

**WOMEN IN THE PRISON SYSTEM IN BOSNIA AND HERZEGOVINA:  
REHABILITATION PROGRAMS, EDUCATION AND WORK**

Review scientific paper

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**Summary**

In this paper authors discuss specific issues related to rehabilitation programs, education and work of female prisoners that are developed in the prison system of Bosnia and Herzegovina, which is characterized by fragmentation, both in terms of organizational structure, and in terms of the legislative framework that regulates it.

Based upon results of research authors determine the state of rehabilitation programs, work and educational opportunities for female prisoners in the prison system of Bosnia and Herzegovina that is almost invariably designed for the majority male prison population. Furthermore, authors provide recommendations of measures aimed at correcting the identified deficiencies.

**Keywords**

Female prisoners, prison system, prison rehabilitation program, work, education

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## 1. INTRODUCTION

The type and quality of prisoner rehabilitation programs and the level of prisoners' access to education and work strongly influence the achievement of social reintegration efforts in prisons.<sup>4</sup> Namely, it is believed that such activities should enable prisoners to live law-abiding and self-supporting lives after release by increasing their job skills and improving their education (see: United Nations, 1955, § 58 and §59). After close examination of the prison system of Bosnia and Herzegovina (B&H) it is evident that in the existing prison system realization of these goals has been largely neglected. This research reveals numerous problems inherent to the prison system of B&H regarding the rehabilitation programs, education and work of female prisoners.

Having in mind that conducting research in specific environments such as prisons necessitates development of specific methodological framework that will facilitate an unprejudiced understanding of the relevant circumstances, in this research we used specific research methods: examination of relevant legal provisions of the international documents and their implementation in the state and entities legislation on the execution of criminal sanctions, semi-structured qualitative interviews with prison officers and focus groups with female prisoners. Interviews were conducted with: prisons' wardens, treatment staff, members of the health service and members of the security service. The corroboration of multiple techniques and sources of data increased the validity and reliability of findings.

Based upon results of research in this paper we identify the state of rehabilitation programs, work and educational opportunities for female prisoners in the prison system of B&H and provide corresponding recommendations for correcting the identified deficiencies.

## 2. WHY THERE IS AN URGENT NEED TO GIVE ATTENTION TO REHABILITATION PROGRAMS OF WOMEN IN PRISON

According to United Nations Office on Drugs and Crime – UNODC and World Health Organization - WHO Europe (2009) more than half a million women and girls are held in prisons throughout the world, either as detainees or sentenced prisoners.<sup>5</sup> Women represent a minority in prison populations around the world, constituting an estimated 2 to 9% of national prison populations (Quaker United Nations Office, 2011), with the highest rates of imprisonment in China, the Russian Federation, Thailand and the United States (Gainsborough, 2008). The median level in Europe is 4.4%

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<sup>4</sup> In the Article 6 of the Criminal Code of Bosnia and Herzegovina rehabilitation of perpetrators is listed as one of the goals of criminal sanctions. (Official Gazette of Bosnia and Herzegovina, no. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10).

<sup>5</sup> In Europe, about 100 000 women and girls are in prison (UNODC, 2008).

(UNODC and WHO Europe 2009).<sup>6</sup> In B&H data from Annual Penal Statistics: SPACE I (2011, p 80) indicates the similar tendencies: percentage of female prisoners in the total number of prisoners in B&H is 2.4%.<sup>7</sup>

Even though women are a minority in prison populations all over the world, they constitute the fastest growing prison population (UNODC and WHO Europe, 2009). This increase has largely been attributed to the states' enactment of harsher reactions to the non-violent crimes for which women are usually apprehended (property and drug-related offences) characterized in many administrations as petty or less serious offences (UN Women 2011; Penal Reform International, 2007; also see: Covington, 1998; Gelb, 2003). Another important fact related to the increase of female prison population is that the rate of increase in the number of women in prison is much greater than that for men (Bastick, 2005; see also: Covington and Bloom, 2003). This finding can be illustrated with an example from United States where the number of women serving sentences of more than a year grew by 757 percent between 1977 and 2004 – nearly twice the 388 percent increase in the male prison population (Frost *et al.* 2006).<sup>8</sup>

Many women in prison serve a short sentence, which means that the turnover rate is high (United Nations Office on Drugs and Crime, 2009). Most offences for which women are imprisoned are non-violent and property or drug-related (UN Women, 2011; Quaker Council for European Affairs, 2007; see also: Steffensmeier and Schwartz 2004). Worldwide, women are more often imprisoned for drug offences<sup>9</sup> than for any other crime (International Harm Reduction Association, 2012; WHO Europe and UNODOC, 2009; Walmsley, 2005; Taylor, 2004; Covington, 1998).<sup>10</sup>

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<sup>6</sup> Spain has the highest percentage of women in prison (nearly 8%) and Azerbaijan the lowest (less than 1.5%) (Walmsley, 2006; WHO Regional Office for Europe, 2009).

<sup>7</sup> At the entities level female prisoners constitute 2.9% (FB&H) and 1.6% (RS) of the total number of prisoners. Unfortunately, figures regarding the percentage of female prison population in the total number of prisoners in B&H (state and entity levels) should not be considered as official inputs because they are calculated on the basis of the data provided by national correspondents (see: Council of Europe Annual Penal Statistics – SPACE I, 2011, p 81).

<sup>8</sup> Also in England and Wales the number of women in prison has increased by more than 200% in the past 10 years versus a 50% increase in the number of men in prison during the same period (Prison Reform Trust, 2006). In Barbados, Mexico, Bolivia, Colombia, Kenya, Australia, New Zealand, the USA and Kyrgyzstan, between 1994 and 2004 the female prison population increased at a far faster rate than the male prison population (Quaker United Nations Office, 2008). For example: in Mexico, a 235% increase in female, compared to 134% increase in male prison population; in Kenya, a 100% increase in female, compared to 24% increase in male prison population; in Australia, between 1984 and 2003, there was a 75% increase in the imprisonment rate for men whereas the equivalent rate for women soared by 209% (Quaker United Nations Office, 2008).

