



## **THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**82<sup>nd</sup> Pre-Sessional Working Group (4 February – 8 February 2019)**

### **Written Contribution on the position of LGBTI children and children of LGBTI parents in Bosnia and Herzegovina**

**CIVIL SOCIETY SUBMISSION ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD**

**31 October 2018**

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## Statement of Interest

1. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey, in close partnership with its members from Bosnia and Herzegovina: CURE Foundation and Tuzla Open Centre, are submitting this Written Contribution on the position of LGBTI children and children of LGBTI parents in Bosnia and Herzegovina to the Committee on the Rights of the Child (hereinafter: the Committee).
2. ERA – LGBTI Equal Rights Association for Western Balkans and Turkey<sup>1</sup>, is an umbrella regional association operating in 9 countries (Albania, Bosnia & Herzegovina, Croatia, Macedonia, Kosovo, Montenegro, Serbia, Slovenia and Turkey) with a current membership of 57 LGBTI organisations and objectives to strengthen capacities of LGBTI organisations in the region, lobby and advocate nationally, regionally and internationally for LGBTI rights and strengthen and improve the visibility of LGBTI movement and communities.
3. CURE Foundation<sup>2</sup> is a feminist-activist organization from Bosnia and Herzegovina that promotes gender and sex equality and works for positive social change through educational, cultural and research programs. By organizing affirmative collective actions, CURE celebrates the strength and power of women, and helps to empower individuals to become initiators of social change in Bosnia and Herzegovina and the world.
4. Tuzla Open Centre<sup>3</sup> is a voluntary, independent, non-party, impartial, non-profitable and multidisciplinary association, established to promote human rights and democratic principles in the community.

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<sup>1</sup> For more information about ERA, please visit the website: <http://www.lgbti-era.org>

<sup>2</sup>For more information about CURE Foundation, please visit the website: <http://www.fondacijacure.org/index.php>

<sup>3</sup> For more information about Tuzla Open Centre, please visit the website: <http://toc.ba>

## Summary

5. Bosnia and Herzegovina (hereinafter: BiH) is divided into three federal units: two entities – the Federation of Bosnia and Herzegovina (hereinafter: FBiH) and Republika Srpska (hereinafter: RS) – and one district: District Brčko. FBiH is further divided into 10 cantons. Legislative authority for FBiH and RS reside in their respective law-making bodies. District Brčko is a special administrative unit within BiH. The Constitutions/statutes of each entity, district and canton govern the powers that they have over issues related to legislation. The central government's powers are limited.
6. Local CSOs report that the majority of lesbian, gay, bisexual, trans and intersex (hereinafter: LGBTI) persons are not out about their sexual orientation and gender identity. As a result, the visibility of the LGBTI community in BiH remains very low. Position of trans and intersex individuals and social perceptions towards them are very hard to measure.
7. Public opinion polls have shown that LGBTI persons, along with Roma persons, are the least accepted minority group in Bosnia and Herzegovina (hereinafter: BiH). The vast majority of the citizens of BiH continue to see homosexuality as a disease and support criminal prosecution and punishment of LGBTI persons. The vast majority of families would not accept an LGBTI family member and would reject and exclude them solely by reason of their different identity and personal characteristics.
8. According to recent data<sup>4</sup>, only 13 percent of respondents in BiH said that positive measures to promote respect for the human rights of lesbian, gay, and bisexual people are common. Even fewer respondents, only 8 percent in BiH, said that measures to promote the human rights of transgender people are common, and very few respondents (7 percent) said the same about measures to promote the human rights of intersex people.
9. The adoption of amendments to the BiH Law on Prohibition of Discrimination have created a strong legal basis for combating violence and discrimination against LGBTI persons. However, low number of reported cases of human rights violations of LGBTI persons exist, suggesting that under-reporting is widespread. This confirms the need for the development and implementation of LGBTI-inclusive public policies.
10. BiH does not legally recognize same-sex partnerships, putting children living in same-sex families in a discriminatory position and with inadequate support and protection.
11. In BiH, there is insufficient support to trans persons in the gender reassignment process, including trans children and youth. The protection of intersex persons against unnecessary surgeries, starting already in early childhood, is yet to become subject of professional debate.
12. The position of LGBTI persons is not adequately recognized within the education system in BiH. On one hand, there is no education about sexual and gender diversity at any level in the educational system of BiH and LGBTI persons and their lives are often presented as a disorder or a socially pathological phenomenon. On the other hand, young LGBTI persons face peer violence and bullying in schools, while teachers and other school staff are not trained to tackle this problem.

