

# Draft Standards Framework for the Treatment of Immigration Detainees<sup>1</sup>

1. Detention, Status Determination and Prevention of Torture	
Equality before the law	
1. Everyone, whatever their immigration status, has a basic right to equal treatment under equal law. Migrants are not discriminated against merely because of their immigration status, for example, through the routine use of detention.	UDHR 2, 7
Detention only to be used as a last resort and for the minimum period necessary	
1. Immigration detention is exceptional. It is only used for a purpose specified by law, is proportionate to that purpose and where the purpose is achievable. It only continues for the shortest period that is reasonable for the specified purpose and where the purpose is being pursued with due diligence.	ICCPR 9(1) ECHR 5 TGFR 6, 7 Chahal v UK <sup>2</sup>
2. Clear published rules set out the criteria and procedure for detention and specify the officials authorised to carry out detention.	ECHR 5 UNHCR-DG 3 BOP 2, 6
3. Any decision to detain is based on a detailed assessment of the individual's particular circumstances.	UNHCR-DG 4
4. There is a series of suitable alternative or substitute measures for detention. Their use forms part of the overall assessment of the reasonableness of the decision to detain.	UNHCR-DG 4.3 TGFR 6.1 PBPPDLA III (4)
5. Detention is subject to a strict time limits. Detention continuing to the maximum limit is justified and detainees are released when it is reached.	UNHCR-DG 6 WGAD-D5 P7 EURD <sup>3</sup>
6. Everyone unlawfully detained is entitled to adequate compensation for the violation of their rights.	UDHR 8
Review of detention	
1. Detainees are informed in a language they understand of their rights to challenge detention before an independent court.	ICCPR 9(4) ECHR 5 (4)

<sup>1</sup> This document may be freely reproduced – no copyright applies.

<sup>2</sup> Eur. Ct. HR, Chahal v. the United Kingdom. Judgment of 15<sup>th</sup> November 1996, (Appl. No. 22414/93)

<sup>3</sup> EU Returns Directive 2008/115/EC, provides for a six-month time limit which may be extended for up to a year to where there are delays relating to documentation. The UK has opted out of its provisions.

	Conka v. Belgium <sup>4</sup>
2. Every detainee is brought promptly before a court to review the detention decision. The decision of the court is binding.	UNHCR-DG 7
3. Detention is reviewed administratively at reasonable intervals of time. Such reviews are subject to independent judicial supervision.	ICCPR 9(4) ECHR 5 (4) TGFR 8
<b>Persons unsuitable for detention</b>	
1. The published rules for detention protect vulnerable individuals from unsuitable detention or conditions, vulnerability being determined by all the circumstances of each case.	UNHCR-DG 9
2. The rules also provide that persons in the following groups are only detained in very <sup>5</sup> exceptional circumstances, as a last resort and for the shortest possible time:	
<ul style="list-style-type: none"> <li>• Children under the age of 18, whose best interests must always be paramount.</li> </ul>	CRC 37(b)
<ul style="list-style-type: none"> <li>• The elderly, especially where significant care or supervision is required which cannot be satisfactorily managed within detention.</li> </ul>	UNHCR-DG 9.6
<ul style="list-style-type: none"> <li>• Pregnant women and women with children.</li> </ul>	UNHCR-DG 9.3
<ul style="list-style-type: none"> <li>• Those suffering from serious medical conditions which cannot be satisfactorily managed in detention.</li> </ul>	UNHCR-DG 8
<ul style="list-style-type: none"> <li>• Those suffering from serious mental illness which cannot be satisfactorily managed within detention.</li> </ul>	UNHCR-DG 8
<ul style="list-style-type: none"> <li>• People with disabilities which cannot be satisfactorily managed within detention.</li> </ul>	UNHCR-DG 9.5
<ul style="list-style-type: none"> <li>• Those where there is independent medical evidence that they have been tortured, or where there is evidence of other serious forms of physical, psychological, or sexual violence, including domestic violence</li> </ul>	UNHCR-DG 9.1
<ul style="list-style-type: none"> <li>• Those who are being assessed under the National Referral Mechanism as potential victims of trafficking</li> </ul>	UNHCR-DG 9.4 CAT UNPPT 6.3
<ul style="list-style-type: none"> <li>• LGBTI detainees where their safety in detention cannot be assured.</li> </ul>	UNHCR-DG 9.7
<b>Access to Legal Representation</b>	
1. Detainees are guaranteed prompt and unimpeded access to competent independent legal representation.	CSR 16(2) BOP 17, 18 PBPPDLA V TGFR 9

