

Monitoring Prisoners with Special Needs

Practical Monitoring Tool for LGBTI Prisoners,
Older Prisoners, Prisoners with Disabilities and
Foreign National Prisoners

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INTRODUCTION

Various monitoring mechanisms carry out independent oversight in places of deprivation of liberty generally and prison establishments in particular. The National Preventive Mechanisms (NPMs) established in accordance with the terms of the Optional Protocol to the UN Convention against Torture (OPCAT) are leading institutions to undertake this complex task in the national territories and jurisdictions of States parties to OPCAT.

In order to assist the NPMs in particular in this monitoring task, the Human Rights Implementation Centre (Bristol, UK) and the Penal Reform International, South Caucasus Regional Office (Tbilisi, Georgia) with the financial support of the ESRC Impact Acceleration Account of the University of Bristol, have developed the present set of monitoring tools to be used by the NPMs and other monitoring bodies during prison oversight.

Various monitoring tools have been produced by various organizations already. The present tools are different in that they do not provide a descriptive account of the challenges faced by the four groups of prisoners that each of the tool addresses: LGBTI prisoners, older prisoners, prisoners with disabilities and foreign national prisoners. Rather, each of the tools begins with a very brief introduction to the specific challenges faced by the group in question when in custody. A brief account of international standards is then provided, followed by sets of sample questions, grouped thematically to correspond to the areas to be monitored by the NPMs and others during their visits. These questions are intended to serve as a sample template for the monitors; they include questions to be posed to the prison authorities, staff, prisoners and others that the monitors may deem appropriate. These questions also include questions that the monitors may wish to ask themselves as they tour the prison establishments and make their observations. These questions presume a sound knowledge of the requisite background international human rights standards on the part of the monitor who will ask them. It is hoped that with such a hands-on, practical approach the present tools will give concrete assistance to monitors, helping them to include the needs of these four groups of prisoners in their monitoring visits and then, in their on-going dialogue with the authorities.

LGBTI PRISONERS

The acronym LGBTI, usually referring to lesbian, gay, homosexual, transgender and intersex persons, may be confusing as it may not properly reflect the individual identities of particular persons belonging to this group. Indeed, some may not even wish to be identified by this term. However for the monitors, it is important to recall that LGBTI prisoners are a particularly vulnerable group in prisons, and that the main guiding principle regarding their treatment should be one of equality and non-discrimination. It is paramount that all monitoring mechanisms, including NPMs, during their monitoring visits pay attention to the manner in which the special needs of the LGBTI prisoners are accommodated. It goes without saying that LGBTI prisoners should be entitled to the same basic conditions of detention as others, including the same physical conditions of cells, provision of food, health care, access to activities, facilities and services.

1. International Standards

- Universal Declaration of Human Rights, Art 2
- International Covenant on Civil and Political Rights (1966), Art 17
- The Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity, especially Principle 9 (The Rights to Treatment with Humanity while in Detention)
- European Prison Rules, Rules 13 and 81.3 in particular

2. Prison Policies

- Is there a general internal policy against discrimination in the prison?
- Does the anti-discrimination policy specify the prohibition of discrimination also on the basis of sexual orientation and gender identity?
- Is care and protection of LGBTI prisoners included in general management strategies which have been developed at prison headquarters?
- Have the prison authorities developed specific policies and strategies that ensure the maximum possible protection and social re-integration of LGBTI prisoners?
- Are these policies accessible to all staff?
- Is there a policy to challenge any existing homophobic prison (staff and/or prisoner) culture?
- Is there a clear and strictly enforced zero-tolerance policy leading to disciplinary action towards any staff complicit in any violence or harassment of LGBTI prisoners, or a failure by staff to respond to fears or incidents of violence or harassment?

- Is there a clear instruction on procedures to follow in cases of sexual assault or reported fear of sexual assault?
- Have LGBTI groups in the community been consulted on formulation of appropriate policies and strategies for the protection and social re-integration of detained LGBTI persons?
- Is effective data collection and analysis an essential part of all policies relating to the protection of LGBTI persons?
- Are policies regarding LGBTI prisoners revised regularly in response to the evaluation of the data collected?

