



PINK REPORT

Annual Report on the State of Human Rights
of LGBTI People in Bosnia and Herzegovina

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Kingdom of the Netherlands

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LGBTI People in Bosnia and Herzegovina

SARAJEVO, 2025

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EXECUTIVE SUMMARY

The state of human rights of LGBTI people in 2024 was marked by extremely slow and minimal institutional progress, continued social intolerance, the strengthening of regressive policies, and consequently, regressive regulations for LGBTI people in BiH. Although some progress was noted in terms of public dialogue and a degree of institutional openness, systemic changes remain sporadic and are often driven by individual efforts rather than by strategies or policies.

What is particularly evident is the growing political and institutional gap between the two entities in BiH – the Federation of BiH and the Republika Srpska, when it comes to respecting the human rights of LGBTI people. This assessment directly reflects the overall political situation in which Bosnia and Herzegovina finds itself and the state of its institutions. In addition to the earlier criminalisation of defamation implemented in the Republika Srpska, the RS National Assembly also adopted the Law on the Special Register and Publicity of the Work of Non-Profit Organisations, which further narrows the already narrow space for the work and activities of civil society and activists, especially those working on the human rights of LGBTI people. Furthermore, gender identity has been removed as a protected characteristic from the RS Criminal Code, and the attacks on activists and the community that occurred in Banja Luka remain un-investigated and unprosecuted. In an atmosphere of serious threats to the rule of law and human rights, as is the case in the Republika Srpska, it is nearly impossible to make any progress or even to have an institutional dialogue on regulations and policies relevant to LGBTI people. This primarily refers to those policies and regulations that would improve their position in the area of non-discrimination, such as the adoption of the law on same-sex partnership, more adequate and efficient healthcare for transgender people, more efficient protection against violence or hate speech, and other topics of interest to the LGBTI community.

In the other entity of BiH, the Federation of BiH, there is a certain degree of institutional openness, dialogue, and political will, at least among some decision-makers, but concrete results are lacking. We have entered the seventh year since the process of regulating same-sex

partnerships in the FBiH began. The stagnation and blockages observed in this process best reflect the overall situation, which will be presented in more detail later in the report.

The priorities identified in earlier reports remain relevant, and this fact alone speaks volumes about the lack of significant progress. This is evident across almost all areas and applies to the entire territory of BiH. Healthcare for LGBTI people, and especially for transgender people, remains unregulated and inaccessible. The lack of protocols, education of medical staff, and institutional support contributes to stigmatisation and the denial of basic healthcare. Systemic support for victims is still lacking, and protection mechanisms are poorly accessible and ineffective. Police and judicial authorities continue to demonstrate limited capacity to recognise and prosecute hate crimes.

Political and institutional actors largely remain absent from the fight for the rights of LGBTI people, and the rhetoric of political leaders often fosters stigma and discrimination. Positive examples are rare and more often come from individuals rather than political parties.

Considering the global rise of populist and anti-democratic actors, it is becoming increasingly likely that, in the coming period, work on LGBTI human rights will take a *more defensive stance* – focusing on the protection, preservation, and implementation of the positive but fragile regulations, policies, and institutional practices achieved so far in the field of human rights of LGBTI people in BiH.

NEGATIVE PRACTICES

Failure to Prosecute Attacks on Activists and the Community in Banja Luka

In the previous 2024 Pink Report, SOC reported on the attacks against LGBTI activists in March 2023 and on the legal proceedings initiated afterward to protect their rights before the competent institutions. Two years have passed since the attack occurred, and during this lengthy period, not a single indictment has been filed. Although the legal framework in the RS provides sufficient grounds for prosecution, such (in)action by the competent institutions sends a message, primarily to the victims, and then to all citizens, that the RS institutions are not interested in prosecuting hate crimes based on SOGIESC. It should be recalled that the specific attack on LGBTI activists, as well as subsequent attacks on LGBTI-friendly spaces in Banja Luka, took place in public, and that there is ample evidence which, through a thorough investigation, could lead to the perpetrators.

The lawyer representing the Pride March activists shared that there are currently three active cases, while all other administrative and criminal proceedings have been concluded unsuccessfully, after all legal remedies have been exhausted.

Specifically, the following cases are currently open: criminal proceedings against unidentified individuals for the attack on the activists, and an appeal before the Constitutional Court of BiH. Regarding complaints submitted to the Institution of Human Rights Ombudsman, seven proceedings were conducted. One recommendation was issued, related to access to information that the RS MoI had obstructed. In six cases, investigations were closed due to the lack of consensus among the ombudspersons. The complaints were never forwarded to the opposing parties for a response. Criminal charges filed against Milorad Dodik and Draško Stanivuković on suspicion of committing the criminal offence of Infringement of the Equality of Citizens under Article 139 of the RS Criminal Code, and the criminal offence of Publicly Inciting and Inflaming Violence and Hatred under Article 359 of the RS Criminal Code, were dismissed as unfounded. The activists exhausted all legal

remedies, but unfortunately with a negative outcome. The judgement of the District Court in Banja Luka, ordering the RS MoI to provide information about the police officers who were on duty on the night of the attack, as well as the recommendation of the Ombudsman, were not respected – RS MoI later issued an identical decision.

In October 2024, the activists of the BiH Pride March issued a public statement criticising the work of the Institution of Human Rights Ombudsman of BiH, which, in their opinion based on experience from specific proceedings, has been increasingly straying from its primary function and becoming a tool of political conflict among the three ombudspersons, to the detriment of the protection of human rights and freedoms in BiH.¹

1 BiH Pride March, “Neefikasnost rada Institucije ombudsmena dovodi do nezaštićenosti LGBTIQ osoba”, *BiH Pride March* (4 March 2025) <https://povorkaponosa.ba/2024/10/neefikasnost-rada-institucije-ombudsmena-dovodi-do-nezasticenosti-lgbtqi-osoba/> [accessed on 9 April 2025].

Anti-Gender Actions in the Republika Srpska

The Government of the Republika Srpska adopted the Bill on Amendments to the RS Criminal Code, which removes the term *gender identity* from all existing provisions, with the justification that this aligns the legislation with the RS Constitution.² A group of non-governmental organisations responded to these amendments by submitting comments to the RS Ministry of Justice and contacting international organisations. In October 2024, a response arrived from the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and from the Special Rapporteur on the situation of women human rights defenders. In an open letter, among other things, they stated:

“From both procedural and substantive standpoints, it is highly concerning to propose the amendment of foundational criminal law with a clearly regressive view to reduce the scope of its protection. This implies that authorities would no longer offer protection against bias-motivated crimes based on gender identity and would therefore be encoding into law *de jure* discrimination. Those concerns compound potential rule-of-law violations regarding the proposed regressive amendments that run counter to the obligations of the State under both national and international human rights law, which promote the enhancement rather than reductions of human rights protections for at-risk individuals and groups as well as those defending their human rights.”

In addition to the amendments to the RS Criminal Code, another consequence of the actions of conservative organisations is the amendment of the Protocol for the Protection of Children from Violence, Abuse and Neglect, from which sexual orientation and gender identity have been removed as protected characteristics.³ ⁴The association “Parents FOR Children’s Rights” from Bijeljina initiated proceedings

2 Government of the Republika Srpska, “104. sjednica Vlade Republike Srpske”, Government of the Republika Srpska (13 March 2025) https://vladars.rs/sr-SP-Cyrl/Vlada/Premijer/Media/Vijesti/Pages/104_sjednica.aspx [accessed on 9 April 2025].

3 Valter, “RIJEČ ‘ROD’ OPASNA ZA RS: Protokol za dodvoravanje desničarima”, Valter portal (13 March 2025) <https://valterportal.ba/rijec-rod-opasna-za-rs-protokol-za-dodvoravanje-desnicarima/> [accessed on 9 April 2025].

4 Note: The official text of the amended Protocol is not available to the general public; therefore, the source cited is a news article published on the “Valter” portal.

before the RS Constitutional Court to assess the constitutionality of the word “Gender” in the name of the institution RS Gender Centre. The RS Constitutional Court determined that the word “gender” is not in accordance with the RS Constitution because “it does not belong to any of the languages officially used in the Republika Srpska.”⁵

At the time of finalising this report, during the Thirteenth Regular Session of the RS National Assembly on 26 March 2025, amendments to the RS Criminal Code were adopted, in which the term “gender identity” was removed as an explicitly protected category.⁶

Stagnation of the Process of Regulating Same-Sex Partnerships in the FBiH

Legal recognition of the family life of same-sex partners in the FBiH saw no progress during 2024. As reported in the previous report,⁷ the FBiH Ministry of Health continues to block the process of appointing its member to the working group that is supposed to work on the FBiH Draft Law on Same-Sex Partnership. In an effort to engage the relevant ministries and the FBiH Government in this process, SOC sent two separate petitions at the end of 2024 to the Committee on the Protection of Human Rights and Freedoms of the House of Representatives and the Committee on Human Rights and Freedoms of the House of Peoples of the FBiH Parliament. Through these petitions, SOC requested the following:

5 Constitutional Court of the Republika Srpska, “Saopštenje za javnost sa 316. sjednice Ustavnog suda Republike Srpske”, *RS Constitutional Court* <https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=849&lang=bos&tekst=2562> [accessed on 9 April 2025].

6 National Assembly of the Republika Srpska, “Okončana trinaesta redovna sjednica: usvojeni Program rada Narodne skupštine za 2025. i Zakon o izmjenama i dopuni Zakona o pravima boraca, vojnih invalida i porodica poginulih boraca”, *RS National Assembly* (26 March 2025) <https://www.narodnaskupstinars.net/?q=la/vijesti/okon%C4%8Dana-trinaesta-redovna-sjednica-usvojeni-program-rada-narodne-skup%C5%A1tine-za-2025-i-zakon-o-izmjenama-i-dopuni-zakona-o-pravima-boraca-vojnih-invalida-i-porodica-poginulih-boraca> [accessed on 9 April 2025].

7 Admir Adilović, Amil Brković, Amina Dizdar, Branko Čulibrk, Darko Pandurević, Delila Hasanbegović Vukas, *2024 Pink Report: Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina* (Sarajevo: Sarajevo Open Centre, 2024), pg. 15–16, https://soc.ba/site/wp-content/uploads/2024/06/rozi-izvjestaj-ENG-2024_6_12.pdf [accessed on 9 April 2025].

- *that a working group be established within the Committee on the Protection of Human Rights and Freedoms of the House of Representatives to work on improving the legal position of same-sex partners,*
- *that both committees organise a joint session on the topic of protecting the family life of same-sex partners in the FBiH,*
- *that both committees establish cooperation with the FBiH Ministry of Health regarding the appointment of a member to the working group for the development of the FBiH Draft Law on Same-Sex Partnership.*

As a result of these petitions, the Committee on the Protection of Human Rights and Freedoms of the House of Representatives sent a letter to the FBiH Government requesting a statement on this matter. On the other hand, the members of the Committee on Human Rights and Freedoms of the House of Peoples, with the exception of the chairwoman, demonstrated an unwillingness to cooperate, a strong aversion to this topic, and to the work of SOC. Nevertheless, SOC will continue to monitor the outcome of these petitions during 2025, given that communication processes between legislative and executive bodies unfortunately tend to take a considerable amount of time.

GOOD PRACTICES

HJPC BiH Developed CMS and TCMS Systems for SOGIESC Monitoring

In the second half of January 2025, the HJPC BiH sent a letter to all judicial institutions in the country informing them that, with the aim of combating hate crimes and developing a comprehensive strategy for their prevention, the TCMS and CMS systems had been updated to enable systematic data collection on such cases. Among the list of protected characteristics included in the updated system are also SOGI. The system update entered into force on 27 January 2025.

We hope that holders of judicial office will diligently and promptly enter detailed data on the key characteristics of hate crime cases. Such conduct is a prerequisite for obtaining accurate statistical data that can serve as a foundation for developing comprehensive prevention policies.

CEC Fines for Hate Speech

In 2024, local elections were held in Bosnia and Herzegovina. During a pre-election rally, SNSD candidates used hate speech directed at LGBTI people as a means to insult political opponents. Following a complaint submitted by the PDP, the Central Election Commission imposed a monetary fine of BAM 5,000 on SNSD and an additional fine of BAM 7,000 on Ljubo Ninković for the use of hate speech.⁸

Aleksandar Petković, a DNS candidate, opened his pre-election campaign with hate speech targeting LGBTI people, stating that there was no place for them in the city assembly and that “they are not family people.”⁹ Unfortunately, the CEC did not impose a fine in this case, as the complaint was submitted after the expiry of the 72-hour deadline for

⁸ Central Election Commission of BiH. “Novčane kazne – Lokalni izbori 2024. godine”, *CEC BiH* (13 March 2025) https://www.izbori.ba/Documents/izbori_2024/prigovori_i_zalbe/novcane_kazne_2024.pdf?v=12 [accessed on 9 April 2025].

⁹ *Detektor*, “Kako je LGBT zajednica postala meta mržnje na lokalnim izborima”, *Detektor.ba* (24 March 2025) <https://detektor.ba/2024/10/16/kako-je-lgbt-zajednica-postala-meta-mrznje-na-lokalnim-izborima/> [accessed on 9 April 2025].

filing the appeals stipulated by the BiH Election Law.

LGBTI persons continue to be instrumentalised in populist rhetoric by so-called “defenders of family values,” who use such discourse to influence public opinion and incite the commission of hate crimes. The impact of these narratives is most clearly reflected in the case of the 2023 attack on LGBTI activists in Banja Luka, the perpetrators of which have yet to be prosecuted. This inaction sends a clear message that the authorities are effectively protecting the attackers.

The consequences of hate speech by public officials are also evident in the increasingly visible and active engagement of anti-gender actors who vocally advocate for the “protection of family values.” Their influence has directly contributed to the failure to adopt the RS Law on Protection from Domestic Violence and Violence against Women, as well as the removal of gender identity and sexual orientation as protected characteristics from the Protocol on the Protection of Children from Violence, Abuse and Neglect.