<sup>4</sup> Eur. Ct. HR (3<sup>rd</sup> Sect.), Conka v. Belgium judgment of 5th February 2002, (Appl. No. 51564/99)

<sup>5</sup> 'Very' exceptional circumstances require additional grounds for detention over and above the normal exceptional grounds for detaining any person.

2. Detainees are afforded adequate time and facilities to meet face-to-face with their lawyer, regardless of the place of detention, and otherwise to communicate with them, including by written correspondence, telephone and fax.	BOP 18
3. All communication between the detainee and his/her lawyer is confidential.	BOP 18
<b>Access to Asylum/Protection Procedures</b>	
1. Immigration detainees have access to procedures and appeal mechanisms to assert their right to seek asylum, to access other forms of protection and to assert rights under other immigration law provisions. Procedures are adapted as necessary for the needs of specific groups, such as children, and victims of torture or trafficking.	UDHR 14 ECHR 13
<b>Torture and other ill-treatment</b>	
1. No person in immigration detention is subjected to torture or to cruel, inhuman or degrading treatment or punishment.	ECHR 3 UNCAT 2
2. Torture, inhuman and degrading treatment is construed broadly to include acts or treatment perpetrated by any person, including those who are not officials of the state <sup>6</sup> .	
3. There is a protocol for handling instances where a detainee discloses information about mistreatment, torture or cruelty. The protocol applies both to past mistreatment on which a protection claim may be based and to mistreatment in relation to the detainee's detention.	CPT 96
4. The protocol provides that where any allegation of torture or ill-treatment is made, the victim is examined physically and psychologically by a suitably qualified independent medical officer as soon as possible and a report made to the detaining authorities for an urgent review of the decision to detain.	CPT 96
<b>Persons unfit for detention</b>	
1. There is a protocol for handling cases where staff consider a detainee's health is likely to be injuriously affected by continued detention or any conditions of detention; or a detainee is suspected of having suicidal intentions. The protocol requires a medical report to be made as soon as possible to the detaining authorities and for an urgent review of the decision to detain.	
<b>Access to interpreters and translators</b>	
1. Whenever necessary, the services of an independent professional	ICCPR 26

<sup>6</sup> The standard framework should adopt the protection approach followed by the ECtPHR and CSR. It should focus on protection of the individual and not be confined to the question of whether a state is accountable for mistreatment.

interpreter are used.	SMR 51 (2) Conka v.Belgium
2. All personal documentation about the detainee's immigration claim and detention is provided in a language they understand.	
3. Written information and notices about the place of detention and the detention regime are translated into the main languages of detainees.	BOP 13, 14
<b>2. Transfers and Arrival</b>	
<b>Transfers</b>	
1. Transfers are carried out safely, humanely 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.	ICCPR 10 (1) PBPPDLA IX (4) BOP 1, 5 (2) CCLEO 2
2. Details and reasons for the transfer are recorded. They are given promptly to the detainee, in a language he/she understands. They are also given to his/her family, lawyer and to appropriate judicial authorities.	ICAPED 17(3)(h), 18(1)(d) SMR 44 (3) BOP 14 16(1)
<b>Arrival and Reception</b>	
1. Every instance of deprivation of liberty is covered by a proper individual detention order.	CPT 85
2. A formal record is made of the identity of the detainee, the time, date and grounds of detention and the competent authority responsible for the detention.	ICAPED 17(3) SMR 7(1) WGAD-D5 P4
3. Detainees are systematically informed on arrival in writing and in a manner or format and language they understand of the reasons for their detention. Reasons are detailed and specific to the detainee.	ICCPR 9 (2) ECHR 5 (2) TGFR 6
4. Detainees are informed in a language they understand of their right to seek asylum, to access other forms of protection and to assert their rights under other relevant immigration law provisions.	UDHR 14 ECHR 13
5. Clear and accurate information on rights and procedures in the detention centre are provided to detainees, in a language they understand.	SMR 35 TGFR 10 PBPPDLA IX (1)
6. All detainees are screened on arrival by suitably qualified health professionals, in private and using interpreters, as appropriate.	SMR 24 UNHCR DG8 (vi) PBPPDLA IX (3)
7. First night assessment and procedures protect detainees from self-harm and identify those who might be at risk from others.	
8. Detainees can telephone family and legal counsel in private and free of charge.	BOP 18, 19 SMR 37
9. Detainees are able to contact UNHCR, the NPM, and a consular post or diplomatic mission in private and free of charge.	BOP 16(2), (4)

