

A decorative background featuring a repeating pattern of colorful diamonds (squares rotated 45 degrees) on a red background. The diamonds are composed of smaller triangles in various colors including blue, yellow, green, and purple. The pattern is arranged in a staggered, grid-like fashion.

# **POLITICAL PARTIES AND THE HUMAN RIGHTS OF LGBT PEOPLE: MONITORING OF THE GENERAL ELECTION 2014**

Darko Pandurević, Emina Bošnjak, Naida Kučukalić

Political Parties and the Human Rights of LGBT People:  
Monitoring of the General Election 2014  
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## SUMMARY

During the election campaign for the 2014 general election there have been very few promises made in regards to human rights. The entire field of respect and protection of the human rights was either ignored or overshadowed by the ethno-national slogans and nationalist rhetoric.

The parties, as expected, devoted the maximum attention to the growing economic and social issues, which is justified, but, on the other hand, human rights were mentioned only superficially, without clear objectives or as an issue almost exclusively related to the conditions for European integration.

In line with that, it has been almost impossible to find references to terms such as LGBT people, protection from discrimination based on sex, gender identity or sexual orientation.

# 1. INTRODUCTION

*“What I longed to hear in numerous TV debates is the issue of your own personal and party attitude towards the LGBT community. Not because I believe that is the most pressing issue at this point, but also because it will be opened in the enlargement package on the path towards the EU.”*

Fadila Nura Haver, Slobodna Bosna, 09.10.2014.

Although lesbian, gay, bisexual and transgender (LGBT) people are 10% of population of any country, and one tenth of the voting body respectively, the domestic political parties of any ideological profile do not have any formed stances concerning the issues of LGBT people and their rights, nor do they move from the platitudes on equality and fairness of all citizens. It is more than superfluous to even discuss the existence of policies of political parties aimed at reducing the levels of discrimination or violence, inclusion and improvement of rights of LGBT people in BiH society.<sup>1</sup>

The silence of BiH political parties on the rights of LGBT people is interrupted only by rare public appearances and press releases, as the ultimate tool of reacting, only in connection to few parties and serious human rights violations including physical assault and serious injuries

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<sup>1</sup> Example of good practice of proactive approach to problems and needs of LGBT persons are ORaH's policies for the improvement of rights of LGBT persons, available at: [https://www.orah.hr/images/dokumenti/lgbt/ORaH\\_LGBT\\_politika\\_finalan\\_prijedlog.pdf](https://www.orah.hr/images/dokumenti/lgbt/ORaH_LGBT_politika_finalan_prijedlog.pdf).

inflicted upon LGBT people<sup>2</sup>, while the political opinions on the issues of freedom of assembly, sex reassignment, same-sex partnership, discrimination in various spheres of life, including education and health care, and the other spheres in which LGBT people cannot live a life of dignity, simply have not been voiced.

At the same time, while the issue of marriage equality for same-sex partners in the United States of America is one of the basis for the positioning of the two largest parties: the Democratic Party and the Republican Party, and while the European political parties from all parts of the ideological spectrum: the left, social democratic, green, and even the populist and conservative center-right parties are incorporating the issues of human rights for LGBT people in their programs and policies, the local parties still have not recognized the value of the *pink vote*<sup>3</sup>. The invisibility of LGBT people themselves in our society also contributes to this type of relations: only a small number of LGBT people have publicly expressed their sexual orientation and/or gender identity, while until recently, the LGBT movement itself did not have a systematic, open and clear approach to the voicing of demands towards the political parties and their representatives.

In 2013, Sarajevo Open Centre conducted a survey of the needs and problems of LGBT people in Bosnia and Herzegovina<sup>4</sup>, in order to identify the real problems and to assess the specific needs of LGBT people. Part of the research related to the degree of active and passive political participation of LGBT people in Bosnia and Herzegovina, and the results showed that 60% of participants in the research are using their passive voting rights, 11% are members of a

2 The only two parties who reacted to the assault during the Merlinka Festival 2014 are Our Party (<http://www.oslobodjenje.ba/vijesti/bih/nasa-stranka-o-napadu-nacunesnike-festivala-merlinka-sramna-manifestacija-mrznje>) and SDP (<http://www.sdp.ba/novost/21396/forum-mladih-sdp-bih-osuduje-ispoljavanje-svakog-oblika-mrznje-i-netolerancije>).

3 Pink vote refers to the passive voting rights of LGBT persons.

4 Available at: [http://soc.ba/site/wp-content/uploads/2013/09/Analiza-istrazivanja-bhs\\_web-verzija.pdf](http://soc.ba/site/wp-content/uploads/2013/09/Analiza-istrazivanja-bhs_web-verzija.pdf)

political party (mostly of SDP, followed by Our Party), while 21% of participants ran for the office.

In view of such survey results, the second part of the puzzle was missing: in which manner do the political parties whose acts, particularly through the institutions of government in which they participate, as well as the influence they have, affect the everyday life of lesbian, gay, bisexual and transgender people, run the campaigns during the most intensive part of the election cycle: the pre-election period, and whether they recognize their LGBT voters and their problems and needs.

To this end, as a part of the “Political Parties and the Rights of LGBT People in BiH” project we analyzed the documents of selected political parties: statutes, political platforms, election documents, as well as their election promises. We created and supplied a questionnaire to those parties in order to examine the views of the most relevant political parties before the General Elections 2014 on the state of human rights of LGBT people, and social and economic issues related to LGBT people in BiH.