3. Staff recruitment and training

- Is there a policy to strive to recruit staff who are representative of different sexual orientations?
- Have the staff received initial and on-going training on human rights and the prohibition of discrimination which would include prohibition of discrimination on the basis of sexual orientation and gender identity?
- Have the staff received initial and on-going training on prison policies regarding LGBTI persons?
- Have the staff received initial and on-going training to implement specific procedures in cases of sexual assault; to detect signs of fear and distress as well as signs of suicidal tendencies among LGBTI prisoners?
- Is there a clear zero-tolerance policy against any harassment of LGBTI staff?

4. Allocation and Accommodation

- Does the prisoner classification system recognize the risks that may be faced by LGBTI persons and ensure that members of such groups are not placed together with potential abusers?
- Is there a strictly enforced policy concerning prisoners' right to confidentiality as regards their sexual orientation and gender identity?
- Is there a right of self-identification whereby the LGBTI prisoners have the right (but not the obligation) to disclose their sexual orientation and gender identity freely?
- Is there a policy that permits housing together those LGBTI prisoners who have self-identified and who request this special protection?
- Are LGBTI prisoners' own concerns and views taken into account when decisions regarding their placement are made (including, in the case of transgender and inter-gender prisoners, regarding whether they are placed in a male or female facility)?
- Is the assessment of the placement of LGBTI prisoners and especially of transgender and inter-gender prisoners made on an individual, case-by-case basis?

- Does policy allow transgender prisoners not to be automatically placed in accommodation based on the gender registered at birth?
- Are LGBTI prisoners placed in the same quality of prison accommodation as others?
- In case of violence against LGBTI prisoners, is there a policy to segregate the aggressor rather than the victim?

5. Protection against violence

- Is there a clear management policy and strategy that ensures non-discrimination and protection of LGBTI prisoners?
- Is there a special programme within the prison dedicated to prison rape prevention?
- Is careful staff recruitment, training, retraining and supervision carried out?
- Is there proper supervision of prisoners by staff?
- Are there policies and procedures in place to recognise victimisation?
- Are there policies and procedures in place against reprisals against LGBTI prisoners for denouncing acts of violence? Do LGBTI prisoners have access to protective segregation?
- Are LGBTI prisoners' views taken into account regarding protective segregation? Is there an effective consultation with the prisoner, setting out options and possible consequences?
- Is there a clearly set out procedure regarding protective segregation, including how to safely reintegrate?
- Does the policy ensure that no further stigmatisation occurs and that the placement of LGBTI prisoner in protective segregation does not limit his/her access to services, work and education, etc.?
- Does the protective segregation, as implemented in practice, strike the balance between the need to protect the LGBTI prisoner undergoing the measure and the possible negative consequences for the detainee of such separation?
- What measures are taken to ensure that a prisoner in protective segregation has increased access to out-of-cell activities so as to minimise the negative effect of segregation?

6. Disciplinary Procedures and Strip Searches

- Do records kept concerning use of all disciplinary punishments allow an analysis of the prevalence in relation to LGBTI prisoners?
- Is there a disproportionately large number of LGBTI prisoners subjected to disciplinary procedures?
- Are the needs of LGBTI prisoners covered in a clear procedure for staff regarding the use of administrative segregation for disciplinary reasons?

- Is there a special policy adopted by the prison on the body and/or strip searches of LGBTI prisoners?
- Have the staff undergone special training on ways to carry out body and/or strip searches of LGBTI prisoners?
- Are proper records of the number of times each prisoner is body and/or strip searched kept? Are such data examined to identify any discrimination?
- Are body and/or strip searches used in relation to LGBTI prisoners more often if compared to the rest of the prison population?
- Do LGBTI and especially transgender and inter-gender prisoners have a choice regarding the gender of the person conducting the search?

7. Health care

- Do LGBTI prisoners undergo a full health screening upon entry to prison?
- Do LGBTI prisoners receive basic health care equivalent to what this population receives outside?
- Are the health care needs of LGBTI prisoners (which may include treatment for sexually transmitted infections, HIV, drug use therapy, counselling for conditions associated with victimization such as sexual violence) addressed in prison?
- Do the prisoners with gender dysphoria have access to the treatment available in the community, such as hormone therapy, as well as psychological support if required?
- Are there special programmes within the prison on sexual health and HIV/AIDS prevention, including booklets with information on modes of transmission and methods of prevention, and are these made available to all prisoners, including LGBTI prisoners?