Recognition of a Foreign Decision on Sex Marker Change

In mid-2024, a transgender woman with dual citizenship residing in Switzerland contacted SOC for legal counselling. The person had undergone a gender reassignment procedure abroad and sought recognition of a foreign decision on gender reassignment in BiH. SOC referred the client to a cooperating lawyer who had previously completed SOC’s training on sex marker change in personal documents. Once all necessary documentation was collected, proceedings were initiated for the recognition of the foreign decision on gender reassignment in BiH. In non-contentious proceedings, the competent court determined that all conditions prescribed by the Law on Resolution of Conflict of Laws with Regulations of other Countries in Certain Relations were met, and granted the request for recognition. A particularly positive development is that, following the conclusion of the proceedings, the court *ex officio* forwarded the decision to the competent civil registry office for implementation. According to the information available to SOC, this is the first case of its kind in BiH and represents a significant

step forward in the area of legal gender recognition. The court decision provides clear guidance to other courts in BiH that may encounter similar cases in the future.¹⁰

Safe House for LGBTI people

With the support of the Council of Europe, the first safe house for LGBTI people was established in Sarajevo, managed by the Wings of Hope Foundation. The safe house provides accommodation for adult LGBTI victims of domestic violence, as well as psychotherapy and legal support.¹¹ Although the FBiH Law on Protection from Domestic Violence guarantees funding for all safe houses,¹² the Wings of Hope Foundation has not yet received any financial support from the budgets of the Federation of BiH or the Sarajevo Canton. In its response to an inquiry submitted by the Sarajevo Open Centre, the Ministry of Human Rights and Refugees of BiH stated that the 2025 budget is expected to include funds for regular financing of the LGBTI safe house's fixed costs, in line with the existing practice for safe houses for women.

Decision of the Ombudsman for Children of the Republika Srpska and the Constitutional Court of the Republika Srpska on the Violation of Children's Rights

After gender identity and sexual orientation were removed as protected characteristics from the anti-discrimination provisions of the Protocol on the Protection of Children from Violence, Abuse and Neglect, without leaving the list of protected characteristics open-ended, the Helsinki Citizens' Assembly Banja Luka filed a complaint with the Ombudsman to determine the violation of children's rights. The Ombudsman found that this constituted a violation of children's rights and submitted an initiative to the RS Ministry of Education and Culture

10 N1 BiH, "Dobojlija promijenio spol, sud ga zvanično upisao kao ženu", *N1* <https://n1info.ba/vijesti/dobojlija-promijenio-spol-sud-ga-zvanicno-upisao-kao-zenu/> [accessed on 9 April 2025].

11 Wings of Hope Foundation. "Prvi centar u Bosni i Hercegovini koji pruža rezidencijalnu podršku LGBTIQ+ zajednici", *Wings of Hope* (13 March 2025) <https://wings-of-hope.ba/projects/sigurna-kuca-za-lgbtqi-osobe/> [accessed on 9 April 2025].

12 FBiH Law on Protection from Domestic Violence, Official Gazette of the FBiH, 20/13, 75/21, Article 35 <https://www.paragraf.ba/propisi/fbih/zakon-o-zastiti-od-nasilja-u-porodici.html> [accessed on 9 April 2025].

to align the Protocol with the UN Convention on the Rights of the Child.¹³ In addition, the Helsinki Citizens' Assembly Banja Luka filed an appeal with the RS Constitutional Court. The Court issued a decision confirming that the amendments to the Protocol are not in accordance with the RS Constitution, nor with the Law on Preschool Education, the Law on Primary Education, and the Law on Secondary Education.¹⁴

13 Helsinki Citizens' Assembly Banja Luka, "The Ombudsman for Children of Republic of Srpska acted in accordance with the appellation of the Helsinki Citizens' Assembly Banja Luka", *Helsinki Citizens' Assembly* (27 March 2025) <https://hcabl.org/en/the-ombudsman-for-children-of-republic-of-srpska-acted-in-accordance-with-the-appellation-of-the-helsinki-citizens-assembly-banja-luka/> [accessed on 9 April 2025].

14 Constitutional Court of the Republika Srpska. "Saopštenje za javnost Ustavnog suda Republike Srpske", *RS Constitutional Court* (27 March 2025) <https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=868&lang=cir&tekst=2617> [accessed on 9 April 2025].

PRIORITY MEASURES TO BE UNDERTAKEN

Adoption of the Law on Same-Sex Partnership

The FBiH Ministry of Health should, without delay, appoint its member to the working group in order to unblock the process of working on the FBiH Draft Law on Same-Sex Partnership, which should subsequently be adopted by the FBiH Parliament. Out of the 46 member states of the Council of Europe, 22 have legally allowed same-sex marriage. Additionally, 9 states have legally recognised registered civil unions/partnerships. BiH is among the member states that have not legally recognised family life of same-sex partners at all. Considering the position of the ECHR within the domestic legal system,¹⁵ the practice of the ECtHR has, through the interpretation of Article 8 of the ECHR, established the positive obligation of states to recognise same-sex partners within their legal systems.¹⁶

Adoption of the new Law on Peaceful Assembly in the Sarajevo Canton

The Sarajevo Canton should urgently initiate amendments to the SC Law on Public Assembly by drafting two separate laws that would distinguish between public assembly as a human right and public events/manifestations of a commercial nature. The current legal solution is discouraging for the citizens of the canton due to the burdensome procedure for registering an assembly and the requirements that organisers must fulfil, which also include financial costs. Respect for

15 Constitution of Bosnia and Herzegovina, Articles II/2 and II/6, *Annex IV of the General Framework Agreement for Peace in Bosnia and Herzegovina* <https://www.ustavnisud.ba/ba/ustav-bih> [accessed on 9 April 2025].

16 European Court of Human Rights, *Schalk and Kopf v. Austria*, no. 30141/04, paragraphs 94–95, 24 June 2010; *Oliari and Others v. Italy*, nos. 18766/11 and 36030/11, 21 July 2015; *Orlandi and Others v. Italy*, nos. 26431/12, 26742/12, 44057/12 et al., 13 December 2017; *Fedotova and Others v. Russia*, nos. 40792/10, 30538/14 and 43439/14, 17 January 2023; *Maymulakhin and Markiv v. Ukraine*, nos. 75135/14, 1 September 2023, *Buhuceanu and Others v. Romania*, no. 20081/19 and 20 others, 25 September 2023; *Przybyszewska and Others v. Poland*, no. 11454/17 and 9 others, 12 March 2024.

European standards on freedom of association and assembly is one of the 14 key priorities that BiH must fulfil in order to join the EU. More importantly, the BiH Constitution, which incorporates the European Convention on Human Rights, imposes both positive and negative obligations on the state to ensure the unhindered enjoyment of all human rights, including the right to freedom of assembly and association.

Legal Recognition of Gender Identity and Coverage of Gender Reassignment Costs through Health Insurance

It is not clear in the existing regulations in BiH whether legal change of sex marker is conditioned by “complete” or “partial” (medical) gender reassignment. It is therefore necessary for BiH, its entities and the Brčko District to regulate legal gender change by adopting laws and other regulations to systematically and comprehensively regulate the procedure for changing the sex marker in personal documents and the unique identity number. The procedure should be based on medical documentation confirming that the person is living in a different gender identity, i.e. documentation proving the stage of transition the person is currently in. Even more important, however, is the personal request of the trans person and the right to self-determination, without the requirement for any prior medical intervention in cases where the person does not wish to undergo such procedures.

This means that it is necessary to define by law or by-law in the entities and the District what ‘gender change’ is as performed by a health institution, what constitutes medical documentation proving gender reassignment, and which is the competent health institution to interpret it. Furthermore, it is necessary to recognise life in a different gender identity as a ground for administrative gender change procedures.

Trans people can access gender reassignment (hormone therapy, surgical procedures) only abroad, because medical institutions in BiH do not have a sufficient number of staff trained to support them in the transition process. The costs of medical transition, borne by trans people themselves, are not being reimbursed by the health insurance system, which further prolongs the transition process and increases financial costs.

In addition to legal gender recognition, it is necessary to enable gender reassignment (hormone therapy, surgical procedures) for trans people in Bosnia and Herzegovina, by stipulating an obligation of medical institutions to establish teams, equip health facilities and train experts who could monitor the process and conduct medical procedures of gender reassignment in BiH, as well as an obligation of the Health Insurance Institute to cover the costs of these procedures.

These steps include continuous and systematic training of BiH medical experts and health workers in the fields of psychology, psychiatry, endocrinology, gynaecology, urology, plastic, reconstructive and aesthetic surgery on adequate, trans inclusive and trans specific provision of services and support to trans people in the transition process.

I EQUALITY AND ANTI-DISCRIMINATION

International Legal Standards and Obligations of Bosnia and Herzegovina

The documents presented below are the foundation upon which legislation and public policies in BiH are designed or amended, and a standard that should lead to equality and reduce discrimination against LGBTI people in BiH. Their significance arises from Bosnia and Herzegovina's membership in international and regional organisations, as well as from their position in the BiH legal order.

The principle of non-discrimination defined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the United Nations' International Covenant on Economic, Social and Cultural Rights, Charter of Fundamental Rights of the European Union,¹⁷ as well as the ECHR,¹⁸ refers to LGBTI people. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is particularly relevant for the protection of lesbian, bisexual and transgender women. The Committee on the Elimination of Discrimination against Women (CEDAW) in its Concluding Observations on the Sixth Periodic Report of BiH recommends that Member States ensure the respect of the human rights of lesbian, bisexual and transgender women and ensure that national action plans on gender equality address stigma and discrimination against them in all spheres of life.¹⁹ The Council of Europe Convention on Preventing and

17 Article 21 of the Charter of Fundamental Rights of the European Union (2016/C 202/02), Official Journal of the European Union C 202/389 of 7 June 2016, (accessed on 27 February 2024, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12016P/TXT>)

18 Although SOGIESC are not explicitly recognised in Article 14 of the ECHR and Article 1 of Protocol no. 12 to the ECHR, the ECtHR has recognised these protected characteristics in its practice (see *Salgueiro da Silva Mouta v. Portugal*, no. 33290/96, paragraph 28, 21 December 1999; *Fretté v. France*, no. 36515/97, paragraph 32, 26 February 2002; *A.M. and Others v. Russia*, no. 47220/19, paragraph 73, 22 November 2021; *Semenya v. Switzerland*, no. 10934/21, paragraph 169, 11 July 2023).

19 Recommendation 44, "Concluding Observations on the Sixth Periodic Report of Bosnia and Herzegovina" of the Committee on the Elimination of Discrimination against Women of 8 November 2019. (accessed on 11 April 2024, available at: <https://arsbih.gov.ba/wp->

Combating Violence against Women and Domestic Violence (Istanbul Convention) obliges the signatory states to provide victims of violence with protection without discrimination on any ground, including sexual orientation and gender identity.²⁰ Finally, Recommendation CM/Rec (2010)5 of the Committee of Ministers of the Council of Europe on measures to combat discrimination on the grounds of sexual orientation and gender identity (SOGI), is the most concrete international document defining the assessment and revision of current legislative and other measures, their efficient implementation in the combat against discrimination, the collection and analysis of relevant data concerning discrimination, and ways to protect victims of discrimination.

National Legal Framework

The prohibition of discrimination against LGBTI people is regulated by two systemic laws: Law on Gender Equality in BiH (LoGE) from 2003 and Anti-Discrimination Law (ADL) from 2009. While LoGE, which prohibits discrimination based on ‘sexual expression and/or orientation’, is declarative in nature in the context of protecting LGBTI people against discrimination,²¹ ADL offers comprehensive protection against discrimination in all aspects of public life, including education, employment, healthcare, access to services, etc. ADL explicitly protects LGBTI people from discrimination by listing sexual orientation, gender identity and sex characteristics (SOGIESC) among prohibited grounds for discrimination. Although the ADL stipulates the obligation to harmonise laws at the state, entity and cantonal levels with it, there is still a large number of laws that do not include SOGIESC as grounds on which discrimination is prohibited.

content/uploads/2020/06/CEDAW-C-BIH-Concluding-Observations-6_Accepted.pdf)

20 Article 4, paragraph 3 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence CM(2011)49 of 7 April 2011, (accessed on 11 April 2024, available at: <https://rm.coe.int/168008482e>)

21 Although the Law on Gender Equality in BiH (Official Gazette of BiH, 16/03, 102/09, 32/10), mentions “sexual expression and/or orientation,” it does not set forth the mechanisms for the protection of LGBTI people from unequal treatment, while the ADL through the protection against discrimination covers all areas of the public and some areas of the private life, and also defines different forms of discrimination, in addition to clear mechanisms of protection.

Institutional Anti-Discrimination Action

For the purposes of reporting on institutional actions, SOC submitted four requests for access to information to the Gender Equality Agency of BiH, the Institution of Human Rights Ombudsman of BiH, the Gender Centre of the FBiH Government, and the Gender Centre of the RS Government.

The **Gender Equality Agency of BiH (GEA BiH)** informed us that no complaints related to discrimination based on SOGIESC were received from citizens during 2024. Regarding other activities, in March 2024, GEA BiH disseminated the Council of Europe report “LGBTI Persons’ Access to Healthcare in Bosnia and Herzegovina”²² to institutions at all levels of government, including a note encouraging institutions to take the report’s recommendations into account when designing and implementing policies within their constitutional and legal competencies. This report was produced as part of a thematic analysis of the Council of Europe on the implementation of Recommendation CM/Rec(2010)5, which is binding on member states. In addition, in April 2024, GEA BiH issued a public statement highlighting the findings and recommendations from the report.

With the technical support of the GEA BiH, the Advisory Board for the Protection of Women Human Rights Defenders in BiH, operating within the MHRR BiH, issued a public statement in October 2024 concerning the adoption of the Draft Law on Amendments to the Criminal Code of the Republika Srpska, which aims to remove the term “gender identity,” as well as the inclusion of this Draft Law on the agenda of the 11th Regular Session of the National Assembly of the Republika Srpska, scheduled for 29 November 2024. The statement emphasizes that the deletion of the term “gender identity” from the RS Criminal Code is contrary to constitutional and legal provisions in BiH and its entities, as well as to international standards, and represents a regressive and harmful measure that diminishes the protection of the rights of a segment of the BiH population.²³

22 Gender Equality Agency BiH, “Izvještaj Vijeća Evrope o pristupu LGBTI osoba zdravstvenoj zaštiti u Bosni i Hercegovini”, *GEA BiH* (27 February 2025) <https://arsbih.gov.ba/project/izvjestaj-vijeca-evrope-o-pristupu-lgbti-osoba-zdravstvenoj-zastiti-u-bosni-i-hercegovini/> [accessed on 9 April 2025].

23 *Start BiH*, “Brisanje rodnog identiteta protivno ustavnim i zakonskim odredbama u

In May 2024, the GEA BiH informed the public that, on the occasion of the International Day against Homophobia, Biphobia and Transphobia, ministers from 32 member states of the Council of Europe adopted the Joint Ministerial Declaration “The Future of Freedom and Equality in Europe.” The Declaration, adopted in The Hague during a forum held ahead of the International Day, reflects the political commitment of the signatory countries to ensure equality and respect for human rights and dignity, and to combat discrimination, violence, and hatred faced by LGBTI people. Among the signatories of the aforementioned declaration was the Minister of Human Rights and Refugees of BiH, Dr Sevlid Hurić, who also participated in the forum’s activities in The Hague.²⁴

In addition, GEA BiH issued public statements to mark the Transgender Day of Visibility, the International Day Against Homophobia, Biphobia and Transphobia, and the BiH Pride March, and also participated in media appearances to draw public attention to the need to improve the position of LGBTI people in BiH.