<sup>9</sup> In 51 European and Central Asian countries in prison for non-violent drug offences is 28% or more than one in four of all women incarcerated for any reason (International Harm Reduction Association, 2012).

<sup>10</sup> *The majority of these women do not need to be in prison at all. Most are charged with minor and non-violent offences and do not pose a risk to the public. Many are imprisoned due to their poverty and inability to pay fines. A large proportion is in need of treatment for mental disabilities or substance addiction, rather*

Official figures of the Bureaus of Statistics of B&H do not provide information on the subject of crime statistics.<sup>11</sup> Therefore, the official data is only collected and published on the entity level. In FB&H throughout 2011 7.823 persons are sentenced to imprisonment and 426 are females (Statistical Yearbook of FB&H, 2012).<sup>12</sup> Regarding the type of criminal offences committed by women the largest number relates to the criminal offences against property (i.e. 194). The type and number of other criminal offences committed by female perpetrators in 2011 are: 41 criminal offences against life and body; 13 criminal offences against civil rights and freedoms; 1 criminal offence against dignity and morality; 19 criminal offences against marriage and family; 38 criminal offences against public health; 22 criminal offences against economy; 6 criminal offences against the environment; 5 criminal offences against public safety of humans and propriety; 42 offences against safety of public transportation; 10 criminal offences against administration of justice; 13 criminal offences against official or responsible obligation; 2 criminal offences against electronic data processing system; 2 criminal offences against tax and 4 other criminal offences. According to the official data from 2011, females did not commit any criminal offences against working relations, armed forces of FB&H, constitutional establishment of FB&H, humanity and international law and terrorism (Statistical bulletin 173/2012, p 31). Although information about criminal sanctioning In Republic of Srpska (RS) is presented in a gender sensitive way in the Statistical Yearbook of RS (2012) wherein is stated that during 2011 out of 4072 convicted adult perpetrators, 296 are convicted female perpetrators, unfortunately there is no official data on the number of imprisoned women (see Statistical Yearbook of RS, p 29). In terms of the types of criminal offences, the largest number of offences committed by females in RS relates to the criminal offences against property (i.e. 111). The number of other types of criminal offences committed by convicted female perpetrators includes: 13 criminal offences against life and body; 10 criminal offences against civil rights and freedoms; 18 criminal offences against marriage and family; 3 criminal offences against human health; 32 criminal offences against economy and payment transactions; 12 criminal offences against official duty; 2 criminal offences against the administration of justice; 20 criminal offences against legal procedures; 28 against public order; 1 criminal offence against general safety of people and property; 34 criminal offences against traffic safety; 2 criminal offences against the environment; and 10 offences from other special laws (that is outside the Criminal Law of RS). According to the official data from 2011, females did not commit any criminal offences against electoral rights, sexual integrity, labor relations and social security rights, security of computer data, and constitutional order of RS. Therefore, while we don't have the official data regarding the type of criminal offences for which women are imprisoned it is evident

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*than isolation from society. Many are victims themselves but are imprisoned due to discriminatory legislation and practices. Community sanctions and measures would serve the social reintegration requirements of a vast majority much more effectively than imprisonment' (UNODC, 2008 p 3).*

<sup>11</sup> In 2011 Agency for statistics of B&H started with preparations for conducting the research in the field of crime statistics (see: Annual Report for 2011, p 9).

<sup>12</sup> Out of the total number of imprisoned women the majority of them is serving less than a one year in prison i.e. 406 out of total 426 (Statistical bulletin 173/2012, p 26).

from the entities' statistical yearbooks that majority of women in B&H are convicted for criminal offences against property.

In general sense, the majority of women sentenced to imprisonment usually come from socially and economically disadvantaged communities and groups (Kolroy, 2001; Daniels, 1996). Ordinarily, they are unemployed, have low levels of education and have dependent children (Quaker United Nations Office, 2008). Also high proportion of female prisoners has a background of physical and sexual abuse and of alcohol and drug dependence (UNODC and WHO Europe, 2009). At the same time, there tends to be greater stigma associated with women's imprisonment than men's, and women who have been in prison may be ostracized by their families and communities (United Nations, 2000; Gainsborough, 2008).

Due to the previously mentioned factors and despite the fact that most UN's, EU's, QUNO's and other reports emphasize that female prisoners have different needs than male prisoners, prison systems and prison regimes are almost invariably designed for the majority male prison population (Quaker United Nations Office, 2006). Even the UN Standard Minimum Rules for the Treatment of Prisoners (SMR) (United Nations, 1955),<sup>13</sup> adopted more than 50 years ago, reflect this shortcoming.

There are numerous problems recognized in prisons for women worldwide as well as in B&H but due to the simple purpose and function of sentence of imprisonment the questions of gender sensitive rehabilitation programs, educational opportunities and opportunities for work are very important. SMR (United Nations, 1955) in the context of guiding principles state:

58. 'The purpose and justification of a sentence of imprisonment or a similar measure deprivative of liberty is ultimately to protect society against crime. This end can only be achieved if the period of imprisonment is used to ensure, so far as possible, that upon his return to society the offender is not only willing but able to lead a law-abiding and self-supporting life.'

59. 'To this end, the institution should utilize all the remedial, educational, moral, spiritual and other forces and forms of assistance which are appropriate and available, and should seek to apply them according to the individual treatment needs of the prisoners.'

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<sup>13</sup> The United Nations (UN) *Standard Minimum Rules for the Treatment of Prisoners* (Resolution 663 C (XXIV) of 31 July 1957, and amended by Resolution 2076 (LXII) of 13 May 1977) were adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and approved by the UN Economic and Social Council in 1957. They remain the key point of reference in designing and evaluating prison conditions. However, they did not draw sufficient attention to women's particular needs. With the increase of the women prisoner population worldwide, the necessity to bring more clarity to considerations which should apply to the treatment of female prisoners has acquired importance and urgency.