### 3. Treatment of Detainees and Conditions of Detention

#### Place of Detention and Detention Regime

1. Detainees are held in a humane, relaxed regime with as little restriction on their rights - including to associate freely, receive visits and communicate with the outside world - as possible consistent with maintaining a safe and secure environment.	CPT 79 BOP 8
2. Detainees are only held in prison exceptionally where this is necessary to safeguard other detainees or for reasons of security. Where they are held in prison, they are accommodated separately from prisoners and are treated in accordance with the first standard in this section.	BOP 8 WGAD-D5 P9 EURecD 10
3. Detainees are kept in separate places of detention or in different sections within the same institution, taking account of their sex and age and other relevant characteristics and vulnerabilities, the professional and other services they may require, and the overriding requirement to safeguard them.	UNHCR-DG 8 PBPPDLA XIX
4. Where a particular group of detainees cannot be safeguarded in detention they are released. Isolation or solitary confinement is not an appropriate way to protect them.	UNHCR-DG 9.7

#### Visits and Communication with the outside world

1. Detainees have the right to unrestricted visits from family and friends.	BOP 19 SMR 37
2. Communication by letter and telephone with family and friends in the country of detention and in countries of origin and transit is facilitated, free of charge where the detainee lacks means. Detainees are provided with a mobile phone for this purpose.	ICCPR 17
3. Detainees have easy and ready access to the NPM, UNHCR, the Red Cross/Red Crescent movement and any other NGO who may provide them with support. If they request, they should be given access to consular officials or diplomatic missions.	WGAD-D5 P10
4. Detainees have daily and uncensored access to newspapers, television, radio and the internet, including social networking media.	SMR 39, 90

#### Staff-detainee Relationships

1. Detainees are treated with courtesy and respect at all times, with proper regard for the uncertainty of their situation and their cultural backgrounds.	ICCPR 10(1) CCLEO 2 PBPPDLA I
2. Staff understand that they have a duty of care for all detainees.	UNHCR-DG 9
3. Staff handle private and/or confidential information in their possession sensitively and respectfully.	CCLEO 4

