

**Council of Europe Secretariat**  
**Directorate of Internal Oversight**



**Evaluation (2011)3**

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**EVALUATION REPORT ON THE COUNCIL OF EUROPE /  
EUROPEAN UNION JOINT PROGRAMME**

**“EFFICIENT PRISON MANAGEMENT  
IN BOSNIA AND HERZEGOVINA”**

**01/02/2009 – 31/12/2010**

**- EXECUTIVE SUMMARY -**

1. As part of its annual workplan for 2010, the Directorate of Internal Oversight undertook to evaluate the Joint Programme (JP) “Efficient Prison Management in Bosnia and Herzegovina” (BiH). The choice of this project was due to the fact that: it was implemented in one of the priority countries for the Council of Europe (CoE), and one which is also a potential candidate for accession to the European Union (EU); prisons are one of the areas in which the CoE has recommended to implement swift reforms; and, finally, BiH had been benefitting from targeted assistance programmes in the prison field since 1998. The evaluation was carried out between September and December 2010.
2. This JP built on the achievements of all previous programmes and had six Specific Objectives/Expected Results: introducing alternative sanctions; building capacity for prison staff in the human rights area; improving the situation of vulnerable and high-risk prisoners; assisting with drafting a new law on mental health or amendments to the existing one; facilitating the installation of an Information Management System; and assisting with the development of an independent inspection mechanism.
3. The evaluation of this project was based on the following criteria: the effectiveness of the JP; the added value of the Council of Europe’s action in the prison reform field; and the sustainability of the benefits provided through this action. The evaluation also included an assessment of the CoE comparative advantage.
4. The analysis of the project document showed that the CoE intervention did not form a coherent strategy, but rather a combination of different strands. Their inclusion in one single project led to a “dilution” of the relative importance of some basic objectives, such as “development of alternative sanctions” and “protection of vulnerable and high-risk prisoners”, which would deserve to be the focus of separate, specific projects. The decision to carry out a project with six different components was based on a request by the EU at the stage of needs assessment.
5. Although the project set up lacks some logic and its Overall Objective is not very clear, the CoE made good use of its operational instruments: the appointment of a resident expert, the training of local trainers and the constitution of a working group for each of the six project strands proved to be particularly successful decisions.
6. The findings regarding the effectiveness of the JP under review show that, in spite of the conceptual difficulties explained above and of the fact that the project team had three levels of interlocutors (State, Entities – which combine for three Ministers - and prison administrations), overall the action was implemented successfully as concerns the individual strands.
7. Direct beneficiaries confirmed that the JP helped to develop a system made of standards, good practice and operational tools, and to reinforce local capacity. Furthermore, by investing in national trainers eventually called upon to train their peers, the project was successful in creating the basis for local ownership. However, it cannot be maintained that all benefits acquired were exclusively attributed to this JP. Rather, it is fair to point out that this project consolidated and further expanded the positive results obtained through the past interventions of the CoE.
8. Among the unexpected positive results of the project is the fact of having created a “prison network” across the country.