## 2. FRAMEWORK OF MONITORING AND ANALYSIS OF THE RELATIONS OF POLITICAL PARTIES TOWARDS LGBT PEOPLE IN BiH DURING THE GENERAL ELECTIONS 2014

Different issues and areas related to the lives of LGBT people are under the jurisdiction of different levels of government. The issue of discrimination - changes to the law, efficient ways of its implementation, and the creation of the framework policies dealing with the prevention of discrimination (strategies and action plans) is the issue under the jurisdiction of the BiH Ministry of Human Rights and Refugees (state level), while the issues of introducing the hate crime based on sexual orientation and gender identity and same-sex partnerships are under the jurisdiction of the entities and Brčko District of BiH. The field of education and the right to assembly is, for the greater part, covered through the work of the cantonal level state institutions.

Twelve parties who have won the seats for the Parliamentary Assembly of BiH, from the total number of 17 political parties who have won the seats for the Parliamentary Assembly of BiH, House of Representatives of the Parliament of FBiH and the National Assembly of RS<sup>5</sup> in the elections held on October 3, 2010, were chosen for the analysis and monitoring of the political parties in the pre-election period of the General election 2014:

- Social Democratic Party of Bosnia and Herzegovina (SDP BiH),
- Party for Democratic Action (SDA),

5 Saša Gavrić, Damir Banović (2012). *Parlamentarizam u Bosni i Hercegovini*. Sarajevo, Sarajevo Open Center/Foundation Friedrich Ebert, p. 274

- Union for a Better Future (SBB),
- Croatian Democratic Community BiH (HDZ BiH),
- Party for Bosnia and Herzegovina (SBiH),
- Croatian Democratic Community 1990 (HDZ 1990),
- People's Party for Work and Betterment (NSRzB),
- Democratic People Community BiH (DNZ BiH),
- Party of Independent Social Democrats (SNSD),
- Serbian Democratic Party (SDS),
- Party of Democratic Progress (PDP), and
- Democratic People Union (DNS),

assuming that they will play an important role in the legislative/executive power on different levels after the elections of 2014. Beside the aforementioned 12 parties, Democratic Front and Our Party were also included in the analysis, since they were shown to be the parties the BiH LGBT community recognized as those that could potentially represent their interests.<sup>6</sup>

Table 1: Political parties' mandates after the General election in 2010

<b>Political Party - Coalition</b>	<b>Parliamentary Assembly of BiH (42 seats)</b>	<b>House of Representatives of the Parliament of Federation of BiH (98 seats)</b>	<b>National Assembly of Republika Srpska (83 seats)</b>
<b>SDP</b>	8	28	3
<b>SNSD</b>	8	1	37
<b>SDA</b>	7	23	2
<b>SDS</b>	4	-	18
<b>SBB</b>	4	13	-
<b>HDZ BiH</b>	3	12	-
<b>SBiH</b>	2	9	-
<b>HDZ 1990 - HSP</b>	2	5	-
<b>NSRB</b>	1	5	-
<b>PDP</b>	1	-	7
<b>DNS</b>	1	-	6

<sup>6</sup> Jasmina Čaušević (2013). Brojevi koji ravnopravnost znače. Analiza rezultata istraživanja potreba LGBT osoba u Bosni i Hercegovini. Sarajevo, Sarajevo Open Center, p. 60

Political Party - Coalition	Parliamentary Assembly of BiH (42 seats)	House of Representatives of the Parliament of Federation of BiH (98 seats)	National Assembly of Republika Srpska (83 seats)
<b>ASDA</b>	-	1	-
<b>DNZ</b>	1	1	-
<b>DP</b>	-	-	3
<b>SP - PUP</b>	-	-	4
<b>SRS</b>	-	-	1
<b>NDS</b>	-	-	2

The second part of the research consisted of a questionnaire<sup>7</sup> the aim of which was to show the attitudes of the most relevant political parties in Bosnia and Herzegovina (also based on the results of the elections held in 2010) concerning the current social and economic issues related to LGBT people, and it was planned that the analysis of the degree of political support towards LGBT issues would be conducted on the results obtained. The questionnaire consisted of ten questions and it was sent to all of the aforementioned parties in September 2014, followed up by telephone calls. From the 12 parties listed, the telephone call was answered, with a promise that they will return the filled questionnaire, by one of the representatives from the following parties: SNSD, SDS, SBB, SBiH, NSRzB, PDP. We received a reply from NSRzB that the questionnaire had been sent to us and that “anyways, all of that is available on the website”, PDP replied that “someone must have answered it, but that they were not sure where the questionnaire was”, and SBB promised that they will contact us again. We never received the replies. We sent the same questionnaires again in December 2014, after the General Election, and again we received no answers.

The third part of the research consisted of the analysis of media reports during the pre-election period (September-October 2014) through the available system of the

<sup>7</sup> The questionnaire is annexed to this report.

monitoring of media reports on LGBT themes and people.<sup>8</sup> In the given period, the media monitoring has not recorded any statements of the representatives of political parties on the protection and advancement of the rights of LGBT people. However, we have managed to find a single source in which this area was considered in the media not included in this monitoring: within the long-term strategy “The Floor is Yours!” of the National Democratic Institute BiH and Foundation Dokukino for the improvement of communication between the BiH citizens and the representatives of political parties, a series of short videos was made in which several representatives of different parties replied to the question of their party’s intentions when it comes to the advancement of LGBT people in BiH. Their responses are given in full in the following segment of the text.

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8 Kristina Ljevak, Lejla Huremović, Sandra Zlotrg (2014). Ka pozitivnim praksama: Izvještavanje medija u 2014. godini o LGBT temama u Bosni i Hercegovini. Sarajevo: Sarajevo Open Center, Foundation Heinrich Böll - BiH Office, Foundation CURE, pp. 10-13, Available at [http://soc.ba/site/wp-content/uploads/2014/12/cekajuci-ravnopravnost-2\\_web.pdf](http://soc.ba/site/wp-content/uploads/2014/12/cekajuci-ravnopravnost-2_web.pdf)

### 3. WHAT DID THE POLITICAL PARTIES SAY ON THE RIGHTS OF LGBT PEOPLE IN BIH?

We offer a brief overview of the political documents of the parties we included in the monitoring and of the campaigns for the General election 2014.