Therefore, the type and quality of prisoner rehabilitation programs, and the level of prisoners' access to education and work, strongly influence the success of social re-integration efforts in prisons. Activities provided for prisoners should enable them to live law-abiding and self-supporting life after release by increasing their job skills and improving their education (Quaker United Nations Office, 2006). The main way in which this can be achieved is giving female prisoners the opportunity to be educated, to gain skills for future employment, and to address any drug or substance abuse problems that they have (See: UNODC and WHO Europe, 2009) with programs that are created based upon their characteristics.

### 3. THE PRISON SYSTEM IN B&H

The prison system in B&H today is characterized by fragmentation, both in terms of organizational structure, and in terms of the legislative framework that regulates it. Legislative frameworks exist on state and entity levels and it is important to point out that laws for execution of criminal sanctions (Law on execution of criminal sanctions of B&H, Law on execution of criminal sanctions of FB&H and Law on execution of criminal sanctions of RS) do not contain specific sections or parts of sections that are related to the execution of criminal sanctions for women where all gender generated needs would be met. It is evident that most legal provisions are generally related to male rather than female prisoners. Female and male prisoners are distinguished from each other only in a few articles of these laws.<sup>14</sup>

Execution of criminal sanctions is distributed among the three levels of government under the Ministry of Justice of B&H and the entities' Ministries of Justice (FB&H and RS).<sup>15</sup> It is only the Court of B&H detention unit that operates at a state level (with the limited capacity of 20 prison cells), while the construction work of the state

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<sup>14</sup> First, all three laws make it possible to delay prison sentence for pregnant women and mothers of a young children (Article 131(1)(7) of the Law on execution of criminal sanctions of B&H (LECS B&H); Article 27(1)(7) of the Law on execution of criminal sanctions of FB&H (LECS FB&H); and Article 69(1)(ž) of the Law on execution of criminal sanctions of RS (LECS RS). Second, the statutory standards of accommodation LECS B&H prescribe in Article 19(2) the existence of a maternity ward and children's rooms. Similar provisions are included in the Article 76 (1) LECS RS and in the Article 127(1) LECS FB&H. Furthermore, in Article 76(1) LECS RS it is specified that pregnant women, new mothers and mothers who nurture the children must be accommodated separately from other convicted women. Third, entity laws in the context of health care, provide for possibility that child remains with the mother until certain age - Article 100(3) LECS RS and Article 48 (1) LECS FB&H. However, there are differences between the laws regarding the child's age. Thus, in the RS LECS it is stipulated that child stays with mother until reaches one year of age, after which the child is (in agreement with the mother) given to family or institutions for social care, while in Federation's LECS it is determined that the child (depending on mother's wishes) can be with mother up to the three years of child's age. Fourth, only in the Article 77(1) RS LECS is pointed out that the "special attention is given to the needs of female prisoners, in terms of their physical, professional, social and psychological needs when making concerning any aspect of their stay in the Institution".

<sup>15</sup> In the Brčko District of B&H there is no facility for execution of criminal sanctions. Imposed sanction will be executed in prisons in the entities. The legal basis for this is the Memorandum of Understanding between the Brčko District of B&H and its entities. In Brčko there is only detention unit.

prison is expected to begin in autumn in 2013.<sup>16</sup> The prison system of FB&H is in the Division for the Execution of Criminal Sanctions, operating under the Ministry of Justice of FB&H. It consists of eight penal institutions.<sup>17</sup> All of them are intended for the imprisonment of men while women are imprisoned only in the Section for women of the Prison in Tuzla. We find similar situation in the prison system of RS where out of six prisons only a section of one of them is intended for the imprisonment of women (KPZ Kula).<sup>18</sup> The prison system of RS is also in the Division for the Execution of Criminal Sanctions, operating under the Ministry of Justice of RS.

Therefore, it is evident that prison systems on entities' level in B&H are invariably designed for the majority male prison population from the architecture of prisons, to security procedures, to facilities for healthcare, family contact, work and training. In identifying the research problem this study was informed by 'Report of visit to prison establishments in the FB&H and RS on behalf of the Council of Europe' that addresses the current state in women's prisons: *'...women's prisons are an adaptation of prisons for men... As a consequence, prisons tend not to meet the needs of female prisoners, and women in prison are affected by imprisonment in a particularly harsh way. All too often, the human rights and basic dignity of women in prison are systematically violated.'* Those issues were underlined also in the Health Care Assessment of the prisons of Bosnia and Herzegovina (Council of Europe – Field Office Sarajevo, 2004). It is also very important to note that beside the above mentioned reports all other international and local reports as well as academic literature do not pay any particular attention to women in prisons.<sup>19</sup>

The problems of women in B&H the prison system are also evident through the information of the Institution of Human Rights Ombudsman of B&H in the 'Special Report on The Situation of Human Rights in Institutions For Execution Of Criminal Sanctions In Bosnia And Herzegovina' (The Institution of Human Rights

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<sup>16</sup> The postponement of initial deadlines for prison construction occurred due to the additional time spent on revising the old project and developing the new one as to adjust it to the most recent prison rules. (See:[http://www.mpr.gov.ba/organizacija\\_nadleznosti/izvršenje/drzavni\\_zatvor/?id=2001](http://www.mpr.gov.ba/organizacija_nadleznosti/izvršenje/drzavni_zatvor/?id=2001). Visited: 15.05.2013).

<sup>17</sup> Those prisons are: KPZ Sarajevo (male prisoners), KPZ Sarajevo - department of Ustikolina (male prisoners), KPZ Tuzla (male prisoners, Section for the minors and a Section for women), KPZ Tuzla –department of Orašje (male prisoners), KPZ Mostar (male prisoners), KPZ Zenica (male prisoners and a Section for the minors), KPZ Bihać (male prisoners), KPZ Busovača (male prisoners).

<sup>18</sup> Those prisons are: KPZ Kula (male prisoners, Section for the minors and a Section for women), OZ Dobož (male prisoners), OZ Foča (male prisoners), OZ Trebinje (male prisoners), OZ Bijeljina (male prisoners) and OZ Banja Luka (male prisoners).

