

**Human Rights Committee
Human Rights Treaties Division
Office of the United Nations High Commissioner for Human Rights Palais Wilson - 52,
rue des Pâquis
CH-1201 Geneva, Switzerland**

No: I-22/26

Date: January 5th, 2025

Subject: Written contribution for the adoption of the List of Issues Prior to Reporting (LOIPR) – Bosnia and Herzegovina (ICCPR)

A. Submitting organisation

1.Sarajevo Open Centre (SOC) is a civil society organisation founded in 2007, working to advance human rights in Bosnia and Herzegovina (BiH), with a particular focus on gender equality and the human rights of LGBTI persons. SOC conducts research, advocacy, strategic litigation support, and capacity-building with public institutions, and regularly monitors the implementation of international human rights obligations at all administrative levels in BiH.

B. Purpose and scope of the submission

2.This submission is provided to inform the **adoption of the List of Issues Prior to Reporting (LOIPR)** for Bosnia and Herzegovina under the International Covenant on Civil and Political Rights (ICCPR).

3.SOC focuses on **systemic gaps and persistent challenges** related to:

- Non-discrimination and equality
- Protection from violence and hate-motivated crimes
- Prohibition of ill-treatment
- Right to privacy
- Freedom of expression, assembly and association
- Protection of family life
- Political participation of women

C. Priority issues for inclusion in the LOIPR

Articles 2 (1) and 26 — Non-discrimination and equality before the law

Fragmented legal protection, uneven implementation, and systemic underreporting of discrimination

4. The prohibition of discrimination against LGBTI people in Bosnia and Herzegovina is regulated by two systemic laws: the Law on Gender Equality in BiH (LoGE) from 2003 and the Anti-Discrimination Law (ADL) from 2009. While the LoGE, which prohibits discrimination based on “sexual expression and/or orientation”, remains largely declarative in nature in terms of effective protection of LGBTI people, the ADL provides comprehensive protection against discrimination in all areas of public life, including education, employment, healthcare and access to services. The ADL explicitly includes sexual orientation, gender identity and sex characteristics (SOGIESC) among prohibited grounds of discrimination.

5. Despite the ADL’s explicit obligation to harmonise legislation at state, entity and cantonal levels, a significant number of laws remain unharmonised and do not include SOGIESC as protected grounds. As a result, protection against discrimination remains uneven across administrative units and sectors.

6. The most significant public policy instrument in this area is the LGBTI Action Plan adopted in July 2022¹, which remains in force until the end of 2025². The First Report on its implementation shows that most activities focused on strengthening institutional capacities through trainings for the judiciary, police, healthcare professionals, educational institutions and civil servants.³ While these efforts are important, they have resulted in limited structural or legislative reforms. The most tangible progress has been recorded in the media sector, where regulatory standards were revised to include protection based on SOGIESC.

¹ 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, available: <https://arsbih.gov.ba/wp-content/uploads/2023/06/AP-LGBTI-ENG-27.09.pdf>

² 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

³ 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-provedbiakcionog-plana-za-unapredjenje-ljudskih-prava-i-osnovnih-sloboda-lgbti-osoba-u-bosni-ihercegovini/>

7. Progress in other areas has been uneven. Modest steps towards regulating the family life of same-sex partners in the Federation of BiH stalled in June 2023, while Republika Srpska and Brčko District have not undertaken activities to analyse legal obstacles faced by same-sex couples. Minimal institutional openness regarding legal gender recognition has been observed in the Federation of BiH, without concrete outcomes, while regulatory gaps persist in Republika Srpska and Brčko District.

8. Research among the LGBTI community indicates that discrimination remains widespread. Nearly half of respondents reported experiencing discrimination, most commonly in the form of harassment. Discrimination occurs in education, employment, policing, healthcare, universities, hospitality establishments, online spaces, within families and local communities. Despite this prevalence, over 90% of victims do not report discrimination due to distrust in institutions, fear of identity exposure, lack of information, fear of retaliation, and the expected length and cost of proceedings.⁴ When discrimination is reported, victims most often turn to civil society organisations or the Institution of Human Rights Ombudsman, while very few cases reach courts and proceedings are slow and largely ineffective.

