DIFFICULTIES IN REALIZATION OF INSTITUTIONAL EDUCATIONAL TREATMENT OF ADULT INVALID PEOPLE IN PENAL INSTITUTIONNebojša Macanović¹, Miloš Đorđević²**ТЕШКОЋЕ У ОСТВАРИВАЊУ ИНСТИТУЦИОНАЛНОГ ВАСПИТНОГ ТРЕТМАНА ОДРАСЛИХ ОСОБА СА ИНВАЛИДИТЕТОМ У ПЕНАЛНИМ УСЛОВИМА**

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Summary

In the last decade in penal institution in Bosnia and Herzegovina there were many things done on reconstruction of existing objects and creating better conditions for life and work of convicts. Yet, beside efforts of juridical system to adjust conditions of serving prison sentence with European standards in many penal institutions, there are many unsolved issues in local prisons. One of them is a treatment of adult invalid persons, planning of procedures and accommodation of these persons, and also conducting educational treatment. Aim of this paper is to point out the specific problems of this population of prisoners, who often serve their sentence in inhuman conditions, of their educational treatment, but also the need for different approaches to prisoners, especially when it comes to their accommodation in penal institutions, and possibility of gaining purpose of punishment – their re-socialization.

Key words: adult invalid person, re-socialization, educational treatment, prison.

Сажетак

У последњој деценији у пеналним институцијама Босне и Херцеговине је доста урађено на реконструкцији постојећих објеката и стварању бољих услова за живот и рад осуђених лица. Ипак, и поред напора правног система да се услови издржавања затворске казне у већини пеналних установа прилагоде европским стандардима, остало је много нерешених проблема у локалним затворима. Један од њих је третман одраслих особа са инвалидитетом, планирање процедура и смештај ових лица, као и спровођење васпитног третмана. Циљ овог рада је да се укаже на специфичне проблеме ове популације затвореника који често своје казне служе у нехуманим условима, на њихов васпитни третман, али и на потребу за различитим приступима затвореницима, посебно када је реч о њиховом смештају у пеналним установама и о могућностима остваривања сврхе кажњавања – њихове ресоцијализације.

Кључне речи: одрасла особа са инвалидитетом, ресоцијализација, васпитни третман, затвор.

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INTRODUCTION

Discrimination against people, marginalized groups in BiH society is a consequence of the value system crisis and of growing social exclusion. Often their physical deficiencies further complicate this situation. „Different forms of disability usually follow an individual through his entire life, and essentially characterize his environmental and social reality. Marginalization and social exclusion of persons who have disabilities are a result of numerous spheres of discrimination which they are exposed to – education, work, housing, legal, communication, cultural and institutional forms of discrimination“.⁽¹⁾ Some of these people, in marginalized groups, are in jail, the institution where they are labeled and punished by society due to the offense and the criminal behavior. Prison as an „artificial creation“ with numerous deprivations creates a bleak psychological atmosphere for all persons serving a prison sentence. Some of them are recidivists, adapted to such conditions. Such multiple recidivists who accept prison as their own environment are often much better to manage and operate than when they are free. However, many of the prisoners are serving a prison sentence for the first time for various crimes that they sentenced to. Some of them are people with disabilities. Such persons next to the „label“ they receive from society for a criminal offense are often additionally labeled because of their physical disability by the prison system. That is the key reason why we, in this work, particularly paid attention to people with disabilities, their position and their re-socialization in penal institutions. Due to the lack of published papers dealing with this issue, we sincerely hope that this paper will encourage many, especially penological staff in prisons, to find adequate ways and approaches in educational work with this population of persons.

RE-SOCIALIZATION OF PRISONERS

Whatever I decide to do, I will have to do it, alone. Whether to forgive, whether to settle.