8. Prisoner Programmes

- Do LGBTI prisoners have equal access to and are they safely and equally able to take part in all prison activities (work, education, recreation etc) without discrimination?
- Are LGBTI prisoners adequately protected during any activities from violence and other abuse?
- Is there a special counselling programme for LGBTI prisoners?
- Are NGOs and other organizations of civil society working on the rights and needs of LGBTI persons encouraged to visit prisons and implement special programmes addressing the needs of LGBTI prisoners?

9. Complaints Procedures

- Do prisoners in general trust the existing complaints mechanisms?

- Are LGBTI prisoners able to access the existing complaints mechanisms without discrimination and/or prejudice?
- Is the data on the complaints submitted analysed to take into account the LGBTI prisoners and determine any patterns?
- Are the complaints raised by LGBTI prisoners taken seriously and the perpetrators penalized accordingly?
- Do the complaints by LGBTI prisoners receive rapid and effective response?
- Are the perpetrators rather than victims segregated for the duration of the investigation?

10. Contact with the Outside World and Family Links

- Do prison authorities make special efforts to facilitate the contacts of the LGBTI prisoners with the outside world (family, friends, organizations offering special support to LGBTI prisoners)?
- If the existing legislation does not allow visits from unwedded partners, what consideration is given to changing the rules so as to minimize the disruption of prisoners' links with the outside world?
- If conjugal visits are permitted, is this right applied equally in relation to the LGBTI prisoners?

11. Preparation for release and post-release support

- What support do prison authorities provide to LGBTI prisoners in cases when the family links are broken?
- Has the prison established contacts with relevant civil society organizations and agencies that provide assistance to LGBTI persons in general and prisoners and former prisoners in particular?
- What is the cooperation with the probation services and other welfare agencies to facilitate assistance with finding housing and employment for LGBTI persons?
- Is there the requisite degree of coordination between the service providers within the prison and those outside so as to ensure the continuity of care of LGBTI persons?

II. OLDER PRISONERS

Older prisoners comprise a very diverse group which usually will include prisoners of varied age, with different physical capabilities and while most will have health care needs, these will differ and may or may not include mobility issues, various disabilities and chronic conditions. As a group, older prisoners may include people serving long sentences, people who have been in and out of prison a number of times, and those serving first sentences. Their familiarity with the criminal justice system in general and prison in particular will vary. It is therefore paramount that monitors as well as prison authorities make no generalisations about older prisoners and duly recognise the heterogeneity of this vulnerable group.

1. International Standards

- International Covenant on Civil and Political Rights (1966), Art 26
- United Nations Principles for Older People (1991)
- The Madrid International Plan of Action on Ageing (2002)
- European Prison Rules, Rule 13, 18.8c, 46 and 81.3 in particular

2. Prison Policies

- Is there a special prison policy and strategy developed to address the special needs of older prisoners?
- Has the development of this dedicated policy and strategy involved a multidisciplinary team of prison specialists as well as specialists and service providers from the community?
- How comprehensive is the dedicated strategy? Does it cover such issues as staff training, placement of older prisoners within the prison system, adaptation and improvement of services, coordination with civil society, early conditional release and resettlement as well as death in prison?

3. Staff training and special tasks

- Have all staff working with older prisoners received initial and ongoing training on working with older prisoners?
- Are staff encouraged to work with civil society organisations as well as health and welfare services to fully address the needs of older prisoners as well as enable continuum of care after the release?
- Are staff actively assisting older prisoners' access to suitable legal counsel, legal and paralegal aid services from the outset of their detention and throughout the imprisonment as may be necessary?

4. Admission, assessment and allocation

- Are the individual needs of each older prisoner assessed upon entry to the prison?
- Does this initial assessment include the physical and mental health of the individual prisoner, family ties, community relationships and criminal history as factors determining the placement of the individual in the prison?
- Is the initial assessment, classification and allocation of the older prisoner reviewed and modified accordingly with sufficient frequency to accommodate the rapidly changing status of older prisoners?
- What measures are taken to ensure early detection and treatment of deteriorating health conditions of older prisoners?

