



association for
the prevention
of torture

**International
Detention Coalition**

Human rights for detained refugees,
asylum seekers and migrants

MONITORING IMMIGRATION DETENTION

Monitoring Questionnaire



UNHCR
The UN Refugee Agency

4.1.1 Detention Procedures and Access to Alternatives to Detention

<p>1. Immigration detention is exceptional and permissible only on grounds prescribed by law and in accordance with procedures authorized by law</p>	<p>ICCPR 9(1), 12(1); CMW 16(1), 16(4), 39 CRC 37(b) CRPD 14(1) CSR, Art. 31(1) BPP 2 UNHCR-DG 3 ACHRP 6, 12 ACHR 7(1), (2), (3) ECHR 5 CFREU 6 EU-RD Recital (15) PBPPDLA III(1), (2) CPT/Inf (2009) 27 §85</p>	Is there a legal basis (in national law) for the detention of the individuals detained?		
		Is the use of detention an exceptional practice and a measure of last resort? Check immigration detention statistics: what percentage of people who may be detained are actually detained/released?		
		Are detainees provided with individual detention orders at the time of arrest and detention or as soon as possible thereafter?		
		Do immigration detainees receive individualized written reasons for the initial decision to detain them in a language they understand?		
<p>2. Decisions to detain are subject to periodic review, and detainees have a meaningful right to challenge or appeal the decision to detain</p>	<p>ICCPR 9(5) CRC-GC 6(61-63), GC 10(83) CMW 16(6), (8), (9) BPP 11(3), 37 UNHCR-DG 3(17) ACHR 7(5)-(6), 25(1) ACHRP 7 ECHR 5 CFREU 6 EU-RD Recital (15) PBPPDLA V CPT/Inf (2009) 27 §86</p>	Are detainees promptly informed of their right to challenge the lawfulness of their detention? Are effective remedies available?		
		How often is detention in an individual case reviewed (regularity, frequency, and quality, by whom, with what powers)?		
		What is the review procedure? Are detainees informed about it in a language they understand?		
		Is the reviewing body independent? Is the decision enforceable?		
		Is the review automatic or does it need to be requested? Is it individualized?		
		Do detainees have ready access to information about the progress of their application?		
		Are unaccompanied or separated children given assistance with any review procedures?		

<p>3. Detention is subject to strict time limits, and detainees are released if a prescribed maximum period of detention is reached</p>	<p>UNHCR-DG 6 WGAD-D5 P7 PBPPDLA III (1) EU-RD Recital (16) CPT/Inf (97) 10 §27</p>	<p>Is there a maximum time limit set for detention in law and in the individual case? What happens if a detainee reaches the limit?</p>		
		<p>Are unaccompanied or separated migrant children detained? If so, for how long?</p>		
		<p>What is the actual duration of detention (average, longest)?</p>		
<p>4. Alternatives to detention are first pursued prior to any decision to detain</p>	<p>UNHCR-DG 4.3 PBPPDLA III(4) EU-RD Recital (15)</p>	<p>What types of alternatives to detention are available? Are they meaningfully available? On what basis?</p>		
		<p>Does the detention order contain the justification why no other alternative measure was used?</p>		
		<p>How many people have been released into alternatives to detention over a given period? How many have remained in detention over the same period?</p>		
		<p>Are any liberty deprivations associated with alternatives to detention consistent with the principles of legality and non-arbitrariness?</p>		
		<p>Are there complaint/periodic review mechanisms of alternatives to detention, to ensure that they do not, themselves, amount to arbitrary deprivations of liberty or otherwise violate refugee, asylum-seeker or migrant rights?</p>		
		<p>On what basis are persons in situation of vulnerability accorded access to alternatives to detention?</p>		
<p>5. Detainees and members of their families released into the community as an alternative to detention are issued with the necessary identity and/or release/ stay documents to safeguard against re-detention for reasons of lack of documentation, and are able to access services</p>	<p>UNHCR-DG 4.3</p>	<p>Are official temporary IDs provided to detainees and members of their families?</p>		
		<p>Are those released issued with temporary IDs that permit residence in the country?</p>		
		<p>Are these respected by the authorities?</p>		

4.1.2 Access to a Lawyer

<p>1. Detainees have access to a suitably qualified lawyer</p>	<p>ICCPR 14(3)(b), (d) CMW 18(3)(b), (d) CRC 37(d) CRC GC 6 CSR 16(2) UNHCR-DG 7 BPP 11(1) 17, 18 SMR 93 WGAD-D5 p.2 ACHR 8(2)(d), (e) PBPPDLA V ACHRP 7 ECHR 6 EPR 23.1 & 98 CFREU 47 EU-RD 9.7 CPT/Inf (97) 10 §30, 31 CPT/Inf (2009) 27 §82, 87</p>	Do immigration detainees have access to a lawyer from the outset of their detention?		
		Do unaccompanied or separated children have access to a lawyer?		
		How frequently do lawyers visit?		
		Do rooms and other sites used for legal consultations provide privacy and confidentiality?		
		Is there a duty lawyer system or other mechanism for ensuring timely access to legal advice?		
		Do detainees have any concerns about access to or quality of legal assistance?		
<p>2. Immigration detainees are automatically informed of their right to access legal assistance at every stage of the proceedings</p>	<p>ICCPR 14(3)(b), (d) CMW 18(3)(d) CRC 37(d) CSR 16(2) UNHCR-DG 7 BPP 11(1) 17, 18 SMR 93 WGAD-D5 p.2 ACHR 8(2)(d), (e) ECHR 6 PBPPDLA V ACHRP 7</p>	Is free legal advice and assistance made available to immigration detainees? If not free, is there a system to ensure representation on a pro bono basis?		
		When and how are detainees informed of their right to a lawyer? Is it in an accessible language?		
		How many/what percentage of detainees benefited from free legal advice over the past 3–6 months?		
		Have any detainees been denied or declared ineligible to receive legal aid?		

<p>3. Immigration detainees have easy, unimpeded access to their legal advisers</p>	<p>BPP 11(1), 17, 18 SMR 93, 94 RPJDL 18(a) PBPPDLA V EPR 23.3 EU-RD 9.7 CPT/Inf (97) 10 §31 CPT/Inf (2009) 27 §82</p>	<p>Is there unrestricted and free of charge access to telephone, fax and/or email for communications with legal advisers? Are these conversations private?</p>		
		<p>Are free, qualified and impartial interpreters available if necessary?</p>		
		<p>Have there been any instances of delays in accessing a lawyer?</p>		
<p>4. Lawyers can be present during any interview with government officials or their agents</p>	<p>SMR 93 BPP 11 CPT/Inf (97) 10 §31</p>	<p>Can lawyers be present during interviews with officials or formal procedures?</p>		
		<p>What is the procedure for requesting a lawyer? Are there any delays, and if so with what consequences?</p>		
<p>5. Immigration detainees and their lawyers receive prior written notice of all interviews, review, appeal hearings and decisions relating to detention, protection, immigration and removal processes and procedures</p>	<p>CMW 16(5), 18(3) BPP 11(2), 13 PBPPDLA V</p>	<p>What is the content of the written information provided to detainees and their lawyers?</p>		
		<p>Is it in a language that the detainee understands?</p>		

4.1.3 Arrival and Reception

<p>1. Detainees are systematically informed on arrival in writing and in a manner / language they understand of the reasons for arrest and detention</p>	<p>ICCPR 9(2), 14(3)(a) CMW 16(5) BPP 10, 14 ACHR 7(4), 8(2)(b) ECHR 5 EPR 38 PBPPDLA V</p>	How are detainees informed of the reasons for detention? Is this registered and how?		
		Is information on the detention procedures provided to detainees?		
		Is information on their rights and obligations in relation to detention and the detention facility provided?		
		How is the information given?		
		Is the information given in a language and manner understood by the detainee? (including people who are illiterate)		
<p>2. All immigration detainees are automatically advised of their right to seek asylum and to protection against refoulement</p>	<p>UDHR 14 UNHCR-DG 1 ACHR 22(7) ACHRP 12(3) CFREU 18 CSR 33 CRC 22 ASP 19 ATP 14 UNHCR-DG 1</p>	What information is given to detainees? In what form?		
		Is the information given in a language and manner understood by the detainee? (including people who are illiterate)		
<p>3. 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</p>	<p>ICPPED 17(3) SMR 7(1) WGAD-D5 P4 PBPPDLA IX(2) CPT/Inf (2009) 27 §85 EPR 15.1</p>	Are the register(s) systematically and rigorously kept? Are there any gaps in the entries?		
		What information is recorded in the detention register? Does it include the following: basic personal biodata a valid order for detention details of documents and other means of establishing identity name and contact details of immediate family members language spoken and whether free, qualified and impartial interpreter available and used stated reason for being in or coming to the territory whether the detainee has applied for international protection/asylum whether the detainee has special needs?		

<p>4. 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 detainee only conduct strip searches in exceptional circumstances</p>	<p>ICCPR 7, 10 BR 19, 21 CPT/Inf (99) 12 EPR 54 PBPPDLA XXI</p>	What are the procedures for body searches, upon admission and subsequently?		
		Are searches conducted by staff of the same gender?		
		Do staff involved in body search receive specific training?		
		How are searches on women performed, and by whom?		
		Are there special procedures regulating searches of LGBTI detainees?		
		Are suitable alternative screening methods, such as scanning, used?		
<p>5. Immigration detainees are separated from others (e.g. criminal detainees)</p>	<p>ICCPR 10(2)(a) CMW 17(2) BPP 8 SMR 8(b) RPJDL 17 WGAD-D5 P9 UNHCR-DG 8 EXCOM 44(f) ACHR 5(4) PBPPDLA XIX CPT/Inf (97) 10 §28</p>	What is the process for ensuring that immigration detainees are not mixed with the general criminal population?		
		If detained in a criminal detention facility, where are immigration detainees held, e.g. in a dedicated aisle or section of the facility?		
		What is the procedure to protect detainees from self-harm or to identify those who might be at risk from others? Is there a first night assessment?		
<p>6. All detainees are screened on arrival by qualified health professionals, in private and using interpreters, as appropriate</p>	<p>SMR 24 UNHCR-DG 8 §48(vi) PBPPDLA IX(3) CPT/Inf (97) 10 §30, 31 CPT/Inf (2009) 27 §82</p>	Are detainees systematically screened by a qualified health professional, on arrival?		
		Are free, qualified and impartial interpreters present?		
		Are physical and medical vulnerabilities adequately identified, assessed and addressed?		