#### Staff Recruitment, Training and Conduct

1. Staff are carefully selected and recruited for their integrity, humanity,	SMR 46
--	--------

professional capacity and personal suitability for working in immigration detention.	PBPPDLA XX
2. The gender ratio of staff is appropriate to the detainee cohort.	SMR 53 PBPPDLA XX
3. Staff are trained in and demonstrate understanding of diversity issues, including social, cultural, linguistic and religious diversity, and special needs of vulnerable groups.	CCLEO 2 BOP 5
4. Staff are given specific training in asylum, sexual and gender based violence, including domestic violence; and trafficking, including recognition of indicators of trafficking.	UNHCR-DG 9
5. The professional capacities of staff are acknowledged and respected, working hours are reasonable, and remuneration adequate.	SMR 46
<b>Requests and Complaints</b>	
1. Detainees can raise any aspect of their stay in immigration detention through an internal requests and confidential complaints procedure.	SMR 36 PBPPDLA VII
2. Detainees have access to an external confidential complaints procedure.	BOP 33 SMR 35,36
3. Every request or complaint is impartially investigated, and promptly dealt with and replied to without undue delay.	BOP 7, 33(4) SMR 36(4) PBPPDLA VII
4. Detainees do not suffer prejudice or reprisals for making a request or complaint.	BOP 33(4)
<b>Accommodation</b>	
1. The number of detainees does not exceed the authorised maximum sleeping capacity of the place of detention.	SMR 9(1), 19 PBPPDLA XVII
2. Sleeping accommodation for all immigration detainees is well maintained, safe, clean and with adequate furniture and clean bedding.	SMR 9(1), 19 PBPPDLA XII
3. Rooms have natural light and allow circulation of fresh air. Artificial light is sufficient to enable detainees to read or work.	SMR 10, 11 PBPPDLA XII (1)
4. 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)
5. Family accommodation is provided, and is safe and suitable for children.	SMR 8(d) PBPPDLA XIX
<b>Food and Drinking Water</b>	
1. Immigration detainees are provided with a varied and balanced diet of nutritional value, free of charge.	SMR 20 PBPPDLA XI
2. The nutritional requirements of pregnant women and nursing mothers are sufficient to maintain an adequate standard of health for mothers and babies.	CEDAW 12(2) BR 48
3. Religious, cultural or other special dietary requirements relating to food	BPTP 3, 6

are fully observed.	PBPPDLA XI (1)
4. The medical officer regularly inspects and advises on the storage, quantity, quality, preparation and service of food.	SMR 26
5. Cooking facilities, dining areas and eating equipment are safe, clean, hygienic, well ventilated and well maintained.	SMR 14 PBPPDLA XI (1)
<b>Sanitation and Hygiene</b>	
1. Detainees have ready and unrestricted access to well-maintained, clean, decent and private sanitation facilities.	SMR 12 PBPPDLA XII (2)
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.	SMR 13
3. All detainees are supplied with free toiletries necessary for health, cleanliness and basic dignity.	SMR 15, 16 PBPPDLA XII (2)
4. Babies and small children have a sufficient supply of nappies.	CRC 37(a), (c) SMR 12 PBPPDLA XII (2)
<b>Clothing</b>	
1. Detainees are allowed to wear their own clothing and shoes, consistent with their non-criminal status.	SMR 88 (1)
2. Where a detainee does not have their own clothes, they are provided with suitable and sufficient clothing and shoes appropriate to the context.	SMR 88(1) PBPPDLA XII (3)
3. Detainees have ready access to laundry facilities or services.	
<b>Cash and Possessions</b>	
1. There are clear and readily accessible rules and regulations about the retention of property on admission to the place of detention.	SMR 43
2. Detainees have readily accessible lockable storage for valuables and other property not surrendered into safe custody by the detainee.	
3. Detainees have access to their own cash or can receive cash or other effects from outside the place of detention.	
4. Accurate financial records are kept by the place of detention.	
5. There is a list made available to detainees of approved items available for purchase, and in relation to which detainees are invited to provide input.	
<b>4. Safety, Order and Discipline</b>	
<b>Safety</b>	

1. Detainees are provided with a safe and secure environment which protects them from harm and neglect. They receive safe and effective care and support.	
2. Children are properly protected in a safe environment. All staff safeguard and promote their welfare.	CRC 3 <a href="#">Mubilanzila Mayeka and Kaniki Mitunga v. Belgium</a>
<b>Bullying and Victimisation</b>	
1. Detainees are safeguarded from bullying and other forms of victimisation, know their rights and how to access them.	UDHR 7 ICCPR 10
2. Staff are trained to recognise and respond to incidents of bullying or victimisation as early as possible, and to identify individuals or groups that may be vulnerable.	PBPPDLA XX
3. Allegations of bullying or victimisation are responded to in a timely way, properly investigated, and appropriately remedied.	
<b>Prevention of Suicide and Self-harm</b>	
1. The detention centre provides a safe environment which reduces the risk of self-harm and suicide.	ICCPR 6, 9, 10 CCLEO 6
2. Detainees at risk of self-harm or suicide receive personal and consistent care and support to address their individual needs and have unhindered access to help.	CCLEO 6
<b>Security</b>	
1. The level of security is consistent with the need to provide a relaxed regime with as little restriction on detainee rights as possible while maintaining a safe and secure environment.	SMR 27 BPTP 5
2. There is no recourse to disproportionate means of maintaining security, such as the bearing and use of guns, other weapons, batons and tasers, or the use of chemical agents such as tear gas or pepper spray.	SMR 27 BPTP 5
3. There is no routine strip searching of detainees. Routine rub/pat down searches are conducted by a person of the same gender as the detainee and in the presence of at least one other member of staff.	
<b>Disciplinary Procedures</b>	
1. Discipline and order is only maintained in accordance with rules governed by law and to the extent necessary for safe custody and well-ordered community life. The rules are made available to detainees in a language they understand.	SMR 27 BOP 30
2. Disciplinary decisions are subject to review and appeal.	