Party	Statute	Election Documents	Promises (press statements, releases, debates)
1 SDP BiH	x	SDP BiH Program	The Floor is Yours
2 SDA	x x x	SDA Election Platform for General Election 2014, Program Declaration of the Fifth SDA Congress	The Floor is Yours
3 SBB	x	Program Declaration SBB BiH	The Floor is Yours
4 HDZ BiH	x x	HDZ BiH Program, Program Declaration HDZ BiH	
5 SBiH	x	SBiH 2015-2020 Program	The Floor is Yours
6 HDZ 1990	x	Program Declaration HDZ 1990	
7 NSRzB	x x	Program for an A for the mandate of 2014-2018	
8 DNZ	x	Program Declaration DNZ BiH	
9 SNSD	x	SNSD-a Program	
10 SDS	x	SDS-a Program	The Floor is Yours
11 PDP		2011-2014 Program	
12 DNS		DNS-a Program	
13 DF		Party manifest, program, Vision 14-22	
14 Naša stranka		Solutions, 7 fundamental documents outlining program solutions Introduction, Overall Program Aims, Overall Program Principles, A New Bosnia and Herzegovina, Program Commitments, Manifest and Third Way	The Floor is Yours

### 3.1. Social Democratic Party of Bosnia and Herzegovina (SDP BiH)

As stated in the Statute<sup>9</sup> of SDP BiH, Article 4, the fundamental goals and objectives of SDP BiH, among others, are: *building BiH society on the fundamental values of European social democracy: freedom, equality, justice and solidarity as well as the appreciation, respect and implementation of basic rights and freedoms of man and citizen, in accordance with the international conventions, regardless of his worldview, religious and ethnic origin, sex or political conviction.*

They also state *combating against all forms of discrimination and social exclusion, affirmation of gender equality, guaranteed rights to health and social security and protection, education, work and family rights, and other rights as well.*

The Program<sup>10</sup> of SDP BiH clearly states that the goals and fundamental values of democracy are *freedom of life and personal dignity, freedom of speech, conscience and religion; freedom of political assembly, association and elections, as well as liberation from fear, ignorance, any form of subjugation and repression over personal opinion, aspirations and needs.*

Although the terms equality, solidarity and equal rights can be found in program aims and Statute of SDP BiH, there is no mention of the LGBT community, and when it comes to the minority groups, only Jews, Roma, Albanians and Others are mentioned in a few places, only as national minorities living in BiH.

The fact is that the emphasis is on women's human rights, and that equality and equal rights are mentioned in the context of ethnic equality and gender equality of men and women. Although SDP BiH is inviting the civil society and citizens for cooperation, and although they claim that they are open for initiatives started by the citizens in order to *solve the true problems of the society in BiH*, we never received the

9 [http://sdp.ba/upload/documents/dokumenti/STATUT\\_SDP\\_BiH.pdf](http://sdp.ba/upload/documents/dokumenti/STATUT_SDP_BiH.pdf)

10 [http://sdp.ba/upload/documents/dokumenti/PROGRAM\\_SDP\\_BiH.pdf](http://sdp.ba/upload/documents/dokumenti/PROGRAM_SDP_BiH.pdf)

response to the questionnaire.

In the series of short video statements as part of The Floor is Yours<sup>11</sup> project, filmed during October and November 2014, Besima Borić, a member of the SDP BiH Presidium, answered the question “In what way does your party intend to work on the advancement of the rights of LGBT people in Bosnia and Herzegovina?” in the following manner: “SDP BiH has clearly defined in its Program and Statute the fight for the universal human rights and the combating all forms of discrimination, but it is correct that we have not precisely and explicitly discussed LGBT population in the section on gender equality and the protection of minority rights. Given that we are currently discussing the changes to the Statute and Program, there is a lot of proposals and I believe that it will be adopted, that SDP as a leftist party determines the protection of sexual minorities as one of our goals and objectives. On the other hand, SDP is currently forming an interest group of young people who will in the near future work in a more concrete and intensive manner on the protection of rights of LGBT population; I have to say that we have been and are still, through our political actions, working on the advancement of the rights of LGBT population, through the Law on Discrimination, the defining and sanctioning of hate speech, hate crime, in collaboration with LGBT organizations, through the discussions on the Constitution, etc. That is what we have done, and of course, what we will be doing.”

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<sup>11</sup> <http://www.imaterijec.net/bs/o-projektu>

### 3.2. Party for Democratic Action (SDA)

Article 14 of the SDA Statute<sup>12</sup>, states the *affirmation of human rights and freedoms* as a specific objective of the party. Other objectives of the Statute include *upbringing and education in accordance with the tradition and the contemporary needs of BiH society*, though it remains unclear exactly what the traditions of BiH society are and whether they are conflicting the aforementioned objective of the affirmation of human rights and freedoms.

The Program Declaration<sup>13</sup> of the Fifth SDA Congress opens with the following lines: *With faith in God and a desire to adhere to moral values stemming from the fundamental religious and ethical principles* and continues with the wish *that the present and future generations will live in peace and prosperity, while respecting human rights and freedoms, mutual respect and tolerance, and building the unity of the diversity of BiH so that our differences could be our strengths and wealth, and not causes for divisions and conflicts*, which probably refers to international tolerance rather than the true acceptance of all diversities which are “our wealth”.

