

# DUGIN IZVJEŠTAJ RAINBOW REPORT

STANJE PRAVA I POTREBA LGBTI+  
OSOBA U TUZLANSKOM KANTONU  
CURRENT STATE OF THE RIGHTS AND NEEDS  
OF LGBTI+ PERSONS IN TUZLA CANTON

2024



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Naziv: Dugin izvještaj o stanju prava i potreba LGBTI+ osoba u Tuzlanskom kantonu

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Publikacija “Dugin izvještaj o stanju prava i potreba LGBTI+ osoba u Tuzlanskom kantonu” je izrađena uz Core support for TOC 2024 kojeg finansijski podržava Core regionalnog projekta SMART Balkan – Civilno društvo za povezan Zapadni Balkan koje sprovodi Centar za promociju civilnog društva (CPCD), Center for Research and Policy Making (CRPM) i Institute for Democracy and Mediation (IDM) a finansijski podržava Ministarstvo vanjskih poslova Kraljevine Norveške.

Sadržaj Publikacije “Dugin izvještaj o stanju prava i potreba LGBTI+ osoba u Tuzlanskom kantonu” je isključiva odgovornost Tuzlanskog otvorenog centra i ne odražava nužno stavove Centra za promociju civilnog društva, Center for Research and Policy Making (CRPM), Institute for Democracy and Mediation i Ministarstva vanjskih poslova Kraljevine Norveške.

Josip Ventić

**Istraživanje: Godišnji izvještaj o  
stanju prava i potreba LGBTI+  
osoba u Tuzlanskom kantonu**

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## UVOD

Uspješna i veoma zahtjevna, 2024. godina je iza nas, te je vrijeme da sagledamo sve što se dogodilo i analiziramo potrebe LGBTI+ zajednice. Istraživanje koje je sprovedeno od strane Tuzlanskog otvorenog centra (TOC), a čiji je rezultat ova publikacija, obuhvatilo je online ankete, ali i direktne razgovore sa članovima zajednice. Tim TOC-a prepoznao je važnost neposrednijeg kontakta sa zajednicom i istraživanja stanja prava LGBTI+ osoba u Tuzlanskom kantonu (TK) na godišnjem nivou. Zbog toga, TOC se obavezuje da će ovaj izvještaj pripremati svake godine. Ovaj godišnji izvještaj neće samo služiti kao osnova za prilagođavanje programa TOC-a potrebama zajednice, već će biti i alat za zagovaranje prava LGBTI+ osoba u institucijama Tuzlanskog kantona (TK).

Položaj LGBTI+ osoba u TK i dalje je pod direktnim uticajem opšte društvene percepcije da njihovo postojanje ugrožava moralne vrijednosti i tradicionalni način života. Prethodna istraživanja pokazala su da LGBTI+ osobe nisu sigurne ni na ulicama, ni u privatnim prostorima, pa čak ni u svojim domovima, kada su okružene najbližima. Diskriminacija i nasilje postali su svakodnevica sa kojom se članovi zajednice moraju nositi. Grad Tuzla je, iako poznat po svojim progresivnim vrijednostima, uključujući slobodu i antifašizam, suočen sa incidentima koji pokazuju da se te vrijednosti često zaboravljaju pred predrasudama i stereotipima.

Iako istraživanje nudi važne uvide, zabrinjavajuće je to što trenutno ne postoji vidljiv pomak u ostvarivanju prava LGBTI+ osoba u TK. Umjesto napretka, situacija ostaje stagnirajuća, dok institucije djeluju pasivno. Kao rezultat toga, LGBTI+ zajednica u TK pokazuje nedostatak povjerenja u nadležne institucije da će adekvatno raditi svoj posao. S jedne strane, nevladine organizacije i međunarodna zajednica aktivno vrše pritisak za donošenje jasnijeg, afirmativnijeg i progresivnijeg zakonodavnog okvira, dok s druge strane ojačana desnica promovira tradiciju i patrijarhalna uvjerenja. Ove dvije strane često se nalaze u sukobu, a zajednica je zapostavljena i onemogućena da u potpunosti iskaže svoje potrebe.

Institucije su fokusirane isključivo na formalnu provedbu svojih obaveza, bez senzibilizacije na specifične probleme građana, zbog čega TOC želi bolje razumjeti potrebe zajednice i prilagoditi svoj rad stvarnim potrebama. Znanje o potrebama LGBTI+ osoba postavlja temelj za borbu za ravnopravnost, a rezultati istraživanja predstavljaju ključan alat za senzibilizaciju predstavnika vlasti i donositelja odluka.

Na početku života, sva ljudska bića uživaju slobodu i ravnopravnost u dostojanstvu i pravima. Iako zakonski okvir Bosne i Hercegovine prepoznaje seksualnu orijentaciju i rodni identitet kao zabranjene osnove za diskriminaciju, LGBTI+ osobe se svakodnevno suočavaju sa duboko ukorijenjenim predrasudama, nestrpljivošću i diskriminacijom. Zaštita i promocija ljudskih prava odgovornost je koju treba dijeliti različiti nivoi vlasti, a lokalna zajednica igra ključnu ulogu u borbi protiv diskriminacije i nasilja. Ipak, lokalne zajednice se rijetko bave zaštitom LGBTI+ osoba. Ove praznine u javnim institucijama mogu se popuniti saradnjom između lokalnih vlasti i nevladinih organizacija, umjesto da odgovornost bude potpuno prebačena na nevladin sektor i organizacije za zaštitu ljudskih prava.

Prije nego što pređemo na analizu rezultata istraživanja, potrebno je predstaviti pravne okvire naše države i kantona u pogledu zaštite od diskriminacije i nasilja i iste uporediti sa praksom naprednih zemalja Europske unije i međunarodne zajednice. Također, prikazati ćemo rad TOC-a u 2024. godini. Nakon toga, slijedi analiza prikupljenih podataka, uz predstavljanje individualnih slučajeva diskriminacije i/ili nasilja. Na kraju, ćemo dati zaključke i preporuke za daljnje djelovanje u cilju poboljšanja prava LGBTI+ zajednice na lokalnom nivou.

Ispred vas se nalazi izvještaj na kojem je tim Tuzlanskog otvorenog centra vrijedno radio u posljednjim mjesecima, nadamo se da će ideja ovog izvještaja zaživjeti, te da će on biti korišten u svrhe promocije ravnopravnosti, zagovaranja prava LGBTI+ osoba, te rad na sprečavanju nasilja i zločina iz mržnje.

## **Opis ispitivanja – metodologija pisanja godišnjeg izvještaja**

Izvještaj koji je pred nama, sproveden je od strane Tuzlanskog otvorenog centra (TOC) tokom 2024. godine, pruža sveobuhvatnu analizu stanja prava LGBTI+ osoba u Tuzlanskom kantonu (TK) sa posebnim fokusom na prepoznavanje ključnih potreba zajednice. TOC kontinuirano radi na osnaživanju kapaciteta LGBTI+ osoba kroz različite programe podrške i osnaživanja, uključujući psihološku pomoć i savjetovanje. TOC se zalaže za društvo u kojem su svi njegovi članovi ravnopravni i slobodni, bez obzira na njihove lične karakteristike, dok je misija organizacije zasnovana na promicanju ljudskih prava i rodne ravnopravnosti.

Ovaj izvještaj predstavlja direktnu refleksiju tih principa, jer ne samo da analizira stanje prava LGBTI+ osoba u TK, već pruža konkretne preporuke i smjernice za dalji rad na unapređenju njihovih prava i zaštite. TOC kroz svoj angažman nastoji stvoriti šire društveno okruženje u kojem LGBTI+ osobe mogu živjeti bez straha, predrasuda, diskriminacije i nasilja. TOC je jedina organizacija na području sjeveroistočne Bosne koja se zalaže za prava LGBTI+ zajednice, te je jačanje programskog rada i osnaživanje LGBTI+ zajednice ključno za unapređenje prava i kvaliteta života LGBTI+ osoba na području TK.

Izvještaj je rezultat prikupljanja podataka putem online ankete koja je pružila kvantitativni uvid u svakodnevne izazove LGBTI+ osoba. Anketa je obuhvatila širok djelokrug problema sa kojim se pripadnici/ce LGBTI+ zajednice susreću u svom svakodnevnom životu, za koje su odgovorni kako lokalni tako i viši nivoi vlasti. Iako je najveći dio podataka prikupljen online putem, TOC je prepoznao važnost neposrednog kontakta sa zajednicom, te je tokom prikupljanja podataka organizovano i nekoliko direktnih razgovora sa članovima zajednice, kako bi se dobile dodatne kvalitativne informacije koje nisu obuhvaćene anketama, ali i prijedlozi kako u narednom periodu poboljšati kvalitet usluga koje organizacija pruža.

Metodologija istraživanja temelji se na kombinaciji kvantitativnih i kvalitativnih pristupa, omogućujući dublje razumijevanje stavova, problema i potreba LGBTI+ osoba. Online anketa bila je glavna metoda prikupljanja podataka, a pitanja su bila raspoređena u nekoliko ključnih oblasti:

- nasilje nad LGBTI+ osobama,
- diskriminacija,
- povjerenje u institucije,
- društveni odnosi,
- osjećaj sigurnosti,
- strah od okoline,
- zadovoljstvo uslugama koje pruža TOC.

Pored online ankete, TOC je organizovao i direktne razgovore sa članovima zajednice. Ovi razgovori su omogućili predstavnicima TOC-a dublje razumijevanje ličnih iskustava i izazova sa kojima se LGBTI+ osobe suočavaju u svakodnevnom životu.

## **Metodološki pristup pisanju godišnjeg izvještaja obuhvata sljedeće faze:**

### **1. Prikupljanje podataka**

Podaci su prikupljeni putem online ankete koja je bila distribuirana putem društvenih mreža i direktnih kontakata sa osobama iz zajednice. Online anketni obrazac omogućio je široku dostupnost i anonimnost, što je bilo ključno za iskrenost odgovora i zaštitu privatnosti učesnika. Svi odgovori su bili anonimni, a učesnici su bili obaviješteni da će njihovi podaci biti korišteni isključivo u svrhu istraživanja i u skladu sa načelima zaštite privatnosti i povjerljivosti. Anketa je bila dostupna online tokom perioda od 3 (tri) sedmice. U istraživanju je učestvovalo ukupno 65 učesnika/ca, među kojima su se nalazili LGBTI+ pojedinci/ke različite seksualne orijentacije, rodnog identiteta i starosnih grupa, sa naglaskom na demografski raznovrsnu populaciju iz TK.

Anketni obrazac bio je podijeljen u osam tematskih oblasti, a svaka od njih je imala specifična pitanja koja su omogućila detaljno istraživanje stanja. Pitanja su bila u formi multiple choice (više opcija) i otvorenih pitanja, što je omogućilo kvantitativnu analizu, ali i dublje razumijevanje subjektivnih iskustava i stavova ispitanika. Oblasti obuhvaćene anketom su:

- opšti podaci o učesnicima (starost, rodni identitet, seksualna orijentacija, itd.)
- pitanja o nasilju
- pitanja o diskriminaciji
- povjerenje u policiju
- društveni odnosi prema LGBTI+ osobama
- osjećaj sigurnosti kao LGBTI+ osobe
- strah i nepovjerenje od okoline
- usluge Tuzlanskog otvorenog centra

### **2. Tehnička obrada podataka**

Nakon prikupljanja podataka izvršena je njihova obrada i analiza. Statističke metode korištene su za kvantitativnu analizu, dok su odgovori na otvorena pitanja analizirani kvalitativno. U ovom procesu korišteni su osnovni statistički alati za analiziranje procentualnih udjela, prosječnih vrijednosti, kao i upotreba kategorija za analizu otvorenih odgovora. Izvještaj ne samo da pruža generalizovane statističke rezultate, već daje i dublji uvid u specifične izazove sa kojima se suočavaju pripadnici/ce LGBTI+ zajednice.

### **3. Prikaz rezultata istraživanja**

Izvještaj počinje predstavljanjem ključnih rezultata istraživanja, koji su direktno povezani sa svakom od osam tematskih oblasti obuhvaćenih istraživanjem. Ovdje se koriste grafički prikazi (grafikoni i tabele) kako bi se jasno pokazali prikupljeni podaci. Analiza svakog pitanja prati odgovore učesnika/ca ispitivanja i stavlja ih u kontekst sa širim društvenim pitanjima. Pojedina pitanja će biti komparirana sa rezultatima ranije objavljenih analiza.

#### **4. Teorijski okvir: domaće zakonodavstvo, međunarodni i EU pravni okvir**

Kako bi se rezultati istraživanja postavili u širi kontekst, u drugom dijelu izvještaja bit će predstavljena analiza postojećeg pravnog okvira zaštite prava LGBTI+ osoba u Bosni i Hercegovini i Tuzlanskom kantonu. Pored toga, biće predstavljena relevantna međunarodna i EU zakonodavna regulativa koja se odnosi na prava LGBTI+ osoba. Ovdje će se analizirati ključni pravni akti, kao što su:

- Evropska konvencija o ljudskim pravima i praksa Evropskog suda za ljudska prava
- Zakonodavstvo EU vezano za ljudska prava LGBTI+ osoba (kao što su Direktiva o ravnopravnosti, Zakoni protiv diskriminacije i drugi relevantni akti)
- Međunarodni standardi zaštite prava LGBTI+ osoba, poput smjernice UN-a za ljudska prava.

Ovaj dio izvještaja će osigurati teorijsku osnovu za razumijevanje položaja LGBTI+ osoba u širem pravnom kontekstu te pomoći prilikom identifikacije ključnih nedostataka u domaćem zakonodavstvu koji se odnose na zaštitu prava LGBTI+ zajednice.

#### **5. Pregled rada i usluga Tuzlanskog otvorenog centra**

Tuzlanski otvoreni centar od 2016. godine aktivno radi na poboljšanju prava i kreiranju usluga za LGBTI+ osobe u TK. Usluge koje pruža TOC su peer to peer i psihološka savjetovanja, društveni i edukativni programi za LGBTI+ zajednicu, saradnja i zagovaranje prema javnim institucijama TK, programi edukacije i senzibilizacije, te aktivnosti zagovaranja i jačanja LGBTI+ osoba i zajednice, a više o njima, kao i izazovima sa kojima se susrećemo u radu se nalazi na kraju ovog izvještaja.

Izvještaj koji slijedi predstavlja ključnu analizu trenutnog stanja prava i sigurnosti LGBTI+ osoba u TK, te je temeljen na rezultatima istraživanja i iskustvima prikupljenim kroz različite aktivnosti TOC-a. Ono što će biti važan parametar prilikom pisanja ovog izvještaja je analiza iz 2022. godine – *Potrebe i problemi LGBTI zajednice u Tuzlanskom kantonu*, te će se određeni segmenti izvještaja komparirati sa rezultatima pomenute analize. Relevantan za ovu analizu je i *Rozi izvještaj 2024. (Godišnji izvještaj o stanju ljudskih prava LGBTI osoba u Bosni i Hercegovini)*.

Godišnji izvještaj, koji je pred nama, ima dvostruku svrhu: kao osnova za prilagođavanje programa TOC-a potrebama LGBTI+ zajednice i kao alat za zagovaranje prava LGBTI+ zajednice prema relevantnim institucijama.

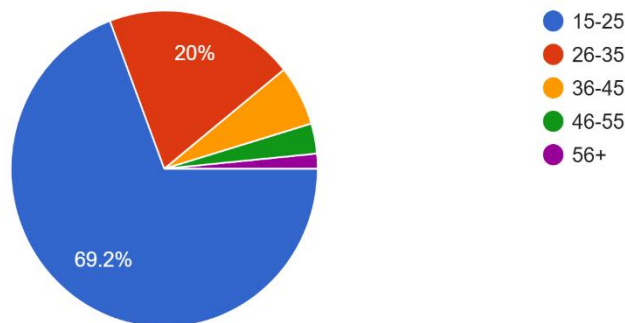
## Struktura učesnika/ca istraživanja

Kroz anketni upitnik, u oblasti opštih podataka, ispitanici/ce su trebali dati odgovore na pitanja kao što su trenutno mjesto boravka, starost, rodni identitet, seksualna orijentacija te da li druge osobe trenutno znaju za njihov LGBTI+ identitet. Ispitivanjem je obuhvaćeno ukupno 65 osoba koje su pripadnici/ce LGBTI zajednice sa područja Tuzlanskog kantona. Ispred svake od starosnih grupa imamo barem po jednog/u ispitanika/cu koji su pristupili istraživanju, te na taj način možemo sagledati stanje prava i potreba u svim starosnim grupama.

Ispitanici/ce su razvrstani u 5(pet) starosnih grupa i to 15-25 godina, 26-35 godina, 36-45 godina, 46-55 godina i 56+ godina. Kada je u pitanju starosna struktura ispitanika/ca 69,2% (45) ispitanika/ca ima između 15-25 godina, 20% (13) ispitanika/ca ima između 26-35 godina, 6,2% (4) ispitanika/ca ima između 36-45 godina, 3,1% (2) ispitanika/ca ima između 46-55 godina dok je 1,5% (1) ispitanik/ca iz starosne grupe od 56+ godina.

Koliko imaš godina:

65 responses

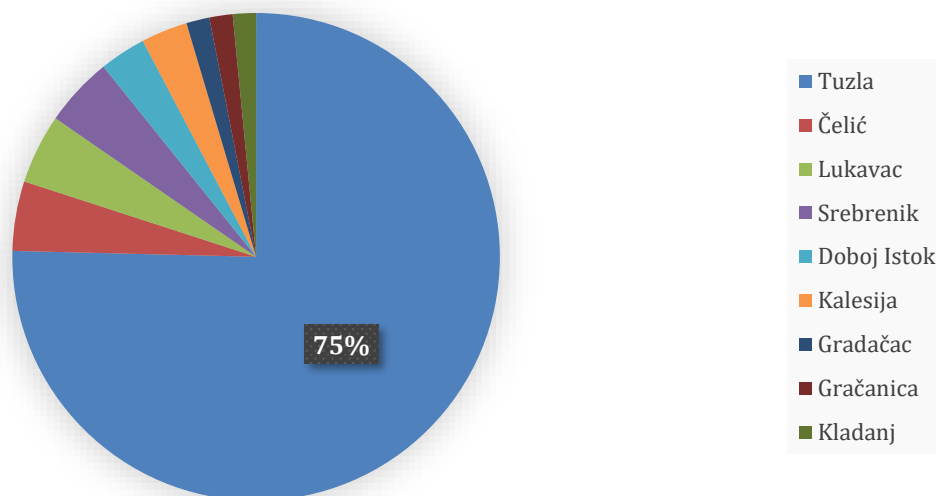


Grafikon 1 – Starosna struktura ispitanika/ca

Tuzlanski kanton predstavlja najmnogoljudniji kanton u Federaciji Bosne i Hercegovine i sastoji se od 13 (trinaest) gradova/općina. Kroz istraživanje nisu prikupljeni odgovori ispitanika/ca iz svih gradova/općina TK, ali je zastupljen veliki broj gradova/općina, čak njih 9 (devet). Najveći broj ispitanika je iz Tuzle čak njih 49 (75,4%), Čelić, Lukavac i Srebrenik po 3 (4,6%) ispitanika/ce, Doboj Istok i Kalesija po 2 (3,1%) ispitanika/ca te Gradačac, Gračanica i Kladanj po 1 (1,5%) ispitanika/ca.

## U kojem gradu trenutno živiš?

65 odgovora

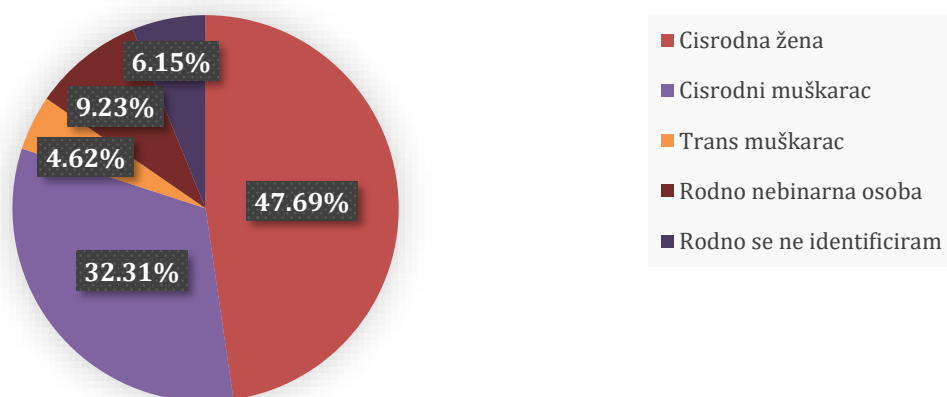


Grafikon 2 – Demografska rasprostranjenost ispitanika/ca

Pitanje o rodnom identitetu omogućava uvid u različite načine na koje se ispitanici/ce unutar LGBTI+ zajednice identificiraju. S obzirom na to da rodni identitet nije uvijek u skladu sa biološkim spolom, ispitanicima/cama su ponuđeni odgovori koji obuhvataju širok spektar – uključujući cisrodne osobe, transrodne osobe i osobe koje se ne identificiraju s bilo kojom rodnom kategorijom. Većina ispitanika/ca se identificirala kao cisrodne žene, 31 (47,7%), ili cisrodni muškarci, 21 (32,3%). Oznaku rodne nebinarnosti odabrala je manja, ali značajna grupa ispitanika/ca, njih 6 (9,2%). U istraživanju su učestvovala 3 (4,6%) trans muškaraca dok se 4 (6,2%) ispitanika/ca kao arodne osobe. Grafikon prikazuje raspodjelu navedenih odgovora, koja ukazuje na postojanje različitih rodni identiteta među ispitanicima/cama.

## Koji odgovor najbolje opisuje tvoj rodni identitet?

65 odgovora



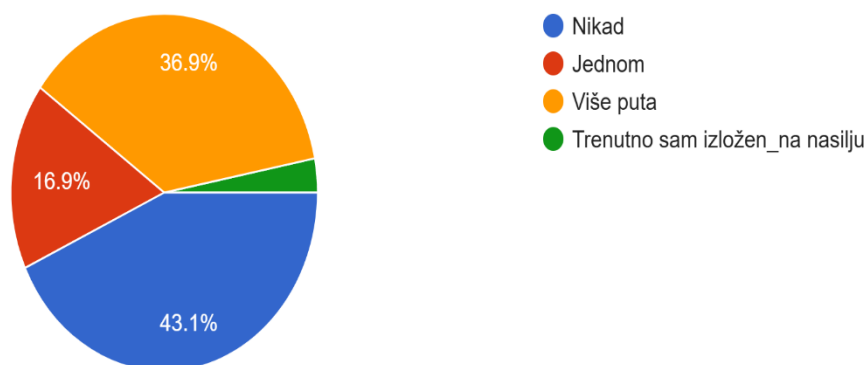
Grafikon 3 – Rodni identitet ispitanika/ca

## Nasilje nad LGBTI+ zajednicom

Nasilje nad LGBTI+ zajednicom i dalje predstavlja ozbiljan problem u mnogim društvima. Ispitanici/ce istraživanja bili su upitani da li su ikada doživjeli nasilje bilo koje vrste zbog svoje seksualne orijentacije ili rodnog identiteta. Prema rezultatima 43,1% (28) ispitanika/ca nikada nije doživjelo nasilje. S druge strane, 16,9% (11) ispitanika/ca navodi da je nasilje doživjelo samo jednom, dok 36,9% (24) ispitanika/ce navodi da je više puta bilo izloženo nasilju, što ukazuje na ozbiljan problem učestalosti nasilnih incidenata prema LGBTI+ osobama. Najviše zabrinjava podatak da je 3,1% (2) ispitanika/ca trenutno izloženo nasilju, što jasno pokazuje da nasilje nije samo prošlost već i realna prijetnja u svakodnevnom životu LGBTI+ osoba.

