

COST ASSESSMENT OF GENDER REASSIGNMENT:

Recommendations for Improving the Legal and Medical Approach to Transgender Persons in Bosnia and Herzegovina

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Content

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Introduction

Even though the Anti-Discrimination Law, adopted as early as 2009, prohibits discrimination against transgender persons, and even though the 2012 laws on registries adopted in both entities recognise gender reassignment as grounds for changing the information in registries and on identity documents, the rights of transgender persons in BiH are still not sufficiently protected. This is especially true concerning the right to self-determination, i.e. gender or gender identity determination, which is either limited or rendered impossible by existing legal solutions and practice. The Law on Registries of Brčko District does not explicitly name gender reassignment as grounds for changing information, but the application to change the information is actually treated as an application to correct an erroneous initial entry.

The Republika Srpska, the cantons in the Federation of BiH and the Brčko District of BiH have put in place procedures to change the Unique Master Citizen Number and other documents, but these procedures are not clearly defined nor are they available to the public. Furthermore, there is no ordinance that would define in sufficient detail the procedure of collecting and verifying the medical documentation for the applicants. The institutions of the entities and Brčko District require complete medical gender reassignment as one of the prerequisites for changing the gender marker on documents. A complete gender reassignment cannot be carried out in BiH, so transgender persons from BiH are forced to travel to other countries in the region and finance the highly expensive treatments by themselves. Not only do BiH and its entities prevent a quick, transparent and easy access for transgender persons, they completely ignore their needs thereby furthering their marginalisation that stems from the inability to change the documents. Transgender persons thus face numerous obstacles in all institutions or at border crossings when required to show their identity documents, because they arouse suspicion of having committed the criminal offence of forging their identity documents since their appearance or personal name does not match the gender designation.

BiH, its entities and Brčko District must regulate the change of legal gender by adopting laws that would explicitly and comprehensively define the procedures of changing the Unique Master Citizen Number, name markers and gender markers on all identity documents, as well as enable transgender persons to change the gender marker without having to wait for complete medical gender reassignment, thereby preventing further discrimination.

Abstract

The goal of this publication is to analyse the societal position of transgender people in Bosnia and Herzegovina. Also, to estimate the costs of sex reassignment procedure and to advise on medical and judicial approach to the issues of transgender people in Bosnia and Herzegovina. The introduction shows the basic insight into the problems and obstacles transgender people are faced with. These are mainly the absence or lacking laws that give rise to inadequate health protection. After identifying the main problems in the judicial and medical scope of approach, concrete reasons have been identified. These deal with the questions such as why do transgender people need health protection and what steps need to be taken in the medical community so a person could start with sex reassignment. The publication also provides facts on the complicated sex reassignment procedure in Bosnia and Herzegovina and its comparison to those in neighbouring countries (Serbia and Croatia). It is clear the current judicial and medical practices discriminate against transgender people and this sort of discriminatory practice are not in sync with international standards nor the Constitution of Bosnia and Herzegovina. The constitution clearly states that the rights and freedoms dictated by the European convention are being followed in Bosnia and Herzegovina and these laws have priorities over all federal laws. Later in the publication, certain questions have been posed and sent to state and private clinics, as well as medical insurance companies, about giving adequate health protection to transgender people and covering the costs of sex reassignment procedures, and answers to these questions have been included. Based on the answers received, unsatisfactory position of transgender people in the Bosnian society has been verified. Therefore, it was of utmost importance to provide further cost estimates on sex reassignment procedures in Bosnia and Herzegovina, Serbia, and Croatia and to provide recommendations for bettering the judicial and medical approach to transgender people in Bosnia and Herzegovina.

Pathologising the Transgender Identity

In 1948 the transgender identity was classified as a mental disorder. For years, transgender persons were diagnosed with various conditions such as transsexualism or gender dysphoria.¹ Gender dysphoria causes permanent distress and dissatisfaction because the person feels they do not fit their biological sex and the gender role arising from it. With some people gender dysphoria causes such great distress that it merits a formal diagnosis.² Since the transgender identity is still pathologised, transgender persons need to be diagnosed with gender dysphoria, code F.64.0, in order to be able to continue with the medical gender reassignment procedure. So, because being transgender, i.e. gender dysphoria, is listed as a medical condition, transgender persons need to be diagnosed with gender dysphoria in order to continue with gender reassignment. Medical institutions have been debating for years whether or not gender dysphoria should be on the list of diseases since it does not cause psychological consequences like other psychological disorders. Transgender pathologising imposes a complicated gender reassignment procedure, meaning that people are forced to undergo complete gender reassignment before being able to change their identity documents.