The Program Declaration primarily focuses on the Constitutional reform, BiH and ethnic identities, as well as on the religious rights and freedoms, traditional values (which remain undefined), security and the judicial system, and towards the end on the economic and social policies, education, science and culture. Section X FAMILY, UPBRINGING AND SOCIETY emphasizes the promotion of family values as the foundation of society, while preventing the plagues of today such as *drug addiction, prostitution, alcoholism, etc.*

The focus of SDA is on the preservation of tradition, family and the increase of the birth rate, which, on its own, is not questionable or bad, but which can easily lead to denying

12 <http://www.sda.ba/dokumentaSDA/STATUT%20SDA.pdf>

13 <http://www.sda.ba/dokumentaSDA/PROGRAMSKA%20DEKLARACIJA.pdf>

LGBT people the right to freedom of expression, social and economic rights, and other basic human rights.

The Election Platform of SDA, the strongest political party in FBiH according to the number of votes, does not state the protection of human rights as one of the five main aims, and there is almost no mention of their protection or the protection of minority rights, for minorities such as LGBT people. The only mention of this issues which can be found is in the section on European integration and the commitment to harmonization of the Constitution with the European Convention for the Protection of Human Rights, although we can assume that the emphasis will entirely be on the enforcement of the judgment in the Sejdić-Finci case.

Arnej Misirlić, member of SDA, answered the question “In what way does your party intend to work on the advancement of the rights of LGBT people in Bosnia and Herzegovina?”,<sup>14</sup> asked in the series of videos *The Floor is Yours*,<sup>15</sup> in the following manner: “The fundamentals of SDA as a party are the traditional values, but one of the traditional values is in fact the equality of rights for all, and guided by that and by our European path, as members of the European People’s Party, we are fighting for democracy and transparency, as well as equal rights for all. Having that in mind, we are strongly against homophobia and all forms of hate speech.”

### 3.3. Union for a Better Future (SBB)

According to the objectives of SBB, their focus is on the *independent judiciary, protection of energy resources, ensuring employment, preservation of cultural identity*, and only near the end of the list is *combating discrimination on all grounds*.<sup>16</sup> It would be interesting to inquire into whether this also includes discrimination based on sexual orientation

<sup>14</sup> <https://www.youtube.com/watch?v=Hya6fiqfATo>

<sup>15</sup> Video available at: <https://www.youtube.com/watch?v=Zo139MJ3xNE>

<sup>16</sup> <http://www.sbb.ba/politika-sbb-a>

and/or gender identity. If SBB sent us the filled questionnaire back, as they had promised, we would know the party attitudes towards LGBT people in BiH.

In the section *Human Rights and Freedoms*, there is the general discussion on human rights from the viewpoint of ethnic division, construction of social state, employment and the like. Towards the end of the document, in the section titled *Family and Upbringing*, family is once more promoted as *the foundation of stable and healthy society*, and when the discussion on the plagues ensues, the following phenomena are specifically mentioned: *the battle against drug addiction, prostitution, alcoholism, violence in schools and violence against children*.

Since violence is one of the (the most) significant problems of the LGBT community, it would be useful to know in which manner would SBB deal with the violence against LGBT people who are discriminated against based on their sexual orientation and/or gender identity.

The section titled Human Rights and Freedoms<sup>17</sup> of SBB Program Declaration mentions: ensuring the impartiality of the Institution of Ombudsman, the return of refugees, the Constitutional reform, battling unemployment, the specific needs of children without parental care, persons with a disability and victims of trafficking, as well as the status of victims of sexual violence and civil victims of war. One of the items mentions Roma.

Overall, there is no mention of other social groups, but there is the general reference to the conventions BiH signed.

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<sup>17</sup> <http://www.sbb.ba/pdf/PROGRAMSKA%20DEKLARACIJA%20SBB%20BiH.pdf>

### 3.4. Croatian Democratic Community BiH (HDZ BiH)

The Program of HDZ BiH,<sup>18</sup> similar to most other parties, opens with the general platitude which states that *Croatian Democratic Community is committed to the democratic principles, respect for the human freedoms, rule of law and principles of the free market*. Further, in the section Fundamental Principles it is stated that *HDZ BiH is Christian democratic and social party*, thus it is based on the Christian principles, but that freedom is the main postulate of respect for others and different from us.

It is interesting that they advocate the idea that the *Right to personality and distinctiveness based on one's own beliefs is the basic right of every human*. Although this could be interpreted in different ways, it was legitimate to expect that this party would respond to our questionnaire in any manner. Their program, in accordance with the Christian values, also appeals to the *right to life of the unborn child*.

Further they speak of the environmental care, family as the foundation of all societies, which consists of (married) mother and father, the youth and the elderly, and a separate section is devoted to the *Church and the religious community*, as well as to the *Republic of Croatia*.

This is all the HDZ BiH documents state on human rights. There is no mention of the minorities.

In the video series The Floor is Yours<sup>19</sup>, Marija Zelenika, member of HDZ, answered the question "In what way does your party intend to work on the advancement of the rights of LGBT people in Bosnia and Herzegovina?" in the following manner: "We respect all human rights freedoms, we respect the choice of any individual to be who they are, but, in a way, we don't agree with the aggressive appearances, no matter

<sup>18</sup> [http://www.hdzbih.org/upload/tbl\\_dokumenti/program2011\\_web\\_164515.pdf](http://www.hdzbih.org/upload/tbl_dokumenti/program2011_web_164515.pdf)

<sup>19</sup> Video available at: <https://www.youtube.com/watch?v=Zo139MJ3xNE>

whether the person in question is a member of the LGBT community, or the person attacking them. So, we support their work, but in the manner which is within the boundaries of the freedoms of human rights. I think that we have not previously spoken about any other rights, apart from their expression of being free individuals, as they are by the United Nations charters.”