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.	
<b>Means of Restraint and Use of Force</b>	
1. The use of any methods of restraint or force against detainees is explicitly governed by law, and limited to use in self-defence or other measures necessary to protect life and safety. No more force is used than is strictly necessary.	SMR 33, 34, 54 BPUFF 4 PME 5
2. Rules set out permissible coercive measures and restraint techniques and the circumstances in which they may be used. They are only used by staff trained in their use.	TGFR 19
3. Where a situation may require use of force, staff prioritise efforts to defuse the situation with non-violent conflict management strategies.	BPUFF 4 PBPPDLA XXIII (1)
4. A medical examination is offered to a detainee against whom force has been used.	TGFR 16
5. Arbitrary, abusive, or otherwise excessive use of force by law enforcement officials is a criminal offence.	BPUFF 7
6. Use of force is subject to strict governance. Use is fully documented and reported in an incidents register and in individual case files, and effective review procedures are in place.	SMR 54 BPUFF 6, 22
<b>Segregation</b>	
1. Segregation is used only used for reasons of security or safety and never as a punishment. It is used a last resort and for the shortest possible time. Its use is carefully circumscribed, regulated and supervised.	BTP 7 PBPPDLA XXII (3)
2. Where a detainee is segregated for reasons of security or the detainee's protection, he/she is informed of those reasons. He/she is offered the opportunity to give their views on the matter prior to the measures being implemented, and is able to contest the measure before an appropriate authority.	CPT 88
3. Segregation of a detainee is subject to effective daily monitoring, including by a medical doctor, of his/her physical, emotional and psychological well-being.	Ramirez Sanchez v. France <sup>7</sup>
4. Rights and privileges of segregated detainees are respected.	BOP 11(1), 17(1) WGAD-D5 P2 SMR 21, 42
<b>5. Diversity</b>	
<b>Eliminating Discrimination</b>	

<sup>7</sup> ECtHR, Application no. 59450/00, 4<sup>th</sup> July 2006

1. There is a clear and co-ordinated approach to eliminating all forms of discrimination <sup>8</sup> , promoting respect and fostering good relations.	ICCPR 2
2. Detainees are treated equitably, without discrimination and according to their individual needs.	CERD 2 DRM 1 2 CEDAW 2 CPRD 4
3. Action is taken to identify discriminatory language and behaviour, including bullying, and there are interventions for challenging such behaviour and protecting victims.	
4. Detainees can make a complaint about any incidence of discrimination. Any complaint is investigated and acted upon promptly.	
<b>Race and nationality</b>	
1. Detainees have the right to enjoy their own cultural identity individually and collectively.	DRM 2 3
<b>Religion</b>	
1. The right of each detainee to practise his or her religion fully, alone or in community with others is respected.	ICCPR 18 SMR 42
2. Private pastoral support and care is available at the detainee's request on a regular basis and at time of personal need, including in preparation for release, removal or transfer.	SMR 41(3)
3. Detainees are able to obtain, keep and use items of religious significance, including books of religious observance and instruction.	ICCPR 18 SMR 42
4. Detainees are not obliged to practice any religion and are able to change any religious belief without discrimination.	ICCPR 18 ACHR 12
<b>Women</b>	
1. Appropriate measures are taken to ensure the safety and dignity of women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment.	CEDAW 31
2. All staff have a clear understanding of the specific needs of women detainees, including those who are separated from dependents and pregnant women.	CEDAW 5 BR 1
3. Policies and procedures recognise the specific needs of women detainees.	
4. Female staffing ratios are appropriate to the size of the female population.	
5. Women in shared facilities have regular and equitable access to facilities and activities such as the library, gym, shop and communications.	

