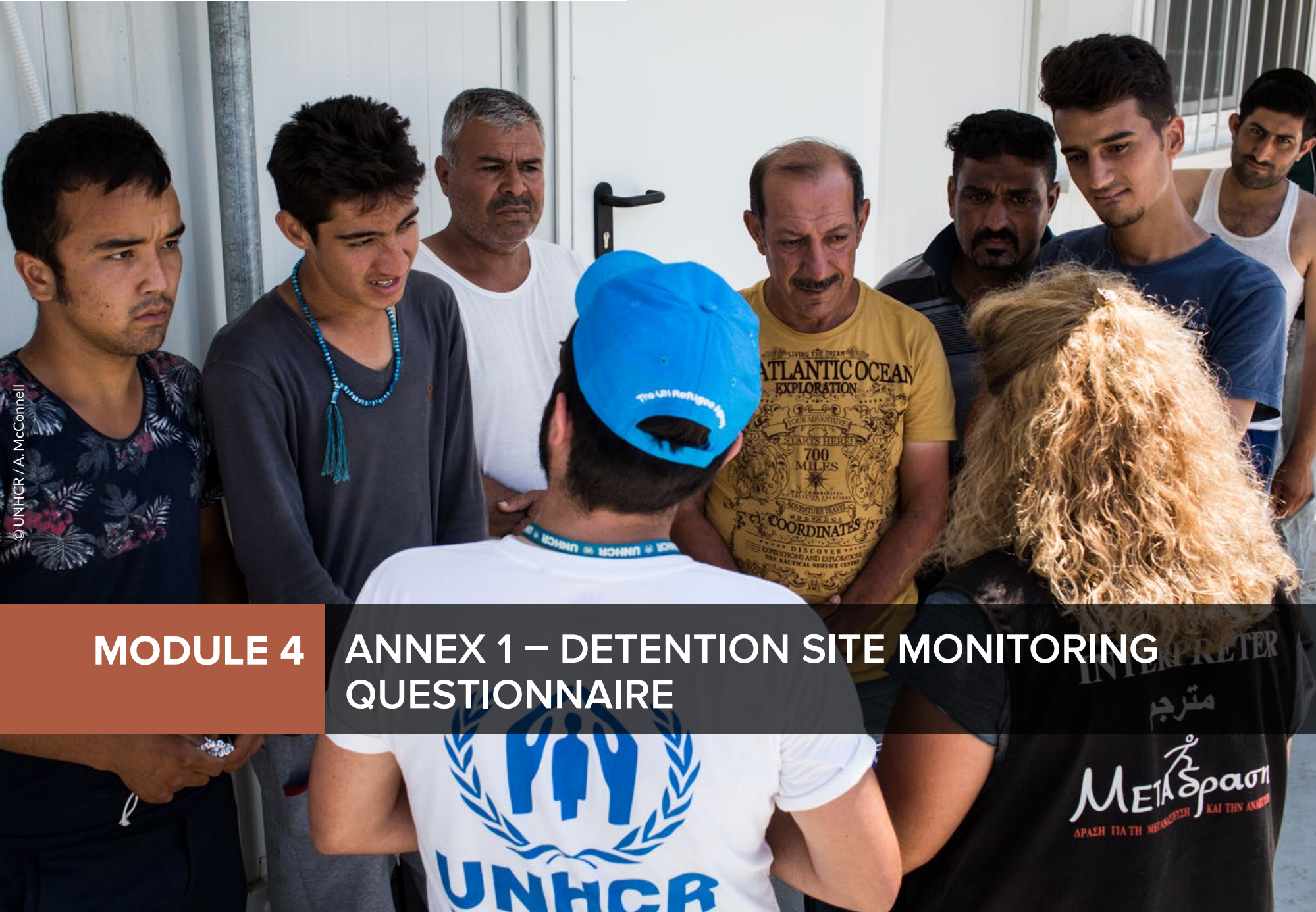




IMMIGRATION
DETENTION
MONITORING



Learn & Connect



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MODULE 4

ANNEX 1 – DETENTION SITE MONITORING QUESTIONNAIRE



UNHCR
The UN Refugee Agency



You may print the form out or type in the boxes.