Gender dysphoria is a complex clinical phenomenon for a multitude of reasons, such as clinical assessment, presentation and type of treatment, and produces serious effects on the social, personal and medical level, as well as on the level of human rights and legislation. This area requires an interdisciplinary approach involving several medical branches in the diagnostic and therapy phase. The goal of diagnosis and therapy is to ensure the patient's well-being and help the patient achieve psychological and physical harmony, as well as improve their quality of life.³

The psychological and medical treatment of gender dysphoria includes various forms of therapy, such as aligning the body with the person's gender identity and gender expression, psychotherapy, hormone therapy aimed at masculinising or feminising the body, and the surgical procedure of gender reassignment.

1 World Health Organisation, "International Classification of Diseases", 23 February 2018, www.who.int/classifications/icd/en/.

2 "Terminologija -", Trans Aid, 18 December 2017, transaid.hr/terminologija/.

3 "Standardi nege zdravlja transpolnih, transrodnih i osoba koje se rodno ne konformiraju", Gayten-LGBT, Centre for Promotion of LGBTIQ Rights, Belgrade, 2014, https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20v7_Serbian.pdf

Gender Reassignment in Neighbouring Countries and the Complicated Procedures in B&H

The neighbouring countries have recognised these problems and have tried to solve them through legislation. Serbia has a medical team that carries out gender reassignment procedures, and 60% of the costs are covered by standard health insurance. In Montenegro the percentage varies between 80% and 100%, while the state also covers the costs of treatments received abroad, since Montenegro is still in the process of training a medical team that could carry out these procedures domestically. The Law on Registries of the Republic of Croatia bypasses this issue by stipulating that living under a different gender is sufficient grounds for changing the gender marker and the Unique Master Citizen Number in registries and on identity documents, without transgender persons needing to go through the entire medical gender reassignment procedure. This helps prevent discrimination against transgender persons during the transitioning phase and protects their bodily integrity, as well as their right to choose the kind of treatment they wish to have.⁴

The complicated, inadequate procedure of changing documents in BiH requires full medical gender reassignment (while, at the same time, no gender reassignment options are provided), which causes various obstacles for transgender persons in Bosnia and Herzegovina and exposes them to direct discrimination due to the mismatch between the information on their documents and their physical appearance. Transgender persons are in danger of being accused of fraudulent misrepresentation when showing their documents to police officers; the police officers may question their identity; the mismatch between the gender marker and the physical appearance can cause an uncomfortable situation for transgender persons seeking employment; landlords are reluctant to rent their apartments to transgender persons because they suspect fraudulent misrepresentation; gendered language on school diplomas renders them useless during the transitioning phase; the mismatch between personal information and personal appearance causes daily stress for transgender persons and forces them to constantly think about how to avoid potentially dangerous or discriminatory situations.

It is clear, from all of the above, that Bosnia and Herzegovina, its entities and Brčko District ignore the need to protect the human rights of transgender persons, thereby actively contributing to the poor social position of transgender persons and creating a transphobic atmosphere that leads to increased

⁴ Damir Banović, Jasmina Čaušević, Slobodanka Dekić, Ryan Finn, "Život van zadatih normi: Transrodnost u Bosni i Hercegovini", Sarajevo Open Centre, Sarajevo, 2015.

violence and discrimination on the grounds of gender identity. It is therefore necessary to pass and adopt adequate legal provisions so as to make the legal recognition of gender reassignment simple, quick and transparent, as well as to enable transgender persons to change their Unique Master Citizen Numbers and gender markers on identity documents on the grounds of living under a different gender identity.