Meša Selimović

At the beginning of the twentieth century, re-socialization has become the dominant paradigm in the area of sentencing and penal policy. Period up to the 1960s is characterized by disagreements between theory, where the re-socialization was dominant, and practice, where the idea of re-socialization was not yet applied. In the early 1960s re-socialization experienced practical use and became a generally accepted orientation in the treatment of prisoners. Despite criticism that the idea suffered in the 1970s, re-socialization is another purpose, goal, method, model of sentencing the offenders.

Related categories are often linked with re-socialization – socialization, rehabilitation, education and other. In the next part of the paper we will perform the etymological-etiological analysis of these processes and the concepts that define these processes, and determine their applicability in the original form to the system of punishment in our region.

Re-socialization is derived from the Latin word *re* – again, and *socius* – friend, sociable, which is usually translated as *socialize again*. If we accept it conditionally as a definition, there is a need to define socialization.

Slovenian anthropologist Vesna Vuk Godina⁽²⁾ analyzed the literature from the former Yugoslavia and from different scientific fields, which dealt with the study of socialization, and found that there was no single approach to the problem. Social psychology went the furthest in studying, even though the attitudes and definitions are not harmonized even there. She divided the definition of socialization into three groups:

1. Definitions that define socialization as a process of development of personality, „the process of transformation of the biological individual into a social being“.⁽³⁾

2. Definitions that under socialization include the process in which only a part of the personality is formed and only that part which allows the man to successfully function in the society. So they do not see socialization as a process of the formation of the whole person, rather just one part of it that a person in this or that way, „shares“ with other members of their social group, and that is essential for its acceptable functioning in a social environment to which it belongs. Zvonarević⁽⁴⁾ speaks of socialization as the process of shaping social character, i.e. social mentality.

3. Approaches which try to connect or synthesize both of the above understandings of socialization. Socialization is in this sense a „process of social learning, in which the individual receives socially relevant behavior patterns and is shaped like a person with his specific characteristics“.⁽⁵⁾

So, the understanding of socialization as an isolated process of personality development, or the process of social inclusion, and without observing the changes that occur in the personality, is very narrow and in disagreement with its essence. Socialization is a bipolar process – it takes place at two different levels (the individual and societal level), there are two different goals („becoming a man“ of an individual and reproduction of society), and the results are twofold (personality development and life of society in space and time).⁽⁶⁾ What does it mean? The inclusion of a man in society is not possible unless you simultaneously develop his personality. To join the society, he must have in his personality structure a developed precise assembly which is, for the members of a group, more or less common. A particular society „survives“, reproduces, if it consists of individuals with very specific characteristics required by society.⁽⁷⁾ These properties can be developed only if their development is initiated externally, i.e. the individual can only develop in a society. Roughly speaking, the society provides certain tasks for the first socializational process, which properties should an individual have in order to be in-

cluded and to become a member of a particular social group. Society is more concrete about the content of the first socialization process (the process of personality development). This concretization is connected with the necessity of selecting a biological given potential, or with the fact that in the process of socialization „... / an individual born with the behavior potential of a very wide scope is allowed to develop actual behavior which is confined to a much smaller volume – a level that is plain and acceptable for them with respect to the standard of his group“.⁽⁷⁾ This „common personality type“ is a common point from which we can begin the establishment of the relationship between socialization process (the process of personality development and the process of social inclusion, the so-called first and second socialization process) or mutual conditioning of the individual and society. In particular, via the first fundamental socialization process, the „common personality type“ is realized, which is a prerequisite for other core socialization process. On the other hand, reproduction of society realized through the socialization process is the goal of the whole process of harmonizing the individual with society. Development of the individual is only a means for achieving this goal. It reveals a causal connection of the first and second fundamental socialization processes, namely the quiet dominance of the second socialization process (the process of reproduction of the society) over the first (the process of personality development). In prison conditions, an artificial social environment in which it is difficult to create normal social relationships, a person who has violated the law defined social norms is trying to be re-educated. Under such unfavorable conditions and in the situation of unfavorable crime policy, the purpose of a prison sentence, i.e. social reintegration of prisoners is trying to be achieved.