Suggested questions:

- Please indicate what measures have been taken to ensure full harmonisation of all state, entity, cantonal and district legislation with the Anti-Discrimination Law, including explicit protection on the grounds of sexual orientation, gender identity and sex characteristics.
- Please explain how the State party assesses the effectiveness and impact of the LGBTI Action Plan beyond training and awareness-raising activities, including concrete legislative or policy reforms.
- Please provide information on measures taken to address systemic underreporting of discrimination and to ensure timely and effective adjudication of discrimination cases by courts and other competent bodies.

Article 6 — Right to life

⁴ 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, page 16–21

Failure to investigate and prosecute serious attacks against LGBTI activists

9. In March 2023, attacks against LGBTI activists and LGBTI-friendly spaces occurred in Banja Luka. Two years later, no indictments have been filed⁵, despite the existence of a legal framework in Republika Srpska that provides sufficient grounds for prosecution. These attacks took place in public spaces and were followed by further incidents targeting LGBTI-friendly venues. Substantial evidence exists that could, through effective investigations, lead to the identification of perpetrators.

10. Legal proceedings initiated by activists have largely concluded unsuccessfully. Criminal and administrative remedies were exhausted without accountability. Three cases remain formally open, including criminal proceedings against unidentified perpetrators and an appeal before the Constitutional Court of Bosnia and Herzegovina. Complaints submitted to the Institution of Human Rights Ombudsman resulted in limited outcomes, and judicial decisions and oversight recommendations ordering disclosure of information by the Ministry of Interior of Republika Srpska were not respected.

11. Criminal complaints against senior public officials for publicly inciting hatred and infringing equality were dismissed as unfounded. In October 2024, Pride March activists publicly criticised the Ombudsman Institution, stating that it had increasingly failed to fulfil its mandate due to internal political disputes.⁶

Suggested questions:

- Please provide information on measures taken to ensure prompt, effective and impartial investigations into attacks against LGBTI activists and community spaces, including steps to prevent impunity.
- Please explain how compliance with judicial decisions and recommendations of oversight institutions is ensured in cases involving alleged violations of the right to life and personal security.

⁵ Amil Brković et al, Human Rights Defenders in Bosnia and Herzegovina, (Banja Luka: Human Rights House Banja Luka, 2023), page 19, <https://kucaljudskihprava.org/en/first-nationalreport-on-the-status-challenges-and-obstacles-faced-by-human-rights-defenders-inbosnia-and-herzegovina/>

⁶ 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-lgbtiq-osoba/>

Article 7 — Prohibition of torture and cruel, inhuman or degrading treatment

Existence of so-called “conversion practices” and lack of legal safeguards

12. Discussions on so-called “conversion therapies” have oftentimes been framed under the larger issue of torture. In this regard, the UN Special Rapporteur on Torture has stated that given that “conversion therapy” can inflict severe pain or suffering, given also the absence both of a medical justification and of free and informed consent, and that it is rooted in discrimination based on sexual orientation or gender identity or expression, such practices can amount to torture or, in the absence of one or more of those constitutive elements, to other cruel, inhuman or degrading treatment or punishment.⁷

13. Information gathered during efforts to improve access to LGBTI-inclusive psychosocial support and mental health services indicates the existence of practices aimed at changing or suppressing sexual orientation, gender identity or gender expression. These practices are carried out by certain mental health professionals and religious officials and are often framed as counselling or therapy.⁸

14. Testimonies describe experiences involving coercion, humiliation and lack of free and informed consent, leading to anxiety, depression and social withdrawal. Although most respondents reported not having been subjected to such practices, a number confirmed that they had undergone them, often against their will.⁹

15. Even though so-called conversion practices/“therapies” are not researched in BiH, LGBTI community has experienced such “reparative” interventions, both from mental health, medical professionals, and religious officials, even in the quackery practice. The majority of respondents in the 2023 SOC survey on needs and experiences of LGBTI persons in Bosnia and Herzegovina - 95.58% - reported that they were not subjected to any procedures or treatments to change their sexual orientation/gender identity/sexual characteristics against their will. However, 17 of them, which is 4.42%, reported that they had undergone such treatments. Of the persons subjected to

⁷ ILGA World: Lucas Ramon Mendos, Curbing Deception: A world survey on legal regulation of so-called “conversion therapies” (Geneva: ILGA World, 2020), page 59, available: https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/ILGA_World_Curbing_Deception_world_survey_legal_restrictions_conversion_therapy.pdf