Regarding the activities stemming from the Action Plan for the Promotion of Human Rights and Fundamental Freedoms of LGBTI People in BiH (LGBTI AP), GEA BiH provided information about the validity of this action plan, which prompted the BiH Council of Ministers to adopt a conclusion at its 37th session held on 1 February 2024, extending the implementation of the LGBTI AP until the end of 2025.

The GEA BiH prepared the first annual report on the implementation of the LGBTIAP for the reporting period July 2022 – December 2023. Upon the proposal of the MHRR BiH, the BiH Council of Ministers, at its 61st session held on 17 October 2024, reviewed and adopted the report. The report presents the most important information on activities relevant to achieving the general and strategic objectives of the Action Plan. It notes progress in the implementation of the LGBTI AP, as a significant number of activities have been carried out that contribute to achieving legal, institutional, and social preconditions for greater equality of

BiH i njenim entitetima”, *Startbih.ba* (27 February 2025) <https://startbih.ba/clanak/brisanje-rodnog-identiteta-protivno-ustavnim-i-zakonskim-odredbama-u-bih-i-i-njenim-entitetima/249660> [accessed on 9 April 2025].

24 Gender Equality Agency BiH, “17. maj – Međunarodni dan borbe protiv homofobije, lezBOfobije, bifobije, transfobije i interseksfobije (IDAHOT)”, *GEA BiH* (27 February 2025) <https://arsbih.gov.ba/17-maj-medjunarodni-dan-borbe-protiv-homofobije-lezbofobije-bifobije-transfobije-i-interseksfobije-idahot/> [accessed on 9 April 2025].

LGBTI people in BiH. Since the adoption of the LGBTI AP, BiH has recorded slight but steady progress in the European “Rainbow Index,” published annually by ILGA Europe. The Index for BiH in 2022 stood at 37.8%, while in 2024 it increased to 40.25%, positioning BiH around the middle of the ranking of European countries in terms of respect for LGBTI rights. However, the report notes that despite the efforts made by the public and non-governmental sectors in implementing the activities from the LGBTI AP, as well as some progress in certain aspects of life for LGBTI people in BiH, their position and rights are still not aligned with European standards, particularly in the areas of legal gender recognition, family law, and access to healthcare for transgender people. There remains significant room for improvement regarding the awareness, sensitivity, and perception of LGBTI issues among public officials, public sector employees, and the general public. Progress in these areas is identified as a priority task for the implementation of the LGBTI AP in the upcoming period.

The GEA BiH maintains ongoing communication with BiH institutions as well as with the coordination focal points at the entity level regarding the collection of information on the implementation of the LGBTI AP. One of the challenges identified during monitoring and reporting is the collection of empirical data on the implementation based on the defined success indicators.

The GEA BiH coordinated the process of collecting information for the report on the implementation of the Committee of Ministers Recommendation CM/Rec (2010)5 in BiH. The report is an integral part of the overall review process of the implementation of the aforementioned recommendation in the member states of the Council of Europe. The Committee of Ministers of the Council of Europe assigned the Committee of Experts on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (ADI – SOGIESC), which operates under the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) of the Council of Europe, to oversee the review and reporting process. Based on the information collected, GEA BiH submitted the national report to ADI – SOGIESC in July 2024. The information from the BiH report will be incorporated into a comprehensive report that is scheduled for submission at the 11th CDADI meeting in the first half of 2025. The final report will subsequently be

presented to the Committee of Ministers of the Council of Europe for review and adoption.

Starting from 2025, the budget of the MHRR BiH is expected to include a budget line for the regular financing of fixed costs of the LGBTI safe house, following the established practice regarding safe houses for women victims of gender-based violence. In preparation for the 2025 budget, the GEA BiH included this safe house in the MHRR BiH budget, providing justification for securing additional funds for the safe house's fixed, or so-called "cold operation," costs.

Additionally, on the initiative of the SOC, GEA BiH prepared a proposal to include the date of the first BiH Pride March, 8 September, in the official program of commemorative dates related to human rights to be marked by BiH institutions in 2025. This proposal was included in the draft program compiled by MHRR BiH, which is expected to be submitted to the Secretariat of the Council of Ministers of BiH for inclusion in the agenda of the BiH Council of Ministers session.

The Institution of Human Rights Ombudsman of BiH informed us that during 2024, it received four complaints from citizens regarding discrimination based on sexual orientation and one complaint based on gender identity. In the same year, the Ombudsman Institution issued one recommendation, which has since been implemented. Additionally, on 9 December 2024, two assistants from the Ombudsman Institution participated in a training session on LGBTI rights organised by SOC.

The Gender Centre of the FBiH Government reported that in 2024, it did not receive any complaints from citizens about SOGIESC-based discrimination. The Centre is responsible for coordinating the reporting process for the LGBTI AP in the territory of the Federation of BiH. In this context, a meeting was held at the FBiH Government building with representatives of all institutions responsible for the implementation of this strategic document, during which the methodology for reporting on activities, measures, and progress was agreed upon. GC FBiH also held a meeting with 13 institutions with the aim of drafting a progress report, which was prepared in December 2023 and submitted to GEA BiH for further action. Representatives of GC FBiH participated in the LGBTI AP working groups as well as in the Inter-Ministerial Working Group of the FBiH Government focused on analysing legislation related to the exercise of rights concerning the protection of family life of same-

sex partners, in accordance with the ECHR. In November 2024, a representative of GC FBiH took part in a regional event titled “Spaces and services to protect LGBTI communities: State of play in the Western Balkans and Eastern Partnership regions,” held in Sarajevo, organised by the Council of Europe Office in BiH.

The Gender Centre of the RS Government stated that during the reporting period, it had no activities related to the human rights of LGBTI people. While it may be understandable that citizens do not utilize gender-institutional mechanisms to file complaints based on SOGIESC, it is nonetheless alarming that, according to information from the last two Pink Reports,²⁵ this institution has neither undertaken activities to promote LGBTI human rights, nor reported any participation in such initiatives. This lack of action is particularly concerning in light of the attack on LGBTI activists in March 2023,²⁶ to which the institution failed to respond with any public condemnation. Such (in)action must be examined within the context of political pressure that the institution has faced from anti-gender actors in the RS, as previously reported. This also relates to the decision of the RS Constitutional Court in case U-92/23 from October 2024, which declared the name “Gender Centre of the RS Government” unconstitutional due to the term “gender.”²⁷

As part of the 2024 Initial Training and Professional Development Program, the JPTC FBiH included the following training sessions that indirectly include LGBTI rights: *“Specific aspects of access to justice from the perspective of members of vulnerable groups (children, people with disabilities, Roma, LGBTI people, marginalised categories of women) in the implementation of JPTC FBiH and JPTC RS.”*²⁸

25 Pandurević et al., *2024 Pink Report*, 29; Pandurević et al., *2023 Pink report*, 20.

26 Commissioner for Human Rights of the Council of Europe, “High time for the authorities to accept LGBTI people and their rights – the perpetrators of the attack in Banja Luka must be sanctioned”, *Council of Europe* (27 February 2025) <https://www.coe.int/en/web/commissioner/-/high-time-for-the-authorities-to-accept-lgbti-people-and-their-rights-the-perpetrators-of-the-attack-in-banja-luka-must-be-sanctioned-1> [accessed on 9 April 2025].

27 Constitutional Court of the Republika Srpska, “Saopštenje za javnost Ustavnog suda Republike Srpske”, *RS Constitutional Court* (30 October 2025) <https://www.ustavnisud.org/Doc.aspx?cat=12&subcat=27&id=849&lang=cir&tekst=2560> [accessed on 9 April 2025].

28 FBiH Judicial and Prosecutorial Training Centre, *Program početne obuke i program stručnog usavršavanja za 2024*, JPTC FBiH (Sarajevo: JPTC FBiH, 2024), 41 <https://www.fbih.cest.gov.ba/phocadownload/programi/PROGRAM%202024.pdf> [accessed on 9 April 2025].

*“Equality and non-discrimination”*²⁹

Both of these activities were also envisaged under the 2024 Initial Training and Professional Development Program by the JPTC RS.³⁰

The only training specifically and exclusively related to LGBTI human rights was the one jointly implemented by JPTC FBiH and JPTC RS in cooperation with SOC: *“Human Rights of LGBTI People in BiH and Legal Mechanisms for Their Protection – Experience from BiH and the Region”*³¹

These activities were implemented in May 2024 (FBiH) and October 2024 (RS) with the support of the Sigrid Rausing Trust and USAID. The training sessions were attended by 30 holders of judicial functions from both the FBiH and RS. During the sessions, the educators introduced the participants to civil and criminal aspects of protection of LGBTI people, with a particular focus on the standards of the ECHR and ECtHR.

Public Policies to Combat Discrimination of LGBTI People

The most significant document in this context is the LGBTI AP,³² adopted in July 2022. This Action Plan will remain in force until the end of 2025.³³ In the context of the implementation of activities, it is especially important to note that the BiH Council of Ministers, at its 61st session held on 17 October 2025, adopted the First Report on the Implementation of the LGBTI AP for the period July 2022 –

29 Ibid, pg. 52.

30 RS Judicial and Prosecutorial Training Centre, *Program početne obuke i stručnog usavršavanja za 2024* (Banja Luka: JPTC RS, 2024), 72, 76 https://rs.cest.gov.ba/wp-content/uploads/2024/05/Program_2024.pdf [accessed on 9 April 2025].

31 JPTC FBiH, *2024 Program*, 62; JPTC RS, *2024 Program*, 57.

32 BiH Ministry of Human Rights and Refugees, *2021–2024 Action Plan to Improve the State of Human Rights and Fundamental Freedoms of LGBTI People in Bosnia and Herzegovina* <https://arsbih.gov.ba/project/akcioni-plan-za-unapredjenje-ljudskih-prava-i-osnovnih-sloboda-lgbti-osoba-u-bosni-i-hercegovini-za-period-2021-2024-godine/> [accessed on 9 April 2025].

33 Council of Ministers of Bosnia and Herzegovina, “Saopćenje sa 37. sjednice”, *BiH Council of Ministers* (28 February 2025) https://vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=42398&langTag=hr-HR [accessed on 9 April 2025].

An analysis of the First Report on the Implementation of the LGBTI AP reveals that the majority of activities were carried out in the area of strengthening the capacities of public institutions. Specifically, this refers to trainings for the judiciary, police, and healthcare professionals. A particularly important contribution was made in raising awareness within educational institutions and among civil servants, an area where efforts should undoubtedly continue in the future. However, the greatest potential for further capacity building lies in the fields of sports and the exercise of the right to freedom of peaceful assembly.

Regarding the implementation of activities aimed at improving the legal framework and developing policies and guidelines, the greatest success has been recorded in the area of media work. Specifically, the Communications Regulatory Agency of BiH revised its policies and regulations to include provisions related to protection based on SOGIESC. When it comes to the protection of family life of same-sex partners in the FBiH, the reporting period saw modest progress, which unfortunately came to a halt as of June 2023. In contrast, the RS and the BD BiH have not undertaken any activities *“to analyse legal obstacles faced by persons living in same-sex partnerships.”* Regarding legal gender recognition, a minimal step forward was observed in the FBiH, primarily in terms of a certain degree of institutional openness to the topic, but without any concrete results. There remains significant room for improvement of regulations on legal gender recognition in the RS, and especially in the BD BiH, which, unlike the FBiH and the RS, has not explicitly recognised the legal institution of sex marker change in personal documents. With regard to the medical aspect of gender reassignment, the work of the Department for Transgender Conditions operating within the University Clinical Centre of the Republika Srpska (UKC RS) is particularly noteworthy. This department cooperates with endocrinologists, thereby facilitating medical gender reassignment for individuals living in the RS. Such a good practice model should be considered for replication in the FBiH and the BD BiH. When it comes

34 Gender Equality Agency of Bosnia and Herzegovina, “Usvojen prvi izvještaj o provedbi Akcionog plana za unapređenje ljudskih prava i osnovnih sloboda LGBTI osoba u Bosni i Hercegovini”, *GEA BiH* <https://arsbih.gov.ba/project/usvojen-prvi-izvjestaj-o-provedbi-akcionog-plana-za-unapredjenje-ljudskih-prava-i-osnovnih-sloboda-lgbti-osoba-u-bosni-i-hercegovini/> [accessed on 9 April 2025].

to the criminal law framework, a notable advancement was made by the BD BiH, which introduced provisions aimed at protecting against hate speech, including SOGI as protected characteristics. There is still room for the FBiH to follow this example. Although some progress has been made, it has unfortunately not yet resulted in concrete legislative amendments. Furthermore, regulations governing the right to asylum remains underdeveloped, making this an area that requires increased attention in the upcoming period.

Public response to violations of LGBTI rights in BiH remains modest and insufficient,³⁵ particularly in light of the March 2023 attack on LGBTI activists, during which high-ranking officials in the RS were reported to have incited hatred and intolerance.³⁶

Moreover, not a single new GAP was adopted at the cantonal level during 2024 that would, among other things, address the human rights of LGBTI people.

Documented Cases

According to SOC's 2023 research on the LGBTI community, 193 out of 401 respondents stated that they experienced discrimination, accounting for 48.13%. Of the 48.13% of respondents who reported experiencing some type of discrimination, 91.16% were discriminated against because of their sexual orientation, and 7.73% because of their gender identity/expression. The most common type of discrimination faced by respondents was harassment based on LGBTIQ identity, which occurred in 43.88% of cases. According to the findings of this research, the majority of respondents faced discrimination at school (29.33%), with many also experiencing discrimination at work (8.21%), police

35 Amil Brković, Dejan Lučka, Dragana Dardić, Edo Kanlić, Ena Kljajić, Jelena Vukelić, Jovana Đukić, *Human Rights Defenders in Bosnia and Herzegovina*, (Banja Luka: Human Rights House Banja Luka, 2023), pg. 19, <https://kucaljudskihprava.org/en/first-national-report-on-the-status-challenges-and-obstacles-faced-by-human-rights-defenders-in-bosnia-and-herzegovina/> [accessed on 9 April 2025].