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<sup>4</sup> Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe, World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 30-31: <http://www.lgbti-era.org/sites/default/files/pdffdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>

13. This submission has been structured to highlight issues faced by LGBTI children and children of LGBTI parents in Bosnia and Herzegovina and address them to the Committee. In the end of the chapter addressing BiH's combined Fifth and Sixth Report on its implementation of the Convention of the Rights of the Child, there is a textbox with key questions related to the report, which may be included in the List of Issues prepared by the Committee. The recommendations are listed at the very end of this written contribution, which may be drawn on for the Committee's Concluding Observations.

## The State Report of Bosnia and Herzegovina to the Committee

14. Bosnia and Herzegovina submitted the combined Fifth and Sixth Report (hereinafter: the State Report) on its implementation of the Convention of the Rights of the Child<sup>5</sup> (hereinafter: the Convention) in late 2017, highlighting the progress made in the protection of children's rights submitted for the reference period from 2012 to June 2017.
15. It is stated in the State Report<sup>6</sup> that, in light of the previous List of recommendations issued by the Committee, the BiH Council of Ministers has adopted the Action Plan for Children of BiH for 2015-2018. In addition to the Action Plan for Children, a number of strategic documents at the state level have been adopted, including Framework policy of early growth and development of children in BiH, Sexual and reproductive health policy of BiH and Guidelines for dealing with violence against children.
16. Number of strategies and plans have been adopted at entity levels, including Strategy for combating violence against children in the Federation of BiH (2015-2018), Strategic Plan for Health Care Development in the Federation BiH (2008-2018), Policy for Improving Early Growth and Development of Children of the Federation of BiH, Strategic Plan for Improving Early Growth and Development of Children in the Federation of BiH (2013-2017), Strategy on promotion of sexual and reproductive health in Federation of BiH (2010-2019), Policy for improvement of health of the population in Republic of Srpska (hereinafter: RS) until 2020, Policy for Improving Early Growth and Development of Children in the RS, Program for Early Childhood Growth and Development in the RS (2016-2020) and Strategy for combating domestic violence (2014-2019).
17. The State Report notes<sup>7</sup> that in 2016 and the first half of 2017, within the project "Social rights for vulnerable groups" the Ministry of Human Rights and the Children's Council of BiH, with the support of GIZ, organized several systematic child rights training for groups of professionals working with children and for children (employed in municipal administrations, police officers, judges, prosecutors, health workers, teachers, social workers, NGOs) in four BiH municipalities (Tuzla, Živinice, Bijeljina and Brčko). The focus was placed on the obligations of the State party arising from the Convention on the Rights of the Child, in particular, that the local actors provide greater engagement in regard with services to vulnerable groups in terms of exercising their social rights, including the right to non-discrimination and the best interests of the child. A Guide for professionals working with socially vulnerable/socially excluded individuals and families has been prepared.

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<sup>5</sup> The State Report is available here:

[https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2f5-6&Lang=en)

<sup>6</sup> The State Report, p. 5-6.

<sup>7</sup> The State Report, p. 9.

18. Furthermore, The State Report states that specific programs for adolescents have been developed: "Strengthening the network of centres that are adapted to the young"<sup>8</sup>. The program is multidisciplinary and aims to solve a range of issues: contraceptive means; sexual violence/sexual exploitation; sexually transmitted infections, including HIV; relations and gender equality; respect, tolerance and non-discrimination of sexual minorities; violence against intimate partners; safer sex; combating juvenile delinquency and narcotics control.
19. In terms of access to education, the State report only notes<sup>9</sup> that schools in BiH promote equal opportunities for all students, teachers and other employees by respecting and promoting the right to diversity, tolerance and the culture of dialogue and that access to primary education is traditionally universal, and the utilization is maximized.
20. In terms of teaching on human rights and values, The State Report notes<sup>10</sup> that schools in BiH have the responsibility to contribute to the creation of a culture that respects the human rights and fundamental freedoms of all citizens as established by the constitutions, laws and international human rights documents. Schools are obliged to implement prevention programs against any form of violence and to prevent violence if they occur. Measures to combat violent behaviour are appropriate to the age of students, and they pronounce themselves to achieve an educational purpose. The State Report states that, within the departmental community, many topics in this field are considered, such as learning about our rights, justice, getting to know the Convention on the Rights of the Child, prejudice and stereotypes, rights and responsibilities etc. Teaching about human rights takes place through the teaching subject Democracy/Civic education, as well as at the classes meetings.

