

HORIZONTAL FACILITY FOR WESTERN BALKANS AND TURKEY

Enhancing human rights protection for detained and sentenced persons

BACKGROUND INFORMATION

Having become the 44th Council of Europe member state in 2002, Bosnia and Herzegovina (BiH) undertook to align and further enhance its legal framework with the Council of Europe standards. In doing so, BiH ratified a number of Council of Europe Conventions, such as the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The latter provides for human rights safeguards for all people within their jurisdiction including those deprived of their liberty.

The Council of Europe (CoE) has had the lead role in penitentiary reform in BiH since 2003. Progress has been achieved in a number of areas, as noted in the CPT reports. Building on the institutional knowledge in BiH and the Council of Europe's standard-setting and monitoring mechanisms, the Council of Europe aims to transfer and widen good practices to other law-enforcement agencies in the country with the current technical co-operation project (Action).



Focusing on the capacity-building of prison and law-enforcement agencies and their staff, the Action will further promote the rule of law and strengthen human rights protection mechanisms in BiH. This has also been the overall goal the Council of Europe Office in BiH. Furthermore, it will aid persons serving their prison sentences to adopt necessary skills to live a meaningful law-abiding life post-release.

The EU/CoE Horizontal Facility for Western Balkans and Turkey and the Action launched in July 2016 will continue the positive direction of further aligning the prison and police practices in Bosnia and Herzegovina with European standards and the best practices.

ABOUT THE ACTION

The Action aims to address important prison and police issues, especially those recorded in the CPT reports. Furthermore, it will provide support to the BiH authorities in ensuring compliance with Council of Europe standards as necessary and assist them in advancing further towards the process of stabilisation and European integration. The Action directly aspires to strengthen the capacities of staff to deal with persons deprived of liberty without infringing their human rights, design and provide meaningful activities for persons deprived of liberty, ensure that access to primary health care in prisons is equal to that provided in the community and support the treatment of mentally incapacitated offenders based on human rights standards.

The Action will deal with these specific issues as envisaged in the four components:

- ✚ Component I: developing guidelines for dealing with persons deprived of liberty in custodial environment;
- ✚ Component II: reinforcing offender management programmes for detainees and prisoners;
- ✚ Component III: improving prison health care; and
- ✚ Component IV: enhancing human rights treatment of patients in Special Forensic Hospital in Sokolac.

The work under the Action will be twofold: **thematic**, where the local pool of prison staff trainers accredited to deliver training in previously CoE-implemented projects will be drafting project materials under the guidance of various police and prison professionals until June 2017, and **practical**, where the conceptual part will be presented to local stakeholders through a series of training sessions and round tables. This concept will not only contribute to the local ownership of the Project results but it will also raise visibility of the European standards.

The Action will enable local policy makers, primarily Ministries of Justice and Ministries of Interior on all levels, to further align their procedures for dealing with persons deprived of liberty with CoE standards and best European practices.

CONTINUOUS SUPPORT NEEDED

- ✚ Four jurisdictions requiring further harmonisation of their legal framework;
- ✚ Lack of coherent approach to health care in prisons, inadequate material conditions of detention facilities and support for prisoners with special needs;
- ✚ The need to embed further in practice the developed competency-based staff training framework;
- ✚ Provision of a range of purposeful activities for prisoners and their preparation for reintegration in the community;
- ✚ Safeguards for detainees' basic rights on apprehension and prevention of ill-treatment.

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The Council of Europe is the continent's leading human rights organization. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

The European Union is a unique economic and political partnership between 28 democratic European countries. Its aims are peace, prosperity and freedom for its 500 million citizens – in a fairer, safer world. To make things happen, EU countries set up bodies to run the EU and adopt its legislation. The main ones are the European Parliament (representing the people of Europe), the Council of the European Union (representing national governments) and the European Commission (representing the common EU interest).

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