

## **WOMEN AS PERPETRATORS OF CRIMINAL OFFENSES AND THEIR TREATMENT IN INSTITUTIONS FOR THE EXECUTION OF CRIMINAL SANCTIONS**

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**Abstract:** The scientific paper explores women as perpetrators of criminal acts and their penal treatment, providing insights into the specifics and challenges they face during incarceration. Traditionally, prisons were primarily oriented towards men, but today there are specific prison units and facilities exclusively for female inmates. In the introduction, we address the history and development of the prison system for women, including the creation of specialized units and a gender-sensitive approach to imprisonment. The second part investigates the specifics of women's incarceration, including healthcare needs, education, vocational training, challenges of motherhood and childcare in prison, as well as psychological aspects of women's imprisonment. The third part examines the issues and challenges women encounter during incarceration, such as prison system overcrowding, gender discrimination, and violence against women in prison. Additionally, we explore the application of alternative punishment measures for women, including home confinement, rehabilitation and reintegration programs, and harm reduction measures for women with special needs.

**Keywords:** women as inmates, history of the prison system, alternative punishment measures for women

### **Introduction**

Research on female criminality provides insight into various motives and situations that drive women to commit criminal acts. Common causes of female crime include abuse, poverty, and addiction. Studies of crimes committed by women reveal that they often face greater stigma compared to men who commit similar crimes.

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Women are more likely to experience psychological and psychiatric disorders, and they are frequently victims of abuse. Standards and guidelines for treatment within the prison system apply equally to both male and female populations. However, the distinct needs of female inmates, stemming from biological and gender-specific factors, tend to be overlooked. This oversight fails to account for the unique experiences that lead women into and away from crime. Female inmates have specific needs due to their biological and gender-related vulnerabilities, influenced by their social context and cultural roles. Female criminality rates range from 10% in underdeveloped countries to 20% in developed ones, with some authors suggesting even lower percentages (Šučur, Žakman-Ban, 2004:1055-1079; Korajlić, 2012: 697-706;). Due to their small representation within the prison population, there is insufficient attention given to their accommodation and classification. Current facilities are architecturally designed in the same manner as those for male inmates, disregarding the requirements and specificities of the female population. Inadequate prison classification for women serves as a significant example of gender discrimination. The practical reality often reveals a lack of adequate housing space for female inmates, leading to their placement within existing security regimes without proper consideration and without aligning their classification with institutional security levels. This creates practical problems that result in discrimination. For instance, if an inmate with a lower security level is placed in a maximum-security prison, they may not have the same access to rights as inmates with a lower security level, and vice versa (Puharić, 2013:10). Based on these considerations, certain conclusions, recommendations, and suggestions will be offered to improve living conditions in prisons and ultimately change the specific conditions under which female inmates serve their prison sentences, aligning with European standards set by the CPT<sup>24</sup> and EPR<sup>25</sup>.

## 1. Historical Overview of Criminal Sanctions Execution System

Recorded within societal structures are negative behaviours met with corresponding reactions. These reactions encompassed coercive measures against harmful and dangerous conduct. Deprivation of liberty dates back to ancient times, though it wasn't a criminal sanction. Initial prisons were located in fortresses' basements. Punishments evolved with state formation through slave-owning and feudal periods. The first form of deprivation of liberty as a criminal sanction emerged in the 16th century, gaining autonomy by the late 17th century with its inclusion in the French Code Penal of 1791<sup>26</sup>. In 1553, the first prison was established at the Tower of London, serving as a form of carceral institution to isolate beggars and vagrants. In

<sup>24</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) European Prison Rules

<sup>25</sup> European Prison Rules

<sup>26</sup> The French model of 1791, known as the Code Penal, restricted the use of death and corporal punishment, abolished the sentence of life imprisonment, and adopted a system of determinate sentences.

1595, a juvenile prison was founded in Amsterdam, followed by a women's prison a year later due to an evident rise in prostitution (Korać, 2010:57). The general mechanization of individual focus led to the prison institutional model before the law defined prison as the principal and most appropriate punishment (Foucault, 1997:223). The present system of executing criminal sanctions is the result of protracted efforts spanning millennia of human history. While modern penal responses to committed crimes are realized through a system of criminal sanctions, it must be noted that until the 20th century, punishment was the sole criminal sanction, and the development of criminal sanctions was synonymous with the development of punishments. In the societal reaction to criminality, the criminal sanctions execution system holds a distinct role shaped by penal policy, civilizational and cultural levels, ethical and humanistic values, as well as the scientific and economic potential of society. Historically, these determinants have defined the nature of societal reactions to criminal manifestations as punitive, preventive, and rehabilitative (Marić, Bulatović, 2004:19-20).