In the context of what has already been said, in the broader sense, we see re-socialization as a series of activities that aim to re-include into society persons who have, for various reasons, „lost“ their place or it was rejected because of some of their features or activities. Re-so-

cialization, therefore, is a process of gradual reintegration of offenders from the criminal subgroup in the society as a group. This goal is achieved through re-education, as well as planned and systematic acting on the personality of offenders. This tells us nothing about the process of re-socialization, its features, goal and purpose. Specifically, the subject of interest of re-socialization are persons who are, according to Godina⁽⁷⁾ included in the society in a „significantly different way“ or that are, according to Bauman⁽⁸⁾, in the „social niches“. So, we're talking about the individuals who are a part of the society (the term often used is the subculture), who are undoubtedly socialized in the sense that their instinctive biological potentials are „subordinate“ to certain social demands, but their behavior is unacceptable for a particular community. That is, the „personality type“ differs from the „common personality type“ of a given community. We do not think that all members of the community who deviate „from the average“ should be re-socialized, uniformed or conformed... on the contrary. This is about the destructive behavior that undoubtedly threatens the survival of the community. So, when we talk about the re-socialization of prisoners, we expect to prevent the demolition of (social) system (no matter how big) and ultimately affective for the behavior, but also the development of personality. Milutinović⁽⁹⁾ argues that a new structure of personality is performed in a way so that it becomes socially acceptable (positive) and, consequently, the society thus ensures its survival. However, when we talk about structural changes in personality, we must be careful and not think that it can be achieved only in the process of re-socialization.^(10, 11) With the socio-pedagogical methods and means, primarily education, we are changing only the attitudes, habits, interests, values of prisoners. Even then the opportunities and success are quite limited. Additionally, and more will be said about this later, we must be aware of the specifics of the environment in which re-socialization takes place – prisons are, as a rule, total institutions, a frustrating and depriving environment, and

some even go so far as to call them dysfunctional and counter-institutions, „high schools of crime“.⁽¹²⁾ Because of this, the task of re-socialization should, above all, be to prevent the „side effects“ of punishment and preserve the mental health of prisoners, to preserve his dignity and allow him a normal return to society, even if it means returning to an environment that motivationally influenced him to commit a criminal offense. We rely, almost exclusively, on the demotivating moment of punishment to prevent the recurrence. It is difficult to expect more from re-socialization. Goals should be set both fairly, in accordance with the society in which we live and its capabilities, and individually. Re-socialization activities should be aimed at the increasing of confidence, frustration tolerance and comprehensive development of prisoners, the development of the ability to begin to reason constructively, to build their own personality structure, to mature.⁽¹³⁾

In the literature, instead of the notion of re-socialization, concept of psychosocial rehabilitation is found often. Hebar (2001: 45) explains the concept of psychosocial rehabilitation as a set of activities that affect the inmate's physical, mental, emotional and intellectual development in order to change him into a person who is able to live in balance with himself and his surroundings. This includes cognitive, moral and socio-political development of the prisoner, development of skills of empathy, changing life goals and values, teaching them to act in the community, respect the needs of others, tolerance.⁽¹⁴⁾ Objectives are well placed. Certainly they cannot be disputed, except to express doubt in their feasibility in the environment in which they should be achieved. Prison is not a laboratory with controlled conditions in which we can accurately dose (re)agents to achieve the desired result. Such intentionousness brings us to the next idea, which is often used in penological theory and practice – education, and which we leave by momentum for the case study of correctional adult education.