<sup>8</sup> Discrimination includes that based on race, nationality, religion, gender and sexual orientation, disability, age and political opinion.

Lesbian, gay, bisexual, transgender and intersex detainees	
1. Appropriate measures are taken to ensure the safety and dignity of lesbian, gay, bisexual and transgender detainees, from physical or verbal violence, abuse and sexual harassment.	CDGSO 1
2. LGBTI detainees have access to appropriate medical care and counselling, where applicable.	UNHCR-DG 9.7
3. Detainees who are lesbian, gay, bisexual and transgender are supported via specific groups or schemes within place of detention and through referral to external support groups.	
Children	
1. In all actions and treatment concerning children, the best interests of the child is the primary consideration.	CRC 3, 22
2. Where a detainee claims to be under 18 he/she is released pending an independent social services assessment of their age, unless their appearance strongly suggests they are significantly over 18. In any procedure to determine the age of a person claiming to be a child, they are given the benefit of the doubt.	CRC 37(b)
3. Children have the right to family unity and are not to be separated from their parents against their will. Their parents are only detained in very exceptional circumstances.	CRC 9
4. An independent professionally qualified person should conduct an initial interview with the child to establish his/her particular vulnerabilities, including their age, emotional development, health, and other protection needs deriving from violence, trafficking or trauma.	CPT 98
5. Immediately following the initial interview a care plan is drawn up detailing ongoing professional and other support for the child.	
6. Appropriate recreational activities are available to children of all ages, including exercise, indoor and outdoor play areas, toys and books.	RPJDL 41, 47
7. School-age children have access, in local schools or institutions, to education appropriate to their age, needs and abilities, including primary and, where possible, secondary education and, if necessary, special education.	CRC 28 RPJDL 12, 38,
Older Detainees	
1. The age and vulnerability of a detainee, including physical mobility and psychological and physical health status are taken into account.	UNHCR-DG 9.6
Detainees with Disabilities	
1. There is an assessment on arrival of whether the detainee has disabilities.	UNHCR-DG 9.5 CRPD 4 5
2. The place of detention provides for safe and ready access to all parts of the facility by people with a disability, including visitors with a disability.	CRPD 9 UNHCR-DG 9.5
3. Detainees have access to information in a format and language they	CRPD 9

understand, for example DVD, easy read text with illustrations and Braille	
4. Staff are aware of all detainees with disabilities who would need help in the event of an emergency and persona evacuation plans are in place.	CRPD 9
5. Dedicated rooms adapted for use by detainees with disabilities are available.	CRPD 9
6. Reasonable adjustments are made to ensure detainees with disabilities, including those with learning disabilities have access to the full regime and facilities.	CRPD 5
7. Decisions to detain or to continue to detain a person with a disability are not made on the basis of a person's inability to comply with conditions of release that have not been adapted or modified to accommodate their physical constraints or limitations.	CRPD 5, 12 UNHCR-DG 9.5

## 6. Health Care

### Access to Health Care

1. All detainees have full equitable access to free professional health care facilities, goods and services in order to enjoy the highest attainable standard of physical and mental health.	SMR 25 CESCR 12 PBPPDLA X
2. Health screening is provided on arrival by a suitably qualified medical doctor in private.	BOP 24-26 SMR 24
3. Initial health screening of detainees is attuned and sensitive to the possibility that a detainee may have been a victim of torture, trafficking, and sexual and gender based violence, including domestic violence. It is sensitive to detainees from diverse backgrounds including those who may only be familiar with traditional medicine.	CPT 90 PBPPDLA IX (3)
4. The health screening on arrival includes an examination of the mental health status of the detainee and is integrated with the assessment of other social, physical and medical vulnerabilities.	CESCR 12 SMR 24 PBPPDLA IX (3) PBPPDLA III (3)
5. On going health care and treatment, including preventative care, shall be provided as necessary.	SMR 24
6. Detainees have access to specialised mental health treatment if required.	CESCR 12 SMR 22(2), 82-83
7. Medical examinations are conducted in private and in a respectful, professional and caring manner that is sensitive to the diversity of needs and vulnerabilities. Where necessary interpreters are used.	CRPD 22 PBPPDLA X
8. The provision of healthcare to detainees is not compromised or unduly restricted by security measures or procedures.	PME 2
9. Medication is readily available as prescribed or required, appropriately	