### 1.1 Development of Separate Prison Units for Women, Shortcomings, and Challenges

The lower involvement of women in criminal activity and the reduced societal impact of crimes committed by women have resulted in less research and slower adaptation to their specific needs within prison settings compared to men's experiences (McQuaide, Ehrenreich, 1998:630). According to a study by Walmsley (2006:5), women commit significantly fewer criminal offenses than men, thus constituting a minority within global prison populations, ranging between 2% and 9% of the national prison population. Only 12 prison systems worldwide report a higher percentage, with the European average being 4.4%. Spain holds the highest percentage of female inmates (nearly 8%), while Azerbaijan has the lowest (less than 1.5%)<sup>27</sup>. In Bosnia and Herzegovina, data from the SPACE I and II studies<sup>28</sup> reflect similar trends<sup>29</sup>. This is noteworthy as states allocate significantly more resources to male-dominated prison facilities, resulting in harsher conditions for female inmates due to comparatively lower investments (Lučić-Ćatić, 2012:289). Identifying this issue through various reports on prison visits indicates that female prisons, often adapted from male facilities, fail to adequately meet the needs of incarcerated women<sup>30</sup>. Even

<sup>27</sup> WHO Regional Office for Europe, 2009, Prison Health Database, [https://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0005/249188/Prisons-and-Health.pdf](https://www.euro.who.int/__data/assets/pdf_file/0005/249188/Prisons-and-Health.pdf), (accessed:07.06.2022)

<sup>28</sup> The SPACE I and II Project, devised by the Council of Europe, has been in existence since 1983. Its objective is to provide comparable data on the prison population in all Council of Europe member states.

<sup>29</sup> CoE, Université de Lausanne, SPACE I & II, Lausanne: ICDP/ESC, UNIL- Sorge, 2010, p. 74, <https://wp.unil.ch/space/i> [https://osfbih.org.ba/images/Progs/00\\_16/PDFP/pdfp\\_13/ENG\\_PB\\_83\\_Predrag\\_Puharic.pdf](https://osfbih.org.ba/images/Progs/00_16/PDFP/pdfp_13/ENG_PB_83_Predrag_Puharic.pdf) (accessed: 07.06.2022).

<sup>30</sup> "QUNO Women in Prison: Commentary on the UN Standard Minimum Rules for the Treatment

the UN Standard Minimum Rules for the Treatment of Prisoners (1955), adopted half a century ago, reflects this deficiency<sup>31</sup>. The inequality within the Bosnian and Herzegovinian prison system is also apparent in the Ombudsman Institution for Human Rights' report<sup>32</sup>, which states that the current state falls short of satisfactory levels and has not improved<sup>33</sup> substantially up to the present. The tension between traditional punitive penology and contemporary rehabilitative prison approaches complicates practice. The objective is to prepare inmates for post-prison life and reintegration, creating a dual-purpose for prisons that challenges the balance between punishment and reformation. Prison personnel should adhere to guidelines aiming to strike a balance between punishment and resocialization.

### 1.2. Gender-Sensitive Approach in Prison Sentencing

Considering the differences between men and women, as well as their experiences and paths leading to criminal behaviour, it is important to emphasize that women are a vulnerable category of society. Their vulnerability is reflected in their biological and gender-specific needs, as well as their social situations and cultural roles. There is a risk of neglecting the specific needs of women<sup>34</sup>, especially because they constitute a minority among the prison population.

Although the intensity of vulnerability and corresponding needs of female inmates may vary from country to country, common factors that incarcerated women worldwide face include:

- Challenges in accessing justice on an equal basis with men in many countries;
- Existence of offenses that are applied exclusively or disproportionately to women, including abortion or "moral crimes" such as adultery and indecent sexual behaviour;
- Poverty and dependency on male family members for money and support;

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of Prisoners" (2008) states: "The needs and problems of female prisoners differ from those of male prisoners ... Female prisoners have distinct health needs, including those related to sexual and reproductive health ... Female prisoners suffer from a very high rate of mental illnesses. While issues such as overcrowding, poor hygiene, and inadequate visitation facilities affect both male and female inmates, many problems are specific to women or affect female prisoners in a different or particularly severe manner."