Re-education in prison practice is usually understood as a „process which contains activities of adjusting socially unacceptable habits, attitudes, opinions and other features and activities in the plan of upgrading and final structuring of the personality“.⁽¹⁵⁾ The concept of re-education is often associated with the concepts of repair, improve, correct. Such definitions are unacceptable because we do not talk about the structural changes of personality that should be the basis of these terms, as the purpose, but as a consequence of re-education. Coercion is still a characteristic of all these terms. The educational institutions (schools, religious institutions, prisons, etc.) are, by their nature, aimed at repressive (but at the same time progressive methods). Repression stems from their (socially) productive tasks, „/.../because a man is the ‘product’ of precisely those institutions that restrict, destroy his freedom, the liveliness, spontaneity...“ and „progressiveness“ from the fact that only a society (through its institutions) allows a man to generally develop his potential.⁽¹³⁾ The authors also add that „/.../development of ‘higher potential’ is paid by ‘repression’ of instinctive potential in the service of social welfare that the ‘sublimation’ (directing libidinal energy into ‘higher’ forms of activity necessarily has the stamp of ‘repression’“ (ibid). Therefore, we can speak about the presence of „voluntary“ (absence of coercion) in the process of re-socialization and re-education only under the condition that we are aware that immanent repressiveness is in the function of permissiveness or „limiting“ the biological is in the function of the „development“ of social.

Re-education is essentially no different from education. The prefix does not mean another education, this is not possible. It indicates specific education, education of people with deviant behavior or more precisely – educational activities aimed at changing the educational mistakes or deficits. A professor from the Faculty of Philosophy in Ljubljana, and one of the founders of adult education in the former state, Krajnc Ana, talks about the re-education as an essential part of any pris-

on sentence. In the process of „re-education“ the prisoner should „/.../ move from the negative identification to at least an approximately positive, to identify with positive values in at least the basic notions, with positive people, with a positive environment...“.⁽¹⁶⁾ In order for upbringing and socialization in prisons to be possible, it is necessary to create a creative, motivating and relaxing environment. However, A. Krajnc⁽¹⁶⁾ emphasizes that, in prison, the inmate is experiencing a range of negative and limiting experiences, which only deepens the negative identification. The prison does not encourage communication, but limits it. Education and re-education are not possible without communication. In prisons, the prisoners are only educational objects, they do not have „freedom of thought and discussion“. Criticism and self-initiative are undesirable traits of prisoners and without the development of the so-called „critical morality“⁽¹⁷⁾, and the active participation of prisoners in the role of the subject, education takes place only at the level of declarative and imaginary, and not at the level of “internal focus” by certain values and symbolic identification.

So, when do we „socialize“ and when do we „educate“?

We have a similar problem like the one we had in defining socialization, in defining the concept of education. Even in this case there is no unique attitude towards the concept of education, and also its relation to socialization. Definitions are „used“ which were given by social psychologists (definitions directed only on the individual, and the development of his personality). Thus Potkonjak⁽¹⁸⁾ defines education as „/.../ intricate, complex and time-consuming process of building and shaping of personality“.

However, other definitions besides the development of personality and „becoming a man“ of individuals, speak about the role of education in the reproduction of society. Vukasovic⁽¹⁸⁾ defines education as preparing younger generations for life and work in society, and that is the basis of existence and development of human society. So, by that definition Vukas-

ović⁽¹⁸⁾ and Godina⁽²⁾, determine education as socialization, as well as a bipolar process, the process of the formation of man as a human being; it takes place through the acquisition of knowledge, skills, habits, norms, and as preparing these individuals for life in society, which is the condition for the society to survive and reproduce the (ibid). What is the difference between socialization and education? The object of study of education and socialization is the same – the society and the individual (man), or the causal relationships and activities that flow between them. Differences should be found in debates about the compatibility and hierarchy of concepts of socialization and education. Godina has established three different attitudes towards their relationship. The first corresponds to Hurelman's definitions of socialization and education where that education is „knowingly and intentionally conveying social and historical experiences of the older generation to the younger“⁽⁶⁾, „every conscious activity that develops physical and mental characteristics of man...“ (ibid).