### 3.5. Party for BiH (SBiH)

Similar to the statutes of the other parties, the SBiH Statute, Article 4<sup>20</sup> briefly mentions *the promotion of Bosnia and Herzegovina, as the country where freedom, equality, justice, peace, security and all other human rights and freedoms, as established by the Constitution and international regulations, will be guaranteed for all.*

One of the items in SBiH Program for the period 2015-2020<sup>21</sup> is *supporting equality and equal opportunities for women and men, including those who belong to vulnerable groups.* If we see LGBT population as a vulnerable group, this party should at least, according to the program objectives, consider issues related to LGBT population. They go on and state that they will *condemn sexist comments, hate speech and all other forms of discrimination by members of political parties, thus proving our commitment to the principle of non-discrimination.*

However, if we continue reading the Program, human rights and freedoms are not on the priority list for this party. The Program is concrete, but it does not deal, apart from theoretically, with human rights and their implementation. This party did not respond either, nor did they send the completed questionnaire.

20 <http://www.szabih.com/wp-content/uploads/2014/02/STATUT-STRANKE-ZA-BOSNU-I-HERCEGOVINU.pdf>

21 <http://www.szabih.com/wp-content/uploads/2014/09/Program-SBiH-u-periodu-2015-2020.pdf>

### 3.6. Croatian Democratic Community 1990 (HDZ 1990)

The Article 2<sup>22</sup> of the party Statute briefly states that HDZ 1990 is *people's and social party, representing the interests of all social classes*, and that it is a *libertarian party, representing the ideas and system of freedoms for everyone and everywhere*.

The Program Declaration<sup>23</sup> offers some more details on the party's commitment to the full realization of fundamental human rights and freedoms as established by international charters and conventions, and on the rights they stand for. Among other things they state: *We object all forms of discrimination based on race, skin color, sex, language, personal beliefs, ethnicity, political and other convictions*.

We need to remark that HDZ 1990 is also Christian democratic and social party.

Jozo Ćosić, a member of HDZ 1990, answered the question "In what way does your party intend to work on the advancement of the rights of LGBT people in Bosnia and Herzegovina?"<sup>24</sup> in the video series *The Floor is Yours*<sup>25</sup> in the following manner: "Therefore, it is necessary to use the political engagement, media engagement and appearances to underline that every person has the right to choose. And I don't believe that is something which does not need to be widely discussed. These people have their rights, and the society should enable them to exercise those rights in practice as well. I don't think there is anything controversial with that. Hence, the media appearances should be used to try and explain to the public, to try and explain to everyone that they are people who are somehow different from us. But, we all different from one another, and there is nothing

22 [http://www.hdz1990.org/?page\\_id=1033](http://www.hdz1990.org/?page_id=1033)

23 [http://www.hdz1990.org/?page\\_id=1035](http://www.hdz1990.org/?page_id=1035)

24 <https://www.youtube.com/watch?v=Hya6fiqfATo>

25 Video available at: <https://www.youtube.com/watch?v=Zo139MJ3xNE>

controversial with that, in my opinion. Therefore, let them exercise their rights and that is all.”

### **3.7. People’s Party for Work and Betterment (NSRzB)**

The party’s strategy for the period 2014-2018 comes down to the economic growth and development. NSRzB does not pay attention to human rights as a whole, but they focus on labor and economic rights. The policies of this party move from the economic development towards the other improvements in the state, which means that, according to the “Program for an A - the mandate of 2014-2018”,<sup>26</sup> we achieve economic betterment through the stimulation of development and domestic economy, indirectly achieving better governmental social and health care. The content of their Program shows that there are separate sections on: economic growth, finance, constitutional order and judiciary, education, social policy and health care, family, corruption, sport, culture and media, as well as diaspora, NGO sector, and religious institutions.

It is stated in the section titled Family that that is the most important institution where we gain our first knowledge, and they write: *“One is born into the family, that is where the first cognition on being is formed, ..., where one comprehends the strongest internal driving force - love, accepts tolerance and joy of cohabitation, learns the respect for others and for those different than oneself, ..., where one absorbs customs, culture and tradition of one’s own people, gains perception and strength of truth, honesty and other moral values, where one comprehends faith.”*

There is a brief mention, in the same section, of the equality of sexes, relations towards youth, and one of the items lists “combating discrimination towards youth who belong to minority groups”, but it is not elaborated which minorities did they have in mind. There is also a mention of education

<sup>26</sup> <http://www.zaboljitak.ba/index.php/izborni-program/>

on sexual and reproductive health. This section closes with a quote *“To bring back the tradition, dignity and nobleness to the family.”* According to Program for an A, they are willing and they want to collaborate with the non-governmental sector.

The party never responded to our questionnaire. When we phoned them they said that they sent the completed questionnaire back and *“besides, all that is already on their website”*.

### **3.8. Democratic People Community BiH**

The Statute of DNZ BiH, Article 9,<sup>27</sup> lists one of the objectives as: *“building BiH society on the foundations of European democratic achievements, rule of law, freedoms and solidarity”*, as well as *“the respect for the fundamental human rights and freedoms of man and citizen, as well as their exercising, in accordance with the international conventions, regardless of one’s nationality, religion, sex or political beliefs”*.

There are also declarations of DNZ BiH on multiple issues; we will mention just a few: Declaration against domestic violence and violence against women, Declaration on the European future of BiH, etc. There is no mention of human rights.

This party too, after two tries, did not send the filled questionnaires back.