<sup>31</sup> The UN Standard Minimum Rules for the Treatment of Prisoners (Resolution 663 C (XXIV) of July 31, 1957, and supplemented by Resolution 2076 (LXII) of May 13, 1977) were adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the United Nations Economic and Social Council.

<sup>32</sup> "Special Report on the Human Rights Situation in Penal Institutions in Bosnia and Herzegovina" by the Institution for Human Rights of the Ombudsman/Ombudsmen of Bosnia and Herzegovina, 2012.

<sup>33</sup> *Ibid*, pp. 64-71

<sup>34</sup> "Guidelines for Developing Treatment Programs and Individual Treatment Plans for Vulnerable Categories of Inmates in Prisons in Bosnia and Herzegovina," Second Edition, p. 138.

- Disproportionate percentage of women victims of sexual or physical abuse prior to incarceration;
- High level of mental health needs, often as a result of domestic violence and sexual abuse;
- High levels of drug or alcohol dependency;
- Low educational attainment and high illiteracy rates;
- Extreme emotional distress triggered by imprisonment, often leading to mental health problems, or exacerbating existing mental issues;
- Sexual abuse and violence against women in prisons;
- Likelihood that women have caregiving responsibilities for children and family;
- Gender-specific hygiene and health care needs that are inadequately addressed;
- Lack of gender-appropriate specialized programs and rehabilitation programs in prisons;
- Stigmatization, victimization, and abandonment by families (United Nations Office on Drugs and Crime/Women in Prison version 1.0, 2015:7-8).

In Resolution No. 1663 of the Council of Europe from 2009<sup>35</sup>, titled “Women in Prison,” it is noted that the number of women in European prisons is increasing, yet women still constitute a small portion of the overall prison population. On the other hand, as stated in the preamble of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (also known as the Bangkok Rules)<sup>36</sup> from 2010, prisons are designed and built for the male population, leading to the neglect of women’s specific needs. Simultaneously, there is a tendency towards greater stigmatization of women who have served prison sentences compared to men, and women who have been incarcerated may be rejected by their families and communities (Bastick, 2008:8). Relevant research indicates that prison systems and regimes are typically designed for the male population, while the needs of female inmates are generally overlooked, despite important international reports calling for prison conditions that align with gender equality requirements. This issue is highlighted in the Minimum Rules for the Treatment of Women Prisoners (2008). Even the United Nations Standard Minimum Rules for the Treatment of Prisoners from 1955<sup>37</sup>, adopted more than 60 years ago, emphasized these shortcomings.

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<sup>35</sup> The text of the Resolution is available on the website of the Parliamentary Assembly of the Council of Europe at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17733&lang=en>, (accessed: 07.06.2022).

<sup>36</sup> The text of the Bangkok Rules is available at <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>, (accessed: 07.06.2022).

<sup>37</sup> The text of the UN Standard Minimum Rules for the Treatment of Prisoners is available at: [https://www.unodc.org/pdf/criminal\\_justice/UN\\_Standard\\_Minimum\\_Rules\\_for\\_the\\_Treatment\\_of\\_Prisoner.pdf](https://www.unodc.org/pdf/criminal_justice/UN_Standard_Minimum_Rules_for_the_Treatment_of_Prisoner.pdf), (accessed: 07.06.2022).

## 2. Specificities of Imprisonment for Women

### 2.1 Rehabilitation and Resocialization

The concept of resocialization is approached (Bošković, 1999:302) primarily from a penological perspective and then from an educational aspect. Resocialization becomes relevant when prisons, as opposed to their previous purposes where the sole aim was deprivation of liberty, acquire a new function, namely the function of reformation. Essentially, it involves the transformation from an antisocial way of life to acceptable behaviours and relationships, reintegrating the deviant individual into normal life and work routines. From a modern theoretical standpoint, the concept of resocialization entails a multidisciplinary approach to incarcerated individuals and the collaboration of various subjects with different profiles and expertise who are the carriers of the resocialization process (Pantazić-Stanojević, 1964:28-31).

Resocialization, as a legal measure of criminal policy, comprises three phases: judicial, institutional, and post-penal (Bošković, 1999:539). According to the author (Garrity, 1996), these procedures aim to alter the personal characteristics and tendencies of offenders that have led to their delinquent orientation, with the intention of reintegrating them back into social life. Particularly, the focus is on altering those dispositions at the core of one's personality, making them less susceptible to external influences.