<sup>19</sup> For example: Twinning Light Project: Support to correctional institutions in B&H (BA 06 IB JH 02 TL) *"Final report"* (2008); OSCE: Torture, harassment and disciplinary procedures in penal institutions in Bosnia and Herzegovina - Assessment of human rights in penal institutions in Bosnia and Herzegovina (2011); Bosnia and Herzegovina Ministry of Human Rights and Refugees Bosnia and Herzegovina: Report of the authorities of Bosnia and Herzegovina on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Bosnia and Herzegovina (2011), etc.

Ombudsman/Ombudsmen of BiH, 2012, p 36), which states the following: *'Unfortunately, in these institutions it is still a common practice that women work engaged only in traditionally female jobs such as sewing or handicrafts, or performing auxiliary tasks in the kitchen and hygiene.'*

#### 4. METHODOLOGY

Conducting research in specific environments such as prisons requires one to develop equally specific methodological framework that will facilitate an unprejudiced understanding of relevant circumstances. Researcher must be aware that success of research largely depends on his/her ability to adapt and respond to specific prison conditions and contacts with inmates and prison staff. Furthermore, one should not diminish the importance of particular knowledge of the regulations and complex legal framework governing the prison system for gaining access to prison. Undertaking the prison research inevitably challenges the researcher to design acceptable instruments (Lucic-Catic, 2011).

Having in mind aforementioned, the research methods used in this study are: examination of relevant legal provisions of the international documents and their implementation in the provisions of state and entities' laws on execution of criminal sanctions as well as their concrete application in prison sections for women in B&H, semi-structured qualitative interviews with prison officers and focus groups with female prisoners. Purposeful sampling strategy was the base for the interviewees' selection since it allows identification and selection of individuals with the key connection to the problems identified throughout variables and indicators in this study (Tonkiss, 2006). Interviews were conducted with: prisons' wardens, treatment staff, members of the health service and members of the security service. Interviews conducted within this research include interviews with: prisons' wardens (Kula and Tuzla), three and two treatment officers (Kula and Tuzla), and five members of security services (Kula and Tuzla) and only with one member of health service (Kula). Focus groups consisted of five female prisoners (Kula) and six female prisoners in Tuzla. Semi-structured qualitative interviews based on a series of open-ended questions and topics carefully prepared in advance were chosen in this research as one of the methods of data collection because they offer a flexible technique that can be used for a variety of research purposes. One of particularities of interviewing in the prison system is that it is impossible to record the interviews as a direct result of prison protocols, so abundant notes had to be taken and the full transcript of the conversation was made immediately after the interview.

Focus groups were selected as an efficient technique of qualitative data collection suitable for evaluation and comparison of prison conditions that exist in both entities from the perspective of female prisoners.

In this research we relied on thematic analysis in examining the obtained data (Huberman & Miles, 1994), complemented with content analysis where appropriate.



The validity of the research was achieved by using the strategy of triangulation, which is one of the most popular techniques in achieving trustworthiness of the results. Interview data and the data obtained with the method of focus groups were complimented with analysis of the provisions of previously mentioned international documents and national laws on execution of criminal sanctions (on state and entity level). The corroboration of multiple techniques and sources of data increased the validity and reliability of findings.

## 5. KEY FINDINGS FROM THE FIELD

### 5.1. Rehabilitation programs in sections for women in B&H prison system

Taking into account previously mentioned provisions of SMR (§58 and §59) and the provisions of *European Prison Rules* (European Union, 2006, §25.4 and §34.2) it is evident that programs available in prisons should be designed specifically for female prisoners (for excellent overview see: Bartels and Gaffney, 2011). The aim of those programs should be to address the underlying factors that led women to their offence and to cope with their gender-specific difficulties, which they face in prison.

In general, female offenders can be differentiated from their male counterparts regarding the type of offence for which women are incarcerated (mostly nonviolent property offenses), problems of substance abuse, psychiatric disorders, poverty, lack of skills, single motherhood, physical and sexual abuse prior to imprisonment, their education and employment and their pathways to crime (Bloom and Covington, 1998; also see: Gainsborough, 2008). Also, most of them are nonviolent and not a threat to the community (Bloom and Covington, 1998; Penal Reform International, 2007).<sup>20</sup> Those differences should have important implication on the rehabilitation programs that are in practice in prison sections for women.

This research identified various problems regarding the above mentioned important issues in sections for women in both prisons in B&H. Namely maladjustment of the existing prison system established in B&H to the needs of female prisoners illustrates the fact that there are no specific rules on treatment programs for female prisoners. In other words, identical rules and procedures are applied without taking into consideration the sex of the prisoner. In this way, position of men and women in prison

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<sup>20</sup>For statement in B&H see: Twinning Light Project : Support to correctional institutions in B&H (BA 06 IB JH 02 TL) "Final report" (2008); OSCE: Torture, harassment and disciplinary procedures in penal institutions in Bosnia and Herzegovina - Assessment of human rights in penal institutions in Bosnia and Herzegovina (2011); Bosnia and Herzegovina Ministry of Human Rights and Refugees Bosnia and Herzegovina: Report of the authorities of Bosnia and Herzegovina on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Bosnia and Herzegovina (2011); etc.

is completely equalized (see: Covington and Bloom, 2003), which in practice results with inadequate programs that do not achieve their main purposes.

Interviews conducted with correctional staff of the semi-open correctional institutions in Tuzla and Kula served as a basis for drafting a model of the currently applied procedure that entails specific phases. The first phase starts with the admission of female prisoner in the institution on the basis of document issued by a competent court. That document is also used as the main source of information on which the second phase of procedure - identification is based. Additional source of information for establishing the identity of the female prisoner are written statements of close relatives or public officials as well as other documents that are suitable for verifying the identity. This phase is followed by the observational phase, which lasts from 15 to a maximum of 30 days within which a group of experts (doctor, psychologist and social worker) should participate. It is important to point out that it is evident from statements of treatment staff that in practice this is hardly the case. Unfortunately, in this phase specialists such as psychologists and social workers are rarely included. A key segment of this phase is psychological, criminological, social etc. processing of the female prisoner that strongly depends on the education and professional skills of treatment officers. According to the assertions of prison and treatment staff their lack of specific education and preparedness to deal with particular categories of prisoners (such as drug addicts) makes them highly inadequate for conducting this phase without professional assistance.