5. Accommodation and Activities

- What measures are taken to accommodate the special needs of older prisoners in terms of accommodation?
- Is there a careful and individual needs assessment carried out in relation to each older prisoner so as to determine the best suited accommodation in prison?
- Is there a specialist unit within the prison for older prisoners and is it suitably adapted for older prisoners in terms of layout, accommodation, services etc?
- Is the accommodation allocated to older prisoners secure and easily accessible (e.g. ground floor accommodation; minimal need for steps; single tier beds; short distances to essential areas and services; accessibility of sanitary facilities; excessive temperature etc)?
- What measures are taken to facilitate assistance in daily living (moving around the prison, feeding, washing etc)?
- What allowances made to accommodate older persons' inability to comply with certain disciplinary regulations?

6. Health Care

- Are the health care needs of older prisoners properly addressed by the prison and associated health care services?
- Do the health care services provided include medical, nutritional and psychological care?
- Is there a close cooperation with community health services established by the prison authorities to ensure the provision of specialist care?
- Are the arrangements for the transfer to civilian hospitals of those older prisoners whose care needs cannot be met in prison adequate?
- Are the counselling services for older prisoners, especially for depression and fear of dying, adequately provided?

- Do prisoners have the choice to die in prison in appropriate circumstances (e.g., if they have no family or community outside)?

7. Prisoner Programmes

- What measures are taken by the prison authorities to adapt the counselling, education, vocational training and other programmes to the individual needs and circumstances of older prisoners, including their age and health-related needs as well as length of sentence?
- What modifications are made to job assignments to enable older prisoners to work?
- What arrangements are in place to ensure that older prisoners who are unable to work are not discriminated against due to being unable to receive credits for early conditional release (because of their inability to work)?
- What arrangements are in place to ensure that older prisoners are not excluded from paid work opportunities?
- Are the individual wishes of older prisoners taken into account in relation to the level of outdoor exercise they are able to take part in?
- Is there flexibility with the participation of older prisoners in outdoor exercise (e.g., adequate level of staff to allow escorting back older prisoner earlier or later than others) and other activities?
- Do prison authorities actively encourage development of peer support groups for prisoners, including older prisoners? Are those providing peer support carefully selected, trained and supervised to avoid victimization and exploitation?
- Do prison authorities actively encourage the provision of various programmes and activities in the prison by civil society organisations working with older persons in the community?

8. Contact with the outside world

- What additional measures have the prison authorities taken to facilitate the maintenance of family links of older prisoners (e.g., placing older prisoners close to home; regular prison leaves)?
- Do prison authorities actively encourage civil society organisations working with older persons to include prison visits and projects within prisons in their programmes?
- What are the special arrangements to accommodate the families of older prisoners at the end of their lives?

9. Preparation for Release and Post Release Support

- Are the programmes for release for older prisoners individualised so as to take due account of such factors as the (non)existing family links and the

length of imprisonment which may have led to possible institutionalization?

- How is the coordination between various agencies ensured to allow for the successful re-integration of older prisoners in the community upon release?
- How are the needs of those older prisoners who have nowhere to go upon release addressed?
- What measures are taken to ensure that older prisoners are not at a disadvantage in consideration for early conditional release (e.g. exclusion from prisoner programmes)?
- Is there a set of different parole eligibility criteria developed relevant to the needs of older prisoners?
- What consideration is given to release on compassionate grounds and transfer to an appropriate institution in the community of older prisoners in need of constant specialist nursing care?

III. PRISONERS WITH DISABILITIES

Although imprisonment should be used as a last resort especially in cases when the person with disabilities is sentenced, there are many prisoners with disabilities in penal establishments. These include persons with long-term physical, mental, intellectual or sensory impairments. The problems that these persons face in community are magnified in prisons as prisons are unable to respond adequately to their needs. The main focus of the monitors should be whether the prisoners with disabilities are not discriminated against and special attention should be paid to the way the prison, with the closed and restricted environment as well as violence, is adapting to ensure that the disabling process is not accelerated and that prisoners with disabilities receive appropriate care.

1. International Standards

- United Nations Convention on the Rights of Persons with Disabilities (2006); Arts. 4, 13, 14 and 15 in particular.
- European Prison Rules, Rules 13, 18, 28, 46 and 81.3 in particular.