Preventing crime is no longer achievable through radical isolation and dehumanization of individuals; instead, it involves their resocialization. In contemporary criminal legislation, the purpose of executing criminal sanctions is defined as suppressing socially dangerous activities that violate or jeopardize societal values protected by criminal law.

### 2.2 Health Needs of Female Inmates

By law, free healthcare is regulated for female inmates during the period of serving a prison sentence, including medical examinations, outpatient and inpatient treatment, and other medical interventions. Health insurance covers pre-existing conditions as well. Article 46, paragraph 3 of the Law on Execution of Criminal Sanctions of the Federation of Bosnia and Herzegovina (ZIKS FBiH) provides for the possibility of treatment outside the institution in an appropriate healthcare facility, in accordance with security procedures and at the expense of the inmate. If a convicted person becomes mentally ill or displays severe psychological disorders while serving a prison sentence, they are provided care with security procedures in appropriate facilities for the treatment of mentally ill individuals. Medical intervention on a confined person, when there are medical indications, is not applied without the consent of the convicted person, except in cases provided by regulations in the field of healthcare (Dautbegović, Korajlić, Ahmić, 2016:115-117).

Regarding the circumstances of personal hygiene and consequently the healthcare of female inmates serving prison sentences in the Federation of Bosnia and Herzegovina, based on the analysis (Jusić, 2022:99-104), the following results are presented:

Question: Have you been provided with sufficient supplies and means for personal hygiene by the Tuzla Correctional and Penitentiary Institution?

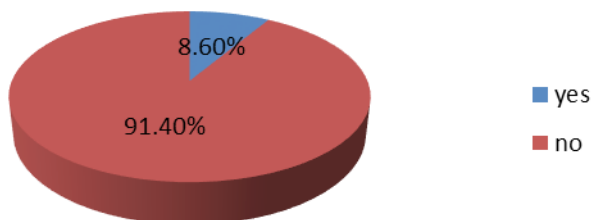


Chart 1: Availability of Adequate Personal Hygiene Supplies by Tuzla Penitentiary and Correctional Facility

Question: Do you have access to personal hygiene supplies during your menstrual cycle (sanitary pads/tampons, etc.)?

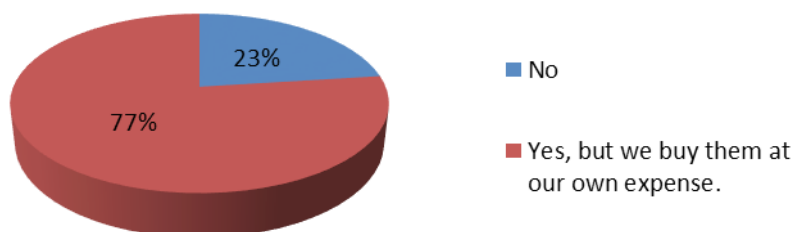
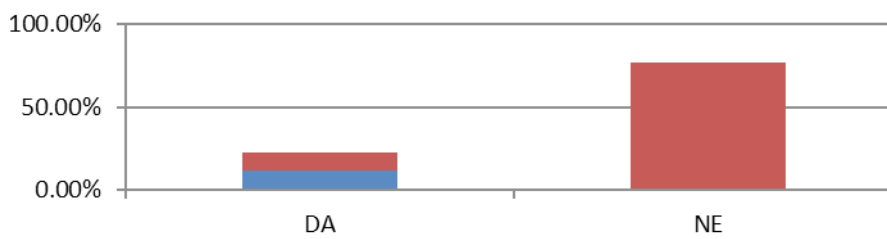


Chart 2: Quantities of Available Personal Hygiene Supplies During Menstrual Cycle

77% of surveyed female inmates responded with YES, with an explanation or comment on the answer "yes, but we buy them at our own expense."

Question: Do you have personal hygiene supplies provided by Tuzla Prison during the duration of the menstrual cycle?



Graph 3: Does Tuzla Prison provide personal hygiene supplies?