36 Commissioner for Human Rights of the Council of Europe, "High time for the authorities to accept LGBTI people and their rights – the perpetrators of the attack in Banja Luka must be sanctioned", *Council of Europe* (28 February 2025) <https://www.coe.int/en/web/commissioner/-/high-time-for-the-authorities-to-accept-lgbti-people-and-their-rights-the-perpetrators-of-the-attack-in-banja-luka-must-be-sanctioned-1> [accessed on 9 April 2025].

stations (4.69%), health institutions (4.99%), universities (12.02%), and hospitality establishments (13.20%). 12.61% of respondents reported discrimination in the LGBTI community. Furthermore, some people faced discrimination during the employment process. Others highlighted discrimination in society, online, within the family, and in their local community. The research discovered that up to 90.63% of respondents decided not to report discrimination. The answers to the question of why respondents did not report discrimination indicate deep fears and obstacles faced by the LGBTIQ community. Some of the key factors include distrust in officials involved in the proceedings, fear of identity exposure, and a lack of information about available assistance and reporting procedures. The length of court proceedings, potential financial costs, fear of retaliation, and concern about the reaction of family and friends are among reasons for not reporting discrimination. In 9.38% of cases when respondents decided to report discrimination, they mostly decided to seek support from civil society organisations (35%) and from the Institution of Human Rights Ombudsman (15%), indicating a low level of trust in judicial institutions and bypassing civil proceedings as a mechanism for proving and combating discrimination. Out of 20 reported cases of discrimination, only six were considered by the court. Of these, one process has been completed, and five are still ongoing, which points to the inefficiency and sluggishness of the judicial system in BiH in implementing anti-discrimination legislation and ensuring protection for LGBTI people.³⁷

In 2024, SOC's legal counselling service documented three complaints concerning discrimination based on sexual orientation and gender identity. One case involved workplace discrimination based on sexual orientation, while the remaining two pertained to discrimination based on sexual orientation and gender identity in the provision of services on the market. Unfortunately, according to SOC, none of these cases were reported to the competent institutions.

At the time of writing this report, SOC is actively pursuing four legal cases before the competent courts aimed at establishing discrimination

37 Emina Bošnjak and Darko Pandurević, *Numbers of Equality 3, Research on Problems and Needs of LGBTI Persons in Bosnia and Herzegovina in 2023 – Analysis of Findings* (Sarajevo: Sarajevo Open Centre, 2023), 16–21 <https://soc.ba/site/wp-content/uploads/2023/12/Brojevi-koji-ravnopravnost-znace-ENG-web-.pdf> [accessed on 9 April 2025].

on the grounds of SOGIESC. In 2024, one appeal was successful, resulting in the case being remanded to the first-instance court for further proceedings. Nevertheless, as highlighted in previous Pink Reports, all of these cases are still affected by notable delays, despite the fact that the BiH Anti-Discrimination Law (ADL BiH) explicitly requires urgency in resolving anti-discrimination cases.³⁸

The table below summarises discrimination cases documented by SOC over the past three years. These figures indicate cases monitored by SOC in public or reported by LGBTI people via the internal system of documenting LGBTI human rights violations. Given the lack of trust that LGBTI people have in institutions, there has yet to be a single final court judgement determining discrimination. As a result, based on this table, it is impossible to respond to the trends and frequency of discrimination over time. However, it is possible to conclude that discrimination exists and is documented in the vast majority of the areas covered by the law.

	2022	2023	2024	TOTAL
GROUND				
Sexual orientation	9	4	3	16
Gender identity	1	1	0	2
Sex characteristics	0	0	0	0
AREA				
Education	1	0	0	1
Access to goods and services	3	2	2	7
Employment and labour relations	3	0	1	4

³⁸ Anti-Discrimination Law of Bosnia and Herzegovina, Official Gazette of BiH, 59/09, 66/16, Article 11, paragraph 4.

Healthcare	0	0	0	0
Other	3	3	0	6
TOTAL FOR THE YEAR	10	5	3	18

Table 1. SOC data on SOGIESC-based discrimination

Guidelines for Further Action

1. Implement the activities provided for in the 2021-2024 Action Plan to Improve the State of Human Rights of LGBTI People in BiH in a consistent and prompt manner.
2. Implement relevant recommendations in international and national documents³⁹ by improving laws and bylaws, and include LGBTI people's rights and needs in all public policies at all levels of government.
3. Introduce LGBTI-specific modules in future trainings for judges and prosecutors.
4. In addition to legal and policy solutions, it is necessary to adopt internal acts and develop internal mechanisms of all legal entities to address cases of discrimination on the grounds of SOGIESC.
5. Create an accountability mechanism for the judiciary and other bodies that do not implement the principle of urgency in all alleged discrimination-related proceedings, including cases on the grounds of SOGIESC.

³⁹ Committee of Ministers of the Council of Europe, *Recommendation CM/Rec(2010)5 to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity*, 31 March 2010; Institution of Human Rights Ombudsman of BiH, *Special Report on the Rights of LGBTI Persons in Bosnia and Herzegovina*, (Banja Luka: BiH Ombudsmen, 2016); Anti-Discrimination Law of Bosnia and Herzegovina, Official Gazette of BiH, 59/09, 66/16.

II HATE CRIME AND INCITEMENT TO HATRED

Legal Framework

All three criminal codes, FBiH, RS and BD, recognise hate crimes (in BD, hatred is considered an aggravating circumstance) and protect LGBTI people and other social groups who are typically the target of such crimes.

The criminal offence of incitement to hatred and violence, however, is regulated differently in the Criminal Code of the Republika Srpska (CC RS) and the Criminal Code of BD BiH than in the Criminal Code of the Federation of BiH (CC FBiH). Public incitement to violence and hatred in the RS and BD BiH is thus prohibited on the grounds of “nationality, race, religion or ethnicity, colour, sex, sexual orientation, disability, gender identity,⁴⁰ origin or any other characteristic;” while in the FBiH, it is limited exclusively to “inciting intolerance or hatred on national, ethnic and religious grounds.” As a result, the CC FBiH should be amended, as was done in the RS⁴¹ and BD BiH, to harmonise laws and provide proper protection to LGBTI people as well as members of other groups who are typically the target of such crimes.

In this regard, it is particularly important to highlight the regressive initiative from the RS (see the chapter on negative practices in this report), which aimed to remove the term “gender identity” from all provisions of the RS Criminal Code. This proposal was discussed in the form of a draft law on 6 February 2025.⁴² Despite clear opposition from

40 Removed from the CC RS in March 2025.

41 With an emphasis on the fact that, unlike the RS, the CC FBiH should, through future amendments, recognise SOGI as protected grounds.

42 Ministry of Justice of the Republika Srpska, “Amendments to the Criminal Code of the Republika Srpska”, *RS Ministry of Justice* (3 March 2025)) <https://vladars.rs/sr-SP-Cyrl/Vlada/Ministarstva/mpr/media/vijesti/Pages/KZR.aspx> [accessed on 9 April 2025].

the EU⁴³ and the OHCHR,⁴⁴ the RS National Assembly adopted the Law on Amendments to the Criminal Code of the Republika Srpska at its 13th regular session held on 26 March 2025,⁴⁵ thereby removing gender identity from all provisions of the RS Criminal Code.

	Hate crime	
FBiH	RS	BD BiH
Article 2, paragraph 11 of the FBiH Criminal Code	Article 123, paragraph 1, point 21 of the RS Criminal Code	Article 2, paragraph 42 of the BD BiH Criminal Code
<ul style="list-style-type: none"> - sexual orientation (legally recognised) - gender identity (legally recognised) - sex characteristics (not legally recognised) 	<ul style="list-style-type: none"> - sexual orientation (legally recognised) - gender identity (removed from the law in 2025) - sex characteristics (not legally recognised) 	<ul style="list-style-type: none"> - sexual orientation (legally recognised) - gender identity (not legally recognised) - sex characteristics (not legally recognised)
It does not contain an open-ended list of protected characteristics.	It contains an open-ended list of protected characteristics (introduced in 2025).	It contains an open-ended list of protected characteristics.

43 Delegation of the European Union to Bosnia and Herzegovina, “On draft legislation and draft amendments to the Criminal Code in Republika Srpska that threaten...” *EU Delegation to BiH* (3 March 2025) https://www.eeas.europa.eu/delegations/bosnia-and-herzegovina/draft-legislation-and-draft-amendments-criminal-code-republika-srpska-threaten-fundamental-rights_en?s=219 [accessed on 9 April 2025].

44 Mandates of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on the situation of human rights defenders, “Letter addressed to Bosnia and Herzegovina – OL BIH 1/2024”, *Office of the United Nations High Commissioner for Human Rights (OHCHR)* <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29473> [accessed on 9 April 2025].

45 National Assembly of the Republika Srpska, “Okončana trinaesta redovna sjednica: usvojeni Program rada Narodne skupštine za 2025. i Zakon o izmjenama i dopuni Zakona o pravima boraca, vojnih invalida i porodica poginulih boraca”, *RS National Assembly* <https://www.narodnaskupstinars.net/?q=la/vijesti/okon%C4%8Dana-trinaesta-redovna-sjednica-usvojeni-program-rada-narodne-skup%C5%A1tine-za-2025-i-zakon-o-izmjenama-i-dopuni-zakona-o-pravima-boraca-vojnih-invalida-i-porodica-poginulih-boraca> [accessed on 9 April 2025].

	Hate speech	
	<p>Article 359, paragraph 1 of the RS Criminal Code</p> <ul style="list-style-type: none"> - sexual orientation (legally recognised) - gender identity (removed from the law in 2025) - sex characteristics (not legally recognised) <p>It contains an open-ended list of protected characteristics.</p>	<p>Article 355a of the BD BiH Criminal Code</p> <ul style="list-style-type: none"> - sexual orientation (legally recognised in 2024) - gender identity (legally recognised in 2024) - sex characteristics (not legally recognised) <p>It contains an open-ended list of protected characteristics.</p>

Table 2. Legal framework in BiH regarding hate crimes and hate speech.

Institutional Action

During the reporting period, the process of appointing contact persons in prosecutor’s offices was completed, ensuring that LGBTI injured parties now have access to designated contact prosecutors in all prosecutor’s offices across BiH – with the exception of the BiH Prosecutor’s Office, the FBiH Prosecutor’s Office, and the RS Public Prosecutor’s Office.

In 2024, SOC organised three training sessions for prosecutors focusing on hate crimes and hate speech based on SOGIESC. The first two training sessions were held in collaboration with JPTC FBiH and JPTC RS, in May and October 2024. The third training session took place in November 2024 and was specifically designed for appointed contact prosecutors LGBTI people, with a thematic focus on online violence and hate speech against LGBTI people in BiH.

With the support of the Council of Europe, SOC developed a website containing basic information on hate crimes, hate speech, available protection mechanisms, as well as contact persons from institutions cooperating with SOC.⁴⁶

In January 2025, the High Judicial and Prosecutorial Council of BiH (HJPC BiH) issued a notice to relevant judicial institutions regarding updates to the CMS and TCMS systems concerning hate crimes. The update enables systematic data collection on the motives and protected characteristics of injured parties, including SOGI. This amendment entered into force on 27 January 2025 (see Good Practices section of this report).

During 2024, a training program was held for the FBiH MoI Police Academy cadets on the topic of “Hate Speech and Hate Crimes.” A total of 49 hours of training were delivered, attended by 173 participants – 168 candidates for the rank of police officer and five candidates for the rank of junior inspector.

Documented Cases before Competent Prosecutor’s Offices and Police Authorities

During 2024, SOC submitted one criminal complaint *ex officio* for the offence of “damage to another’s property,” in connection with a hate crime committed by unidentified individuals who had written the slur “fuj pederi” (“yuck, faggots”) on the wall of the National Museum of Bosnia and Herzegovina – a site designated as a national monument by the Commission to Preserve National Monuments. The location of the graffiti was not chosen at random, as participants in the BiH Pride March had departed from that very location for their protest walk in June 2024.

For the purposes of this chapter, SOC submitted a total of 17 requests for access to information to the competent prosecutor’s offices in FBiH, RS and BD BiH. A total of 16 responses were received, which included the following information:

⁴⁶ *Stop mržnji*, <https://www.stopmrznji.ba> [accessed on 9 April 2025].

The majority of prosecutor's offices in 2024 did not receive any reports nor did they prosecute cases in which LGBTI people were victims of criminal offences. The Cantonal Prosecutor's Office of Sarajevo Canton provided information stating that the request for access to information pertains to *"case number T09 0 KTAKK 0194533 23, which is currently in the phase of verifying the allegations from the report, and case number T09 0 KTN 0194653 24, which is being conducted against an unidentified perpetrator and is also in the phase of verifying the allegations from the report."* The District Public Prosecutor's Office in Doboj reported that *"due to the criminal offence of Publicly Inciting and Inflaming Violence and Hatred under Article 359 of the RS Criminal Code, two reports were received – one against an unidentified perpetrator or multiple perpetrators, and another against an identified perpetrator. In the case against the unidentified perpetrator(s), an investigation has been ordered, while the case against the identified perpetrator is in the phase of reporting and collecting the necessary information."*

When it comes to training, six prosecutor's offices provided information that they had participated in various training sessions, specifically:

The Cantonal Prosecutor's Office of Una-Sana Canton is working on the implementation of the Strategy for Improving Gender Equality in the Judiciary of BiH, within which ongoing activities are being carried out with the aim of improving gender equality, and indirectly, non-discrimination on all other grounds.

The Cantonal Prosecutor's Office of Tuzla Canton stated that their prosecutors held several meetings in 2024 with the Tuzla Open Centre on protecting the rights of LGBTI people and on amendments to the Law on Freedom of Assembly in Tuzla Canton. A lecture on this topic was delivered by Professor Dženeta Omerdić from the Faculty of Law. Two of their prosecutors attended a training session organised by the JPTC FBiH on hate speech, and one prosecutor attended a training on "how to improve the fight against hate speech in public space." Two prosecutors also participated in a training on online violence and hate speech organised by SOC as designated contact prosecutors for LGBTI people who are victims of criminal offences.

The Cantonal Prosecutor's Office of Central Bosnia Canton attended

the training titled “Human Rights of LGBTI People in BiH and Legal Mechanisms for Their Protection – Experience from BiH and the Region.” In addition, the contact prosecutor for LGBTI people participated in the training “Online Violence and Hate Speech Based on Sexual Orientation and/or Gender Identity.”

The Cantonal Prosecutor’s Office of West Herzegovina Canton, through the Deputy Chief Prosecutor, who also serves as the contact prosecutor for LGBTI people, attended the training “Online Violence and Hate Speech Based on Sexual Orientation and/or Gender Identity.”

The District Public Prosecutor’s Office in Banja Luka provided information that their prosecutors attended the training “Prosecution of Hate Crimes and Hate Speech,” held on 29 February 2024, organised by the JPTC RS.

The District Public Prosecutor’s Office in Bijeljina participated in the following training sessions: “Gender Sensitivity” on 15 April 2024 and “Introduction of Gender-Sensitive Policies in Higher Education” on 19 June 2024, organised by the TPO Foundation and the Zato Foundation.