<p>7. All detainees are instructed on rights, routines, services, rules and procedures</p>	<p>BPP 13, 14 SMR 35 WGAD-D5 P4 and 8 RPJDL 6, 24, 25 PBPPDLA IX(1) CPT/Inf (97) 10 §30 CPT/Inf (2009) 27 §84</p>	How is the information on rights and procedures provided (poster, booklets and other outreach materials)?		
		Are detainees systematically provided with a document explaining procedures applicable to them and setting out their rights in clear and simple terms?		
		Are free, qualified and impartial interpreters readily available?		
		In which languages are facility-specific regulations available? Are they accessible to people who are illiterate?		
<p>8. Detainees can telephone family and legal counsel in private</p>	<p>BPP 16(1), 19 SMR 37 WGAD-D5 P2 RPJDL 61 PBPPDLA XVIII CPT/Inf (97) 10 §31</p>	Are detainees informed of their rights and permitted to contact family and legal counsel? How?		
		Are telephones available and free of charge? Are international calls permitted? How often?		
		Does the register record whether a contact was established and the time and date? Are conversations private?		
<p>9. 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</p>	<p>CMW 16(7) ASP 16(5) BPP 16(2) SMR 38 RPJDL 56 EU-RD 18.2 (b) UNHCR-DG 8 (vii) WGAD-D5 p.2 OHCHR-TG 6(3) PBPPDLA V CPT/Inf (97) 10 §31 CPT/Inf (2009) 27 §83, 87</p>	Are detainees informed of their rights and permitted to contact UNHCR and/or a consular post or diplomatic mission? How?		
		Are telephones available? Are they free of charge? How often can detainees make calls?		
		Does the register record a contact with UNHCR and/or a consular post or diplomatic mission including the time and date?		
		Are there measures in place to protect refugees and asylum-seekers from contact or visits by the authorities of their country of origin or habitual residence?		
		Are all detention officials aware of the special protection framework for asylum-seekers and refugees in this regard?		

<p>10. Legal counsel, UNHCR and/or other appropriately mandated organisations are promptly notified of detention</p>	<p>CRC 22(b) SMR 38 WGAD-D5 p.10</p>	Do detaining authorities have an updated list of relevant professionals they can contact?	
		Are UNHCR and other relevant actors routinely notified of new arrivals?	
		Is information related to access to legal counsel and/or to UNHCR or other appropriately mandated organisation readily available to the detainee?	

4.1.4 Transfer(s)

<p>1. Adequate notice is given to detainees of planned transfers, and details of the transfer and reasons for it are duly recorded</p>	<p>ICPPED 18(1)(d) SMR 44(1), (3) RPJDL 21, 22 BPP 16(1) PBPPDLA IX(4)</p>	How are detainees informed about planned transfers? Is the information they are given accurate?	
		Are the date, time and purpose of transfer recorded?	
		How much notice is given to the detainee?	
		Can detainees challenge the decision to transfer?	
		How can detainees inform their legal representative in advance of the transfer?	
		Do detainees have the opportunity to contact family, pack their belongings and prepare themselves for the transfer?	
		Check if there have been any last minute transfers of detainees before announced visits (by monitors, inspectors, lawyers, others).	

2. 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

[PBPPDLA IX\(4\)](#)
[EPR 32](#)

How is the transfer conducted (vehicles, buses)?	
Who is in charge of the transfer? Are there specialized staff escorts?	
Are restraint methods used (handcuffs or other)?	
Is the transportation used safe, clean and comfortable? Is a doctor or qualified health professional present? What happens in case of a medical emergency?	
Are vehicles equipped so that detainees are not exposed to public view while being transferred?	
What is the frequency and adequacy of stops made in the course of transit/transfer (toilet, meals, rest, overnight stay, prayer times, play for children)?	
Are male and female detainees and children transported separately (unless related)?	
Are there protections against sexual assault during transfer?	
Are appropriate arrangements made for people with special needs (e.g. children, pregnant women, elderly, disabled)?	
Have transfers affected access to procedures, counsel, UNHCR, family or social networks?	
Do monitors have access to transferees?	

4.1.5 Access to Asylum/Protection Procedures

<p>1. 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</p>	<p>UDHR 14 UNHCR-DG 1 ACHR 22(7) ACHRP 12(3) CFREU 18 CRC 22 ASP 19 ATP 14</p>	Are detainees informed of their right to apply for asylum or for other forms of protection, such as statelessness determination procedures, complementary or subsidiary forms of protection?		
		How is this information made available to the detainees?		
		Are there mechanisms in place for the identification of persons in need of protection?		
		Are asylum/protection procedures available and accessible to immigration detainees?		
<p>2. Information on other immigration procedures is available</p>	<p>ATP 6(2)(a) BPP 13</p>	Are detainees given information on all available options (such as voluntary returns, temporary residence permit or readmission procedures)?		
		Do immigration detainees who are trafficked persons have access to applicable procedures (e.g. asylum, witness protection, reflection period visas, other)? How?		
		What procedures are in place to identify trafficked persons?		
<p>3. Immigration detainees have adequate and effective access to information</p>	<p>BPP 10, 11(2), 13 ATP 6(2)(a), 6(3)(b) PBPPDLA V, IX(1) CPT/Inf (2009) 27 §93</p>	Do immigration detainees experience delays in receiving notice, lodging appeal papers, attending hearings arising from being in detention?		
		Do the staff of the place of detention facilitate detainees' attendance at interviews, review and appeal hearings? Are detainees provided with application forms appropriate to their expressed needs and sufficient time to complete them? Is confidentiality guaranteed?		
		Are time limits for applying for asylum/protection tailored (extended) to allow for the fact that persons are in detention?		

4.1.6 Requests and Complaints

<p>1. Detainees can raise any aspect of their stay in immigration detention through an internal confidential complaints procedure</p>	<p>SMR 35, 36(1) RPJDL 72-78 PBPPDLA VII EPR 70.1</p>	Is an internal complaints procedure in place and accessible?	
		Is privacy and confidentiality respected? How?	
		How many complaints have been lodged over the past 3/6/12 months?	
		How does this number compare with the average number of persons held in the detention centre?	
		What measures are in place to address these complaints?	
<p>2. Detainees have access to an external confidential complaints procedure</p>	<p>BPP 33 SMR 36 RPJDL 75-76 PBPPDLA VII</p>	Is an external complaints procedure in place and accessible?	
		Is privacy and confidentiality respected? How?	
		Are illiterate detainees or those speaking foreign languages able to file complaints in practice?	
<p>3. Every request or complaint is impartially investigated, and promptly dealt with and replied to without undue delay</p>	<p>BPP 7, 33(4) SMR 36(4) PBPPDLA VII</p>	Do requests and complaints procedures comply with standards of fairness and justice? Are they transparent? Are they impartial?	
		Do complaints receive a timely response that addresses the substance of the complaint?	
		What is the most common outcome?	
		What percentage of complaints have been decided in favour of the complainant?	
<p>4. Detainees do not suffer from intimidation, sanctions and reprisals for making a request or complaint</p>	<p>BPP 33(4) EPR 70.4</p>	Have detainees been intimidated and discouraged from filing complaints?	
		Have there been any reports or allegations of intimidation, sanctions, retaliation or reprisals?	

4.1.7 Release and After-Care

<p>1. Detainees are adequately prepared for their release and for life in the host community</p>	<p>SMR 60(2), 61, 64 RPJDL 53, 79, 80</p>	<p>How are detainees informed of their release? Are they given adequate notice?</p>		
		<p>Are released detainees provided with adequate medicine if undergoing treatment, as well as their medical records if needed and a list of relevant social/medical services? Are referrals made to these services where deemed appropriate?</p>		
		<p>Is a discharge plan prepared for cases involving release into medical/psychiatric institutions?</p>		
		<p>Are social/medical services in the host country equipped to take care of released asylum-seekers and migrants?</p>		
		<p>Are released detainees linked to legal advisers and/or local support groups?</p>		
		<p>Are persons being released issued with appropriate documentation, to prevent re-detention?</p>		
<p>2. There is a standard and recorded release procedure</p>	<p>SMR 7(1)(c), 43 RPJDL 21(c), (d), 22</p>	<p>Is the procedure being followed? Are there exceptions? Why?</p>		
		<p>How are detainees' belongings (including cash) returned?</p>		
		<p>Is there time to check the belongings against the inventory prepared on arrival?</p>		
		<p>Are detainees' families notified in advance? How, and how much time in advance? Is safe transportation provided for the detainees and/or family?</p>		

4.1.8 Removal, Deportation and Repatriation Procedures

<p>1. Immigration detainees are given adequate notice of removal and deportation, including the reasons and destination</p>	<p>BPP 16 PBPPDLA V CPT/Inf (2003) 35 §41 CPT/Inf (2009) 27 §95 CoE-TGFR 4, 15 EU-RD 8.3 (d)</p>	<p>When, where and how are immigration detainees given notice of their removal? Is it given in a manner or format they can understand?</p>		
		<p>When are removals/deportations conducted? What are the times of day, dates and circumstances of recent removals/deportations (e.g. night time, weekends, weekdays, public holidays)? Check in particular any controversial removals and reactions of detainees.</p>		
		<p>Check safety issues (such as being removed to areas where traffickers lurk at odd hours or dangerous locations).</p>		
		<p>Are detainees informed of the reasons for removal/deportation?</p>		
		<p>Are detainees given the opportunity to make preparations pre-departure, such as contacting family members, organizations to assist reintegration and internet access to help make on-arrival preparations?</p>		
<p>2. 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</p>	<p>BPP 16 PBPPDLA V CPT/Inf (2003) 35 §41 CoE-TGFR 15</p>	<p>Do immigration detainees have enough time to contact and inform their support network (lawyer, family, friends, other detainees)? How (telephone, email, fax, etc.)? Are they encouraged to do so?</p>		
		<p>Are prior measures taken to help immigration detainees organize their return, particularly on the family, work and psychological fronts?</p>		

<p>3. 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</p>	<p>SMR 43 RPJDL 35 CoE-TGFR 16 CPT/Inf (2003) 35 §39</p>	Are immigration detainees seen by a health professional prior to removal/deportation? Is this recorded in a register?		
		Are provisions made for timely access to counselling and other support in preparation for deportation or removal?		
		Are they assisted by psychologists and social workers who are responsible for preparing immigration detainees for their deportation?		
		Are detainees' belongings returned to them before departure? Are they able to take them?		
		Is a medical doctor or health care worker present during the deportation process?		
<p>4. There are procedural safeguards to ensure that removal and deportation orders do not violate the prohibition on refoulement</p>	<p>CSR 33 CAT 3 CRC 22 OAUR II(3) CoE-TGFR 2(3) ACHR 22(8) CPT/Inf (2003) 35 §30 CPT/Inf (2009) 27 §93-95 EU-RD 8.3(d)</p>	Do detainees have access to all available procedures, including appeal and review procedures?		
		Is there a specific register for removal/deportation orders? Does it include a record of what took place in the course of each removal/deportation?		
		Have all asylum/protection requests been fully and individually determined/assessed prior to the implementation of removal orders?		
<p>5. Allegations of assault on detainees, including excessive use of force, supported by medical evidence, are thoroughly investigated with a view to prosecution</p>	<p>CCLEO 8 PBPPDLA XXIII(3) CPT/Inf (2003) 35 §32-40 CoE-TGFR 19</p>	Are there any complaints and allegations of excessive use of force? How was this managed?		
		What methods of restraints were used? Check authorization, necessity, supervision, medical monitoring, type of force or restraint used.		
		What happens for children who are not being removed? Is it possible to make arrangements for reuniting them with other family members who are being removed?		
<p>6. Escort staff are respectful of detainees and have received specific training</p>	<p>ICCPR 10(1) BPP 1 CPT/Inf (2003) 35 §42</p>	Have escort staff received specific training? What type?		
		Do the staff include women?		