Da li si se nekad susretao\_la sa nasiljem bilo koje vrste zato što si LGBTI+ osoba

65 responses



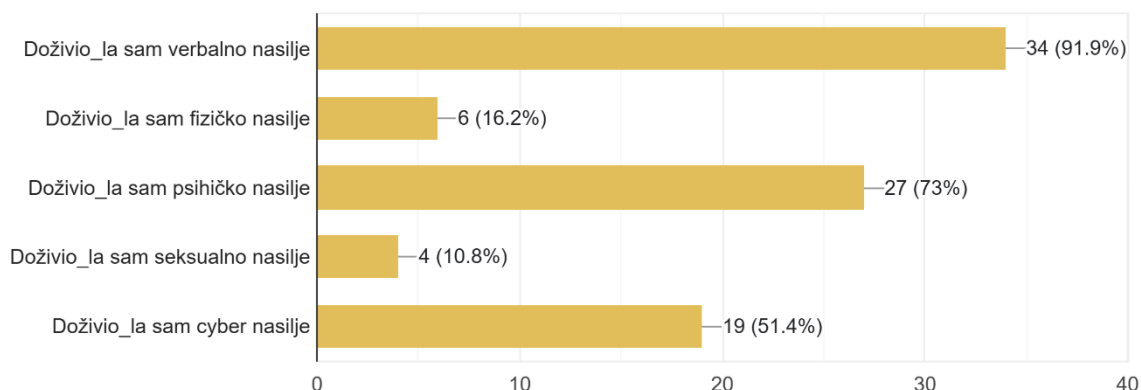
Grafikon 4 – Procenat zastupljenosti nasilja nad pripadnicima/cama LGBTI+ zajednice

Ukoliko uporedimo rezultate ovog istraživanja sa analizom iz 2022. godine – *Potrebe i problemi LGBTI zajednice u Tuzlanskom kantonu* dolazimo do zabrinjavajućih podataka. Naime, u odnosu na 2022. godinu znatno se povećao procenat pripadnika/ca LGBTI+ zajednice u TK koji/e su izloženi nasilju. Prema rezultatima ovog izvještaja čak 56,9% ispitanika/ca je imalo susret sa nasiljem zbog svoje seksualne orijentacije ili rodnog identiteta, dok određeni broj ispitanika/ca je trenutno izložen nasilju. Za razliku od rezultata analize iz 2022. godine kada je 44,3% ispitanika/ca navelo da je imalo susret sa nasiljem zbog svoje seksualne orijentacije ili rodnog identiteta. Ovakvi rezultati ukazuju na ozbiljnost problema te naglašavaju potrebu za većim naporima u prevenciji, edukaciji, kao i u pružanju adekvatne pomoći žrtvama nasilja.

Kada govorimo o vrstama nasilja koje doživljavaju LGBTI+ osobe u TK najveći broj ispitanika/ca se suočava sa verbalnim i psihičkim nasiljem, dok je u sve većem porastu i broj žrtava cyber nasilja. Ispitanici/ce koji su bili/e žrtve bilo koje vrste nasilja, njih 37, imali su priliku multiple choice (više opcija) kod odgovora na ovo pitanje. Gotovo svi ispitanici/ce, odnosno njih 91,9% (34) bili/e su žrtve verbalnog nasilja, dok je broj ispitanika/ca koji/e su žrtve psihičkog nasilja neznatno manji, odnosno 73% (27). Cyber nasilju je izloženo 51,4% (19) ispitanika/ca. Fizičko nasilje je doživjelo 16,2% (6) ispitanika/ca, dok je 10,8% (4) ispitanika/ca žrtva seksualnog nasilja.

### Koje vrste nasilja si doživio\_la?

37 responses



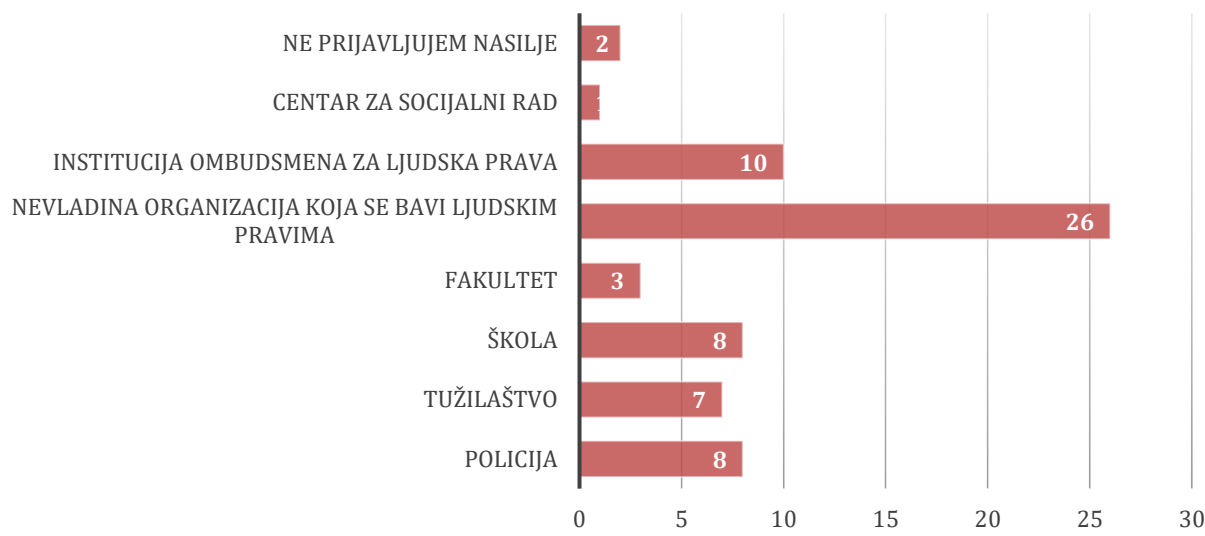
*Grafikon 5 – Vrste nasilja s kojim se suočavaju pripadnici/ce LGBTIQ+ zajednice*

Prijavljivanje predstavlja ključni korak u borbi protiv nasilja prema LGBTIQ+ osobama, dok izbor institucija ili organizacija koje bi mogle pružiti pomoć može ukazivati na nivo povjerenja koje pripadnici/ce zajednice imaju u različite nadležne institucije. S obzirom na specifične potrebe LGBTIQ+ osoba, posebno kada je riječ o nasilju koje je motivirano seksualnom orijentacijom i/ili rodnim identitetom, važno je razumjeti gdje oni smatraju da mogu naći zaštitu i podršku. Tome u prilog govori i činjenica da najveći broj ispitanika/ca 70,3% (26) navode nevladine organizacije koje se bave ljudskim pravima kao mjesto gdje bi prijavili nasilje, dok 27% (10) ispitanika/ca bi nasilje prijavilo instituciji ombudsmena za ljudska prava. Ovakvi rezultati odražavaju visoko povjerenje pripadnika LGBTIQ+ zajednice u nevladin sektor, koji često nudi specifičnu podršku LGBTIQ+ osobama, te ima iskustva u zaštiti njihovih prava i zagovaranju boljih zakonodavnih rješenja. LGBTIQ+ zajednica pokazuje da postoji određeno povjerenje u nezavisne institucije koje pružaju zaštitu ljudskih prava, kao što je institucija ombudsmena za ljudska prava.

S druge strane, institucionalni odgovori kao što su policija 21,6% (8), tužilaštvo 18,9% (7), škola 21,6% (8), fakultet 8,1% (3) i centar za socijalni rad 2,7% (1), pokazuju da su ispitanici/ce skloni prijavljivanju nasilja i odgovarajućim državnim institucijama, iako je povjerenje u te institucije, sudeći prema rezultatima istraživanja, i dalje izuzetno ograničeno. Ovakvi rezultati pored nedostatka povjerenja LGBTIQ+ zajednice u institucije mogu ukazivati da pripadnici/ce LGBTIQ+ zajednice nisu sigurni u efikasnost postupaka ovih institucija. Pripadnici/ce LGBTIQ+ zajednice, prema predstavljenim rezultatima, najviše povjerenja imaju u nevladine organizacije za ljudska prava, te njih vide kao osobe od povjerenja kada je riječ o prijavljivanju nasilja. S druge strane, državne institucije, poput policije i tužilaštva, od strane LGBTIQ+ zajednice i dalje se doživljavaju sa oprezom i nesigurnošću. Uzimajući u obzir da LGBTIQ+ osobe često doživljavaju dodatnu viktimizaciju i nedostatak zaštite u kontaktima sa državnim institucijama, važno je nastaviti raditi na jačanju povjerenja u te sisteme i razvijati sveobuhvatne strategije zaštite, kako bi se omogućilo LGBTIQ+ osobama da se osjećaju sigurnim i zaštićenim u slučaju nasilja.

## Kome bi prijavio/la nasilje?

37 odgovora

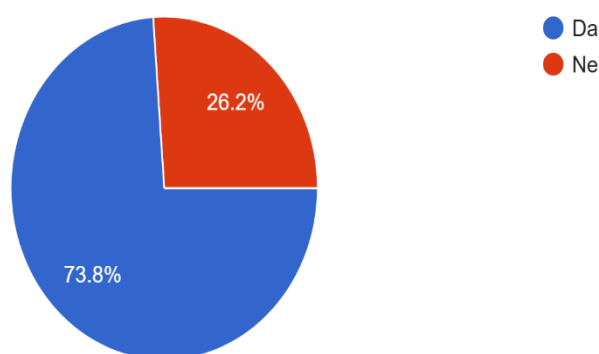


Grafikon 6 – Institucije/udruženja/ustanove kojima bi pripadnici/ce LGBTI+ zajednice prijavili/e nasilje

Kada se govori o nasilju nad LGBTI+ osobama, važno je razmotriti duboku povezanost između nasilja koje su mnogi ispitanici/ce doživjeli/e u djetinjstvu i nasilja kojem su izloženi u odrasloj dobi. Prema rezultatima istraživanja, čak 73,8% (48) ispitanika/ca navodi da su bile žrtve vršnjačkog ili porodičnog nasilja dok su odrastali.

Da li ste doživjeli vršnjačko ili porodično nasilje u djetinjstvu?

65 responses



Grafikon 7 – Procenat ispitanika/ca koji/e su doživjeli vršnjačko ili porodično nasilje u djetinjstvu

Značajan broj LGBTI+ osoba je već u ranoj dobi bio suočen sa nasiljem, bilo kroz porodične odnose ili kroz vršnjačko zlostavljanje. Posljedice iskustava nasilja u djetinjstvu često imaju dugoročne efekte na mentalno zdravlje i emocionalnu stabilnost pojedinca, koji se odražavaju

tokom cijelog života. Djeca koja su izložena nasilju mogu razviti simptome anksioznosti, depresije i posttraumatskog stresnog poremećaja (PTSP), a takvi problemi mogu trajati i do odrasle dobi. U odrasloj dobi, te osobe mogu biti sklonije razvijanju problema sa samopouzdanjem, socijalnim anksioznostima, pa čak i traumama koje se ponovno aktiviraju u stresnim situacijama. LGBTI+ osobe koje su u mladosti bile žrtve nasilja često ostaju ranjive i u odrasloj dobi, jer nose traume koje utiču na njihove međuljudske odnose i sposobnost da se nose sa novim oblicima nasilja. Nasilje koje doživljavaju u odrasloj dobi, posebno kada je povezano s njihovom seksualnom orijentacijom i/ili rodnim identitetom, može biti još traumatičnije jer se ponovo aktiviraju traume uzrokovane prethodnim iskustvima.

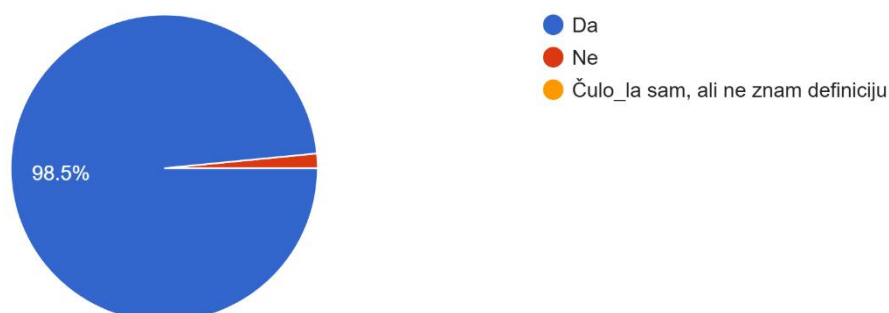
Rezultati predstavljeni na *Grafikonu 4* ukazuju na to da nasilje prema LGBTI+ osobama nije izoliran incident, već se nastavlja tokom života, često na temelju dugotrajnog emocionalnog i psihološkog utjecaja nasilja iz djetinjstva. Dugoročne posljedice nasilja u djetinjstvu mogu učiniti da LGBTI+ osobe postanu manje sklone traženju pomoći ili prijavljivanju nasilja, jer su već naučene da će biti marginalizirane ili ignorisane.

## Diskriminacija LGBTI+ osoba

Iako su donosioci odluka u mnogim zemljama, uključujući Bosnu i Hercegovinu, donijeli zakonodavni okvir koji pruža zaštitu od diskriminacije<sup>1</sup>, pripadnici/ce LGBTI+ zajednice svakodnevno su izloženi/e istoj. LGBTI+ osobe i dalje se suočavaju sa svakodnevnim izazovima u vidu verbalnih napada, društvene isključenosti, nejednakih prava i predrasuda koje se manifestiraju u mnogim životnim sferama – od obrazovanja, radnog mjesta pa do socijalnih odnosa. Diskriminacija prema LGBTI+ osobama ima duboke posljedice koje uključuju smanjenje kvaliteta života, mentalne i emocionalne probleme te veću izloženost nasilju i zlostavljanju. Ispitanici/ce su kroz anketni obrazac odgovorili na pitanja koja se odnose na njihovo znanje o diskriminaciji te podijelili lična iskustva. Ispitanici/ce su pokazali/e visok stepen poznavanja pojma diskriminacija, gdje je čak 98,5% (64) ispitanika/ce svjesno šta diskriminacija znači i kako se manifestira u društvu. S obzirom na visok stepen razumijevanja može se pretpostaviti da ispitanici/ce prepoznaju diskriminaciju i u vlastitim iskustvima.

Da li znaš šta je diskriminacija?

65 responses



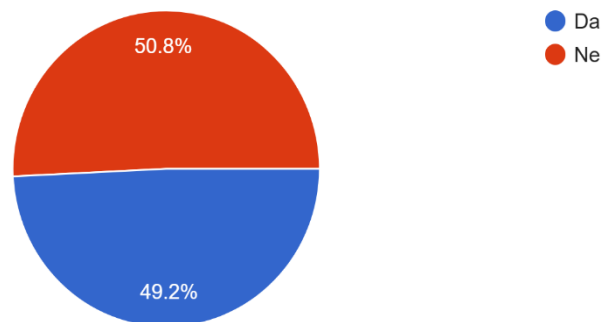
### *Grafikon 8 – Poznavanje pojma diskriminacija od strane pripadnika/ca LGBTI+ zajednice*

U odnosu na rezultate analize iz 2022. godine došlo je do pada procenta osoba koje su doživjele diskriminaciju zbog svoje seksualne orijentacije i/ili rodnog identiteta. Unatoč tome, broj ispitanika/ca koji/e su doživjeli diskriminaciju zbog toga što su LGBTI+ osobe je 49,2% (32) u odnosu na 50,8% (33) ispitanika/ce koji/e navode da nisu bile žrtve diskriminacije.

<sup>1</sup> Ispitanicima/cama je, radi boljeg razumijevanja pitanja, ponuđena sljedeća definicija diskriminacije: „Diskriminacija predstavlja nejednako tretiranje pojedinca bez nekog opravdanog razloga, zbog boje kože, seksualne orijentacije, religije, etničke pripadnosti, itd.“ Npr. diskriminacija je ako vi kao pripadnik/ca LGBTI+ zajednice imate manju platu od svog kolege samo zbog toga što ste pripadnik/ca LGBTI+ zajednice.

Da li si nekad doživio\_la diskriminaciju zbog toga što si LGBTI+ osoba?

65 responses



*Grafikon 9 – Diskriminacija LGBTI+ osoba*

Shodno svemu navedenom možemo zaključiti da je svaka 2 LGBTI+ osoba u TK izložena nekoj vrsti diskriminacije. Ohrabrujuća je činjenica da se broj LGBTI+ osoba koje su doživjele diskriminaciju kroz godine smanjuje. Činjenica da je i dalje gotovo 50% LGBTI+ osoba izloženo diskriminaciji predstavlja zabrinjavajući podatak nad kojim bi se trebale zabrinuti institucije, ali i svi akteri u društvu. Diskriminacija među pripadnicima LGBTI+ zajednice nije univerzalna i može se manifestirati na različite načine u različitim životnim okolnostima svake osobe.

Diskriminacija prema LGBTI+ osobama može se javiti u različitim oblicima i u različitim sferama života, od uskraćivanja osnovnih prava, do nasilja i uznemiravanja. Prema odgovorima ispitanika/ca najčešći oblik diskriminacije koji su doživjeli/e odnosi se na uznemiravanje<sup>2</sup>, gdje je čak 81,3% (26) ispitanika/ca navelo da su bili/e žrtve uznemiravanja. Stavljanje u gori položaj od drugih u nekoj situaciji<sup>3</sup> je drugi najzastupljeniji oblik diskriminacije prema LGBTI+ osobama sa 37,5% (12) ispitanika/ca. Uskraćivanje prava ili ograničenje prava<sup>4</sup>, predstavlja veoma zastupljen oblik diskriminacije, koji je doživjelo 25% (8) ispitanika/ca. Mobing na radnom mjestu<sup>5</sup> prijavljen je od strane 18,8% (6) ispitanika/ca, dok je seksualno

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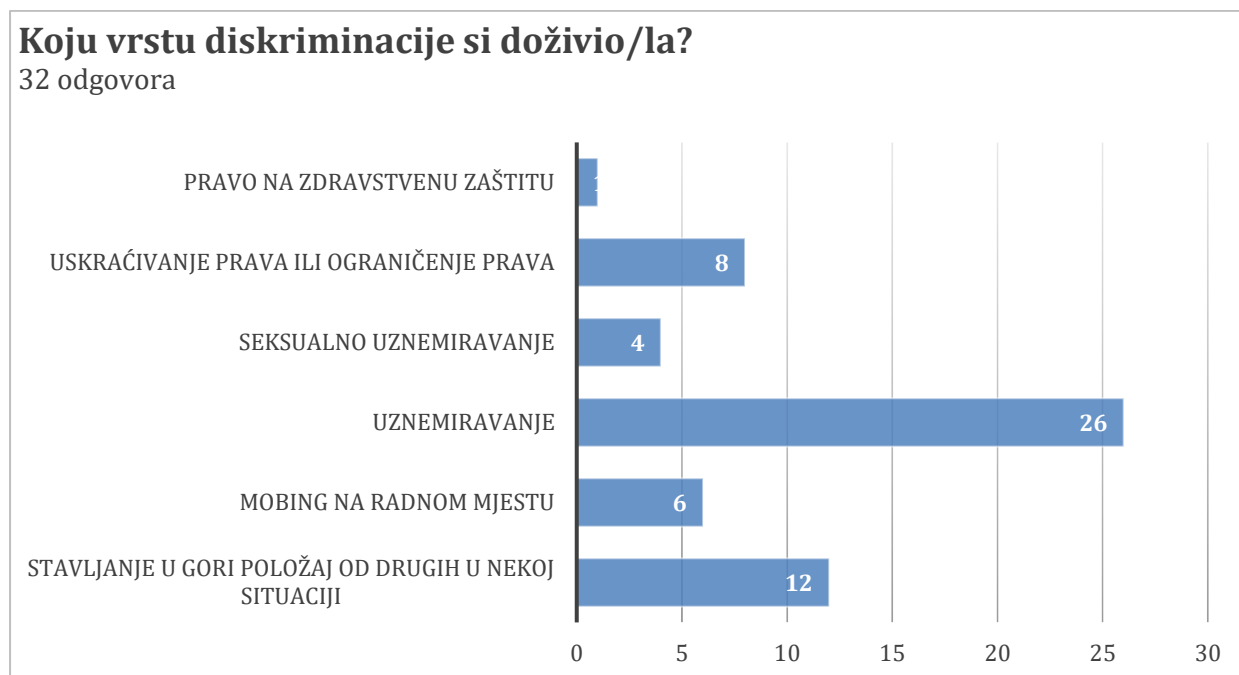
<sup>2</sup> Uznemiravanje predstavlja svako neželjeno ponašanje koje ima za cilj ili stvarno predstavlja povredu dostojanstva osobe i stvaranje zastrašujućeg, neprijateljskog, degradirajućeg, ponižavajućeg ili uvredljivog okruženja, isključivo na osnovu seksualne orijentacije, rodnog identiteta ili spolnih karakteristika.

<sup>3</sup> Na primjer: uskraćeno napredovanje na poslu, odvojeni ste od drugih kolega/ica nakon autovanja u zasebne prostorije ili isključeni iz drugih zajedničkih aktivnosti i slično.

<sup>4</sup> Na primjer: uskraćivanje pristupa nekoj usluzi, ugostiteljskom objektu, instituciji, zatim dobijanje otkaza ili nedobijanje posla isključivo zbog seksualne orijentacije, rodnog identiteta ili spolnih karakteristika i slično.

<sup>5</sup> Mobing je specifični oblik ponašanja na radnom mjestu, kojim jedna osoba ili skupina njih sistemski psihički (moralno) zlostavlja i ponižava drugu osobu, s ciljem ugrožavanja njezina ugleda, časti, ljudskog dostojanstva i integriteta, sve do eliminacije s radnog mjesta.

uznemiravanje<sup>6</sup> prijavljeno od strane 12,5% (4) ispitanika/ce. Pravo na zdravstvenu zaštitu je označeno od strane 3,1% (1) ispitanika/ce.



*Grafikon 10 – Vrste diskriminacije prema LGBTI+ osobama*

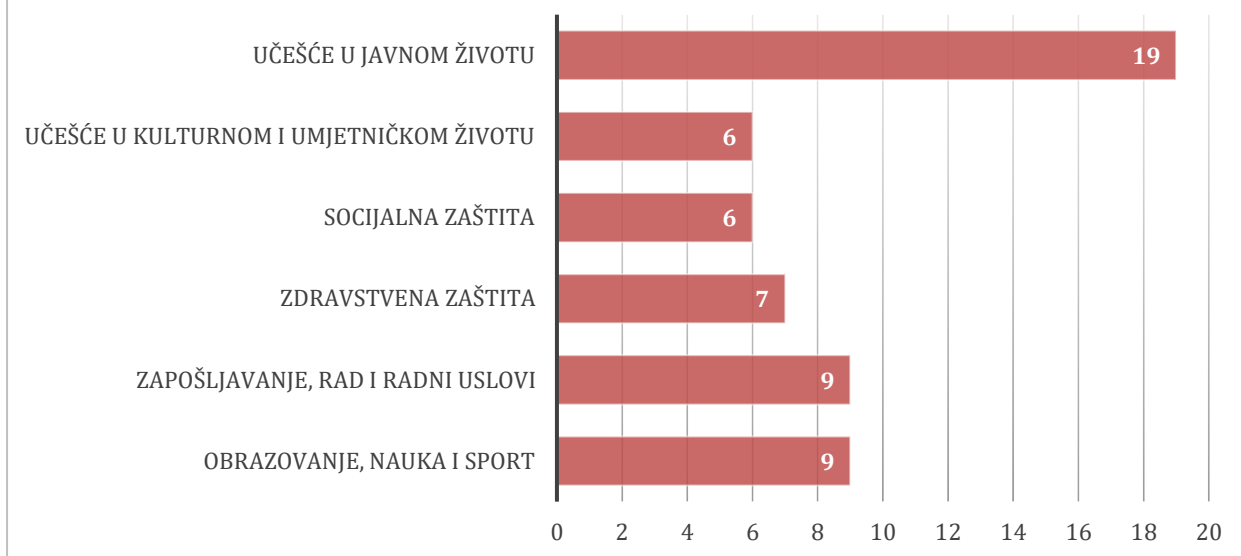
Iako su pripadnici/ce LGBTI+ zajednice izloženi/e različitim vrstama diskriminacije, uznemiravanje i stavljanje u gori položaj predstavljaju najraširenije oblike diskriminacije među LGBTI+ osobama u TK. Ostali prisutni oblici diskriminacije ne smiju biti zanemareni jer svi oni ukazuju na potrebu za snažnijim zakonskim okvirom, društvenom senzibilizacijom i jačim mehanizmima zaštite koji će omogućiti LGBTI+ osobama ravnopravnost u svim sferama života.

Različiti oblici diskriminacije mogu se pojaviti u različitim sferama života, kao što su obrazovanje, sport, nauka, kultura, zdravstvo, zapošljavanje, učešće u javnom životu i drugo. LGBTI+ osobe najčešće su diskriminirane prilikom učešća u javnom životu, gdje je čak 38,8% (19) ispitanika bilo žrtva diskriminacije. Pored toga, 18,4% (9) ispitanika/ca u oblasti obrazovanja, nauke i sporta, 18,4% (9) ispitanika/ca u oblasti zapošljavanja, rada i radnih uslova, 14,3% (7) ispitanika/ca u oblasti zdravstvene zaštite, 12,2% (6) ispitanika/ca u oblasti socijalne zaštite i 12,2% (6) ispitanika/ca u oblasti učešća u kulturnom i umjetničkom životu. Na osnovu ovih rezultata može se zaključiti da su LGBTI+ osobe diskriminirane u svim sferama života, dok su neki pojedinci žrtve diskriminacije i u više oblasti istovremeno.

<sup>6</sup> Svaki oblik neželjenog verbalnog, neverbalnog ili fizičkog ponašanja spolne prirode čiji je cilj ili efekat povreda dostojanstva osobe, posebno kada se njima stvara zastrašujuće, neprijateljsko, degradirajuće, ponižavajuće ili uvredljivo okruženje.

