



# We do not want to be equal: women in prison system in Bosnia and Herzegovina:

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More than half a million women and girls are held in prisons throughout the world, either as detainees or sentenced prisoners. In Europe, about 100 000 women and girls are in prison (UN Office on Drugs and Crime, 2008). Women are in the minority of prisoners around the world, constituting an estimated 2 to 9% of national prison populations. In Bosnia and Herzegovina (B&H) data from SPACE<sup>1</sup> study from 2008 to 2010 shows similar trends (CoE, Université de Lausanne, 2010).

Even though women are a minority in prison populations all over the world, **the female prison population is increasing significantly.**<sup>2</sup>

The rate of increase in the number of women in prison is much greater than that for men (Bastick, 2005).

*For instance, in B&H, 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)*

Most offences for which women are imprisoned are non-violent, property or drug-related (Quaker Council for European Affairs, 2007). Worldwide, women are more often imprisoned for drug offences than for any other crime (Taylor, 2004).<sup>3</sup> Similar situation is in B&H where according to the data from Statistical yearbooks of FB&H (Federal Office of Statistics, 2011) and RS (Republika Srpska Institute of Statistics, 2011) 83% of women are imprisoned for non-violent and property crimes. So it is justifying stating that women constitute a vulnerable group in prisons, due to their gender.

Despite the fact that most UNs, EUs, QUNOs est. reports emphasize different needs of women prisoners, prison systems and prison regimes are almost invariably designed for the majority male prison population providing equal treatment for women and man. This problem is recognized in the *'QUNO Women in prison: A commentary on the UN Standard Minimum Rules for the Treatment of Prisoners'* (2008) where is stated: ***'The needs and concerns of women prisoners are different from those of men prisoners... Women prisoners have different health needs, including those related to sexual and reproductive health... Women prisoners suffer from very high rates of mental illness. Whilst problems such as overcrowding, poor hygiene, and inadequate visiting facilities affect both men and women prisoners, there are many concerns that are specific to women, or which affect women prisoners in a different or particularly harsh way'***.

This is unfortunately the case with the prison system of B&H. Namely, in the Health Care Assessment of the prisons of Bosnia and Herzegovina (Council of Europe – Field Office Sarajevo, 2004) various problems of women in prisons are recognized and accentuate such as problem with location of prisons for women, deficiencies in accommodation, challenges and problems with family and social contact, problems with hygiene and especially deficiencies within healthcare system.

The lack of equality of women in B&H prison system is also visible through the information

<sup>1</sup> Council of Europe Annual Penal Statistics, SPACE (Statistiques Pénales Annuelles du Conseil de l'Europe)

<sup>2</sup> This increase has largely been ascribed to States' adoption 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 ones.)

<sup>3</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 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'* (UN Office on Drugs and Crime, 2008)

<sup>4</sup> The treatment of women in prison must be guided by not only the UN Standard Minimum Rules for the Treatment of Prisoners and other prison-specific guidelines, but by all applicable human rights (and, where relevant, International Humanitarian Law) instruments. These include the: The Universal Declaration of Human Rights (United Nations, 1948); Convention on the Elimination of All Forms of Discrimination against Women (United Nations, 1979); The United Nations Standard Minimum Rules for the Treatment of Prisoners (United Nations, 1955); The Basic Principles for the Treatment of Prisoners (United Nations, 1990); The 2006 European Prison Rules (Council of Europe, 2006); The European Parliament (2008) resolution on the particular situation of women in prison and the impact of the imprisonment of parents on social and family life; The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (United Nations, 1988); The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 2004); Kyiv Declaration on Women's Health in Prison etc.

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 Ombudsman/Ombudsmen of BiH, 2012) where is stated that: **'Unfortunately, in these institutions is still a common practice that women are working engaged only in traditionally female jobs such as sewing or handicrafts, or performing auxiliary tasks in the kitchen and hygiene...In Tuzla, the imprisoned women also complained about the lack of understanding for their specific needs that are biological determined, and that they do not get enough hygiene supplies.'**

### Findings

This research identified a number of indicators upon which imprisoned women in B&H prison system are discriminated:

- Geographical position as a factor of gender based discrimination;
- Accommodation conditions in prisons for women;
- Masculine management;
- Security classification of prisons (sections of prisons) for women;
- Internal classification of women prisoners within prisons;
- Strip searching;
- Supervision of women prisoners by women;
- Separation of female and male prisoners;
- Family and social contact;
- Hygiene, healthcare and HIV/AIDS;
- Gender sensitive education and training programs;
- Women with disabilities;
- Women who are foreign nationals and Minority women.

### Policy options

Unfortunately, we determined that **current policy option on a state of women prisoners in B&H's prison system is non-existing one** and with valid arguments we can state that:

- The prison environment in B&H's prison system does not take into account the specific needs of women prisoners.
- Deficiencies and gaps in recognition of specific needs of women prisoners in B&H's prison system lead to gender based discrimination and violation of

their human rights (numerous CPT reports are warning on those issues).

- Deficiencies of treatment specifically tailored to the needs of women lead to inadequate re-socialization and reintegration.

A first policy option proposed by this study is to create a **Handbook on Women and Imprisonment in B&H** that can be used by stakeholders, prison managers and prison personnel of all levels, as well as by policymakers for improvement of state of incarcerated women in B&H. In long term, application of this handbook will lead to the creation of a common and unified gender sensitive correctional procedure in all prisons in B&H and ultimately contribute to a higher level of equity and equality of woman in a true sense.

Policy option II assumes **'enhancing alternative criminal sanctions for women' as well as 'addressing women pathways into criminal justice system'** as a way of dealing with the problem of 'incarcerated women'.

### Actions for achieving equity and equality of women prisoners in prison system of B&H in its true sense

Comparing those three policy options in relation to criteria for improvement in position of women prisoners in order to successfully accommodate specific needs of women prisoners in B&H's prisons, effectiveness, cost efficiency and personnel necessary for their implementation we came to the conclusion that proper combination of policy option I and policy option II is the best solution for B&H context.

Adequate combination of those two policy options will serve as a guideline for action that is feasible and realistic in the short term, but sustainable in a long term because it will produce lasting changes in the prison system. Also this will raise issues for further work in improving practices at the penitentiary level. Application recommendations in those two policy studies, in the longer term, can lead to reducing gender based discrimination in prison system of B&H beyond pure norm.



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