Head of admission – discharge department drafts the framework of treatment program on the basis of the results of the female prisoner's personality analysis obtained in previous phase, with the approval of the director of the Institute and consent of prisoner. In general, objectives of the proposed treatment program are focused on the ensuring care, protection, education, that is gaining professional skills that will enable women prisoner to participate in the community after serving her sentence. Therefore, the following elements of the treatment program should be determined: classification group, type of work and the workplace, need for general and professional training, medical treatment, the need for treatment in the field of family relations, the intensity and shape of the rehabilitation work and the type and volume of leisure activities and other actions that should be taken in order to fulfill the rehabilitation process. However, in practice the situation is quite different.

In the next phase, female prisoner is transferred to the specified classification group (so-called "educational group") based on the monitoring of the behavior in the collective and engagement in working and educational program, participation in cultural, educational, sports and other activities in the Institution and achieved level of rehabilitation. To work with female prisoners within these groups treatment officers are regrettably solely prepared by studying only documentation, followed by semi-structured interview in duration of 15 minutes. In this way, collected data is used as the key landmark for the development of individualized treatment programs within

which it should be specifically worked on the discovering of the weakness that led woman prisoner to the commission of the offence.<sup>21</sup>

Furthermore, this problem is exacerbated by the fact that all 'assessment tools' evaluate 'needs' as risk factors and discriminate against women on the basis of their social and economic disadvantage (Quaker United Nations Office, 2008). Namely, during the interviews all correctional officers in both prisons stated that risk assessment tools that are used for internal classification and reclassification in prisons for women are the same tools that are used for dominant male prison population.<sup>22</sup> Due to the specific female prisoners' needs, usage of those tools as a base for determination of rehabilitation program deprives and denies them of certain rights and therefore does not fulfill its primary function. Risk assessment tools applied to female prisoners must be reviewed to ensure that women's vulnerability, including mental and physical disability (see: UNODC, 2009) is not unjustifiably assessed as a security risk (Quaker United Nations Office, 2008).

During our research we determined that rehabilitation programs in both prisons for women in B&H are not gender sensitive. They do not take into account women pathways to crime and are equal for all imprisoned women. There is no mechanism in those programs for helping women who have prior history of personal abuse. According to the statement of treatment officers those programs cannot provide psychological counseling due to the fact that treatment officers are not necessarily psychologists or psychotherapists. Also, there is no practice of outsourcing of psychotherapists in the case of need. Another worrisome fact is that within the rehabilitation programs of both prisons there are no special programs for substance abuse. Conducted interviews with imprisoned women (inside the focus groups) and prison officers (management, correctional officers, prison guard and healthcare personnel) indicated that medically supported programs for substance abuse are not always available and that in most cases this problem is neglected. The problem is deepened in the cases of any type psychiatric disorders of imprisoned women. Namely, there are no psychiatrists included in rehabilitation programs *per se* and they can be engaged only if treatment officers cannot deal with the problems they are facing with prisoners.

On the issue of specific programs that should be a part of the overall rehabilitation program (confidence building and life skills programs, parenting programs, including

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<sup>21</sup> Treatment program should be subjected to the modification depending on the behavior of prisoner, her commitment, discipline and gained confidence and results achieved with special regard to discovering and development of the remaining potential. But having in mind the deficiencies (such as: incompetence of correctional staff, superficial and short interview with female prisoner etc.) that characterize the collection of information and assessment of women prisoner possibility for adequate modification of treatment program is highly unlikely in B&H prison system.

<sup>22</sup> Furthermore they pointed out that in the prison system in B&H there is no unified tools for risk assessment of prisoners for internal classification.

child visitation programs and parent education) we found that those exist only in a form of cooperation with NGOs on their initiatives and that are not parts of usual rehabilitation program.

## 5.2. Work opportunities in sections for women in B&H prison system

Even though article 23. of Universal Declaration of Human Rights (United Nations, 1948) prescribes that: 'Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment...!' we determined that in prisons for women in B&H those principles are partially violated. Also, provision of the Basic Principles for the Treatment of Prisoners (Principle 8) commending that 'Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labor market and permit them to contribute to their own financial support and to that of their families.' is violated. Namely, in both prison (i.e. annexes of male prisons) women have access to work that typically includes activities considered to be suitable for the female gender. Precisely this kind of constraints that are imposed upon women in prison regarding the work opportunities can seriously undermine women's real chances of employment after release (Bartels and Gaffney, 2011).

In KPZ Tuzla most women within prisons capacity preform activities such as work in kitchen, laundry rooms, storages etc. But the possibility for even this kind of work in this prison is uncertain having in mind that during the interview correctional officers pointed out that they have to find a way of sharing already limited work opportunities between imprisoned women and minors (due to the fact that in this prison they are housed in the same building). At KPZ Kula a certain number of working places are outside prison (restaurant Kula and storages) where women and men can work together. Despite that, interviewed treatment officers pointed out the fact that in current conditions in sections work opportunities for women are not based on assessment of their needs but on the existing opportunities.<sup>23</sup> Therefore, in practice they do not make true contribution to the social reintegration of female prisoners and do not meet objectives of successful rehabilitation.

According to the above identified situation regarding the work opportunities in prisons for women in B&H prison system it is possible to conclude that working opportunities available in prisons are not in accordance with the main purpose of the prison sanction: to equip each prisoner to lead a law-abiding and self-supporting life.

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<sup>23</sup> Even though this is true for male prisoners as well a wider range of working opportunities is provided for them so it is possible to create work treatment at least partially adjusted to their needs.