### Na koju oblast se odnosila diskriminacija?

49 odgovora

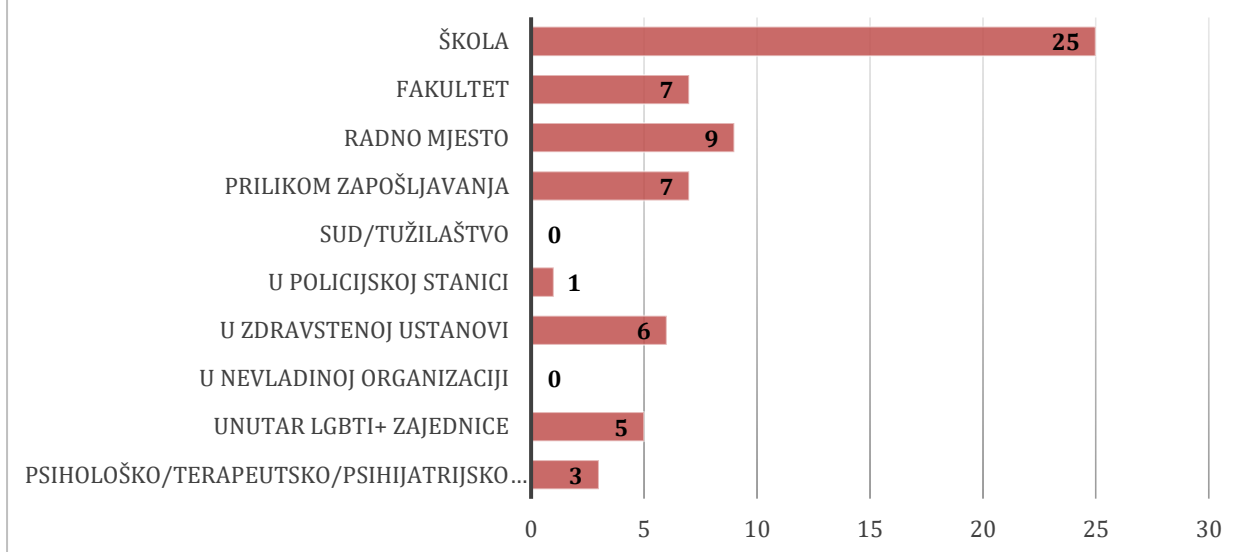


Grafikon 11 – Oblasti diskriminacije prema LGBTI+ osobama

Ispitanici/ce najčešće su se suočavali/e sa diskriminacijom u školama, što je navelo čak 78,1% (25) ispitanika/ca, dok su fakulteti 21,9% (7), radna mjesta 28,1% (9) i zapošljavanje 21,9% (7) također bili oblasti u kojima su ispitanici/ce doživjeli diskriminaciju. Zanimljivo je da su prijavljeni slučajevi diskriminacije na mjestima kao što su sudovi, tužilaštva, policijske stanice i nevladine organizacije veoma rijetki, odnosno samo 1 prijavljen slučaj diskriminacije na ovim mjestima od strane ispitanika/ca, dok je diskriminacija u zdravstvenim ustanovama prijavljena od strane 18,8% (6) ispitanika/ca.

### Gdje si doživio/la diskriminaciju?

32 odgovora



*Grafikon 12 – Gdje su pripadnici LGBTI+ zajednice doživjeli diskriminaciju*

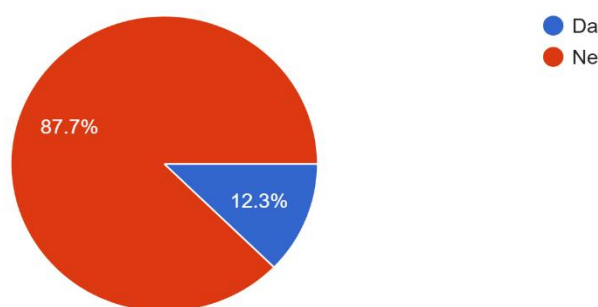
Može se zaključiti da je diskriminacija i dalje veoma zastupljena u ključnim sferama društvenog života, kao što su obrazovne ustanove, radna mjesta i zdravstveni sistem. Može se pretpostaviti da su studenti i učenici najranjiviji na predrasude i diskriminaciju s obzirom na visoke stope diskriminacije u obrazovnim institucijama. Diskriminacija na radnim mjestima, kao i prilikom zapošljavanja, predstavlja šire društvene predrasude koje se mogu odraziti na profesionalne živote LGBTI+ osoba. S druge strane, prisutnost diskriminacije u zdravstvenim ustanovama pokazuje da postoji značajna potreba za osnaživanjem zdravstvenih radnika da prepoznaju i adekvatno se nose sa izazovima koje donosi pružanje zdravstvenih usluga LGBTI+ osobama.

## Povjerenje u policiju

Za sigurnost svih građana ključno je povjerenje u institucije, uključujući policiju, što se naročito odnosi na LGBTI+ zajednicu koja se suočava sa čestim situacijama nasilja, diskriminacije i društvenog odbacivanja. Provedeno istraživanje otkriva zabrinjavajući nivo nepovjerenja LGBTI+ zajednice prema policiji. Posebno uzevši u obzir činjenicu da policijski službenici trebaju biti prvi stepen zaštite svih građana, ovoliki stepen nepovjerenja prema policijskim službenicima može dovesti do raznih problema kao što je smanjeni broj prijava slučajeva nasilja i diskriminacije, što dodatno otežava proces zaštite prava LGBTI+ osoba. Ispitanici/ce su u ogromnom broju izrazili nedostatak povjerenja u policiju, čak 87,7% (57) ispitanika/ca nema povjerenje u policijske službenike, dok samo 12,3% (8) ispitanika/ca ima povjerenje u policiju.

Da li imaš povjerenja u policiju?

65 responses

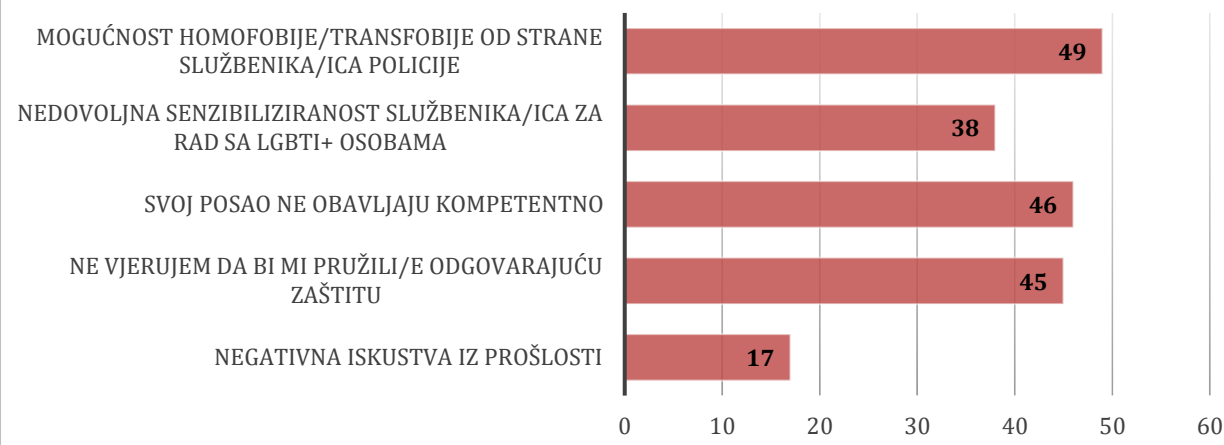


*Grafikon 13 – Procenat povjerenja LGBTI+ zajednice u policiju*

Ispitanici/ce su imali priliku da putem otvorenog pitanja navedu nekoliko ključnih razloga za nedostatak povjerenja u policiju. Najveći broj ispitanika/ca, njih 86% (49) smatra da postoji mogućnost homofobije i transfobije među policijskim službenicima/cama. Ovi rezultati upućuju na ozbiljan problem u odnosu između LGBTI+ zajednice i policije, što je znak da institucije nisu u dovoljnoj mjeri radile na izgradnji povjerenja među ovom grupom. Nizak nivo povjerenja u policiju može imati ozbiljne posljedice za sigurnost i zaštitu LGBTI+ osoba, jer smanjuje volju za prijavljivanjem nasilja i diskriminacije. Ispitanici/ce, njih 66,7% (38) navodi da su policijski službenici/ce nedovoljno senzibilizirani za rad sa LGBTI+ osobama, dok 80,7% (46) ispitanika/ca smatra da policijski službenici/ce svoj posao ne obavljaju kompetentno. Pri čemu, čak 78,9% (45) ispitanika/ca ne vjeruje da bi im policija pružila odgovarajuću zaštitu. Najmanji broj ispitanika/ca, njih 29,8% (17), kao razlog nepovjerenja navodi negativno iskustvo sa policijskim službenicima/cama iz prošlosti. Upravo ovih 29,8%, odnosno 17 osoba sa negativnim iskustvom pokazatelj su da ne postoji adekvatna senzibiliziranost javnih institucija na području TK.

### Zbog čega nemaš povjerenje u policiju?

57 odgovora

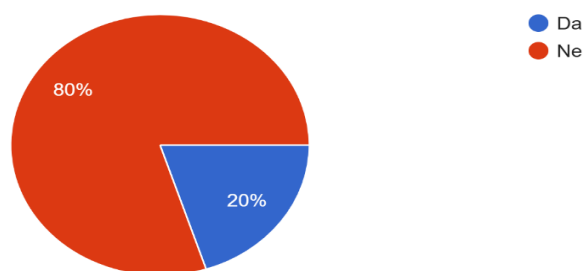


Grafikon 14 – Razlozi nepovjerenja u policiju

Bez obzira na visok stepen nepovjerenja LGBTI+ zajednice prema policiji 80% (52) ispitanika/ce nikada nije doživjelo drugačiji tretman od policije zbog svoje seksualne orijentacije i/ili rodnog identiteta. Međutim, ovo ne znači nužno da su svi policijski službenici/ce jednako senzibilizirani za LGBTI+ osobe, jer odgovori na prethodna pitanja ukazuju na niz negativnih iskustava i sumnji u sposobnost i volju policije da adekvatno reagira u situacijama koje uključuju LGBTI+ osobe. Prethodni odgovori ukazuju na ozbiljan strah koji vlada među LGBTI+ osobama, koje se osjećaju nezaštićeno i zanemareno od strane institucije koja bi trebala da im pruži sigurnost i zaštitu.

Da li ste doživili drugačiji tretman od policije zbog toga što ste LGBTI+ osoba?

65 responses



Grafikon 15 – Drugačiji tretman od policije zbog pripadnosti LGBTI+ zajednici

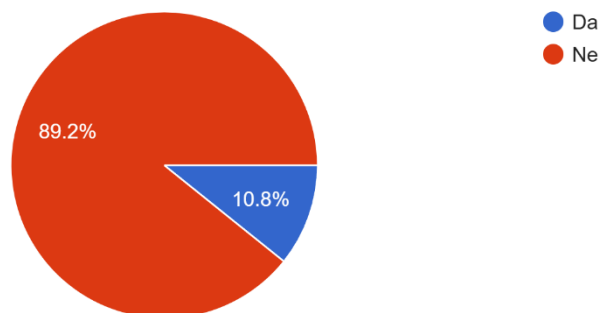
Uzevši u obzir sve navedeno može se zaključiti da je povjerenje u policiju među LGBTI+ zajednicom u Tuzlanskom kantonu izrazito nisko, dok su zabrinjavajući razlozi koji dovode do tog nepovjerenja. Unatoč tome, 80% ispitanika/ca navodi da nisu doživjeli diskriminaciju ili drugačiji tretman od policijskih službenika/ca zbog svog LGBTI+ identiteta. S obzirom na ozbiljan nivo nepovjerenja, potrebno je hitno raditi na edukaciji i obuci policijskih službenika/ca o pravima LGBTI+ osoba, kao i na uspostavljanju mehanizma za praćenje i izgradnju povjerenja unutar ove zajednice a sve s ciljem obezbjeđenja veće sigurnosti i ravnopravnosti za sve građane, uključujući i LGBTI+ osobe.

## Društveni odnosi prema LGBTI+ osobama

Senzibilizacija šire zajednice, odnosno društva, prema LGBTI+ osobama važan je faktor u smanjenju stepena diskriminacije, nasilja i marginalizacije, kao i poboljšanju društvene prihvaćenosti LGBTI+ osoba. Međutim, istraživanja pokazuju da većina LGBTI+ osoba smatra da njihova životna sredina nije dovoljno senzibilizirana, što ima velikog utjecaja na njihovu slobodu javnog izražavanja. Sve navedeno ima veliki utjecaj na LGBTI+ osobe i njihovu otvorenost da govore o svom identitetu. Velika većina ispitanika/ca, čak 89,2% (58), smatra da njihova životna sredina nije dovoljno senzibilizirana prema LGBTI+ osobama. Samo 10,8% (7) ispitanika/ca vjeruje da je njihova sredina dovoljno osviještena. Nedostatak senzibilizacije često stvara neprijateljsko okruženje i neugodnu atmosferu u kojoj LGBTI+ osobe mogu biti prisiljene skrivati svoju seksualnu orijentaciju i rodni identitet zbog straha od osude okoline. Povezanost između ove dvije teme prikazana je na sljedećim grafikonima.

Smatraš li da je tvoja životna sredina dovoljno senzibilizirana prema LGBTI+ osobama?

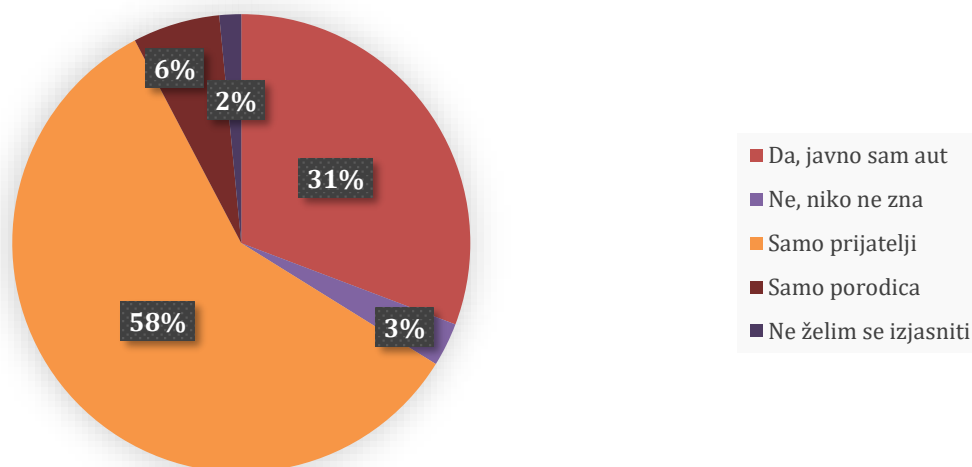
65 responses



Grafikon 16 – Senzibilizacija životne sredine LGBTI+ osoba

Da li druge osobe trenutno znaju za tvoj LGBTI+ identitet?

65 odgovora



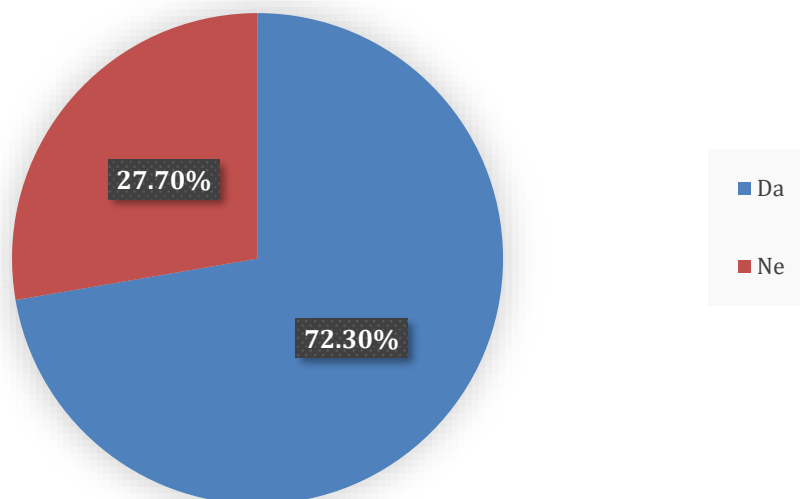
Grafikon 17 – Procenat autovanih LGBTI+ osoba

Kada je riječ o javnom „autovanju“ ili otvorenom izražavanju vlastitog identiteta rezultati su poprilično raznoliki. Javno ja autovano 30,7% (20) ispitanika/ca, dok 58,5% (38) ispitanika/ca dijeli svoj identitet samo sa prijateljima, a 6,1% (4) ispitanika/ce samo sa porodicom. Samo 3,1% (2) ispitanika/ce nikome nije otkrilo svoj LGBTI+ identitet. Ovi rezultati pokazuju da mnogi članovi/ice LGBTI+ zajednice ne otkrivaju javno svoj identitet ili to rade samo u užem krugu porodice i prijatelja, što ukazuje na strah od društvene osude i diskriminacije. Ovaj fenomen ukazuje i na to da većina LGBTI+ osoba osjeća da nisu u sigurnom okruženju koje bi ih podržalo u procesu autovanja, što je usko povezano sa percepcijom o nedovoljnoj senzibilizaciji društva prema LGBTI+ osobama. Gotovo 60% ispitanika/ca bira da ne otkriva svoj identitet široj javnosti, već ga dijeli samo sa prijateljima ili porodicom, što ukazuje na to da niska razina senzibilizacije društva može ozbiljno ograničiti slobodu LGBTI+ osoba da žive autentično i otvoreno.

Osobe koje se suočavaju sa diskriminacijom, nasiljem, neosjetljivošću životne sredine i strahom od osude često se mogu naći u situaciji koja može imati ozbiljnog utjecaja na njihovo mentalno zdravlje. Posljedice na mentalno zdravlje koje mogu nastati zbog negativnih društvenih odnosa prema LGBTI+ zajednici ukazuju na duboke emocionalne i psihološke prepreke koje ovakvo okruženje može imati na zajednicu. Na pitanje da li su zbog društvenih odnosa prema LGBTI+ osobama imali psihičke teškoće, čak 72,3% (47) ispitanika/ca je odgovorilo da jesu. Posljedice na mentalno zdravlje koje su se najčešće javljale kod ispitanika/ca su: depresija, anksioznost, pokušaji suicida, samopovrijeđivanje, stres, poremećaji hranjenja, strah od izlaska iz kuće, ovisnost o psihoaktivnim supstancama, OKP (opsesivno-kompulzivni poremećaj), poremećaj panike, bipolarni poremećaj, ADHD i trauma. Negativni društveni odnosi prema LGBTI+ osobama mogu ostaviti duboke emocionalne rane, a koje često zahtijevaju dugotrajnu psihološku ili medicinsku pomoć.

**Da li si nekad imao/la posljedice na mentalno zdravlje zbog društvenih odnosa prema LGBTI+ osobama?**

65 odgovora



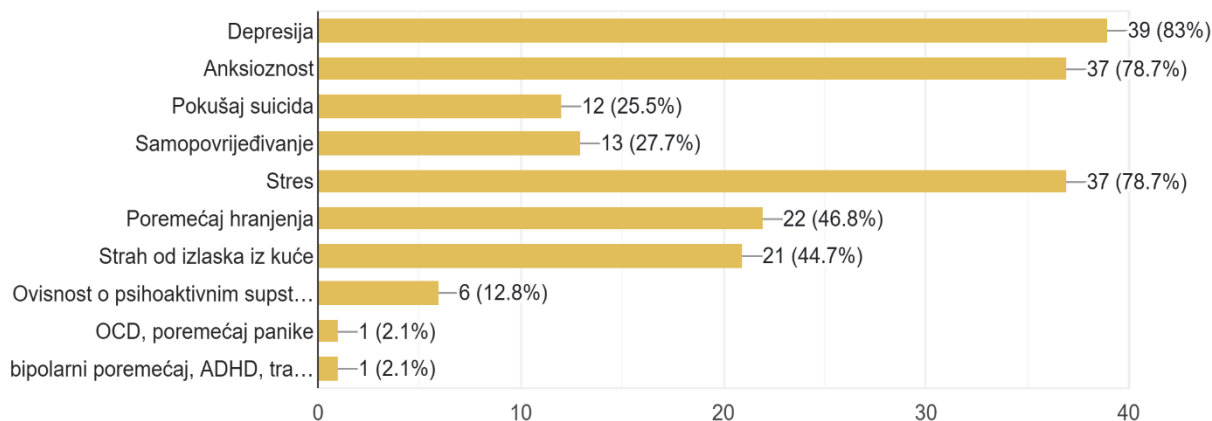
*Grafikon 18 – prisutnost posljedica na mentalno zdravlje kod LGBTI+ zajednice*

Povezanost između nedovoljno senzibiliziranog društva prema LGBTI+ osobama i pojave narušenog mentalnog zdravlja kod pripadnika/ca zajednice nije iznenađujuća. S obzirom na to da 89,2% ispitanika/ca smatra da njihova životna sredina nije dovoljno senzibilizirana prema LGBTI+ osobama, a 72,3% ispitanika/ca navodi da su iskusili/e neku vrstu mentalnog

oboljenja zbog tih društvenih odnosa, jasno je da emocionalni stres koji proizilazi iz društvene neosjetljivosti i diskriminacije ima ozbiljan utjecaj na mentalno zdravlje.

#### Psihičke teškoće sa kojim se borim ili sam se borio\_la

47 responses

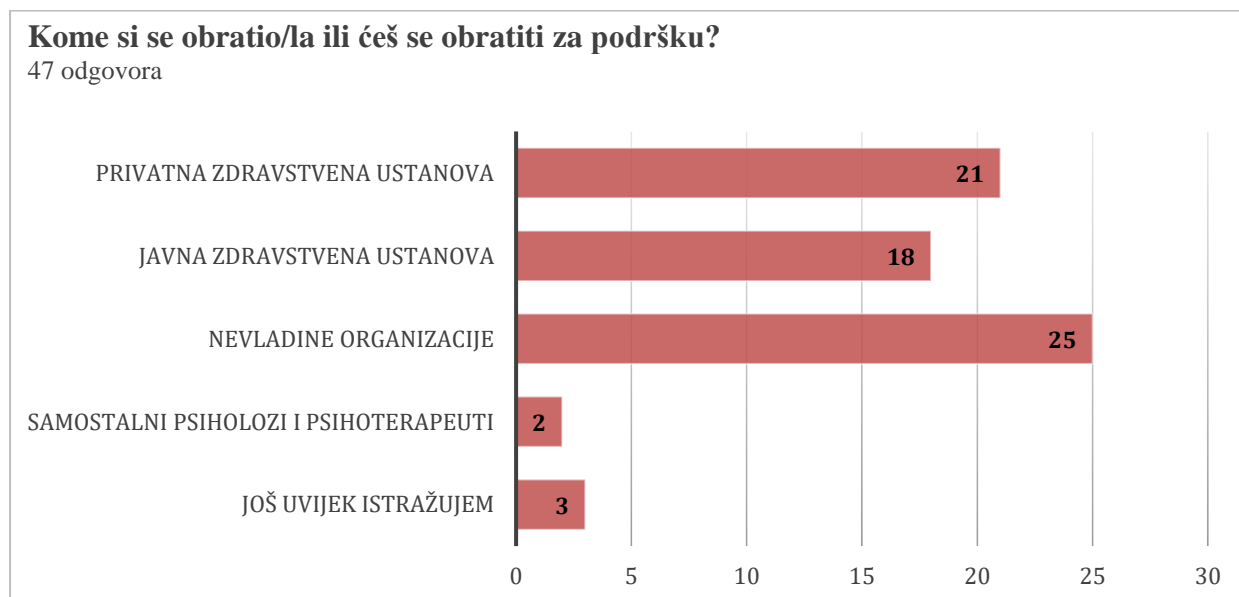


*Grafikon 19 – psihičke teškoće sa kojima se bore pripadnici/ce LGBTI+ zajednice*

Pozitivna je činjenica da se više od polovine ispitanika/ca, čak 55,3%, obratilo za stručnu psihološku ili psihoterapijsku podršku. Pri čemu se najveći broj ispitanika/ca obratio za podršku nevladinim organizacijama, njih 53,2%, zatim privatnim zdravstvenim ustanovama 44,7%, javnim zdravstvenim ustanovama 38,3% dok je mali broj ispitanika/ca odlučio da pomoć potraži kod samostalnih psihologa i psihoterapeuta. Kao i u slučaju prijavljivanja nasilja, pripadnici/ce LGBTI+ zajednice najveće povjerenje imaju u predstavnike/ce nevladinih organizacija koje se bave ljudskim pravima.