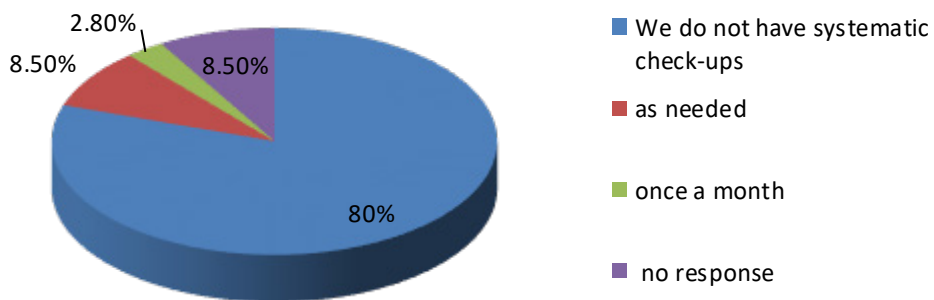
- » YES - in sufficient quantities – stated by 11.42% of the inmates; YES - but in insufficient quantities – stated by 11.42% of the inmates; NO - stated by 77% of the inmates (meaning we have the same supplies only if we buy them with our own money).

Considering all the aforementioned regarding the specific needs of inmates necessary for functioning and maintaining health during the prison sentence, we conclude that the prison environment in the Women’s Section in the Federation of Bosnia and Herzegovina

insufficiently addresses the specific needs of inmates required for functioning and health preservation. The CPT considers that special attention should be given to the hygiene needs of women inmates, where it is of great importance that bathrooms are easily accessible and that personal hygiene supplies are provided to them during the menstrual cycle.

When it comes to healthcare, health services for persons deprived of liberty are of direct importance to the jurisdiction of the CPT. The following parameters examining the healthcare of women inmates and the specifics related to their health needs will be presented. The frequency of responses within the healthcare category is as follows:

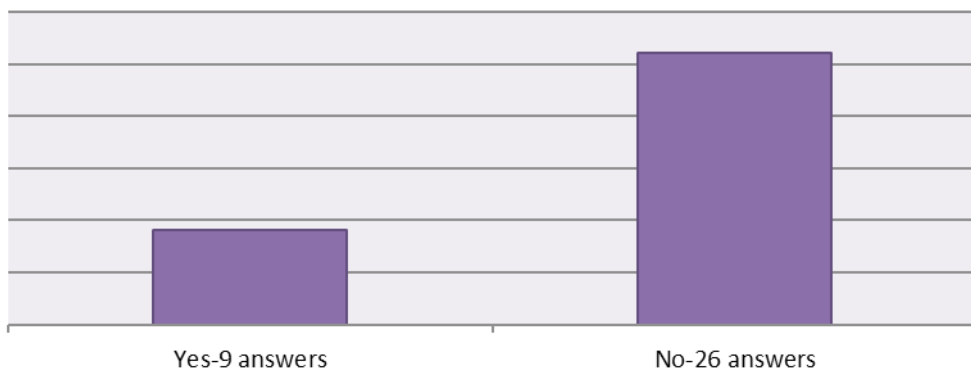
Question: How often do you have regular (systematic) check-ups with a doctor?



Graph 4: Regular (Systematic) Check-ups

- » We do not have regular (systematic) check-ups with a doctor, responded by 80% of the inmates (with the explanation that SYSTEMATIC CHECK-UPS DO NOT EXIST).

Question: Have you ever been tested for HIV/AIDS and other sexually transmitted diseases during your stay in this institution?



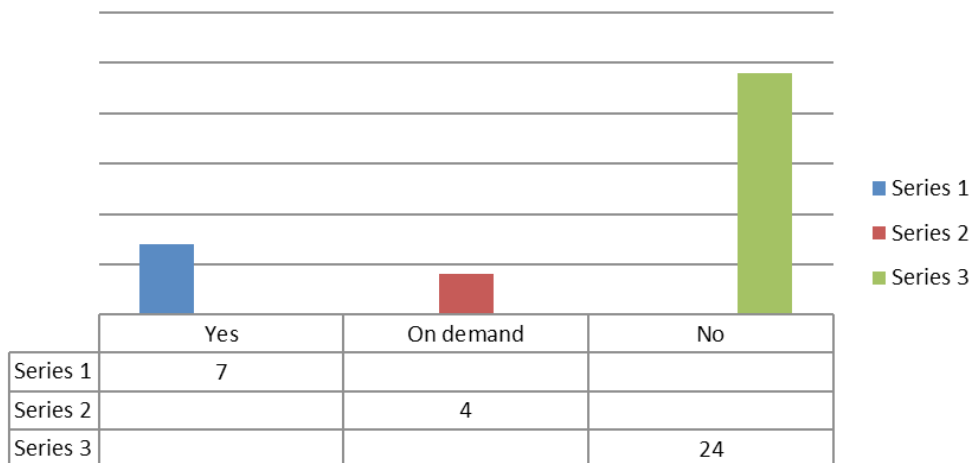
Graph 5: Testing for HIV/AIDS and other sexually transmitted diseases during the stay at Tuzla Prison