Date:	UNHCR observer(s):
Location / Facility:	Time/Duration of Visit:
Name(s) of staff member(s) interviewed:	Position(s):

Summary of follow-up action (if any):

- 1.
- 2.
- 3.
- 4.
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		Concerns	Good practices	Follow up Required
DETENTION AND IMMIGRATION PROCEDURES				
Access to a lawyer	Immigration detainees have easy, unimpeded access to their legal advisers			
	Lawyers can be present during any interview with government officials or their agents			
Arrival and reception	Detainees are systematically informed on arrival in writing and in a manner / language they understand of the reasons for arrest and detention			
	All immigration detainees are automatically advised of their right to seek asylum and to protection against <i>refoulement</i> .			
	There is a detention register which records identity, time, date and grounds of detention, the competent authority responsible for the detention, and which detainees sign.			
	Body searches are resorted to only when strictly necessary to ensure the security of staff and the immigration detainees, and are conducted in a manner that respects the dignity of the person. Fully trained staff of the same gender as the immigration detainee only conduct strip searches in exceptional circumstances.			
	Immigration detainees are separated from others (e.g. criminal detainees)			
	All detainees are instructed on rights, routines, services, rules and procedures			
	All detainees are screened on arrival by qualified health professionals, in private and using interpreters, as appropriate			



		Concerns	Good practices	Follow up Required
Arrival and reception	Detainees can telephone family and legal counsel in private			
	Detainees are able to contact UNHCR and/or a consular post or diplomatic mission in private and free of charge, and this contact is duly recorded			
	Legal counsel, UNHCR and/or other appropriately mandated organisations are promptly notified of detention			
Transfer	Adequate notice is given to detainees of planned transfers, and details of the transfer and reasons for it are duly recorded			
	Transfers are carried out safely and with dignity, in appropriate conditions and taking into consideration the situation of people with special needs, such as children, pregnant women, older people and people with disabilities			
Access to asylum / Protection procedures	Immigration detainees are informed of their right to seek asylum and to access other forms of protection and they have effective access to these procedures as appropriate			
	Information on other immigration procedures is available			
	Immigration detainees have adequate and effective access to information			
Requests and complaints	Detainees can raise any aspect of their stay in Immigration detention through an internal confidential complaints procedure			
	Detainees have access to an external confidential complaints procedure			
	Every request or complaint is impartially investigated, and promptly dealt with and replied to without undue delay			
	Detainees do not suffer from intimidation, sanctions and reprisals for making a request or complaint			



		Concerns	Good practices	Follow up Required
Release and after-care	Detainees are adequately prepared for their release and for life in the host community			
	There is a standard and recorded release procedure			
Removal, deportation and repatriation procedures	Immigration detainees are given adequate notice of removal and deportation, including the reasons and destination			
	Immigration detainees are given adequate time to inform their lawyer, volunteer visitors and family and friends of when they are to be removed/deported or repatriated from the country			
	Systems are in place to ensure that immigration detainees are assessed by health staff (before and during the deportation), are fit to travel and that property is returned to them			
	There are procedural safeguards to ensure that removal and deportation orders do not violate the prohibition on refoulement			
	Allegations of assault on detainees, including excessive use of force, supported by medical evidence, are thoroughly investigated with a view to prosecution			
	Escort staff are respectful of detainees and have received specific training			