#### Kome si se obratio/la ili ćeš se obratiti za podršku?

47 odgovora



*Grafikon 20 – institucije kojima se pripadnici/ce LGBTI+ zajednice obraćaju za podršku*

Ispitanici/ce su prilikom popunjavanja anketnog obrasca imali/e priliku da iznesu svoje mišljenje te daju preporuke šta bi dodatno pomoglo od strane drugih osoba i javnih institucija, da se sigurnije i slobodnije osjećaju kao LGBTI+ osobe. Najveći broj LGBTI+ osoba smatra da bi institucije i šira javnost mogli doprinijeti na sljedeći način:

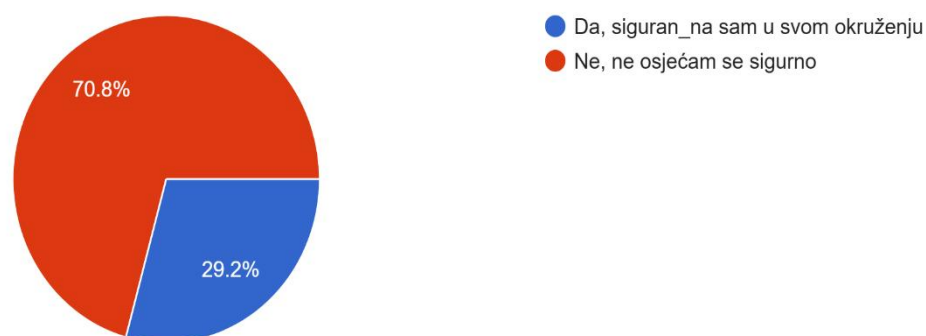
- veća zastupljenost LGBTI+ tema u javnom prostoru i medijima
- veća zastupljenost LGBTI+ tema u školskim i drugim udžbenicima
- edukacija nastavnika/ca i drugog stručnog osoblja o LGBTI+ temama
- postojanje studentskih, fakultetskih i drugih neformalnih grupa koja se bave pitanjima LGBTI+ osoba
- pristupačniji zdravstveni sistem
- bolji i transparentniji zakonodavni okvir u vezi sa pravima i slobodama LGBTI+ osoba
- borba za usvajanje zakona vezanih za LGBTI+ zajednicu

## Osjećaj sigurnosti kao LGBTI+ osoba

Sigurnost se ne odnosi samo na fizičku zaštitu, već i na emocionalnu stabilnost, slobodu izražavanja identiteta i poštovanja prava u društvenom okruženju. Za LGBTI+ zajednicu, čiji se pripadnici/ce često suočavaju sa diskriminacijom, nasiljem i marginalizacijom, sigurnost predstavlja ključno pitanje bilo da se radi o javnom prostoru, na radnom mjestu ili u privatnim odnosima. Zabrinjavajuće je da se najveći broj ispitanika/ca, njih 70,8% (46) ne osjeća sigurno u svom okruženju.

Da li se osjećaš sigurno u svojoj sredini kao LGBTI+ osoba

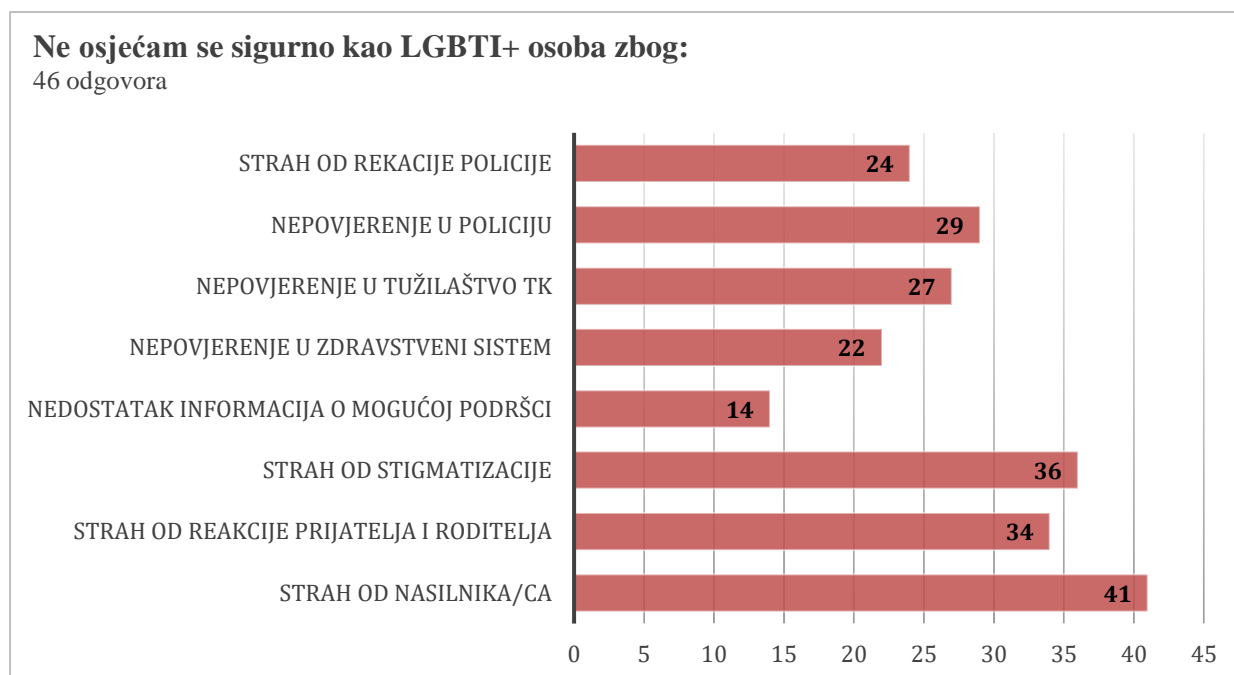
65 responses



Grafikon 21 – osjećaj sigurnosti LGBTI+ osoba u vlastitom okruženju

## Strah i nepovjerenje od okoline

Brojni su razlozi zbog kojih se pripadnici/ce LGBTI+ zajednice ne osjećaju sigurno u svom okruženju. Neke od tih razloga smo obradili i u posebnim poglavljima, kao što je povjerenje u policiju, dok je većina razloga povezana upravo sa generalnim nedostatkom povjerenja i strahom koji vlada među pripadnicima/cama LGBTI+ zajednice. Najveći razlozi za osjećaj nesigurnosti upravo leže u nedostatku povjerenja prema javnim institucijama, kao što su policija, tužilaštvo i zdravstvene ustanove. Pored toga, ispitanici/ce su naveli da postoji strah od stigmatizacije, strah od reakcije prijatelja i roditelja, strah od nasilnika/ca i nedostatak informacija o mogućoj podršci. Svi ovi razlozi uveliko doprinose da se pripadnici/ce LGBTI+ zajednice osjećaju nesigurno u svom okruženju.



*Grafikon 22 – razlozi nesigurnosti pripadnika/ca LGBTI+ zajednice*

## Pregled rada i usluga Tuzlanskog otvorenog centra

Tuzlanski otvoreni centar (TOC) kroz svoje dugogodišnje djelovanje je razvio niz usluga i programa namijenjenih LGBTI+ zajednici na području Tuzlanskog kantona, s ciljem zaštite prava, poboljšanja kvaliteta života i stvaranja sigurne i inkluzivne zajednice. Važno za napomenuti je da su sve usluge koje Tuzlanski otvoreni centar pruža LGBTI+ zajednici besplatne, a neke od njih su:

- 1. Usluge psihoterapije** – TOC nudi besplatne psihoterapijske usluge, uključujući geštalt, somatsku i KBT terapiju, kako bi pomogao LGBTI+ osobama da se nose sa stresom, anksioznošću, depresijom i drugim izazovima sa kojima se svakodnevno susreću. Terapija pruža siguran i povjerljiv prostor za istraživanje emocija, razvijanje strategija suočavanja i unapređenja mentalnog zdravlja.
- 2. Peer to Peer savjetovanja** – usluge vršnjačkog savjetovanja omogućavaju LGBTI+ osobama da razgovaraju sa savjetnicima\_cama koji ih razumiju i pružaju podršku. Ovakav tip usluga pomaže u smanjenju osjećaja usamljenosti i stvara siguran prostor za dijalog o svakodnevnim izazovima.
- 3. Grupe podrške** – TOC organizuje grupe podrške koje omogućavaju LGBTI+ osobama da se povežu sa drugima te dijele svoja iskustva, osjećaje i razmišljanja u sigurnom i prijateljskom okruženju. Ova inicijativa je osmišljena kako bi pružila psihosocijalnu podršku i osnažila mlade osobe koje se suočavaju sa svakodnevnim stresom i izazovima.
- 4. Informisanje i edukacija** – kroz svoj programski rad TOC pruža mnoštvo aktivnosti, od onih koje su društvenog i zabavnog karaktera, do edukativnih, aktivističkih i zagovaračkih radionica, uz širok spektar stručnih i kvalitetnih osoba od kojih uvijek možete naučiti nešto novo, te podijeliti svoja iskustva i ideje.

Usluge Tuzlanskog otvorenog centra ne samo da pružaju neposrednu podršku LGBTI+ osobama, već doprinose njihovom osnaživanju, razvijanju otpornosti na svakodnevne izazove i aktivnijem učešću u društvenom životu. Kroz samo istraživanje cilj je bio ispitati koliko su LGBTI+ osobe upoznate s uslugama koje nudi TOC, kako bi se bolje razumjele njihove potrebe i omogućilo Tuzlanskom otvorenom centru da unaprijedi svoje programe. Rezultati istraživanja pomoći će u identifikaciji područja koja zahtijevaju dodatnu promociju ili unapređenje, te će poslužiti kao osnova za razvoj novih inicijativa koje će značajno utjecati na položaj LGBTI+ zajednice u Tuzlanskom kantonu.

U 2024. godini, Tuzlanski otvoreni centar, je pored direktnog rada sa LGBTI+ zajednicom, radio mnoštvo aktivnosti na uspostavljanju formalnih saradnji sa institucijama Grada Tuzla i Tuzlanskog kantona, kreiranju mreže saveznika/ca i uspostavljanju kontakata i saradnji sa važnim političkim i društvenim akterima u Gradu Tuzla i Tuzlanskom kantonu. TOC je imao preko 450 jedinstvenih individualnih korisnika/ca u toku 2024. godine na različitim aktivnostima. Posebno se može istaknuti projekat pod nazivom „Sloboda okupljanja kao srce borbe za LGBTI ravnopravnost“ čiji je osnovni cilj bio zagovaranje donošenja novog Zakona o javnom okupljanju Tuzlanskog kantona, koji će biti usklađen sa međunarodnim standardima te omogućiti lakšu organizaciju javnih okupljanja. Rad na ovoj temi je posebno značajan za LGBTI+ zajednicu jer olakšava pristup jednom od osnovnih ljudskih prava, prava na slobodu okupljanja. U okviru ovog projekta proveden je niz aktivnosti u kojima su postignuti značajni rezultati:

- Uspostavljanje formalne saradnje sa institucijama Tuzlanskog kantona kroz potpisane Sporazume o saradnji sa Kantonalnim Tužilaštvom Tuzlanskog kantona i Ministarstvom unutrašnjih poslova Tuzlanskog kantona,
- Intenzivirana saradnja sa Službom za kulturu, sport, mlade i socijalnu zaštitu Grada Tuzla,
- Uspostavljeni kontakti i saradnje sa donosiocima odluka na području Grada Tuzla i Tuzlanskog kantona,
- Ostvarena saradnja sa organizacijama civilnog društva,
- Proširena mreža saveznika/ca Tuzlanskog otvorenog centra i drugo.

U prethodnoj godini održan je i četvrti po redu Festival Queer umjetnosti i aktivizma Kvirhana koji je okupio preko 500 učesnika/ca te ponudio bogat program, kako pripadnicima/cama LGBTI+ zajednice tako i široj zajednici. Pored svega navedenog, predstavnici/ce Tuzlanskog otvorenog centra su bili aktivni/e članovi/ce raznih radnih grupa, sastanaka, seminara i sličnih događaja gdje su koristili/e svaku priliku da LGBTI+ teme plasiraju u javni prostor. Sve navedene aktivnosti uveliko doprinose samom položaju LGBTI+ zajednice na području Tuzlanskog kantona, jer kroz kapacitiran i osnažen Tuzlanski otvoreni centar LGBTI+ zajednica u Tuzlanskom kantonu uvijek će imati sigurnog partnera i jakog zagovarača za poboljšanje prava LGBTI+ zajednice.

## **Zaštita ljudskih prava**

Zaštita prava LGBTI+ osoba predstavlja ključni element u ostvarivanju jednakosti, dostojanstva i potpune inkluzije svih članova/ica društva. Iako su u prethodnim godina učinjeni brojni značajni pomaci u priznavanju i zaštiti prava LGBTI+ osoba, ova zajednica se i dalje suočava sa brojnim izazovima, uključujući diskriminaciju, nasilje i isključivanje iz društvenih procesa na što ukazuju i sami rezultati prezentovani u ovom godišnjem izvještaju. Zaštita prava LGBTI+ osoba neophodna je za izgradnju pravednog i inkluzivnog društva, posebno uzevši u obzir činjenicu da se ova zajednica često suočava sa višestrukim oblicima diskriminacije, kako u javnom tako i u privatnom životu. S obzirom da se diskriminacija može ogledati kroz nejednak pristup zapošljavanju, obrazovanju, zdravstvenim uslugama, te kroz nasilje i diskriminaciju zaštita prava LGBTI+ osoba zahtjeva sveobuhvatan pristup koji uključuje kako zakonske i institucionalne mehanizme, tako i promjene u društvenim normama i stavovima.

Međunarodni pravni okvir, kao i domaće zakonodavstvo, igraju ključnu ulogu u osiguravanju zaštite prava LGBTI+ osoba kroz različite konvencije, deklaracije i zakone, te na taj način postavljaju standarde koji zabranjuju diskriminaciju i promovišu jednakost. Implementacija ovih standarda ostaje izazov, posebno u sredinama gdje postoji snažan otpor prema priznavanju prava LGBTI+ osoba.

## Međunarodni i EU pravni okvir

Značajan je broj međunarodnih deklaracija, konvencija, rezolucija i zakona koji štite prava LGBTI+ osoba. Međunarodni pravni okviri pružaju snažnu podršku za zaštitu prava LGBTI+ osoba, ali njihova implementacija varira od zemlje do zemlje. Neki od ključnih dokumenata, kao što su Yogyakarta načela i rezolucija Ujedinjenih nacija, predstavljaju korak naprijed u globalnom priznavanju prava LGBTI+ osoba. Međutim, kontinuirani rad na unapređenju zakonske zaštite i promociji jednakosti je neophodan kako bi se osigurala puna zaštita prava LGBTI+ osoba u svim dijelovima svijeta. U nastavku je dat prikaz najznačajnijih međunarodnih dokumenata koji pružaju zaštitu prava LGBTI+ osoba:

### ○ **Univerzalna deklaracija o ljudskim pravima (1948.)**

Iako nije pravno obavezujuća vremenom je postala dio obavezujućih normi međunarodnog prava. Deklaracija naglašava jednakost svih ljudi u dostojanstvu i pravima, zabranjujući diskriminaciju na bilo kojoj osnovi, uključujući spol, rasu, vjeru i nacionalno porijeklo, što implicira i zaštitu prava LGBTI+ osoba. Član 1. deklaracije ističe da su sva ljudska bića rođena slobodna i jednaka u dostojanstvu i pravima, dok Član 2. zabranjuje diskriminaciju u uživanju prava bez obzira na bilo koju razliku. Međutim, deklaracija postavlja ograničenje u pogledu prava na brak, definirajući ga kao zajednicu između muškarca i žene, što je usko povezano s pravima LGBTI+ osoba. Pored toga, deklaracija dopušta ograničenja prava i sloboda samo ako je to propisano zakonom, u cilju poštovanja prava drugih, morala, javnog reda i općeg blagostanja u demokratskom društvu.

### ○ **Međunarodni pakt o građanskim i političkim pravima (1966.)**

Ovaj pakt predstavlja ključni dokument za zaštitu ljudskih prava koji zabranjuje diskriminaciju na bilo kojoj osnovi uključujući spol, rasu, vjeru i nacionalno porijeklo. Iako Pakt ne spominje eksplicitno seksualnu orijentaciju ili rodni identitet, Član 2. Pakta zabranjuje diskriminaciju po osnovu „drugog statusa“ što se tumači kao zaštita prava LGBTI+ osoba. Pakt također obavezuje države da kroz nacionalno zakonodavstvo zabrane diskriminaciju i osiguraju jednakost svih građana. Iako Pakt garantuje širok spektar prava, u pogledu braka, kroz član 23. definira brak kao zajednicu između muškarca i žene, što ograničava prava LGBTI+ osoba na brak. Međutim, Pakt dopušta ograničenja prava samo u izuzetnim slučajevima, kao što je javna opasnost i to pod uslovom da takva ograničenja ne vode diskriminaciji.

**Komitet za ljudska prava**, koji je osnovan Prvim fakultativnim protokolom, nadzire primjenu Pakta i razmatra individualne predstavke protiv država koje su ratificirale Protokol, uključujući i slučajeve diskriminacije LGBTI+ osoba. Komitet je u više navrata tumačio da zabrana diskriminacije po osnovu „drugog statusa“ uključuje i zaštitu od diskriminacije na osnovu seksualne orijentacije i rodnog identiteta. Odluke Komiteta nisu pravno obavezujuće ali imaju veliki moralni i politički uticaj, a države često poštuju preporuke Komiteta. Pored toga, Komitet izdaje opšte komentare koji pružaju tumačenje odredbi Pakta, te je na primjer u svom Općem komentaru br. 34, Komitet naglasio da sloboda izražavanja uključuje i pravo na izražavanje seksualne orijentacije i rodnog identiteta.

### ○ **Međunarodni pakt o ekonomskim, socijalnim i kulturnim pravima (1966.)**

Paktom se garantuju prava na rad, obrazovanje, zdravstvo, životni standard i kulturno učešće. Član 2. Pakta zabranjuje diskriminaciju na bilo kojoj osnovi, uključujući spol, rasu, vjeru i nacionalno porijeklo. Pakt eksplicitno ne spominje seksualnu orijentaciju ili rodni identitet, ali

**Komitet za ekonomska, socijalna i kulturna prava** tumači da se zabrana diskriminacije po osnovu „drugih okolnosti“ odnosi i na LGBTI+ osobe. U Općem komentaru br. 20, Komitet je naglasio da seksualna orijentacija i rodni identitet spadaju pod zabranjene osnove diskriminacije što znači da države moraju osigurati LGBTI+ osobama jednak pristup pravu na rad, zdravstvenu zaštitu, obrazovanje i druge socijalne usluge. Pored toga, Komitet ističe da se transrodne i interseks osobe često suočavaju sa ozbiljnim kršenjima prava, poput uznemiravanja na radnom mjestu ili u obrazovnim institucijama. Odluke Komiteta nisu pravno obavezujuće ali imaju značajan uticaj na promociju jednakosti i nediskriminacije, dok Pakt obavezuje države da redovno podnose izvještaje o napretku u ostvarivanju prava.

Kroz sve do sada predstavljene međunarodne standarde nigdje eksplicitno nisu prepoznate LGBTI+ osobe, nego se na osnovu „drugog statusa“ ili „drugih okolnosti“ daje tumačenje da su i pripadnici/ce LGBTI+ populacije kroz primjenu ovih međunarodnih standarda zaštićeni od diskriminacije. U nastavku su predstavljeni međunarodni standardi koji eksplicitno štite prava LGBTI+ osoba.

- **Yogyakarta načela (2006.)**

Predstavljaju ključan međunarodni dokument koji eksplicitno zabranjuje diskriminaciju na osnovu seksualne orijentacije i rodnog identiteta. Ova načela predstavljaju standarde za zaštitu prava LGBTI+ osoba u svim aspektima života, uključujući pravo na život, zdravlje, obrazovanje i rad. Države su pozvane da preduzmu aktivne korake kako bi osigurale jednakost i prevenirali nasilje prema LGBTI+ zajednici. Yogyakarta načela pružaju praktične smjernice za implementaciju međunarodnih standarda ljudskih prava, promovišući inkluzivno društvo za sve.

- **Deklaracija UN-a o ljudskim pravima, seksualnoj orijentaciji i rodnom identitetu (2009.)**

Deklaracija poziva države da osude nasilje i kršenja prava prema LGBTI+ osobama pri čemu se ističe potreba za istragom zločina, pravdom za žrtve i uspostavljanjem mehanizama zaštite za LGBTI+ zajednicu. Iako nije pravno obavezujuća, ova deklaracija predstavlja važan korak u globalnom priznavanju prava LGBTI+ osoba i borbi protiv diskriminacije i nasilja.

- **Rezolucija Vijeća za ljudska prava UN-a o zaštiti prava LGBTI+ osoba (2011.)**

Rezolucija predstavlja prvi službeni dokument Ujedinjenih nacija koji eksplicitno osuđuje nasilje i diskriminaciju prema LGBTI+ osobama. Rezolucija poziva Visokog komesara za ljudska prava da dokumentira i analizira zakone i prakse koji krše prava LGBTI+ osoba, te predlaže načine za prevenciju takvih kršenja. Ovom rezolucijom postavljeni su temelji zaštite prava LGBTI+ zajednice na globalnom nivou.

Na međunarodnom nivou postoji veliki broj dokumenata koji štite prava LGBTI+ zajednice, iako u ovom pregledu nije spomenut veliki broj njih. Neki od takvih dokumenata su, na primjer, **Konvencija o pravima djeteta i Konvencija o eliminaciji svih oblika diskriminacije žena (CEDAW)**, koji također doprinose zaštiti prava LGBTI+ osoba kroz zabranu diskriminacije. Generalno svi međunarodno dokumenti se mogu podijeliti na one koji **eksplicitno** štite prava LGBTI+ osoba, poput **Yogyakarta načela i Rezolucije Vijeća za ljudska prava UN-a (2011.)**, i one koji to čine **implicitno**, poput **Univerzalne deklaracije o ljudskim pravima i**

**Međunarodnog pakta o ljudskim pravima**, koji zabranjuju diskriminaciju na širokim osnovama, uključujući „drugi status“ ili „druge okolnosti“.

Iako eksplicitni dokumenti direktno adresiraju pitanja seksualne orijentacije i rodnog identiteta, implicitni dokumenti pružaju temelj za širu interpretaciju prava omogućavajući međunarodnim tijelima i sudovima da prošire zaštitu na LGBTI+ zajednicu. Oba tipa dokumenata međusobno se nadopunjuju, čineći zajedno snažan okvir za promociju jednakosti i zaštite prava LGBTI+ osoba širom svijeta.

## Domaće zakonodavstvo

Ustavni i pravni okvir Bosne i Hercegovine pruža složenu mrežu zaštite ljudskih prava, uključujući prava LGBTI+ osoba. Ljudska prava i slobode štite se kroz Ustav Bosne i Hercegovine, ustave entiteta (Republike Srpske i Federacije BiH), te ustave kantona i Statut Brčko distrikta. Nadležnost Ustavnog suda BiH, kao najviše sudske instance, osigurava poštovanje ustavnih i međunarodnih standarda ljudskih prava na svim nivoima vlasti.

### 1. Ustav Bosne i Hercegovine

Ustav Bosne i Hercegovine predstavlja najviši pravni akt u državi i obuhvata širok spektar ljudskih prava, uključujući i ona koja se odnose na LGBTI+ zajednicu. Ustav sadrži **15 međunarodnih konvencija i Evropsku konvenciju o ljudskim pravima** kao sastavne dijelove, što osigurava visok nivo zaštite prava svih građana. Među najvažnijim konvencijama, koje čine sastavni dio Ustava, su **Međunarodni pakt o građanskim i političkim pravima, Konvencija protiv mučenja i Konvencija o uklanjanju svih oblika diskriminacije žena**, koje zabranjuju diskriminaciju i štite pravo na život, slobodu, privatnost i jednakost. Ustav članom II garantuje niz ljudskih prava uključujući pravo na život, slobodu, privatnost, slobodu izražavanja i okupljanja, te pravo na jednakost pred zakonom. Seksualna orijentacija i rodni identitet nisu eksplicitno navedeni, ali princip nediskriminacije iz člana II omogućava širu interpretaciju, uključujući zaštitu LGBTI+ osoba. Ovo je dodatno potvrđeno kroz **Zakon o zabrani diskriminacije i Zakon o ravnopravnosti spolova**, koji izričito zabranjuju diskriminaciju na osnovu seksualne orijentacije, rodnog identiteta i spolnog izražavanja. Ustav ne definira brak u kontekstu istospolnih zajednica, što ostavlja prostor za dalje unaprjeđenje zakonodavstva u ovoj oblasti. Ustavni okvir zajedno sa međunarodnim konvencijama i domaćim zakonima, pruža solidnu osnovu za zaštitu prava LGBTI+ osoba i borbu protiv diskriminacije i nasilja.