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<sup>27</sup> <http://www.dnzbih.ba/stranica/statut/17>

### 3.9. Party of Independent Social Democrats RS (SNSD)

Before the General election 2014, this party had 8 seats in the Parliamentary Assembly of BiH. In the opening of SNSD Statute it is clearly stated, in Article 3<sup>28</sup> as one of their political objectives that: *“SNSD advocates the exercising of all rights and freedoms, as provided by the European Convention for the Protection of Human Rights and Fundamental Freedoms, without discrimination based on: sex, race, language, religion, political and other beliefs, national or social background.”*

Special attention is devoted to the quotas of the youth and women as representatives of SNSD, and Article 51 states that *“The transparency of the SNSD work is assured through inviting the media to the party rallies, press conferences, giving the statements, announcements and interviews of the party representatives, and in other suitable ways.”*

Despite the precautions to ensure the transparency planned in the Article 51, this party too did not see it fit to respond to the questionnaire, nor state their opinion in any possible way.

The Political Program<sup>29</sup> of the party also emphasizes their commitment to the rule of law, to the society of “freedom and democracy”. Item 10 of the objectives of their political engagement underlines, once more, their objection to any form of discrimination, and it states: “The fundamental rights and freedoms of man and citizen, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, and other international standards, must be built into the legal system.”

It is also important to mention, although this is not evident from their practice, that their political program states that

28 <http://www.snsd.org/images/dokumenti/statut-snsd.pdf>

29 <http://www.snsd.org/images/dokumenti/politickiProgram.pdf>

they are advocating “*separation of church and state*”. According to the Statute and Program of this party, it seems possible, at least in theory, that they could be allies in the struggle for human rights, including the rights for LGBT people.

### **3.10. Serbian Democratic Party (SDS)**

Before the General Election 2014, SDS had four seats in the Parliamentary Assembly of BiH. This party has a strong national mark, so it is not surprising that early in the Statute, in Article 9, they state their commitment to the preservation of Serbian tradition, Orthodox Christianity, national culture and that their primary focus is on the preservation of Republika Srpska and its people (as well as others), Serbian language, etc.

Later in the Statute<sup>30</sup> they state that they will work on the development of democracy and the rights and freedoms of human and citizen, sticking to the principle of combating discrimination. One of the items mentions that SDS will protect and ensure the minority rights.

That is all on the issue of human rights and democracy, since every section of SDS Program<sup>31</sup> is also devoted to Republika Srpska and its advancement. This party also did not return the filled questionnaire, although they were kind over the phone and although they promised that they will contact us.

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<sup>30</sup> [http://www.sdsrs.org/dokumenti/Statut\\_SDS.pdf](http://www.sdsrs.org/dokumenti/Statut_SDS.pdf)

<sup>31</sup> [http://www.sdsrs.com/dokumenti/Program\\_SDS.pdf](http://www.sdsrs.com/dokumenti/Program_SDS.pdf)

### 3.11. Party of Democratic Progress (PDP)

PDP clearly states at the beginning of their Statute, Article 2<sup>32</sup>, that “*PDP is a political organization... which advocates the development and strengthening of democracy, rule of law... ensuring fundamental human rights and freedoms, as well as the open, free and democratic society.*”

The PDP four-year program does not have the explicit item of human rights and freedoms. They just mention them incidentally when discussing EU integration or as an idea they are fond of, in accordance with the European convention on human rights. We never received the filled questionnaires. Considering the previous engagement of PDP, and according to the statement of Igor Crnadak, there is still room for optimism that PDP is one of the parties who could be, with the references and collaboration with the civil society organizations who work on LGBT rights, a party which recognizes the problems of BiH LGBT community and which develops policies to solve them within the section on minority rights: “We feel that anyone who is a minority in any way in the society, should not be under any pressure or repression. We view the problem of LGBT community in the same light. We recognize that there is room for a different opinion and simply for different orientation, and we believe that these people should not be threatened or harmed in any way, nor should they face any inconveniences. Of course, our values and our beliefs, stemming from our position of the center-right party, are different than that, but again I say, the most important thing is that the any minorities, including these types of orientation, must exercise all the rights.”

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32 <http://pdp.rs.ba/%D0%B4%D0%BE%D0%BA%D1%83%D0%BC%D0%B5%D0%BD%D1%82%D0%B8/%D1%81%D1%82%D0%B0%D1%82%D1%83%D1%82/>

### 3.12. Democratic People Union RS (DNS)

In the Statute of DNS, Articles 1 and 4 briefly mention “*the respect for the human rights and freedoms of all citizens of RS and BiH*”, as well as the “*respect of the human dignity, freedom and equality of man and citizen.*”<sup>33</sup>

DNS devotes an extensive section of their program to the issue of human rights. They are among the rare ones who point out that not all enjoy their human rights and especially that not all enjoy them “equally”. They emphasize their commitment to the important international documents on human rights. They advocate the struggle for equality for all citizens on all basics (without an explicit mention of sexual orientation or gender identity).

This party too did not return the questionnaires, nor did they contact us in any way.

### 3.13. Democratic Front

Democratic Front primarily deals with the economic issues in their program Vision 14-22, while the protection of human rights and their ensuring is not listed as a priority and although it is not mentioned at all in the summary and the short presentation of the aforementioned program. In their Statute and Manifest, they mention their dedication to the struggle for the human rights and their ensuring, in a broad way.

On the other hand, the research of the problems and needs of LGBT people in BiH revealed that Democratic Front is the third most popular party (11.8%) that LGBT community in Bosnia and Herzegovina would vote for. The reasons for that are best shown by the answer to the question “If there were a general election by the end of the year, which party do you

<sup>33</sup> <http://www.dnsrs.org/program.aspx?programCode=2&%D0%A1%D1%82%D0%B0%D1%82%D1%83%D1%82>

think you would vote for?” asked during the research: “Our Party, and I dream of a political option which would uphold the true social democracy”.