		Concerns	Good practices	Follow up Required
TREATMENT AND SAFEGUARDS				
Torture and other ill-treatment	No person in immigration detention is subjected to torture or to cruel, inhuman or degrading treatment or punishment, including respecting the principle of non-refoulement			
	There is a protocol for handling instances where a detainee discloses information about previous mistreatment, torture or cruelty			
	Initial health screening of immigration detainees is attuned and sensitive to the possibility that a detainee may have been a victim of torture or trauma			
	There is a protocol for responding to current allegations of torture or ill-treatment			
	Where an allegation of torture or ill-treatment is made, the victim is examined physically and psychologically by an independent medical officer as soon as possible			
Isolation and solitary confinement	Use of isolation/solitary confinement is regulated, used as last resort and for the shortest period			
	The decision to isolate a detainee or group of detainees is exceptional, on clear grounds, and subject to independent review			
	Isolation of a detainee is subject to effective daily monitoring, including by an independent medical doctor, of his/her physical, emotional and psychological well-being			
	Rights and privileges of isolated detainees are respected			



		Concerns	Good practices	Follow up Required
Means of restraint and use of force	The use of force against immigration detainees is exceptional and explicitly governed by law, and limited to use in self-defence or other measures necessary to protect life and safety			
	Where a situation may require use of force, the place of detention prioritizes efforts to defuse the situation with non-violent conflict management strategies			
	Arbitrary, abusive, or otherwise excessive use of force by law enforcement officials is a criminal offence			
	Use of force is fully documented and reported in an incidents register and in individual case files, and effective review procedures are in place			
	The use of any instruments or methods of restraint are explicitly governed by law and regulation			
	Use of restraint is monitored and detainees are medically examined where indicated			
SAFETY, ORDER AND DISCIPLINE				
Disciplinary procedures	Discipline and order is only maintained in accordance with the rules and to the extent necessary for safe custody and well-ordered community life			
	Disciplinary procedures are subject to review and appeal			
	A discipline register records the details of all disciplinary measures, including date and detail of alleged disciplinary offence, date and detail of hearing and reasons for decision, date and detail of review and reasons for decision, date, detail and duration of the disciplinary measure imposed			
	Disciplinary sanctions applied to children are suited to their special circumstances and vulnerabilities			



		Concerns	Good practices	Follow up Required
External inspection	There is regular supervision and inspection of the place of immigration detention and its administration by a competent authority other than the detaining authority			
	Inspectors are appointed by and accountable to the inspecting/ supervisory authority and their powers include inspection of all places of detention and hearing and resolving grievances and complaints			
	Detainees have the right to communicate freely and in full confidentiality with inspectors			
Bullying and victimization	Staff and detainees are aware that bullying and other forms of victimization are prohibited, know their rights and how to access them			
	Staff are trained to recognize and respond to incidents of bullying or victimization as early as possible, and to identify individuals or groups that may be particularly vulnerable			
	Allegations of bullying or victimization are responded to in a timely way, properly investigated, and appropriately remedied			
Handling emergencies	There is a comprehensive emergency preparedness policy for the place of detention, which engages staff and detainees, and the primary focus of which is to ensure the safety of immigration detainees, staff, and any visitors?			
	There is scope to bring in additional support, including emergency services personnel, independent negotiators / interlocutors and medical personnel			
	There are clear emergency evacuation procedures and regular fire and evacuation drills, and specific provision is made for persons in situations of vulnerability			



		Concerns	Good practices	Follow up Required
MATERIAL CONDITIONS				
Accommodation	The number of detainees does not exceed the authorized maximum sleeping capacity of the place of detention			
	The size of the room(s) is adequate and provides for single occupancy except in the case of couples and families			
	Sleeping accommodation for all immigration detainees is well maintained, safe, clean and with adequate furniture			
	The room(s) have natural light and allow circulation of fresh air			
	Artificial light is sufficient to enable detainees to read or work			
	There is adequate and safe heating and/ or cooling and ventilation suitable to climatic conditions, and in good working order			
	Couples are provided with suitable accommodation, including couples who may have special vulnerabilities such as unmarried or LGBTI people			
	Family accommodation is provided, and is safe and suitable for children			
	Sleeping accommodation for women is separated from men			
	Detainees are supplied with clean bedding			
	Where detainees are in places of criminal detention, e.g. prisons or police stations, immigration detainees are not co-mingled with those detained under the criminal law			