Discrimination as a Result of Non-Compliance with International Standards

In its Constitution, Bosnia and Herzegovina has vowed to ensure the highest possible standard of human rights and fundamental freedoms. By giving the European Convention for the Protection of Human Rights and Fundamental Freedoms priority over other laws of Bosnia and Herzegovina⁵ and by signing the accompanying Protocol, Bosnia and Herzegovina has acknowledged that the interpretation of the European Convention on Human Rights lies solely with the European Court of Human Rights, and has taken up the duty of implementing the Court's decision.

Interpreting the European Convention for the Protection of Human Rights and Fundamental Freedoms, the European Court of Human Rights has made it a duty of all member states to enable transgender persons to undergo surgical procedures for full gender reassignment that are covered by standard health insurance as medically necessary procedures (the case of *Van Kück v. Germany*), as well as ensure quick and transparent procedures for amending the gender marker on identity documents (the case of *Goodwin v. the United Kingdom*, and *B. v. France*). If the state fails to provide access to medical gender reassignment procedures for transgender persons, the European Court of Human Rights has taken the stance that the state must enable the change of identity documents and cannot set full medical reassignment as a prerequisite for this change. Since the Convention is an integral part of the Constitution of BiH, since it has the force of a constitutional norm and takes precedence over other laws, and since the European Court of Human Rights is the only body authorized to interpret the Convention, it becomes clear that by failing to protect the rights of transgender persons, the entities, the cantons and Brčko District violate the European Convention for the Protection of Human Rights and Fundamental Freedoms, and thereby violate the very Constitution of BiH.⁶

There are currently three different laws on health protection and health insurance in Bosnia and Herzegovina. Some parts of these laws are harmonized, while others differ completely. The discrepancies between legal provisions are a product of the allocation of competences in health care. In the Republika Srpska, the entity is in charge of health care, while in the Federation of BiH the competences are divided between the entity and the cantons. In the Federation of BiH there is an FBiH Ministry of

⁵ Damir Banović, Natalija Petrić, Slavoljupka Pavlović and Vladana Vasić, "Trans*formacija prava – modeli pravnog regulisanja prilagodbe spola u BiH", Sarajevo Open Centre and Friedrich Ebert Foundation, Sarajevo, 2016.

⁶ *Ibid.*, p. 5.

Health, ten cantonal health ministries, the FBiH Health Insurance and Reinsurance Institute and ten cantonal health insurance institutes. On the other hand, the Republika Srpska has the Ministry of Health and Social Welfare and the Health Insurance Fund, whereas the Government of Brčko District includes the Department of Health Care and Other Services, as well as the Health Insurance Fund of Brčko District. Health care accreditation agencies have been established on the entity level – the Agency for Quality and Accreditation in Health Care in the Federation of BiH and the Agency for Certification, Accreditation and Health Care Improvement of the Republika Srpska.⁷

Bosnia and Herzegovina has ratified a certain number of international documents in the area of health care and has therefore pledged to ensure equal access to health care protection for all, without discrimination on any grounds. In 2008, BiH ratified the European Social Charter that addresses the fulfilment of the right to health protection, i.e. the duty of establishing an efficient social protection system, ensuring the right to health insurance and establishing an accessible and efficient primary health protection system, with a special focus on vulnerable groups in the society. The European Convention for the Protection of Human Rights also stipulates these same obligations, i.e. clearly states that the enjoyment of rights prescribed by the law, including the right to health protection, must be secured to all individuals, without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.⁸

The current situation indicates that the health care system in Bosnia and Herzegovina is in need of a wholesale reform in order to meet international standards. Health protection is not provided to everyone, and the citizens of Bosnia and Herzegovina, including transgender persons, do not have equal access to health protection they need. At the moment, health insurance in BiH does not cover any costs for transgender persons, such as the costs of obtaining a psychological report, a psychiatric assessment, hormone therapy and surgical gender reassignment.

⁷ Ervin Mujkić, "Sistem zdravstva u Bosni i Hercegovini: stanje i pravci moguće reforme", Public Law Centre Foundation, <http://www.pfsa.unsa.ba/pf/wp-content/uploads/2015/01/Sistem-zdravstva-u-Bih.stanje-i-pravci-mogu%C3%A6-reforme.pdf>

⁸ Ibid., p. 7.