9. The specific situation of BiH and the low level of political commitment of national authorities could have harmed the project performance. The CoE opted to work with persons instead of structures and to focus on the preparation of guidelines aimed at facilitating the adoption/amendments of by-laws, on drafting manuals and on building capacity. The evaluation confirmed that no other effective alternative was available.
10. Evidence collected showed that “technical” aspects and results had to be distinguished from political ones. There appeared to be limits to the CoE capacity to facilitate the translation of technical results into legislative changes, especially at State level.
11. The analysis of results by Specific Objective showed the following:
  - a) introducing alternative sanctions: a strategy paper on “Framework strategic directions for the possible introduction of sanctions and measures implemented in the community in BiH” was produced and the relevant legislative amendments were prepared on this basis;
  - b) building capacity for prison staff in the human rights area: training materials were prepared or updated, refresher trainings for national trainers and cascade trainings for prison management and staff were organised (319 participants overall). The level of knowledge of target groups improved significantly and results are already applied in some prisons;
  - c) improving the situation of vulnerable and high-risk prisoners: proposals for treatment programmes for vulnerable and high risk prisoners were developed and presented to assistant ministers and prison directors;
  - d) assisting with drafting a new law on mental health or amendments to the existing one: proposals for changes and amendments to the law on care for persons with mental impairments in the FBiH and the law on protection of mentally disordered people in RS were prepared. However, the BiH Ministry of Justice’s proposed amendments (one provision) differed from the recommendations of the Working Group and, therefore, this provision had to be deleted;
  - e) facilitating the installation of an Information Management System: conditions to create a single, nation-wide system are not being met, therefore the CoE’s action was limited to produce guidelines for the preparation of tenders, which were presented to the relevant ministries. No legislative amendments were expected or proposed. The project results for this component were more limited;
  - f) assisting with the development of an independent inspection mechanism: guidelines were produced and shared to raise awareness on European standards in inspecting prisons. RS authorities committed themselves to apply these guidelines in the preparation of future laws, whereas no assurance has been provided by FBiH as yet. This was the more complex and challenging objective.
12. The evaluation confirmed that, for any future project, the causal links between actions, results and long-term benefits will have to be clearly highlighted; risk will have to be carefully assessed and the EU and the CoE should agree on a common strategy aimed at securing a clear political agreement by BiH authorities as a *sine qua non* condition to continue to support prison modernisation.
13. A particularly relevant finding is that some of the project results - such as standards and practice acquired through the cascade trainings, and treatment programmes for vulnerable and high-risk prisoners - are more likely to receive immediate application in Republika Srpska (RS) than in the

Federation of Bosnia and Herzegovina (FBiH). The level of ownership of project results is higher in RS than in the FBiH.

14. Harmonisation of the laws of RS and FBiH would largely contribute to consolidate the project results; as an intermediary step, the harmonisation of administrative practices and training programmes would go a long way to ensure wider application of human rights standards.
15. The elements that can be considered as added value are that the JP was part of a long-term process, the CoE was able to rely on a solid network of European experts, the CoE's action involved the prison administrations of the whole country and it aimed at building local capacity and using local skills. The CoE also enjoyed the comparative advantage of being the only European organisation with the primary mandate to protect human rights.
16. The European Union was satisfied with the way the CoE managed this project, with the quality and timeliness of reporting, and with the visibility it obtained as the main funding partner.
17. Impact and sustainability of the project are far from being achieved. The evaluation confirmed that project results were necessary, but not yet sufficient, to bring about a lasting change in the BiH prison field. Such a sustainable change can only take place if the BiH authorities fulfil their responsibilities to reform the legal framework. The CoE and the EU will have to continue to join forces and exert the necessary political influence in order to sustain the reform effort.
18. Further support is needed in BiH as regards capacity building for prison staff (especially in the high-security State prison whose construction is forthcoming), treatment of vulnerable and high-risk prisoners, development of alternative sanctions, improving communication with prisoners and re-socialisation of prisoners.
19. The evaluation results led to the formulation of nine recommendations, the most important of which are: the Council of Europe should "accompany" the BiH authorities in the stage of implementation of project recommendations; develop a project proposal to train the staff of the new State prison; anchor activities on local institutions and reinforce the political dialogue with both State authorities and the Entities; exert appropriate influence on the BiH legislative bodies; continue to promote compliance with ECtHR judgments and CPT recommendations.
20. The European Union should keep on emphasising the link between reforms and European integration; foresee adequate resources to further modernise the BiH prison sector; consider funding a project targeting the staff to be recruited for the new prison.
21. Bosnia and Herzegovina authorities should put prison reform high on the political agenda ; reinforce the country's sense of ownership, among others, by appointing a member to the CPT; continue the effort of prison modernisation and implementation of the project recommendations: authorities should incorporate these recommendations using the "Project proceedings" as a blueprint for reforms; invest more on the development of community sanctions; consider appointing a "prison coordinator" at State and Entity level; create a permanent training centre for prison staff; consider appointing staff trained under the JP on the soon-to-be-established National Coordination Body; consider changes in curricula and organising training to implement CoE guidelines and recommendations (the last recommendations could be implemented relatively easily and with virtually no financial investments).

22. Follow-up projects are essential to continue with the prison reform process in BiH and take the highest benefits out of the momentum created.