

Harmonisation of BiH Sanctions Policies and Practices with European Standards – component of the Prison Reform program of the Council of Europe in Bosnia and Herzegovina



The degree of civilization in a society can be judged by entering its prisons.

Fyodor Dostoevsky, "House of the Dead"

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Prisons

Prison systems are a means of ensuring public protection and security but also a means for the humane and lawful treatment of offenders. One goal of prisons is to ensure, through the use of re-educational measures, that prisoners acquire skills for successful reintegration into society. Efficient prisons, which operate in accordance with the law, are defined as safe, well guarded, humane and as establishments whose transparent manner of operation encourages change of inmates' personalities.



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European obligation

The European Convention on Human Rights and Fundamental Freedoms requires ensuring humane prison conditions for prisoners and taking due account of individualised treatment, as well as safety and discipline in conditions which do not infringe on human dignity and which offer meaningful occupational activities as well as treatment programmes designed to prepare prisoners for reintegration into society.

Prisoners and detainees are particularly vulnerable persons as their position affects the physical, legal, social, psychological and various other aspects of life. They are completely dependent on a whole range of civil servants. This gives rise to the necessity for additional protective measures for persons deprived of liberty to prevent violations of their fundamental human rights.

Additional mechanisms for prevention of ill-treatment are laid out in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The European Committee for the Prevention of Torture (CPT) monitors the implementation of the provisions of the Convention in all Council of Europe (CoE) member states.

Bosnia and Herzegovina became a CoE member state in 2002 and ratified the European Convention on Human Rights and the European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in July of the same year, thereby assuming obligations to respect the fundamental human rights of prisoners.



Prison reform programme

The process of the prison system reform in BiH was launched in 2001 with the setting up of the Steering Committee comprising representatives of all three Justice Ministries in BiH, prison professionals and international experts. These activities followed the first comprehensive report of CoE international experts on the situation in entity prisons revealing such deficiencies as the poor state of prison facilities, inadequate health care, lack of adequate training among newly recruited personnel, as well as inadequate regime and programme of activities for prisoners.

It was necessary to establish a modern prison system and align prison practices throughout BiH, despite the fact that the competence for the prison systems belonged solely to the entities. The first Joint Project between the European Union (EU) and CoE began in 2003, with activities mainly focusing on enhancing the local capacity to organise training for prison staff.

To date, five consecutive projects have been successfully implemented with the support of the EU and the Canadian International Development Agency. The prison reform programme currently



comprises two complementary projects: a Joint Project between the EU and the CoE "Harmonisation of BiH sanctions policies and practices with European standards" (January 2012 - June 2016) and a Joint Project between the US Department of State and the CoE "Support to prison staff training in BiH" (December 2011 - June 2016).

The synergy created within these two complementary projects has enabled the common training framework for prison staff on core, advanced and management competencies, as well as the implementation of treatment programmes tailored to the needs of vulnerable prisoners. The ongoing prison reform programme also attempts to meet the growing demand for using non-custodial sanctions, including the establishment of probation services.

Treatment of vulnerable categories - outcomes

That the EU/CoE project was successfully implemented can be illustrated by the example of a prisoner serving a long-term sentence in Istočno Sarajevo Prison. After years of failing to accept the need to change her behaviour, today she sews promotional tote bags and does not hide her satisfaction:

"I've been here for quite some time and this sewing exercise represents the crucial turning point in my sentence plan. In two and a half months, I learnt to sew. At first, it was just about making myself busy with anything to make the day go by faster, but one day I was given a deadline to complete a task and this triggered a competitive spirit in me and inspired me to do something well and on time. Being good at what I currently do has provided me with a certain degree of autonomy that I did not have before and now I can decide for myself when to work and for how long. All that gave me a new sense of purpose and became something that I look forward to. I feel quite different now," she says, not concealing her desire to fill the recently opened vacancy for a tailor in Istočno Sarajevo Prison.

Ms Branka Zubić, head of treatment in Istočno Sarajevo Prison, explains that the training in sewing benefits not just the women trained but the prison on the whole.

"The training was provided to about 30 percent of female inmates, which is an optimal percentage considering the available premises and sewing machines. At the beginning, our goal was to engage women prisoners in meaningful activities and help them learn something that might be useful to them once they are released. Now we all benefit from that because we decided to open a vacancy for a tailor who would be making promotional tote bags but also sewing and mending service uniforms in the prison. It's a win-win situation," says Zubić.

The governor of Istočno Sarajevo Prison, Mr Vukašin Crnjak, says that these occupational activities have brought quite a new spirit in the prison departments accommodating vulnerable categories of prison population.

"We have departments for women and juveniles. They constitute vulnerable groups, especially those serving longer sentences and it is difficult to design occupational programmes for them. However, this sewing project has created a new energy, new spirit and has stimulated creativity. We feel that this is an extremely positive development," says Crnjak.