		Concerns	Good practices	Follow up Required
Food and drinking water	Immigration detainees are provided with sufficient food of nutritional value and a varied and balanced diet, free of charge			
	Meals and drinks/water are provided at regular intervals			
	Detainees have the possibility to cook their own food			
	The nutritional provision for pregnant women and nursing mothers is sufficient to maintain an adequate standard of health for mothers and babies			
	Religious, cultural or other special dietary requirements relating to food are fully observed			
	The medical officer regularly inspects and advises on the storage, quantity, quality, preparation and service of food			
	Cooking facilities, dining areas and eating equipment are safe, clean, hygienic, well ventilated and well maintained			
Sanitation and hygiene	Detainees have ready and unrestricted access to well-maintained, clean, decent and private sanitation facilities			
	Detainees have access to adequate and private bathing and shower facilities, at a temperature suitable to the climate and as frequently as necessary for general hygiene			
	All detainees are supplied with free toiletries necessary for health, cleanliness and basic dignity			
	Babies and small children have a sufficient supply of nappies			



		Concerns	Good practices	Follow up Required
Clothing	Detainees are allowed to wear their own clothing and shoes			
	Where a detainee does not have their own clothes, they are provided with suitable and sufficient clothing and shoes adapted to the context			
	Detainees have ready access to laundry facilities or services			
Cash and possessions	There are clear and readily accessible rules and regulations about the retention of property on admission to the place of detention			
	Detainees have readily accessible lockable storage for valuables and other property not surrendered into safe custody by the detainee			
	Immigration detainees have access to their own cash or can receive cash or other effects from outside the place of detention			
ACTIVITIES				
Visits and communication with the outside world	The place of detention is reasonably accessible for regular visits from family, friends and community support groups			
	Detainees have the right to receive visits by family and others			
	Reasonable facilities are provided for receiving visitors and visiting detainees is actively encouraged by staff and management			
	Conjugal visits by a spouse or partner are permitted and encouraged			
	Communication with family and friends in the country of detention and in countries of origin and transit is facilitated			
	Detainees have easy and ready access to UNHCR, ICRC and/or the Red Cross or other organisations and, at their own initiative, consular officials or diplomatic missions			



		Concerns	Good practices	Follow up Required
	Detainees have easy and ready access to telephones (to make outgoing calls in private at reasonable cost) and to receive unmonitored and uncensored incoming telephone calls at any time			
	Detainees have daily and uncensored access to newspapers, television, and/or radio			
	Detainees can send and receive post to and from friends and family, at public expense if necessary			
Education and skills development	Education is provided according to identified needs, including for instance those of illiterate detainees			
	Educational opportunities include vocational training designed to maintain or enhance skills and labour force participation			
	School-age children have access to education, preferably in local schools, regardless of the duration of their detention			
	Child and young adult detainees above compulsory school age who have not completed their education are permitted and encouraged to continue their education			
Work and remunerated activities	Detainees are able to work in the place of detention			
	Work is not compulsory			
	Opportunities for work are safe, decent and not exploitative			



		Concerns	Good practices	Follow up Required
Outdoor exercise, leisure and cultural activities	Immigration detainees are able to move freely within the facility and have at least one hour per day of suitable exercise in the open air			
	Child and young adult detainees can participate in physical and recreational activities appropriate to their developmental and physical needs			
	Detainees have access to spacious, safe, clean and well maintained exercise facilities			
	Detainees have access to reasonable quantities of cultural and informational material			
	All detainees have regular access to an adequately stocked library			
	All detainees, and in particular child and young adult detainees, have adequate opportunities to develop their interests and skills, including arts and crafts			
Religion	The right of each detainee to practise his or her religion fully, alone or in community with others, is respected			
	Private pastoral support and care is available at the detainee's request on a regular basis and at a time of personal need, including in preparation for release, removal or transfer			
	All detainees are able to participate in religious services			
	Detainees are able to obtain, keep and use items of religious significance, including books of religious observance and instruction			
	Detainees who do not adhere to any religious belief and who do not wish to practise a religion are not obliged to do so and are not discriminated against			