2. Prison Policies

- Has the prison service as a whole adopted a clear policy statement against the discrimination of prisoners with disabilities?
- Is this statement clearly displayed in all prison establishments?
- Has the prison developed dedicated policy and strategy on prisoners with disabilities?
- Has this policy and strategy been adopted in consultation with civil society organisations and services working with persons with disabilities?
- Did this development of the policy and strategy involve a needs assessment of prisoners with disabilities?
- Does this policy and strategy include the affirmative action to be undertaken by the prison?
- Does the prison undertake regular data collection and assessment on prisoners with disabilities so as to identify shortcomings as well as good practices?

3. Staff Training and Roles

- Have the prison staff received initial and ongoing training on prisoners with disabilities including techniques of dealing with prisoners with disabilities when difficulties arise and effective supervision?
- Does this training include special emphasis on the prohibition of discrimination against prisoners with disabilities?
- Are staff trained to detect signs of distress in prisoners with disabilities?
- Is there a member of staff appointed to act as a contact for prisoners with disabilities?

- Does the staff contact person for prisoners with disabilities also advise the prison management on policy issues and needs of prisoners with disabilities?

4. Admission

- Are prisoners provided with an opportunity to declare any disability upon admission to the prison as well as to provide the prison with information about their special needs?
- Are prisoners with disabilities allowed to keep in their possession any form of aid relevant to their disability such as wheelchairs, crutches, braces, hearing aids, glasses unless there is a genuinely justifiable security reason not to?
- If the prisoners with disabilities are not allowed to keep in their possession form of aid relevant to their disability due to security risk, what suitable alternatives are provided?
- Upon admission, are prisoners with disabilities provided with the information about the prison and prison rules in a format that is understandable to them (e.g. in Braille or large print or audio taped)?
- Is the induction to the prison programme appropriate to the needs of prisoners with disabilities?
- Does the induction programme for prisoners with disabilities allow identification of their special capabilities and special requirements as well as level of and type of support they require?
- Are prisoners with disabilities given specific information about whom to contact if they are in need and are applicable procedures carefully explained?

5. Classification, allocation and accommodation

- What are the procedures in place to ensure that prisoners with disabilities are allocated accommodation suitable to their needs?
- What adaptations (e.g. handrails installed, steps painted in brighter colours, portable ramps, furniture in cells moved etc) are made to the accommodation to assist prisoners with disabilities to cope with the prison environment?
- What arrangements are put in place for those prisoners with disabilities who need special assistance with daily activities like eating, dressing, bathing and using toilet facilities?
- Are health care services easily accessible from the accommodation allocated to the prisoners with disabilities?
- Is the risk of abuse carefully considered when allocating accommodation to prisoners with disabilities?

6. Safety

- What additional measures are taken by the staff to accommodate the special sensitivity of prisoners with disabilities when searching them (e.g. taking extra care to explain the procedure; informing visually impaired about approaching them etc.)?
- Is the placement of prisoners with disabilities in isolation cells always used only as a measure of last resort?
- What measures are taken to assist the prisoners with disabilities to defend themselves during the disciplinary procedures?
- What measures are taken to ensure that prisoners with disabilities have equal access to and are in fact able to use prison complaints mechanisms?

7. Health Care

- Do prisoners with disabilities have equal access to all health services provided to prisoners?
- Do prisoners with disabilities have access to the same level of specialist health care available in the community?
- Do prison authorities cooperate to the maximum possible extent with community health services to ensure that the special needs of prisoners with disabilities are met?
- Do prisoners with disabilities have easy access to appropriate tools relevant to their disability such as wheelchairs, crutches, braces, hearing aids, glasses etc?
- Do prisoners with disabilities have access to specialist mental health care?
- What assistance and how is provided to prisoners with disabilities who have difficulty with communicating (e.g. prisoners with sensory disabilities) to ensure that they have equal access to health and counselling services?
- When assistance with accessing health services is provided to prisoners with disabilities who have difficulty with communicating, how is the doctor-patient confidentiality preserved?

