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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Council for Penological Co-operation
(PC-CP)

CPT JURISPRUDENCE: FOREIGN PRISONERS

Compilation made by the CPT InfoDoc Centre

Origin of the research:

Request by the PC-CP Secretariat in the context of the "Draft recommendation concerning foreign prisoners" (PC-CP (2011) 5)

Search strategy:

CPT database (<http://www.cpt.coe.int/en/database.htm>)

Document Type Visit Reports + Public Statements + "Standards"

Text Language English + French

Persons "FOREIGNERS" excluding "IMMIGRATION DETAINEES"

Results: 42 extracts

- The CPT has said much more about immigration detainees. But I have deliberately excluded them from this search, as they are out of the scope of this draft recommendation.
- I made a few additional searches for specific rights, such as specific food habits. (These extracts had not been indexed as "foreigners" because e.g. Muslims in the UK are not necessarily foreigners.)

CONTENTS

Selected citations from CPT reports	
(sorted by numbers of the “Draft Recommendation”)	4
Recommendations 4. + 6. + 7. (open conditions, home leave and conditional release)	4
Recommendation 15.1. (information for prisoners)	4
Recommendation 21.4. (interpreter during legal proceedings) + Rec. 15.1.	7
Recommendation 22. (contact with the outside world)	7
Recommendation 27.1. (regime) + Recommendation 28.1. (work) + Rec. 30.1.	8
Recommendation 30.1. (language training for prisoners) + Rec. 15.1. + Rec. 41.1.b.....	9
Recommendation 31. (religion) + Recommendation 20. (nutrition)	10
Recommendation 32.1. (access to health).....	10
Recommendation 32.4. (language issues during medical consultations)	11
Recommendation 39. (international transfers)	11
Recommendation 41.1.a. (respect for cultural diversity).....	12
Recommendation 41.1.b. (language training for staff)	12
Recommendation 41.1.b. (language training for staff) + Rec. 15.1.	12
For reference: Full extracts from CPT reports	13

**Selected citations from CPT reports
(sorted by numbers of the “Draft Recommendation”)**

Recommendations 4. + 6. + 7. (open conditions, home leave and conditional release)

Bulgaria: Visit 2008
(CPT/Inf (2010) 29, par. 79)

79. (...) the delegation again received some complaints about difficulties to obtain home leave and be granted conditional leave (parole). (...) **The CPT recommends that the Bulgarian authorities make further efforts to improve the situation of foreign national prisoners at Sofia Prison.**

Bulgaria: Visit 2006
(CPT/Inf (2008) 11, par. 105)

105. **The CPT recommends that the Bulgarian authorities review the provision for foreign prisoners with a view to ensuring that they are no longer excluded from eligibility to more open conditions, home leave and conditional release (parole), and that a flexible approach is adopted as regards accumulation of visit time, telephone contacts and access to work, education and vocational training, bearing in mind the special needs of this group.**

Recommendation 15.1. (information for prisoners)

Sweden: Visit 2009
(CPT/Inf (2009) 34, par. 67)

76. As already pointed out (see paragraph 31), foreign national prisoners constituted a sizeable proportion of the inmate population in Hall and Kumla Prisons. Many of them complained of a lack of information concerning their legal situation and rights and of being asked to sign documents in Swedish without understanding their content. It appeared from interviews with foreign national prisoners that they had not received written information on the internal regulations in a language which they could understand. (...)

The CPT recommends that steps be taken to improve the provision of information to foreign national prisoners and to ensure that written information on the internal regulations is systematically provided to all prisoners, upon their arrival at a prison, in a language which they can understand.

Germany: Visit 2005
(CPT/Inf (2007) 18, par. 153)

153. In all establishments visited, newly arrived prisoners received oral information about the house rules and the rights of prisoners. For this purpose, special induction courses were being organised at Hameln Juvenile Prison. In addition, information sheets were provided to prisoners in a variety of foreign languages at Hameln and Weimar/Ichtershausen Juvenile Prisons.

That said, no written information was provided to prisoners at Halle Prison No. 1. Thus, the provision of relevant information to foreign nationals who were not able to understand German appeared to be problematic. (...)

The CPT recommends that steps be taken by the authorities of Sachsen-Anhalt to ensure that all newly arrived prisoners at Halle Prison No. 1 receive written information describing in a straightforward manner the main features of the prison regime, prisoners' rights and duties, complaints procedures, basic legal information, etc. This leaflet should be translated into an appropriate range of foreign languages.

Liechtenstein: Visit 1999
(CPT/Inf (2002) 33, par. 44)

44. (...) le règlement pénitentiaire mis à disposition des détenus dans les cellules, n'existait qu'en version allemande. Compte tenu du pourcentage important de prisonniers étrangers, il serait indiqué que le règlement pénitentiaire soit traduit vers les langues les plus couramment utilisées. De même, il conviendrait que des indications sur les droits et devoirs des détenus (par exemple, la possibilité d'obtenir sur demande

la traduction des actes les concernant, moyens de formuler des plaintes, procédures disciplinaires, etc.) et du personnel ainsi que sur les règles de base du déroulement de la vie quotidienne, soient traduites. Les expressions les plus communément utilisées dans les rapports quotidiens entre les détenus et le personnel, devraient également faire l'objet d'une traduction.

Le CPT recommande aux autorités liechtensteinoises de prendre des mesures en ce sens.

Greece: Visit 1997
(CPT/Inf (2001) 18, par. 189-190)

189. As already pointed out (cf. paragraph 98), foreign prisoners constitute about 40% of the current prison population in Greece.

In the establishments visited, many foreign prisoners complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities or a lawyer. The delegation's observations indicated that these complaints were far from being unfounded.

190. The Greek authorities have already taken some positive steps to address these problems. The delegation was shown recently published leaflets containing basic information for prisoners in English and French. Nevertheless, the delegation found that the range of languages in which the information was available was limited, and there was room for improvement concerning the information supplied. Further, not all the prisons visited had been supplied with such information leaflets.

The CPT recommends that the translation of the information leaflet for prisoners into more languages be given a high priority. It would also be desirable for the expressions most commonly used in everyday activities to be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.

Slovak Republic: Visit 1995
(CPT/Inf (97) 2, par. 146-147)

146. In the establishments visited, foreign prisoners, particularly those who did not speak any central European language, complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities.