### 5.3. Education of female prisoners in B&H

Due to the gender roles that are still present in B&H<sup>24</sup> most of female prisoners are not given an equal access to education prior to imprisonment. As a result, the majority of female prisoners in B&H are likely to have minimal education. For many of imprisoned women prison education programs represent, as one prisoner stated: *'a second chance to finish school and to learn something that will help her to support her children.'* Thus, carefully created educational programs for female prisoners can develop and equip them with skills, knowledge and personal qualities needed for life and work after release and it will also help them to overcome low self-esteem, which is prevalent among women who were violently victimized (UNODC, 2008). The education offered to prisoners must necessarily take into account their previous experience, which means that problems in education in the wider social context are important (Braggins and Talbot, 2003).

During our research we discovered that in both women's prisons a focus seems to be on vocational courses and life skills. There was no academic curriculum, as far as focus group members reported it. Most of the vocational training was conducted within the workshops organized in the cooperation with local NGOs. Some of these courses were certificated and some were not. Arts and crafts courses were prevailing as well as sewing, knitting and crocheting. *'A nice variety of useless and unpaid making of the things.'* as one prisoner observed. This problem according to the prisoners is aggravated by withdrawal from educational classes, not as a punishment, but because of disruptive behavior or other forms of misconduct that undermine the use of time in prison for rehabilitative goals.

Difficulties with the educational programs in women prison sections that are pointed out by treatment officers, as well as by prison management, were the problems of availability of places for courses and classes, shortages of equipment and materials (especially the lack of computers and internet access), lack of financial resources etc.

Therefore it is possible to conclude that current state of education of female prisoners in B&H is abundant with numerous deficiencies. Accommodation issues, lack of funding, poor cooperation with NGOs sector, etc. lead to dereliction of the true potential of prison educational system. Thus, existing educational opportunities in prisons for women in B&H do not provide prisoners with adequate preparation through education and training to support themselves and their children after release.

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<sup>24</sup> Traditional and stereotypical beliefs, customs and cultural practices that are deeply rooted in collective consciousness of the role of women in society primarily as mothers, wives and homemakers" (Fondacija CURE, 2010, p. 8), thus in B&H gender roles and social position of women are still firmly shaped by patriarchal legacy (see: Bakšić –Muftić, 2004).

## 6. CONCLUSIONS AND RECOMMENDATIONS

This research is comprised of series of in depth interviews with key stakeholders in both entities, focus groups with female prisoners and analysis of relevant provisions of the international documents and their implementation in the provisions of state and entities Laws on execution of criminal sanctions. Based upon a research we determined state of rehabilitation programs, work and educational opportunities for female prisoners in the prison system of B&H.

Unfortunately, we determined that the typical gender neutral and limited correctional procedures (rehabilitation program, work and educational opportunities) that are dominant in B&H prison system, have disadvantaged women in a way that such procedures do not take into account the history of abuse in cases of many female offenders and do not provide them with many services and opportunities that should be accessible to female prisoners having in mind the true aim of the prison sentence. The failure of the B&H prison system to address the underlying factors that lead to criminal behavior by women can lead to the increment of the recidivism rate among women. This implies that recognition of the different or 'special' needs of women is essential (Covington and Bloom, 2003).

Development of gender sensitive rehabilitation programs in the B&H prison system is imposed as urgent. Prison administrations should make every effort to create those programs in the accordance with previously explained provisions of international documents by respecting differences between male and female prisoners. As a first step it is necessary to develop gender sensitive risk assessment tools that will address gender specific needs and circumstances (see: Bartels and Gaffney, 2011). According to the UNODC (2008) gender sensitive risk assessment of prisoners should take into account the very low risk most female prisoners pose to others (especially having in mind the type of crime female prisoners are incarcerated for) and the particularly harmful effects that high security measures and increased levels of isolation can have on them (see also: Bangkok Rules, rule 41). Furthermore it is suggested that it's vital to enable essential information about women's backgrounds (e.g. violence they may have experienced, history of mental disabilities and drug abuse, as well as parental<sup>25</sup> and other responsibilities) to be taken into account in the allocation and sentence planning process. Also it is necessary to ensure that women's sentence plans include programs, which match their gender specific needs.

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<sup>25</sup> Careful noting of the number and personal details of the children of women that are being admitted to prison (their names, age and their location) will be valuable in assisting with contact between the mother and child if required, as well as in gathering data about the parental status of women in prison, with a view to increasing knowledge about the situation of female prisoners who are mothers and improving the suitability and effectiveness of criminal justice responses to female offenders, while taking account of the best interests of their children (UNODC, 2008).

Furthermore, bearing in mind the criteria of cost efficiency and effectiveness we can recommend strengthening the cooperation of prison administration with CSOs and NGOs on development of activities within rehabilitation programs that will meet specific needs of imprisoned women. Such programs should include different therapeutic programs with specialists, psychosocial and psychiatric support, consultations dealing with substance abuse and history of abuse, mental health and domestic violence. They will not only help women overcome the devastating effects of the abuse itself, but will also improve their relationship with other prisoners and staff, while vastly improving their chances of successful transition to life outside the prison on release (UNODC, 2008). Organization of various self-help groups should be encouraged and supported within rehabilitation programs. Also, different forms of parenting programs should be a mandatory part of those programs. They should be comprised of parent education programs and child visitation programs. Programs for building confidence and life skills are also important part of rehabilitation programs and they shouldn't be neglected. Different researches on female prisoners underline the positive effect of courses and self-help groups run by prisoners especially in relation to victims of domestic violence and thus prisoners who have completed certain programs should have the opportunity to work alongside staff in running gender specific programs for women (UNODC, 2008).

Also, due to the fact that activities provided for prisoners should enable them to live law-abiding life after release from prison, increment of their job skills and improvement of their education is perceived as necessary. That can be achieved through work and education programs that are available in prisons. Because of the general lack of financial resources for the prison system in B&H improvement of this section can be achieved through cooperation with outside services, CSOs and NGOs. This cooperation can be useful in the area of education as well as in the area of work opportunities because links established in prison can be useful for establishing contacts with organizations that can assist them on release. Furthermore, education programs can be organized by ToR and ToT methods. Namely, certain groups of prisoners, with vocational skills may run training programs, ideally following a training of trainers, conducted, for example, by NGOs (Quaker United Nations Office, 2008).