Responses of Institutions to Questions on Health Protection

In the 2013 report on the rights of transgender persons in BiH, the FBiH Ministry of Health states that it does not know of any cases of gender reassignment surgery being done in BiH, and that most people, according to the information the Ministry possesses, undergo surgery in Serbia or Slovenia. The Ministry also notes that health insurance does not cover these costs. The same report contains the response of the Health Insurance Fund of the Republika Srpska claiming that a person can submit an official request for coverage that is reviewed by the Fund's medical board. The Health Insurance Fund of Brčko District states that it would cover these costs but that it does not have "contractual gender reassignment services with any of the health protection service providers."⁹

In 2018, an inquiry was sent to all state and private clinics, as well as health insurance institutes, about the provision of health protection to transgender persons and the coverage of costs of the gender reassignment process.

The inquiry on health protection for transgender persons and coverage of costs of the gender reassignment process consisted of the following questions:

- Has the Health Insurance Institute addressed the issue of covering the costs of gender reassignment for transgender persons in BiH?
- Does the Health Insurance Institute cover the costs of psychological/psychiatric counselling for transgender persons who have medical insurance, after which transgender persons could get the diagnosis they need and continue with the gender reassignment process (hormone therapy and surgical procedures) based on the medical indications contained in the diagnosis?
- Upon receiving the F64.0 diagnosis, transgender persons need to undergo several medical examinations/tests based on which the endocrinologist issues a prescription for hormone therapy.

These examinations include the following: LH, FSH, prolactin, testosterone, DHEA-S, progesterone, breast ultrasound, gynaecological exam and ultrasound, abdominal ultrasound, ALT, AST, LDH, bilirubin, PT, CBC, as well as the final assessment of a psychologist and a psychiatrist.

⁹ Vladana Vasić, "Izveštaj o pravnom položaju transrodnih osoba u BiH", Sarajevo Open Centre, Sarajevo, 2013. Available at: <http://soc.ba/izvjestaj-o-pravnom-polozaju-transrodnih-osoba-u-bih/>

Does the Health Insurance Institute cover the costs of the abovementioned examinations/tests for medically insured transgender persons?

- Hormone therapy depends on the desired course of transition – FTM or MTF – and there are three main categories of hormones: androgens (testosterone), estrogens (estrogen and estradiol) and progestogens (progesterone). Are these hormones available in Bosnia and Herzegovina and are the costs of hormone therapy covered by health insurance for individuals who are medically insured?
- Does the Health Insurance Institute cover the costs of gender reassignment for transgender persons, and is it possible for insured persons to get health insurance coverage for surgical procedures performed outside of the country, because they are not available in Bosnia and Herzegovina?

Responses of Health Insurance Institutes

(Health Insurance Institute of Central Bosnia Canton, Herzegovina-Neretva Canton, Zenica-Doboj Canton, FBiH Health Insurance and Reinsurance Institute)

- The health insurance institute arranges the health protection of insurance holders annually, based on the list of services provided by hospitals. Gender reassignment is not on the list of services.
- The medical examinations are provided to all insured persons at the contracted health institutions or, if not available there, they can be obtained at contracted medical institutions outside of the canton with the approval of the Medical Commission of the canton's health insurance institute.
- Psychological counselling, as well as all exams by psychologists and psychiatrists, are provided to insurance holders at the contracted health institutions. The provision of these services is not dependent on a diagnosis.
- According to the 2017 Register for Medicinal Products of Bosnia and Herzegovina issued by the Agency for Medicinal Products and Medical Devices of BiH, the following medicinal products from the ATC code G03 subgroup – sex hormones and modulators of the genital system – are registered: G03A Hormonal contraceptives for systemic use, G03B Androgens, G03D Progestogens, G03F Progestogens and estrogens in combination, G03G Gonadotropins and other ovulation stimulants and G03H Antiandrogens. The FBiH List of Essential Medicines contains the following ATC group G03 medicines, with indications: progesterone (for conditions caused by low progesterone levels), dydrogesterone (endometriosis), clomiphene (inducing ovulation), drospirenone and ethinylestradiol (oral contraceptives) and norethisterone (endometriosis).
- Compulsory health insurance cannot finance surgical gender reassignment procedures for transgender persons. The referral of insurance holders to treatments abroad, financed from the FBiH Solidarity Fund, is regulated by the Ordinance on Conditions and Manner of Referring Insurance Holders to Treatments Abroad. Gender reassignment surgery is not mentioned in the Ordinance.