**In light of the abovementioned information taken from the State Report, the Committee is urged to ask Bosnia and Herzegovina:**

- **What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within the Action Plan for Children of BiH for 2015-2018 and other relevant state and entity level strategic documents?**
- **What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within trainings and programmes for groups of professionals working with children and for children?**
- **What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within specific programs for adolescents?**
- **What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within promotion of equal opportunities for all students, teachers and other employees by respecting and promoting the right to diversity, tolerance and the culture of dialogue?**
- **What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within processes related to teaching about human rights?**

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<sup>8</sup> The State Report, p. 30.

<sup>9</sup> The State Report, p.35.

<sup>10</sup> The State Report, p. 39.

**- What measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina have been or are currently being taken within prevention programs against any form of violence?**

## Respect of private and family life of same-sex couples and their children

21. The family laws of FBiH, RS and Brcko District define marriage and extra-marital unions as the union between a man and a woman. There are no laws in BiH which recognize a same-sex stable and emotional union within the notion of family life. Specifically, same-sex couples cannot use their constitutional right to respect for private and family life, the right to form a family, the right to the protection of acquired property or the right to freedom of movement and freedom to choose a residence solely on the ground of their sexual orientation. BiH discriminates against its citizens of same-sex orientation by violating equality guaranteed under Paragraph 4 of Article 2 of the BiH Constitution, thereby violating the commitment made in Paragraph 1 of Article 2 of the Constitution that BiH and both entities will ensure the highest level of internationally recognized human rights and fundamental freedoms. BiH also does not recognize violence in same-sex partnerships as domestic violence in the legislation in either of the entities<sup>11</sup>.
22. This means that same-sex couples with children are left to their own resources. There are no public support programmes for such families, and no efforts have been made to raise awareness within public institutions (including schools) about the problems and needs of these families. This consequently leads to the fact that children living in same-sex families are put in a discriminatory position and with inadequate support and protection.

## Hate speech

23. The Internet, social networks and web portals pose a particular problem in spreading hate speech and incitement to violence and discrimination against LGBTI persons and other social groups. The failure of relevant institutions and individuals to respond to this in a timely way means that hate speech and incitement to violence and discrimination spread quickly via the Internet, and then grow into serious threats that cannot be ignored. These in turn incite, or grow into, hate crimes<sup>12</sup>.
24. Given in mind that children and youth are spending a lot of time on the internet and social networks, their position is particularly vulnerable, especially if they identify as LGBTI or come from LGBTI families. The situation is getting worse if the child is a victim of bullying and violence in school, and the perpetrators use social networks as a tool to continue imposing their negative behaviour also online, leaving the child without a safe space (such as e.g. child's home).

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<sup>11</sup> Being LGBTI in Eastern Europe: Reducing inequalities and exclusion and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina, UNDP, 2017, p. 22: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0343%202017%20ENG%20Being%20LGBTI%20in%20Eastern%20Europe%20Bosnia%20and%20Herzegovina%20National%20Report.pdf>

<sup>12</sup> Being LGBTI in Eastern Europe: Reducing inequalities and exclusion and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina, UNDP, 2017, p. 19: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0343%202017%20ENG%20Being%20LGBTI%20in%20Eastern%20Europe%20Bosnia%20and%20Herzegovina%20National%20Report.pdf>

## Violence and access to justice

25. The violence that LGBTI persons face varies from verbal (insults, humiliation, threats, etc.) to physical violence, and the perpetrators of violence vary: it can be someone unknown, but also closest family members.
26. In 2017, there were 8 cases of homophobic and transphobic peer violence documented by CSO Sarajevo Open Centre, usually following the lack of reactions from staff of educational institutions, or even victims being mocked by the staff<sup>13</sup>.
27. CSO Sarajevo Open Centre reported that in December 2015 a 14 year-old boy from Sarajevo committed suicide after suffering bullying and sexual violence in school over an extended period of time. The boy's parents and peers have claimed that he was a victim of violence and that his classmates had forced him to kiss a male friend while they were recording the incident and that they tied and raped them with a rolling pin. The Institution of the Ombudsperson and the Prosecutor of Sarajevo Canton announced that they would conduct a detailed investigation of the incident. In March 2016 they published a report stating that no evidence was found which would confirm the claims made by parents and that nothing in this case indicates that a crime was committed. To the request of CSO Sarajevo Open Centre sent to Cantons and RS to put up posters with messages that homophobic and transphobic peer violence will not be tolerated, only three out of ten agreed<sup>14</sup>.