### 2. Ustavni sud Bosne i Hercegovine

Ustavni sud Bosne i Hercegovine predstavlja najvišu sudsku instancu u državi i ključan je mehanizam za zaštitu ljudskih prava, uključujući i prava LGBTI+ osoba. Sud ima nadležnost da razmatra apelacije protiv presuda koje krše ustavom garantovana prava, kao i prava iz međunarodnih konvencija koje su sastavni dio Ustava Bosne i Hercegovine. Odluke Ustavnog suda su **konačne i obavezne** za sve organe vlasti. Ako se odluka ne poštuje, službene osobe mogu biti kažnjene kaznom zatvora od 6 mjeseci do 5 godina, što osigurava poštovanje presuda. Sud je u prošlosti pokazao spremnost da štiti prava manjina, uključujući LGBTI+ zajednicu, kroz tumačenje principa nediskriminacije i jednakosti pred zakonom. Iako Ustavni sud nije imao mnogo slučajeva koji se eksplicitno odnose na prava LGBTI+ osoba, njegova uloga u tumačenju ustavnih i međunarodnih standarda pruža osnovu za dalje unaprjeđenje zaštite prava ove zajednice.

### 3. Entitetski Ustavi (Ustav Republike Srpske i Ustav Federacije BiH)

Ustav Federacije Bosne i Hercegovine i Ustav Republike Srpske garantuju širok spektar ljudskih prava, ali se razlikuju u načinu na koji se odnose prema zaštiti prava LGBTI+ osoba. Ustav Federacije BiH u članu 2. zabranjuje diskriminaciju na osnovu spola, ali ne spominje eksplicitno seksualnu orijentaciju ili rodni identitet. Međutim, ustavna odredba o zaštiti „**potencijalno ugroženih grupa**“ može se tumačiti kao osnova za zaštitu LGBTI+ zajednice.

Ustav Federacije također sadrži **21 međunarodni instrument** koji se smatra dijelom ustavnog teksta, što pruža dodatnu zaštitu prava LGBTI+ osoba kroz međunarodne standarde.

S druge strane, **Ustav Republike Srpske** u članu 10. zabranjuje diskriminaciju na osnovu „drugog ličnog svojstva“, što se može tumačiti kao zaštiti od diskriminacija na osnovu seksualne orijentacije i rodnog identiteta. Iako ni ovaj ustav ne spominje eksplicitno LGBTI+ osobe, šire tumačenje ove odredbe omogućava zaštitu prava LGBTI+ zajednice. Glavna razlika između ova dva dokumenta je u tome što Ustav Federacije BiH ne sadrži opštu zabranu diskriminacije, dok Ustav Republike Srpske eksplicitno zabranjuje diskriminaciju na osnovu „drugog ličnog svojstva“, što pruža jaču osnovu za zaštitu LGBTI+ osoba. Oba ustava, međutim, indirektno štite prava LGBTI+ osobe kroz šire tumačenje postojećih odredbi i međunarodnih standarda.

#### **4. Statut Brčko distrikta Bosne i Hercegovine**

Statut Brčko distrikta Bosne i Hercegovine predstavlja najviši akt ove jedinice lokalne samouprave i jedini dokument u Bosni i Hercegovini koji **eksplicitno zabranjuje diskriminaciju na osnovu seksualne orijentacije** (u Statutu nazvano „seksualno opredjeljenje“). Član 13. stav 1. Statuta propisuje sljedeće „Svako ima pravo da uživa sva prava i slobode garantovane Ustavom i zakonima Bosne i Hercegovine, ovim statutom i zakonima Distrikta, bez diskriminacije po bilo kojoj osnovi, uključujući diskriminaciju po osnovu spola, rase, seksualnog opredjeljenja, boje kože, jezika, vjeroispovijesti, nacionalnog ili socijalnog porijekla, političkog ili drugog mišljenja, pripadnosti nacionalnoj manjini, imovinskog stanja, rođenja ili drugog statusa.“

Rodni identitet se ne spominje eksplicitno kroz Statut ali se on može tumačiti kroz šire značenje riječi „spol“ ili pod „drugi status“. Statut također garantuje prava kao što su pravo na privatnost, slobodu udruživanja i obrazovanje, te ističe da sva prava iz Evropske konvencije o ljudskim pravima imaju veću pravnu snagu od bilo kojeg zakona u suprotnosti s Konvencijom.

Analiza domaćeg zakonodavnog okvira u Bosni i Hercegovini pokazuje da su prava LGBTI+ osoba zaštićena kako eksplicitno tako i implicitno, ali sa različitim nivoom jasnoće i efektivnosti. Statut Brčko distrikta predstavlja jedini dokument koji eksplicitno zabranjuje diskriminaciju na osnovu seksualne orijentacije, dok ostali ustavni i zakonski akti, poput Ustava Bosne i Hercegovine, Ustava Federacije BiH i Ustava Republike Srpske, pružaju zaštitu kroz šire tumačenje pojmova kao što su „drugi status“ ili „drugo lično svojstvo“.

Iako ovi dokumenti ne spominju eksplicitno rodni identitet, on se može podvesti pod zabranu diskriminacije na osnovu spola ili drugih osnova. Dodatnu zaštitu pruža i Zakon o zabrani diskriminacije, koji eksplicitno zabranjuje diskriminaciju na osnovu seksualne orijentacije i rodnog identiteta. Na nivou entiteta i distrikta, nivo zaštite prava LGBTI+ osoba varira. Dok Statut Brčko distrikta predstavlja najnapredniji pristup, ustavni okviri Federacije BiH i Republike Srpske ostavljaju prostor za širu interpretaciju, što u određenim slučajevima može ugroziti pripadnike LGBTI+ zajednice prilikom ostvarivanja njihovih Ustavom i međunarodnim standardima zagarantovanih ljudskih prava.

Važno je napomenuti da u ovom pregledu nisu analizirani statuti kantona i statuti jedinica lokalne samouprave, koji također, u okviru svojih nadležnosti mogu pružati dodatnu zaštitu prava LGBTI+ osoba. U cjelini gledano, zakonodavni okvir Bosne i Hercegovine pruža osnovu

za zaštitu prava LGBTI+ osoba, ali postoji evidentna potreba za daljim unapređenjem, posebno u smislu eksplicitnog priznanja i jasnijih mehanizama zaštite na svim nivoima vlasti.

## **ZAKLJUČCI I PREPORUKE**

Godišnji izvještaj o stanju prava i potreba LGBTI+ osoba na području Tuzlanskog kantona ukazuje na duboko ukorijenjene izazove s kojima se ova zajednica suočava u svakodnevnom životu. Unatoč određenom napretku u vidu veće vidljivosti i podrške, systemske i društvene prepreke i predrasude i dalje ograničavaju punu jednakost i dostojanstvo LGBTI+ osoba. Rezultati istraživanja otkrivaju da su negativna iskustva LGBTI+ zajednice često posljedica nedovoljno razvijenih mehanizama zaštite, nedostatka edukacije šire javnosti i institucionalne pasivnosti.

Ključni problemi su svakako nedostatak sigurnosti i povjerenja, kako u društvene odnose tako i u kapacitet nadležnih institucija da adekvatno reaguju na kršenje prava. Ovo istraživanje je pokazalo da je osjećaj ranjivosti među LGBTI+ osobama izražen, što direktno utiče na njihovu sposobnost da slobodno učestvuju u društvenom životu. Istraživanje ukazuje i na nužnost kontinuiranog rada na promjeni društvenih normi i jačanju pravne zaštite, kako bi se stvorilo okruženje u kojem svi građani, bez obzira na seksualnu orijentaciju ili rodni identitet, mogu živjeti bez straha i diskriminacije. S obzirom da se pripadnici/ce LGBTI+ zajednice i dalje suočavaju sa značajnim izazovima u ključnim oblastima života analiza je fokusirana na **nasilje, diskriminaciju, povjerenje u institucije, društvene odnose, osjećaj sigurnosti te strah i nepovjerenje od okoline**, a ključni rezultati istraživanja se mogu predstaviti u nekoliko sljedećih teza:

- LGBTI+ osobe suočavaju se sa visokim nivoom fizičkog i verbalnog nasilja,
- Visok stepen nepovjerenja u policiju i druge organe vlasti otežava prijavljivanje i rješavanje ovih slučajeva,
- Diskriminacija je prisutna u svim sferama života, uključujući rad, obrazovanje, javne usluge i učesšće u javnom životu,
- Nedostatak eksplicitnih zakonskih odredbi na nivou TK-a ali i FBiH doprinosi ovom problemu,
- LGBTI+ osobe često doživljavaju odbacivanje od strane porodice, prijatelja ili šire zajednice, što doprinosi osjećaju usamljenosti i marginalizacije,
- Većina LGBTI+ osoba ne osjeća se sigurno u svojoj životnoj sredini, što ograničava njihovu slobodu kretanja i uključivanja u društvene aktivnosti,
- Strah od nasilja, diskriminacije i odbacivanja je izrazito visok, što negativno utiče na mentalno zdravlje i kvalitet života LGBTI+ osoba.

Shodno ovakvim zaključcima istraživanja može se kreirati niz preporuka, koje će se odnositi na javne institucije, donosioce odluka, organizacije civilnog društva koje se bave ljudskim pravima, širu zajednicu kao i na pripadnike LGBTI+ zajednice a koje će doprinijeti unaprijeđenju položaja LGBTI+ zajednice. Kako bi se unaprijedio položaj LGBTI+ zajednice u Tuzlanskom kantonu, neophodno je:

**1. Jačati pravne okvire zaštite prava LGBTI+ osoba** – kako bi se svim osobama osigurao jednak pristup osnovnim pravima, bez obzira na njihovu seksualnu orijentaciju i rodni identitet.

- **Zagovaranje izmjene zakonodavnih okvira** kroz donošenje eksplicitnih odredbi u domaćem zakonodavstvu koje zabranjuju diskriminaciju i omogućavaju jednak pristup,

- **Osigurati efikasnu primjenu postojećih zakonodavnih okvira** kako bi se povećala sigurnost LGBTI+ osoba

**2. Edukacijom transformisati stavove** – kako unutar institucija tako i u široj javnosti – kako bi se smanjile predrasude i podigla svijest o LGBTI+ pravima

- **Organizovati obuke za policijske službenike/ce i druge državne službenike/ce** o specifičnim potrebama LGBTI+ zajednice,
- **Provesti kampanje za širu javnost** kako bi se smanjila homofobija, transfobija, bifobija i transfobija i promovisala tolerancija i solidarnost.

**3. Obezbijediti sigurne prostore i podršku** za LGBTI+ osobe, uključujući psihološku, pravnu i socijalnu pomoć, kako bi se smanjio osjećaj izolacije i osnažila zajednica.

- **Intenzivirati promociju aktivnosti Tuzlanskog otvorenog centra** uključujući psihološku podršku, peer to peer savjetovanja, grupe podrške i edukativne programe.
- **Stvoriti sigurne prostore za LGBTI+ osobe**, gdje će moći slobodno izražavati svoj identitet bez straha od osude, nasilja ili diskriminacije.

**4. Graditi mostove između LGBTI+ zajednice i institucija** kroz transparentnu saradnju, kako bi se obnovilo povjerenje i osigurala efikasna reakcija na kršenja prava.

- **Zagovarati poboljšanje transparentnosti i efikasnosti institucija** u rješavanju slučajeva nasilja i diskriminacije prema LGBTI+ osobama.
- **Osigurati da sve prijave budu pažljivo razmotrene i da se preduzmu odgovarajući pravni koraci** u slučaju prijavljivanja nasilja ili diskriminacije nad LGBTI+ osobama.

**5. Nastaviti s promocijom vidljivosti LGBTI+ osoba** kroz kulturne, edukativne i društvene inicijative, što će doprinijeti dugoročnoj promjeni društvenih normi.

- **Raditi na jačanju osjećaja sigurnosti LGBTI+ osoba** kroz edukaciju, podršku i promociju inkluzivnih vrijednosti u zajednici.
- **Podržati inicijative koje promovišu vidljivosti LGBTI+ osoba** i njihovu aktivniju ulogu u društvenom životu.

Put ka jednakosti i punoj integraciji LGBTI+ zajednice je složen ali ostvariv kroz koordinirane napore države, civilnog društva, građana i same LGBTI+ zajednice. Tuzlanski otvoreni centar, kao nosilac promjena, ima ključnu ulogu u ovom procesu, ali trajni uspjeh zahtijeva kolektivnu odgovornost, podršku, posvećenost i saradnju svih relevantnih aktera – od institucija do civilnog društva.

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# DUGIN IZVJEŠTAJ RAINBOW REPORT

STANJE PRAVA I POTREBA LGBTI+  
OSOBA U TUZLANSKOM KANTONU  
CURRENT STATE OF THE RIGHTS AND NEEDS  
OF LGBTI+ PERSONS IN TUZLA CANTON

2024



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Title: Rainbow Report on the State of the Rights and Needs of LGBTI+ People in Tuzla Canton

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Publisher: Tuzla Open Centre

On behalf of the publisher: Admir Adilović

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The publication “Rainbow Report on the State of the Rights and Needs of LGBTI+ People in Tuzla Canton” was developed with Core support for TOC 2024, financially supported by the Core Regional Project SMART Balkan – Civil Society for a Connected Western Balkans, implemented by the Center for Civil Society Promotion (CPCD), the Center for Research and Policy Making (CRPM), and the Institute for Democracy and Mediation (IDM), and financially supported by the Ministry of Foreign Affairs of the Kingdom of Norway.

The content of the publication “Rainbow Report on the State of the Rights and Needs of LGBTI+ People in Tuzla Canton” is the sole responsibility of the Tuzla Open Centre and does not necessarily reflect the views of the Center for Civil Society Promotion (CPCD), the Center for Research and Policy Making (CRPM), the Institute for Democracy and Mediation (IDM), or the Ministry of Foreign Affairs of the Kingdom of Norway.

Josip Ventić

**Research: Yearly Report on the  
State of the Rights and Needs of  
LGBTI+ People in Tuzla Canton**

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## INTRODUCTION

A successful and very demanding year, 2024 is behind us, and it's time to look at everything that happened and analyze the needs of the LGBTI+ community. The research conducted by the Tuzla Open Centre (TOC), which resulted in this publication, included online surveys, as well as direct interviews with community members. The TOC team recognized the importance of more direct contact with the community and research on the state of the rights of LGBTI+ people in Tuzla Canton (TK) on an annual basis. For this reason, the TOC undertakes to prepare this report every year. This annual report will not only serve as a basis for adapting the TOC program to the needs of the community, but will also be a tool for advocating for the rights of LGBTI+ people in the institutions of Tuzla Canton (TK).

The position of LGBTI+ people in TC continues to be directly influenced by the general social perception that their existence threatens moral values and traditional way of life. Previous research has shown that LGBTI+ people are not safe on the streets, in private spaces, or even in their homes, when they are surrounded by loved ones. Discrimination and violence have become an everyday reality that community members have to deal with. The city of Tuzla, while known for its progressive values, including freedom and anti-fascism, is confronted with incidents that show that these values are often forgotten in the face of prejudice and stereotypes.

Although the research offers important insights, it is worrying that there is currently no visible progress in the realization of the rights of LGBTI+ people in TC. Instead of progress, the situation remains stagnant, while institutions act passively. As a result, the LGBTI+ community in TC shows a lack of trust in the competent institutions that they will do their job adequately. On the one hand, NGOs and the international community are actively pushing for a clearer, more affirmative and progressive legislative framework, while on the other hand, the strengthened right is promoting tradition and patriarchal beliefs. These two sides often find themselves in conflict, and the community is neglected and prevented from fully expressing its needs.

Institutions are focused exclusively on the formal implementation of their obligations, without sensitizing to specific problems of citizens, which is why TOC wants to better understand the needs of the community and adapt its work to real needs. Knowledge about the needs of LGBTI+ people lays the foundation for the fight for equality, and the results of the research are a key tool for sensitizing government representatives and decision-makers.

At the beginning of life, all human beings enjoy freedom and equality in dignity and rights. Although the legal framework of Bosnia and Herzegovina recognizes sexual orientation and gender identity as prohibited grounds for discrimination, LGBTI+ people face deep-rooted prejudice, impatience and discrimination on a daily basis. The protection and promotion of human rights is a responsibility that should be shared between different levels of government, and the local community plays a key role in the fight against discrimination and violence. However, local communities rarely deal with the protection of LGBTI+ people. These gaps in public institutions can be filled by cooperation between local authorities and NGOs, instead of shifting the responsibility entirely to the non-governmental sector and human rights organizations.

Before we proceed to the analysis of the research results, it is necessary to present the legal frameworks of our state and cantons in terms of protection against discrimination and violence and compare them with the practice of advanced countries of the European Union and the international community. Also, we will show the work of TOC in 2024. This is followed by an analysis of the collected data, with the presentation of individual cases of discrimination and/or

violence. Finally, we will provide conclusions and recommendations for further action in order to improve the rights of the LGBTI+ community at the local level.

In front of you is a report on which the Tuzla Open Center team has been working hard in recent months, we hope that the idea of this report will come to life, and that it will be used for the purpose of promoting equality, advocating for the rights of LGBTI+ people, and working on the prevention of violence and hate crimes.

## **Description of the examination – methodology for writing the annual report**

The report that is in front of us, conducted by the Tuzla Open Centre (TOC) during 2024, provides a comprehensive analysis of the state of rights of LGBTI+ people in Tuzla Canton (TK) with a special focus on identifying key needs of the community. TOC continuously works to strengthen the capacities of LGBTI+ people through various support and empowerment programs, including psychological assistance and counseling. TOC stands for a society in which all its members are equal and free, regardless of their personal characteristics, while the organization's mission is based on the promotion of human rights and gender equality.

This report is a direct reflection of these principles, as it not only analyzes the state of rights of LGBTI+ persons in Canton, but also provides concrete recommendations and guidelines for further work on improving their rights and protection. Through its engagement, TOC seeks to create a wider social environment in which LGBTI+ people can live without fear, prejudice, discrimination and violence. TOC is the only organization in northeastern Bosnia that advocates for the rights of the LGBTI+ community, and strengthening program work and empowering the LGBTI+ community is key to improving the rights and quality of life of LGBTI+ people in the Canton of Sarajevo.

The report is the result of data collection through an online survey that provided quantitative insights into the day-to-day challenges of LGBTI+ people. The survey covered a wide range of problems that members of the LGBTI+ community face in their daily lives, for which both local and higher levels of government are responsible. Although most of the data was collected online, TOC recognized the importance of direct contact with the community, and during the data collection, several direct conversations with community members were organized, in order to obtain additional qualitative information that was not included in the surveys, as well as suggestions on how to improve the quality of services provided by the organization in the coming period.

The research methodology is based on a combination of quantitative and qualitative approaches, enabling a deeper understanding of the attitudes, problems and needs of LGBTI+ people. The online survey was the main method of data collection, and the questions were spread across several key areas:

- violence against LGBTI+ people,
- discrimination
- trust in institutions,
- In terms of social relations,
- a sense of security,
- fear of the environment,
- satisfaction with the services provided by the TOC.

In addition to the online survey, the TOC also organized face-to-face interviews with members of the community. These conversations provided TOC representatives with a deeper

understanding of personal experiences and challenges that LGBTI+ people face in their daily lives.

**The methodological approach to writing the annual report includes the following stages:**

### **1. Data collection**

The data was collected through an online survey that was distributed through social networks and direct contacts with people from the community. The online survey form allowed for wide availability and anonymity, which was crucial for the honesty of responses and the protection of participants' privacy. All responses were anonymous, and participants were informed that their data would be used solely for research purposes and in accordance with the principles of privacy and confidentiality. The survey was available online for a period of three (3) weeks. A total of 65 participants participated in the research, among which there were LGBTI+ individuals of different sexual orientations, gender identities and age groups, with an emphasis on the demographically diverse population of TC.

The survey form was divided into eight thematic areas, and each of them had specific questions that enabled a detailed research of the situation. The questions were in the form of multiple choice and open-ended questions, which enabled quantitative analysis, but also a deeper understanding of the subjective experiences and attitudes of the respondents. The areas covered by the survey are:

- general information about participants (age, gender identity, sexual orientation, etc.)
- Questions about violence
- Questions about discrimination
- Trust in the police
- social relations towards LGBTI+ people
- feeling safe as an LGBTI+ person
- fear and distrust of the environment
- Tuzla Open Center

### **2. Technical data processing**

After collecting the data, they were processed and analyzed. Statistical methods were used for quantitative analysis, while answers to open questions were analyzed qualitatively. In this process, basic statistical tools were used to analyze percentages, average values, as well as the use of categories for the analysis of open answers. The report not only provides generalized statistical results, but also provides a deeper insight into the specific challenges faced by members of the LGBTI+ community.

### **3. Presentation of research results**

The report begins with the presentation of the key results of the research, which are directly related to each of the eight thematic areas covered by the research. Graphical representations (graphs and tables) are used here to clearly show the data collected. The analysis of each

question follows the answers of the participants and puts them in the context of broader social questions. Some of the questions will be compared with the results of previously published analyses.

#### **4. Theoretical framework: domestic legislation, international and EU legal framework**

In order to put the results of the research into a broader context, the second part of the report will present an analysis of the existing legal framework for the protection of the rights of LGBTI+ persons in Bosnia and Herzegovina and Tuzla Canton. In addition, relevant international and EU legislation relating to the rights of LGBTI+ persons will be presented. Key legal acts will be analysed here, such as:

- The European Convention on Human Rights and the case law of the European Court of Human Rights
- EU legislation related to the human rights of LGBTI+ persons (such as the Equality Directive, Anti-Discrimination Laws and other relevant acts)
- International standards for the protection of the rights of LGBTI+ persons, such as the UN Human Rights Guidelines.

This part of the report will provide a theoretical basis for understanding the position of LGBTI+ people in a broader legal context and help identify key shortcomings in domestic legislation related to the protection of the rights of the LGBTI+ community.

#### **5. Overview of the work and services of the Tuzla Open Centre**

Since 2016, the Tuzla Open Center has been actively working on improving the rights and creating services for LGBTI+ people in Tuzla Canton. The services provided by TOC are peer to peer and psychological counseling, social and educational programs for the LGBTI+ community, cooperation and advocacy towards public institutions of CAN, education and sensitization programs, and advocacy and strengthening activities for LGBTI+ people and the community, and more about them, as well as the challenges we face in the paper, can be found at the end of this report.

The following report represents a key analysis of the current state of rights and safety of LGBTI+ people in TK, and is based on research results and experiences gathered through various TOC activities. What will be an important parameter when writing this report is the analysis from 2022 – *Needs and problems of the LGBTI community in Tuzla Canton*, and certain segments of the report will be compared with the results of the aforementioned analysis. The *2024 Pink Report is also relevant to this analysis. (Annual Report on the State of Human Rights of LGBTI Persons in Bosnia and Herzegovina).*

The Annual Report, which is before us, has a dual purpose: as a basis for adapting the TOC program to the needs of the LGBTI+ community and as a tool for advocating for the rights of the LGBTI+ community towards relevant institutions.

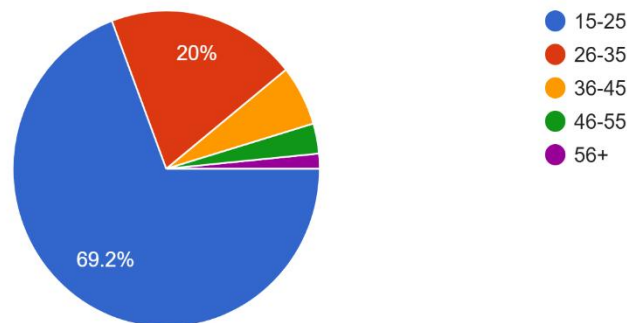
## Structure of the research participant/participant

Through a questionnaire, in the area of general data, respondents were asked to provide answers to questions such as current place of residence, age, gender identity, sexual orientation and whether other people currently know about their LGBTI+ identity. The survey included a total of 65 people who are members of the LGBTI community from the Tuzla Canton. In front of each of the age groups, we have at least one respondent who joined the research, and in this way we can see the state of rights and needs in all age groups.

Respondents were classified into 5 (five) age groups, namely 15-25 years, 26-35 years, 36-45 years, 46-55 years and 56+ years. When it comes to the age structure of the respondents, 69.2% (45) of the respondents are between 15-25 years old, 20% (13) of the respondents are between 26-35 years old, 6.2% (4) of the respondents are between 36-45 years old, 3.1% (2) of the respondents are between 46-55 years old and 1.5% (1) of the respondents are from the age group of 56+ years.

Koliko imaš godina:

65 responses



*Chart 1 – Age structure of respondents*

Tuzla Canton is the most populous canton in the Federation of Bosnia and Herzegovina and consists of 13 (thirteen) cities/municipalities. The survey did not collect the answers of respondents from all cities/municipalities of the Canton of Canton, but a large number of cities/municipalities were represented, as many as 9 (nine). The largest number of respondents is from Tuzla as many as 49 (75.4%), Čelić, Lukavac and Srebrenik 3 (4.6%) respondents each, Dobož Istok and Kalesija 2 (3.1%) respondents each, and Gradačac, Gračanica and Kladanj 1 (1.5%) respondents each.