Inmates who provided a positive answer explained that this is very rare, i.e., they were tested six years ago. This data is quite concerning, given that "women are at a much greater risk of contracting HIV through sexual activity than men" (Reyes, 2001:53). There is a significantly high risk that inmates (convicted of drug-related or prostitution-related crimes,



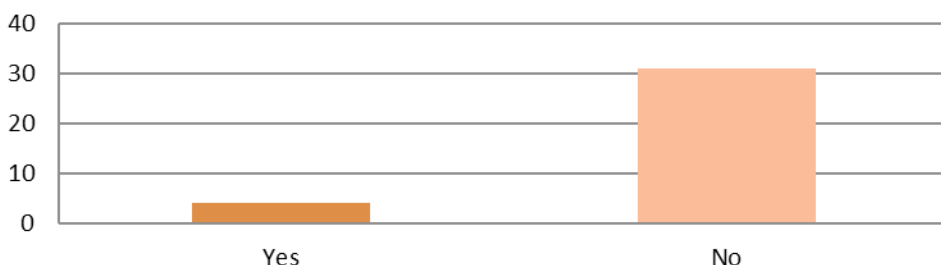
as well as inmates who have been victims of sexual violence or rape) are already infected with HIV at the time they begin serving their prison sentence.

Question: Have you been provided with and how often are gynaecological examinations conducted (Pap tests, ultrasound)?



Graph 6. Gynaecological Examinations

Question: Are there specific health programs (lectures, education) related to the menstrual cycle, menopause, and women’s sexual health?



Graph 7. Persistence of Women’s Sexual Health Education Programs

- » 4 inmates responded that there used to be
- » 31 inmates responded that there is none and they are not aware it existed before

### 2.3 Prenatal and Postnatal Care and Special Category of Inmates

Considering that legal provisions regulate interruption and postponement of prison sentences for a certain period of time<sup>38</sup>, there are rare cases of pregnant women and women with children serving their sentences. In cases where legal provisions cannot be met due to challenging circumstances for deferring or postponing sentences, significant attention must be given to this segment to create all conditions for

<sup>38</sup> Criminal Sanctions Execution Law in the Federation of Bosnia and Herzegovina, Article 27, Paragraph 7, Article 57.

adequate treatment of this population. In practice examples from the Semi-Open Type Penitentiary Institution Tuzla, the Department for Women faces significant challenges due to inadequate facilities for mothers with children who have the right to stay with them in prison until the child reaches 3 (three) years of age. Provisions that address situations of childbirth within the correctional facility during the execution of criminal sanctions are not sufficiently defined in terms of assisting inmates in realizing their basic human rights, as well as the rights of the child. The lack of adequate staff to assist and care for the child prevents them from engaging in work<sup>39</sup>, which is often their only and primary source of income, resulting in the separation of the mother from the child and the placement of the child in Homes for Abandoned Children, as well as the establishment of other forms of alternative guardianship over them. It is observed that statutory and sub-statutory regulations quite briefly address this category of women and children, so they should be supplemented accordingly based on the CPT and Extract from the 10th General Report [CPT/Inf (2000) 13]<sup>40</sup>. Women with disabilities, foreign nationals, and members of minority groups, in addition to pregnant women and women with children in prison, are a special category of inmates that require special attention, as recognized by the Istanbul Rules. These groups of women, due to their specific conditions or positions, are additionally vulnerable and more susceptible to various forms of rights violations compared to other women. It is crucial to adapt accommodation conditions, programs, and healthcare systems for women with any form of disability.

#### 2.4 Psychological Aspects of Women's Prison Sentence Execution

Statistics indicate that women in prisons have alarmingly high rates of psychological health issues, such as post-traumatic stress disorder, depression, anxiety, phobias, neuroses, self-harm, and suicide, often resulting from a history of abuse and victimization prior to entering the prison system. Parameters related to the mental health and psychological conditions of incarcerated women in KPZ-Tuzla are presented below through diagrams and explanations:

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<sup>39</sup> The Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina, in Article 48, states that a convicted woman during pregnancy can only be employed in lighter tasks, and for a period of six weeks before and after childbirth, only in tasks approved by a physician. In the introductory part, it is also mentioned that these laws, in various forms, allow the possibility for a child to stay with the mother serving a prison sentence until the child reaches three years of age.