4.2 TREATMENT AND SAFEGUARDS

4.2.1 Torture and other Ill-treatment

<p>1. No person in immigration detention is subjected to torture or to cruel, inhuman or degrading treatment or punishment, including respecting the principle of <i>non-refoulement</i></p>	<p>UNCAT 2, 16 ICCPR 7 CSR 33 CMW 10 SMR 27, 31 ACHR 5(2) ACHRP 5 IACPPT 1, 6 CPT/Inf (2009) 27 §93-95</p>	Are detainees complaining about their treatment in the place of detention?		
		Are there allegations of torture or ill-treatment during arrest or transfer?		
<p>2. There is a protocol for handling instances where a detainee discloses information about previous mistreatment, torture or cruelty</p>	<p>CPT/Inf (2009) 27 §96</p>	Do case histories include comprehensive torture/trauma assessments?		
		Do detainees have torture and trauma care plans (numbers, content, implementation)?		
		What statistical data is available relating to those identified as having a history of torture and/or trauma?		
		Is appropriate support available for children in these circumstances?		
<p>3. 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</p>	<p>ICCPR 10(1) BPP 24 SMR 24 PBPPDLA IX(3) CPT/Inf (2009) 27 §96</p>	Do detainees have a medical examination upon arrival? Is a qualified interpreter present?		
		Are health professionals trained for dealing with victims of torture and ill treatment?		
		Are medical registers available? Are specific cases written down in a separate register?		

<p>4. There is a protocol for responding to current allegations of torture or ill-treatment</p>	<p>BPP 7, 33 RPJDL 72-78, 87 CPT/Inf (2009) 27 §96</p>	Does the complaints register reveal complaints about torture and other ill-treatment? If so with what responses, non-responses and follow-up action?		
		Are allegations of ill-treatment investigated promptly and effectively?		
		Is the confidentiality of complaints guaranteed? How?		
		Is there any evidence of sanctions/reprisals following complaints?		
<p>5. 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</p>	<p>BPP 24 CPT/Inf (2009) 27 §96</p>	Is a roster of independent medical officers in place?		
		Have medical officers received specific training on documentation of torture or ill-treatment?		

4.2.2 Isolation and Solitary Confinement

<p>1. Use of isolation/solitary confinement is regulated, used as last resort and for the shortest period</p>	<p>BPTP 7 SMR 31 BR 21(b) RPJDL 67 PBPPDLA XXII(3) EPR 60.5</p>	Why is separation or isolation used? (as a punishment behavioural management protection risk of suicide or self-harm?)		
		How many detainees have been isolated over a given period? Where is the person isolated?		
		Are juveniles isolated?		
		Are other persons in situations of vulnerability isolated?		
		What is the average length of isolation?		
		What are the conditions of the isolation facility and does it comply with humane conditions of detention?		
		Do alternatives to isolation exist?		

<p>2. The decision to isolate a detainee or group of detainees is exceptional, on clear grounds, and subject to independent review</p>	<p>PBPPDLA XXII(3) RPJDL 67 SMR 30(2)(3)</p>	<p>What is the procedure for isolation? (Who decides? On what basis?)</p>	
		<p>Are immigration detainees informed of the reasons for the decision to isolate them in a manner that they understand?</p>	
		<p>Is there an isolation register?</p>	
		<p>How often are isolated detainees medically examined?</p>	
		<p>Is there an appeal procedure?</p>	
<p>3. 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</p>	<p>SMR 32 SR Torture §100</p>	<p>What is the monitoring procedure in place?</p>	
		<p>Is the monitoring team able to access isolated individuals?</p>	
		<p>Are isolated detainees seen daily by a medical doctor?</p>	
		<p>Can isolated detainees request to see a medical doctor?</p>	
<p>4. Rights and privileges of isolated detainees are respected</p>	<p>ICCPR 10 §1 SMR 35</p>	<p>Has isolation or separation compromised any of the detainee's procedural rights?</p>	
		<p>What restrictions or limitations are there, if any, on rights enjoyed by other detainees?</p>	

4.2.3 Means of Restraint and Use of Force

<p>1. 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</p>	<p>SMR 54(1) BPUFF 4 PBPPDLA XXIII EPR 64, 65, 66</p>	Are there legislation and regulations for the use of force specific to the context of immigration detention? Are they known by the staff?	
		What training do staff receive in the use of these measures?	
<p>2. Where a situation may require use of force, the place of detention prioritizes efforts to defuse the situation with non-violent conflict management strategies</p>	<p>BPUFF 4 PBPPDLA XXIII(2)</p>	Does staff training include strategies to defuse tense situations?	
		Are there any examples of when this has been effective?	
		How have staff responded in managing crisis?	
<p>3. Arbitrary, abusive, or otherwise excessive use of force by law enforcement officials is a criminal offence</p>	<p>BPUFF 7 PBPPDLA XXIII(3) EPR 69</p>	Do staff carry and use weapons (such as fire arms or batons)? If so what are they? Are staff trained to use weapons?	
		Can staff be identified either by name or by employee number?	
		Is there any evidence of excessive or disproportionate use of force?	
<p>4. Use of force is fully documented and reported in an incidents register and in individual case files, and effective review procedures are in place</p>	<p>SMR 54(1) BPUFF 6, 22 PBPPDLA XXIII(3)</p>	How are instances of use of force registered? Is there a review process in place?	
		When is force used against detainees? Where? Why?	
		What is the referral process for medical examination?	

<p>5. The use of any instruments or methods of restraint are explicitly governed by law and regulation</p>	<p>UNCAT 16 PME 5 SMR 33, 34 RPJDL 63-65 PBPPDLA XXIII(1) EPR 68 BR 21(c)</p>	<p>What policies and regulations are in place regarding use of means of restraint?</p>	
		<p>Use of restraints is limited to: a. preventing unlawful escape during transfer, b. medical grounds, c. preventing harm, self-harm, property damage.</p>	
		<p>What types of restraint are used? Physical including handcuffs? Chemical?</p>	
		<p>Are means of restraint used during transfer or deportation/removal?</p>	
		<p>Are means of restraint used during external medical or dental examinations or treatment (such as woman giving birth), interviews or hearings?</p>	
		<p>Is there any evidence of use of means of restraint on children or pregnant women?</p>	
<p>6. Use of restraint is monitored and detainees are medically examined where indicated</p>	<p>SMR 34 BPUFF 5(c) PME 5</p>	<p>Who monitors the use of means of restraint (check management, a medical doctor, judicial scrutiny)?</p>	
		<p>What is the process for being referred for medical examination?</p>	

4.3 SAFETY, ORDER AND DISCIPLINE

4.3.1 Disciplinary Procedures

<p>1. Discipline and order is only maintained in accordance with the rules and to the extent necessary for safe custody and well-ordered community life</p>	<p>SMR 27 BPP 30 PBPPDLA XXIII(1) CPT/Inf (2009) 27 §88 EPR 56.1, 2 57.1, 2</p>	Are internal rules clear and available in a number of languages?	
		Are internal rules displayed in common areas and known by detainees and staff?	
		What types of behaviour attract what types of disciplinary measures?	
		Are they set out in law or lawful regulation?	
		Who determines the sanctions and on what basis?	
		What is the nature of the sanctions imposed?	
		Does the detainee have the possibility to defend himself?	
<p>2. Disciplinary procedures are subject to review and appeal</p>	<p>PBPPDLA XXII(1) CPT/Inf (2009) 27 §88</p>	How does the appeal mechanism work?	
		Have any appeals resulted in a favourable outcome for the detainee?	

<p>3. 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</p>	<p>RPJDL 19, 70</p>	<p>Is the register of disciplinary measures accurate and well maintained?</p>	
		<p>What is the nature and duration of sanctions (types, average and longest)? Are disciplinary measures time-limited?</p>	
		<p>What is the total number of sanctions overall? Is there any evidence of arbitrary or inconsistent decision-making?</p>	
<p>4. Disciplinary sanctions applied to children are suited to their special circumstances and vulnerabilities</p>	<p>CRC 37(a) RPJDL 70</p>	<p>Are there instances where disciplinary procedures have been applied to children (number, period)?</p>	
		<p>What measures were taken?</p>	

4.3.2 External Inspection

<p>1. There is regular supervision and inspection of the place of immigration detention and its administration by a competent authority other than the detaining authority</p>	<p>BPP 29(1) SMR 55 RPJDL 14, 72-74 PBPPDLA XXIV EPR 93.1</p>	<p>Who conducts inspections of places of immigration detention? On what authority?</p>	
		<p>How frequently do inspections take place?</p>	
		<p>What is the scope of inspections?</p>	
		<p>Are inspection reports available?</p>	

<p>2. 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</p>	<p>BPP 29(1) SMR 36, 55 RPJDL 72-78</p>	Who appoints inspectors?	
		What is the composition of inspection teams (e.g. gender balance and professional capacities)?	
		What are their mandate and authorities?	
<p>3. Detainees have the right to communicate freely and in full confidentiality with inspectors</p>	<p>BPP 29(2) SMR 36(2) RPJDL 73 BR 25(1)</p>	Can detainees communicate freely with inspectors? How regularly? What is the process?	
		Is privacy and confidentiality respected?	