Since the education and work in prison should prepare prisoners for life after release it should comprise of specific training in different fields so that they have real possibility to work in current circumstances such as development of computer and administrative skills, learning about electro-technology, hairdressing, catering, bookkeeping, childcare, managing income, generating community projects, use of micro-credit facilities etc. (UNODC, 2008).

Having in mind the results of this research on position of female prisoners regarding the rehabilitation programs, education and work presented in this paper we can conclude that present prison system in B&H displays numerous deficiencies that are mainly caused by neglect of this sector. Considering that such prison system fails to

meet its broader social purposes it is urgent to redefine and transform the governing approach so that specific needs of female prison population are recognized and met.

## BIBLIOGRAPHY

- B&H JSRS AP. (2012). *Ministry of Justice B&H*. Retrieved 01 2012, from [http://www.mpr.gov.ba/organizacija\\_nadleznosti/planiranja\\_koordinacija/strateska\\_planiranja/strategija/07%202%20Treci%20revidirani%20AP%20SRSP%20u%20BiH%20-%20BJ.pdf](http://www.mpr.gov.ba/organizacija_nadleznosti/planiranja_koordinacija/strateska_planiranja/strategija/07%202%20Treci%20revidirani%20AP%20SRSP%20u%20BiH%20-%20BJ.pdf).
- Bakšić-Muftić, J. (2004). Social Context for the Enjoyment of Women's Human Rights in BiH. In G. Rights, *Shadow Report on the implementation of CEDAW and Women's Human Rights in Bosnia and Herzegovina*. Global Rights.
- Bartels, L. and Gaffney, A. (2011). *Good practice in women's prisons: A literature review*. Australian Institute of Criminology. Retrieved 22. March, 2013 from: [http://www.aic.gov.au/documents/4/E/5/%7B4E5E4435-E70A-44DB-84493154E6BD81EB%7Dtp041\\_002.pdf](http://www.aic.gov.au/documents/4/E/5/%7B4E5E4435-E70A-44DB-84493154E6BD81EB%7Dtp041_002.pdf).
- Bastick, M. (2005). *A commentary on the standard minimum rules for the treatment of prisoners*. Geneva: Quaker United Nations Office.
- Bosnia and Herzegovina Ministry of Human Rights and Refugees. (2011). *Report of the authorities of Bosnia and Herzegovina on the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*. Sarajevo: Bosnia and Herzegovina Ministry of Human Rights and Refugees.
- Braggins, J. and Talbot, J. (2003). *Time to Learn: Prisoners' Views on Prison Education*. Prison Reform Trust. Retrieved 10. April 2013 from: [http://www.prisonreformtrust.org.uk/Portals/0/Documents/Time\\_to\\_LearnBook.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Time_to_LearnBook.pdf).
- CoE, Université de Lausanne. (2010). *SPACE I & II*. Lausanne: ICDP/ESC, UNIL-Sorge.
- Council of Europe – Field Office Sarajevo. (2004). *Health Care Assessment of the prisons of Bosnia and Herzegovina*. Sarajevo: Council of Europe – Field Office Sarajevo.
- Covington, S. S. (1998). Women in Prison: Approaches in the Treatment of Our Most Invisible Population. *Women and Therapy Journal*, Vol. 21, No. 1, pp. 141 - 155.
- Covington, S. S. and Bloom, B. E. (1998). Gender-Specific Programming for Female Offenders: What is it and Why is it Important? *50th Annual Meeting of the American Society of Criminology*. Washington, D.C: American Society of Criminology.
- Covington, S. S. and Bloom, B. E., (2003). Gendered Justice: Women in the Criminal Justice System. In B. Bloom, ed., *Gendered Justice: Addressing Female Offenders*. Durham, NC: Carolina Academic Press.



- Daniels, R. V. (1996). 4 C.N.L.R. 51. In L. Arbour, *Commission of Inquiry into certain events at the Prison for Women in Kingston* (p. 216). Public Works and Government Services Canada.
- European Union. (2006). *European Prison Rules*. Bruxelles: Committee of Ministers of the Council of Europe.
- Federal Office of Statistics. (2011). *Statistical Yearbook*. Sarajevo: Federal Office of Statistics.
- Foundation CURE. (2010). Alternative Report on the Implementation of CEDAW Convention and Women's Human Rights in Bosnia and Herzegovina. Foundation CURE.
- Frost, N. A. et al. (2006). *HARD HIT: The Growth in the Imprisonment of Women, 1977-2004*. Institute on Women & Criminal Justice. Retrieved: 15. April 2013 from: <http://www.wpaonline.org/institute/hardhit/HardHitReport4.pdf>.
- Gainsborough, J. (2008). Women in Prison: International Problems and Human Rights Based Approaches to Reform. *William and Mary Journal of Women and the Law*, Vol. 14, Issue 2, pp. 271 - 303.
- Gelb, K. (2003). *Women in Prison – Why is the Rate of Incarceration increasing?* Paper presented at the Evaluation in Crime and Justice: Trends and Methods Conference convened by the Australian Institute of Criminology in conjunction with the Australian Bureau of Statistics and held in Canberra, 24-25 March 2003 Retrieved: 15. April 2013 from: [http://www.aic.gov.au/media\\_library/conferences/evaluation/gelb.pdf](http://www.aic.gov.au/media_library/conferences/evaluation/gelb.pdf)
- Huberman, M., & Miles, M. (1994). Data Management and Analysis Methods. In N. Denzin, & Y. Lincoln (Eds.), *Handbook of Qualitative Research*. London: Sage Publications, Inc.
- International Harm Reduction Association, (2012). *Cause for Alarm: The Incarceration of Women for Drug Offences in Europe and Central Asia, and the need for Legislative and Sentencing Reform*. Retrieved 10. March from: [http://www.ihra.net/files/2012/03/11/HRI\\_WomenInPrisonReport.pdf](http://www.ihra.net/files/2012/03/11/HRI_WomenInPrisonReport.pdf).
- Kilroy, D. (2001). *When You Will See the Real Us? Women in Prison*. Paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology in conjunction with the Department for Correctional Services SA and held in Adelaide, 31 October – 1 November 2000. Retrieved 15 March from: [http://www.aic.gov.au/media\\_library/conferences/womencorrections/kilroy.pdf](http://www.aic.gov.au/media_library/conferences/womencorrections/kilroy.pdf).
- Law on execution of criminal sanctions of B&H. (n.d.). (13/05, 53/07, 97/07). Official Gazette of B&H.
- Law on execution of criminal sanctions of FB&H. (n.d.). (13/98). Official Gazette of FB&H.
- Law on execution of criminal sanctions of RS. (n.d.). (85/2005, 72/2009 & 31/2011). Official Gazete of RS.
- Lemgruber, J. (2000). "Women in the Criminal Justice System" In *Women in the Criminal Justice System: International Examples & National Responses*.