<sup>40</sup> It is necessary to establish dedicated facilities for women with children in prison. According to the CPT's opinion, the guiding principle in all cases must be the welfare of the child. This particularly implies that every prenatal and postnatal care provided in prison must be equivalent to the care provided in the outside community. In cases where babies and young children are kept within the prison environment, their treatment must be supervised by specialists in social work and child development.

- » Have you ever been a victim of (psychological, physical, domestic, or sexual) violence before entering KPZ?

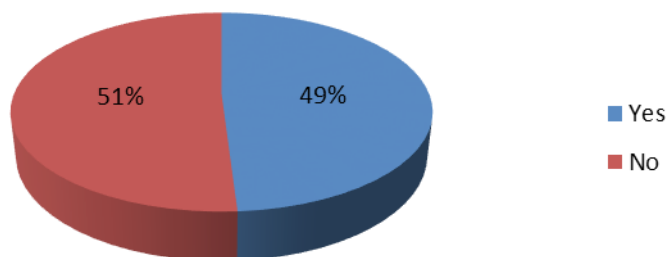


Chart number 8. Incarcerated women victims of (psychological, physical, domestic, or sexual) violence before entering prison

In their explanations, incarcerated women who provided a positive response mostly indicated that they had been victims of all the aforementioned forms of violence. Concurrently, analysing the sociodemographic data of surveyed inmates, we find that the largest percentage, 51% of incarcerated women serving sentences for crimes against life and body, had predominantly been victims of physical, sexual, or psychological violence.

Research shows that incarcerated women experience psychological health issues to a much greater extent than male inmates. In practice, the number of psychologists employed within the prison departments for women's sentence execution is insufficient, which further complicates the achievement of quality and quantity in addressing these concerns.

## 2.5 Alternative Sanctions

Alternative non-custodial sanctions, as a substitute for short-term prison sentences, are initially implemented out of humane considerations and later for pragmatic reasons (lack of prison space, cost of imprisonment). They can be divided into two categories:

- a) those that partially restrict freedom (electronic monitoring, etc.)
- b) those that aim to achieve a positive outcome alongside limited freedom (community service, restitution, etc.)<sup>41</sup>

These measures are collectively termed alternative sanctions and constitute a concept of penalties and measures under the purview of the community, based on the assumption that the goals of punishment can largely be achieved in conditions less restrictive than imprisonment. The shift towards a preventive, rather than retributive, component of punishment stems, among other factors, from the negative effects of imprisonment on the offender, their family, and the society.

Negative effects of imprisonment on the offender: permanent branding as a criminal, separation from family, interruption of education, loss of employment

<sup>41</sup> Croatian Encyclopaedia, Online Edition. Miroslav Krleža Lexicographical Institute, 2021. <http://www.enciklopedija.hr/Natuknica.aspx?ID=2012>. Accessed July 16, 2023.

and difficulty finding new jobs, susceptibility to negative influence from problematic inmates, all contributing to recidivism<sup>42</sup>.

The introduction of alternative sanctions into our criminal system is fully in line with contemporary European trends in penal policy and the need to establish common principles of penal policy among member states of the Council of Europe.

The Law on the Execution of Criminal Sanctions in the Federation of Bosnia and Herzegovina regulates the execution of criminal sanctions and other measures imposed in criminal proceedings, as determined by the laws of the Federation of Bosnia and Herzegovina, relating to the execution of prison sentences, long-term and juvenile detention, as well as house arrest with electronic monitoring. House arrest with electronic monitoring, in accordance with the provisions of the Criminal Code of the Federation of Bosnia and Herzegovina, Article 43c, can be imposed on sentenced individuals for prison terms up to one year. Considering all circumstances determining the type and extent of the sentence, the decision to execute a prison sentence as house arrest with electronic monitoring is based on the assessment that the offender doesn't necessarily require confinement in an institution for sentence execution, and that the purpose of punishment and sentence execution can be achieved through this method. Persons convicted of crimes against marriage, family, and youth, living with the victim within the same household, cannot undergo imprisonment as stipulated in paragraph 1 of this article.