and securely stored, and discarded if beyond its expiration date.	
10. All necessary measures are taken on public health grounds to quarantine detainees suspected of infectious or contagious conditions.	SMR 24
<b>Health Staff</b>	
1. The health service is appropriately staffed (including as regards gender) to provide adequate care of the mental and physical health of detainees.	CESCR 12 SMR 22, 25, 51 PBPPDLA X
2. 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. Where necessary detainees are transferred to civilian hospitals.	ICESCR 12 SMR 22 PBPPDLA X
3. Health personnel are suitably trained and experienced in recognising and treating the care needs of vulnerable groups, including the examination of victims of torture.	BOP 5(2) PBPPDLA X
4. Health personnel is guaranteed complete clinical independence in the treatment and care of detainees.	CESCR 12
<b>Special Needs of Women and Babies</b>	
1. If women are detained, an onsite medical officer has specialist knowledge and experience in women's health issues and there is pre-natal and post-natal care and treatment readily available.	SMR 23 BR 6, 10
2. If pregnant women are detained, their babies are, as far as practicable, born in a hospital outside the place of detention.	SMR 23
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.	CESCR 12 CRC 24
4. Preventive health screening is available to women in immigration detention at the same level as is available to women in the host community.	CESCR 12 BR 6, 10, 17-18
<b>7. Activities</b>	
<b>Education</b>	
1. Education is provided according to identified needs.	SMR 77
2. Educational opportunities include vocational training designed to maintain or enhance skills and labour force participation.	SMR 71
3. School-age children have access to education, preferably in local schools, regardless of the duration of their detention.	CRC 28 RPJDL 38, 59
<b>Work and Remunerated Activities</b>	
1. Sufficient paid work is provided for detainees who chose to work.	SMR 73, 74, 75, 76 BTP 8

2. Work is not compulsory.	SMR 89
3. Opportunities for work are safe, decent and not exploitative.	SMR 72 PBPPDLA XIV
<b>Outdoor Exercise, Leisure and Cultural Activities</b>	
1. Detainees should be able to move freely within the facility and have as much access to and suitable exercise in the open air, as is consistent with maintaining a safe and secure environment.	SMR 21(1) CPT 79
2. Child, young and older adult detainees receive physical and recreational education and training appropriate to their developmental and physical needs.	SMR 21(2) RPJDL 47
3. Exercise facilities are spacious, safe, clean and well maintained.	
4. Detainees have access to reasonable quantities of cultural and informational material.	BOP 28 PBPPDLA XIII
5. All detainees have regular access to an adequately stocked library.	SMR 40
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
<b>8. Welfare, Resettlement, Removal and Release</b>	
<b>Welfare</b>	
1. Detainees are supported by welfare services to assist with practical problems caused by detention and to help them prepare for release, transfer and removal	
<b>Release</b>	
1. Detainees are adequately prepared for their release and for life in the host community.	BOP 17, 18
2. There is a standard and recorded release procedure.	SMR 7(1)(c), 43
<b>Removal and Deportation Procedures</b>	
1. Immigration detainees are given adequate notice of removal and deportation and the opportunity to prepare for return, in particular, by making contacts both in the host country and in the country of return and, if necessary, to retrieve his/her personal belongings.	TGFR 15 SMR 43
2. There are procedural safeguards, including adequate notice of removal, to ensure that removal and deportation orders do not violate the prohibition on refoulement.	CSR 33 ECHR 3 TGFR 2, 5
3. Detainees are given adequate time to inform their lawyer, volunteer	