## Access to Education

28. Discrimination during school before age of 18 because of being LGBTI is widespread in Bosnia and Herzegovina: the most recent data, gathered among 487 LGBTI respondents in BiH, suggests very high percentage of hearing or seeing negative comments or conduct against a schoolmate/peer because she/he was perceived to be LGBTI (75%), or experiencing negative comments or conduct at school because of their sexual orientation and/or gender identity and/or being intersex (39%). Only 13% of respondents stated they could openly talk at school about their sexual orientation and/or gender identity and/or being intersex<sup>15</sup>.
29. The data gathered among 196 lesbian, bisexual and trans women in BiH<sup>16</sup> shows that 27.9% of the respondents have been discriminated against in the educational institutions – at school, which is the second space where discrimination happens most often. However, a small number of respondents who experienced some form of discrimination (regardless of the space where the case happened) reported the same - only 10.9% of respondents reported the case to some of the relevant institutions or organizations, making discrimination a less documented phenomenon. On the other hand, it is disturbing and discouraging the finding that none of these reported cases have been considered before the court.

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<sup>13</sup> 2018 Pink Report: Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina, 2018, p. 8: <http://soc.ba/site/wp-content/uploads/2018/05/Pink-Report-2018.pdf>

<sup>14</sup> More information available here: <http://lgbti.ba/homofobno-nasilje-kao-poseban-vid-vrsnjackog-nasilja/>

<sup>15</sup> Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe, World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 45-46: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>

<sup>16</sup> Time is now: Voices of our friends as a step towards understanding the lives of lesbian, bisexual and trans women in Bosnia and Herzegovina, CURE Foundation, 2018, p. 21-22: <http://www.lgbti-era.org/sites/default/files/pdfdocs/%20Krajnji%20Je%20Čas-%20Glasovi%20naših%20prijateljica%20kao%20korak%20ka%20razumijevanju%20života%20lezbijki%20i%20biseksualnih%20i%20trans%20žen%20u%20Bosni%20i%20Hercegovini.pdf>

30. Regarding curricula and information on sexual orientation, gender identity and sex characteristics available to pupils, the analysis of textbooks undertaken by the Q Association in 2010 shows that stereotypes and prejudices are deeply rooted in the education system in BiH. This research analysed sixty-two textbooks from three different curricula and covering a range of school subjects including biology, psychology, sociology, democracy and human rights, philosophy and ethics. The research found that the information in the textbooks was not sufficient, was of a very poor quality, that gender stereotypes were used and that they promoted heteronormativity. In some cases, terminology was wrongly defined and the terms gender and sex were confused. Homosexuality was frequently defined as a disease and grouped in a classification of disorders alongside paedophilia and drug addiction<sup>17</sup>.
31. Additional findings suggest that although some subjects seem to be neutral when discussing different forms of sexual orientation, most textbooks discuss homosexuality and bisexuality as wrong or a deviant state, deviant behaviour, sexual deviations, rightfully deserved connector to HIV/AIDS, etc. Issues of trans persons are barely mentioned and intersex issues are discussed as an anomaly and abnormality<sup>18</sup>.
32. The school curriculum does not include sexual education. Thus, sexual education is taught to some extent through the subjects of Biology, Sociology, Psychology, Ethics<sup>19</sup>.
33. No official data is collected on discrimination, bullying and violence in schools on the grounds of sexual orientation, gender identity and sex characteristics. There is no systemic sensitization training for educators aimed at promoting a tolerant environment and preventing violence. An initiative of the CSO Sarajevo Open Centre to promote systematic training and awareness raising campaigns in schools was rejected by the cantonal and RS ministries of education<sup>20</sup>, even though training of school staff and collection of data on peer violence are essential.