A criminal law measure falling under the category of alternative criminal sanctions, which is imposed by the Court of Bosnia and Herzegovina in the prescribed procedure, and at the request and with the consent of the convicted person if such a sanction has been imposed by entity courts for offenses specified in the Criminal Code of Bosnia and Herzegovina, for a prison sentence of up to six months, can concurrently be replaced with community service. The decision to substitute a prison sentence with community service is based on the assessment that, considering all circumstances determining the type and range of the sentence, executing a prison sentence wouldn't be necessary for achieving the purpose of punishment. However, a conditional sentence wouldn't be sufficient for achieving the overall purpose of criminal law sanctions<sup>43</sup>.

Positive effects of effective implementation of alternative sanctions:

- Avoidance of negative effects of confinement (separation from family - a crucial factor for women, interruption of education, loss of employment, negative influence from inmates, etc.)
- A more active role is given to the community in the criminal justice system
- The community benefits from the labour of the convicted individuals

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<sup>42</sup> file:///C:/Users/DELL/Downloads/37640.pdf, Accessed July 16, 2023.

<sup>43</sup> REGULATION ON THE TYPE AND CONDITIONS FOR THE IMPLEMENTATION OF THE CRIMINAL SANCTION OF COMMUNITY SERVICE ON LIBERTY, [http://www.mpr.gov.ba/biblioteka/podzakonski\\_akti/default.aspx?id=1245&langTag=bs-BA](http://www.mpr.gov.ba/biblioteka/podzakonski_akti/default.aspx?id=1245&langTag=bs-BA), (Accessed July 16, 2023)

- Reintegration of the convicted into society is efficiently and publicly carried out
- Conditions are created for remedying the damage caused to the victim or reconciling with the offender
- Reduction of social stigmatization of the convicted
- Reduction of the prison population, resulting in lower costs and community expenditures<sup>44</sup>

Alternative sanctions hold particular significance for female offenders, as they fall into a vulnerable category due to various specificities. During their prison sentence, they struggle with the separation from their children and families.

### **3. Social Reintegration of Women after Release from Prison**

Successful reintegration is not achieved solely by completing institutional penological treatment and releasing the female inmate from the prison facility. Upon release, the former inmate faces a range of material, social, and even psychological challenges. She cannot overcome these problems on her own, and without societal assistance, it is highly likely that she may revert to a criminal path. In order to prevent such an outcome in the process of reintegration, the institutional penological treatment must extend into post-penal support.

Post-penal support involves aiding the released inmate to reintegrate into normal social life and work as a free individual (Rodman, 2003; 193). The organization and implementation of post-penal measures become crucial, especially considering the repercussions of prison life on the female inmates. This encompasses severed social connections, disrupted employment, inability to establish marital ties, and separation from children. Furthermore, incarceration diminishes psychological and intellectual resources, leading to indifference, resignation, and depression.

Post-penal support plays a pivotal role in the reintegration of female inmates and their alignment with societal norms. Immediate assistance after release from prison is of paramount importance to avert deviant behaviour. Internal and external post-penal support can provide conducive conditions for the successful reintegration of female inmates into society (sources: Grozdanović, 2001: 105-106; Milutinović, 1981: 159)

### **Concluding Considerations**

The societal response to undesirable behaviour gives rise to the punishment of deprivation of liberty. Over time, the goal of imprisonment has evolved, yet the specific needs of women have not been adequately addressed. Causes of female criminality often include abuse, poverty, and addiction. Research indicates that women who commit crimes often face greater stigmatization than men for the same offense. Female inmates require specialized treatment, support, and healthcare during their incarceration. After release from prison, many confront challenges in reintegrating into society and require assistance in terms of housing, family reunification, and employment.

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<sup>44</sup> file:///C:/Users/DELL/Downloads/37640.pdf ,(Pristupljeno 16.07.2023)

The existence of a service within state institutions, such as probation services, would be of great significance (probation is a conditional and supervised freedom for the perpetrator of a criminal offense, during which probation officers carry out procedures aimed at the reintegration of the offender, reducing the risk of committing new criminal offenses, and protecting the community). This service could offer support and facilitate their re-entry into the community. The introduction of alternative sanctions mitigates the stigma and negative effects of imprisonment for women. It is vital to provide extra attention to women as a vulnerable group during both penal and post-penal treatment and to continue collaboration between state institutions and civil society organizations to offer former inmates a fresh opportunity and reduce their risk to the community.

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