However, pedagogues also extend the concept of education in the area of unintentional, and therefore unconscious.⁽²⁾ This excludes the stance on the diversity of education and socialization. They emphasize that „consciousness is a result of the development of the human personality“.⁽¹⁸⁾ The fact is that out-of-conscious „factors“ are the obstacle for conscious realization of educational goals. Out-of-conscious factors in our educational theory are generally viewed as relationships and influences that are not well studied and understood, and which because of that fall out of the range of guidance and understanding. Unconscious, unplanned, unorganized, uncontrolled, or in short „random“ effects, would fall into socialization. The pursuit of pedagogy is „/.../ studying such relationships and influences so that it might change them from a random temporary, often negative relationships and influences, into conscious and deliberate positive ones /.../“.⁽¹⁸⁾ Without going into a detailed analysis^(2, 17, 18), the influence of the unconscious on the individual cannot be ruled out in the process of socialization, or in the process of education. In

addition, pedagogy errs when trying to automatically change the unconscious to the conscious. That's not possible. The unconscious cannot be controlled. Even the teacher in his work with learners cannot escape his own unconscious. No matter how hard we try to be professional, each of our actions in dealing with prisoners is affected by our personality, although we are often not even aware of it, which means that our conscious activity was „predestined“ by the unconscious (ibid).

Another group of definitions makes a difference in these terms in their scope and content. Education, according to these definitions, is „the overall formation of man“⁽²⁾, while socialization is understood only as a process of forming a social character and social mentality, which is to say that education is a subordinated concept because it includes only a portion of the entire education (ibid).

The third group of definitions is eclectic.⁽²⁾ It sees education as a planned, deliberate and systematic activity, while socialization is a process of the formation of the social character or social mentality. Both concepts are mutually partially overlapping: part of socialization, which we call intentional socialization, is an integral part of education as a deliberate impact on the evolving individual. At the same time, education in addition to intentional socialization includes unintentional personalization, which includes the development of one's personality. On the other hand, socialization is broader than education because it contains, in addition to the deliberate socialization, which is a part of education, unintentional socialization, which does not include education.

Bearing in mind the above, we can conclude that the scope and the content of the process of socialization and education are not precisely defined. However, without moving away from the subject of interest of this paper, for our purposes, socialization will be understood as functional education⁽¹⁹⁾, and education as systematic socialization⁽²⁰⁾, or more specifically „education is intentional socialization of human nature“.⁽¹⁰⁾

CONCEPT AND FEATURES OF THE REEDUCATION TREATMENT

Man is born to work, to suffer and to fight; he who doesn't do that, must perish.

Nikola Tesla

As we have mentioned at the beginning of the paper, reeducational treatment is one of the key factors in the process of re-socialization of prisoners. The idea of reeducating the perpetrators of crimes, although relatively new, already has a rich content. This idea of re-education, or social reintegration of criminal offenders, was pointed out more than a hundred years ago by the positivist school of criminology. The main representatives of this school are: Lombroso (Lombroso, 1835-1909), Garofalo (Garofalo, 1852-1934) and Ferri (Ferri, 1856-1929). Unlike the classical school, the focus is moved from the criminal offense to the personality of offenders. The offender is described as a sick person that needs to be subjected to the treatment. Ferri specifically advocated the introduction of treatments. After that, there was the sociological school that advocated the idea of re-educational treatment. The sociological school emphasizes the importance of sociological factors in the genesis of crime. From classical, positivist and sociological schools, the neoclassical school occurs, updating the point of view of the classical school by connecting and bringing it closer to the views of the positivist and sociological schools. Along with the offense, much more attention is paid to the offender itself, or the personality characteristics of the offender.⁽²¹⁾

The concept of reeducational treatment gained in importance only after the Second World War, because the fundamental goals became prevention and treatment, or re-socialization. The importance of an individualized approach was emphasized, or the individualized treatment, which should be determined after an examination of the personality of the offender. However, this conception of educational treatment is often criticized, primarily because of the increasing number of returnees

in penal institutions, and on the other hand, because of the possibility of treatment abuse, and in this regard the protection of prisoners was sought. There was often the problem of a conflicting relationship between punishment and treatment. The offender should be punished, he should be exposed to the inconvenience of the punishment for the committed crime, and also positive personality characteristic should be developed in him.