## Position of Trans Individuals

34. Trans individuals in BiH face high levels of stigma and discrimination. They are often, along with intersex individuals, the most invisible part of the LGBTI acronym but who nevertheless, face more serious challenges than lesbian, gay and bisexual people<sup>21</sup>.
35. According to Law on personal name, names can be changed at any time, and any name can be chosen. However, in practice, the registries require from trans persons to choose a gender neutral name. Trans individuals can only change the sex marker in their official documents after

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<sup>17</sup> Being LGBTI in Eastern Europe: Reducing inequalities and exclusion and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina, UNDP, 2017, p. 25: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0343%202017%20ENG%20Being%20LGBTI%20in%20Eastern%20Europe%20Bosnia%20and%20Herzegovina%20National%20Report.pdf>

<sup>18</sup> GALE European Report 2017 on the Implementation of the Right to Education for Students Who are Disadvantaged because of their Expression of Sexual Preference or Gender Identity, Dankmeijer, P, GALE, 2017, p. 62: <https://www.gale.info/doc/gale-products/GALE-European-report-2017.pdf>

<sup>19</sup> GALE European Report 2017 on the Implementation of the Right to Education for Students Who are Disadvantaged because of their Expression of Sexual Preference or Gender Identity, Dankmeijer, P, GALE, 2017, p. 62: <https://www.gale.info/doc/gale-products/GALE-European-report-2017.pdf>

<sup>20</sup> More information available here: <http://lgbti.ba/samoodbrana-ili-samo-plakat/>

<sup>21</sup> Life on the Margins: Survey Results of the Experiences of LGBTI People in Southeastern Europe, World Bank in cooperation with IPSOS, ERA and The Williams Institute, September 2018, p. 76-77: <http://www.lgbti-era.org/sites/default/files/pdfdocs/0354%20Life%20on%20the%20Margins%20Survey%20results%20of%20the%20living%20experiences%20of%20lgbti%20people%20in%20south%20eastern%20europe-ilovepdf-compressed.pdf>

they have completed full medical transition - genital affirming surgery which includes sterilisation<sup>22</sup>.

36. In November 2017, the Institution of the Human Rights Ombudsperson in BiH issued a recommendation emphasising that, according to the Laws on Personal Names in the entities, all individuals can change their names to other names, regardless of the fact that the socially determined sex of the name and the sex marker in the documents of the person are not harmonised. The recommendation was issued following the complaint filed by CSOs Sarajevo Open Centre and Tuzla Open Centre to the Institution of the Ombudsperson, regarding discrimination of a trans person who was denied the change of name by the Ministry of Interior of the Tuzla Canton. After the accepted recommendation, the Ministry changed the name in accordance with the Law on personal names of FBiH. The institution of the Ombudsperson directed the recommendation to all the Ministries of Interior of BiH<sup>23</sup>.
37. It is important to mention that transgender persons have no access to the appropriate healthcare institutions for gender reassignment purposes, and health funds typically do not cover the medical costs of a gender reassignment surgery<sup>24</sup>. The lack of medical and financial support makes it difficult for trans persons. Both the endocrine therapy and surgical procedures have to be done abroad and such costs are not covered by the state-funded health insurance. Trans individuals go either to Zagreb, Croatia, where part of the gender affirming process is available (psychological support, hormonal therapy and mastectomy) or Belgrade, Serbia, where all trans specific services in regards to transition are available, but much more expensive, less accessible and with a long period of waiting<sup>25</sup>.
38. This significantly affects the position of trans children in BiH, which is very worrying and requires serious steps to be taken forward in order to improve their position.

## Position of Intersex Individuals

39. In BiH there is no data available on the exact number of children born with intersex conditions. According to some media reports, three intersex children were born over the last 20 years. This is highly unlikely and does not correlate with information gathered by non-governmental organizations. Most intersex new-borns are referred to major hospitals in the country and abroad for treatment. All decisions affecting the child are taken by its parents. No systemic measures have been taken to prevent unnecessary complicated surgeries on intersex children<sup>26</sup>.

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<sup>22</sup> Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, ERA and 15 other CSOs, June 2018, p. 7: <http://www.lgbti-era.org/sites/default/files/pdffdocs/Report%20on%20Legal%20Gender%20Recognition%20in%20the%20Western%20Balkans%20and%20Turkey.pdf>

<sup>23</sup> 2018 Pink Report: Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina, 2018, p. 34-35: <http://soc.ba/site/wp-content/uploads/2018/05/Pink-Report-2018.pdf>

<sup>24</sup> Being LGBTI in Eastern Europe: Reducing inequalities and exclusion and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina, UNDP, 2017, p. 23: <http://www.lgbti-era.org/sites/default/files/pdffdocs/0343%202017%20ENG%20Being%20LGBTI%20in%20Eastern%20Europe%20Bosnia%20and%20Herzegovina%20National%20Report.pdf>