Based on the responses from health insurance institutes, we can conclude that the health care system in BiH does not pay any attention to issues affecting transgender persons, which is why these issues are not legally regulated. Health insurance does not cover surgical gender reassignment procedures or hormone therapy, because the hormones that transgender persons need are not on the List of Essential Medicines. The institutes' response to the

question on psychological/psychiatric services is incomplete, so the question about the F64.0 diagnosis being given by psychologists and psychiatrists in Bosnia and Herzegovina remains unanswered. Other questions related to the psychological and psychiatric treatment of transgender persons also remain unanswered – would this kind of treatment lead to a diagnosis that would enable transgender persons to continue with the gender reassignment procedure? According to health institutes, transgender persons can undergo medical examinations and tests that are necessary for an endocrinological assessment prior to taking a hormone therapy. However, state and private clinics have not responded to our inquiry, so there is no way of knowing which examinations and tests are available at state clinics, nor do we know if health institutes could cover the cost of tests that cannot be done at state clinics but are available at private ones.

The lack of legislation on gender reassignment in Bosnia and Herzegovina and on reimbursement of costs for gender reassignment procedures performed abroad are not the only excuse used by the institutions to justify the fact that gender reassignment cannot be carried out in BiH. The institutions frequently emphasise the lack of a medical team that could lead the process and the low number of transgender persons in BiH, meaning to say they believe there is no point in changing the law (on health insurance) for the sake of a few individuals who would like to undergo gender reassignment. However, the lack of a medical team or the low number of transgender persons cannot be used as an excuse, because we are dealing with discrimination against a minority group in need of health protection, and other countries have managed to solve these issues through standard health insurance. Montenegro is a positive example of how to address the lack of a medical team that could carry out gender reassignment procedures domestically. As mentioned in the introduction, Montenegro covers anywhere from 80% to 100% of all costs of gender reassignment procedures carried out in Serbia, since the Montenegrin medical team is yet to complete the necessary training.

Cost Assessment of Gender Reassignment in Bosnia and Herzegovina

(As Currently Offered in BiH)

If a state clinic does not provide all the examinations and tests that transgender persons need for a prescription, i.e. to get “the green light” for hormone therapy, it is possible to get health insurance coverage for the cost of tests carried out at private clinics. The table below shows the prices of these examinations/tests at private clinics. However, health insurance covers only those tests that are not offered by state clinics, since the response provided by the Health Insurance Institute of the Herzegovina-Neretva Canton indicates that tests needed by transgender persons are available and are not dependent on a diagnosis.

The price list of PROLAB, a laboratory of medical biochemistry in Sarajevo:

LH	cca. 15 BAM
FSH	cca. 15 BAM
PROLACTIN	cca. 15 BAM
TESTOSTERONE	cca. 15 BAM
DHEA-S	cca. 35 BAM
PROGESTERONE	cca. 15 BAM
BREAST ULTRASOUND	cca. 40 BAM
GYNEACOLOGICAL EXAMINATION AND ULTRASOUND	cca. 60 BAM
ABDOMINAL ULTRASOUND	cca. 4 BAM
ALT	cca. 4 BAM
AST	cca. 4 BAM
LDH	cca. 4 BAM
BILIRUBIN	cca. 5 BAM
PT	cca. 5 BAM
CBC	cca. 5 BAM

Based on the responses of the abovementioned health institutes, transgender persons in BiH should be able to get free psychological, psychiatric, as well as endocrinological health protection in BiH. Psychologists and psychiatrists are expected to issue a psychological report and a psychiatric assessment, referring transgender persons to endocrinologists who are supposed

to prescribe hormone therapy. Transgender women, i.e. women who are biologically male, who decide to go on hormone therapy need the following hormones: estrogen, antiandrogens and progestins. Transgender men, i.e. men who are biologically female, need testosterone. Since these hormones are not included in the List of Essential Medicines, the cost assessment is the following:

Androcur tablets 50 mg	65.80 BAM, 50 tablets
Testosterone depo, vials 250 mg/ml 1ml	4.95 BAM, per vial

The institutes emphasised the lack of professional staff that could perform surgical gender reassignment procedures in Bosnia and Herzegovina, as well as the fact that health insurance does not cover the costs of gender reassignment procedures performed in other countries. However, looking at the services provided by state clinics it is clear that the current medical staff could perform mastectomies, or the so-called “top surgeries”, i.e. the surgical removal of breasts, because they already perform these procedures on biological women, for various medical reasons. When it comes to surgical procedures on the breasts of trans women, there needs to be a medical team that can perform augmentation mammoplasty and lipofilling, i.e. breast implant surgery. Other gender reassignment procedures require professional staff trained to perform a hysterectomy (removal of the uterus), ovariectomy (removal of ovaries and fallopian tubes), vaginectomy, urethral shaping, with metoidioplasty and phalloplasty, scrotal shaping, testicular prostheses insertion, penis shaping, penectomy (penis removal), orchiectomy (removal of testicles), vaginoplasty (vaginal shaping), clitoroplasty (shaping of the clitoris) and vulvoplasty (shaping of external female genital organs). No such trainings for medical professionals exist in BiH. It is therefore necessary to train local medical professionals with the help of regional experts in these areas (either by bringing in a team that would train medical professionals in BiH, or by sending medical professionals from BiH abroad for necessary training) or cover the costs of gender reassignment procedures performed abroad.

Cost Assessment of Gender Reassignment in Serbia¹⁰

Serbia currently has a full medical team in charge of the gender reassignment process of transgender persons. Health insurance in Serbia covers 60% of gender reassignment costs for its citizens. The costs include consultations with psychiatrists and endocrinologists, as well as surgical gender reassignment procedures.

Gender reassignment costs for non-citizens in Serbia are the following:

Cost of consultations with a psychiatrist (per consultation meeting; the psychiatrist determines how many meetings are necessary)	5000 RSD = 82.78 BAM
Cost of consultations with an endocrinologist	16 000 RSD = 264.6 BAM
Breast implant surgery	cca. 354,608 RSD = 5867 BAM
Metoidoplasty for trans men	cca. 1,182,092 RSD = 19,556 BAM
Surgical gender reassignment procedures for trans women (not including the price of implants)	cca. 945,190 RSD = 15,642 BAM

¹⁰ Due to the lack of official price list, information on the prices of gender reassignment comes from activists from Serbia.

Cost Assessment of Gender Reassignment in Croatia (As Currently Offered in Croatia)¹¹

Croatia currently offers psychological, psychiatric and endocrinological consultations, as well as mastectomy. The cost of consultations is covered for Croatian citizens. However, there has been a change in the coverage of mastectomy, so now Croatian citizens have to pay for the procedure themselves.

The costs of gender reassignment for foreign nationals are the following:

Cost of consultations with a psychologist (per consultation meeting; the psychologist determines how many meetings are necessary)	88 HRK = 23.22 BAM
Cost of a psychologist's report/findings	450 HRK = 118.77 BAM
Cost of consultations with a psychiatrist (per consultation meeting; the psychiatrist determines how many meetings are necessary)	200 HRK = 52.75 BAM
The cost of mastectomy	14,742.76 HRK = 3,911.66 BAM

¹¹ Due to the lack of official price list, information on the prices of gender reassignment comes from activists from Croatia.

Summary of Requirements for Health Protection of Transgender Persons

Gender Reassignment Process

Standard health insurance should provide:

- Psychological counselling – psychological report and referral to a psychiatrist
- Psychiatric counselling – F64.0 diagnosis and referral to an endocrinologist
- Endocrinological counselling – prescription for hormone therapy
- Access to hormone therapy and the inclusion of hormone therapy on the List of Essential Medicines
- Surgical procedures – hysterectomy (uterus removal), ovariectomy (removal of ovaries and fallopian tubes), vaginectomy, urethral shaping, metoidioplasty or phalloplasty, scrotal shaping, testicular prostheses insertion, penis shaping, penectomy (penis removal), orchiectomy (removal of testicles), vaginoplasty (vaginal shaping), clitoroplasty (shaping of the clitoris), vulvoplasty (shaping of external female genital organs), mastectomy (breast removal) and augmentation mammoplasty (implants/lipofilling).