4.3.3 Bullying and Victimization

<p>1. Staff and detainees are aware that bullying and other forms of victimization are prohibited, know their rights and how to access them</p>	<p>BPP 1 ICCPR 10</p>	Is there a bullying and victimization policy?	
		How widespread is the problem of bullying and victimization?	
		Is there staff training on bullying and victimization?	
		Are detainees involved in developing strategies for dealing with bullying and other forms of victimization?	
		Are detainees protected from unwanted sexual attention or advances, or exploitation?	

<p>2. 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</p>	<p>PBPPDLA XX</p>	<p>Do staff draw on the observations and input of others – detainees, staff, family and friends, other professional visitors – to identify individuals or groups who may be particularly vulnerable to bullying or victimization?</p>		
		<p>Are staff able to identify and reduce tensions between detainees of different nationalities, ethnic or religious groups?</p>		
		<p>Do staff have a presence in all parts of the place of detention at a level that is appropriate to the location?</p>		
<p>3. Allegations of bullying or victimization are responded to in a timely way, properly investigated, and appropriately remedied</p>	<p>CoE-TGFR 10.6 SMR 36 RPJDL 76-77 PBPPDLA IX(3), V BR 5(1) BPP 7.1, 33.4 UNHCR-DG 8, 9.3</p>	<p>Is bullying or victimization by staff managed through staff disciplinary procedures?</p>		
		<p>What avenues of complaint are available to victims? With what results?</p>		
		<p>Are allegations properly documented?</p>		
		<p>Is privacy and confidentiality respected?</p>		

4.3.4 Handling Emergencies

<p>1. 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</p>	<p>PBPPDLA XXIII(1)</p>	<p>Do the design and structure of the immigration detention facility minimize the risk of fire and other hazards (e.g. chemical leaks) and natural disasters (e.g. hurricane, flooding) and ensure safe evacuation from the premises?</p>		
		<p>What is the impact of such policy on daily life?</p>		
		<p>Are staff trained in crisis management strategies?</p>		
		<p>Has the place of detention appropriate equipment, such as alarm systems, loudspeakers and fire extinguishers? Are they readily accessible? Is this equipment regularly tested, in good working order?</p>		
		<p>Are staff trained to use this equipment?</p>		
		<p>Are there alternative communication systems in the event that regular communication systems cannot be used (e.g. due to power cuts)?</p>		
		<p>Has implementation of the policy been effective in case of a recent emergency or crisis</p>		
<p>2. There is scope to bring in additional support, including emergency services personnel, independent negotiators/interlocutors and medical personnel</p>	<p>CoE-TGFR 10.3</p>	<p>Is additional external support readily available at short notice?</p>		
		<p>Has it been effective in the case of a recent emergency or crisis?</p>		
<p>3. There are clear emergency evacuation procedures and regular fire and evacuation drills, and specific provision is made for persons in situations of vulnerability</p>	<p>RPJDL 32</p>	<p>Are there regular alarm tests, fire drills and other emergency evacuation drills?</p>		
		<p>Do children and other particularly vulnerable groups benefit from extra protection?</p>		

4.4 MATERIAL CONDITIONS

4.4.1 Accommodation

<p>1. The number of detainees does not exceed the authorized maximum sleeping capacity of the place of detention</p>	<p>SMR 9(1) PBPPDLA XVII</p>	What is the official capacity of the place?	
		What is the occupancy rate?	
<p>2. The size of the room(s) is adequate and provides for single occupancy except in the case of couples and families</p>	<p>SMR 9(1) PBPPDLA XII(1) CPT/Inf (97) 10 §29 EPR 18 96</p>	What is the size of the room(s) (square metres per person)?	
		How are individuals allocated in rooms?	
		Are needs of persons in situations of vulnerability taken into account?	
		In case of multiple occupancy rooms, are cultural/ethnicity/religious considerations taken into account?	
<p>3. Sleeping accommodation for all immigration detainees is well maintained, safe, clean and with adequate furniture</p>	<p>SMR 10 PBPPDLA XII(2) CPT/Inf (97) 10 §29 EPR 19.2 EU-RD Recital (18), (17)</p>	Are children, including unaccompanied or separated children, housed separately from unrelated adults?	
		Do all detainees have their own bed and mattress and bedding/blankets?	
		How is the room furnished?	
		In the case of shared sleeping accommodation, do detainees have lockable individual storage space?	

4. The room(s) have natural light and allow circulation of fresh air	SMR 11(a) PBPPDLA XII(1)	Is there natural light in the room?	
		Can windows be opened?	
		Do windows give enough light to read and work?	
5. Artificial light is sufficient to enable detainees to read or work	SMR 11(b)	Do detainees have control of the light switches in sleeping accommodation?	
6. There is adequate and safe heating and/or cooling and ventilation suitable to climatic conditions, and in good working order	SMR 10 PBPPDLA XII(1)	What is the temperature in the room?	
		Is the heating or ventilation functioning properly?	
		Do detainees have control over heating, cooling and ventilation?	
7. Couples are provided with suitable accommodation, including couples who may have special vulnerabilities such as unmarried or LGBTI people	UNHCR-DG 9 PBPPDLA XIX	What accommodation is provided for couples?	
		Is there any evidence of discrimination against some categories of couples (unmarried, LGBTI)?	
8. Family accommodation is provided, and is safe and suitable for children	SMR 8(d) PBPPDLA XIX EU-RD 12, 18.2 (a)	What accommodation is provided for families?	
		Are children housed with unrelated adults?	

<p>9. Sleeping accommodation for women is separated from men</p>	<p>SMR 8(a), 23 UNHCR-DG 8 §48(v) PBPPDLA XIX</p>	Are women provided with separate sleeping accommodation?	
		Is their privacy guaranteed?	
		Is their safety ensured?	
<p>10. Detainees are supplied with clean bedding</p>	<p>SMR 19 PBPPDLA XII(1) EPR 21</p>	What bedding do detainees receive on arrival? Is it appropriate to climatic conditions?	
		How often are sheets changed?	
		Who is in charge of laundering beddings?	
		Does bedding look and smell clean?	
<p>11. 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</p>	<p>ICCPR 10(2)(a) CMW 17(2) BPP 8 SMR 8(b) RPJDL 17 WGAD-D5 p.9 UNHCR-DG 8 §48(iii) EXCOM 44(f) PBPPDLA XIX CPT/Inf (97) 10 §27, 28</p>	Are immigration detainees separated from those detained under criminal law? Are they held e.g. in a dedicated aisle or section of the facility?	
		Are they held for prolonged periods of detention? Are they held in exceptional cases (e.g. because of a known potential for violence)?	

4.4.2 Food and Drinking Water

<p>1. Immigration detainees are provided with sufficient food of nutritional value and a varied and balanced diet, free of charge</p>	<p>SMR 20(1) UNHCR-DG 8 §48(xi) PBPPDLA XI(1) EPR 22</p>	Is the food of sufficient quantity, quality and varied?	
		Are special dietary requirements (vegetarian, religious, medical) catered for?	
		Who decides on the menus? Do medical personnel play a role?	
		What is the daily budget for food?	
		What do detainees say about the food? What does it taste like?	
		Can detainees buy food inside the facility? How do the prices compare with outside?	
<p>2. Meals and drinks/water are provided at regular intervals</p>	<p>SMR 20 PBPPDLA XI EPR 22.4</p>	Can detainees access their own drinking water at all times? What is its colour, smell, taste?	
		How many meals do immigration detainees receive each day? At what time?	
		Is the food hygienically prepared and served? Is it well presented? Is it respectfully served?	
		Where are the meals taken? Is there a meals register?	
<p>3. Detainees have the possibility to cook their own food</p>	<p>BR 5</p>	Can detainees cook their own food? At any time?	
		Where and how can detainees obtain food to cook?	
		Do persons have access to food outside meal times?	

<p>4. The nutritional provision for pregnant women and nursing mothers is sufficient to maintain an adequate standard of health for mothers and babies</p>	<p>CEDAW 12(2) BR 48 UNHCR-DG 8 §48(xi) PBPPDLA XI(1)</p>	<p>Are there special dietary arrangements for pregnant women or nursing mothers?</p>		
<p>5. Religious, cultural or other special dietary requirements relating to food are fully observed</p>	<p>BPTP 3, 6 PBPPDLA XI(1)</p>	<p>How are special dietary requirements taken into account, including regarding storage, preparation and distribution?</p>		
		<p>Are detainees able to communicate their special dietary needs?</p>		
		<p>Is there any evidence of discrimination?</p>		
		<p>Are religious representatives consulted when considering food related issues?</p>		
<p>6. The medical officer regularly inspects and advises on the storage, quantity, quality, preparation and service of food</p>	<p>SMR 26(1)(a) EPR 22.6</p>	<p>Is the medical officer associated with the food chain?</p>		
		<p>Does s/he make any recommendation related to nutritional matters?</p>		
		<p>Are menus broken down by nutritional value?</p>		
<p>7. Cooking facilities, dining areas and eating equipment are safe, clean, hygienic, well ventilated and well maintained</p>	<p>SMR 14 PBPPDLA XI(1)</p>	<p>Where are the meals taken?</p>		
		<p>How is the food served?</p>		
		<p>Are catering facilities/kitchen clean, hygienic and in good repair?</p>		
		<p>Are catering facilities regularly inspected for health and safety?</p>		
		<p>Do detainees have access to them?</p>		



4.4.3 Sanitation and Hygiene

<p>1. Detainees have ready and unrestricted access to well-maintained, clean, decent and private sanitation facilities</p>	<p>SMR 12 PBPPDLA XII(2) EPR 19.3</p>	Are sanitary, hygiene and washing facilities working?	
		Are sanitation facilities separated for women and men?	
		What is the ratio of toilets to the number of detainees?	
		Is access granted at night?	
		Is privacy ensured?	
		Is there any special provision for women and other persons in situations of vulnerability?	
		Are cleaning materials and equipment readily available?	
<p>2. 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</p>	<p>SMR 13 EPR 19.4</p>	Do detainees have access to water (cold and hot) at all times?	
		What is the colour and smell of the water?	
		Are the bathing facilities sufficient in number?	
		Are bathing and shower facilities separate for women and men?	
		Is there any evidence of discrimination in minority groups' access to bathing facilities? Is there privacy in bathing facilities?	

