**No.: Oi – K – 577/18**

**Date: 03 October 2018**

**Bosnia and Herzegovina**

**The Ministry of Human Rights and Refugees**

**Agency for Gender Equality**

**SARAJEVO**

**SUBJECT: *Replies to the inquiry on women and girls deprived form their liberty***

Dear Madam or Sir,

The Human Rights Ombudsman of Bosnia and Herzegovina received a Questionnaire requesting information on the causes, nature and scope of the deprivation of liberty of women and girls with special attention to the impact of multiple and intersecting forms of discrimination against women and girls. The questions submitted are divided into four groups as follows: I Judicial System, II Other Institutions, III Forced confinement in private contexts, and IV Migration and Crisis Situations.

In reply, we would like to inform you that the Human Rights Ombudsman of Bosnia and Herzegovina is not in possession of the data disaggregated in the manner corresponding that used in the submitted Questionnaire, so please receive the information in form available to the Ombudsman.

Women sentenced to prison are referred to two prison institutions, namely the Correctional Facility Istočno Sarajevo and the Correctional Facility Tuzla.

Ombudspersons of Bosnia and Herzegovina believe that the conditions under which the women sentenced to prison are serving their sentence have been significantly improved in recent years because of the fact that a new facility for women was opened at the Penitentiary Institution of East Sarajevo, while certain measures were taken in the Penitentiary Institution of Tuzla (improved the terms of serving the sentence with regard to the use of the benefits within the establishment and the relationship of the official staff to the women deprived of liberty), according to the recommendations of the Ombudsman and other institutions, with the aim of improving the position of women deprived of their liberty. Namely, the facility in Eastern Sarajevo was built in accordance with standards that ensure full enjoyment of the rights of women deprived of their liberty in accordance with European Prison Rules, with specially designed premises for women with babies and small children.

Unfortunately, in these institutions women are still engaged in the activities traditionally regarded as “women's jobs”, such as sewing and handicrafts, or work in the kitchen and hygiene-keeping. This practice should be changed. In the Penitentiary Institution Tuzla, women deprived of their liberty mostly complain of lack of understanding for their biologically determined specific needs, that is, they do not get enough hygienic items. As a reaction to these complaints Ombudspersons issued their recommendations to the management of the Tuzla Prison to improve the supply of hygiene related items for the biologically determined needs of the women deprived from tehir liberty. This recommendation was implemented and after that there was no complaints lodged by the women serving their sentence in this Prison on these grounds.

Ombudspersons point out that there is still a problem in Bosnia and Herzegovina with regard to the implementation of educational measure of referral of female juveniles (girls from the age of 14 to the age of 18 at the time of the commission of the criminal offense) to a juvenile correctional-educational facility, since no adequate conditions are provided for the implementation of this educational measure, which the Ombudsmen also established during its visit to the institutions accommodating the juveniles in conflict with the law, which were conducted in 2018 as part of the preparation of the report on the implementation of recommendations from the Ombudsman’s 2016 report titled "Analysis of the situation in institutions where minors in conflict with the law in Bosnia and Herzegovina are placed" in order to assess the current situation. This Report describes in detail the situation in all institutions in BiH where juveniles in conflict with the law are placed, and it will be officially published and available to the public by the end of this month.

The problem mentioned in the Report is the situation in the Federation of Bosnia and Herzegovina, namely the semi-open Orašje Prison since the beginning of 2018, where the Department for execution of juvenile prison sentences was established and a Correctional-educational facility, where male and female are referred. During a visit to this institution, in June 2018, a minor girl, subject to educational measure “referral to juvenile reformatory” was found to have contacts on a daily basis with male juveniles are placed to juvenile reformatory in implementation of the educational measure “referral to the juvenile reformatory” or the “juvenile prison sentence” in the Juvenile Prison Section, because the facilities in which the educational measures are executed, and the facilities for the execution of juvenile prison sentence, although physically separated, are located within the same complex without any physical separation. On the other hand, in the Republika Srpska there is still no special institution for the execution of the educational measure of referral to the juvenile reformatory and even though there were no girls subject to such measures, the question can be raised as where a girl to which the court would pronounce such educational measure would be referred.

Ombudspersons of Bosnia and Herzegovina are currently engaged in the issue of irregular migrations in Bosnia and Herzegovina, with particular reference to the position of women irregular migrants, including pregnant women and women with children, and all relevant information and findings will be presented in their forthcoming Special Report on the Status of Migration, which is in its final phase.

Reply prepared by

Department for the protection of the rights of persons deprived from their liberty