Striking Cases of Hate Speech

In May 2024, SOC’s legal counselling service received a report against an individual who posted a video on their TikTok profile showing a transgender woman at a bus station in Ilidža, insulting and threatening her based on her gender identity. In response, SOC filed a misdemeanour report to the Ilidža Police Station for the following offence:

“A fine ranging from BAM 200.00 to 600.00 shall be imposed on anyone who, in a public place, disturbs public order and peace by particularly insolent behaviour; grossly insulting another person or through other reckless conduct that endangers the safety of individuals or causes a feeling of physical endangerment, disturbance, or resentment.”

Unfortunately, following police interviews with both the perpetrator and the victim, the victim chose not to proceed with the misdemeanour proceedings.

Ahead of the BiH Pride March exhibition, graffiti bearing the word “pederi” (“faggots”) were painted on the building of the Goethe Institute in Sarajevo,⁴⁷ prompting reports to be submitted to the MoI SC and the BiH Ministry of Foreign Affairs.⁴⁸

The SNSD party was fined BAM 5,000 due to statements made by party president Milorad Dodik and member Ljubo Ninković. It was established that during a pre-election rally, Dodik and Ninković insulted members of the LGBT community while speaking about a political party and the Banja Luka City Council. Ninković himself was fined BAM 7,000.⁴⁹

In 2024, SOC documented 12 cases of hate speech based on sexual orientation and gender identity, four of which were reported to the relevant institutions. Out of the 12 cases, eight were recorded in the public sphere and four in the online sphere.

The following table shows the hate crime cases documented by SOC in the last 3 years.

	2022	2023	2024	TOTAL
GROUND S				
Sexual orientation	13	14	12	39
Gender identity	0	2	0	2
SOGI	0	4	0	4
TOTAL	13	20	12	45
TYPE OF HATE CRIME				
Domestic violence	3	2	3	8

47 *Radio Slobodna Evropa*, “Uvredljivi grafit u Sarajevu, gdje je izložba o prijetnjama LGBT zajednici”, *RSE* (3 March 2025) [accessed on 9 April 2025].

48 Goethe Institut in Sarajevo, public statement via Instagram account, (accessed on 9 April 2025): <https://www.instagram.com/p/C8M20yFop6z/?igsh=MXY1bXXZocG8wbXVwOQ==>

49 *Klix.ba*, “Dodik dobio kazne zbog zloupotrebe djece i vrijeđanja LGBT-a, Nikšić zbog zloupotrebe pozicije premijera”, *Klix portal* (3 March 2025) [accessed on 9 April 2025].

Peer violence	2	0	2	4
Threats	4	6	4	14
Other	4	12	3	19
TOTAL	13	20	12	45

Table 3. SOC data on SOGI-based hate crime

Guidelines for Further Action

1. Amend the F BiH Criminal Code and expand the provisions on incitement to hatred and violence so that they include SOGIESC as protected grounds.
2. Introduce new or amend existing laws and regulations to clearly define forms of *online violence* and hate speech, and to prescribe adequate fines for perpetrators. The legislative framework should also include data protection, privacy, and measures for prompt response and removal of harmful content from digital platforms.
3. With the aim of fighting homophobia and prejudice within the institutions, continuously train and inform prosecutors, judges, police officers and civil servants on hate crimes, incitement to hatred and violence against LGBTI people.
4. Improve cooperation between the police and the judiciary in the prosecution of hate crimes against LGBTI people and systematically collect data on hate crimes on the grounds of SOGIESC and in line with the HJPC BiH instruction dated 27 January 2025.
5. Introduce LGBTI inclusive modules in curriculum in law schools and police academies, in the permanent and specialist programs for police officers' training and civil service exams.
6. Develop a program to combat peer violence in primary and secondary schools, which will include both homophobic and transphobic violence, as well as programs to promote tolerance and create an inclusive education system.
7. Train higher education/academic employees to be more sensitised when working with LGBTI people, as well as to recognise, condemn and avoid hate speech directed at LGBTI people.
8. Strengthen the capacities of regulatory and self-regulatory bodies

responsible for responding to hate speech in the online space. This should include providing greater resources and training for employees.

9. Establish cooperation with social media networks and other digital platforms to ensure a prompt response to reports and the removal of harmful content.

III

FREEDOM OF ASSEMBLY AND ASSOCIATION

Legal Framework

Compared to the previous reporting period, there has been some progress in the legislative framework. The assemblies of the Central Bosnia⁵⁰ and West Herzegovina⁵¹ cantons have adopted draft laws on peaceful assembly and public gatherings. The draft law on peaceful assembly has also been adopted by the Assembly of the Tuzla Canton⁵² and by the Government of the Posavina Canton.⁵³ In the Republika Srpska, there are still no changes regarding amendments to the Law on Peaceful Assembly. For the second year in a row, the SC Assembly has included the adoption of the Law on Peaceful Assembly and the Law on Public Gatherings in its work program,⁵⁴ which confirms that there is no guarantee that this obligation, which falls under the responsibility of the MoI SC, will be fulfilled this year.

The current legal framework regulating this area is not aligned with international standards, lacks sufficient harmonisation, and provides varying definitions and interpretations of key terms, which poses an obstacle for the BiH citizens in exercising their right to freedom of assembly and enjoying other rights guaranteed by the Constitution of Bosnia and Herzegovina.

50 Assembly of the Central Bosnia Canton. “Skupština SBK donijela zakone o mirnom okupljanju i javnim priredbama”, *CBC Assembly* (13 March 2025) <https://skupstina.sabor.sbk-ksb.gov.ba/index.php/bs/component/content/article/sbk-skupstina-donijela-zakone-o-mirnom-okupljanju-i-javnim-priredbama?catid=2&Itemid=101> [accessed on 9 April 2025].

51 Assembly of the West Herzegovina Canton, “Priopćenje za javnost s 16. redovne sjednice Skupštine ŽZH”, *WHC Assembly* (13 March 2025) <https://www.skupstina-zzh.ba/Opsirnije.aspx?id=6965> [accessed on 9 April 2025].

52 *NI BiH*. “Tuzlanski kanton konačno dobija zakon o mirnom okupljanju: Da li je vlast za to?”, *NI* (13 March 2025): <https://n1info.ba/vijesti/tuzlanski-kanton-konacno-dobija-zakon-o-mirnom-okupljanju-da-li-je-vlast-za-to/> [accessed on 9 April 2025].

53 Government of the Posavina Canton, “68. sjednica Vlade Županije Posavske”, *www.zupaniјaposavska.ba* (13 March 2025) <https://www.zupaniјaposavska.ba/68-sjednica-vlade-zupaniје-posavske-2/> [accessed on 9 April 2025].

54 Sarajevo Canton Assembly, *Program rada Skupštine KS za 2025. godinu* (13 March 2025) <https://skupstina.ks.gov.ba/sites/default/files/2024-12/program-rada-sks-25.pdf> [accessed on 9 April 2025].

Practical Challenges

Organisers of peaceful assemblies and public events in Sarajevo Canton still face a series of administrative requirements imposed by the Ministry of the Interior and the Ministry of Transport of Sarajevo Canton. This not only entails additional financial burdens but also exhausting procedures that discourage citizens from exercising their right to freedom of assembly.

Although the Law on Public Assembly of Sarajevo Canton defines the engagement of a private security agency for securing an event as optional, the police often impose this engagement as a requirement based on their risk assessment. In addition, the organisers of the BiH Pride March are also required to provide protective barriers, with all associated costs borne by the organisers themselves. To obtain approval for the event, a request must be submitted to the competent police administration along with proof of the presence of emergency medical services – an additional cost that the organisers are also obliged to cover. The organisers must also submit information on stewards, who bear significant responsibility. According to the current Law on Public Assembly of Sarajevo Canton, stewards are obliged to remove any person disturbing public order and peace, and to immediately hand over to the police any person causing serious disturbances during the public assembly. If a public assembly is held on a roadway, the organisers must obtain approval from the Ministry of Transport of Sarajevo Canton, which requires the submission of a traffic management study outlining temporary traffic regime changes and alternative routes. This study must be prepared by a certified traffic engineer, which suggests that the responsibility for its preparation should lie with the Ministry of Transport, not the organisers. However, this is not the case in practice.

Guidelines for Further Action

1. Improve the existing cantonal legislation to clearly define the differences between the protection of citizens' right to freedom of assembly, and commercial public assemblies and events; and to prevent a shift of responsibility for securing the events from competent ministries of the interior to private agencies, whose engagement presents an additional financial burden on organisers of non-profit assemblies.
2. Adopt a law at the FBiH level that uniformly regulates public assembly for all cantons, as there are no constitutional impediments for doing so, and harmonise solutions at all government levels to ensure equal enjoyment of the constitutional right throughout BiH's territory.
3. Decisions regarding the holding of public assemblies should be issued in a timely manner to ensure that organisers have sufficient time to file an appeal in the event of a ban. The appeal must be decided by a different, independent body, and not the same authority that issued the ban.⁵⁵

⁵⁵ OSCE Mission to Bosnia and Herzegovina, *The Enjoyment of Freedom of Peaceful Assembly in BiH: Monitoring Observations of the OSCE Mission to Bosnia and Herzegovina* (Sarajevo: OSCE, 2021) https://www.osce.org/files/f/documents/a/7/500554_0.pdf [accessed on 3 April 2025].

IV FAMILY LIFE AND SAME-SEX PARTNERSHIP

Legal Framework

The relationships between same-sex partners and their partnerships are not regulated in any administrative unit in BiH (FBiH, RS, BD). In this way, LGBTI people are unable to claim their constitutionally guaranteed rights to personal freedom and safety, private and family life and home, to starting a family, protection of property, or freedom of movement and residence. The obligation of BiH to regulate same-sex partnership arises from BiH membership in the Council of Europe and the decisions⁵⁶ of the European Court for Human Rights. Several recommendations⁵⁷ by the Council of Europe bind the member states to respect the private and family life of every individual and to enable the rights of same-sex partnerships that would be at least legally equal to the rights of heterosexual extramarital couples.

56 ECtHR, judgements on the rights of same-sex couples (2010–2024).

57 Committee of Ministers of the Council of Europe, *Recommendation CM/Rec(2010)5 to Member States on Measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity* (Strasbourg: Council of Europe, 2010) [https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%2209000016805cf40a%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%2209000016805cf40a%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}) [accessed on 9 April 2025]; Parliamentary Assembly of the Council of Europe, *Resolution 2239 (2018) Private and family life: achieving equality regardless of sexual orientation*, (Strasbourg: Council of Europe, 2018) <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25166&lang=en> [accessed on 9 April 2025];

European Commission against Racism and Intolerance (ECRI), *General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons* (Strasbourg: Council of Europe, 2023) <https://rm.coe.int/general-policy-recommendation-no-17-on-preventing-and-combating-intole/1680acb66f> [accessed on 9 April 2025];

European Commission against Racism and Intolerance (ECRI) *Report on Bosnia and Herzegovina – sixth monitoring cycle* (Strasbourg: Council of Europe, 2024), pg. 11, <https://rm.coe.int/fourth-ecri-report-on-bosnia-and-herzegovina/1680b0661f> [accessed on 9 April 2025];

Institutional Action

The process of analysing and proposing legislation aimed at improving the legal position of same-sex partners in the FBiH has been ongoing since 2018. The activities, progress, and outcomes of this process have been reported chronologically in previous editions of the “Pink Report,” which we encourage the readers to read.⁵⁸ It is important to emphasise that in October 2022, the FBiH Government adopted a conclusion acknowledging the conclusions of the Interdepartmental Working Group and tasked the FBiH Ministry of the Interior, in cooperation with the FBiH Ministry of Justice and the FBiH Ministry of Labour and Social Policy, with organising a public debate in order to reach a so-called “broader consensus” on the issue of family life of same-sex partners. On 9 December 2022, a public debate was held with the support of the European Commission and the Council of Europe, attended by 120 participants. At the end of December 2022, the FBiH Ministry of the Interior submitted a report on the conducted public debate to the FBiH Government.

On 14 June 2023, the FBiH Government adopted Conclusion no. 773/2023 which included the FBiH MoI Report on the Public Debate. With the same Conclusion, the FBiH Government tasked the FBiH MoJ, FBiH MLSP, FBiH MoI and FBiH MoH to submit proposals from experts who participated in the drafting of the *lex specialis* “FBiH Law on Same-Sex Partnership.” From June 2023 until the moment of writing this report, all line ministries except the FBiH MoH submitted expert proposals.⁵⁹

Given that the process of adopting the FBiH Law on Same-Sex Partnership has been ongoing since the end of 2018, new requests from same-sex partners emerged in FBiH, relating to recognition of parental care and the rights of children of same-sex partners. For this reason, we emphasise that the future Law that will regulate the family life of same-sex partners must also contain provisions that will refer to children, because it is evident that already at this moment there are justified requests to adequately resolve this issue.

58 SOC, 2019–2023 *Pink Reports*.

59 See the chapter “Negative Practices” in this Report.

According to SOC research in 2023, out of 401 respondents, 24.69% stated that they are in a long-term, stable emotional relationship with a partner of the same sex, while the majority stated that they are not currently in such a relationship. Of the total number of respondents who are in a long-term and stable emotional relationship, 33.86% already live with their partner, and 39.37% plan to do so in the near future. More than half of the respondents, 59.12%, stated that they do not want to have children, but a significant percentage, 38.36%, stated that they do want to have children in their same-sex union. When asked if they would still enter into a life partnership or same-sex union in BiH if they were able, more than half of the respondents (53.31%) said yes. It is interesting to note that 33.73% of respondents were unsure whether they would enter into a life partnership in that situation, which prompts consideration of the level of information and knowledge of the rights that the regulation of life partnerships within the community itself entails. Given the legal and social invisibility of same-sex partnerships, both in society and within the LGBTIQ community, there is room for more information on this topic, as well as the need for LGBT people in their environment and in safe spaces to be in the company of same-sex couples who can talk about their experiences, as well as the concrete consequences of the lack of legal regulation on their daily lives. Given the lack of legal regulation and the ability to recognise same-sex partnerships formed outside of BiH, 81.23% of respondents have not entered into this type of union outside of BiH. However, six respondents said they had formed a life partnership outside of BiH. Regardless of their personal views on certain aspects of life unions, the vast majority of respondents, 88.06%, believe that same-sex partnerships should be legally regulated in BiH.⁶⁰

Documented Cases

In 2024, SOC received eight inquiries related to same-sex partnerships/marriage. One inquiry concerned a same-sex couple originally from BiH who got married in Denmark and wish to adopt a child, requesting a letter of support from SOC. Another inquiry involved a same-sex couple, also originally from BiH, who entered into a same-sex marriage and are seeking a letter of support from SOC to obtain a residence permit. A third inquiry came from a same-sex couple where one partner

60 Bošnjak and Pandurević, *Numbers of Equality* 3, 39–42.

is a BiH citizen and the other a foreign citizen. They asked whether the foreign partner could obtain a residence permit in BiH, given that they got married in Ireland. The fourth and fifth inquiries were identical in content, as they related to the possibility of obtaining BiH citizenship for the child of same-sex parents – one couple residing in the United Kingdom and the other in Portugal. The sixth inquiry concerned the possibility of concluding a notarial contract in the FBiH that would regulate the rights and obligations of a same-sex couple from Sarajevo. The seventh inquiry was about the possibility of entering into a same-sex marriage abroad. The eighth inquiry involved a same-sex couple in which one partner holds BiH citizenship and the other is a citizen of the Republic of Croatia. They currently live in Croatia, where they have registered their same-sex partnership, but wish to move to BiH and obtain recognition of the foreign public document on their registered partnership.