<p>3. All detainees are supplied with free toiletries necessary for health, cleanliness and basic dignity</p>	<p>SMR 15, 16 PBPPDLA XII(2) EPR 19.6</p>	What items are distributed to detainees (men/women) upon arrival?	
		Are gender-specific or other special needs adequately accommodated? Are women offered hygiene packs?	
		How and how often can detainees obtain replacement supplies?	
<p>4. Babies and small children have a sufficient supply of nappies</p>	<p>CRC 37(c) SMR 15 PBPPDLA XII(2)</p>	Are nappies available free of charge?	
		Who is in charge of supplying nappies?	
		In the case of washable nappies, is additional laundry equipment provided?	

4.4.4 Clothing

<p>1. Detainees are allowed to wear their own clothing and shoes</p>	<p>CMW 17(1) SMR 88(1) EPR 97 UNHCR-DG 8(x)</p>	Can detainees wear their own clothes?	
		Can detainees wear their own clothes for hearings and other external appointments?	

<p>2. Where a detainee does not have their own clothes, they are provided with suitable and sufficient clothing and shoes adapted to the context</p>	<p>SMR 17 PBPPDLA XII(3) EPR 20, 97</p>	<p>If needed, are detainees provided with suitable clothing on arrival?</p>		
<p>Is the clothing suitable to the climate?</p>				
<p>When clothing is provided, how does it look? Is the clothing suitable to meet religious or cultural requirements of particular detainees?</p>				
<p>Is the clothing suitable for different purposes e.g. work or sport?</p>				
<p>Is the clothing different to that issued to convicted prisoners in the same jurisdiction?</p>				
<p>Where is clothing sourced from?</p>				
<p>Are clothing, shoes and underwear issued to detainees appropriate, including for children, pregnant women and the disabled?</p>				
<p>Do people being released, deported or repatriated wear suitable clothing that is clean and fit for use?</p>				
<p>3. Detainees have ready access to laundry facilities or services</p>		<p>Do detainees have access to laundry facilities? Under what conditions and frequency?</p>		
<p>Are the laundry and drying facilities safe, well lit, clean, well ventilated and in a good state of repair?</p>				
<p>Is soap provided to detainees?</p>				

4.4.5 Cash and Possessions

<p>1. There are clear and readily accessible rules and regulations about the retention of property on admission to the place of detention</p>	<p>SMR 43 RPJDL 35 EPR 31</p>	Do the facility's rules outline procedures for the retention and return of property?	
		Are detainees and staff aware of the applicable rules and regulations?	
		Is an inventory of cash and possessions made upon admission?	
		Is a copy of their financial record made available to detainees?	
<p>2. Detainees have readily accessible lockable storage for valuables and other property not surrendered into safe custody by the detainee</p>	<p>SMR 43(1) RPJDL 35</p>	How and where are the valuables kept? Can detainees access their valuables?	
		Have there been any cases of theft? How were they registered? And investigated?	
<p>3. Immigration detainees have access to their own cash or can receive cash or other effects from outside the place of detention</p>	<p>SMR 43(3)</p>	What is the procedure to get the cash from authorities?	
		Is the cashier of the place of detention authorized to receive cash from family or friends of detainees?	
		How is any cash deposit recorded?	

4.5 ACTIVITIES


4.5.1 Visits and Communication with the Outside World

<p>1. The place of detention is reasonably accessible for regular visits from family, friends and community support groups</p>	<p>BPP 20</p>	<p>What is the location of the place of detention?</p>	
		<p>How far is the place of detention from public transport?</p>	
		<p>Is there any financial or material support provided to facilitate visits, particular from families?</p>	
<p>2. Detainees have the right to receive visits by family and others</p>	<p>BPP 19 UNHCR-DG 8 (vii) EPR 24.1 99 EU-RD 10.4 PBPPDLA XVIII</p>	<p>Were detainees informed of the right to receive visits? Was the information provided in a language they understand?</p>	
		<p>When and how often can visits take place?</p>	
		<p>What is the length of such visits?</p>	
		<p>From whom (apart from close relatives) can detainees receive visits?</p>	
		<p>Can detainees refuse visits? What is the procedure?</p>	
		<p>Have visits ever been refused/prevented?</p>	

<p>3. Reasonable facilities are provided for receiving visitors and visiting detainees is actively encouraged by staff and management</p>	<p>SMR 92 EPR 24.4</p>	<p>What are the conditions of visiting facilities (open or closed visits)?</p>	
		<p>How many rooms (if any) are available for visits?</p>	
		<p>Are privacy and confidentiality of visits respected?</p>	
<p>4. Conjugal visits by a spouse or partner are permitted and encouraged</p>	<p>ICCPR 10(1), 17, 23 PBPPDLA I</p>	<p>Do visiting facilities enable conjugal visits?</p>	
		<p>Is there any evidence of discrimination against unmarried couples and/or LGBTI couples?</p>	
<p>5. Communication with family and friends in the country of detention and in countries of origin and transit is facilitated</p>	<p>ICCPR 17 UNHCR-DG 8 (vii) RPJDL 60, 61 CPT/Inf (2009) 27 §87 EPR 24.5</p>	<p>What is the system in place?</p>	
		<p>Can detainees freely communicate with the outside world? How? How often? Is there a policy or protocol setting out criteria for communication with the outside world?</p>	
		<p>Are detainees ever deprived of communication as a disciplinary measure?</p>	
		<p>Have detainees access to email and internet?</p>	

<p>6. 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</p>	<p>CMW 16(7) UNHCR-DG 8 (vii) WGAD-D5 p.2, 10 EU-RD 10.3 CPT/Inf (97) 10 §31 CPT/Inf (2009) 27 §83, 87 EPR 37</p>	Are detainees visited by UNHCR officers?		
		Are detainees visited by ICRC and/or Red Cross/Red Crescent staff?		
		Are detainees protected against unsolicited attempts by consular officials to contact them?		
		Are detainees supported to contact a consular mission if they do not respond to their request?		
<p>7. 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</p>	<p>BPP 18(3), 19 UNHCR-DG 8 (vii) RPJDL 61 PBPPDLA XVIII CPT/Inf (97) 10 §31</p>	Can detainees make private phone calls? How often (frequency, duration, number of telephones in good working order, quality of lines, respect for time differences)?		
		What is the system for payment?		
<p>8. Detainees have daily and uncensored access to newspapers, television, and/or radio</p>	<p>SMR 39, 90 RPJDL 62 PBPPDLA XVIII CPT/Inf (97) 10 §29 EPR 24.10 24.12 99 (c)</p>	Are newspapers/magazines made available to detainees? In languages they understand? Are they free of charge?		
		Is TV and/or radio available? If so, in what language are these available?		
<p>9. Detainees can send and receive post to and from friends and family, at public expense if necessary</p>	<p>BPP 19</p>	What are the steps to send a letter?		
		How can detainees get the necessary materials (paper, envelopes, stamps)?		
		Are stamps free of charge?		
		Are letters and parcels monitored, censored or otherwise restricted? If so, on what basis?		

4.5.2 Education and Skills Development

<p>1. Education is provided according to identified needs, including for instance those of illiterate detainees</p>	<p>SMR 77(1) UNHCR-DG 8 (xiii) PBPPDLA XIII EPR 28 EU-RD 14</p>	<p>What type of education is on offer? In what languages?</p>		
		<p>Is the local language or the <i>lingua franca</i> taught to all immigration detainees?</p>		
		<p>What is the percentage of detainees participating in educational activities?</p>		
		<p>Can all detainees who wish to, access educational activities?</p>		
		<p>Is access to education provided in a fair and non-discriminatory manner?</p>		
		<p>Are classes adapted to individual needs?</p>		
		<p>Is literacy part of the initial screening when persons arrive at the facility? If so, how is it done? Who does it? What is the process?</p>		
		<p>Who provides literacy classes?</p>		
		<p>Are specific funds allocated for education?</p>		
		<p>Is education or vocational training remunerated?</p>		

<p>2. Educational opportunities include vocational training designed to maintain or enhance skills and labour force participation</p>	<p>CRC 28(1)(b) CMW 17(7) ATP 6(3)(d) RPJDL 42-44 BR 37 ACHR AP 13(3)(b) PBPPDLA XIII EU-RD 12</p>	Do detainees have access to vocational training? Does the teaching or training involve outside teachers or trainers?		
		Do the diplomas or educational certificates awarded to detainees indicate the immigration status of the individual?		
<p>3. School-age children have access to education, preferably in local schools, regardless of the duration of their detention</p>	<p>CRC 28(1)(a) UNHCR-DG 8 (xiii) CMW 17(7), 30, 43, 45 RPJDL 12, 38, 59, 79 ACHR AP 13 ACHRP 17 EPR 28.3 EU-RD 14 PBPPDLA XIII</p>	What levels of education are available? Are there classes in different languages?		
		Who provides the education?		
		What is the teacher/student ratio?		
		Where do educational activities take place? In the facility? Outside? Suitability of facilities?		
<p>4. Child and young adult detainees above compulsory school age who have not completed their education are permitted and encouraged to continue their education</p>	<p>RPJDL 39 SMR 77(1) ACHR AP 13(3)(d) ACHRP 7 PBPPDLA XIII</p>	Are there young adult detainees benefiting from education programmes?		
		What type of education is offered?		

4.5.3 Work and Remunerated Activities

<p>1. Detainees are able to work in the place of detention</p>	<p>ATP 6(3)(d) SMR 89 RPJDL 45 BPTP 8 BR 60 CMW 17(7) PBPPDLA XIV EPR 26</p>	What type of work is available?	
		Can detainees choose the type of work they wish to perform?	
		Is the work remunerated?	
		Who is in charge of allocating work? Is the process fair and equitable?	
		Are there opportunities to work in the local community?	
<p>2. Work is not compulsory</p>	<p>ILO-C29 ILO-C105 SMR 89 PBPPDLA XIV</p>	Is the work voluntary?	
		What are the conditions of work and how do they compare with working conditions in the outside world?	
		Are the rights of those working inside or outside the place protected?	
		Are detainees who do not choose or are unable to work provided with a cash allowance sufficient to meet essential needs?	
		Is there any evidence of forced and/or child labour?	
<p>3. Opportunities for work are safe, decent and not exploitative</p>	<p>SMR 72, 76 PBPPDLA XIV</p>	Do places of work have adequate natural light, fresh air and sufficient artificial light?	
		Is remuneration adequate?	
		How many rest days do detainees have per week?	