147. The delegation's observations indicated that these complaints were far from being unfounded. The establishments' internal regulations, posted in the cells, were written only in Slovak and the difficulties of communicating with prison staff were obvious. The delegation was informed that steps were being taken to translate the prisons' regulations into foreign languages. **The CPT recommends that this be given a high priority. It would also be desirable that the expressions most commonly used in everyday activities be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.**

Belgique : Visite 1993
(CPT/Inf (94) 15, par. 240)

240. La délégation a rencontré lors de sa visite un grand nombre de détenus d'origine étrangère (particulièrement à la prison de St-Gilles). Ils ont presque tous indiqué qu'ils s'étaient heurtés à des difficultés lors de leur arrivée en prison. En effet, bien qu'apparemment, il existe une brochure intitulée "accueil et information" de l'administration centrale éditée en plusieurs langues, le règlement intérieur des établissements visités et les instructions les plus importantes n'étaient disponibles qu'en français et en néerlandais (et à Bruges en anglais).

Le CPT recommande que le règlement intérieur des établissements pénitentiaires, ainsi que toutes autres informations fondamentales concernant la vie de l'établissement et les droits des détenus, soient disponibles dans les langues couramment comprises par ceux-ci.

Norway: Visit 1993
(CPT/Inf (94) 11, par. 130)

130. Many of the foreign prisoners whom the delegation met spoke of the difficulties they had encountered in prison, on account of the fact that the prison rules and other documents were available only in Norwegian, as well as in English in a few cases¹.

The CPT noted with interest the attention paid by the Norwegian authorities to the situation of prisoners of foreign origin (cf. memorandum from the Central Prison Administration to the CPT dated 13 February 1993). In this context, the CPT welcomes the various steps taken to resolve, as far as possible, the difficulties which these prisoners may experience owing to factors such as remoteness from their families and differences of language, culture, customs and religion.

The CPT recommends that a booklet setting out the daily routine and the prison regime, the rights and obligations of inmates and staff, avenues for complaint and disciplinary procedures should be made available to inmates, not only in Norwegian and English, but also in the other languages commonly spoken by prisoners.

Liechtenstein : Visite 1993
(CPT/Inf (95) 7, par. 43-44)

43. Comme indiqué plus haut (cf. paragraphe 36 ci-dessus), la prison de Vaduz comptait essentiellement des ressortissants étrangers. La délégation a pu constater, sur place, qu'il y avait pour un certain nombre d'entre eux de grandes difficultés de communication tant avec le personnel qu'avec les co-détenus.

44. En particulier, le règlement pénitentiaire mis à disposition des détenus dans les cellules, n'existait qu'en version allemande. Compte tenu du pourcentage important de prisonniers étrangers, il serait indiqué que le règlement pénitentiaire soit traduit vers les langues les plus couramment utilisées. De même, il conviendrait que des indications sur les droits et devoirs des détenus (par exemple, la possibilité d'obtenir sur demande la traduction des actes les concernant, moyens de formuler des plaintes, procédures disciplinaires, etc.) et du personnel ainsi que sur les règles de base du déroulement de la vie quotidienne, soient traduites. Les expressions les plus communément utilisées dans les rapports quotidiens entre les détenus et le personnel, devraient également faire l'objet d'une traduction.

Le CPT recommande aux autorités liechtensteinoises de prendre des mesures en ce sens.

Luxembourg : Visite 1993
(CPT/Inf (93) 19, par. 101)

101. La délégation a rencontré lors de sa visite un grand nombre de détenus d'origine étrangère (ils constituaient approximativement 50 % de la population carcérale). Ils ont presque tous indiqué qu'ils s'étaient heurtés à des difficultés lors de leur arrivée au CPL, car le règlement intérieur de l'établissement et les instructions les plus importantes n'étaient disponibles qu'en français et en allemand.

Le CPT recommande que le règlement intérieur des établissements pénitentiaires, ainsi que toutes autres informations fondamentales concernant la vie de l'établissement et les droits des détenus, soient disponibles dans les langues couramment parlées par ceux-ci.

Suisse : Visite 1991
(CPT/Inf (93) 3, par. 64)

64. A la prison de Thorberg, comme aux EPO, la délégation a constaté d'importants problèmes de communication en raison du pourcentage élevé de prisonniers étrangers (voir paragraphes 45 et 46 ci-dessus). Le règlement intérieur et les directives annexes sont disponibles à Thorberg en versions française et allemande (une version anglaise était en cours d'élaboration) et aux EPO, en versions française, allemande, anglaise et italienne. Ce n'est qu'occasionnellement et très ponctuellement que les prisonniers, non en mesure de comprendre l'une de ces langues, pouvaient s'informer soit par l'intermédiaire d'un membre du personnel ayant des connaissances linguistiques, soit par celui d'un interprète prévu par les

¹ Examples of documents available in English were: "Information to prisoners detained in custody", "The prison health services in Oslo regional prison" and "Medical particulars" at the Oslo prison; "Regulations on the Operation of the High Security Unit" at Ullersmo Prison; "Information Digest" at Ila Prison.

soins du tribunal ou de leur conseil juridique.

Nombre de prisonniers étrangers ont allégué ne pas comprendre le système de calcul des retenues opérées (portées sur un compte bloqué du prisonnier) du pécule et les formulaires de décompte pertinents. Les indications du personnel ne sont pas comprises, en raison des obstacles linguistiques et sont donc perçues comme arbitraires.

Le CPT considère qu'en ce domaine il y a matière à amélioration **et recommande aux autorités de faire traduire les extraits pertinents du règlement pénitentiaire, instructions diverses et feuilles d'information aux prisonniers dans un nombre plus important de langues.**

Austria: Visit 1990
(CPT/Inf (91) 10, par. 82)

82. A very high proportion of the inmates in the two police jails visited were foreigners (as regards the Vienna Police Jail, some 90 % on the first day of the delegation's visit). Apart from the general inadequacy of the prison building, the Director of the Vienna Police Jail identified the question of language as his greatest problem, an opinion endorsed by prison officers and trade-union officials.