Ministries of Justice

Membership of the EU/CoE project's Steering Committee includes all three Assistant Ministers of Justice in BiH, a representative of the Directorate for European Integration of the Council of Ministers and project partners. The long-standing practice of joint work of all three Ministries of Justice on the projects implemented by the CoE has continued in this project as well. Mr Mustafa Bisić, Assistant Minister of Justice of BiH in charge of the sector for enforcement of criminal sanctions and operation of the prison establishment, underlines the importance of training and accreditation of prison staff trainers in the projects implemented by the CoE.

"The Project provided us with prison staff training manuals that translate into practice the most up-to-date recommendations of the CoE, as well as international guidelines and current regulations related to prison systems. In addition to that, we now have prison staff trainers accredited in the CoE-implemented projects who will be in a position to accredit new trainers in the future. This is a permanent prison staff training structure that will be able to deliver training for all prison systems in BiH in the long run. Furthermore, plans are underway to sign a Memorandum on future cooperation in the area of prison staff training between BiH and the Entities, which would enable the implementation of joint training activities in the future and establish harmonised country-wide standards on treatment," says Bisić.

Assistant Minister of Justice in the Republika Srpska Government, Mr Pero Dunjić, says that a large number of staff have completed the training and that progress can already be seen in prisons.

"A large number of staff have completed the training and they are now training their colleagues. Considerable progress can already be seen in prisons and we are continuing to work together. The Justice Ministries in the FBiH and the RS Governments and in the Council of Ministers of BiH will continue their efforts to train staff that were not previously included in this project. Also, we are incorporating topics that were successfully implemented in the project into our regular annual training plans," says Dunjić.

Assistant Minister of Justice in the FBiH Government, Mr Hidajet Trako, expects staff who received training to implement the new skills in their daily work and communication. "Training manuals, as well as the guidelines for treatment of vulnerable categories will undoubtedly be a valuable asset that was not available in our criminal sanctions enforcement system in the past. Another important segment is that in accordance with relevant international documents, cooperation between all levels of the criminal sanctions enforcement system in BiH has been brought together, opening up the way for a more standardised approach to prison staff training, as well as a more professional approach to working with sentenced persons. I expect all prison staff trainers to use the acquired knowledge and to implement it primarily in their own prison establishments so as to live up to the expectations put before them by the Ministry, their prison establishments, as well as the Council of Europe whose support was instrumental for the implementation of all the previous projects", says Trako.



Prison staff training

Guidelines from the Council of Europe's Committee of Ministers Recommendation to member states on the European Code of Ethics for Prison Staff state that "Prison staff at all levels shall be personally responsible for, and assume the consequences of, their own actions, omissions or orders to subordinates; they shall always verify beforehand the lawfulness of their intended actions." Prison staff training was therefore the focus of this EU/CoE Joint Project.

The aim was to train the prison staff to deal with prisoners in a fair, responsible and lawful manner, to respect the prisoners' integrity and protect their dignity, to avoid taking a discriminatory approach and to ensure the protection of prisoners' personal data.

Prison staff training was aimed at developing the skills of various categories of prison staff for performing daily tasks (searching, escorting, handling complaints, assessing risks and needs, etc.), somewhat more complicated duties of middle managers (efficient communication, dynamic security, working with vulnerable categories of prisoners, etc.), as well as the most demanding tasks of senior management (risk management, strategic planning, team building, etc.).

Training sessions organised within the framework of the prison reform programme in all 14 prisons in BiH in the period 2014-2016 encompassed:

- 290 prison officers (core competences)
- 200 supervisors, duty officers and treatment officers (advanced competences)
- 80 supervisors and treatment officers (treatment of vulnerable prisoners)
- 50 senior prison managers (management competences).

The training programme was designed so as to first train in-house trainers, who were then expected to cascade the training to their colleagues in their respective prisons. This multiplying effect aims to create a network of prison staff trainers who would later be at the disposal of all prisons in BiH.

Prison staff trainers

Ms Vedrana Rakić, a pedagogue at Bijeljina Prison, is a trainer for advanced competences of prison staff.

"We had theoretical training, followed by practical training and exercises, including role playing, discussions, brainstorming and other methodological techniques. The trainees participated with great enthusiasm and it was quite clear that they needed in-service practical training because things that had been done in prisons in the past were not sufficient. In my establishment, I immediately saw that people had internalised new knowledge, that stereotypes about infected persons had been broken, that there was no marginalisation or stigmatisation, and that they had abandoned their previous 'but this is the way we've been doing it for the past 20 years' approach. Also, I noticed that those who had received training shared their knowledge enthusiastically with those who had not and I can see that there is interest out there," says Rakić and added that some of the topics explored in the trainings organised within the EU/CoE project were included in the prisons' regular annual training activities. Head of the detention department at Zenica Prison, Mr Faik Fejzić, is one of the two core trainers in the CoE-implemented projects.