Guidelines for further action

1. Accelerate the existing legislative procedures in the FBiH, while expanding the scope of rights to include matters related to children in same-sex partnerships.
2. Initiate legislative procedures for the adoption of a legal solution on same-sex partnerships in the RS and BD, so that same-sex couples receive equal treatment throughout BiH (in line with Activity 2.1 of the LGBTI Action Plan).

V RIGHTS OF TRANSGENDER PEOPLE

Legal Framework

The procedure to register gender change in the public registers and personal documents in the administrative-territorial units of Bosnia and Herzegovina (entities, cantons, District) is inefficient, vague, potentially degrading for transgender people and does not respect the rights to self-determination, privacy and bodily integrity of transgender people.

It is not clear in the existing regulations in BiH whether legal change of sex marker is conditioned by “complete” or “partial” (medical) gender reassignment. Namely, no law or by-law in the entities or the District defines what “gender change” is as performed by a health institution, what constitutes medical documentation proving gender reassignment, and which is the competent health institution to interpret it. Furthermore, it is necessary to recognise life in a different gender identity as a ground for administrative gender change procedures.

The current practice and the lack of legal regulation of gender change leads to a conclusion that gender change procedures in personal documents can only be carried out after “complete” medical gender reassignment, which implies reassignment surgeries of primary and secondary sex characteristics, often including sterilisation of trans people, i.e., deprivation of reproductive functions.

Trans people can access gender reassignment (hormone therapy, surgical procedures), or gender affirming medical services only abroad, because medical institutions in BiH do not have staff trained to support them in the transition process. The costs of medical transition, borne by trans people themselves, are not being reimbursed by the health insurance system, which further prolongs the transition process and increases financial costs.

At the international level, a significant development is the announcement by the World Health Organisation (WHO) that it will work on developing the

Guideline on the Health of Trans and Gender-Diverse People.⁶¹ The work on the Guideline was announced in 2023, and the document is expected to be published in 2025. The Guideline will address current challenges and obstacles, and provide clear and implementable recommendations to EU member states. In addition to the existing professional guidelines and protocols developed by the World Professional Association for Transgender Health (WPATH), the Guideline will serve as a useful tool for the healthcare sectors of individual countries.

Institutional Action

In terms of legal recognition of gender identity and gender affirming healthcare, no concrete institutional actions have been undertaken in the past period.

Since June 2023, the FBiH Ministry of Health has not responded to SOC's requests to initiate the drafting of the Ordinance on the Method of Collecting Medical Documentation and Determining Conditions and Assumptions for Gender Change or Life in Another Gender Identity in the Federation of Bosnia and Herzegovina. The Ministry has not provided any explanation or reasoning for its lack of action on this matter. As of the time of writing this Report, the FBiH MoH has also failed to respond to urgent requests from the FBiH MoI, the BiH Ministry of Human Rights and Refugees, and the Government of the Federation of Bosnia and Herzegovina.

The Gender Action Plan (GAP) of Sarajevo Canton for the period 2023-2027 does not include the measure of creating the Guide for Health Professionals on the Best Treatment of Transgender and Intersex Persons – a measure that was part of the previous GAP (2019-2022) but was never implemented. The Ministry of Health of Sarajevo Canton refused to adopt this measure. The Ministry justified its decision by claiming that healthcare professionals already possess the knowledge and skills necessary to work with transgender patients, and therefore do not require additional educational resources. Furthermore, the Ministry

61 World Health Organization (WHO), "WHO announces the development of the guideline on the health of trans and gender diverse people", *World Health Organization* (28 June 2023) <https://www.who.int/news/item/28-06-2023-who-announces-the-development-of-the-guideline-on-the-health-of-trans-and-gender-diverse-people> [accessed on 9 April 2025].

stated that the development of such a guide is not in accordance with ethics and legislation, and is therefore not acceptable in the healthcare sector. Unfortunately, practical experience and cooperation between SOC and healthcare professionals indicate that further education is needed, particularly to enhance understanding of the needs of transgender individuals and approaches in clinical practice.

SOC's Action on Healthcare

In 2024, SOC continued to organise additional training sessions for healthcare professionals. In November, a training was held for doctors from several healthcare institutions in BiH who work in various fields of medicine relevant to providing gender-affirming healthcare – psychiatry, endocrinology, and gynaecology. This additional training represents another step toward ensuring sensitised and informed doctors who are prepared to support transition processes in an informed and affirmative manner.

Social Reality

In 2023, SOC conducted research on the needs and challenges that LGBTIQ people face in everyday life in BiH. The research found that transgender and gender diverse people continue to be legally and socially invisible, with restricted access to healthcare, education, employment, legal gender recognition, and other fundamental rights. The research provides insight into their needs related to medical gender reassignment (gender affirming healthcare) and changing the sex marker in their personal documents. An important fact is that 58.33% of respondents agree that a third sex/gender category should be added to personal documents in BiH.⁶² The research findings clearly indicate the need for more education and social information to ensure support and rights for people who identify as trans, gender diverse, or non-binary. On the other hand, a public opinion survey on the position and rights of LGBTI people shows that 27.5% of respondents believe that transgender people do not have the right to legal gender recognition in accordance with their gender identity; 43% of respondents find it

62 Bošnjak and Pandurević, *Numbers of Equality* 3, pg. 46.

unacceptable for a trans person to receive gender-affirming healthcare; 20.7% of respondents support the right to self-determination – legal gender recognition without mandatory surgical transition; and 61.3% of respondents do not believe that the costs of gender-affirming healthcare should be covered by mandatory health insurance.⁶³

Documented Cases

Through its legal counselling service, SOC continues to receive inquiries from LGBTI people regarding their human rights. Trans people continue to reach out seeking information about gender-sensitive doctors and healthcare institutions that can support them during their transition process. During the reporting period, SOC did not document any reports of discrimination or violence based on gender identity. A positive practice in which SOC provided legal assistance was a case where a domestic non-contentious court recognised a foreign decision on gender change for a transgender person, who was subsequently registered in the civil registry books of the Municipality of Doboj (for more details, see the chapter on Good Practices).

Another positive practice occurred in the City of Banja Luka, where the civil registry office changed the sex marker of a transgender woman, based on submitted evidence – medical documentation confirming gender incongruence/living in a different gender identity and the transition process that the trans person had initiated.

Guidelines for Further Action

1. BiH, its entities and Brčko District must regulate legal gender change by enacting laws and other regulations that will systematically and comprehensively regulate the procedure for sex marker change in personal documents and the unique identification number based on a trans person's request and self-determination, without any need for

63 Emina Bošnjak, *Acceptance from a distance: Attitudes towards homosexuality, bisexuality, transgender and intersex in Bosnia and Herzegovina*. (Sarajevo: Sarajevo Open Centre, 2023) <https://soc.ba/site/wp-content/uploads/2023/10/Prihvatanje-s-Distance-WEB-ENG-FIN-2.pdf> [accessed on 9 April 2025].

- prior medical intervention; that is, remove sterilisation requirements in line with established human rights standards.
2. Cantons that adopted GAPs should implement activities and goals related to transgender and intersex people, including the development of a Guide for Health Professionals on the Best Treatment of Transgender Persons.
 3. BiH should implement the measures from the 2021-2024 Action Plan to Improve the State of Human Rights and Fundamental Freedoms of LGBTI People in Bosnia and Herzegovina concerning the medical and legal aspects of gender affirming care/procedures, including: “analysis and promotion of existing modalities of gender reassignment for BiH nationals (medical and administrative aspects), and training of professionals in healthcare, education, social welfare, labour and employment on the rights and freedoms of LGBTI people.”
 4. Adopt and implement laws and/or bylaws which would define the duties of medical institutions to form teams, equip health facilities and train professionals who could monitor the process and perform medical gender affirming care procedures in BiH, as well as the obligation of the health insurance institute to cover the costs of these procedures from the health insurance budget.
 5. Health workers should provide gender-sensitive health services and ensure the improvement and promotion of sexual and reproductive health of trans and gender diverse people.
 6. Apply the latest ICD-11 revision in the BiH healthcare system and remove the mental health diagnosis (pathologisation) and requirements of psychiatric evaluation in order to start hormone treatment, according to the gender incongruence definition of all trans-related conditions (ICD Chapter – Conditions related to sexual health).
 7. Access to all health services and rights should be based on the principles of bodily integrity, self-determination and informed consent, with an individualised and flexible approach based on the specific needs and circumstances of each person, while ensuring the protection of the right to privacy (e.g. not keeping a register of trans persons, not to ask for any data that is not necessary for the realisation of the service, care, rights etc.).

Legal Framework

BiH explicitly protects intersex persons in its anti-discrimination legislation by prohibiting discrimination on the ground of sex characteristics. However, there is still a lack of clear medical guidelines and procedures on practice regarding the management of intersex variations in all healthcare facilities in BiH. This lack includes the absence of protocols intended to prevent “gender normalisation,” “gender assignment” or surgical or other interventions on the sex characteristics of an infant/child solely for the purpose of conforming their appearance to normative definitions of male or female, even when the child’s health is not at risk.

A major progress at the level of the United Nations took place with the adoption of the UN Resolution of the Human Rights Council⁶⁴ (HRC) in April 2024. The resolution encourages states to work to realise the enjoyment of the highest attainable standard of physical and mental health for intersex people. It also requests the Office of the High Commissioner to prepare a report – to be discussed at the Human Rights Council in September 2025 – examining “discriminatory laws and policies, acts of violence and harmful practices, in all regions of the world,” and looking at “best practices including legal protection and remedies” for persons with innate variations in sex characteristics.

Also, work on a new Council of Ministers recommendation on the topic of intersex equality at the level of the Council of Europe was announced in early 2024, and it is expected to be completed by 2025.

⁶⁴ United Nations, “UN addresses the human rights of intersex persons in ground-breaking resolution”, *OII Europe* <https://www.oii europe.org/united-nations-addresses-the-human-rights-of-intersex-persons-in-ground-breaking-resolution/> [accessed on 9 April 2025].

Institutional Action

By the time this report was completed, no steps had been taken to regulate medical and legal procedures in the case of intersexuality. These measures are defined by cantonal Gender Action Plans. In BiH, there is a lack of data on the number of newly born intersex babies, both in municipal registry offices and health institutions. Public health institutes collect and publish data on certain intersex conditions/ variations, but they are not complete and do not include all variations/ medical diagnoses.

Guidelines for Further Action

1. Establish cooperation between civil society organisations and health facilities and professionals as well as continue work on informing and sensitising on the intersex issues, along with the revision of medical classifications and abandoning obsolete and offensive terms such as “hermaphrodite” and “pseudohermaphrodite.”
2. Sarajevo Canton and other cantons who have adopted GAPs should implement their activities, including clear guidelines for health workers on how to treat transgender and intersex persons in BiH, as well as legal regulation of medical and legal proceedings in cases of intersexuality. Cantons that have not adopted GAPs or have not included the protection of intersex persons in existing ones should do so.
3. All administrative-political units in BiH should ensure that health workers provide gender-sensitive healthcare services as well as sexual and reproductive health improvement services to intersex persons and all other groups/persons.
4. It is necessary to provide transparent and accessible information on procedures and medical treatment in cases of intersex birth, and to prohibit unnecessary surgical procedures and medical sex “normalisation” treatments in health facilities without the intersex person’s full and informed consent, until they can understand their significance and consequences, except in situations where objective circumstances require urgent medical intervention, which should be clearly defined in the procedures.
5. Ministries of health should develop treatment procedures/guidelines

that health workers will be required to follow.

6. In collaboration with non-governmental organisations dealing with these issues, ministries of health should develop a training plan for health workers on the protection of intersex human rights in the healthcare system, and conduct their training in accordance with the highest global standards in the field of trans, intersex, and gender diverse persons.
7. Clinical centres in BiH should systematically and continuously educate and sensitise medical staff involved in the medical treatment of intersex children.
8. Ensure continuous inclusion of administrative bodies (ministries of health) and bodies responsible for human rights protection (Ombudsman) in the protection of intersex persons' human rights, self-determination and bodily integrity.

Legal Framework

The legal framework has been largely harmonised with the EU standards. Law on Asylum and Law on Aliens, adopted in 2015 and 2016 respectively, are mostly transposing provisions of the relevant EU directives. However, the provision stating SOGI as particularities of a certain social group, thus the ground for exile and asylum-seeking, has been left out. Same-sex partnerships have also not been recognised as grounds for temporary residence in BiH nor are they recognised by law in the provisions regarding family reunification⁶⁵.

Social Reality

Despite the fact that regulations of many EU countries mark BiH as a 'safe third country of origin', LGBTI people from BiH continue to decide to leave the country and seek protection from persecution due to their sexual orientation and gender identity in the EU and North American countries. A safe third country of origin is a legal presumption that there is a certain level of functionality of institutions, rule of law and existence of legal mechanisms for the protection of citizens from any kind of persecution, including SOGIESC grounds.

LGBTI people from BiH decide to seek asylum due to psychological difficulties, psychological and physical violence, discrimination in employment and social rejection as a result of their sexual orientation or gender identity.

In addition to the foregoing, in recent years, BiH has become a transit point for people on the move travelling from the Middle East, parts of North Africa, Pakistan, Afghanistan and other countries to EU Member States. The migrant population includes a number of LGBTI people. So far, a number of LGBTI people on the move have been documented in BiH. The majority of them are in transit through BiH, and just a few decide to stay. The issues they face relate to housing, legal support

⁶⁵ SOC, 2018 *Pink Report*, Chapter VII.

and information, as well as stigmatisation and violence they experience, being a particularly vulnerable group, from other people on the move. Precisely for these reasons, SOC was contacted by LGBTI people on the move who sought help mostly for housing, to avoid the accommodation in camps.

Russia's aggression against Ukraine in February 2022 influenced, among other things, the appearance of LGBTI asylum seekers from Russia and Ukraine on the Balkan refugee route. These people, especially Russian nationals, are mostly present in the neighbouring Republic of Serbia due to the absence of entry restrictions there. A certain number of persons seeking asylum on the ground of SOGISC from Russia have recently appeared in Bosnia and Herzegovina, as elaborated below.