		Concerns	Good practices	Follow up Required
Welfare and counselling	Welfare and counselling services are provided to assist detainees regarding practical problems caused by immigration detention and to help detainees prepare (including psychologically) for release, transfer or removal			
	If requested, detainees are accompanied by welfare and counselling support at the time of release, transfer or removal			
HEALTH CARE				
Access to medical care	Health screening is provided on arrival by a suitably qualified medical doctor in private (or by a fully qualified nurse reporting to a doctor in private and as soon as possible after admission)			
	All detainees have full and equal access to free health care services			
	Health care services are provided in conditions that respect and maintain decency, privacy and dignity, and preferably through services in the community			
	Detention or segregation on public health grounds is governed by quarantine and disease control policies and legislation			
	Medical examinations are conducted in private, in confidence and in a respectful, professional and caring manner that is sensitive to the diversity of needs and vulnerabilities			
	The provision of healthcare to immigration detainees is not compromised or unduly restricted by security measures or procedures			
	Medication is readily available as prescribed or required, appropriately and securely stored, and discarded if beyond its expiry date			



		Concerns	Good practices	Follow up Required
	There is a protocol, in line with international guidelines, for clinical management and care of detainees who refuse food and/or fluids and for the recovery and psychological care of those who have ceased hunger strikes			
	There are regular reviews of the social, physical and medical vulnerabilities of detainees			
Medical staff	Medical service is appropriately staffed to provide adequate care of the mental and physical health of detainees			
	A medical officer regularly inspects and reports to the director on the adequacy of: food; sanitation, hygiene and cleanliness; heating, lighting and ventilation; adequacy of clothing and bedding; physical education and sporting activities			
	Where demand for medical attendance exceeds the facility's capacity to provide it, there is an effective and efficient system of referrals to other medical practitioners, including civilian hospitals and external specialist care as appropriate			
	Medical personnel are suitably trained and experienced in recognizing and treating the care needs of persons in situation of vulnerability			
	There is a medical officer on call after hours for emergency treatment			
	Medical personnel are guaranteed complete clinical independence in the treatment and care of detainees			



		Concerns	Good practices	Follow up Required
Special needs of women and babies	If women are detained, an onsite medical officer has specialist knowledge and experience in women's health issues and prenatal and post-natal care and treatment is readily available			
	If pregnant women are detained, their babies are, as far as practicable, born in a hospital outside the place of detention			
	If babies and their mothers are detained, an onsite medical officer has specialist knowledge and experience in paediatrics and maternal and child health care			
	Preventive health screening and care is available to women and children in immigration detention at the same level as is available to women and children in the host community			
	Medical practitioners are specially trained to identify vulnerabilities in the population of women detainees, taking into account their cultural and religious backgrounds			
Persons with mental health issues	The health screening includes an examination of the mental health status of the detainee and is integrated with the assessment of other social, physical and medical vulnerabilities			
	Detainees have access to specialized mental health treatment if required, and in specialized institutions or civilian hospitals, as appropriate			
	Initial health screening of immigration detainees is attuned and sensitive to the possibility that a detainee may have been a victim of torture or trauma			



		Concerns	Good practices	Follow up Required
PERSONNEL / STAFFING				
Staff–detainee relationships and security	Relations between staff/officials and detainees are polite, courteous and respectful at all times			
	Staff carry out their duties thoughtfully, handle private and/ or confidential information in their possession sensitively and respectfully, and understand that they have a duty of care for all detainees			
	The elements of dynamic security are in place, such that: relationships (staff–detainee, staff–staff and detainee–detainee) are positive; local community–detainee relationships are positive; there is constructive activity to occupy detainees; detainees are well prepared for release, transfer or removal			
	Measures taken to ensure or maintain ‘security and good order’ are carefully documented, with reasons, in a security register			
Staff recruitment, training and conduct	Staff are carefully selected and recruited for their integrity, humanity, professional capacity and personal suitability for working in immigration detention			
	Staff are recruited from diverse professional backgrounds and appropriate linguistic backgrounds			
	The gender ratio of staff is appropriate to the detainee cohort			
	Staff are trained in and demonstrate understanding of diversity issues, including social, cultural, linguistic and religious diversity, and special needs of persons in situation of vulnerability			
	There are clear lines of accountability and reporting structures for staff that ensure they perform their duties in a manner that respects the rights and dignity of detainees			