### 3.14. Our Party

Although the Statute of Our Party does not mention the rights of LGBT people, this political party states in their other documents, and in accordance with the explicit deflection from the ethno-politics and their focus on the development of democracy and integrated politics, so in their Manifest they state that “they will fight for a democratic state which will not marginalize or discriminate any of its citizen on any basis.” Further, human rights are mentioned in a separate section of the manifest, where they state “that the discrimination of any citizen of BiH based on their religion, their nationality, their ethnicity, **sexual orientation** or their ideological background is an attack on all of us and on the state of Bosnia and Herzegovina.” Equal rights for all citizens, regardless of their sexual orientation, is also mentioned in the document *New Bosnia and Herzegovina*, in which they specifically emphasize **education as a field in which discrimination must not occur**. This party also calls for tolerance, primarily focusing on nation, ideas and religion, which makes sense if have in mind the current state of affairs and acceptance in BiH society.

We also need to highlight that Our Party often mentions in their documents the equal opportunities and combating discrimination when it comes to people with disabilities (in their general program objectives and principles), which points out to the “tolerance paradox”: justification of denial and rejection of tolerance for the intolerant (bullies), which additionally indicates their principled willingness to confront those who spread hate on various grounds.

The orientation of their Program states European charter

of human rights and prohibition of discrimination, while in the section Solutions which refers to culture, LGBT people are mentioned implicitly in the statement: “Every individual, every social group, social class, every sex and gender must have an equal right to access culture and an equal right to cultural expression. Culture must not be only a space for ethnic equality, but it must also incorporate sexual, gender, social, age, professional equality.”

Edin Forto answered the question “In what way does your party intend to work on the advancement of the rights of LGBT people in Bosnia and Herzegovina?”<sup>34</sup> in the video series *The Floor is Yours*<sup>35</sup> in the following manner: “We will, as we have already done, continue to openly support human rights, including the rights of LGBT population, and we will work with organizations such as Sarajevo Open Center who we mention in the context of improving the legal framework and improving everything which needs to be improved so the things you mentioned would not happen to us: the increase in hate and the increase in violence towards this population.” The ideology, aforementioned principles and platforms, as well as the public appearances of Our Party show why Our Party was the political party most participants would vote for (33.8%), in 2013 research on the needs of LGBT people in BiH.

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<sup>34</sup> <https://www.youtube.com/watch?v=Hya6fiqfATo>

<sup>35</sup> Video available at: <https://www.youtube.com/watch?v=Zo139MJ3xNE>

## 4. CONCLUSION AND RECOMMENDATIONS

As we could see, LGBT people, and discrimination based on sexual orientation and/or gender identity, or any other field of interest for LGBT people and their rights (freedom of assembly and organization, civil partnership, hate crime, etc. **are not present** in the statutes and fundamental program objectives and visions of the aforementioned parties in the context of elections in 2014. Every single party has clearly stated their support for and dedication to the respect of fundamental human rights and freedoms and their ensuring, to the international documents on human rights, but the ideas mentioned are only declarative in nature. Certain parties emphasized combating discrimination on multiple bases in their program objectives, but they left out sexual orientation and gender identity.

Looking at the party manifests and programs for the following four-year period, all parties expressed their devotion to the idea of human rights and freedoms, as guaranteed by the international documents, but there was almost no mention of the serious problem of the growing discrimination and unequal access to the fundamental human rights and freedoms, thus LGBT people as well, nor of any concrete actions and policies which would lead to the realization of the principles and intentions listed in the party documents. Still, to our knowledge, in 2014, candidates were for the first time in the media asked about the rights of LGBT people. Unfortunately, this data reveals that the media and civil society organizations are more sensitized than are our

politicians, when it comes to the state of human rights of LGBT people, and the need for proactive engagement and appearances.

### **Recommendations:**

1. To advocate for the protection and rights of LGBT people, by making the programs of political parties emphasize their commitment to equality and equal rights for all citizens, regardless if their sexual orientation and gender identity.

2. To adopt party policies relating to the improvement of the position, rights and inclusions of LGBT people in BiH society in following areas:

- **discrimination**(amendments to the BiH Anti-Discrimination Law to clearly define grounds on which discrimination is prohibited, so that they explicitly include the following: **sexual orientation, gender identity, gender expression and intersex status**; implement BiH Anti-Discrimination Law, by drafting and adopting a countrywide multiannual anti-discrimination strategy and action plan, which shall define concrete and realistic measures on state, entity, cantonal and local levels to challenge discrimination of i.a. LGBT people, in close cooperation with civil society);
- **violence, hate crime and hate speech** (amendments to the Criminal Code of the Federation of Bosnia and Herzegovina to include hate crime provisions on i.a. grounds of sexual orientation and gender identity; amend criminal codes of the three administrative units (Republika Srpska, Federation BiH, Brčko District) to include hate speech provisions on i.a. grounds of sexual orientation and gender identity; training of judges, prosecutors, police officers and public servants on hate crimes and hate speech directed against LGBT people);
- **freedom of assembly and association** (public support to the freedom of assembly and association of LGBT people in BiH; training of judges, prosecutors, police officers and public servants on special challenges related to the freedom of assembly of LGBT people, in order to adequately protect such events );

- **education** (education of civil servants on LGBT human rights; analysis of curricula and textbooks at all educational levels; removing all discriminatory and derogative content and introducing LGBT inclusive diversity education; introduction of LGBT specific modules in the education of future professionals);
- **trans\* issues** (providing sex reassignment medical support for transexual people; ensuring cost coverage through the official social security systems and definition of clear procedures for legal recognition of sex reassignment);
- **same-sex partnership** (adopting and implementing laws in all three administrative units - Republika Srpska, Federation BiH, and Brčko District - to legally recognize same-sex relationships, and define duties and rights of the union of two same-sex persons, focusing on social and economic rights).