Documented Cases

In 2024, SOC received 1 inquiry from a foreign citizen studying at a university in BiH asking whether he could be granted asylum based on SO in BiH.

Given that the official institutions responsible for asylum in BiH do not classify data based on SOGI, SOC turned to the Association "Vaša prava," which has an agreement with the BiH Ministry of Security on the provision of free legal assistance to asylum seekers in BiH. We received the following information from the Association:

They met with persons who were interested in the asylum procedure in BiH during 2024, based on their sexual orientation, gender identity and sexual characteristics. In terms of asylum applications submitted, information shared and recognised statuses: a citizen of the Russian Federation, contacted the Association "Vaša prava BiH" for free legal assistance in the asylum procedure on 21.05.2024, after which he signed a power of attorney for representation. On 28.06.2024, he was officially registered as an asylum seeker at the Ministry of Security - Asylum Sector, and this body granted him subsidiary protection status on 20.02.2025. Although this case included elements for granting refugee status based on affiliation with a certain social group, the beneficiary did not want to initiate an administrative dispute before the Court of

BiH. During 2023, the Association represented another person from the Russian Federation who was granted subsidiary protection status, and this status was extended on 12.11.2024. However, this beneficiary left Bosnia and Herzegovina in the meantime.

Year of advice sought and ground for seeking asylum	2022	2023	2024	TOTAL
Sexual Orientation	9	10	1	20
Gender Identity	1	2	0	3
Total Number of Cases	10	12	1	23

Table 4. SOC data on cases of seeking help in the asylum process

Failure to provide safe accommodation for LGBTI people, as extremely vulnerable individuals in this situation, as well as failure to provide clear and understandable instructions on how to initiate an administrative asylum procedure proved to be the biggest problems for all LGBTI people who want to seek asylum in BiH.

What is positive for LGBTI people from BiH who are exposed to various forms of violence and are therefore on the move is the recent opening of the first safe house for LGBTI people in BiH⁶⁶.

66 See the “Good Practices” chapter herein.

Guidelines for Further Action

1. Amend the BiH Asylum Law to explicitly include gender and SOGIESC as grounds for asylum seeking and possible persecution reasons.
2. Recognise same-sex partnerships in the Law on Aliens i.e., family reunification as grounds for granting temporary residence to partners of BiH citizens.
3. Implement Activity 2.3. “Adopt guidelines for cases of LGBTI people as asylum seekers and train officials” from the 2021-2024 Action Plan to Improve the State of Human Rights of LGBTI People in BiH.
4. Provide dignified and efficient treatment and safe accommodation for LGBTI asylum seekers in BiH, with special attention to the fact they belong to a highly vulnerable group prone to violence in accommodation centres.
5. Amend the Rulebook on the content, method of keeping and use of official records on foreign nationals (Official Gazette of BiH, 51/16) so that the Asylum Sector of the Ministry of Security of BiH keeps SOGI based records of asylum seekers as well.

VIII

SOCIAL PERCEPTION OF LGBTI PEOPLE IN BOSNA AND HERZEGOVINA

During 2023, the Sarajevo Open Centre conducted and presented results of a survey entitled “Acceptance from a Distance - Attitudes towards Homosexual, Bisexual, Trans and Intersex People in Bosnia and Herzegovina.”

This is the first comprehensive survey on public perceptions of LGBTI people and key issues related to the human rights of LGBTI people in the past 10 years, and it has provided significant indicators. One of them is that direct contact and personal acquaintance with LGBTI people undoubtedly contribute to changing attitudes and awareness of LGBTI issues. Comparison of these findings with previous ones confirms a positive trend in knowing LGBTI people in the immediate environment: as many as 45.6% of respondents said that they personally knew an LGBTI person.⁶⁷

The survey also indicates a significant change in the general population’s attitudes towards sexual orientation and gender identity. 35.3% of respondents consider LGBTI people to be sick, while 41.8% believe that LGBTI people are not sick and do not need treatment. The survey shows that as many as 33.1% of respondents would support LGBTI people from their immediate environment after they came out, while 28.1% would accept them, but avoid further conversations on the topic. 34% of respondents still find it unacceptable for their family member to be an LGBTI person, and this resistance increases when it comes to their own children. Specifically, 43% of respondents consider it unacceptable that their child is an LGBTI person. However, most of them would react with non-violent persuasion and talks, where 53% would try to convince the child that it was wrong.

There are still different perspectives regarding LGBTI issues within BiH

⁶⁷ Emina Bošnjak, *Acceptance from a Distance – Attitudes towards Homosexual, Bisexual, Trans and Intersex People in Bosnia and Herzegovina* (Sarajevo: Sarajevo Open Centre, 2023).

society, and attitudes towards LGBTI people range from positive and neutral to negative and conflicting. Only 11% of respondents harbour extremely negative attitudes, and only 13% believe that LGBTI people need therapy. All these findings confirm the need for further education and public awareness raising.

In addition, here are some other crucial data from the survey:

- 42.5% would support a political party even if they supported LGBTI rights, 28.5% would not, while the remaining respondents choose not to vote.
- Around 60% of respondents would have no problem with a neighbour, fellow student, co-worker, or boss being an LGBTI person.
- Only 25.5% of respondents support the legalisation of same-sex partnerships. However, when asked specifically about health insurance, visiting a partner in a hospital, inheritance rights and pensions, and the obligation to legally support a partner, 70% to 88% expressed their support.
- 26% of respondents support the right to adoption by same-sex couples.
- 38.7% believe that religious communities should have a say when it comes to the adoption of laws and policies related to LGBTI persons in BiH.

IX ACTIVITIES IN LOCAL COMMUNITIES FOR THE PROMOTION OF LGBTI RIGHTS

Activities of Organisations Advocating for LGBTI Rights in Tuzla Canton

During 2024, Tuzla Open Centre (TOC) continued its programme activities aimed at fulfilling its mission - to empower LGBTI community and women, advocating for inclusive policies and legislation, and establishing institutional support within Tuzla Canton (TC). Through numerous activities, the organisation continued actively contributing to the development of a safer and more inclusive environment for LGBTI people in this part of Bosnia and Herzegovina.

One of the key segments of TOC's work was to **maintain and improve the Local Network for the Support of LGBTI Persons in TC**, which comprises 14 different institutions. Throughout the year, this network continuously worked to strengthen communication with members through individual meetings and organisation of Info sessions. Meetings with representatives of the Ministry of Interior of Tuzla Canton, TC Prosecutor's Office, the Public Health Institute, the Office of the Human Rights Ombudsman of BiH, as well as representatives of the City of Tuzla and the Tuzla Canton Assembly were particularly important.

As part of the advocacy program, numerous activities were carried out with the aim of **amending and improving the TC Law on Peaceful Assembly**. During the year, two info sessions were held, which brought together representatives of different government levels, institutions and civil society organisations, and discussed specific amendments to this law.

One of the significant developments is the submission of the Initiative for amendments to the Draft Law on Public Assembly of the Tuzla Canton Ministry of Interior as the competent body for conducting public debate. The initiative included six specific amendments with the aim of harmonising the Law with the Acquis and defining certain terms more clearly, thus ensuring its more efficient and fair application.

In addition, TOC organised three trainings for public institutions, which

focused on the draft law and the approach in the work with LGBTI people. These trainings served as a platform for in-depth discussions on the key provisions of the law, their compliance with international standards and challenges in practical implementation.

In order to raise **public visibility and promote the idea of safe spaces for LGBTI people**, TOC organised two conferences, which were an opportunity for an open dialogue on the human rights situation, existing challenges and steps that need to be taken to ensure genuine freedom and safety for the LGBTI community.

As for research, a **survey entitled “Rights and Needs of LGBTI Persons in Tuzla Canton”** was conducted in 2024, the results of which will be published and promoted in 2025, and will serve as a significant tool in further advocacy.

TOC also held a meeting with LGBTI activists from all over BiH with the aim of strengthening cooperation and joint action towards the legislative government branch, especially in the context of **protecting LGBTI people who are victims of domestic violence**. On the institutional level, cooperation agreements were signed with the Cultural Centre of the City of Tuzla, the TC Prosecutor’s Office, the TC Ministry of Interior, the safe house “Vive žene” in Tuzla, as well as the safe house for LGBTI persons managed by the “Krila nade” Foundation in Sarajevo. As a continuation of this initiative, a round table on functioning of safe houses was also organised in order to discuss the current situation, needs and legal frameworks, with a special focus on creating a support network for LGBTI persons in need of this form of protection

A particularly important segment of work in 2024 was psychosocial support for LGBTI persons, which TOC provided through free psychotherapy services and peer-to-peer counselling, thus directly responding to the needs of the community in the Tuzla Canton.

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In the domain of **work with the LGBTI community**, TOC carried out a series of activities aimed at empowering, educating and making LGBTI people visible in public spaces. Through two public performances of Forum Theatre, the organisation attempted to raise awareness of general community to LGBTI issues, but also to explore citizens’ attitudes.

These performances showed that, although there is a certain shift in the boundaries of understanding and support, society still does not have adequate mechanisms for responding to violence against LGBTI people. Through discussions after the performances, the community received basic tools for recognising and responding to situations of violence

For the **Kvirhana Festival** purposes, an emotional play “What Will Father Say?” was produced in collaboration with professors and students of the Academy of Dramatic Arts in Tuzla. The play deals with the themes of coming out, domestic violence and internal conflict, and it resonated strongly with the audience, evoking deep emotions and empathy.

On the occasion of the **organisation’s ninth birthday**, TOC organized an exhibition and a party with a DJ, which was attended by more than 100 people. The aim of the exhibition was to show the everyday life of LGBTI people and thus further contribute to their visibility in society. The Kvirhana Festival attracted over 500 visitors during the three-day programme, the largest number so far. The festival occupied the spaces of several public institutions, as well as local cafes, which further expanded safe spaces for LGBTI people in the local community

In a special way, the Tuzla Open Center managed to occupy public media space during 2024 through the promotion of the Kvirhana Festival, renting an LED display and organising two TV shows on the local Public Broadcaster RTV7, in order to promote the work of this organisation and raise awareness of LGBTI issues in this Canton. In addition, the official website of the organisation served as an incubator for various articles, topics and discussions on issues related to the community itself. The organisation also continued its regular media campaign through the official website and social media.

Legal Framework and Institutional Action

The fact is that the legal framework for protecting the rights of LGBTI persons and ensuring equality has been improving over the years and that work is constantly being done on its implementation through the support of TOC. However, as in previous reports, it should be noted that hate speech, discrimination and violence against the LGBTI community still exist in this Canton. Although cooperation with the TC Ministry of Interior has improved in the previous year, clearly there are not enough reports of violence, hate speech and discrimination because of the gap between the community and the Institutions.

With regard to the legal framework, Article 7 of the Constitution of Tuzla Canton stipulates that “in implementing its Jurisdiction, the Canton ensures and undertakes all necessary measures for protecting human rights and freedoms set forth in the Constitution of Bosnia and Herzegovina and its annexes, Constitution of the Federation of Bosnia and Herzegovina and its annexes, and this Constitution, paying special attention to ensuring equality of all peoples and citizens in the Canton, municipalities and cities.”

Local communities and local self-government units in the FBiH are also responsible for ensuring and protecting human rights and fundamental freedoms. The Statute of the City of Tuzla (adopted in 2021) reads in Article 11 Exercise of Rights and Freedoms: “the City will create conditions for its citizens to fully and democratically exercise all rights and freedoms set forth in the provisions of Article II A 1 to 7 of the Constitution of the Federation of Bosnia and Herzegovina and international instruments contained in the Annex to the Constitution of the Federation, which will be overseen by all city authorities, each within its jurisdiction.” Furthermore, Article 14 Competences of the City, paragraph 2 of Tuzla Statute reads that “the City’s own competencies include: ensuring and protecting human rights and fundamental freedoms in accordance with the Constitution of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Tuzla Canton.”

Article 8 of the FBiH Law on Principles of Local Self-Government stipulates that “the competencies of a local self-government unit shall specifically include: ensuring and protecting human rights and fundamental freedoms in accordance with the Constitution,” which is evident in the reasons for adopting the Statute of the City of Tuzla, Chapter I (General provisions - Articles 1 through 12) which mentions the relationship with human rights institutions

Despite having a relatively good legal framework and various international regulations, constitutions and laws committing to equal treatment, TC institutions are nevertheless insufficient to support their LGBTI citizens. This is due to a lack of awareness and knowledge among representatives of public institutions on how to work with LGBTI people. In 2024, Tuzla Open Centre held different trainings and info sessions for the purpose of raising awareness of public institutions’ representatives about the problems facing the LGBTI community.

As every year so far, during the implementation of the “Kvirhana” festival, TOC used the space of the public institution, the Culture

Centre of the City of Tuzla and the National Theatre of the City of Tuzla, thereby sending a clear message that public space must be free for all people.

Moreover, at the end of a year, the Tuzla Open Centre actively advocates for taking over the function of the manager of the Youth Space, sending a clear message that inclusion is a youth issue, and becoming a platform that young people in the City of Tuzla recognise as a resource in the fight for equality.

Social Reality in the Local Community

Unfortunately, homophobia, biphobia and transphobia are a daily reality for LGBTI community in Tuzla Canton, but also the entire Bosnia and Herzegovina. Public institutions do not do enough to combat hate speech, violence and discrimination against LGBTI people, and the lack of confidence in public institution officials by LGBTI community is significant and prevents adequate reporting of LGBTI human rights violations. There is still a big threat of psychological, verbal and physical violence against LGBTI people in the public sphere – a direct consequence of the rise of right-wing and fascist ideologies and policies. Tuzla Open Centre has recognised these difficulties and obstacles and strives to alleviate the consequences by providing information, training and a safe and free space for LGBTI community in Tuzla Canton

Guidelines for Further Action

1. Adopt and align the Law on Public Assembly of Tuzla Canton and the police practice with international legal standards of providing security at LGBTI events
2. Promote LGBTI rights among the general public, to reduce the levels of homophobia, biphobia and transphobia in the public sphere
3. Work to expand the network of media regularly reporting on LGBTI topics in the Canton
4. Organise trainings for health professionals and teaching staff about violence against LGBTI community, especially in terms of domestic violence and bullying, focusing on recognition of signs of violence, as well as its consequences
5. Approve action plans for the LGBTI community at the local level
6. Decentralise activist efforts and donor policies.