4.5.4 Outdoor Exercise, Leisure and Cultural Activities

<p>1. 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</p>	<p>SMR 21(1) RPJDL 47 UNHCR-DG 8(viii) CPT/Inf (97) 10 §29 EPR 25, 27 EU-RD 10.2</p>	Where the time spent outside the room is limited in length, what reasons do staff give for such restrictions?	
		How many hours a day can detainees be outside?	
		What exercise or activities are available?	
		Do detainees have, or are they provided with, clothing for outdoor exercise that is suitable to the climate?	
<p>2. Child and young adult detainees can participate in physical and recreational activities appropriate to their developmental and physical needs</p>	<p>SMR 21(2) RPJDL 47</p>	What recreational activities are available?	
		What organized activities are offered to detainees (sports, cultural)?	
		Do they benefit from additional time to use facilities?	
<p>3. Detainees have access to spacious, safe, clean and well maintained exercise facilities</p>	<p>PBPPDLA XIII UNHCR-DG 8(viii)</p>	Do detainees have access to exercise facilities?	
		What facilities are on offer?	
		What is the size of the exercise space?	
		Are the outdoor facilities suitable for sports, physical exercise and leisure-time activities?	
		Are there suitable indoor exercise alternatives?	

4. Detainees have access to reasonable quantities of cultural and informational material	BPP 28 SMR 78, 90 PBPPDLA XIII UNHCR-DG 8(xii) EPR 27.6	What cultural activities are available?	
		Is television accessible? If so where and in what language?	
5. All detainees have regular access to an adequately stocked library	SMR 40 RPJDL 41 PBPPDLA XIII	Are any conditions placed on access to library facilities?	
		What types of materials (recreational and instructional books, newspapers, dictionaries, legal reference materials and foreign language videos/DVDs) are available?	
		Are materials available in languages spoken by detainees?	
6. All detainees, and in particular child and young adult detainees, have adequate opportunities to develop their interests and skills, including arts and crafts	RPJDL 47	What opportunities exist for detainees to do arts and crafts? Music?	

4.5.5 Religion

1. The right of each detainee to practise his or her religion fully, alone or in community with others, is respected	ICCPR 18 CMW 12 CSR 4 CSSP 4 ACHR 12 UNHCR-DG 8(ix) PBPPDLA XV EPR 29	Are the religious needs of the immigration detainee population met?	
		Which religions are represented in the place of detention (number of religions, number of adherents)? Are minority religious beliefs and practices respected?	
		Are prayer times respected?	
		Are there any conditions or limitations on access to religious worship or pastoral care?	

<p>2. 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</p>	<p>SMR 41(3)</p>	<p>What is the availability of pastoral care and support?</p>	
		<p>What are the criteria for appointment of religious representatives (who appoints, who pays)?</p>	
		<p>What is the frequency of and level of participation in religious services?</p>	
<p>3. All detainees are able to participate in religious services</p>	<p>SMR 42 PBPPDLA XV</p>	<p>Which religious services are available?</p>	
		<p>Where do religious services take place? How often?</p>	
		<p>Are detainees able to celebrate their major cultural and religious festivals?</p>	
<p>4. Detainees are able to obtain, keep and use items of religious significance, including books of religious observance and instruction</p>	<p>ICCPR 18 CMW 17(7) CSR 4 CSSP 4 SMR 42 RPJDL 48 ACHR 12 CFREU 10 ECHR 9 PBPPDLA XV</p>	<p>Is there evidence of religious items being damaged or confiscated?</p>	
		<p>Have any complaints been made in that regard? With what outcome?</p>	
<p>5. 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</p>	<p>ICCPR 18 ACHR 12 CFREU 10 ECHR 9</p>	<p>Is there any evidence of discrimination against such persons? By the authorities? By co-detainees?</p>	
		<p>Have protective measures been taken in that regard?</p>	

4.5.6 Welfare and Counselling

<p>1. 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</p>	<p>ATP 6(3)(b) BR 60 UNHCR-DG 8 (vi)</p>	<p>Are welfare, social work and counselling services available? Are social workers present in the facility? What role do they play? Can they do psychosocial assessments?</p>		
		<p>Are qualified and culturally aware counsellors available?</p>		
		<p>Do welfare and counselling services respect the detainee's right to privacy and confidentiality?</p>		
		<p>Do they assist detainees in contacting their legal counsels?</p>		
		<p>Do they assist detainees in communication with family, friends and support groups?</p>		
<p>2. If requested, detainees are accompanied by welfare and counselling support at the time of release, transfer or removal</p>	<p>CoE-TGFR 15.2 SMR 60(2) RPJDL 79 BR 46 BPTP 10</p>	<p>Are released, transferred or removed detainees provided with contact details of welfare and counselling support professionals in the host country?</p>		
		<p>Are detainees accompanied during release, transfer or removal?</p>		



4.6 HEALTH CARE

4.6.1 Access to Medical Care

<p>1. 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)</p>	<p>CRC 24 BPP 24-25 SMR 24 UNHCR-DG 8 (vi) PBPPDLA IX(3) CPT/Inf (97) 10 §30, 31 CPT/Inf (2009) 27 §82 EPR 42.1</p>	Do detainees have access to a medical doctor from the outset of their detention?	
		What is the procedure for health screening upon arrival?	
		Does medical screening include screening for transmissible diseases, including tuberculosis?	
		Are free, qualified and impartial interpreters readily available?	
		How is the medical file transmitted in case of transfer?	

<p>2. All detainees have full and equal access to free health care services</p>	<p>CRC 24 BPP 24 SMR 25 RPJDL 50 BR 6, 9 ACHR AP 10 UNHCR-DG 8 (vi) PBPPDLA X EPR 39 EU-RD 19 ACHRP 16 CPT/Inf (97) 10 §31 CPT/Inf (2009) 27 §87</p>	What are the procedures to gain access to health care services?		
		How long do detainees have to wait to get a medical consultation?		
		Does this include women's specific health care needs (gynaecological services, reproductive health care)?		
		Is there any evidence of discrimination in access to medical services?		
		Are previous diagnoses or care regimes such as prescriptions (e.g. anti-depressants, HIV protocols) honoured?		
		Is it possible to get a second medical or dental opinion?		
		Do detainees have access to specialized treatment, such as psychiatric treatment, if required, in specialized institutions or civilian hospitals, as appropriate?		
		Are free, qualified and impartial interpreting services readily available for medical consultations?		
		What is the system in place in case of a medical emergency?		
<p>3. Health care services are provided in conditions that respect and maintain decency, privacy and dignity, and preferably through services in the community</p>	<p>ICESCR 12 RPJDL 49 ACHR AP 10 ACHRP 16 PBPPDLA X EPR 40 42 EU-RD 19 UNHCR-DG 8 (vi)</p>	What are the conditions of the medical facilities?		
		Do detainees go outside the place of detention for medical consultations?		
		Is the detention status mentioned in the course of medical consultation?		

<p>4. Detention or segregation on public health grounds is governed by quarantine and disease control policies and legislation</p>	<p>SMR 24 EPR 42.3(f)(g)</p>	<p>What is the procedure to segregate a detainee on health grounds? (Who takes the decision how is it reviewed?)</p>	
		<p>How many detainees were segregated on public health grounds at the time of the visit?</p>	
		<p>Is any medical oversight put in place?</p>	
		<p>Is segregated accommodation equipped for medical treatment?</p>	
<p>5. 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</p>	<p>CRPD 22(2) PBPPDLA X CPT/Inf (2009) 27 §92</p>	<p>Are medical examinations conducted in private and is confidentiality observed?</p>	
		<p>Are consultations conducted by a doctor of the same gender, if so requested?</p>	
		<p>Are interpreters readily available?</p>	
		<p>Is there any detaining authority present during medical examination?</p>	
		<p>Are detainees' medical files kept under lock and non-accessible to non-medical staff?</p>	
<p>6. The provision of healthcare to immigration detainees is not compromised or unduly restricted by security measures or procedures</p>	<p>UNHCR-DG 8 CoE-TGFR 16</p>	<p>Can isolated detainees have access to medical examination as requested?</p>	
		<p>Do transfers of detainees from one place of detention to another impact on access to health care?</p>	

<p>7. Medication is readily available as prescribed or required, appropriately and securely stored, and discarded if beyond its expiry date</p>	<p>CoE-TGFR 9.4 SMR 22(2) RPJDL 55 PBPPDLA X</p>	<p>What type of medication is most prescribed? For what reasons? Are there signs of overmedication?</p>		
<p>Who is distributing medication?</p>				
<p>Have there been any instances of shortage?</p>				
<p>Who is managing the stock of medication?</p>				
<p>8. 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</p>	<p>PME 1 DOM DOT</p>	<p>Does a specific protocol on hunger strikes exist? If so is it in line with international guidelines?</p>		
<p>Are detainees' informed choices respected together with their human dignity and is forced-feeding prohibited (provided concerned detainees are 'in full knowledge of the possible consequences of fasting on health and life')?</p>				
<p>Are clinical safeguards respected, including confirmation of a detainee's capacity to understand the consequences of his/ her voluntary refusal of nourishment by at least one other independent physician?</p>				
<p>Do medical staff have complete clinical independence in deciding upon the care of a person on hunger strike?</p>				

4.6.2 Medical Staff

<p>1. Medical service is appropriately staffed to provide adequate care of the mental and physical health of detainees</p>	<p>SMR 22(1) PBPPDLA X CPT/Inf (2009) 27 §91 UNHCR-DG 8 (vi) EPR 41.1</p>	<p>How many physicians/nurses are present daily, overnight, during weekends?</p>		
		<p>What is the ratio of medical staff to detainees? Is it adequate?</p>		
		<p>Does a medical officer have primary responsibility for ensuring adequate health care? What are his/her main duties?</p>		
		<p>Have there been any delays in the provision of medical treatment?</p>		
<p>2. 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</p>	<p>SMR 25(2), 26(1) RPJDL 73 EPR 43.3 44</p>	<p>Does a medical officer inspect the place? If so, how regularly?</p>		
<p>3. 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</p>	<p>SMR 22(2) PBPPDLA X</p>	<p>What is the referral system in place to ensure health care in periods of high demand?</p>		
		<p>In case of external referral, are interpreters available?</p>		
		<p>What is the process in place for specialist medical care, such as dental care or gynaecology?</p>		
		<p>Is there a roster of medical practitioners available?</p>		