Covering the Costs of Gender Reassignment and Training the Medical Team

1. Cover the costs of gender reassignment through health insurance (enable access to psychological counselling, psychiatric counselling, endocrinological consultations, medical examinations/tests, hormone therapy and surgical procedures)
2. If adequate protection is not possible in Bosnia and Herzegovina, ensure coverage of costs for gender reassignment procedures performed in other countries through health insurance
3. Train a medical team that would provide adequate protection to transgender persons

Respecting the Right to Self-Determination

Self-determination is the right of every person to identify, define and choose their identity, in terms of sex, gender, sexual or gender identity, sexual orientation and sexuality in general, nationality, ethnic affiliation, whether in connection to the person's own body or social status, as long as this right does not violate the rights of others.¹²

Definitions

- **Sex** is a classification of individuals based on biological characteristics. Sex can be male, female or intersex.
- **Gender** is the social construct of sex and refers to the socially established roles, positions, statuses and differentiations between people in private and public life based on sex.
- **Gender identity** is an individual's inner, personal understanding of their own gender that may or may not correlate with assigned sex at birth, and it includes one's personal experience of one's body and gender expression through clothes, manner of speech and address.
- **Gender expression** refers to the personal expression of one's own gender identity through clothes, manner of speech and address.
- **Transgender person** is a person whose gender identity differs from their biological sex.
- **Gender reassignment** refers to the medical alteration of biological sex to resemble gender identity.
- **Change of legal sex** refers to the change of personal information and identity documents as the result of gender reassignment or life under a different gender identity.

About the Author

Liam Isić (Bihać, 1996) started working in Sarajevo Open Centre in 2016 as a volunteer and became a project assistant in 2018. He is engaged in activities related to the human rights of LGBTI persons, works with LGBTI individuals and is particularly focused on working with the trans* community in Bosnia and Herzegovina. He has completed his undergraduate studies at the American University in BiH.

About Sarajevo Open Centre

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

Here, we will only mention some of the achievements made in terms of equality of LGBTI people. In addition to psychosocial and legal counseling we also continued running the only LGBTI media outlet in the state – a web portal www.lgbt.ba. We organized trainings for the police, the prosecutor's offices and the courts and we worked intensively on creating a local institutional network of support for LGBTI persons in Sarajevo Canton, improving the recommendation of regulating bio-medically assisted fertilization in FBiH, the rights of working women regarding the discrimination on the grounds of sex and maternity leave, but also on raising awareness about gender-based violence in BiH. In 2017, several of our legislative and policy initiatives have been submitted to governmental or parliamentary procedures. Our advocacy focuses on issues of policies for the equality of women and LGBTI persons in BiH, the issues of reproductive rights of women and men, parenthood in the context of conciliating the private and the business life, the freedom of assembly of LGBTI persons and improving the institutional framework for the protection against violence and discrimination. In the previous year, we had media campaigns that reached over a million of BiH citizens and we organized the LGBTI film festival Merlinka.

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

This publication is part of the *Human Rights Series* published by Sarajevo Open Centre.

In the Human Rights Series we publish reports, articles and publications on human rights of women, lesbians, gay, bisexual, transgender and intersex persons.

Some of the publications on human rights of transgender people relevant for this topic are:

Amar Numanović (author): *Numbers of Equality 2. Research on Problems and Needs of LGBTI Persons in Bosnia and Herzegovina in 2017 - Analysis of Findings*. Sarajevo: Sarajevo Open Centre, 2017. Dostupno na: <http://soc.ba/brojevi-koji-ravnopravnost-znace-2-analiza-rezultata-istrazivanja-problema-i-potreba-lgbti-osoba-u-bosni-i-hercegovini-u-2017-godini/>

Darko Pandurević (autor): *Recommendations for improving the position of trans* people in B&H – concrete guidelines*. Sarajevo: Sarajevo Open Centre, 2014. Dostupno na: <http://soc.ba/konkretne-preporuke-za-poboljsanje-polozaja-trans-osoba-u-bosni-i-hercegovini/>.



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