<sup>25</sup> Written Contribution to the Report on Legal Gender Recognition of UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, ERA and 15 other CSOs, June 2018, p. 7: <http://www.lgbti-era.org/sites/default/files/pdffdocs/Report%20on%20Legal%20Gender%20Recognition%20in%20the%20Western%20Balkans%20and%20Turkey.pdf>

<sup>26</sup> Being LGBTI in Eastern Europe: Reducing inequalities and exclusion and combating homophobia and transphobia experienced by LGBTI people in Bosnia and Herzegovina, UNDP, 2017, p. 26: <http://www.lgbti-era.org/sites/default/files/pdffdocs/0343%202017%20ENG%20Being%20LGBTI%20in%20Eastern%20Europe%20Bosnia%20and%20Herzegovina%20National%20Report.pdf>

40. There are 27 gynaecological-obstetric hospitals, in which tests are inadequate for determining intersex diagnoses, and no operations are performed on intersex children. Doctors have inadequate information, knowledge and medical staff to work with intersex babies and their parents, and do not have an appropriate multidisciplinary medical team. There are no internal medical protocols related to diagnostics and treatment of intersex persons. Intersex babies and children are not diagnosed in hospitals. They are referred to larger medical centres for further management<sup>27</sup>.
41. CSO Sarajevo Open Centre research from 2016 clearly states that the so-called sex normalisation surgeries are performed in some public health institutions – the medical and surgical treatment of new-borns governed by the need to aesthetically adjust the appearance of the baby and its sex characteristics to male or female sex regardless of the fact that the baby’s health is not jeopardised. A great number of intersex people, but also medical professionals, are advocating that any aesthetic medical procedure should be postponed until the moment when children can provide their informed consent<sup>28</sup>.
42. In 2016, the House of People of the BiH’s Parliamentary Assembly and by both chambers of the bicameral assembly, adopted amendments to the anti-discrimination law to include sex characteristics. This is the first country in the South-East Europe region that has recognized sex characteristics as grounds for discrimination in its anti-discrimination legislation and thus provides protection for intersex people. However, the implementation of this provision is still to be proven in practice<sup>29</sup>.

## List of Recommendations

43. Based on the content of this submission, the following recommendations are made, which we hope the Committee will consider in urging Bosnia and Herzegovina when it comes to the position of LGBTI children and children of LGBTI parents:
  - 43.1. Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public campaigns to address negative social attitudes towards LGBTI children and children of LGBTI parents in Bosnia and Herzegovina;**
  - 43.2. Adopt amendments to the existing family laws or adopt new laws in order to regulate rights and obligations of same-sex couples and families, in order to end discriminatory position of children living in such environments and to ensure their adequate support and protection;**
  - 43.3. Introduce specific measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina in the next Action Plan for Children of BiH and other relevant state and entity strategies;**
  - 43.4. Introduce specific measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina within programmes for professionals working with children and for children;**
  - 43.5. Introduce specific measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina within educational programs for adolescents,**

<sup>27</sup> Intersex Research Study, UNDP, 2017, p. 32: <http://www.lgbti-era.org/sites/default/files/pdfdocs/Intersex%20Research%20Study-ENG.pdf>

<sup>28</sup> 2018 Pink Report: Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina, 2018, p. 37: <http://soc.ba/site/wp-content/uploads/2018/05/Pink-Report-2018.pdf>

<sup>29</sup> Intersex Research Study, UNDP, 2017, p. 33: <http://www.lgbti-era.org/sites/default/files/pdfdocs/Intersex%20Research%20Study-ENG.pdf>

**programmes for promotion of equal opportunities for all pupils, teachers and other employees and processes related to teaching about human rights;**

- 43.6. Introduce specific measures and activities related to LGBTI children and children of LGBTI parents in Bosnia and Herzegovina within prevention programs against any form of hate speech and violence in schools and on the internet;**
- 43.7. Eliminate discriminatory content related to LGBTI persons from school curricula and textbooks;**
- 43.8. Adopt amendments to the existing legislation or adopt new laws in order to regulate legal recognition of gender reassignment in a timely, transparent, accessible and affordable way;**
- 43.9. Improve the human rights situation, protection and health care for intersex children, by adopting policies and trainings that will lead to, inter alia, adequate establishment of intersex diagnoses, monitoring of the condition of intersex infants and children and provision of support to parents in the process.**