During its visits to cells, the delegation was able to appreciate for itself that there were serious difficulties of communication between prison staff and prisoners and, frequently, between prisoners. However, there was apparently as yet no documentation available for prisoners in languages other than German (the Director of the Vienna Police Jail indicated that a text was under preparation). On this point, one can compare the situation with that of the Vienna Court of First Instance Prison, where not only the prison regulations, but also those expressions most commonly used in daily interactions between prisoners and prison staff, have been translated into various languages (French, English and Spanish).

The CPT wishes to emphasise the importance of taking steps (documentation in other languages; provision of interpreters) to overcome these difficulties of communication.

Recommendation 21.4. (interpreter during legal proceedings) + Rec. 15.1.

Finland: Visit 1992
(CPT/Inf (93) 8, par. 141)

141. The delegation met only a small number of foreign prisoners in the establishments visited, but almost without exception they stated that they encountered major difficulties because very little information was available in languages other than Finnish. Often, the internal rules of an establishment were not even available in Swedish, the other official language in Finland.

It also appeared that, despite the provisions of Finnish law on a prisoner's right to benefit from the assistance of an interpreter (cf. section 22 of the Act on Administrative Procedure), in practice such assistance was often difficult to procure.

142. **The CPT recommends that:**

- **the internal rules of every prison establishment, together with other basic information about prisoners' rights, should be available to inmates in a variety of languages;**
- **foreign prisoners should have an effective right to the assistance of an interpreter when required to participate in proceedings which concern them (including internal disciplinary proceedings).**

Recommendation 22. (contact with the outside world)

Bulgaria: Visit 2008
(CPT/Inf (2010) 29, par. 79-80)

79. (...) several foreign prisoners complained about the fact that they did not have work and hence had no money to buy basic necessities, including stamps for sending letters and phone cards. **The CPT recommends that the Bulgarian authorities make further efforts to improve the situation of foreign national prisoners at Sofia Prison.**

80. The delegation learned that, following the signing of a contract between the Ministry of Justice and a Hungarian telephone provider approximately a year before the visit, the price of telephone calls had substantially increased. Although foreign prisoners claimed to be particularly affected by the change, this would appear to be an issue for prisoners throughout the country. **The CPT invites the Bulgarian authorities to review prisoners' access to reasonably-priced telephone communications.**

Bulgaria: Visit 2006
(CPT/Inf (2008) 11, par. 105)

105. **The CPT recommends that the Bulgarian authorities review the provision for foreign prisoners with a view to ensuring that they are no longer excluded from eligibility to more open conditions, home leave and conditional release (parole), and that a flexible approach is adopted as regards accumulation of visit time, telephone contacts and access to work, education and vocational training, bearing in mind the special needs of this group.**

Hungary: Visit 2003
(CPT/Inf (2004) 18, par. 52)

52. A number of (mainly female) inmates of foreign origin claimed that maintaining contact with their families living abroad through letters and the telephone was virtually impossible because they did not have the means of purchasing writing materials, stamps and phone cards. **The CPT invites the Hungarian authorities to review the current arrangements concerning correspondence and use of a telephone vis-à-vis remand prisoners of foreign origin.**

Netherlands (Antilles): Visit 1994
(CPT/Inf (96) 1, par. 110)

110. **The CPT wishes to stress the need for a 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, be given more opportunities to have telephone contacts with their families and not be subject to restrictions on the number of letters they can send.

Recommendation 27.1. (regime) + Recommendation 28.1. (work) + Rec. 30.1.

Portugal: Visit 2008
(CPT/Inf (2009) 13, par. 65)

65. Many foreign inmates in the prisons visited complained of their exclusion from regime activities due to language barriers and of the lack of opportunities to learn Portuguese. Such courses were, on the contrary, available at Oporto and Funchal Central Prisons. **The CPT recommends that the Portuguese authorities make efforts to prevent the exclusion of foreigners from prison regime activities due to language barriers.**

Slovak Republic: Visit 1995
(CPT/Inf (97) 2, par. 148)

148. The delegation noted that hardly any of the foreign prisoners had work. Moreover, those who did work were mainly employed on simple, unpaid maintenance activities for a few hours per day. Nor were any educational or training activities offered to the foreign prisoners.

The CPT would welcome the Slovak authorities' comments on this subject.

Autriche : Visite 1994
(CPT/Inf (96) 28, par. 139-140)

139. De plus, comme déjà indiqué (cf. paragraphes 106 et 113), dans les deux établissements, l'accès aux activités de formation/d'éducation était très limité pour les détenus étrangers. Dans ce contexte, le CPT a noté avec intérêt les dispositions de l'article 65a nouveau StVG selon lesquelles il convient de prendre en compte, dans la mesure du possible, dans le cadre des activités d'éducation et de travail des détenus ainsi que dans les cours de formation et de langue et autres activités, les besoins des détenus dont la langue

maternelle n'est pas l'allemand.

140. De manière plus générale, le CPT souhaite souligner l'importance de la mise en oeuvre d'une politique non discriminatoire à l'égard de détenus étrangers dans un établissement pénitentiaire. C'est là l'un des principes fondamentaux des règles pénitentiaires européennes (article 2). Une telle politique pourrait s'inspirer des principes exposés dans la Recommandation N° R (84) 12 du Comité des Ministres aux Etats membres concernant les détenus étrangers.

Le CPT recommande aux autorités autrichiennes de veiller à ce que les dispositions de l'article 65a StVG reçoivent plein effet dans la pratique et, plus généralement, de poursuivre activement leurs efforts à l'égard des détenus étrangers, à la lumière des considérations ci-dessus développées.

Recommendation 30.1. (language training for prisoners) + Rec. 15.1. + Rec. 41.1.b.

Austria: Visit 2004
(CPT/Inf (2005) 13, par. 108)

108. As already pointed out, foreign prisoners constituted about 40% of the population of Linz Prison and 80% of juvenile inmates at Vienna-Josefstadt Prison. Some foreign prisoners interviewed by the delegation indicated that they had received an information sheet about the internal regulations in a language they understood; however, others had never heard of this, and complained of a lack of information concerning their legal situation and rights. The delegation noted that copies of the internal regulations were not available in all of the cells. Further, a number of foreign prisoners complained of difficulties in communicating because of language barriers. Moreover, their contact with the outside world was often problematic as they lacked money to pay for phone calls, and envelopes and stamps were not readily available. All this created an impression of isolation and discrimination which can be detrimental to the general atmosphere in the prison.