8. Prisoner Programmes

- Do prisoners with disabilities have equal access to all prison activities and programmes including educational and vocational training and recreation as other prisoners?
- Do prisoners with disabilities have equal access to work programmes outside prison?
- What alternative arrangements are made for those prisoners with disabilities who use wheelchairs to access all services, activities and programmes, especially if those are located in areas which have not been adapted for wheelchair access?

- What arrangements are made for prisoners with a hearing or speaking disability to take part in various prison activities (e.g. use of interpreters)?
- Are there any group activities organised for prisoners with similar disabilities (if there are such prisoners), possibly with the help of outside organisations?
- What is the cooperation of the prison authorities with relevant civil society organisations working with persons with disabilities to run programmes suitable for the needs of prisoners with disabilities?
- Are prisoners with disabilities themselves given an opportunity to participate in the design of programmes for their needs?
- Does the prison library hold books in alternative formats (e.g. in Braille, audio books, sign language interpreted videos/DVDs)?
- Are there arrangements in place to deliver books from library to those prisoners with disabilities who struggle with the access to library?
- Is the information about organisations providing assistance to persons with disabilities displayed in the prison in appropriate and accessible places as well as provided in information booklets (in accessible format) handed to all prisoners with disabilities upon admission to the prison?

9. Preparation for Release and Post Release Support

- What measures are taken to ensure that any inability of prisoners with disabilities to participate in the requisite number of prisoner programmes due to the disability does not put them at disadvantage regarding eligibility for early conditional release?
- Is the assistance of probation services, welfare agencies and appropriate civil society organisations sought when preparing prisoners with disabilities for release?
- Does this process of cooperation with probation services, welfare agencies and appropriate civil society organisations start well in advance of the preparation process?
- Is the advice on employment and housing provided to prisoners with disabilities?
- Is the continuum of care in the community arranged for those prisoners with disability who need it?

IV. FOREIGN NATIONAL PRISONERS

Foreign national prisoners are a very diverse group as it includes prisoners who have lived in the country of their imprisonment for long periods but who have not been naturalised, those who have arrived relatively recently as well as those who have been only transiting the country. Moreover, in some countries, irregular immigration status may also be a criminal offence in itself. It is paramount that monitors make a clear distinction between people being detained on the basis of their immigration status (immigration detention) and those who have committed a crime (foreign national prisoners). The present monitoring tool is aimed at the latter group.

1. International Standards

- The Mandela Rules (2015), especially Rules 2 and 62.
- Vienna Convention on Consular Relations (1963), especially Art 36.
- European Prison Rules, Rules 13, 37 and 81.3 in particular.

2. Transfer of foreign national prisoners

- What opportunities of transfer to their home country are given to foreign national prisoners?
- Are the views of foreign national prisoners carefully considered prior to transfer to ensure that the transfer is entirely voluntary?
- What measures are taken to ensure that the transfer of foreign national prisoners is considered as early as possible after the sentencing?
- Are foreign national prisoners who are to be transferred given clear and full information about the right to request a transfer and the legal consequences of a transfer?

3. Prison Policies

- Has the central prison administration adopted guidelines on policy and practice regarding foreign national prisoners and their social reintegration?
- Is there an advisor on foreign national prisoners at the central prison administration?
- Has the prison adopted policies and strategy regarding foreign national prisoners?
- Have the views of the community representatives of foreign nationals been duly considered in the formulation of these policies and strategy?
- Is there foreign national prisoner coordinator appointed in the prison, provided there is sufficient number of foreign national prisoners in the prison to justify such appointment?

- Has the prison duly considered the formulation of foreign national support groups in prison to enable peer support?
- What steps has the prison taken to assess and evaluate the outcomes of strategies adopted?
- Does the data collection and assessment form an integral part of the foreign national prisoner management policies so as to allow for their improvement?

4. Staff Training

- What measures are taken to integrate the needs of foreign national prisoners into the strategies and practices relating to the selection and training of prison staff?
- Have the staff received initial and on-going training on issues relating to the management of foreign national prisoners?
- Does the staff training include immigration issues so as to ensure staff have a basic understanding of the applicable rules and procedures?