## Where do you currently live?

65 answers

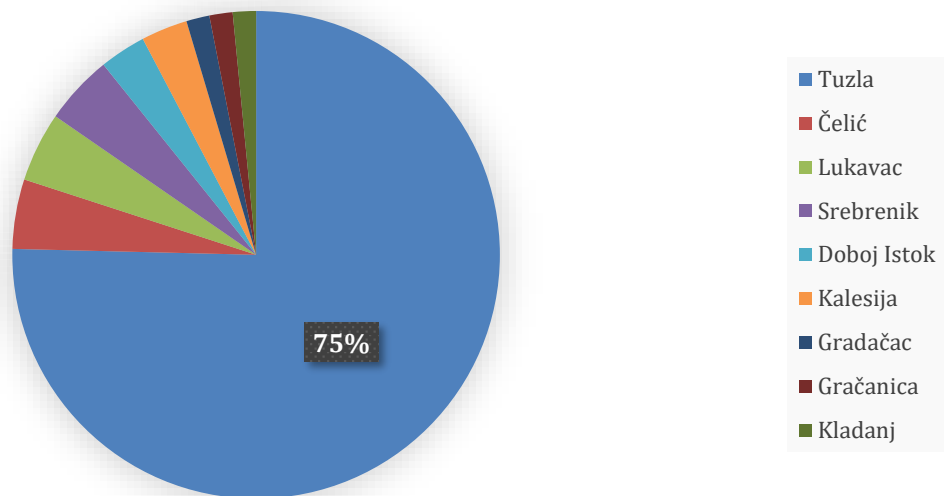


Chart 2 – Demographic distribution of respondents

The question about gender identity provides insight into the different ways in which respondents within the LGBTI+ community identify. Given that gender identity is not always consistent with biological sex, respondents were offered answers that covered a wide range – including cisgender people, transgender people and people who do not identify with any gender category. The majority of respondents identified as cisgender women, 31 (47.7%), or cisgender men, 21 (32.3%). The label of gender non-binary was chosen by a smaller, but significant group of respondents, 6 of them (9.2%). Three (4.6%) trans men participated in the study, while 4 (6.2%) respondents were non-trans men. The graph shows the distribution of these answers, which indicates the existence of different gender identities among the respondents.

## How would you describe your gender identity?

65 answers

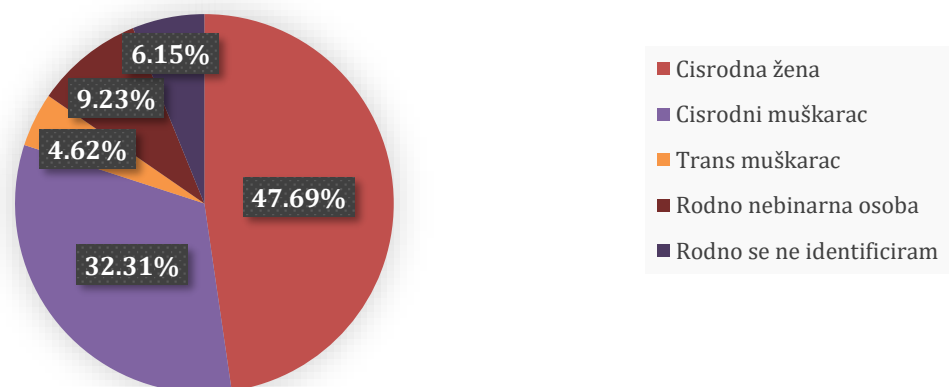


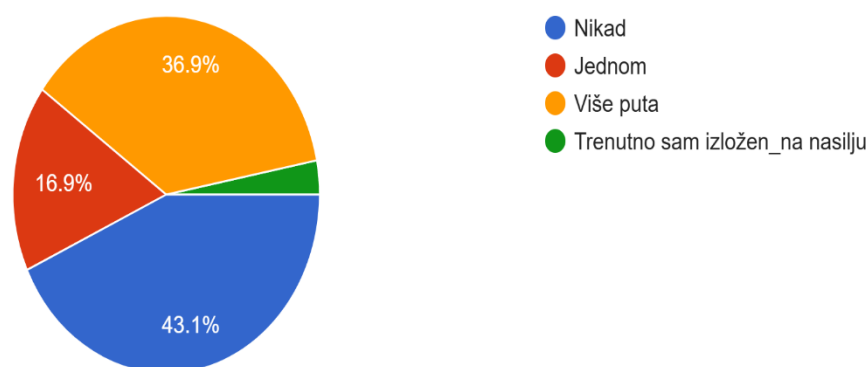
Chart 3 – Gender identity of respondents (top to bottom, cis female, cis male, trans male, non-binary, rather not say)

## Violence against the LGBTI+ community

Violence against the LGBTI+ community continues to be a serious problem in many societies. Survey participants were asked if they had ever experienced violence of any kind because of their sexual orientation or gender identity. According to the results, 43.1% (28) of respondents have never experienced violence. On the other hand, 16.9% (11) of respondents state that they have experienced violence only once, while 36.9% (24) of respondents state that they have been exposed to violence repeatedly, which indicates a serious problem of the frequency of violent incidents against LGBTI+ people. The most worrying is the fact that 3.1% (2) of respondents are currently exposed to violence, which clearly shows that violence is not only a thing of the past, but also a real threat in the everyday life of LGBTI+ people.

Da li si se nekad susretao\_la sa nasiljem bilo koje vrste zato što si LGBTI+ osoba

65 responses

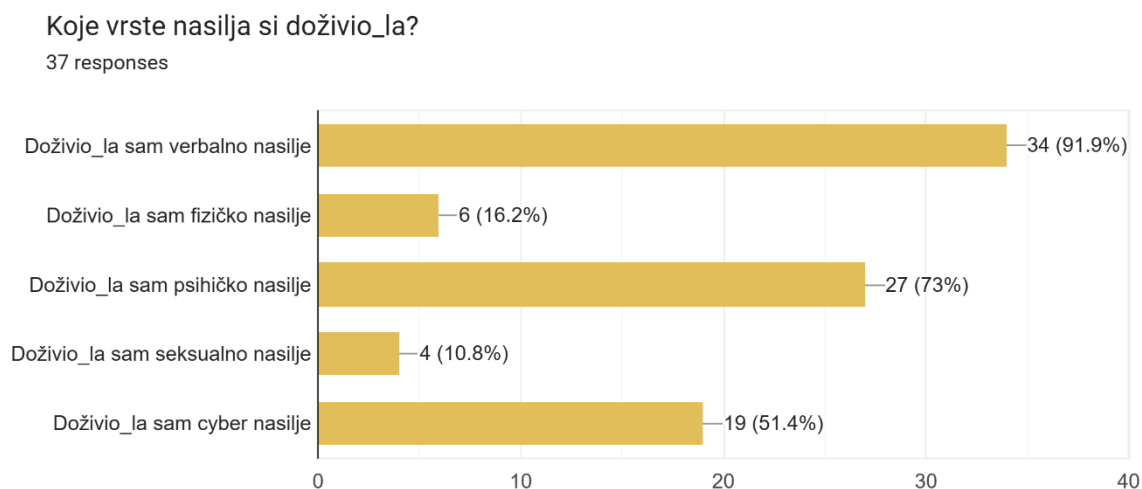


Graph 4 – Percentage of violence against members of the LGBTI+ community (blue-green, never, once, many times, currently)

If we compare the results of this research with the analysis from 2022 – *Needs and problems of the LGBTI community in Tuzla Canton*, we come to worrying data. Namely, compared to 2022, the percentage of members of the LGBTI+ community in TC who are exposed to violence has increased significantly. According to the results of this report, as many as 56.9% of respondents have encountered violence because of their sexual orientation or gender identity, while a certain number of respondents are currently exposed to violence. In contrast to the results of the analysis from 2022, when 44.3% of respondents stated that they had encountered violence because of their sexual orientation or gender identity. Such results indicate the seriousness of the problem and emphasize the need for greater efforts in prevention, education, as well as in providing adequate assistance to victims of violence.

When we talk about the types of violence experienced by LGBTI+ people in TC, the largest number of respondents face verbal and psychological violence, while the number of victims of cyber violence is also increasing. Respondents who were victims of any type of violence, 37 of them, had the opportunity to answer this question multiple times. Almost all respondents, i.e. 91.9% of them (34) were victims of verbal violence, while the number of respondents who are victims of psychological violence is slightly lower, i.e. 73% (27). 51.4% (19) of respondents

are exposed to cyber violence. Physical violence was experienced by 16.2% (6) of respondents, while 10.8% (4) of respondents were victims of sexual violence.

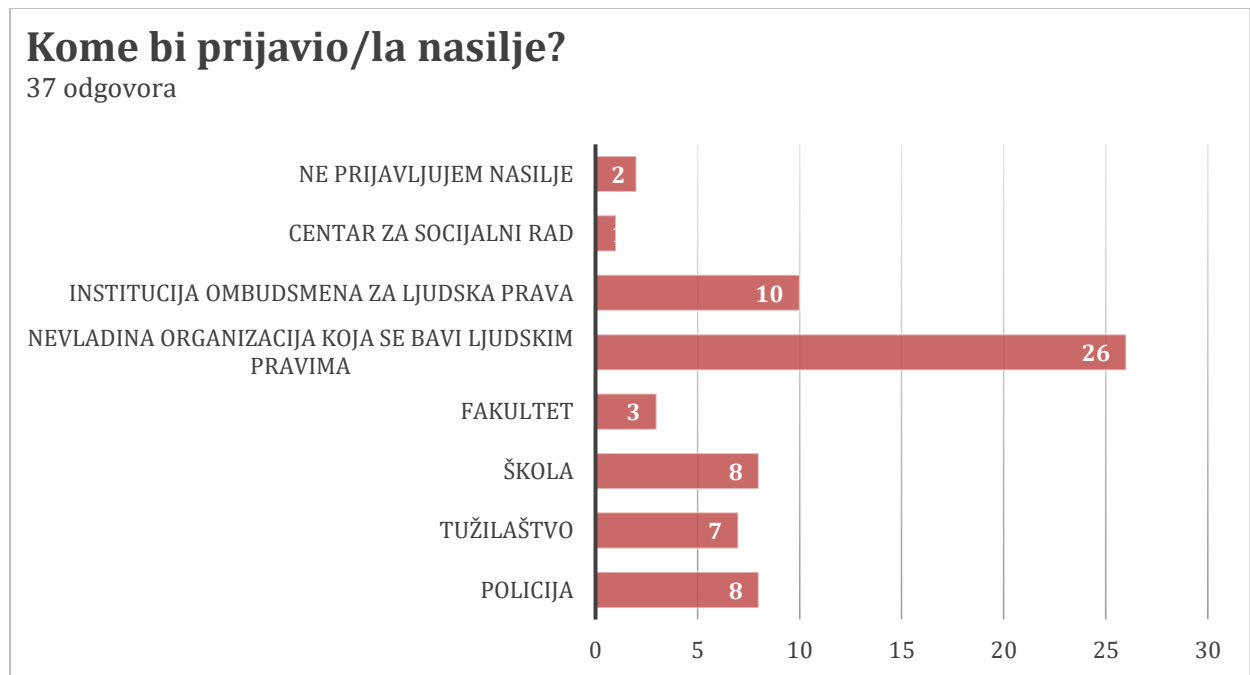


*Chart 5 – Types of abuse faced by members of the LGBTI+ community (top to bottom: verbal, physical, psychological, sexual, cyberbullying)*

Reporting is a key step in the fight against violence against LGBTI+ people, while the choice of institutions or organizations that could provide assistance can indicate the level of trust that members of the community have in different competent institutions. Given the specific needs of LGBTI+ people, especially when it comes to violence motivated by sexual orientation and/or gender identity, it is important to understand where they feel they can find protection and support. This is supported by the fact that the largest number of respondents, 70.3% (26), cite non-governmental organizations dealing with human rights as a place where they would report violence, while 27% (10) of respondents would report violence to the institution of human rights ombudsman. Such results reflect the high trust of members of the LGBTI+ community in the non-governmental sector, which often offers specific support to LGBTI+ people, and has experience in protecting their rights and advocating for better legislative solutions. The LGBTI+ community shows that there is a certain trust in independent institutions that provide human rights protection, such as the institution of the Human Rights Ombudsman.

On the other hand, institutional responses such as police 21.6% (8), prosecutor's office 18.9% (7), school 21.6% (8), faculty 8.1% (3) and social welfare center 2.7% (1), show that respondents are inclined to report violence and appropriate state institutions, although trust in these institutions, according to the survey results, is still extremely limited. Such results, in addition to the lack of trust of the LGBTI+ community in institutions, may indicate that members of the LGBTI+ community are not sure about the effectiveness of the actions of these institutions. According to the presented results, members of the LGBTI+ community have the most trust in non-governmental organizations for human rights, and see them as trustworthy people when it comes to reporting violence. On the other hand, state institutions, such as the police and prosecutor's offices, are still perceived with caution and insecurity by the LGBTI+ community. Taking into account that LGBTI+ people often experience additional victimization and lack of protection in contacts with state institutions, it is important to continue working to

strengthen trust in these systems and develop comprehensive protection strategies, to enable LGBTI+ people to feel safe and protected in case of violence.

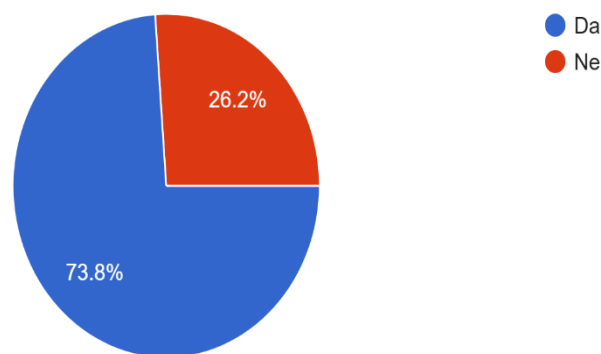


*Chart 6 – Institutions/associations/institutions to which members of the LGBTI+ community would report violence (top to bottom: didn't report, CSW, Ombudsman, NGO, College, School, State PO, Police)*

When talking about violence against LGBTI+ people, it is important to consider the deep connection between the violence that many respondents experienced in childhood and the violence they are exposed to in adulthood. According to the results of the research, as many as 73.8% (48) of respondents state that they have been victims of peer or domestic violence while growing up.

Da li ste doživjeli vršnjačko ili porodično nasilje u djetinjstvu?

65 responses



*Graph 7 – Percentage of respondents who have experienced peer or domestic violence in childhood (blue – yes, red – no)*

A significant number of LGBTI+ people have been confronted with violence at an early age, either through family relationships or through peer abuse. The consequences of experiences of violence in childhood often have long-term effects on an individual's mental health and emotional stability, which are reflected throughout life. Children who are exposed to violence can develop symptoms of anxiety, depression and post-traumatic stress disorder (PTSD), and such problems can last into adulthood. In adulthood, these individuals may be more prone to developing self-esteem problems, social anxieties, and even traumas that are reactivated in stressful situations. LGBTI+ people who were victims of violence in their youth often remain vulnerable into adulthood, as they carry traumas that affect their interpersonal relationships and ability to cope with new forms of violence. The violence they experience in adulthood, especially when it is related to their sexual orientation and/or gender identity, can be even more traumatic as traumas caused by previous experiences are reactivated.

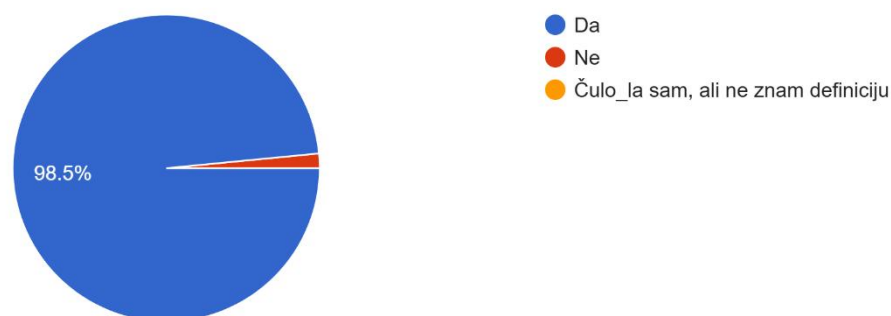
The results presented in *Figure 4* indicate that violence against LGBTI+ people is not an isolated incident, but continues throughout life, often based on the long-term emotional and psychological impact of childhood violence. The long-term consequences of childhood violence can make LGBTI+ people less inclined to seek help or report violence, as they have already been taught that they will be marginalized or ignored.

## Discrimination against LGBTI+ people

Although decision-makers in many countries, including Bosnia and Herzegovina, have adopted a legislative framework that provides protection against discrimination<sup>7</sup>, members of the LGBTI+ community are exposed to it on a daily basis. LGBTI+ people continue to face daily challenges in the form of verbal attacks, social exclusion, unequal rights and prejudice that manifest themselves in many spheres of life – from education, the workplace to social relations. Discrimination against LGBTI+ people has profound consequences that include reduced quality of life, mental and emotional problems, and increased exposure to violence and abuse. Through a survey form, respondents answered questions related to their knowledge of discrimination and shared personal experiences. The respondents showed a high level of knowledge of the concept of discrimination, where as many as 98.5% (64) of respondents are aware of what discrimination means and how it manifests itself in society. Given the high level of understanding, it can be assumed that respondents recognize discrimination in their own experiences.

Da li znaš šta je diskriminacija?

65 responses



*Graph 8 – Knowledge of the concept of discrimination by members of the LGBTI+ community (blue – yes, red – no, yellow – not sure)*

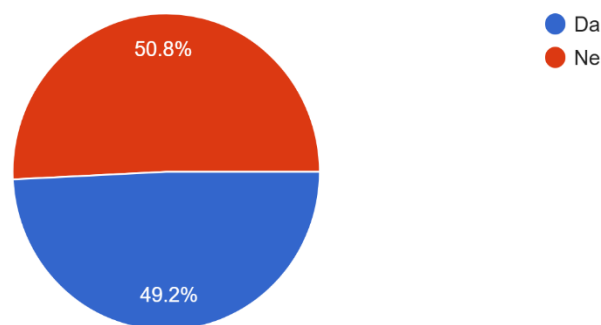
Compared to the results of the analysis from 2022, there was a decrease in the percentage of people who experienced discrimination because of their sexual orientation and/or gender identity. Despite this, the number of respondents who have experienced discrimination because they are LGBTI+ people is 49.2% (32) compared to 50.8% (33) of respondents who state that they have not been victims of discrimination.

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<sup>7</sup> For a better understanding of the question, the respondents were offered the following definition of discrimination: "Discrimination represents unequal treatment of an individual without any justified reason, due to skin color, sexual orientation, religion, ethnicity, etc." For example, discrimination is if you, as a member of the LGBTI+ community, have a lower salary than your colleague just because you are a member of the LGBTI+ community.

Da li si nekad doživio\_la diskriminaciju zbog toga što si LGBTI+ osoba?

65 responses



*Graph 9 – Discrimination against LGBTI+ people (blue – yes, red – no)*

According to all of the above, we can conclude that every 2 LGBTI+ people in TC are exposed to some kind of discrimination. It is encouraging that the number of LGBTI+ people who have experienced discrimination has been decreasing over the years. The fact that almost 50% of LGBTI+ people are still exposed to discrimination is a worrying fact that should be of concern to institutions, but also to all actors in society. Discrimination among members of the LGBTI+ community is not universal and can manifest itself in different ways in different life circumstances of each person.

Discrimination against LGBTI+ people can occur in various forms and in different spheres of life, from the denial of basic rights to violence and harassment. According to the respondents' answers, the most common form of discrimination they experienced is related to harassment<sup>8</sup>, where as many as 81.3% (26) of respondents stated that they were victims of harassment. Putting yourself in a worse position than others in a situation<sup>9</sup> is the second most common form of discrimination against LGBTI+ people with 37.5% (12) of respondents. Denial of rights or restriction of rights<sup>10</sup> is a very common form of discrimination, which was experienced by 25% (8) of respondents. Mobbing at the workplace<sup>11</sup> was reported by 18.8% (6) of respondents, while sexual harassment was<sup>12</sup> reported by 12.5% (4) of respondents. The right to health care was indicated by 3.1% (1) of respondents.

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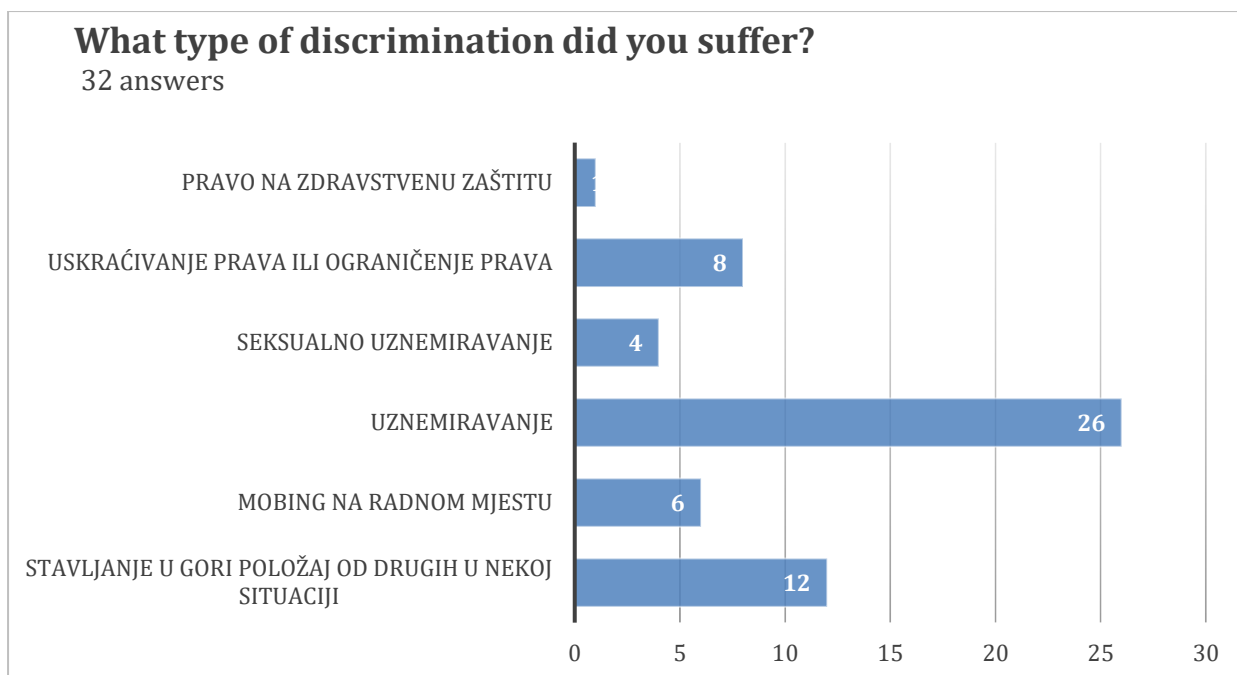
<sup>8</sup> Harassment is any unwanted behavior that aims or actually represents a violation of the dignity of a person and the creation of an intimidating, hostile, degrading, humiliating or offensive environment, solely on the basis of sexual orientation, gender identity or sex characteristics.

<sup>9</sup> For example: denied promotion at work, you are separated from other colleagues after entering separate rooms or excluded from other joint activities, and the like.

<sup>10</sup> For example: denying someone access to a service, catering facility, institution, then getting fired or not getting a job solely because of sexual orientation, gender identity or sex characteristics, and the like.

<sup>11</sup> Mobbing is a specific form of behavior in the workplace, by which one person or a group of them systematically mentally (morally) abuses and humiliates another person, with the aim of endangering their reputation, honor, human dignity and integrity, up to elimination from the workplace.

<sup>12</sup> Any form of unwanted verbal, non-verbal or physical behaviour of a sexual nature which has as its object or effect an infringement of the dignity of a person, in particular when it creates an intimidating, hostile, degrading, humiliating or offensive environment.