In today's modern penological literature, there is widespread use of the term „treatment“. It is a term of French origin (*traiter*) whose linguistic meaning is – conducting, handling. It is used by theorists, and people who practically deal with the problem of re-education of prisoners. In this application, it is substantially related to the treatment of prisoners who have committed crimes, to the implementation of institutional and non-institutional correctional measures against them, to their social adaptation and training for a normal life in freedom. Atanacković⁽²²⁾ specifies the term of treatment and claims „... that it is in the field of penology and correctional adult education commonly used in determining attitudes towards the sentenced for imprisonment. It's the oldest usage, because it comes from the time when penology did not exceed the scope of penitentiary science, the science of prisons“.

According to some authors^(23, 24), reeducational treatment involves the removal of individual causes of crime. Others regard it as a dynamic, time-undefined process. Treatment in penological adult education primarily relates to the treatment of offenders, both in criminal proceedings, and in the process of execution of criminal sanctions, and later in the post-penal period, with it being observed in all stages from the standpoint of re-socialization as the most important goal of criminal sanctions. Accordingly, we can distinguish the court treatment and the treatment of prisoners while serving criminal sanctions including treatment in the post-penal period.

In the course of criminal proceedings, the judge must take into account the goals of re-education. The perpetrator must have confi-

dence in the judge that he will conscientiously and impartially „mete out“ punishment, which is the equivalent of the price he must pay for the violation of the protected good. In the conduct of the trial and the imposition of appropriate sanctions against the accused, care must be taken that the concept of trial and execution are complement, which requires criminal proceedings to „stand by the idea of personality“, and thus the punishment gets another orientation.⁽⁹⁾ The perpetrator of the crime does not see it as retribution but as a measure, which should help him, not to be in a position to re-commit the crime (special prevention), but also to show others what you mustn't do (general prevention).

However, despite the significant impact of the court to the success of the re-socialization, it can be said, however, that the focus of re-educational treatment lies in the institutional and non-institutional mechanism in the process of execution of criminal sanctions. All important re-educational problems are resolved at this stage of the treatment of prisoners. Therefore, we shall devote more attention to institutional re-educational treatment in our paper.

Treatment of prisoners while serving a sentence can be classified in several ways, including: by content, by the category of prisoners and by performance access.

The content of the treatment includes individual therapy, work, general and vocational education, cultural and educational work and free time organization.

Breakdown by category of prisoners includes general and special treatment. The general treatment of prisoners consists of individual work with the prisoner, work engagement, cultural, educational and recreational activities. Particular re-educational treatment refers to those prisoners could not be successfully included in the overall treatment. These include: the elderly and sick prisoners, alcoholics and drug addicts, and persons in need of general and vocational education. For these persons it is necessary to undertake special health, educational and stimulation measures for their successful integration into the overall treat-

ment and achieving the main goal of execution of criminal sanctions.⁽²⁵⁾

In modern penological practices, many approaches to institutional re-educational treatment of prisoners are applied, which are represented differently depending on the development of the prison systems. In correctional institutions in Bosnia and Herzegovina⁽²⁶⁾ the following approaches are usually being applied, which are the components of the institutional re-educational treatment: moral and pedagogical education, work therapy, leisure time, reward and punishment.