The CPT recommends that information on the internal regulations be routinely provided to all prisoners on admission, in a language they understand.

Further, the Committee invites the Austrian authorities to introduce programmes of language education for foreign prisoners and language training for staff working with them.

Malta: Visit 2001
(CPT/Inf (2002) 16, par. 61)

61. The Committee is of the opinion that further steps could be taken to reduce the perception of discriminatory treatment apparently present among foreign prisoners at Corradino. **It recommends that:**
(...)

- **efforts be made to provide some prison officers with at least a basic knowledge of Arabic.**

While the CPT welcomes the development and systematic distribution of an information booklet in Maltese and English explaining prisoners' rights and duties (including as regards disciplinary procedures), it considers that it is important to ensure that this material is comprehensible to all inmates. Consequently, **the Committee recommends that the information booklet for prisoners be translated into other appropriate languages, including Arabic.**

Denmark: Visit 1990
(CPT/Inf (91) 12, par. 107-109)

107. As already mentioned, Nyborg Prison is used for accommodating foreigners who have no family in Denmark and no special link with the country. As a result, its situation is undoubtedly somewhat different from that of other establishments for convicted prisoners. The CPT's delegation met several foreign prisoners who were unable to communicate with the staff and other prisoners as they did not speak Danish, English or German. It was possible to talk to them through fellow-prisoners acting as interpreters. Apart from the various difficulties encountered in daily life owing to the language barrier (see also above with regard to medical care), some of these prisoners were in a state of deep moral distress owing to the isolation forced on them by their inability to communicate.

Some complaints were also made about the absence of specific facilities for religious services.

108. This question was discussed with the prison staff, who did not think that there were too many difficulties, as 80% of the prisoners spoke or understood Danish and/or English. For the remaining 20%, an interpreter was called in in cases of absolute need; otherwise the staff "made do" with the resources at their disposal. The CPT's delegation was able to see for itself the efforts made by the staff to communicate with the prisoners concerned.

109. **The CPT nevertheless believes that there is some room for improvement in this area:**

- firstly, the example set by remand establishments, where the relevant excerpts from the prison rules and other texts have been translated into a considerable number of languages, might usefully be followed (see paragraph 53);
- secondly, the Danish authorities might consider providing prisoners and prison officers at Nyborg Prison (as well as at other establishments for convicted prisoners where foreign prisoners are kept) with better opportunities for learning Danish and foreign languages respectively.

Recommendation 31. (religion) + Recommendation 20. (nutrition)

United Kingdom: Visit 2008
(CPT/Inf (2009) 30, par. 80)

80. The CPT's delegation noted that the chaplaincy was active in all the prisons visited and that it was, in general, appreciated by prisoners. At the same time, the Committee was informed that fears of Islamic extremism combined with a lack of understanding of Islam have created particular challenges in certain prisons. With this in mind, it would like to highlight the good practice it encountered at Woodhill Prison, where the imam has initiated a number of programmes to provide prisoners and staff with an increased understanding of Islam (for example, discussions on the Koran). Further, special efforts made to keep food warm for prisoners observing Ramadan, the organisation of the Eid ul-Fitr celebration and courses for servery staff on halal food have led to better mutual understanding. The imam has established good links with mosques in the community. **The CPT recommends that the good practice observed at Woodhill Prison be supported and replicated in other prisons.**

Recommendation 32.1. (access to health)

Netherlands (Aruba): Visit 2007
(CPT/Inf (2008) 2)

70. The general health insurance system of Aruba did not cover foreign nationals detained at KIA. Although some efforts were made not to exclude indigent prisoners from access to medication, the low budgetary allocations for prison health care services in general meant that access - particularly to specialist care - posed considerable difficulties for all prisoners, but especially for those who were not covered by the public scheme.

The act of depriving a person of liberty always entails a duty of care which calls for adequate provision of health care services. **The CPT recommends that the Aruban authorities 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.**

Malta: Visit 2001
(CPT/Inf (2002) 16, par. 61)

61. The Committee is of the opinion that further steps could be taken to reduce the perception of discriminatory treatment apparently present among foreign prisoners at Corradino. **It recommends that:**

- **the possibility of allowing foreign prisoners access to drug rehabilitation programmes on an equal footing with the rest of the prison population be re-examined;**

(...)

Recommendation 32.4. (language issues during medical consultations)
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Austria: Visit 2009
(CPT/Inf (2010) 5, par 111)

111. The delegation also heard complaints from foreign inmates that, due to the lack of interpreters, they had great difficulties in communicating with health-care staff. In this connection, **the recommendation made on this subject in paragraph 52 applies to the prison system with equal force.**

(par. 52.: (...) the CPT recommends that (...)steps should be taken to ensure that:
(...)

whenever doctors are unable to communicate with detainees during medical examinations/consultations due to language problems, the persons concerned benefit from the services of a professional interpreter.)

Norway: Visit 2005
(CPT/Inf (2006) 14, par. 77)

77. At Trondheim Prison, foreign prisoners expressed their frustration at the difficulties encountered in communicating with health-care staff (due to the complex medical terminology and associated language barriers). In practice, they would indicate with gestures to the doctor the aching part of their bodies, hoping that their health problem would be understood. Such a situation may jeopardise the health of these prisoners. **The CPT recommends that whenever members of the medical and/or nursing staff are unable to make a proper diagnosis due to language problems, the services of a qualified interpreter be made available without delay.**

Serbia and Montenegro: Visit 2004
(CPT/Inf (2006) 18, par. 285)

285. Health care staff expressed their frustration at examining patients with whom they had difficulties in communicating, due to language barriers. This seemed to be particularly the case for prisoners of Albanian, Romanian and Ukrainian origin. Foreign nationals indicated with gestures the aching part of their bodies, hoping that the problem would be understood. Such a situation might potentially jeopardise the foreign nationals' health. **The CPT wishes to emphasise that whenever members of the medical and/or nursing staff are unable to make a proper diagnosis because of language problems, they should be able to request without delay the services of a qualified interpreter.**

Recommendation 39. (international transfers)

Malta: Visit 2001
(CPT/Inf (2002) 16, par. 16)

61. The Committee is of the opinion that further steps could be taken to reduce the perception of discriminatory treatment apparently present among foreign prisoners at Corradino. **It recommends that:**

(...)