<p>4. Medical personnel are suitably trained and experienced in recognizing and treating the care needs of persons in situation of vulnerability</p>	<p>PBPPDLA X EPR 41.4</p>	<p>Have the medical personnel received special training to deal with persons in situations of vulnerability?</p>		
<p>5. There is a medical officer on call after hours for emergency treatment</p>	<p>PBPPDLA X EPR 41.2</p>	<p>What is the system in place in case of emergency?</p>		
		<p>What system is in place to ensure access to medical files in case of emergency, while respecting confidentiality?</p>		
<p>6. Medical personnel are guaranteed complete clinical independence in the treatment and care of detainees</p>	<p>RPJDL 53 PBPPDLA IX(3), X DOT 5</p>	<p>Which authority is the health service placed under? Whom do the medical personnel report to?</p>		
		<p>Do medical practitioners have autonomy in making medical decisions and recommendations?</p>		
		<p>Is there evidence of breach of the normal code of confidentiality?</p>		

4.6.3 Special Needs of Women and Babies

<p>1. If women are detained, an onsite medical officer has specialist knowledge and experience in women's health issues and pre-natal and post-natal care and treatment is readily available</p>	<p>CEDAW 12 SMR 23(1) BR 10 PBPPDLA I EPR 89 EU-RD 21 UNHCR-DG 9.3</p>	<p>Are any specialist(s) part of the medical team? How many?</p>		
		<p>Are there any specialists in maternal and child health care? How many?</p>		
		<p>Are there any gynaecologists available? How many?</p>		
		<p>Are gender-specific health care services at least equivalent to those available to women in the community?</p>		
		<p>Are women and their babies healthy?</p>		

<p>2. If pregnant women are detained, their babies are, as far as practicable, born in a hospital outside the place of detention</p>	<p>SMR 23(1) EPR 34.3</p>	<p>What has been the location of any births (place of detention, hospital)?</p>	
		<p>If a baby is born in detention, is this recorded on the child's birth certificate?</p>	
<p>3. If babies and their mothers are detained, an onsite medical officer has specialist knowledge and experience in paediatrics and maternal and child health care</p>	<p>CRC 24(2)(d) PBPPDLA X</p>	<p>Are paediatricians available?</p>	
		<p>How many? Is the ratio adequate?</p>	
<p>4. 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</p>	<p>BR 17-18 PBPPDLA X</p>	<p>What specific preventive health screening is in place for women detainees, including screening for FGM?</p>	
		<p>Is there an immunization programme?</p>	
<p>5. Medical practitioners are specially trained to identify vulnerabilities in the population of women detainees, taking into account their cultural and religious backgrounds</p>	<p>UNHCR-DG 9.3 PBPPDLA X BR 6-18</p>	<p>Are medical practitioners sensitized to the needs of women faced with gender based violence, including trafficked women or girls?</p>	

4.6.4 Persons with mental health issues

<p>1. 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</p>	<p>CRPD 25 BPP 24-26 SMR 24 RPJDL 50 BR 6(b) PBPPDLA IX(3) EU-RD 22 CPT/Inf (2009) 27 §90</p>	Does the medical screening include mental health assessment?	
		How many detainees present mental health issues (age, history, reasons)?	
		Have there been any medical reports on the adverse health effects of continuing detention in individual cases?	
		Have medical practitioners made recommendations for release on mental health grounds (number, institutional response, response of judicial or other independent review body)?	
		How widespread is the use of alternatives to detention on mental health grounds (in principle, in practice, numbers, and conditions of release)?	
<p>2. Detainees have access to specialized mental health treatment if required, and in specialized institutions or civilian hospitals, as appropriate</p>	<p>SMR 22(1), (2), 82-83 RPJDL 53 PBPPDLA III(3) EPR 47</p>	What type of specialized mental health care is available in the place of detention? On referral?	
		Is there any evidence of misuse of non-prescription medication? How is this addressed?	
		How widespread is the use of anti-depressants, sedatives, sleeping pills and psychotropic medication? How often are prescriptions reviewed?	
<p>3. 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</p>	<p>SMR 24 BR 6(e) PBPPDLA IX(3) CPT/Inf (2009) 27 §90</p>	Do staff receive any training on effective investigation and documentation of torture and ill treatment (Istanbul Protocol)? ⁷⁶	
		Is any psychosocial assistance provided to victims of torture or trauma?	

4.7 PERSONNEL / STAFFING

4.7.1 Staff–Detainee Relationships and Security

<p>1. Relations between staff/officials and detainees are polite, courteous and respectful at all times</p>	<p>ICCPR 10(1) CMW 17(1) CRC 37(c) ACHR 5(1) ACHRP 5 PBPPDLA I, XX</p>	What is the general atmosphere between staff and detainees?	
		Is positive interaction between staff and detainees encouraged by management and the central authorities?	
		Do staff participate in recreational, sporting or cultural activities with detainees?	
		Are detainees addressed by their preferred name? Do staff treat detainee accommodation as detainees' private space?	
<p>2. 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</p>	<p>CRPD 22(2) CCLEO 4 PBPPDLA XX EPR 72</p>	What are the team's observations of the demeanour and behaviour of staff?	
		Is there any evidence of inappropriate staff–detainee relationships (e.g. sexual exploitation, corruption, manipulative or abusive behaviour)?	
		Do staff have the respect of detainees because of the way in which they conduct themselves?	
<p>3. 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</p>	<p>ICCPR 10(1) EPR 73 74 75</p>	Do detainees feel safe and secure (during the day, at night, in all places)?	
		Are staff–detainee relations cultivated by staff and/or management? If so, how? Is it effective?	
		Are there visiting programmes for local communities?	
		Are detainees purposefully occupied?	

4. Measures taken to ensure or maintain 'security and good order' are carefully documented, with reasons, in a security register	BPP 18(3), 25, 29(2) PBPPDLA XXII	Does a security register exist? How is it maintained?	
		Is the security register up to date?	

4.7.2 Staff Recruitment, Training and Conduct

1. Staff are carefully selected and recruited for their integrity, humanity, professional capacity and personal suitability for working in immigration detention	SMR 46(1), 47 RPJDL 82 PBPPDLA XX CPT/Inf (97) 10 §29 EPR 76, 77	What are the requirements for recruiting staff in contact with detainees?	
		Are professional qualifications, experience and character attributes taken into account in the recruitment process?	
2. Staff are recruited from diverse professional backgrounds and appropriate linguistic backgrounds	SMR 49, 51(1) EPR 87.2	What is the ratio of staff coming from the prison environment?	
		What is the ratio of social workers among the staff? How many staff members speak a language relevant for the detainee population?	
		How many staff members are from the same cultural or religious backgrounds as detainees?	
		Are cultural mediators, social workers, interpreters, psychologists etc. present?	
3. The gender ratio of staff is appropriate to the detainee cohort	BPP 5(2) RPJDL 83 SMR 53 PBPPDLA XX EPR 85	Are staff–detainee ratios appropriate to ensure safety and security?	
		What is the ratio of men to women amongst staff?	
		Are there women in senior management positions?	

<p>4. 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</p>	<p>CCLEO 2 BPP 5 BPP 33 SMR 47(2) RPJDL 83, 85 UNHCR-DG 8 PBPPDLA XX CPT/Inf (97) 10 §29 EPR 81</p>	Do staff have good interpersonal and communication skills?	
		Is this highly valued by management, staff and detainees?	
		Are staff trained in cultural awareness, religious tolerance and sensitivity?	
		Are staff aware of and sensitive to the needs of children, women, LGBTI people and the elderly?	
		Are staff trained to recognize possible symptoms of stress reactions displayed by detainees (whether post-traumatic or induced by socio-cultural changes) and to take appropriate action?	
<p>5. 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</p>	<p>SMR 48 RPJDL 87 PBPPDLA XXIV EPR 83, 84</p>	Is there a code of conduct for staff, and are staff aware of the code of conduct?	
		Are staff disciplinary and accountability measures adequate and effective?	
		Is inappropriate language and conduct addressed?	
<p>6. The professional capacities of staff are acknowledged and respected, working hours are reasonable, and remuneration adequate</p>	<p>SMR 46(3) RPJDL 83 EPR 78, 79</p>	Are staff pay scales adequate?	
		Is their employment secure?	
		Do they have access to professional development and career advancement opportunities?	
		Are working conditions acceptable (rotation, breaks, recreational leave, medical leave)?	
<p>7. Staff have ready and free access to debriefing and counselling services</p>	<p>BPUFF 21</p>	Are staff adequately supported and supervised on the job?	
		Is debriefing and counselling accessible and encouraged?	

4.8 PERSONS IN SITUATIONS OF VULNERABILITY/ RISK

4.8.1 Basic Principles

<p>1. 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</p>	<p>SRHRM §43 UNHCR-DG 4, 9</p>	Are there screening and assessment processes to identify vulnerable detainees?	
		Are there vulnerable persons detained in the centre (number, age, gender, nationality, type of vulnerability)?	
		Do decisions to detain vulnerable persons take into account individual needs and vulnerabilities and set out the exceptional circumstances that justify their detention?	
		Do these decisions justify why no alternatives to detention were used?	
		Are particularly vulnerable detainees prioritized for alternatives to detention/release?	
<p>2. The detention centre has an active policy of equality and non-discrimination</p>	<p>CEDAW 2 CERD 7 CRPD 4, 5 BR 31</p>	Does the centre have an equality and non-discrimination policy in place that outlines how the needs of vulnerable groups will be recognized and addressed?	
		Are staff aware of this policy? Is it properly implemented?	
		Is there an assessment undertaken upon arrival at the detention centre, to identify vulnerabilities and how to meet specific needs of vulnerable detainees?	
		When an assessment is conducted, how is it done in practice? Are detainees provided with a guarantee that the information will be treated confidentially?	
		Are records kept of vulnerabilities and specific needs?	

<p>3. Staff are trained in equality, non-discrimination and how to meet the needs of persons in situations of vulnerability</p>	<p>CCLEO 2 CEDAW 2 CERD 6, 7 CRPD 4, 5 SMR 47 EPR 81.3</p>	Are staff trained in equality and non-discrimination?	
		Do they have a clear understanding of how to meet the needs of different groups/individuals in situation of vulnerability?	
<p>4. Detainees are able to complain about any incident of discrimination or abuse. (See also 4.1.6)</p>	<p>BPP 33 SMR 36 BR 25 EPR 70</p>	Are detainees able to make a confidential complaint about any discriminatory treatment or behaviour in their own language, to detaining authorities, independent bodies and judicial authorities?	
		Are detainees who complain provided with immediate protection, support and counselling where appropriate? Do protection measures take into account the possibility of retaliation?	
		Are complaints dealt with promptly and replied to without undue delay?	