		Concerns	Good practices	Follow up Required
	The professional capacities of staff are acknowledged and respected, working hours are reasonable, and remuneration adequate			
	Staff have ready and free access to debriefing and counselling services			
PERSONS IN SITUATIONS OF VULNERABILITY / RISK				
Basic principles	Detention of persons in situations of vulnerability is exceptional and only used as a last resort, following an active consideration of alternatives to detention/release			
	The detention centre has an active policy of equality and non-discrimination			
	Staff are trained in equality, non-discrimination and how to meet the needs of persons in situations of vulnerability			
	Detainees are able to complain about any incident of discrimination or abuse			



		Concerns	Good practices	Follow up Required
Children	Children are, in principle, not detained. When they are detained, this is only as a measure of last resort and for the shortest possible period of time			
	All decisions are taken in the best interest of the child			
	Children are not separated from their parents against their will			
	Children are not detained because of the immigration status of their parents or guardians			
	Children are never placed with adults in detention, unless they are members of the same family			
	Every child deprived of liberty is provided with prompt legal advice and the right to challenge detention			
Unaccompanied or separated children	Unaccompanied or separated children are not, as a general rule, detained. Detention is not justified by the fact that they are unaccompanied or separated or on the basis of their migration status. They are not criminalized for irregular entry or presence			
	There is a process in place to reunite child refugees with their parents.			
Women	The detention centre has clear policies and regulations to provide maximum protection for women detainees against sexual and gender-based violence, discrimination and abuse			
	Staff working with women detainees are trained on the specific needs of women detainees			



		Concerns	Good practices	Follow up Required
	Women are separated from men in detention, except in case of families, as appropriate. Staff working with female detainees are female			
	Pregnant women and nursing mothers are not detained. Alternatives to detention are actively pursued			
	Disciplinary sanctions for women detainees do not include a prohibition of family contact, especially with children. Punishment by confinement or disciplinary segregation is not applied to pregnant women, women with infants or breastfeeding mothers in detention			
	Accommodation for women has facilities and materials required to meet their specific hygiene needs and those of their children, if appropriate			
Persons with mental or physical disability	The existence of a disability shall in no case justify a deprivation of liberty. Persons who suffer from mental disability are, in principle, not detained and have access to alternatives to detention in the community, as appropriate			
	Every detainee is assessed as soon as possible after admission to the detention facility and thereafter as necessary, with a view particularly to the discovery of physical or mental illness and the taking of all necessary measures. The medical officer shall have the care of the physical and mental health of the prisoners			
	Persons with disabilities are treated in line with their human rights and without discrimination, including by provision of “reasonable accommodation”			
Trafficked persons	Trafficked persons are not held in immigration detention. They are never held together with their traffickers			
	Trafficked persons are provided with assistance and protection			



		Concerns	Good practices	Follow up Required
Victims of torture and trauma	Victims of torture, or other physical, psychological or sexual violence, are not in principle detained			
	There is a protocol for handling instances where detainees disclose information about previous mistreatment, torture or trauma			
	Initial health screening of immigration detainees is attuned and sensitive to the possibility that the detainee may have been a victim of torture or trauma			
LGBTI persons	Staff are trained in non-discrimination and equality in relation to gender identity and sexual orientation, and sensitized to the particular needs of LGBTI persons			
	LGBTI detainees have access to appropriate medical care and counselling tailored to their specific needs			
	Protective measures are in place to prevent violence or abuse against LGBTI persons			



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The views expressed herein can in no way be taken to reflect the official opinion of the European Union.