

**17<sup>th</sup> Council of Europe Conference of Directors of Prison Administration**  
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**FOREIGN PRISONERS: THE CPT STANDARDS**

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Ladies and Gentlemen,

Let me start by thanking the organisers for extending to me an invitation to make a presentation at the 17<sup>th</sup> Council of Europe Conference of Directors of Prison Administration. I am indeed honoured to be with you today and to take part in discussions the main objective of which is to promote the latest Council of Europe standards relating to the treatment of foreign prisoners. Events of this kind are always a good opportunity to share experiences and to learn from each other how to handle challenges which are often common in many countries.

In my presentation, I shall try to give you a brief overview of the relevant CPT standards regarding foreign prisoners.

Certain groups of inmates are particularly vulnerable inside prisons and require particular support and care. These also include foreign national prisoners. In addition to problems encountered by the general prison population (i.e. overcrowding, poor material conditions, inadequate health care, etc.) foreign prisoners often experience also difficulties due to language barriers and differences of culture, customs and religion. Not infrequently, such persons find themselves in a state of deep moral distress owing to their inability to communicate. The CPT has found that many such prisoners are discriminated against and disadvantaged as regards access to important services (such as health care), and various activities (such as work, education or vocational training). Further, foreign prisoners feel desperately isolated and fearful because they are far from their families.

As from the beginning of its activities, the CPT has examined the treatment and conditions of detention of foreign national prisoners in different Council of Europe member States. As a result of its monitoring activities, the Committee has issued various recommendations aimed at improving the situation of such persons and developed a number of relevant standards. The underlying principle is that prison authorities should acknowledge the vulnerable position of foreign prisoners and make every effort to effectively address their special needs.

The CPT has repeatedly stressed that foreign prisoners should be informed promptly after admission to a prison, in a language which they understand and generally in writing, of the main features of the prison regime, including relevant rules and regulations. The Committee has noted the importance of the provision of an information brochure on life in prison, which should be available in the languages most frequently spoken in the prison system. The CPT has also recommended that prisons provide foreign prisoners with translations of expressions most commonly used in everyday activities, together with other appropriate information, such as how to contact a lawyer or consular authorities.

Further, foreign prisoners should be provided with relevant information regarding their status. In particular, they should receive clarification whether they are eligible to remain in the country of detention or will be expelled after release. The Committee has stated that foreign prisoners

should effectively benefit from the assistance of an interpreter when required to participate in proceedings which concern them (including internal disciplinary proceedings).

In a number of countries, the CPT has recommended the prison authorities to introduce programmes of language education for foreign prisoners. More generally, prison authorities should make every effort to facilitate communication and to enable foreign prisoners to overcome language barriers.

The Committee has not made specific comments on whether foreign prisoners should be accommodated together with the general prison population or separately. However, in a more general context, the CPT has made it clear that a well-designed allocation/classification procedure will provide the authorities with the necessary information to treat prisoners as individuals and to meet their special needs. What is essential for the CPT is that foreign prisoners enjoy the same regime as national prisoners. The Committee has recommended that authorities make efforts to prevent the exclusion of foreigners from prison regime activities due to language barriers and cultural differences. In general, steps should be taken to assist foreign prisoners in integrating into the prison system.

In many countries, CPT visiting delegations have received allegations from foreign inmates that prison officers used abusive language, including of a racist nature. The Committee has firmly stated that all forms of ill-treatment of inmates by prison staff, including verbal abuse, are not acceptable and must be punished accordingly. The CPT has also urged authorities to effectively counter inter-prisoner violence and intimidation, including racist bullying.

The act of depriving a person of liberty always entails a duty of care which calls for adequate provision of health-services. In this regard, the CPT has recommended States to ensure that all prisoners are guaranteed the provision of care – including specialist care – required by their state of health; this implies that the funds allocated to prisons should be sufficient to enable health care services to be provided free-of-charge to prisoners who do not have the necessary resources to pay for them themselves. This fully applies to foreign national prisoners.

CPT visiting delegations have on many occasions met foreign prisoners who expressed their frustration at the difficulties encountered in communicating with health-care staff, due to language barriers. In many cases, there is no interpreter available to assist such inmates when they see a doctor or nurse. In this regard, the Committee has recommended that whenever doctors are unable to communicate with detainees during medical examinations/consultations due to language problems, the persons concerned should benefit from the services of a qualified interpreter. This is all the more important for psychiatric consultations. In the CPT's view, relying on the services of other detainees is not an adequate alternative.

As regards food, the CPT has recommended that prison authorities take steps to ensure that special dietary needs of foreign nationals are taken into account in the preparation of meals. The CPT has stated that foreign prisoners should be provided with reading material in languages which they understand. It has also recommended that arrangements be made to allow foreign prisoners access to suitable areas for religious activities.

The CPT is of the view that communication between the prison authorities and the prisoners is an essential component of a well-functioning establishment. Considerable problems have been identified at penitentiary institutions with a large proportion of foreign prisoners where relations between prison staff and foreign prisoners were generally limited, due to communication

difficulties. This contributed to a certain sense of isolation among foreigners and led to potential tension between staff and inmates. In the CPT's opinion, it is essential that prison staff working in direct contact with foreign prisoners be carefully selected and receive appropriate training. Staff should possess both well-developed skills in the field of interpersonal communication and cultural sensitivity, given the different backgrounds of the prisoners concerned. The Committee has also recommended that prison authorities introduce language courses for selected members of staff. Further, efforts should be made to ensure that there are designated staff members whom foreigners can approach for assistance.

For example, during its visit to the United Kingdom in 2008, the Committee observed the positive practice of appointing designated prison officers of foreign origin, who could meet and provide advice to each new foreign national and serve as a point of reference. Further, concerted efforts were made to provide foreign nationals with clear information on immigration procedures, through information packs and consultation sessions.

Maintaining contact with the outside world is particularly important for foreign national prisoners. Any unjustified restrictions imposed on prisoners' contact with the outside world seriously affect foreign prisoners as families and friends are rarely able to visit them, and international telephone calls are expensive. In many countries, the CPT has found that foreign prisoners' contact with the outside world was often problematic. All this created an impression of isolation and discrimination which could be detrimental to the general atmosphere in a prison.

The CPT has stressed the need for certain flexibility when applying the rules on visits, telephone contacts and correspondence to prisoners whose families live very far from the establishment, thus making regular visits very difficult if not impossible. For example, such prisoners could be authorised to combine several visit entitlements into one longer session or be given more opportunities to have telephone contacts with their families.

On several occasions, the CPT has invited authorities to introduce low-cost international phone-call possibilities for foreign prisoners.

In some countries, foreign national prisoners were found to be excluded from applying for temporary leave even if they and their family had been resident in the country for many years. In such situations, the CPT invited the authorities to consider extending the leave system to all foreign nationals who have resident status in the country. More generally, the CPT has recommended that States review their legal and administrative provisions to ensure that foreign prisoners are not discriminated against by being excluded from eligibility for a range of measures, such as more open regimes, home leave and conditional release (parole).

CPT delegations have on many occasions met foreign inmates who expressed their dismay at not being transferred to their countries to serve the rest of their sentences. In the light of such complaints, the CPT recommended the authorities to make efforts to arrange the transfer of foreign prisoners to their home countries.

In conclusion, I would like to emphasise that the CPT highly welcomes the new Committee of Ministers Recommendation concerning foreign prisoners. In its activities, the CPT will certainly be drawing inspiration from this Recommendation, and will encourage States to be guided in their legislation, policies and practices by the rules contained in this document.

Thank you for your attention.