4.8.2 Children

<p>1. 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</p>	<p>CRC 37(b) RPJDL 1, 2 UNHCR-DG 9.2 CPT/Inf (2009) 27 §97</p>	What is the State's policy on detention of children?	
		Are any children detained in the facility?	
		How long have they been detained for? What is the average length?	
		How often is the detention of children reviewed?	
		What type of alternatives to detention were considered in the particular case?	
		What measures are taken to ensure detention is for the shortest possible period of time (e.g. accelerating immigration claims)?	
		Do external child agencies have access to children in detention?	
<p>2. All decisions are taken in the best interest of the child</p>	<p>CRC 3 UNHCR 9.2 EU-RD 23(1) EPR 35, 36</p>	How have children been impacted by detention?	
		Are there any indications of negative effects? How are these addressed?	
		Do children detained have access to education, recreation, leisure, social support and material assistance? Are children released temporarily (e.g. on daily basis) to participate in these activities?	

3. Children are not separated from their parents against their will	CRC 9 ICCPR 23 ICESCR 10	Have any children been separated from their parents in detention?	
		Is there a Best Interest process in place?	
4. Children are not detained because of the immigration status of their parents or guardians	CRC 2 SRHRM §40	Are any children in detention because of the immigration status of their parents?	
		Were alternatives to detention for the family actively considered?	
5. Children are never placed with adults in detention, unless they are members of the same family	CRC 3 RPJDL 28, 29 EPR 35.4 EU-RD 23(5) SMR 8(d)	Are children housed with other adults (who are not members of their family) in detention?	
6. Every child deprived of liberty is provided with prompt legal advice and the right to challenge detention	CRC 37(d)	Do children have legal assistance with immigration and asylum proceedings and the ability to challenge detention before a court of law?	

4.8.3 Unaccompanied or Separated Children

<p>1. 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</p>	<p>CRC-GC 6 SRHRM §40 UNHCR 9.2 EU-RD 24</p>	<p>Are there any unaccompanied or separated children in detention?</p>		
		<p>Are there processes in place to assess the age of children whose age is disputed?</p>		
		<p>How long have they been detained?</p>		
		<p>What is the justification for their detention? What type of alternatives to detention were considered?</p>		
		<p>Do decisions to detain justify why alternatives to detention were not used (e.g. guardianship arrangements, staying with adult relatives, alternative care or accommodation arrangements)?</p>		
<p>2. All unaccompanied or separated children in detention are appointed guardians who oversee all decisions affecting them, in the best interests of the child</p>	<p>CRC 18(2), 20(1) CRC-GC 6 p.11 SRHRM §41 EU-RD 24</p>	<p>Do unaccompanied or separated children have guardians appointed to them, who oversee that all decisions are being taken in their best interest?</p>		
		<p>How often do unaccompanied or separated children have contact with guardians?</p>		
		<p>Are guardians active in representing the best interests of the child?</p>		
<p>3. There is a process in place to reunite child refugees with their parents. (See section 4.5.1)</p>	<p>CRC 22</p>	<p>Is the State taking steps to reunite unaccompanied or separated refugee children with their parents?</p>		

4.8.4 Women

<p>1. The detention centre has clear policies and regulations to provide maximum protection for women detainees against sexual and gender-based violence, discrimination and abuse</p>	<p>CEDAW 2 BR 31 IACPPEVAW 3, 4 EPR 34</p>	Does the detention centre have clear policies and regulations to provide maximum protection for women detainees against sexual and gender-based violence, discrimination and abuse?		
		Are staff aware of these?		
		Are the policies properly implemented?		
<p>2. Staff working with women detainees are trained on the specific needs of women detainees</p>	<p>CEDAW 2 BR 33 IACPPEVAW 7</p>	Do staff working with women detainees have a clear understanding of the specific needs of women detainees (including pregnant women and nursing mothers)?		
		Are staff trained on this?		
<p>3. Women are separated from men in detention, except in case of families, as appropriate. Staff working with female detainees are female</p>	<p>SMR 8(a) SRHRM §36, 37</p>	Are women separated from men in detention?		
		Is there separate accommodation for families?		
		Are female staff assigned to work with female detainees?		
<p>4. Pregnant women and nursing mothers are not detained. Alternatives to detention are actively pursued</p>	<p>BR §9 UNHCR-DG 9.3</p>	Are there any pregnant women or nursing mothers in detention?		
		What is the justification for their detention? Were alternatives to detention actively considered prior to the decision to detain them?		

<p>5. 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</p>	<p>BR 22, 23</p>	Do disciplinary sanctions include a prohibition of family contact?	
		Is segregation used as a punishment against pregnant women, women with infants or breastfeeding mothers?	
<p>6. Accommodation for women has facilities and materials required to meet their specific hygiene needs and those of their children, if appropriate</p>	<p>BR 5 EPR 19.7</p>	Are sanitary towels provided free of charge?	
		Is there a regular supply of clean water for the personal care of children and women, in particular women who are pregnant, breastfeeding or menstruating?	

4.8.5 Persons with Mental or Physical Disability

<p>1. 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</p>	<p>CRPD 14, 19 BR 60 PBPPDLA III(III) UNHCR-DG 9.5</p>	Are there persons in detention facility with mental or physical disabilities? Any detainees with serious impairments?	
		Is there any evidence that persons with disabilities have been deprived of their liberty on the basis of their disability (e.g. denied access to alternatives to detention due to inability to report to authorities)?	
		Were alternatives to detention considered?	

<p>2. 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</p>	<p>SMR 24, 25</p>	<p>Are detainees with disabilities assessed as to their medical needs, and swiftly and systematically identified on arrival at the detention facility?</p>	
		<p>Are clinical psychological or psychiatric services and assessments provided to determine mental illness amongst the detainee population?</p>	
		<p>Are medical or health professionals available to diagnose health conditions or identify a disability and/or to recommend measures to accommodate their disability?</p>	
<p>3. Persons with disabilities are treated in line with their human rights and without discrimination, including by provision of “reasonable accommodation”</p>	<p>CRPD 6, 7, 14(3), 15-17, 18(1)(b) BR 1(b) BPP 5(2) UNHCR-DG 9.5</p>	<p>Does the detention centre have policies to ensure that the rights of people with disabilities are protected when in immigration detention?</p>	
		<p>What adaptations have been made to accommodate the needs of persons with disabilities? Are these adequate/reasonable?</p>	

4.8.6 Trafficked Persons

<p>1. Trafficked persons are not held in immigration detention. They are never held together with their traffickers</p>	<p>ATP 7(1) (4) OHCHR-TG SRTP §95</p>	<p>Is there a process of assessing and identifying trafficked persons?</p>	
		<p>Have any detainees been trafficked? In what circumstances were they trafficked?</p>	
		<p>Do decisions to detain trafficked persons take into account their trafficking experience? Do decisions justify why alternatives to detention were not used (e.g. safe houses and proper care management)?</p>	
		<p>Are measures (e.g. screening) in place to ensure that trafficked persons are not detained with their traffickers?</p>	
<p>2. Trafficked persons are provided with assistance and protection</p>	<p>ATP 6(3)(a) OHCHR-TG 8, 9</p>	<p>Do trafficked persons have access to legal counsel, procedures, social support and counselling?</p>	

4.8.7 Victims of Torture and Trauma

<p>1. Victims of torture, or other physical, psychological or sexual violence, are not in principle detained</p>	<p>SRHRM §44 UNHCR-DG 9.1</p>	Do decisions to detain take into account past histories of torture or trauma?	
		Do decisions justify why alternatives to detention were not used for survivors of torture/trauma?	
<p>2. There is a protocol for handling instances where detainees disclose information about previous mistreatment, torture or trauma</p>	<p>ICCPR 7 UNCAT 2 EU-RD 25</p>	Do case histories include comprehensive torture/trauma assessments?	
		Do detainees have a torture/trauma care plan?	
		Are past cases of ill-treatment transmitted to relevant authorities (if detainees request/consent)?	
		What statistical data is available relating to those identified as having a history of torture and/or trauma?	
<p>3. 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</p>	<p>ICCPR 10 BPP 24 SMR 24 EU-RD 25 PBPPDLA IX(3)</p>	Are health professionals trained for dealing with survivors of torture and other trauma?	
		Are medical registers available? Are specific cases written down in a separate register?	

4.8.8 Stateless Persons

<p>1. The inability to remove/deport stateless persons needs to be taken into account in decisions to detain. Indefinite detention is unlawful</p>	<p>CSSP 26, 27 UNHCR-DG 6 SRHRM §4</p>	<p>Are there any stateless persons in detention? How long have they been in detention? What is the average length of detention?</p>	
		<p>What is the justification for their detention?</p>	
		<p>Are there any cases of stateless people being held indefinitely because of absence of documentation or nationality? Do stateless persons in detention have access to statelessness determination procedures?</p>	
<p>2. Stateless persons are treated in line with their human rights and without discrimination</p>	<p>CSSP 3, 5 UNHCR-DG §4 SRHRM §47</p>	<p>Do stateless people benefit from the same standards in detention as other detainees? Are there indications of discriminatory treatment?</p>	

4.8.9 LGBTI Persons

<p>1. 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</p>	<p>ICCPR 10(1) YP 9(g) UNHCR-DG 9.7</p>	<p>Do staff have a clear understanding of the protection and care needs of LGBTI detainees?</p>	
		<p>Are staff trained in equality and non-discrimination in relation to gender identity and sexual orientation?</p>	
		<p>If there is a code of conduct or similar document covering sexual orientation and gender identity? Is discrimination on sexual orientation or gender identity sanctioned in the same way as other forms of discrimination?</p>	

<p>2. LGBTI detainees have access to appropriate medical care and counselling tailored to their specific needs</p>	<p>YP 9(b)</p>	<p>Do LGBTI detainees have access to appropriate medical care and counselling, including, for example, with regard to reproductive health, or access to HIV/AIDS information and medication?</p>		
<p>3. Protective measures are in place to prevent violence or abuse against LGBTI persons</p>	<p>ICCPR 7 YP 9(d) UNHCR-DG 9.7</p>	<p>Are there any instances of violence, physical, psychological or sexual abuse against LGBTI detainees?</p>		
		<p>How does the detention centre ensure the safety and security of LGBTI detainees against violence and abuse?</p>		
		<p>Is solitary confinement or administrative segregation ever used to ensure the safety of LGBTI detainees? How are such measures managed to ensure other rights are not undermined?</p>		
		<p>What procedures are in place to take account of transgender preferences in relation to their placement?</p>		
		<p>Are release without conditions and alternatives to detention available where the centre is not able to ensure their security?</p>		