3. Through the institutions of the system, support the adoptions of laws and measures which will lead to de facto equality and inclusion of LGBT people in BiH society.

4. To educate the political party members on the rights and freedoms of LGBT people.

5. To be engaged in the advocacy of equal social status of LGBT people through public media appearances, thus affecting the social consciousness and pointing out the importance of solving the problem of invisibility of LGBT people in the society. Media appearances should not be used for homophobic statements, but rather for the promotion of tolerance, equality and equal rights for all citizens in the process of gaining their rights, regardless of their sexual orientation and/or gender identity.

## APPENDIX

### QUESTIONNAIRE ON THE SUPPORT FOR THE RIGHTS OF LGBT PEOPLE IN BOSNIA AND HERZEGOVINA

This questionnaire intends to show the views of the most relevant political parties in Bosnia and Herzegovina on current social and economic issues related to LGBT people in BiH. Based on these results, an analysis of the degree of political support for LGBT issues will be carried out. Please, spare 5 minutes for completing this questionnaire.

#### **1. Does your party believe that LGBT people should have equal civil rights as all the other people in BiH?**

According to the Constitution of BiH, European Convention for the Protection of Human Rights and Fundamental Freedoms, and other relevant documents on the protection of human rights.

Yes

No

We never discussed it

#### **2. Would your party support the introduction of content related to the LGBT issues as a part of the existing subjects on the high school curriculum, in order to increase the tolerance and social inclusion, and to decrease discrimination and violence against LGBT people?**

An analysis of high school and university textbooks show that there is no mention of issues related to LGBT people,

or they are mentioned in an incorrect context (such as that homosexuality is a disease or a disorder, which was abandoned by medicine and psychology a long time ago).

Yes

No

We never discussed it

**3. Would your party support the adoption of the law on registered partnership for same-sex couples in Bosnia and Herzegovina, which would allow the LGBT couples to solve social and economic issues?**

Same-sex partnerships, which there is a large number of in BiH, are not recognized by the legal framework which means they do not have any social and economic rights (inheritance of property or pension after the death of their partner, visiting gravely ill partner in the hospital, the resolution of health insurance through their partner, etc.).

Yes

No

We never discussed it

**4. Would your party support the introducing of certain dates significant for the human rights of LGBT people into the Program of marking the important dates related to human rights in BiH?**

This Program was adopted by Council of Ministers of BiH in 2008 and it contains all the important dates related to the minority and marginalized groups in BiH, except for the LGBT community.

Yes

No

We never discussed it

**5. Would the members of your party support the organizing of the Pride parade in BiH?**

There are Pride parades in all countries formed by the breakup of Yugoslavia, apart from BiH and Kosovo. This protest gathering is primarily of political importance, because you exercise a fundamental right to assembly and protest, guaranteed by the Constitution. Protest in the form of a parade aims at emphasizing that the discrimination against LGBT is still present, while the pride element represents the

pride of bravery in the struggle for one's rights (it is not pride of your sexual orientation as such).

Yes

No

We never discussed it

**6. Would your party advocate the introduction of the notion of hate crime in the Criminal law of BiH, which would, among other things, enable more severe punishments for the criminal violations committed because of hate?**

There is a large number of LGBT people in BiH who have been victims of criminal offenses committed because of hate based on their sexual orientation or gender identity.

Yes

No

We never discussed it

**7. Would your party advocate that the Health Care System covers for the sexual reassignment surgery for transsexual people?**

According to the estimates, there is 300 people in BiH who would like to change their sex.

Yes

No

We never discussed it

**8. Would your party publicly condemn public hate speech, in case of organizing an LGBT event in BiH?**

Every public event is preceded by an increase in statements which contain hate speech and instigating hate and violence against LGBT people, in the media and in the social networks, even by the politicians.

Yes

No

We never discussed it

**9. Would your party support the creation of a comprehensive Strategy to combat discrimination in BiH?**

The aim of the strategy would aim to anticipate and take concrete measures to reduce the number of the cases of the discrimination against LGBT people in BiH, as well as identifying the institutions responsible for their implementation.

Yes

No

We never discussed it

**10. Are you counting on the votes of LGBT people in the General Election 2014?**

LGBT people form around 10% of the electorate in BiH.

Yes

No

We never discussed it

Please, leave us your personal information on the line: ***First name, Last name, Function in the party***

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## ABOUT THE AUTHORS

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**Emina Bošnjak** (1983, Zenica) is a feminist and an LGBT activist. She has been working as a Program Coordinator at Sarajevo Open Centre on different project related to LGBT rights since 2012. In June 2014, she became a Program Manager. In this position, she contributes to the management of the organization, international advocacy, and the production of annual reports on the state of the human rights of women and LGBT people in Bosnia and Herzegovina.  
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**Naida Kučukalić** (1983, Sarajevo) is currently at the final year of the Department of Social Work within the Faculty of Political Sciences in Sarajevo. She has been involved in activism, conducting trainings and workshops, as well as developing curriculums and manuals for the last twelve years with and for many international organizations on youth programming. Her core interests include issues of sexual and reproductive health and human rights, health programs for young people, HIV prevention. Naida is a certified trainer for program

development and trainings by IPPF and UNFPA, as well as a trainer in the field of Advocacy and Working with sex workers. Since September 2014 Naida works in Sarajevo Open Centre as a Program coordinator for work with the LGBT community and its outreach.

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## 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 twelve (April 2015) 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 BiHs European Integration, and is one of the most active members of the Womens 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)