⁸ Amil Brkovic et al, Pink Report 2022 Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina (Sarajevo: Sarajevo Open Centre, 2022), page 11

⁹ Vladana Vasic et al, From Support to Acceptance: A Handbook for Inclusive Psychological, Psychotherapeutic and Other Types of Comprehensive Support for LGBTI Persons (Sarajevo: Sarajevo Open Centre, 2021), page 27-28, available at: <https://soc.ba/site/wp-content/uploads/2021/10/Od-podr%C5%A1ke-do-prihvatanja.pdf>

conversion treatments, 77.78% did not agree to the treatment, and were subjected to it against their will.¹⁰

16. Conversion practices are not explicitly prohibited in Bosnia and Herzegovina. While certain elements could potentially be addressed through criminal law provisions, there is no comprehensive legal or regulatory framework preventing these practices or ensuring accountability.

Suggested questions:

- Please indicate whether the State party intends to prohibit practices aimed at changing or suppressing sexual orientation or gender identity through explicit legislative or policy measures.
- Please explain what oversight and accountability mechanisms exist to prevent, investigate and sanction harmful or discriminatory practices by mental health professionals and other medical actors.

Article 17 — Right to privacy

Absence of clear legal gender recognition procedures and barriers to gender-affirming healthcare

17. Procedures for legal gender recognition are vague, inefficient and potentially degrading for transgender persons.¹¹ Existing regulations do not clearly define the conditions for changing sex markers in personal documents, nor do they specify competent authorities or required documentation. In practice, legal gender recognition appears to be conditioned on extensive medical interventions, often including sterilisation.

18. Access to gender-affirming healthcare is severely limited due to lack of trained medical staff, absence of clinical protocols and lack of reimbursement through health insurance systems.

¹⁰ Emina Bosnjak and Darko Pandurevic, Numbers of Equality 3 Research on Problems and Needs of LGBTI Persons in Bosnia and Herzegovina in 2023 - Analysis of Findings, page 35

¹¹ European Commission against Racism, ECRI Report on Bosnia and Herzegovina (sixth monitoring cycle), (Strasbourg, Council of Europe, 2024), page 12, available: <https://rm.coe.int/fourth-ecri-report-on-bosnia-and-herzegovina/1680b0661f>

Many transgender persons are forced to seek medical services abroad at their own expense.¹² Institutional inaction, particularly the failure to adopt secondary legislation, has further exacerbated the situation.

19. Research shows that transgender and gender-diverse persons remain legally and socially invisible, while public opinion surveys reveal low levels of societal support for their rights, underscoring the need for strong legal safeguards.

Suggested questions:

- Please explain what measures are being taken to establish clear, accessible and non-discriminatory procedures for legal gender recognition that respect the right to privacy and bodily autonomy.
- Please provide information on steps taken to ensure access to gender-affirming healthcare, including training of medical staff and coverage of costs through public health insurance.

Articles 21 and 22 — Freedom of assembly and association

Fragmented legislation and disproportionate administrative burdens on assemblies

20. Despite some legislative progress in several cantons, the legal framework regulating peaceful assembly remains fragmented and insufficiently harmonised.¹³¹⁴ No amendments have been made in Republika Srpska, and adoption of new legislation in Sarajevo Canton remains uncertain. This lack of alignment with international standards creates legal uncertainty.

21. Due to Bosnia and Herzegovina's fragmented administrative structure, different parts of the country operate under different laws regulating assemblies. This means that within the same country, we can point to some of the most progressive and precise legal frameworks in Europe,

¹² Admir Adilovic et al, 2025 Pink Report. Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, page 50-51

¹³ 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-zakoneo-mirnom-okupljanju-i-javnim-priredbama?catid=2&Itemid=101>

¹⁴ 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>

but also to some of the most restrictive and regressive. Tellingly, it is the major political, administrative, social, and cultural centers of the country that are governed by these regressive laws and practices, making it especially difficult for citizens to exercise their rights where it matters most, such as in Sarajevo, Banja Luka and Mostar (2 cantonal laws and one covering Republika Srpska).