Activities of Organisations Advocating for LGBTI Rights in the Republika Srpska

In 2024, the LGBTI community in the Republika Srpska continued to be exposed to discrimination, hatred and violence, and the ruling structures in this BiH entity proposed and adopted decisions that contributed to the marginalisation of LGBTI people, creating an unfavourable environment for civil society organisations dealing with issues important to the LGBTI community. In July 2024, the National Assembly adopted the Law on Amendments to the Criminal Code of the Republika Srpska, criminalising defamation in the Republika Srpska, which contributes to the reduction of media freedom, but also represents a step towards the introduction of censorship in the Republika Srpska. In addition, the Government of the Republika Srpska proposed the Law on a Special Register and Transparency of the Work of Non-Profit Organisations, which obliges non-profit organisations to submit an application to the register, report all international donations and submit the details of all persons working for them. Also in 2024, the Republika Srpska Government withdrew this law at the last minute. The very announcement of the adoption of the law caused fear in the LGBTI community, as it would have the effect of narrowing the already narrow space occupied by the LGBTI community in Republika Srpska. However, in March 2025, the National Assembly of the Republika Srpska adopted this law. At the time of writing this report, the Constitutional Court has issued a temporary measure suspending this law until it makes a final decision on a request for an abstract review of constitutionality that was filed after its adoption.

The international community (UN, OSCE, Council of Europe, European Union Delegation to BiH) in a joint statement strongly condemned the adoption of the amendment to the Criminal Code criminalising defamation in Republika Srpska, noting that defamation laws risk being misused against journalists, human rights defenders and other civil society actors for carrying out their legitimate role of investigating and informing the public on issues of public interest, which is essential for the functioning of any democratic society.

The Association of Independent Artists and Activists “GETO” (UNSA Geto) is an organisation that has been building a space for freedom, art and activism in Banja Luka for almost 25 years. Our socio-cultural

centre “INCEL” (DKC Incel) has been connecting artists, musicians, activists, organisations, collectives and young people for the past 11 years, creating an authentic scene, both in the city and in the Republika Srpska and Bosnia and Herzegovina. DKC Incel exists as a safe and inclusive space for everyone, including the LGBTI community, for whom and with whom we have organised numerous discussions, workshops, lectures, screenings, exhibitions, concerts, parties, as well as other activities, and which can always find space to freely gather, exist and create at DKC Incel.

From June 2023 to May 2024, with the support of UNSA Geto, the informal group OQUEERNO ran a safe day space for LGBTI people in Banja Luka, and organised a regular cultural programme for the LGBTI community. However, under pressure from the adoption of the Law on a Special Register, as well as the general aversion of the ruling structure and society in the Republika Srpska towards the LGBTI community, the informal group OQUEERNO stopped organising activities, and members of UNSA Geto continued to run and equip the day space for LGBTI people in Banja Luka, which keeps functioning despite obstacles. Since its opening, the day space has provided LGBTI people with a space to gather, and various activities have been organised there, from creative workshops, screenings, board game evenings, to group psychological workshops with Irena Đumić Jurić-Marijanović. In addition, the safe living space provides the LGBTI community with an opportunity to become more familiar with the work of other organisations and collectives that deal with the rights and gathering of LGBTI people, such as the Sarajevo Open Centre, the “KVART” Youth Centre, the Tuzla Open Centre, the Organisation Committee of the BiH Pride, but it also represents a space in which the LGBTI community of Banja Luka is encouraged to self-organise.

In order to increase the visibility of the LGBTI community in society, as well as to connect the wider LGBTI community in BiH, a one-day activity was organised in Banja Luka to mark May 17th, the International Day Against Homophobia, Biphobia, Interphobia and Transphobia (IDAHOBIT). The programme was organised in cooperation with UNSA Geto, the Youth Centre “KVART” and the Organisation Committee of the BiH Pride, at the Social and Cultural Centre “INCEL.” The programme included a film screening and entertainment programme. Also, one of the significant activities for the LGBTI community is the “Q sport camp” organised by the Youth Centre “KVART,”

with participation of LGBTI people from Bosnia and Herzegovina. During the camp, numerous activities were organised in nature, such as excursions, hiking, and other sports-recreational and interactive educational workshops, which gives participants the opportunity to empower themselves and connect with each other in a safe space.

In addition to maintaining a safe day space for LGBTI people, UNSA Geto sees the importance of empowering and connecting the LGBTI community in Banja Luka with the community in the rest of Bosnia and Herzegovina. That is why, during 2024, we connected with the Group of Parents and LGBTI Children “ZAGRLJAJ,” as well as with the Organisation Committee of the Bosnian Pride, and organised joint activities, such as workshops in the Bosnian Pride area in Sarajevo, as well as weekend gatherings for parents and LGBTI children

Social Reality of LGBTI People in the Local Community

LGBTI people in the Republika Srpska experience an increasingly intense closure of general society towards them, and their daily life is made even more difficult not only by homophobia, biphobia and transphobia, but also by the absence of adequate, legally prescribed support from the institutions. Because of all this, more and more young and middle-aged LGBTI people decide to move abroad - temporarily, for schooling, and more often for permanent relocation to a more accepting society. During 2024, there were no new commercial spaces opened in Banja Luka where the LGBTI community could gather in an accepting atmosphere, which further discourages the community and pushes them to leave the country after last year's pressure.

Hate speech in the public space, which often goes unsanctioned, further encourages intolerance and threatens the sense of safety of the LGBTI community, both in physical and online space. In addition, the increasingly frequent searches conducted by police officers create additional pressure and a sense of insecurity, which negatively affects everyday life of LGBTI people and contributes to the creation of an atmosphere of fear and mistrust.

Guidelines

1. Establish an LGBTI safe house in the Republika Srpska
2. Introduce an appropriate system of control over prosecution of hate crimes and hate speech against LGBTI people by all institutions involved in the process (the police, prosecutor's office, court), and build trust of LGBTI people in local institutions of the Republika Srpska
3. Continuously educate health professionals and teachers about the needs and obstacles faced by LGBTI youth, and about providing adequate support
4. Strengthen the capacities of local organisations providing services to LGBTI persons and empower members of the LGBTI community to self-organise and take active part in public discourse on the rights and needs of LGBTI people.
5. Adopt a Law on Same-Sex Partnership in the Republika Srpska that would protect same- sex couples in the exercise of their full family rights.

GLOSSARY OF LGBTI TERMS

BISEXUAL PERSON

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

COMING OUT

The concept is derived from the English phrase coming out of the closet, routinely used to describe public or open declarations and affirmations of one's sexual orientation (for lesbians, gay men and bisexuals), gender identity (for trans persons) and sex characteristics (for intersex persons). It occurs on two levels: as a self-discovery and as a (more or less) public notification to others. Coming out is of great importance to LGBTI people, as it represents a public affirmation of their own identity, which is highly significant for the psychological health and quality of life of this minority group.

DISCRIMINATION

Discrimination refers to every distinction, exclusion, limitation and any form of putting a person or a group of persons at disadvantage. There are various grounds and characteristics by which a person or a group of persons is led to a disadvantaged position. Lesbians, gay men and bisexual persons can be discriminated against on the grounds of sexual orientation, trans* individuals (including transgender and transexual persons) on the grounds of gender identity and gender expression, and intersex persons on the grounds of sex characteristics.

It is therefore essential that all three grounds (sexual orientation, gender identity and sex characteristics) be legally recognised as grounds on the basis of which discrimination is prohibited.

THE PRINCIPLE OF NON-DISCRIMINATION

Equal treatment of individuals or groups, regardless of their specific characteristics; used to assess the apparently neutral criteria and practices which can cause effects that systematically put the persons with these characteristics in an unfavourable position.

HOMOPHOBIA

Irrational fear, intolerance and prejudice against gay men and lesbians. It manifests as a conviction in heterosexual superiority. Such conviction incites violence against persons who are not heterosexual, which is justified by a belief in one's own superiority (and the inferiority of others). Violence is reflected in verbal and physical attacks and discrimination.

HOMOSEXUAL PERSON

A person who is attracted to persons of the same sex.

LESBIAN

A woman who is sexually and/or emotionally attracted to other women.

GAY

A man who is sexually and/or emotionally attracted to other men. It can also be used as an adjective (e.g., gay person), and as such can include both men and women of same-sex orientation.

HOMOSEXUAL

An outdated clinical term for persons whose sexual orientation is towards persons of the same sex, i.e., persons that are sexually and/or emotionally attracted to persons of the same sex. This term is inappropriate and many gays and lesbians find it offensive. More correct terms are gay (men)/gays and lesbians.

HOMOSEXUALISM

An outdated clinical term that was used to medically mark the same-sex sexual orientation. It is considered offensive because it implies that homosexuality is a disease to be treated. Bearing in mind that the World Health Organisation (WHO) confirmed in 1990 that homosexuality is like heterosexuality, a natural variation of human sexuality, this term is no longer in use.

INTERSEX PERSONS

Persons whose 'sex characteristics', including chromosomes, gonads and genitalia, do not match the typical, binary categories of male and female bodies. There are different forms of intersexuality. Persons can

be male, female and intersex. Intersex persons, like male and female persons, have their own sexual orientation and gender identity. In the past, these persons were often called hermaphrodites, but this term is considered discriminatory and medically inaccurate.

INTERSECTIONALITY

An approach stemming from the sociological theory of intersectionality, which analyses discrimination as a complex system in which different forms of discrimination are based on different categories of identity (gender, sex, race, class, sexual orientation, gender identity). These identities are interconnected and influence each other, and have to be considered together when reflecting on discrimination.

LGBTI

The all-encompassing term used to denote lesbians, gay men, bisexual, trans* (gender) and intersex persons. The term denotes a heterogenic group usually identified by the acronym LGBTI in social and political activism.

LGBTTIQ

An abbreviation for lesbians, gay men, bisexual, transgender, transexual, intersex and queer persons.

QUEER

A term which was used earlier in the English language as a derogatory way to refer to non-heterosexual persons. The term was later taken over by LGBTI people as a way to describe themselves. Some persons particularly appreciate this term because it signifies defiance and includes diversity – not only gays and lesbians, but also bisexual, transgender and intersex persons, and even heterosexual persons living outside the hetero-patriarchal norms.

GENDER IDENTITY

Gender identity is associated with an individual's experience and comprehension of one's own sex and gender, which may or may not correspond to the sex assigned at birth. Among other things, gender identity refers to personal experience of one's own body, clothing and speech. Persons whose gender identity is in accordance with the sex they

were assigned at birth are called ‘cisgender persons’, while those whose gender identity is not in accordance with the sex they were assigned at birth are called ‘trans(gender) persons’. Transsexual persons, as a subgroup of transgender persons, are persons whose gender identity is not in accordance with the sex they were assigned at birth and who intend to adjust their biological sex, or who are in the transition process.

GENDER EXPRESSION

Visual and external presentation of each person, including personality features, appearance and behaviours that are considered masculine or feminine in a certain culture or time period (hence, typical for male or female social roles).

GENDER-AFFIRMING HEALTHCARE

This term means a wide range of services in the health system that are needed by transgender, gender diverse and intersex people, and which affirm or confirm one’s gender identity, i.e., their sex characteristics. Another term that is also used is ‘gender adjustment’, but it has a narrower meaning than gender-affirming healthcare and indicates the medicalisation of the transition process.

SEXUAL ORIENTATION

Emotional and/or sexual attraction or affection towards persons of the same and/or opposite sex/gender. Classification into heterosexual (attracted to the persons of the opposite sex), homosexual (attracted to the persons of the same sex) and bisexual (attracted to the persons of both the same and the opposite sex) is usually being used. In legal texts in Bosnia and Herzegovina, the terms sex orientation, sexual decision, sexual choice, sexual preference, and sex preference are often used, but the use of the term sexual orientation is recommended

SEX CHARACTERISTICS

A person’s sex characteristics, like the chromosomes, gonads and genitalia, can be different from the typical, binary division of male and female bodies. Persons can therefore be divided into male, female and intersex. Intersex persons can be discriminated against, or be targets of hate crimes and prejudices because of their sex characteristics.

TRANSGENDER PERSON

A term used for persons whose gender identity is not in accordance with the sex they were assigned at birth. Transgender persons feel, prefer or choose to present themselves differently from traditionally prescribed gender roles assigned to them at birth. This can be expressed through clothing, way of speaking, manners, makeup or body modifications. Among other things, the term transgender refers to persons who do not identify themselves as either male or female, transexual, transvestites, crossdressers, a-gender, non-binary, gender fluid and other gender-variant persons. A transgender man is a person who was assigned the female sex at birth, but whose gender identity is masculine, or in the spectrum of masculine gender identities. A transgender woman is a person who was assigned the male sex at birth, but whose gender identity is feminine, or in the spectrum of feminine gender identities.

TRANSSEXUAL PERSON

A person who has a clear desire and intent to modify their sex, or who has partially or completely modified their body (including physical and/or hormonal therapy and surgeries).

TRANSPHOBIA

Irrational fear, intolerance and prejudice against transgender persons.

HATE CRIME (criminal offences perpetrated out of hatred)

Refers to criminal offences motivated by prejudices against a particular person or group of persons. Hate crimes include intimidation, threats, property damage, abuse, homicide or any other criminal act whose victim became a target of the assault because of their actual or assumed sexual orientation, gender identity or sex characteristics, or the victim is connected, supports, belongs to or is a member of an LGBTI group.

ABOUT SARAJEVO OPEN CENTRE

Sarajevo Open Centre is a civil society organisation working to advance human rights in Bosnia and Herzegovina. We initiate and create systemic social changes, with an emphasis on gender equality and situation of LGBTI people.

We will mention only some of the achievements related to the equality of LGBTI people and women. Apart from psychosocial and legal counselling, we continued running the only LGBTI medium in the country – www.lgbti.ba portal.

We organised training for the police, prosecutor's offices and courts, with a focus on hate crime, hate speech and the application of anti-discrimination law; for medical professionals and health workers, with a focus on trans-specific and trans-inclusive gender reassignment; for LGBTI community. We have worked intensively on creating a local institutional support network for LGBTI people in Sarajevo Canton, improving the regulation of biomedically assisted fertilisation in the Federation of BiH, rights of female workers related to discrimination based on sex and maternity leave, introducing gender-sensitive language in parliaments and universities, adopting and implementing cantonal gender action plans, but also raising awareness about gender-based violence in BiH

Over the past years, several of our legislative and policy initiatives have entered government or parliamentary procedure. We focused our advocacy activities on policies for equality of women and LGBTI people in BiH, reproductive rights of women and men, parenting in the context of reconciling private and business life, freedom of assembly of LGBTI people, improvement of the institutional framework for the protection from violence and discrimination, and we intend to continue working on issues concerning transgender persons, intersex persons, same-sex partnerships, their social inclusion, but also the position of LGBTI people in education, health, work and employment.

We have carried out media campaigns that have reached over one million citizens of BiH, and we have also organised LGBTI film festival Merlinka, which, in cooperation with Tuzla Open Centre, became the local festival Kvirhana in 2021.

For more information about our work, see www.soc.ba.

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