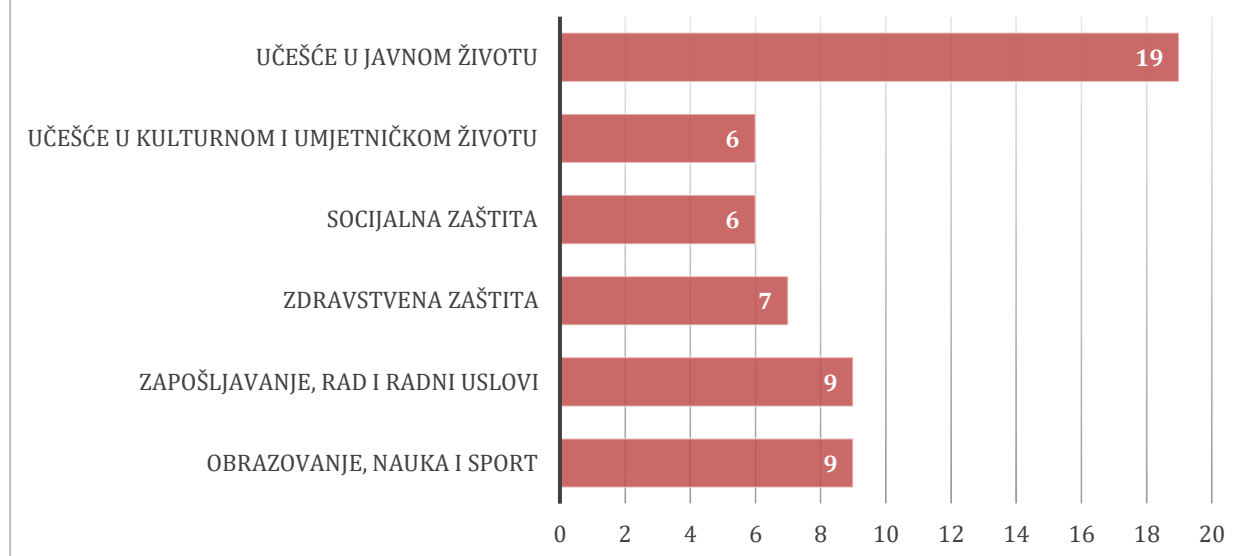
*Chart 10 – Types of discrimination against LGBTI+ people (top to bottom, health insurance, denial of rights, sexual harassment, harassment, mobbing, degradation)*

Although members of the LGBTI+ community are exposed to various types of discrimination, harassment and putting them in a worse position represent the most widespread forms of discrimination among LGBTI+ people in TK. Other forms of discrimination present must not be ignored because they all point to the need for a stronger legal framework, social sensitization and stronger protection mechanisms that will enable LGBTI+ people to be equal in all spheres of life.

Various forms of discrimination can occur in different spheres of life, such as education, sports, science, culture, health, employment, participation in public life, and others. LGBTI+ people are most often discriminated against when participating in public life, where as many as 38.8% (19) of respondents were victims of discrimination. In addition, 18.4% (9) of respondents in the field of education, science and sports, 18.4% (9) of respondents in the field of employment, work and working conditions, 14.3% (7) of respondents in the field of health care, 12.2% (6) of respondents in the field of social protection and 12.2% (6) of respondents in the field of participation in cultural and artistic life. Based on these results, it can be concluded that LGBTI+ people are discriminated against in all spheres of life, while some individuals are victims of discrimination in several areas at the same time.

### In what area did the discrimination occur?

49 answers

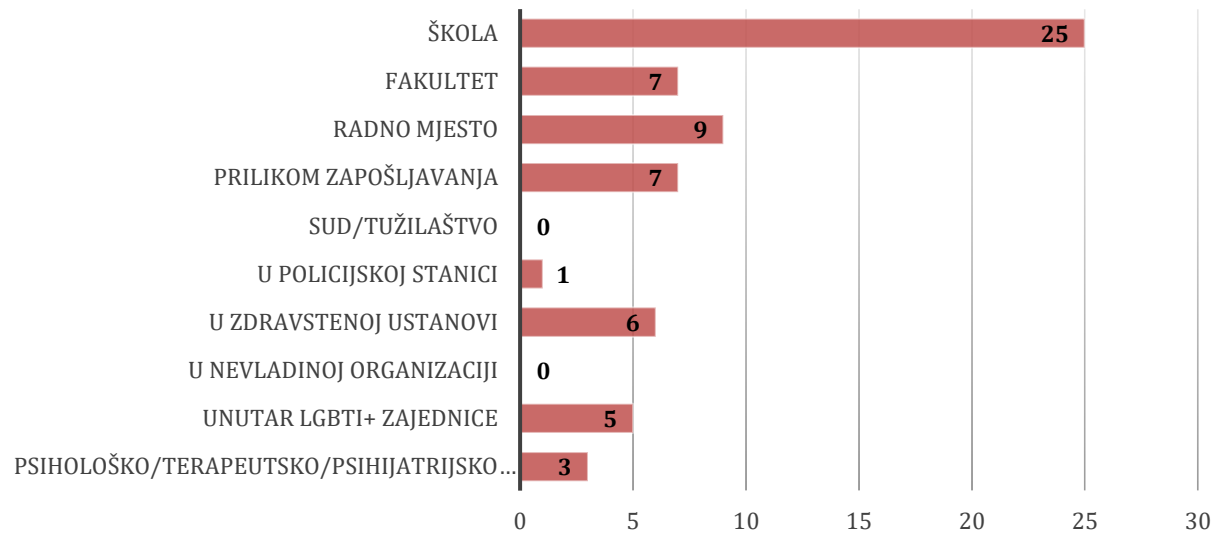


*Chart 11 – Areas of discrimination against LGBTI+ people (top to bottom: public life participation, cultural and artistic life participation, social protection, health protection, job, education and sport)*

Respondents most often faced discrimination in schools, which was stated by as many as 78.1% (25) of respondents, while faculties 21.9% (7), jobs 28.1% (9) and employment 21.9% (7) were also areas in which respondents experienced discrimination. It is interesting that reported cases of discrimination in places such as courts, prosecutors' offices, police stations and non-governmental organizations are very rare, i.e. only 1 reported case of discrimination in these places by respondents, while discrimination in health institutions was reported by 18.8% (6) of respondents.

## Where did the discrimination occur?

32 answers



*Graph 12 – Where members of the LGBTI+ community have experienced discrimination (top to bottom: school, college, workplace, while applying for a job, court, police station, health institution, NGO, inside the LGBTI+ community, in a mental institution)*

It can be concluded that discrimination is still very prevalent in key spheres of social life, such as educational institutions, workplaces and the health system. It can be assumed that students and pupils are the most vulnerable to prejudice and discrimination given the high rates of discrimination in educational institutions. Discrimination in the workplace, as well as in employment, represents a broader social prejudice that can be reflected in the professional lives of LGBTI+ people. On the other hand, the presence of discrimination in health care institutions shows that there is a significant need to empower health professionals to recognize and adequately cope with the challenges posed by the provision of health services to LGBTI+ people.

## Trust in the police

Trust in institutions, including the police, is crucial for the safety of all citizens, especially for the LGBTI+ community, which faces frequent situations of violence, discrimination and social rejection. The survey reveals a worrying level of distrust of the LGBTI+ community towards the police. Especially taking into account the fact that police officers should be the first level of protection of all citizens, this degree of distrust towards police officers can lead to various problems such as a reduced number of reports of cases of violence and discrimination, which further complicates the process of protecting the rights of LGBTI+ people. Respondents expressed a lack of trust in the police in a huge number, as many as 87.7% (57) of respondents do not trust police officers, while only 12.3% (8) of respondents have confidence in the police.

Da li imaš povjerenja u policiju?

65 responses

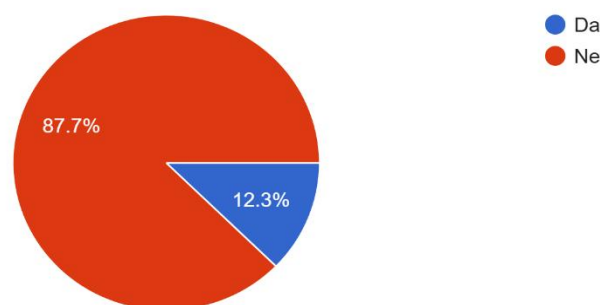


Figure 13 – Percentage of trust of the LGBTI+ community in the police (blue – yes, red – no)

Respondents had the opportunity to state several key reasons for the lack of trust in the police through an open question. The largest number of respondents, 86% (49), believe that there is a possibility of homophobia and transphobia among police officers. These results point to a serious problem in the relationship between the LGBTI+ community and the police, which is a sign that institutions have not done enough to build trust among this group. Low levels of trust in the police can have serious consequences for the safety and security of LGBTI+ people, as it reduces the willingness to report violence and discrimination. Respondents, 66.7% (38) state that police officers are insufficiently sensitized to work with LGBTI+ people, while 80.7% (46) of respondents believe that police officers do not perform their job competently. As many as 78.9% (45) of respondents do not believe that the police would provide them with adequate protection. The smallest number of respondents, 29.8% (17), cited a negative experience with police officers in the past as a reason for distrust. It is these 29.8%, or 17 people with negative experience, that are an indicator that there is no adequate sensitization of public institutions in the Canton of Canton.

### Why don't you trust the police?

57 answers

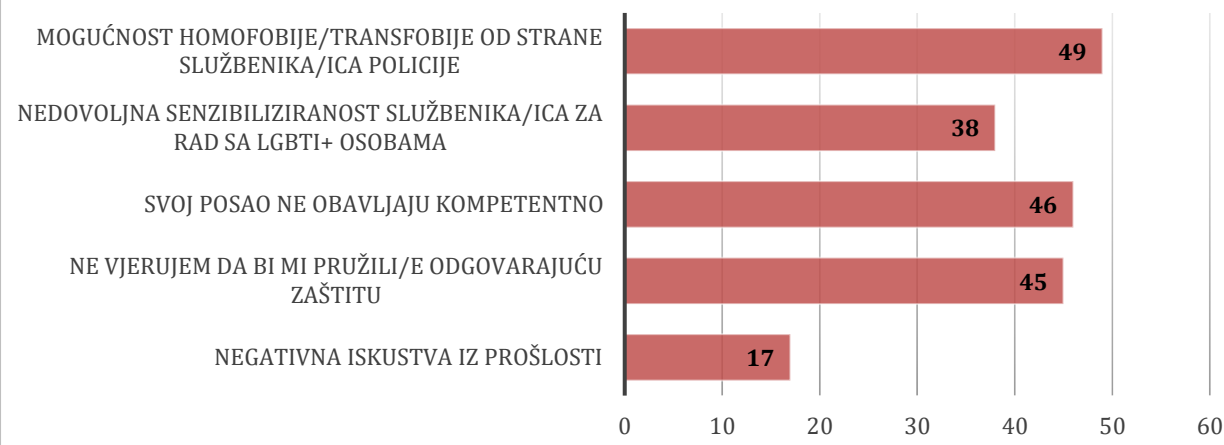


Chart 14 – Reasons for distrust in the police (top to bottom: possibility of homo/transphobia, not enough sensibility, incompetence, they couldn't protect me, previous bad experiences)

Despite the high level of distrust of the LGBTI+ community towards the police, 80% (52) of respondents have never experienced different treatment from the police because of their sexual orientation and/or gender identity. However, this does not necessarily mean that all police officers are equally sensitized to LGBTI+ people, as the answers to the previous questions indicate a number of negative experiences and doubts about the ability and will of the police to respond adequately in situations involving LGBTI+ people. The previous answers indicate a serious fear among LGBTI+ people, who feel unprotected and neglected by an institution that is supposed to provide them with safety and protection.

Da li ste doživili drugačiji tretman od policije zbog toga što ste LGBTI+ osoba?

65 responses

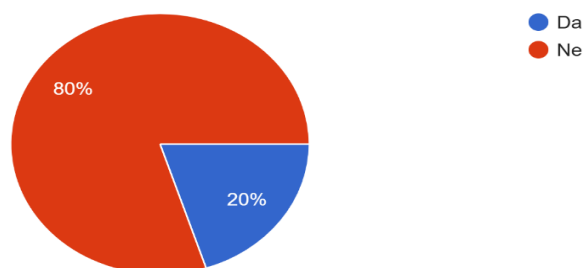


Chart 15 – Different treatment from the police due to belonging to the LGBTI+ community (blue – yes, red – no)

Taking into account all of the above, it can be concluded that trust in the police among the LGBTI+ community in Tuzla Canton is extremely low, while the reasons that lead to this distrust are worrying. Despite this, 80% of respondents state that they have not experienced discrimination or different treatment from police officers because of their LGBTI+ identity. Given the serious level of mistrust, it is urgent to work on the education and training of police officers on the rights of LGBTI+ people, as well as on the establishment of a mechanism for

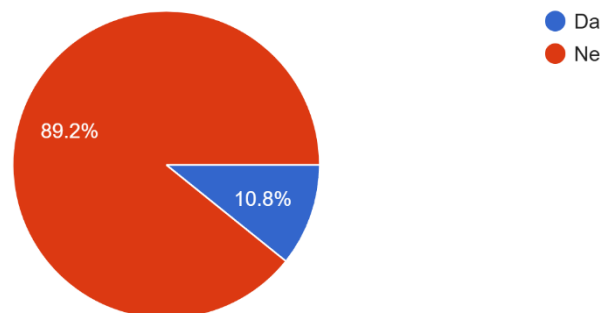
monitoring and building trust within this community, all with the aim of ensuring greater safety and equality for all citizens, including LGBTI+ people.

## Social relations towards LGBTI+ people

Sensitizing the wider community, i.e. society, towards LGBTI+ people is an important factor in reducing the degree of discrimination, violence and marginalization, as well as improving the social acceptance of LGBTI+ people. However, research shows that the majority of LGBTI+ people feel that their environment is not sufficiently sensitized, which has a great impact on their freedom of public expression. All of the above has a great impact on LGBTI+ people and their openness to talk about their identity. The vast majority of respondents, as many as 89.2% (58), believe that their environment is not sufficiently sensitized to LGBTI+ people. Only 10.8% (7) of respondents believe that their environment is sufficiently aware. The lack of sensitization often creates a hostile environment and an uncomfortable atmosphere in which LGBTI+ people may be forced to hide their sexual orientation and gender identity for fear of being judged by the environment. The correlation between these two topics is shown in the following graphs.

Smatraš li da je tvoja životna sredina dovoljno senzibilizirana prema LGBTI+ osobama?

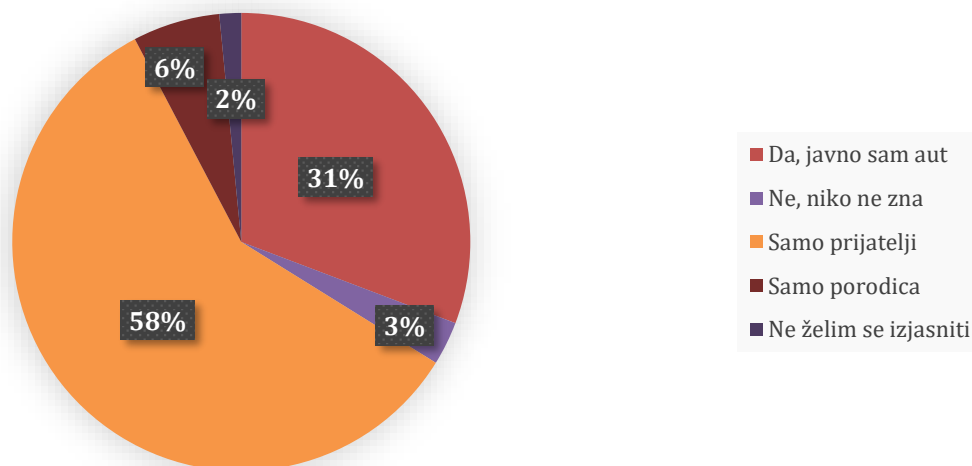
65 responses



*Chart 16 – Environmental sensitization of LGBTI+ people (blue – yes, red – no)*

## Did you come out?

65 answers



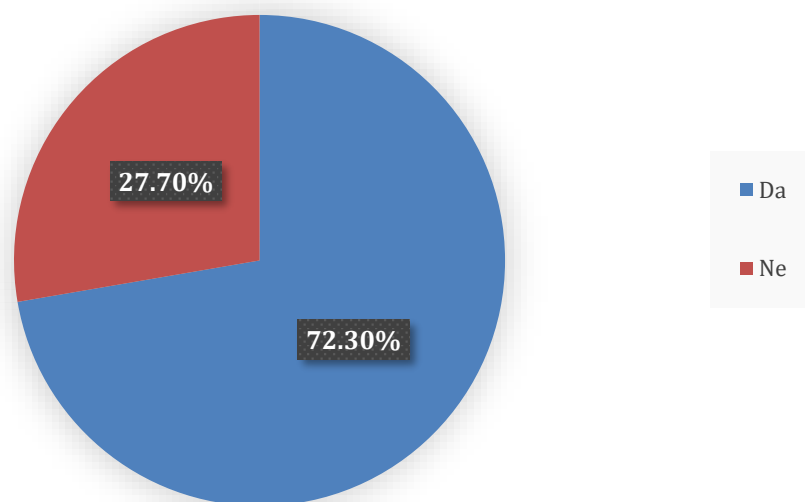
*Chart 17 – Percentage of LGBTI+ people out (top to bottom: yes, no, only to friends, only to family, I don't wanna say)*

When it comes to public "coming out" or openly expressing one's own identity, the results are quite diverse. 30.7% (20) of respondents are publicly out, while 58.5% (38) of respondents share their identity only with friends, and 6.1% (4) of respondents only with family. Only 3.1% (2) of respondents did not reveal their LGBTI+ identity to anyone. These results show that many members of the LGBTI+ community do not publicly reveal their identity or do so only in a narrow circle of family and friends, which indicates a fear of social condemnation and discrimination. This phenomenon also indicates that most LGBTI+ people feel that they are not in a safe environment that would support them in the process of coming out, which is closely related to the perception of insufficient sensitization of society towards LGBTI+ people. Almost 60% of respondents choose not to reveal their identity to the general public, but only share it with friends or family, which indicates that a low level of social sensitization can seriously limit the freedom of LGBTI+ people to live authentically and openly.

People who face discrimination, violence, environmental insensitivity and fear of judgment can often find themselves in a situation that can have a serious impact on their mental health. The mental health consequences that can arise due to negative social attitudes towards the LGBTI+ community point to the deep emotional and psychological barriers that such an environment can have on the community. When asked whether they had mental difficulties due to social attitudes towards LGBTI+ people, as many as 72.3% (47) of respondents answered that they did. The mental health consequences that most often occurred in the respondents were: depression, anxiety, suicide attempts, self-harm, stress, eating disorders, fear of leaving the house, addiction to psychoactive substances, OKP (obsessive-compulsive disorder), panic disorder, bipolar disorder, ADHD and trauma. Negative social attitudes towards LGBTI+ people can leave deep emotional wounds, which often require long-term psychological or medical help.

**Have you ever experienced mental health consequences due to societal attitudes towards LGBTI+ people?**

65 answers

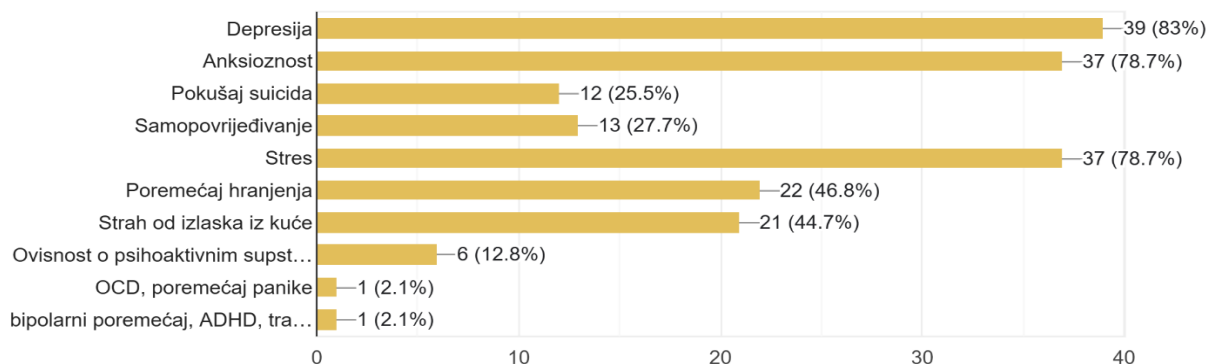


*Figure 18 – presence of mental health consequences in the LGBTI+ community (blue – yes, red – no)*

The connection between an insufficiently sensitized society towards LGBTI+ people and the occurrence of impaired mental health among members of the community is not surprising. Given that 89.2% of respondents believe that their environment is not sufficiently sensitized to LGBTI+ people, and 72.3% of respondents state that they have experienced some kind of mental illness due to these social relationships, it is clear that emotional stress resulting from social insensitivity and discrimination has a serious impact on mental health.

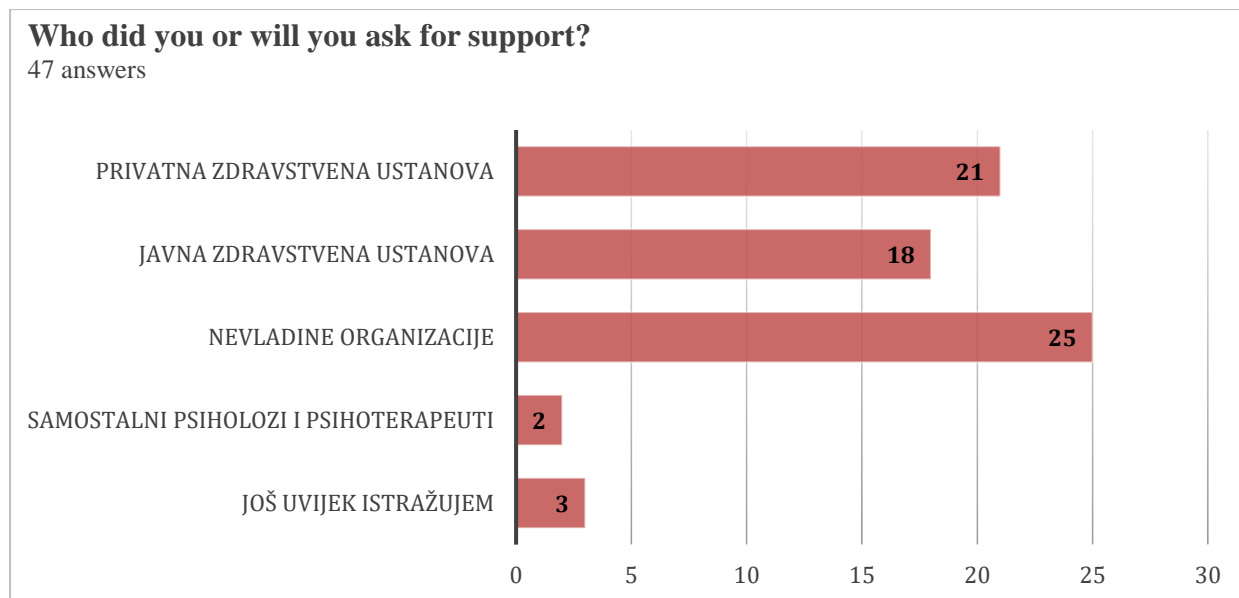
**Psihičke teškoće sa kojim se borim ili sam se borio\_la**

47 responses



*Chart 19 – Mental health problems faced by members of the LGBTI+ community (top to bottom: depression, anxiety, suicide attempt, self-harm, stress, eating disorder, agoraphobia, addiction, OCD, bipolar/ADHD)*

A positive fact is that more than half of the respondents, as many as 55.3%, turned to professional psychological or psychotherapeutic support. The largest number of respondents turned to non-governmental organizations for support, 53.2%, followed by private health institutions 44.7%, public health institutions 38.3%, while a small number of respondents decided to seek help from independent psychologists and psychotherapists. As in the case of reporting violence, members of the LGBTI+ community have the greatest trust in representatives of non-governmental organizations dealing with human rights.



*Chart 20 – Institutions to which members of the LGBTI+ community turn for support (top to bottom: private health clinic, public health clinic, NGOs, private psychologist, still searching)*

When filling out the survey form, respondents had the opportunity to express their opinion and give recommendations on what would further help other persons and public institutions to feel safer and freer as LGBTI+ people. The largest number of LGBTI+ people believe that institutions and the general public could contribute in the following ways:

- greater representation of LGBTI+ topics in public space and media
- greater representation of LGBTI+ topics in school and other textbooks
- education of teachers and other professional staff on LGBTI+ topics
- the existence of student, faculty and other informal groups dealing with LGBTI+ issues
- A more accessible health care system
- A better and more transparent legislative framework on the rights and freedoms of LGBTI+ people
- Fight for the adoption of laws related to the LGBTI+ community

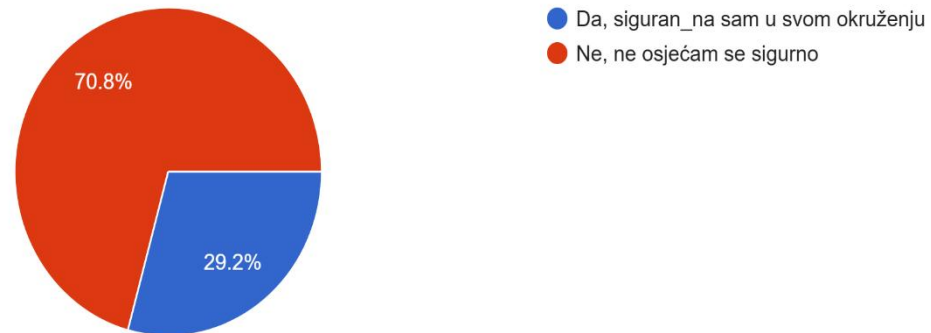
## **Feeling safe as an LGBTI+ person**

Security is not only about physical protection, but also about emotional stability, freedom of expression of identity and respect for rights in the social environment. For the LGBTI+ community, whose members often face discrimination, violence and marginalization, safety is

a key issue, whether in public spaces, in the workplace or in private relationships. It is worrying that the largest number of respondents, 70.8% of them (46), do not feel safe in their environment.