- **greater efforts be made to arrange the transfer of foreign prisoners to their home countries;**

(...)

Luxembourg : Visite 1993
(CPT/Inf (93) 19, par. 102)

102. Des considérations humanitaires, sans parler de l'objectif de la réinsertion sociale du détenu, militent en faveur de l'exécution de la peine dans le pays ou dans la région où ce dernier dispose d'attaches familiales et sociales. La Convention du Conseil de l'Europe sur le transfèrement des personnes condamnées est l'un des aboutissements récents de ce concept. Or, la délégation du CPT a été informée, lors de sa visite au Grand-Duché du Luxembourg, que de nombreuses difficultés jalonnaient la mise en oeuvre pratique de cette convention.

Le CPT souhaiterait obtenir les commentaires des autorités luxembourgeoises à ce sujet.

Recommendation 41.1.a. (respect for cultural diversity)
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Suisse : Visite 1991
(CPT/Inf (93) 3, par. 65)

65. Dans les deux établissements, la délégation a entendu des allégations émanant de prisonniers étrangers comme de prisonniers suisses quant au traitement des premiers (en particulier, propos offensants) comportant plus de rigueur que de besoin. Ce peut être, entre autres, une conséquence des difficultés de communication et de compréhension entre prisonniers étrangers et personnel.

Le CPT recommande aux autorités suisses de sensibiliser et former le personnel des établissements ayant en charge un pourcentage élevé de ressortissants étrangers, aux cultures étrangères.

Recommendation 41.1.b. (language training for staff)

Austria: Visit 2009
(CPT/Inf (2010) 5, par. 110)

110. The delegation noted the high proportion of foreign nationals in the prisons visited, and in particular among the young prisoner population. This obviously gave rise to various problems, in particular that of communication between foreign prisoners and staff. Due to the language barriers, many such prisoners seemed to be disadvantaged as regards access to important services, such as health care, education, and certain activities.

The authorities were making some efforts to address this situation by, *inter alia*, offering German courses to those who did not speak the language. Given the scale of the problem, **the Committee invites the Austrian authorities to introduce language courses also for selected members of staff.**

Recommendation 41.1.b. (language training for staff) + Rec. 15.1.
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Greece: Visit 1993
(CPT/Inf (94) 20, par. 102)

102. It should be noted that the different establishments in the Korydallos Prison Complex and Larissa Prison were accommodating significant numbers of foreign prisoners. In this connection, the CPT's delegation observed that some foreign prisoners did not have a full understanding of the prison regime or of their rights and responsibilities, and that on occasion there were serious difficulties of communication between prison staff and foreign prisoners. Such a situation can easily give rise to misunderstandings and possibly disputes.

The CPT therefore recommends that appropriate steps be taken to counter these difficulties (eg. preparation and translation into relevant foreign languages of a booklet describing the routine and regime of the prison, the rights and responsibilities of prisoners and staff, and complaints and disciplinary procedures; translation of those expressions most commonly used in daily interaction between prisoners and staff; basic training in foreign languages for designated prison officers).

Italie : Visite 1992
(CPT/Inf (95) 1, par. 61)

61. La délégation a noté que les relations quotidiennes entre le personnel et les détenus semblaient globalement normales, et ce parfois en dépit de très mauvaises conditions de détention, qui ne facilitaient guère le maintien de bons rapports.

La délégation a noté cependant qu'il existait de sérieuses difficultés de communication entre le personnel pénitentiaire et beaucoup de détenus d'origine étrangère. Une telle situation peut facilement être source de malentendus et éventuellement de différends. **Le CPT désire souligner qu'il est important de prendre des mesures à ce sujet (par exemple, la traduction des expressions les plus couramment utilisées lors des rapports quotidiens entre les détenus et le personnel - tout comme du règlement pénitentiaire - dans des langues pertinentes ; la formation de base en langues étrangères pour des fonctionnaires pénitentiaires sélectionnés, etc.).**

Spain: Visit 2007 (September)
(CPT/Inf (2011) 11, par. 118)

118. In all the prisons visited foreign nationals made up some 30-40 % of the prison population and yet it appeared that little effort was made to assist them in integrating into the prison system. Although the delegation was assured that all prisoners spoke enough Spanish to understand the rules and make themselves understood to staff, the CPT's delegation met a number of prisoners, male and female, who clearly did not speak or understand Spanish. Most felt that they were discriminated against because of their lack of Spanish in terms of access to activities and privileges. Moreover, a number of these prisoners who had ended up in difficulties believed it was due to the language barrier and their inability to communicate with prison staff (for example, see paragraph 87ii above).

The authorities need to make additional efforts to ensure that relevant documentation exists in the most common languages of the countries from which foreign prisoners derive. Further, efforts should be made to ensure that there are designated staff members whom foreigners can approach for assistance.

The CPT recommends that the authorities take the necessary steps to provide support to foreign nationals entering the Catalan prison system, in the light of the above remarks.

(87. The CPT has grave concerns about the use of means of restraint within the prisons of Catalonia, as observed by its delegation in the four prisons visited.

(...)

- ii. An inmate in Modelo Prison, who did not speak Spanish, told the delegation that on 14 June 2007, during lunch in the mess hall, he had inadvertently eaten some fish to which he was allergic. Once he realised this fact, he allegedly got up from his table and approached a prison officer with his tray, attempting to explain his problem. However, the prison officer apparently interpreted the gesture as aggressive and the inmate was frog-marched to Gallery N° 6, where he was fixated face down in the "superman" position to a bed (placed in the centre of the cell), the fixing being accomplished by means of straps for his legs and metal cuffs for his wrists. In reaction to his allergy to fish he vomited on the bed and floor. After three hours he was uncuffed and given sheets but had to sleep in the cell with the vomit on the floor. The next day he received a five-day disciplinary sanction of isolation. Subsequently, he was able to see a doctor who spoke a language in which he could communicate and he was placed on a diet with no fish.

For reference: Full extracts from CPT reports

Sweden: Visit 2009
(CPT/Inf (2009) 34)

B. Prisons

8. Other issues of relevance to the CPT's mandate

- d. foreign national prisoners

76. As already pointed out (see paragraph 31), foreign national prisoners constituted a sizeable proportion of the inmate population in Hall and Kumla Prisons. Many of them complained of a lack of information concerning their legal situation and rights and of being asked to sign documents in Swedish without understanding their content. It appeared from interviews with foreign national prisoners that they had not received written information on the internal regulations in a language which they could understand². Moreover, as noted in paragraph 72, their contact with the outside world was often problematic. All this created an impression of isolation and discrimination which can be detrimental to the general atmosphere in a prison.