ADULTS WITH DISABILITIES

The area of disability is complex just like the concept of disability. The term disability means that a person has, because of disability (physical, intellectual or mental), lost a part or all of one's ability. The negative connotation of the term is a consequence of the perception that it places an emphasis on injury and its treatment, rather than remaining abilities and their functionality. „At the current moment, a disabled person is defined as a person who significantly or completely lacks the ability of sight, hearing, locomotor activities or has an intellectual failure. This inability substantially prevents disabled people in the development of social communication, which significantly affects their participation in many aspects of life“.⁽²⁷⁾ The causes may be different (hereditary, congenital, a result of disease, war, accident, old age, poverty), and usually occur as organic in any era, and therefore early detection of disability, and preventive medical actions are important.

Persons with disabilities are everywhere in the world and at all levels of every society. The number of persons with disabilities in the world is large and growing. Worldwide, the causes and consequences of disabilities vary. These differences are the result of unequal socio-economic conditions and differences in the care of individual countries for the benefit of their citizens. The term disability is an umbrella term for a large number of different

functional limitations occurring in any population of any country in the world. Such impairments, conditions or illnesses may be, by their nature, permanent or transitory. The term disability implies the loss or limitation of opportunities to participate in community life on equal terms with others. It describes encounters of people with disabilities and their environment. International Classification of Impairments, disability and handicap⁽²⁸⁾, makes a clear distinction between impairment, disability and handicap. This classification is widely used in the fields of rehabilitation, education, statistics, the police, the legislature, democracy, sociology, economics and anthropology.⁽²⁸⁾

During the last decades, more and more attention is paid worldwide to the human rights of persons with disabilities, to prevention of discrimination, to labeling and regulation of the rights and roles of these persons in society. It is the national and international disability organizations which contributed most to the rise of interest in the legal status of persons with disabilities, through lobbying and conducting numerous campaigns, both national and international. Regulation of the legal status of persons with disability has a long tradition here, but only in recent years the legal status of persons with disabilities began to be viewed from the perspective of human rights and the social model of disability. In contrast to the medical model, which is based on the individual with a disability as a person who has a problem and as such needs to adapt to its environment, the social model of approach to disability is based on the society that, with its inadequate organization, often discriminates against people with disabilities and places various obstacles to the full social inclusion of these people.⁽²⁹⁾

However, it often happens that discrimination and socio-economic status in society cause dissatisfaction of such persons who in such situations sometimes violate legal regulations, which is why they are sanctioned by society. As offenders, they are sent to prison, to be re-socialized and reintegrated into society through the appropriate re-educational treatment.

Re-socialization of persons with disabilities

One of the difficulties which penological staff meet every day is the re-educational work with people with disabilities. Although the number of persons is negligible compared to the total population of prisoners, it is necessary to create the appropriate conditions so that this category of persons could freely serve their sentence. Today, in correctional institutions in Bosnia and Herzegovina, it is estimated that the number of prisoners with disabilities ranges from 2-4%. Accommodation conditions and treatment of persons with disabilities serving a sentence are not specifically prescribed by the Law on Execution of Criminal Sanctions of the Republic of Srpska and Bosnia and Herzegovina or bylaws.

In correctional facilities, generally, there are specially adapted rooms for people with disabilities, but not enough of them, considering the fact that we are a country that has recently emerged from a war and there are a lot of people who are wounded and have a certain percentage of disability. Most often such persons, immediately upon arrival to prison, that is coming to the admissions office, are accommodated directly in the infirmary, where they mostly remain until the end of the serving of the sentence.⁽²⁵⁾ Special re-educational treatment is implemented towards people with disabilities. In practice, due to the fact that these people are in the infirmary, usually the contacts of the educator with such persons are reduced to occasional tours and talks on health issues, and addressing some demands or requests of prisoners in the direction of reduced penalties through the instruments of parole or pardon. Often, people with disabilities put their health problems to the forefront, trying to present themselves as victims of the system, not as perpetrators of the crime. It certainly makes the educational and corrective work with such people difficult. In addition, they often point to the shortcomings of the prison facility regarding the conditions, thereby avoiding talking about accepting the punishment and changing certain criminal attitudes and behavior.