"Training in our establishments was rather poor in the past, but now all those who receive this training work with more enthusiasm and show greater empathy for prisoners. In that way, they create an environment that is safer both for themselves and their colleagues, as well as for the prisoners and wider community. It is evident that people like to attend



the training sessions and during the training even those sticking rigidly to old practices start applying new knowledge and skills. They say that it is much easier to work in this manner and that they feel safer," says Fejzić. A treatment officer in Tuzla Prison treatment service, Mr Zlatko Ledić, is a trainer for advanced competences.

"Trainees acquire knowledge that they did not gain through formal education and it is evident that their approach to prisoners changes following the training activity. The level of professionalism in their communication with prisoners has increased; overfriendly staff-inmate relations are not so frequent anymore. This is important as staff can now be more objective and can apply the same criteria, thus diminishing dissatisfaction among prisoners and reducing the possibility of conflicts. Hands-on training on search techniques and skills helps them learn a whole range of procedures that they were not familiar with before. They now exhibit heightened awareness while working with vulnerable categories, as the training provides them with knowledge about diseases and the needs of the sick persons. They also exercise an increased level of personal protection. For example, in the past many guards did not use gloves when carrying out interventions, because they had never been told to, and gloves are essential," explains Ledić.

The other core trainer in the CoE-implemented projects is Mr Miro Prodanović from Foča Prison, who has worked at the prison for more than 30 years.

"Before the war, the sanctions enforcement system in BiH was humane but then the war broke out, the staff structure changed and some employees started to behave in a high-handed way in prisons, which resulted in violations of the procedures and rights of prisoners. What we are establishing now, through cooperation with the CoE, is very important and useful. Changes can already be seen in the admission and treatment of prisoners, as well as in communication with them. There is no more arbitrary interpretation of regulations either. There is some resistance as people do not like changes but they generally accept novelties and this can be seen clearly," says Prodanović.

Head of the Criminal Law Cooperation Unit at the Directorate General Human Rights and Rule of Law in Strasbourg, Ms Tanja Rakušić-Hadžić, feels that the most important thing is that the local training capacities have been enhanced.

"We hope that BiH will very soon be able to undertake some of these tasks independently since our major goal is to ensure that the prison systems in BiH become independent, primarily in the provision of training and that they do everything independently. Our expert support is always available," says Rakušić-Hadžić.

Manuals with operational procedures

Training manuals developed within the prison reform programme are available online at <http://pjp-eu.coe.int/en/web/bih-prison-reform-programme/home>

Training manuals for prison staff on advanced competences and Guidelines for the development of treatment programmes for vulnerable categories of prisoners were the foundation for the training delivered to the prison staff in the previous period. In addition to providing theoretical knowledge and detailed operational procedures, they contain descriptions of exercises that can be applied in future training sessions. The Training manuals also provide descriptions of the diversity of prison populations, which is why prison staff have roles and duties with regard to prisoners which differ from those of other criminal justice institutions such as the police, prosecutor's office or judiciary.

The Training manuals for prison staff with operational procedures have systemised, in the as-yet most practical way possible, the existing good practice in BiH prisons and cross-referenced it with the provisions of the Council of Europe recommendations and guidelines from relevant international instruments. As such, they are the first set of documents to facilitate harmonisation of the work of prison officers in all jurisdictions in BiH.



Probation services

One of the obligations of BiH on its path towards European integration is the introduction of a probation service. In response to this priority, the EU/CoE project has produced a document that provides an assessment of options for the introduction of probation services in BiH. Detailed discussion of the options required an examination of practical possibilities for the introduction of probation tasks, initially in the prison environment.

Bearing in mind that the main task of the probation service is to supervise prisoners upon release from prison, whether on conditional release or following a served sentence, and assist them in reintegrating into society, a corresponding pilot project was designed. It was implemented in the two largest entity prisons, in Zenica and Banja Luka, where prison staff received additional training and were encouraged to try to perform some of the probation tasks with prisoners preparing for release.

Through individual and group sessions and through motivational work, groups of prisoners who were awaiting imminent release were prepared for a law-abiding life outside prison and the gradual return into society. The implementation of the pilot project was entrusted to the most experienced and most qualified prison officers working in security and treatment sectors, who, as they say, "already perform these tasks as part of their routine work, without knowing that this is a separate job". Over a period of two or three months they prepared prisoners for release and provided them with advice on who to go to if they have a problem in the family; they also prepared the prisoners for seeking employment, housing, continued medical treatment, etc. These activities pave the way for future probation services. The evaluation of the pilot project has revealed that prisoners expressed a great interest in these activities and enquired about possible continuation of the pilot project activities such as thematic, group and one-on-one sessions. Also, a draft law on probation has been prepared, which is equally applicable in all three jurisdictions. Upon the completion of the project, the draft law will be submitted to the relevant authorities for further consideration.



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