5. Admission and Allocation

- Upon admission to the prison, are foreign national prisoners given a copy of prison rules and regulations?
- Are the prison rules and regulations available in written form in a number of languages corresponding to the nationalities most commonly present in prison?
- Are copies of prison rules and regulations freely available from the prison library?
- What effort is made to explain the prison rules and regulations (in addition to being handed out) to each foreign national prisoner in a language s/he understands upon admission and thereafter, as may be required?
- Are foreign national prisoners classified and allocated to an appropriate security level solely on the basis of individual risk assessment?
- What measures are taken to ensure that the special needs of foreign national prisoners are duly considered during the allocation process?
- What consideration is given to accommodating foreign national prisoners speaking the same language close to each other if they so wish?
- Are foreign national prisoners speaking the same language allowed to work and spend leisure time together if they so wish?
- What consideration is given to allocating foreign national prisoners close to capital cities to facilitate contact with the consular representatives?
- What measures are taken to ensure that foreign national prisoners who do not speak the language of the country of their imprisonment are able

to access and use all prison facilities (complaints system; health care; legal assistance; prisoner programmes etc.) on an equal basis with other prisoners?

- What measures are taken to accommodate the religious beliefs of foreign national prisoners?
- What measures are taken to accommodate different culture of foreign national prisoners?
- What measures are taken by the prison administration to ensure that foreign national prisoners are not disadvantaged because of their foreign status in all areas of prison life (e.g. security levels; accommodation; disciplinary punishments; searches; type of work; access to prisoner programmes)?

6. Prisoner Programmes

- Are foreign national prisoners informed as early as possible whether a prisoner will be deported or not following his/her release?
- What measures has the prison taken in order to ensure that foreign national prisoners have equal opportunities as others to participate in prison programmes?
- What measures has the prison taken in order to ensure that foreign national prisoners have equal opportunities as others to work in prison?
- Has the prison developed special programmes for foreign national prisoners?
- What opportunities are provided for foreign national prisoners to learn the language spoken in the country of imprisonment and is this appropriately encouraged with requisite rewards and privileges?
- Does the prison library hold adequate number of books, periodicals and newspapers in a variety of languages spoken by prisoners and are foreign national prisoners informed of their availability in a language s/he understands?

7. Contacts with the outside world

- Immediately upon admission, are all foreign national prisoners given information about their right to contact their diplomatic representatives?
- What steps do the prison authorities take to enable this contact with the diplomatic representatives (if the prisoner wishes the contact) without delay?
- What facilities are provided for communication with the diplomatic representatives?
- Are foreign national prisoners allowed to use their own language during visits and communications by letters and telephone?

- If family visits are not possible for a foreign national prisoner, what additional means do the prison authorities undertake to compensate for this (e.g. additional use of (free of charge) telephone, at hours that take account of the time difference)?
- Does the prison encourage civil society organisations to visit foreign national prisoners and implement programmes for them?

8. Preparation for Release and Post Release Support

- What efforts have been made to establish good cooperation and information exchange between immigration and prison authorities so that foreign national prisoners can be kept informed about their status?
- What measures have been taken to allow the civil society organisations and immigration to provide advice to foreign national prisoners?
- What measures are taken by the prison authorities to ensure that decisions to grant home leave and early conditional release are not influenced by the nationality of prisoners or their status as potential deportees?
- What efforts are made by the prison authorities to ensure that foreign national prisoners are not at a disadvantage when being considered for parole or more relaxed regime due to their inability to complete the requisite number of prisoner programmes owing to the language barrier?
- What additional measures are taken by the prison authorities to prepare foreign national prisoners for release given the applicable language barriers?
- When prisoners are to be deported following their release, what assistance does the prison render with obtaining the necessary documents, travel arrangements and to facilitate the contact between the prisoner and relatives?
- When prisoners are to be deported following their release, what steps are taken to ensure the requisite cooperation between the authorities of the imprisonment country and the home country for the purposes of post-release support?
- When prisoners are to be deported following their release, what steps does the prison take to ensure the requisite consular representation is ensured?
- If upon the completion of the sentence a foreign national prisoner is being detained due to pending immigration status, what measures are taken to ensure that s/he is not held in prison-like conditions?
- If upon the completion of the sentence a foreign national prisoner is to be released in the country of imprisonment, what measures are taken by the prison to ensure s/he has equal access as others to such services as probation, welfare, housing and employment agencies and is the prisoner in question informed of these in a language s/he can understand?