Condition of approaches for wheelchair users significantly improved in recent years, in most correctional institutions in Bosnia and Herzegovina. Previously, due to lack of such access for persons with disabilities, it was difficult to stay in the fresh air, to be included in the work of some of the prison sections, communicate with other persons, and use the telephones and movement generally. Experiences from Banja Luka Prison indicate that it is possible to adjust conditions for such people with little financial investment. In fact, during 2008 in this institution four bedrooms which were located on the ground floor of the pavilion were adapted and tailored to the needs of the elderly prisoners that have difficulty in moving, and persons with disabilities. The total capacity of this part of the pavilion was 24 beds. Each bedroom had its own separate toilet, which was equipped with a shower and separate holders. The rooms were equipped with TV receivers. In the hallway between the rooms there was a telephone booth which could be used throughout the day. At the end of the hallway the wall was penetrated and a small outdoor space for walking was made, where the prisoners could spend most of the day in the fresh air. In each bedroom there was an alarm bell that would inform the guards of any extraordinary events. Prisoners placed in this part of the pavilion also had available a living room where they could read the daily press that was delivered every day, play chess, and watch TV. Ramps were made so that people in wheelchairs could more easily move in that part of the pavilion, and go down to the kitchen and cafeteria. Health personnel have visited them every day and provided all necessary medical care. Offices of educators were also on the ground floor so that inmates who have been located in this part of the pavilion could come on their own to the teachers every day.⁽³⁰⁾ All the necessary conditions for the accommodation of the elderly and persons with disabilities were created, enabling the re-education service to easily organize the re-educational work with this special category of prisoners. Educational-corrective interviews were

carried out, inmates, in accordance with their psycho-physical capabilities, were involved in reformatory sections, contact with the family was made, or with organizations that can assist in post-penal acceptance after the sentence, and the like. This approach and attitude towards persons with disabilities actively engages such persons in carrying out re-educational treatment and ensures their successful re-socialization. In such circumstances, there is no discrimination regarding the conditions of serving a prison sentence, nor in terms of achieving the purpose of punishment.

CONCLUSION

It is estimated that as many as 10% of the population of Bosnia and Herzegovina has a physical, sensory, developmental, mental or emotional disability, and 30% of the population is directly or indirectly affected by the consequences of the phenomenon of disability. In addition, most of these people are still exposed to isolation and unnecessary suffering due to stereotypes and old-fashioned practice. Poverty and unemployment mostly affects people with disabilities, and those who have jobs are often those with low incomes. Nearly two-thirds of the total number of adults with disabilities live near or below the official poverty line. Significant social, educational, economic, and physical and transportation barriers prevent most people with disabilities to enjoy their basic rights. This situation is not only morally unacceptable, but it already has a negative impact on the economy and quality of life of all persons with disabilities in Bosnia and Herzegovina. A large number of adults with disabilities are people who came out of the war and who often have difficulties in experiencing their physical handicap, due to the fact that the society, because of the economy, cannot fully meet their needs. In such circumstances, people with disabilities are often deprived and frustrated and sometimes under such adverse impacts that individuals are prone to violation of social norms. Prison sentences that such persons serve are mainly related to

the acts committed during the war in Bosnia and Herzegovina, while a smaller number of them serve for begging. Although for such parties, in most penal institutions, not much importance is attached to their reeducation and re-socialization in general, it is necessary to reintegrate such a population of inmates back into the community. Except for individual cases, as is the case with the Banja Luka Prison, where this problem is paid enough attention, in

other penal institutions the situation is not satisfactory either in terms of living conditions, or in terms of their re-socialization. Unfortunately, a number of reforms in the judiciary system in Bosnia and Herzegovina, particularly in the area of criminal sanctions, do not adequately cover this problem, and more attention should be paid to its clarification and in provision of specific guidelines and recommendations.

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