

**Bosnia and Herzegovina  
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**Committee on the Rights of Persons with Disabilities  
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**No:** I-38/24

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**Subject:** Written Submission on the Implementation of the Convention on the Rights of Persons with Disabilities

**a) Identification of the submitting organization**

Sarajevo Open Centre (hereinafter SOC) is a civil society organization that works on advancing human rights in Bosnia and Herzegovina. We initiate and create systemic social changes, emphasizing gender equality and position of LGBTI+ persons. The organization was founded in 2007 and has since played a significant role in advancing the rights of marginalized and vulnerable groups within Bosnian society. Since its establishment, SOC has been focused on the following key aspects and activities:

- **Gender Equality and Women's Rights:** The organization actively works to advance gender equality and combat discrimination against women. We promote policies and initiatives that empower women and challenge traditional gender roles.
- **LGBTI+ Rights:** SOC is a leading advocate for the rights of the LGBTI+ community in Bosnia and Herzegovina. It campaigns against discrimination, advocates for legal reforms, and provides support to LGBTI+ persons.
- **Human Rights:** The organization is committed to upholding and protecting human rights for all. This includes raising awareness about human rights violations, advocating for legal reforms, and offering support to victims of human rights abuses.
- **Advocacy and Education:** SOC conducts advocacy campaigns, educational programs, and research to raise awareness and promote a more inclusive and just society. Organization collaborates with governmental institutions, civil society organizations, and international partners to bring about positive change.
- **Capacity Building:** SOC engages in capacity-building activities, empowering individuals, and groups to become advocates for human rights and social justice, providing training, workshops, and resources to enhance the skills and knowledge of activists.
- **Community Support:** SOC provides a support network for individuals facing discrimination or human rights violations. This includes legal assistance, counselling, and referral services. SOC has been instrumental in the ongoing struggle for equality in Bosnia and Herzegovina, working to create a more inclusive and just society. Through their initiatives and advocacy efforts, they continue to make a positive impact on the lives of those affected by discrimination and human rights abuses, particularly women and LGBTI+ persons. SOC began the strategic

planning process to capitalize on the strengths while addressing opportunities for correction and growth in a challenging environment. This plan is the result of thorough research, internal and external analyses and extensive discussions among management team, staff, various stakeholders, and partners.

**(b) Executive summary**

Implementation of the Convention on the Rights of Persons with Disabilities (hereinafter CRPD) is often overlooked in the context of the LGBTI persons. Governments around region must employ intersectional lens while referring to the specific articles of CRPD trying not to leave anyone behind. Bosnia and Herzegovina is lacking on the official information, reports and policies on the position of LGBTI persons with disabilities. UN experts expressed concerns about some underlying preconceptions that lie at the base of much violence and discrimination that impacts both LGBTI persons and persons with disabilities. A pervasive perception is that, unless they are “cured” or “corrected” they are lesser or somewhat inferior to other human beings. This prejudice lies at the root of violence against them. Including practices of correction or conversion and the denial of agency in decisions about their bodies, forced sterilization, and interventions— medical or otherwise – to which they are subjected: this includes the heinous practice of forced sterilization, which constitutes one of the worst forms of violence against women with disabilities<sup>1</sup>.

“Conversion therapy” has nowadays become the common umbrella expression to refer to any sustained effort to modify a person’s sexual orientation, gender identity or gender expression.<sup>2</sup> Even though World Health Organization removed homosexuality from the International Classification of Diseases back in 1990, it is evident that many cultures including BiH treat LGBTI persons as mentally ill. In the recent period more and more LGBTI persons from Bosnia and Herzegovina reported to SOC that, contrary to their will, they were subjected to the so-called “conversion therapies”. Most of the victims are young LGBTI persons that are living with their parents that are not accepting their sexual orientation/gender identity. These “treatments” are not criminalized within domestic legal framework and they leave detrimental effects on LGBTI persons mental health.

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<sup>1</sup> Joint statement on LGBTI Persons with Disabilities, October 27, 2023, available at: <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/2023-10-24-joint-stm-SOGI-disabilities.pdf>

<sup>2</sup> ILGA World: Lucas Ramon Mendos, Curbing Deception: A world survey on legal regulation of so-called “conversion therapies” (Geneva: ILGA World, 2020), page 17, available at: [https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/ILGA\\_World\\_Curbing\\_Deception\\_world\\_survey\\_legal\\_restrictions\\_conversion\\_therapy.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/ILGA_World_Curbing_Deception_world_survey_legal_restrictions_conversion_therapy.pdf)

**(c) Referencing to the specific article of the CRPD**

Discussions on “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<sup>3</sup>.