visitors and family and friends of when they are to be removed or deported from the country. Free telephone and fax facilities are made available for this purpose.	
4. Detainees are assessed by health staff prior to removal. A report is made to the authorities responsible for the decision to remove the detainee of the detainee's fitness for travel, the requirement for any ongoing medical treatment and the consequences for the detainee of that treatment being unavailable in the country of destination. The decision to remove is reviewed in accordance with the medical report.	TGFR 16 ECHR 3, 8
5. Escort staff are given adequate information about the detainee to enable removal to be conducted safely and should be able to communicate with the detainee in a language they understand.	TGFR 18
6. The safety of other passengers, crew members and of the detainee himself/herself is of paramount importance. The removal of a detainee is interrupted where its continuation may endanger this.	TGFR 16
<b>9. External Inspection</b>	
1. There is regular independent inspection of all places of detention.	BOP 29(1) SMR 55 OPCAT 4
2. There is regular independent inspection of removals.	TGFR 20
3. Inspectors are appointed by and accountable to the inspecting/supervisory authority and their powers include inspection of all places of detention and access to all information referring to numbers, location and conditions of those in detention.	BOP 29(1) SMR 55
4. Inspectors are provided with unimpeded access to all parts of all places of detention and all detainees held there.	
5. Detainees have the right to communicate freely and in full confidentiality with inspectors and authorities must take action to prevent any sanctions or reprisals arising from such contact.	BOP 29(2) SMR 36(2) OPCAT 21

*This document was prepared in November 2013 by HM Inspectorate of Prisons, part of the UK NPM, drawing on discussions among delegates at the joint conference of Council of Europe, PACE and UK NPM 'Immigration Detention in Europe: Establishing Common Concerns and Developing Minimum Standards' in Strasbourg on 21/22 November 2013.*

## References

<u>ACHR</u> :	American Convention on Human Rights
<u>BOP</u>	Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
<u>BPTP</u> :	Basic Principles for the Treatment of Prisoners
<u>BPUFF</u> :	Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
<u>BR</u> :	UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“ <u>the Bangkok Rules</u> ”)
<u>CAT</u>	Convention Against Trafficking in Human Beings
<u>CCLEO</u> :	Code of Conduct for Law Enforcement Officials (1979)
<u>CEDAW</u> :	Convention on the Elimination of All forms of Discrimination against Women
<u>CERD</u>	Convention for the Elimination of all Forms of Racial Discrimination
<u>CESCR</u> :	Covenant on Economic, Social and Cultural Rights
<u>CDGSO</u>	Combating Discrimination on the Grounds of Sexual Orientation or Gender Identity, Council of Europe Standards
<u>CPT</u> :	European Committee for the Prevention of Torture, 19 <sup>th</sup> General Report
<u>CRC</u> :	Convention on the Rights of the Child
<u>CRPD</u> :	Convention on the Rights of Persons with Disabilities
<u>CSR</u> :	Convention relating to the Status of Refugees
<u>DRM</u>	Declaration on the Rights of Minorities
<u>ECHR</u> :	European Convention for the Protection of Human Rights and Fundamental Freedoms
<u>EURD</u> :	Returns Directive, European Union
<u>EURecD</u> :	Reception Directive (recast, coming into force July 2015)
<u>ICAPED</u> :	International Convention for the Protection of All Persons from Enforced Disappearance
<u>ICCPR</u> :	International Covenant on Civil and Political Rights
<u>PME</u> :	Principles of Medical Ethics (1982)
<u>PBPPDLA</u> :	OAS/IACHR- Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas



<u>RPJDL</u> :	United Nations Rules for the Protection of Juveniles Deprived of their Liberty
<u>SMR</u> :	Standard Minimum Rules for the Treatment of Prisoners
<u>TGFR</u> :	Twenty Guidelines on Forced Return, Council of Europe, 2005
<u>UDHR</u> :	Universal Declaration of Human Rights
<u>UNCAT</u> :	UN Convention against Torture
<u>UNHCR</u> :	Office of the United Nations High Commissioner for Refugees
<u>UNHCR – DG</u> :	UNHRC Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention
<u>UNPPT</u> :	UN Protocol to Prevent, Suppress and Punish the Trafficking in Persons
<u>WGAD</u> :	UN Working Group on Arbitrary Detention