The CPT recommends that steps be taken to improve the provision of information to foreign national prisoners and to ensure that written information on the internal regulations is systematically provided to all prisoners, upon their arrival at a prison, in a language which they can understand.

² For example, at Hall Prison, only the daily schedule was available in some foreign languages, but not the internal regulations.

Austria: Visit 2009
(CPT/Inf (2010) 5)

C. Prisons

7. Other issues

- c. situation of foreign prisoners

110. The delegation noted the high proportion of foreign nationals in the prisons visited, and in particular among the young prisoner population. This obviously gave rise to various problems, in particular that of communication between foreign prisoners and staff. Due to the language barriers, many such prisoners seemed to be disadvantaged as regards access to important services, such as health care, education, and certain activities.

The authorities were making some efforts to address this situation by, *inter alia*, offering German courses to those who did not speak the language. Given the scale of the problem, **the Committee invites the Austrian authorities to introduce language courses also for selected members of staff.**

111. The delegation also heard complaints from foreign inmates that, due to the lack of interpreters, they had great difficulties in communicating with health-care staff. In this connection, **the recommendation made on this subject in paragraph 52 applies to the prison system with equal force.**

(par. 52.: (...) the CPT recommends that (...)steps should be taken to ensure that:

(...)

whenever doctors are unable to communicate with detainees during medical examinations/consultations due to language problems, the persons concerned benefit from the services of a professional interpreter;

United Kingdom: Visit 2008
(CPT/Inf (2009) 30)

ENGLAND

B. Prison establishments

8. Other issues

- d. access to religion

80. The CPT's delegation noted that the chaplaincy was active in all the prisons visited and that it was, in general, appreciated by prisoners. At the same time, the Committee was informed that fears of Islamic extremism combined with a lack of understanding of Islam have created particular challenges in certain prisons³. With this in mind, it would like to highlight the good practice it encountered at Woodhill Prison, where the imam has initiated a number of programmes to provide prisoners and staff with an increased understanding of Islam (for example, discussions on the Koran). Further, special efforts made to keep food warm for prisoners observing Ramadan, the organisation of the Eid ul-Fitr celebration and courses for servery staff on halal food have led to better mutual understanding. The imam has established good links with mosques in the community. **The CPT recommends that the good practice observed at Woodhill Prison be supported and replicated in other prisons.**

Bulgaria: Visit 2008
(CPT/Inf (2010) 29)

B. Establishments under the Ministry of Justice

2. Prisons

- b. follow-up visit to Sofia Central Prison
v. *foreign prisoners*

³ See HM Chief Inspector of Prisons' reports on visits to Long Lartin and Whitemoor Prisons (respectively, April and July 2008).

79. The delegation was informed that a number of foreign national prisoners had left Sofia Prison since the 2006 visit: some had been granted parole, while others had been transferred to open and semi-open facilities. Further, although the legislation in force still required foreign prisoners to be held separately, they reportedly enjoyed the same regime as Bulgarian prisoners.

It transpired from interviews with foreign prisoners that many of them had work (e.g. in the printing workshop, a new workshop for producing PVC window frames, the kitchen, etc.). Further, they had access to a newly opened gym (with weight-lifting equipment) and a computer room. As for outdoor exercise, foreign prisoners confirmed that it lasted for one and a half hours a day, as for the rest of inmates at Sofia Prison.

That said, the delegation again received some complaints about difficulties to obtain home leave and be granted conditional leave (parole). Further, several foreign prisoners complained about the fact that they did not have work and hence had no money to buy basic necessities, including stamps for sending letters and phone cards. **The CPT recommends that the Bulgarian authorities make further efforts to improve the situation of foreign national prisoners at Sofia Prison.**

80. The delegation learned that, following the signing of a contract between the Ministry of Justice and a Hungarian telephone provider approximately a year before the visit, the price of telephone calls had substantially increased. Although foreign prisoners claimed to be particularly affected by the change, this would appear to be an issue for prisoners throughout the country. **The CPT invites the Bulgarian authorities to review prisoners' access to reasonably-priced telephone communications.**

Portugal: Visit 2008
(CPT/Inf (2009) 13)

B. Establishments under the authority of the Ministry of Justice
5. Regime

(...)

65. Many foreign inmates in the prisons visited complained of their exclusion from regime activities due to language barriers and of the lack of opportunities to learn Portuguese. Such courses were, on the contrary, available at Oporto and Funchal Central Prisons. **The CPT recommends that the Portuguese authorities make efforts to prevent the exclusion of foreigners from prison regime activities due to language barriers.**

Spain: Visit 2007 (September)
(CPT/Inf (2011) 11)

B. Prison establishments
2. Establishments under the authority of the Department of Justice of the Autonomous Regional Government of Catalonia
f. other issues
v. *foreign nationals*

118. In all the prisons visited foreign nationals made up some 30-40 % of the prison population⁴ and yet it appeared that little effort was made to assist them in integrating into the prison system. Although the delegation was assured that all prisoners spoke enough Spanish to understand the rules and make themselves understood to staff, the CPT's delegation met a number of prisoners, male and female, who clearly did not speak or understand Spanish. Most felt that they were discriminated against because of their lack of Spanish in terms of access to activities and privileges. Moreover, a number of these prisoners who had ended up in difficulties believed it was due to the language barrier and their inability to communicate with prison staff (for example, see paragraph 87ii above).

The authorities need to make additional efforts to ensure that relevant documentation exists in the most common languages of the countries from which foreign prisoners derive. Further, efforts should be made to ensure that there are designated staff members whom foreigners can approach for assistance.

⁴ On 12 September 2007, out of a total Catalan prison population of 9,363 some 3,678 were foreign nationals.

The CPT recommends that the authorities take the necessary steps to provide support to foreign nationals entering the Catalan prison system, in the light of the above remarks.

(87. The CPT has grave concerns about the use of means of restraint within the prisons of Catalonia, as observed by its delegation in the four prisons visited.