CRPD in its article 15 on “*Freedom from torture or cruel, inhuman or degrading treatment or punishment*” prescribed:

*“1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.*

*2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.”*

In the light of the above-mentioned article, during the previous period, when one of the SOC’s main priorities was the regionalisation of LGBTI inclusive psychosocial support and access to mental health services in Bosnia and Herzegovina, the topic of so-called “conversion therapy” unintentionally arose in the process. Testimonies and conversations with associate psychologists, psychotherapists and psychiatrists revealed more and more information concerning the existence of persons who are involved in or offer services that can be summed up as so-called “conversion therapy/practices”. Such confirmations came both from the LGBTI community and their own experiences, as they discussed the treatments they underwent. So-called conversion therapy is an umbrella term describing a variety of unscientific and traumatic approaches and treatments aimed at modifying a person’s sexual orientation, gender identity or gender expression. According to information we have, such “services” are provided by certain psychologists, psychotherapists or psychiatrists, as well as individual religious officials in their private capacity. What is also problematic is that there have been reports of LGBTI people having very negative experiences in treatment with mental health professionals in public institutions, ranging from unprofessional and stigmatising treatment to certain procedures that can be classified as so-called “conversion therapy”. The situation and examples from the field revealed the scope of the problem and its pervasiveness. The fact that the activities of psychologists and psychiatrists are not regulated by law indicates that this issue requires a multisectoral approach. This includes detailed problem mapping, work with mental health

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<sup>3</sup> ILGA World: Lucas Ramon Mendos, *Curbing Deception: A world survey on legal regulation of so-called “conversion therapies”* (Geneva: ILGA World, 2020), page 59

professionals and healthcare workers, as well as competent administrative and law enforcement authorities<sup>4</sup>.

Our partner Organization Wings of Hope that is providing mental health support to the LGBTI persons in Bosnia and Herzegovina wrote case study on gay person being subjected to so-called “conversion therapies”. Their client N. N. (25 years old) from a small town came to a well-known “expert” for psychotherapy because of his sexual identity. During the process of psychotherapy, the “expert” forced him to share his sexual fantasies in the session and to imagine having sex with a woman, and then suggested that he try to have sex with his female friend. This approach triggered shame, anxiety and increased internalized homophobia of the client. Gay man developed depressive mood and social phobia<sup>5</sup>.

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 conversion treatments, 77.78% did not agree to the treatment, and were subjected to it against their will<sup>6</sup>.

Conversion practices” are not explicitly banned in BiH, but certain practices with those elements could be defined and sanctioned through criminal codes’ legislation, such as medical malpractice, arbitrary treatment without the consent of the person being treated, or quackery.

#### **(d) Propose recommendations**

-Domestic criminal legislation in Bosnia and Herzegovina must recognize so-called “conversion therapies” as criminal act

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<sup>4</sup> Amil Brković, Branko Čulibrk, Delila Hasanbegović, Dina Bajraktarević and Jozo Blažević, 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, available at: [https://soc.ba/site/wp-content/uploads/2022/05/Pink-report-2022\\_za-web.pdf](https://soc.ba/site/wp-content/uploads/2022/05/Pink-report-2022_za-web.pdf)

<sup>5</sup> Vladana Vasić, Marija Šarić and Zvezdana Savić, 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>

<sup>6</sup> 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), page 35, available at: <https://soc.ba/site/wp-content/uploads/2023/12/Brojevi-koji-ravnopravnost-znace-ENG-web-.pdf>

- Domestic Laws on Activities of Psychologists must define and recognize so-called “conversion therapies” as forbidden practices that can revoke licence of the psychologists that are performing these practices
- Ensuring legally requiring informed consent of persons in any decisions about medical, psychological, or other interventions
- Establish support services for victims of so-called “conversion therapies”
- Provide trainings for law enforcement agencies, healthcare providers, and social workers to recognize and respond effectively to cases of so-called “conversion therapies”

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