A term used for people whose gender identity is not in accordance with their sex assigned at birth, but also for people who wish to express their gender identity differently than the sex they were assigned at birth. Transgender people feel, prefer, or choose to present themselves differently from traditionally prescribed gender roles assigned to them at birth. This can be expressed through clothing, mannerisms, makeup, or body modifications. Among other things, the term transgender refers to people who do not identify themselves as male or female, or as transsexual, transvestites,

or cross dressers. A transgender man is a person who was assigned the female sex at birth, but his gender identity is masculine, or in the spectrum of masculine gender identities. A transgender woman is a person who was assigned the male sex at birth, but her gender identity is feminine, or in the spectrum of feminine gender identities. Labels for the sexual orientation of transgender people are used in accordance with their gender identity, not the sex they were assigned at birth. A transgender heterosexual man is, for example, a transgender man who is attracted to, and chooses women as partners. The term transgender refers to transgender identity and expression.

#### TRANSEXUAL PERSON

A person who has a clear desire and intent to modify their sex, or who has partially or completely modified (including physical and/or hormonal therapy and operations) their body and presentation, thus expressing their gender and/or sexual identity and sense of self.

## AUTHOR

Edita Miftari (1989) holds a BA degree in Security Studies from the University of Sarajevo and an MA degree in Gender Studies from the Central European University (CEU) in Budapest, Hungary. Her research interests lie in feminist and gender approaches to security, specifically military and law enforcement sectors, and politics. She has worked closely with Sarajevo Open Centre to implement several significant projects.

E-mail: [editamiftari@gmail.com](mailto:editamiftari@gmail.com)

## ABOUT SARAJEVO OPEN CENTRE

Sarajevo Open Centre has been recognized by our beneficiaries, but also by BiH civil society organizations, the media, public institutions, and international partners as one of the leading human rights organizations in Bosnia and Herzegovina.

Sarajevo Open Centre (SOC) advocates for the full respect of human rights and the social inclusion of LGBT people and women. Sarajevo Open Centre is an independent, non-partisan, and non-profit organization that empowers LGBT (lesbian, gay, bisexual, and trans\*) people and women through community and movement building. SOC also promotes the human rights of LGBT people and women publicly, and advocates on the national, European, and international level for improved legislation and policies in Bosnia and Herzegovina.

Between 2007 and 2011, we worked on different projects related to political science research and political education, literature, film and art promotion, and inter-religious education without having clear program areas, an office, or employed staff. In 2011, we opened our first office and our first three team members began working full-time at Sarajevo Open Centre. The team has since grown from three (May 2011) to eleven (October 2014) full-time employees.

Sarajevo Open Centre is a member of many national, regional, and international networks of civil society organizations, leads the Initiative for Monitoring BiH's European Integration, and, together with the CURE Foundation, co-leads the Women's Network BiH. Sarajevo Open Centre is the creator and administrator of [lgbt.ba](http://lgbt.ba), the only BiH LGBT web portal, which is a virtual space for the LGBT community and the public.

[www.soc.ba](http://www.soc.ba) // [www.lgbt.ba](http://www.lgbt.ba) // [www.zenskamreza.ba](http://www.zenskamreza.ba) // [www.eu-monitoring.ba](http://www.eu-monitoring.ba)