(...)

ii. An inmate in Modelo Prison, who did not speak Spanish, told the delegation that on 14 June 2007, during lunch in the mess hall, he had inadvertently eaten some fish to which he was allergic. Once he realised this fact, he allegedly got up from his table and approached a prison officer with his tray, attempting to explain his problem. However, the prison officer apparently interpreted the gesture as aggressive and the inmate was frog-marched to Gallery N° 6, where he was fixated face down in the “superman” position to a bed (placed in the centre of the cell), the fixing being accomplished by means of straps for his legs and metal cuffs for his wrists. In reaction to his allergy to fish he vomited on the bed and floor. After three hours he was uncuffed and given sheets but had to sleep in the cell with the vomit on the floor. The next day he received a five-day disciplinary sanction of isolation. Subsequently, he was able to see a doctor who spoke a language in which he could communicate and he was placed on a diet with no fish.

Netherlands (Aruba): Visit 2007
(CPT/Inf (2008) 2)

C. Aruba Correctional Institute - KIA

4. Health care services

a. introduction

70. The general health insurance system of Aruba did not cover foreign nationals detained at KIA. Although some efforts were made not to exclude indigent prisoners from access to medication, the low budgetary allocations for prison health care services in general meant that access - particularly to specialist care - posed considerable difficulties for all prisoners, but especially for those who were not covered by the public scheme.

The act of depriving a person of liberty always entails a duty of care which calls for adequate provision of health care services. **The CPT recommends that the Aruban authorities 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.**

Bulgaria: Visit 2006
(CPT/Inf (2008) 11)

B. Establishments under the authority of the Ministry of Justice

2. Prison establishments

c. conditions of detention

iv. *foreign prisoners*

103. At Sofia Prison, there were 120 foreign prisoners at the time of the visit. As already mentioned (see paragraph 70), they were held separately from other prisoners, in accordance with Ministry of Justice Order No. LS 04-277 of 4 October 2002.

The situation of foreign prisoners was a source of tension, as a recent hunger strike had demonstrated. A major bone of contention was their ineligibility for more open conditions, home leave, conditional release (parole) or (for certain of the prisoners) transfer to their home country to serve their sentences. Foreign prisoners complained about many aspects of their custody, including the arrangements for visits (they were not able to accumulate visit time) and telephone contacts, which had to be conducted in Bulgarian. To compensate for their custodial restrictions, foreign nationals were allowed satellite dishes in order to watch television in their own language. However, few of them had work (the workshops were not accessible to foreign nationals and some 30 inmates were doing piecework in the cells) and they were not

eligible for annual work leave since they had no permanent address in Bulgaria. Further, foreign nationals had no access to education and vocational training, including no opportunity to learn Bulgarian, and did not receive information on their rights and the prison rules in a language they could understand. Reportedly no official interpreters were employed, even during disciplinary procedures.

104. In contrast, the six foreigners held at Sliven Prison were being accommodated together with other prisoners with the same legal status. They worked in the prison's workshops but were not eligible for vocational training courses. Some complaints were heard regarding the absence of information about their rights and lack of attention to their particular needs as foreign nationals.

105. **The CPT recommends that the Bulgarian authorities review the provision for foreign prisoners with a view to ensuring that they are no longer excluded from eligibility to more open conditions, home leave and conditional release (parole), and that a flexible approach is adopted as regards accumulation of visit time, telephone contacts and access to work, education and vocational training, bearing in mind the special needs of this group.**

Germany: Visit 2005
(CPT/Inf (2007) 18)

D. Other prisons visited

6. Other issues

g. information on rights

153. In all establishments visited, newly arrived prisoners received oral information about the house rules and the rights of prisoners. For this purpose, special induction courses were being organised at Hameln Juvenile Prison. In addition, information sheets were provided to prisoners in a variety of foreign languages at Hameln and Weimar/Ichtershausen Juvenile Prisons.

That said, no written information was provided to prisoners at Halle Prison No. 1. Thus, the provision of relevant information to foreign nationals who were not able to understand German appeared to be problematic. (...)

The CPT recommends that steps be taken by the authorities of Sachsen-Anhalt to ensure that all newly arrived prisoners at Halle Prison No. 1 receive written information describing in a straightforward manner the main features of the prison regime, prisoners' rights and duties, complaints procedures, basic legal information, etc. This leaflet should be translated into an appropriate range of foreign languages.

Norway: Visit 2005
(CPT/Inf (2006) 14)

B. Prisons

6. Medical services

(...)

77. At Trondheim Prison, foreign prisoners expressed their frustration at the difficulties encountered in communicating with health-care staff (due to the complex medical terminology and associated language barriers). In practice, they would indicate with gestures to the doctor the aching part of their bodies, hoping that their health problem would be understood. Such a situation may jeopardise the health of these prisoners. **The CPT recommends that whenever members of the medical and/or nursing staff are unable to make a proper diagnosis due to language problems, the services of a qualified interpreter be made available without delay.**

Serbia and Montenegro: Visit 2004
(CPT/Inf (2006) 18)

B. Spuž Prison Complex
7. Health care

(...)

285. Health care staff expressed their frustration at examining patients with whom they had difficulties in communicating, due to language barriers. This seemed to be particularly the case for prisoners of Albanian, Romanian and Ukrainian origin. Foreign nationals indicated with gestures the aching part of their bodies, hoping that the problem would be understood. Such a situation might potentially jeopardise the foreign nationals' health. **The CPT wishes to emphasise that whenever members of the medical and/or nursing staff are unable to make a proper diagnosis because of language problems, they should be able to request without delay the services of a qualified interpreter.**

Austria: Visit 2004
(CPT/Inf (2005) 13)

B. Establishments under the authority of the Federal Ministry of Justice
6. Other issues concerning Linz and Vienna-Josefstadt Prisons
d. foreign prisoners

108. As already pointed out, foreign prisoners constituted about 40% of the population of Linz Prison and 80% of juvenile inmates at Vienna-Josefstadt Prison. Some foreign prisoners interviewed by the delegation indicated that they had received an information sheet about the internal regulations in a language they understood; however, others had never heard of this, and complained of a lack of information concerning their legal situation and rights. The delegation noted that copies of the internal regulations were not available in all of the cells. Further, a number of foreign prisoners complained of difficulties in communicating because of language barriers. Moreover, their contact with the outside world was often problematic as they lacked money to pay for phone calls, and envelopes and stamps were not readily available. All this created an impression of isolation and discrimination which can be detrimental to the general atmosphere in the prison.