Da li se osjećaš sigurno u svojoj sredini kao LGBTI+ osoba

65 responses



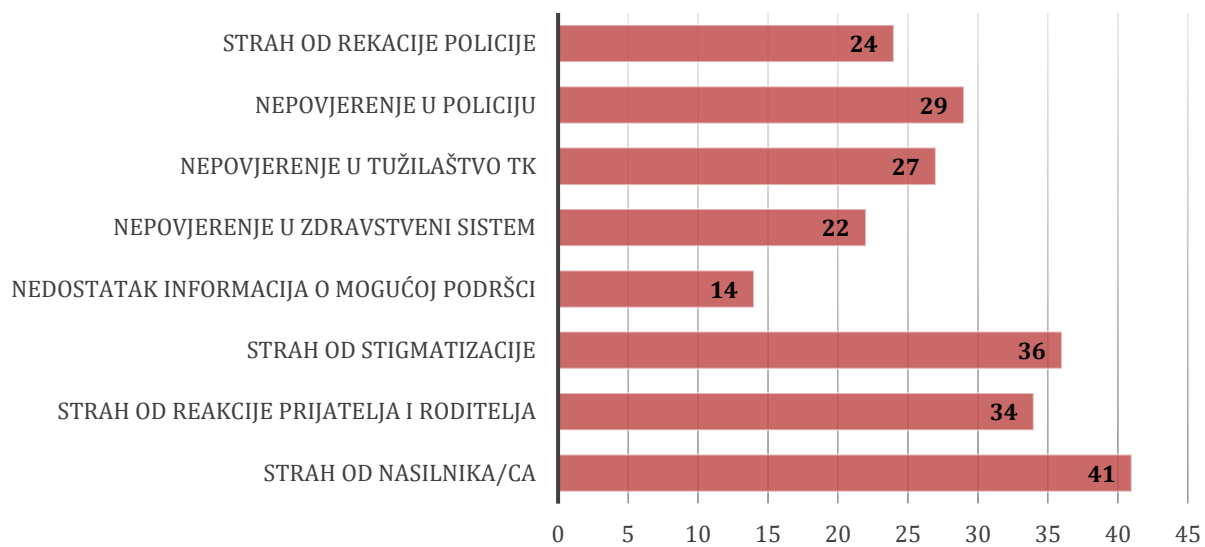
*Chart 21 – LGBTI+ people's sense of security in their own environment (blue – yes, I feel safe; red – no, I don't feel safe)*

## **Fear and distrust of the environment**

There are many reasons why members of the LGBTI+ community do not feel safe in their environment. We have covered some of these reasons in special chapters, such as trust in the police, while most of the reasons are related to the general lack of trust and fear that prevails among members of the LGBTI+ community. The biggest reasons for the feeling of insecurity lie precisely in the lack of trust in public institutions, such as the police, prosecutor's office and health institutions. In addition, respondents stated that there is a fear of stigmatization, fear of the reaction of friends and parents, fear of abusers and lack of information about possible support. All these reasons greatly contribute to the fact that members of the LGBTI+ community feel insecure in their environment.

### I don't feel safe as an LGBTI+ person because of:

46 answers



*Chart 22 – reasons for insecurity of members of the LGBTI+ community (top to bottom: fear of police, distrust in police, distrust in PO, distrust of the health system, lack of info on how to help, fear of stigma, fear of friend's and family's reaction, fear of the perpetrator)*

## Overview of the work and services of the Tuzla Open Centre

Through its many years of operation, the Tuzla Open Centre (TOC) has developed a series of services and programs intended for the LGBTI+ community in the Tuzla Canton, with the aim of protecting rights, improving the quality of life and creating a safe and inclusive community. It is important to note that all the services that the Tuzla Open Centre provides to the LGBTI+ community are free of charge, and some of them are:

5. **Psychotherapy Services** – TOC offers free pre-therapy services, including Gestalt, Somatic and CBT therapy, to help LGBTI+ people cope with stress, anxiety, depression and other challenges they face on a daily basis. Therapy provides a safe and confidential space to explore emotions, develop coping strategies, and improve mental health.
6. **Peer to Peer counseling** – peer counseling services allow LGBTI+ people to talk to savjetnicima\_cama who understand and support them. This type of service helps reduce feelings of loneliness and creates a safe space for dialogue about everyday challenges.
7. **Support groups** – TOC organizes support groups that allow LGBTI+ people to connect with others and share their experiences, feelings and thoughts in a safe and friendly environment. This initiative is designed to provide psychosocial support and empower young people who face daily stress and challenges.
8. **Information and education** – through its program work, TOC provides a multitude of activities, from those that are of a social and entertaining nature, to educational, activist and advocacy workshops, with a wide range of professional and quality people from whom you can always learn something new, and share your experiences and ideas.

The services of the Tuzla Open Centre not only provide direct support to LGBTI+ people, but also contribute to their empowerment, developing resilience to everyday challenges and more active participation in social life. Through the research itself, the goal was to examine how familiar LGBTI+ people are with the services offered by TOC, in order to better understand their needs and enable the Tuzla Open Center to improve its programs. The results of the research will help identify areas that require additional promotion or improvement, and will serve as a basis for the development of new initiatives that will significantly affect the position of the LGBTI+ community in Tuzla Canton.

In 2024, the Tuzla Open Centre, in addition to working directly with the LGBTI+ community, has done a multitude of activities to establish formal cooperation with the institutions of the City of Tuzla and Tuzla Canton, create a network of allies and establish contacts and cooperation with important political and social actors in the City of Tuzla and Tuzla Canton. TOC had over 450 unique individual users during 2024 on various activities. A project called "Freedom of Assembly as the Heart of the Fight for LGBTI Equality" can be particularly highlighted, whose main goal was to advocate for the adoption of a new Law on Public Gatherings of Tuzla Canton, which will be harmonized with international standards and enable easier organization of public gatherings. Work on this topic is especially important for the LGBTI+ community because it facilitates access to one of the basic human rights, the right to freedom of assembly. Within the framework of this project, a number of activities were carried out in which significant results were achieved:

- Establishing formal cooperation with the institutions of Tuzla Canton through signed Cooperation Agreements with the Tuzla Canton Cantonal Prosecutor's Office and the Ministry of Internal Affairs of Tuzla Canton,
- Intensified cooperation with the Department for Culture, Sports, Youth and Social Welfare of the City of Tuzla,
- Established contacts and cooperation with decision-makers in the area of the City of Tuzla and Tuzla Canton,
- Collaborate with civil society organizations,
- Expanded network of allies of the Tuzla Open Center and others.

Last year, the fourth Kvirhana Festival of Queer Art and Activism was held, which gathered over 500 participants and offered a rich program, both to members of the LGBTI+ community and the wider community. In addition to all of the above, representatives of the Tuzla Open Center were active members of various working groups, meetings, seminars and similar events where they used every opportunity to place LGBTI+ topics in the public space. All these activities greatly contribute to the very position of the LGBTI+ community in the Tuzla Canton, because through the capacity and empowered Tuzla Open Center of the LGBTI+ community in Tuzla Canton, it will always have a safe partner and a strong advocate for improving the rights of the LGBTI+ community.

## **Protection of human rights**

The protection of the rights of LGBTI+ persons is a key element in achieving equality, dignity and full inclusion of all members of society. Although many significant advances have been made in the recognition and protection of the rights of LGBTI+ people in recent years, this community still faces numerous challenges, including discrimination, violence and exclusion from social processes, as indicated by the results presented in this annual report. Protecting the rights of LGBTI+ people is essential to building a just and inclusive society, especially considering the fact that this community often faces multiple forms of discrimination, both in public and private life. Given that discrimination can be reflected through unequal access to employment, education, health services, and through violence and discrimination, the protection of the rights of LGBTI+ people requires a comprehensive approach that includes both legal and institutional mechanisms, as well as changes in social norms and attitudes.

The international legal framework, as well as domestic legislation, play a key role in ensuring the protection of the rights of LGBTI+ persons through various conventions, declarations and laws, thus setting standards that prohibit discrimination and promote equality. The implementation of these standards remains a challenge, especially in environments where there is strong resistance to recognizing the rights of LGBTI+ people.

## International and EU legal framework

There are a significant number of international declarations, conventions, resolutions and laws that protect the rights of LGBTI+ people. International legal frameworks provide strong support for the protection of the rights of LGBTI+ people, but their implementation varies from country to country. Some of the key documents, such as the Yogyakarta Principles and the United Nations Resolution, represent a step forward in the global recognition of the rights of LGBTI+ people. However, continuous work to advance legal protection and promote equality is necessary to ensure the full protection of the rights of LGBTI+ people in all parts of the world. Below is an overview of the most important international documents that provide protection of the rights of LGBTI+ persons:

- **The Universal Declaration of Human Rights (1948)**

Although it is not legally binding, it has become part of the binding norms of international law. The declaration emphasizes the equality of all people in dignity and rights, prohibiting discrimination on any grounds, including sex, race, religion and national origin, which also implies the protection of the rights of LGBTI+ people. Article 1 of the Declaration states that all human beings are born free and equal in dignity and rights, while Article 2 prohibits discrimination in the enjoyment of rights regardless of any difference. However, the declaration sets a limit on the right to marry, defining it as a union between a man and a woman, which is closely related to the rights of LGBTI+ people. In addition, the Declaration permits restrictions on rights and freedoms only if they are prescribed by law, in order to respect the rights of others, morality, public order and the general welfare of a democratic society.

- **International Covenant on Civil and Political Rights (1966)**

The Covenant prohibits discrimination on any grounds, including sex, race, religion and national origin. Although the Covenant does not explicitly mention sexual orientation or gender identity, Article 2 of the Covenant does not explicitly mention sexual orientation or gender identity. The pact prohibits discrimination on the basis of "other status," which is interpreted as protecting the rights of LGBTI+ people. The pact also obliges states to prohibit discrimination and ensure equality for all citizens through national legislation. Although the Covenant guarantees a wide range of rights, in terms of marriage, through Article 23 it defines marriage as a union between a man and a woman, which limits the rights of LGBTI+ people to marry. However, the Covenant permits restrictions on rights only in exceptional cases, such as public danger, provided that such restrictions do not lead to discrimination.

**The Human Rights Committee**, established by the First Optional Protocol, monitors the implementation of the Covenant and examines individual petitions against states that have ratified the Protocol, including cases of discrimination against LGBTI+ persons. The Committee has repeatedly argued that the prohibition of discrimination on the basis of "other status" includes protection against discrimination on the basis of sexual orientation and gender identity. The Committee's decisions are not legally binding, but they have great moral and political impact, and countries often comply with the Committee's recommendations. In addition, the Committee issues general comments providing an interpretation of the provisions of the Covenant, and for example in its General Comment n. Freedom of expression also includes the right to express sexual orientation and gender identity.

- **International Covenant on Economic, Social and Cultural Rights (1966)**

The Covenant guarantees the rights to work, education, health, living standards and cultural participation. Article 2 The Covenant prohibits discrimination on any grounds, including sex, race, religion and national origin. The pact does not explicitly mention sexual orientation or gender identity, but **the Committee on Economic, Social and Cultural Rights** interprets that the prohibition of discrimination on the basis of "other circumstances" also applies to LGBTI+ people. In General Comment No. Sexual orientation and gender identity fall under the prohibited grounds of discrimination, which means that states must ensure that LGBTI+ people have equal access to the right to work, healthcare, education and other social services. In addition, the Committee points out that transgender and intersex people often face serious violations of their rights, such as harassment in the workplace or in educational institutions. The Committee's decisions are not legally binding but have a significant impact on the promotion of equality and non-discrimination, while the Covenant obliges States to report regularly on progress in the exercise of rights.

Through all the international standards presented so far, LGBTI+ people have not been explicitly recognized anywhere, but on the basis of "other status" or "other circumstances" an interpretation is given that members of the LGBTI+ population are also protected from discrimination through the application of these international standards. International standards that explicitly protect the rights of LGBTI+ people are presented below.

- **Yogyakarta Principles (2006)**

It is a key international document that explicitly prohibits discrimination on the basis of sexual orientation and gender identity. These principles are standards for protecting the rights of LGBTI+ people in all aspects of life, including the right to life, health, education and work. States are called upon to take active steps to ensure equality and prevent violence against the LGBTI+ community. The Yogyakarta Principles provide practical guidance for the implementation of international human rights standards, promoting an inclusive society for all.

- **UN Declaration on Human Rights, Sexual Orientation and Gender Identity (2009)**

The declaration calls on states to condemn violence and violations of rights against LGBTI+ people, emphasizing the need to investigate crimes, justice for victims and establish protection mechanisms for the LGBTI+ community. Although not legally binding, this declaration represents an important step in the global recognition of the rights of LGBTI+ people and the fight against discrimination and violence.

- **UN Human Rights Council resolution on protecting the rights of LGBTI+ persons (2011)**

The resolution is the first official document of the United Nations to explicitly condemn violence and discrimination against LGBTI+ people. The resolution calls on the High Commissioner for Human Rights to document and analyze laws and practices that violate the rights of LGBTI+ people, and propose ways to prevent such violations. This resolution lays the foundations for the protection of the rights of the LGBTI+ community at the global level.

At the international level, there are a large number of documents that protect the rights of the LGBTI+ community, although a large number of them are not mentioned in this review. Some of such documents are, for example, **the Convention on the Rights of the Child and the**

**Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**, which also contribute to the protection of the rights of LGBTI+ persons through the prohibition of discrimination. In general, all international documents can be divided into those that **explicitly** protect the rights of LGBTI+ people, such as **the Yogyakarta Principles** and **the UN Human Rights Council Resolution (2011)**, and those that do so **implicitly**, such as the **Universal Declaration of Human Rights and the International Covenant on Human Rights**, which prohibit discrimination on broad grounds, including "second status" or "other circumstances".

While explicit documents directly address issues of sexual orientation and gender identity, implicit documents provide the basis for a broader interpretation of the law, allowing international bodies and courts to extend protection to the LGBTI+ community. Both types of documents complement each other, together forming a powerful framework for promoting equality and the protection of the rights of LGBTI+ people around the world.

## Domestic legislation

The constitutional and legal framework of Bosnia and Herzegovina provides a complex web of protection of human rights, including the rights of LGBTI+ persons. Human rights and freedoms are protected through the Constitution of Bosnia and Herzegovina, the constitutions of the entities (Republika Srpska and the Federation of BiH), and the constitutions of the cantons and the Statute of the Brčko District. The jurisdiction of the Constitutional Court of BiH, as the highest judicial instance, ensures respect for constitutional and international human rights standards at all levels of government.

### 5. Constitution of Bosnia and Herzegovina

The Constitution of Bosnia and Herzegovina is the highest legal act in the country and encompasses a wide range of human rights, including those related to the LGBTI+ community. The Constitution contains **15 international conventions** and **the European Convention on Human Rights** as constituent parts, which ensures a high level of protection of the rights of all citizens. Among the most important conventions, which form an integral part of the Constitution, are **the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Elimination of All Forms of Discrimination against Women**, which prohibit discrimination and protect the right to life, liberty, privacy and equality. Article II of the Constitution guarantees a number of human rights, including the right to life, liberty, privacy, freedom of expression and assembly, and the right to equality before the law. Sexual orientation and gender identity are not explicitly stated, but the principle of non-discrimination in Article II allows for a broader interpretation, including the protection of LGBTI+ persons. This is further confirmed through **the Law on the Prohibition of Discrimination and the Law on Gender Equality**, which explicitly prohibit discrimination on the basis of sexual orientation, gender identity and gender expression.

The Constitution does not define marriage in the context of same-sex unions, which leaves room for further improvement of legislation in this area. The constitutional framework, together with international conventions and domestic laws, provides a solid basis for protecting the rights of LGBTI+ people and combating discrimination and violence.

### 6. Constitutional Court of Bosnia and Herzegovina

The Constitutional Court of Bosnia and Herzegovina is the highest judicial instance in the country and is a key mechanism for the protection of human rights, including the rights of LGBTI+ persons. The Court has jurisdiction to hear appeals against judgments that violate constitutionally guaranteed rights, as well as rights under international conventions that are an integral part of the Constitution of Bosnia and Herzegovina. The decisions of the Constitutional Court are **final** and **binding** for all authorities. If the decision is not respected, officials can be punished with imprisonment from 6 months to 5 years, which ensures compliance with judgments. In the past, the Court has shown a willingness to protect the rights of minorities, including the LGBTI+ community, through the interpretation of the principles of non-discrimination and equality before the law. Although the Constitutional Court has not had many cases explicitly related to the rights of LGBTI+ people, its role in interpreting constitutional and international standards provides a basis for further advancing the protection of the rights of this community.

## **7. Entity Constitutions (Constitution of Republika Srpska and Constitution of the Federation of BiH)**

The Constitution of the Federation of Bosnia and Herzegovina and the Constitution of Republika Srpska guarantee a wide range of human rights, but differ in the way they treat the protection of the rights of LGBTI+ people. Article 2 of the Constitution of the Federation of BiH prohibits discrimination on the basis of sex, but does not explicitly mention sexual orientation or gender identity. However, the constitutional provision on the protection of **"potentially vulnerable groups"** can be interpreted as the basis for the protection of the LGBTI+ community. The Constitution of the Federation also contains **21 international instruments** that are considered part of the constitutional text, which provides additional protection of the rights of LGBTI+ persons through international standards.

On the other hand, **the Constitution of the Republika Srpska** in Article 10 prohibits discrimination on the basis of "other personal characteristics", which can be interpreted as protection against discrimination on the basis of sexual orientation and gender identity. Although this constitution does not explicitly mention LGBTI+ people, a broader interpretation of this provision allows for the protection of the rights of the LGBTI+ community. The main difference between the two documents is that the Constitution of the Federation of BiH does not contain a general prohibition of discrimination, while the Constitution of Republika Srpska explicitly prohibits discrimination on the basis of "other personal attribute", which provides a stronger basis for the protection of LGBTI+ persons. Both constitutions, however, indirectly protect the rights of LGBTI+ people through a broader interpretation of existing provisions and international standards.

## **8. Statute of Brcko District of Bosnia and Herzegovina**

The Statute of the Brcko District of Bosnia and Herzegovina is the highest act of this local self-government unit and the only document in Bosnia and Herzegovina that **explicitly prohibits discrimination on the basis of sexual orientation** (referred to in the Statute as "sexual orientation"). Article 13, paragraph 1 "Everyone has the right to enjoy all the rights and freedoms guaranteed by the Constitution and the laws of Bosnia and Herzegovina, this Statute and the laws of the District, without discrimination on any grounds, including discrimination on the grounds of sex, race, sexual orientation, colour, language, religion, national or social origin, political or other opinion, membership of a national minority, property, birth or other status."

Gender identity is not explicitly mentioned through the Statute, but it can be interpreted through the broader meaning of the word "sex" or under "other status". The Statute also guarantees rights such as the right to privacy, freedom of association and education, and points out that all rights under the European Convention on Human Rights have greater legal force than any law contrary to the Convention.

An analysis of the domestic legislative framework in Bosnia and Herzegovina shows that the rights of LGBTI+ people are protected both explicitly and implicitly, but with varying levels of clarity and effectiveness. The Brcko District Statute is the only document that explicitly prohibits discrimination on the basis of sexual orientation, while other constitutional and legal acts, such as the Constitution of Bosnia and Herzegovina, the Constitution of the Federation of BiH and the Constitution of the Republika Srpska, provide protection through a broader interpretation of terms such as "other status" or "other personal characteristic".

Although these documents do not explicitly mention gender identity, it can be subsumed under the prohibition of discrimination on the basis of sex or other grounds. Additional protection is provided by the Law on the Prohibition of Discrimination, which explicitly prohibits discrimination on the basis of sexual orientation and gender identity. At the entity and district level, the level of protection of the rights of LGBTI+ people varies. While the Statute of the Brčko District represents the most advanced approach, the constitutional frameworks of the Federation of BiH and Republika Srpska leave room for a broader interpretation, which in certain cases may endanger members of the LGBTI+ community in the exercise of their human rights guaranteed by the Constitution and international standards.

It is important to note that this review does not analyze the statutes of cantons and the statutes of local self-government units, which can also, within their competences, provide additional protection of the rights of LGBTI+ persons. Overall, Bosnia and Herzegovina's legislative framework provides the basis for protecting the rights of LGBTI+ people, but there is a clear need for further improvement, especially in terms of explicit recognition and clearer protection mechanisms at all levels of government.

## CONCLUSIONS AND RECOMMENDATIONS

The annual report on the state of rights and needs of LGBTI+ people in Tuzla Canton points to the deep-rooted challenges that this community faces in everyday life. Despite some progress in terms of greater visibility and support, systemic and societal barriers and prejudices continue to limit the full equality and dignity of LGBTI+ people. The results of the research reveal that the negative experiences of the LGBTI+ community are often the result of insufficiently developed protection mechanisms, lack of education of the general public and institutional passivity.

The key problems are certainly the lack of security and trust, both in social relations and in the capacity of the competent institutions to respond adequately to violations of rights. This research has shown that the feeling of vulnerability among LGBTI+ people is pronounced, which directly affects their ability to participate freely in social life. The research also points to the necessity of continuous work on changing social norms and strengthening legal protection, in order to create an environment in which all citizens, regardless of sexual orientation or gender identity, can live without fear and discrimination. Given that members of the LGBTI+ community continue to face significant challenges in key areas of life, the analysis is focused on **violence, discrimination, trust in institutions, social relationships, sense of security, and fear and distrust of the environment**, and the key results of the research can be presented in several of the following theses:

- LGBTI+ people face high levels of physical and verbal violence.
- A high level of distrust in the police and other authorities makes it difficult to report and resolve these cases.
- Discrimination is present in all spheres of life, including work, education, public services and participation in public life.
- The lack of explicit legal provisions at the level of the TC and the FBiH contributes to this problem,
- LGBTI+ people often experience rejection by family, friends, or the wider community, contributing to feelings of loneliness and marginalization.

- Most LGBTI+ people do not feel safe in their environment, which limits their freedom of movement and involvement in social activities,
- Fear of violence, discrimination and rejection is extremely high, which negatively affects the mental health and quality of life of LGBTI+ people.

According to these conclusions of the research, a series of recommendations can be created, which will refer to public institutions, decision-makers, civil society organizations dealing with human rights, the wider community as well as members of the LGBTI+ community, which will contribute to the improvement of the position of the LGBTI+ community. In order to improve the position of the LGBTI+ community in Tuzla Canton, it is necessary to:

**1. Strengthen legal frameworks for the protection of the rights of LGBTI+ people** – to ensure equal access to basic rights for all persons, regardless of their sexual orientation and gender identity.

- **Advocating for the amendment of legislative frameworks** through the adoption of explicit provisions in domestic legislation that prohibit discrimination and allow equal access,
- **Ensure the effective implementation of existing legislative frameworks** to increase the safety of LGBTI+ people

**2. Transform attitudes through education** – both within institutions and in the general public – in order to reduce prejudice and raise awareness of LGBTI+ rights

- **Organize trainings for police officers and other civil servants** on the specific needs of the LGBTI+ community,
- **Conduct campaigns for the general public** to reduce homophobia, transphobia, biphobia and transphobia and promote tolerance and solidarity.

**3. Provide safe spaces and support** for LGBTI+ people, including psychological, legal and social assistance, to reduce feelings of isolation and empower the community.

- **Intensify the promotion of Tuzla Open Center activities**, including psychological support, peer to peer counseling, support groups and educational programs.
- **Create safe spaces for LGBTI+ people**, where they can freely express their identity without fear of condemnation, violence or discrimination.

**4. Build bridges between the LGBTI+ community and institutions** through transparent cooperation, to restore trust and ensure an effective response to violations of rights.

- **Advocate for improving the transparency and efficiency of institutions** in resolving cases of violence and discrimination against LGBTI+ people.
- **Ensure that all reports are carefully considered and appropriate legal action is taken** in cases of reports of violence or discrimination against LGBTI+ people.

**5. Continue to promote the visibility of LGBTI+ people** through cultural, educational and social initiatives, which will contribute to a long-term change in social norms.

- **To work on strengthening the sense of security of LGBTI+ people** through education, support and promotion of inclusive values in the community.
- **Support initiatives that promote the visibility of LGBTI+ people** and their more active role in social life.

The path to equality and full integration of the LGBTI+ community is complex but achievable through coordinated efforts of the state, civil society, citizens and the LGBTI+ community itself. The Tuzla Open Centre, as a driver of change, has a key role in this process, but lasting success requires collective responsibility, support, commitment and cooperation of all relevant actors – from institutions to civil society.

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