22. In practice, organisers of assemblies, particularly LGBTI-related events, face extensive administrative and financial burdens, including requirements related to private security, protective barriers, emergency medical services and traffic studies.¹⁵ These measures discourage participation and raise concerns of indirect discrimination.

Suggested questions:

- Please explain how laws and practices governing peaceful assembly ensure necessity and proportionality across all administrative units.
- Please indicate whether and when the laws on peaceful assembly in Sarajevo Canton, Herzegovina-Neretva Canton and Republika Srpska will be amended to ensure full compliance with articles 21 and 22 of the Covenant and relevant international standards.
- Please indicate what measures are taken to prevent discriminatory or disproportionate administrative and financial burdens on organisers of peaceful assemblies.

Articles 23 and 24 — Protection of family life and the rights of the child

Absence of legal recognition of same-sex partnerships and impact on children

23. Same-sex partnerships are not legally recognised in any administrative unit in Bosnia and Herzegovina, resulting in denial of rights related to family life, social protection, property, freedom of movement and parental rights. Although a legislative process has been ongoing in the Federation of BiH since 2018. At the moment, interministerial group is working on preparing draft of the law regulating same sex partnerships in Federation of BiH. No initiatives exist in Republika Srpska or Brčko District which can result in the future that same sex partners are recognized legally in only part of the country and resulting in further discrimination.

¹⁵ Admir Adilovic et al, 2025 Pink Report. Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, page 44

24. Research indicates that many LGBTI persons are in long-term same-sex relationships and wish to form legally recognised families, including having children. The absence of legal regulation affects both partners and children, creating legal insecurity and unequal protection.¹⁶

Suggested questions:

- Please indicate whether the State party intends to adopt legislation providing legal recognition and protection for same-sex partnerships and thus eliminate discrimination in line with the article 26 of the Covenant
- Please explain how the rights and best interests of children in same-sex families are protected in the absence of legal recognition of such partnerships.
- Please explain how Republika Srpska and Brčko District intend to regulate same sex partnerships

Article 25 in conjunction with Articles 2 (1) and 3 — Political participation

Underrepresentation of women in elected bodies and executive bodies and insufficient legal safeguards for equal participation

25. Women remain underrepresented in political decision-making bodies in Bosnia and Herzegovina. Overall, women hold approximately 25% of seats in legislative bodies. While the 2022 General Elections marked the first time that a woman was elected to the Presidency of Bosnia and Herzegovina, this development has not translated into balanced representation across institutions.

26. In the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, women hold 17% of seats. In the House of Representatives of the Parliament of the Federation of BiH, women account for 28%, while in the National Assembly of Republika Srpska they hold 19% of seats. At the cantonal level, women are represented at a rate of 31%. Representation in executive bodies is similarly limited. Two women and eight men were appointed to the

¹⁶ Emina Bosnjak and Darko Pandurevic, Numbers of Equality 3 Research on Problems and Needs of LGBTI Persons in Bosnia and Herzegovina in 2023 - Analysis of Findings, page 39–42

Council of Ministers of BiH, four women and twelve men to the Government of the Federation of BiH, and five women and eleven men to the Government of Republika Srpska.

27. Despite these figures, legislative and policy measures to ensure more balanced representation remain insufficient. In 2021, proposed amendments to the Law on the Council of Ministers sought to introduce a mandatory 40% quota for the appointment of ministers, but these amendments were not adopted. Furthermore, the Election Law does not provide for compensatory mandates in cases where representation of one sex falls below 40%, which limits the effectiveness of existing quota mechanisms and contributes to persistent gender imbalance in elected bodies.

28. The current framework therefore falls short of ensuring equal participation of women in political and public life, as required under the Covenant.

Suggested questions:

- Please explain what measures the State party has taken to ensure equal participation of women in political and public life, including in elected bodies and executive institutions, in accordance with article 25 of the Covenant.
- Please indicate whether the State party intends to strengthen quota mechanisms in electoral and appointment processes, including through amendments to the Election Law and legislation governing the appointment of ministers.
- Please provide information on steps taken to address structural barriers that prevent women from accessing and exercising political power on an equal basis with men.