- N. Ollus and S. Nevala (Eds.). Proceedings of the workshop held at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 10–17 April 2000, Vienna, Austria.
- Lucic-Catic, M. (2011). Challenges in Conducting Prison Research. *Criminal Justice Issues*(5-6), 59-73.
  - Official Gazete of B&H. (n.d.). *Official Gazete of B&H*(3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10). Sarajevo: Official Gazete of B&H.
  - OSCE (2011). *Torture, harassment and disciplinary procedures in penal institutions in Bosnia and Herzegovina - Assessment of human rights in penal institutions in Bosnia and Herzegovina*. Sarajevo: OSCE.
  - Penal Reform International. (2007). *Women in prison: incarcerated in a man's world. Penal Reform Briefing No. 3*. London: Penal Reform International.
  - Prison Reform Trust. (2006). *Bromley briefings prison factfile*. London: Prison Reform Trust.
  - Quaker Council for European Affairs. (2007). *Women in prison: a review of the conditions in Member States of the Council of Europe*. Brussels: Quaker Council for European Affairs.
  - Quaker United Nations Office. (2008). *Women in prison - A commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*. Geneva - New York: Quaker United Nations Office.
  - Quaker United Nations Office. (2011). *Briefing on the UN rules for the treatment of women prisoners and non-custodial measures for women offenders ('Bangkok rules')*. Geneva - New York: Quaker United Nations Office.
  - Republika Srpska Institute of Statistics. (2011). *Statistical Yearbook*. Banja Luka: Republika Srpska Institute of Statistics.
  - Robson, C. (2002). *Real World Research*. Oxford: Blackwell Publishing.
  - Steffensmeier, Darrell and Jennifer Schwartz. (2004). "Contemporary Explanations of Female Offending", pp 113 - 126. In *The Criminal Justice System and Women: Offenders, Victims, and Workers*, edited by Barbara Raffel Price and Natalie J. Sokoloff. NY: Mc-Graw Hill, Inc. Retrieved: 20. April 2013 from: [http://cooley.libarts.wsu.edu/schwartzj/pdf/Schwartz%20\(Contemporary\).pdf](http://cooley.libarts.wsu.edu/schwartzj/pdf/Schwartz%20(Contemporary).pdf).
  - Taylor, R. (2004). *Women in prison and children of imprisoned mothers: preliminary research paper*. Geneva: Quaker United Nations Office.
  - The Institution of Human Rights Ombudsman/Ombudsmen of BiH. (2012). Retrieved 12 2012, from The Institution of Human Rights Ombudsman/Ombudsmen of BiH: [http://www.ombudsmen.gov.ba/materijali/publikacije/SI\\_Zatvori\\_HR\\_2012.pdf](http://www.ombudsmen.gov.ba/materijali/publikacije/SI_Zatvori_HR_2012.pdf)
  - Tonkiss, F. (2006). Using focus groups. In C. Seale, *Researching Society and Culture*. 2nd ed. London: SAGE Publications.
  - Twinning Light Project. (2008). *Support to correctional institutions in B&H (BA 06 IB JH 02 TL) "Final report"*. Sarajevo: Twinning Light Project.

- UN Office on Drugs and Crime - UNODC. (2008). *Handbook for prison managers and policymakers on Women and Imprisonment*. UN Office on Drugs and Crime. New York: United Nations.
- UN Office on Drugs and Crime - UNODC. (n.d.). *Handbook of Prisoners with Special Needs, Foreign National Prisoners*. New York: United Nations.
- UN Office on Drugs and Crime – UNODC (2009). *Handbook on Prisoners with special needs*. New York: United Nations.
- UN Women, 2011. *Progress of the World's Women, 2011—12: In Pursuit of Justice*. UN Women.
- United Nations. (1948). *Universal Declaration of Human Rights*. United Nations.
- United Nations. (1955). *UN Standard Minimum Rules for the Treatment of Prisoners*. Retrieved June 18, 2012, from Office of the High Commissioner for Human Rights: <http://www2.ohchr.org/english/law/treatmentprisoners.htm>
- United Nations. (1966). *Convention on the Elimination of All Forms of Racial Discrimination*. United Nations.
- United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights*. United Nations.
- United Nations. (1976). *International Covenant on Civil and Political Rights*. United Nations.
- United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women*. United Nations.
- United Nations. (1984). *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. United Nations.
- United Nations. (1989). *Convention on the Rights of the Child*. United Nations.
- United Nations. (1993). *Declaration on the Elimination of Violence against Women*. United Nations.
- United Nations. (2000). *Women in the criminal justice system (A/Conf.187/12)* – Background paper for the workshop on women in the criminal justice system. *Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders*.
- United Nations. (2002). *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*. United Nations.
- United Nations. (2010). *Resolution 2010/16 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*.
- Walmsley, R. (2006). *World female imprisonment list*. London: International Centre for Prison Studies.
- WHO Europe (World Health Organization Regional Office for Europe) and UNODC (United Nations Office on Drugs and Crime). 2009. *Women's health in prison: Correcting gender inequity in prison health*. Copenhagen: WHO.

- WHO Regional Office for Europe. (2009). *Prison health database [online database]*. Retrieved: 26. January, 2009, from WHO Regional Office for Europe: <http://data.euro.who.int/HIP>.