Articles 20 (2), 2 (1) and 26 — Prohibition of advocacy of hatred and equal protection of the law

Fragmented regulation of hate speech, legislative regression, and persistent impunity for hate crimes

29. All three criminal codes in Bosnia and Herzegovina recognise hate crimes. The Criminal Codes of the Federation of BiH, Republika Srpska and Brčko District of BiH provide protection

for LGBTI persons and other social groups that are typically targets of hate-motivated crimes, with hatred recognised as an aggravating circumstance in Brčko District. However, the criminal offence of incitement to hatred and violence is regulated inconsistently across administrative units.

30. In the Republika Srpska and Brčko District of BiH, public incitement to violence and hatred is prohibited on a broad range of grounds, including nationality, race, religion or ethnicity, colour, sex, sexual orientation, disability, gender identity, origin or other personal characteristics. In contrast, the Criminal Code of the Federation of BiH limits this offence exclusively to incitement to intolerance or hatred on national, ethnic and religious grounds. As a result, protection against hate speech in the Federation of BiH does not extend to sexual orientation, gender identity or other characteristics, creating a significant protection gap and unequal treatment under the law.

31. Implementation remains a significant concern. Despite the expanded scope of protection and the broader range of prohibited grounds for incitement to hatred and violence under the Criminal Code of Republika Srpska, judicial practice indicates that court decisions have to date addressed hate speech primarily on grounds of race, religion and ethnicity.

32. In addition to this lack of harmonisation, a regressive legislative initiative was adopted in Republika Srpska in 2025¹⁷. Despite opposition from international actors^{18,19}, amendments to the Criminal Code of Republika Srpska removed “gender identity” from all criminal law provisions. This development represents a reduction in legal protection for transgender persons and raises serious concerns regarding compliance with the obligation to prohibit advocacy of hatred and ensure equal protection of the law.

¹⁷ Ministry of Justice of the Republika Srpska, “Amendments to the Criminal Code of the Republika Srpska”, RS Ministry of Justice (3 March 2025), available: <https://vladars.rs/sr-SP-Cyrl/Vlada/Ministarstva/mpr/media/vijesti/Pages/KZR.aspx>

¹⁸ 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), available: https://www.eeas.europa.eu/delegations/bosnia-andherzegovina/draft-legislation-and-draft-amendments-criminal-code-republika-srpskathreaten-fundamental-rights_en?s=219

¹⁹ 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>

33. During the period 2022–2024, civil society documented 45 hate crimes²⁰ committed against LGBTI persons, compared to 44 cases in the previous reporting period.²¹ One of the most serious attacks against LGBTI activists occurred in March 2023 and has not resulted in prosecution to date. The attack was preceded and accompanied by anti-LGBTI rhetoric disseminated by certain political actors, and such rhetoric continued even after the incident. 34. Research indicates that most victims of hate crimes do not report incidents due to lack of trust in public officials, fear of family reactions and fear of being outed. Additional research confirms a high prevalence of hate speech and online violence targeting LGBTI persons.

35. Efforts to strengthen institutional response have included police trainings on hate crimes and hate speech. Between 2023 and 2025, several hundred police trainees in the Federation of BiH received training on these issues.²² While these efforts contribute to capacity building, they have not yet resulted in a consistent increase in reporting, investigations or prosecutions of hate crimes.

Suggested questions:

- Please explain how the State party ensures compliance with article 20 (2) of the Covenant, including through harmonisation of criminal law provisions on incitement to hatred and violence across all administrative units.
- Please indicate whether the State party intends to amend the Criminal Code of the Federation of BiH to extend protection against hate speech to grounds such as sexual orientation and gender identity.
- Please explain the rationale for removing “gender identity” from the Criminal Code of Republika Srpska and how this amendment is compatible with the State party’s obligations under articles 2 (1), 20 (2) and 26 of the Covenant.
- Please provide information on measures taken to ensure effective investigation and prosecution of hate crimes, including steps to address underreporting and lack of trust among victims.

²⁰ Admir Adilovic et al, 2025 Pink Report. Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, page 40-41

²¹ Amil Brkovic et al, Pink Report 2022 Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, (Sarajevo, Sarajevo Open Centre, 2022), page 31, available: https://soc.ba/site/wp-content/uploads/2022/05/Pink-report-2022_za-web.pdf

²² Admir Adilovic et al, 2025 Pink Report. Annual Report on the State of Human Rights of LGBTI People in Bosnia and Herzegovina, page 37