The CPT recommends that information on the internal regulations be routinely provided to all prisoners on admission, in a language they understand.

Further, the Committee invites the Austrian authorities to introduce programmes of language education for foreign prisoners and language training for staff working with them.

Hungary: Visit 2003
(CPT/Inf (2004) 18)

B. Establishments under the authority of the Ministry of Justice
5. Other issues

(...)

52. A number of (mainly female) inmates of foreign origin claimed that maintaining contact with their families living abroad through letters and the telephone was virtually impossible because they did not have the means of purchasing writing materials, stamps and phone cards. **The CPT invites the Hungarian authorities to review the current arrangements concerning correspondence and use of a telephone vis-à-vis remand prisoners of foreign origin.**

Malta: Visit 2001
(CPT/Inf (2002) 16)

B. Prisons

6. Other issues related to the CPT's mandate

b. foreign prisoners

59. During its first periodic visit to Malta (1990), the CPT heard a number of allegations to the effect that foreign prisoners were treated less favourably than Maltese prisoners as regards access to facilities and regime activities (e.g. showers, the library, medical assistance - including for drug-related problems - work possibilities, etc.)⁵.

Similar allegations came into the public domain shortly before the CPT visit in 2001, on the occasion of two major hunger strikes, involving most of the male foreign prisoners⁶, who claimed that they were being treated in a discriminatory manner. The CPT's delegation met a number of these prisoners, who voiced a variety of grievances, a few of which will be mentioned. They alleged that, as a consequence of an escape of a foreign prisoner from the Substance Abuse Treatment Unit, all such prisoners were refused access to drug rehabilitation programmes. They frequently expressed their dismay at not being transferred to their countries to serve the rest of their sentences. In addition, given that the foreign prisoners constituted nearly a third of the prison population, they argued that the Prison Board of Visitors should include someone who shared their own cultural background.

60. The delegation spoke at length about these issues with senior Maltese officials, both at central level and within the prison. The authorities advanced certain reasons for their policy of restricting the availability of drug rehabilitation programmes to Maltese prisoners (e.g., impracticability of follow-up in cases of individuals subject to deportation orders, etc.). As regards the issue of serving a sentence in one's country of origin, the Minister for Home Affairs indicated that, based on a bilateral agreement between Malta and Libya for the transfer of sentenced persons, administrative steps in cooperation with the Libyan authorities had already been taken in order to transfer four prisoners to Libya. A similar bilateral agreement was about to be concluded with Egypt. The Minister also indicated that he had been considering the possibility of including, within the Prison Board of Visitors, someone "culturally conversant" with foreign prisoners; **the CPT would like to be informed of any action taken in this regard.**

61. The Committee is of the opinion that further steps could be taken to reduce the perception of discriminatory treatment apparently present among foreign prisoners at Corradino. **It recommends that:**

- **the possibility of allowing foreign prisoners access to drug rehabilitation programmes on an equal footing with the rest of the prison population be re-examined;**
- **greater efforts be made to arrange the transfer of foreign prisoners to their home countries;**
- **efforts be made to provide some prison officers with at least a basic knowledge of Arabic.**

While the CPT welcomes the development and systematic distribution of an information booklet in Maltese and English explaining prisoners' rights and duties (including as regards disciplinary procedures), it considers that it is important to ensure that this material is comprehensible to all inmates. Consequently, **the Committee recommends that the information booklet for prisoners be translated into other appropriate languages, including Arabic.**

⁵ Cf. paragraph 51, CPT/Inf (92) 5.

⁶ As already mentioned (cf. paragraph 34), most foreign prisoners at Corradino were from Libya or other North African countries. This section refers specifically to them, and does not purport to address the treatment of other foreign prisoners at Corradino.

Liechtenstein: Visit 1999
(CPT/Inf (2002) 33)

C. Etablissement pénitentiaire de Vaduz
5. Détenus étrangers

43. Comme indiqué plus haut (cf. paragraphe 36 ci-dessus), la prison de Vaduz comptait essentiellement des ressortissants étrangers. La délégation a pu constater, sur place, qu'il y avait pour un certain nombre d'entre eux de grandes difficultés de communication tant avec le personnel qu'avec les co-détenus.

44. En particulier, le règlement pénitentiaire mis à disposition des détenus dans les cellules, n'existait qu'en version allemande. Compte tenu du pourcentage important de prisonniers étrangers, il serait indiqué que le règlement pénitentiaire soit traduit vers les langues les plus couramment utilisées. De même, il conviendrait que des indications sur les droits et devoirs des détenus (par exemple, la possibilité d'obtenir sur demande la traduction des actes les concernant, moyens de formuler des plaintes, procédures disciplinaires, etc.) et du personnel ainsi que sur les règles de base du déroulement de la vie quotidienne, soient traduites. Les expressions les plus communément utilisées dans les rapports quotidiens entre les détenus et le personnel, devraient également faire l'objet d'une traduction.

Le CPT recommande aux autorités liechtensteinoises de prendre des mesures en ce sens.

Greece: Visit 1997
(CPT/Inf (2001) 18)

B. Establishments under the authority of the Ministry of Justice
5. Other issues related to the CPT's mandate
f. foreign prisoners

189. As already pointed out (cf. paragraph 98), foreign prisoners constitute about 40% of the current prison population in Greece.

In the establishments visited, many foreign prisoners complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities or a lawyer. The delegation's observations indicated that these complaints were far from being unfounded.

190. The Greek authorities have already taken some positive steps to address these problems. The delegation was shown recently published leaflets containing basic information for prisoners in English and French. Nevertheless, the delegation found that the range of languages in which the information was available was limited, and there was room for improvement concerning the information supplied. Further, not all the prisons visited had been supplied with such information leaflets.

The CPT recommends that the translation of the information leaflet for prisoners into more languages be given a high priority. It would also be desirable for the expressions most commonly used in everyday activities to be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.

Slovak Republic: Visit 1995
(CPT/Inf (97) 2)

B. Establishments under the authority of the Ministry of Justice

5. Other issues of relevance to the CPT's mandate

f. foreign prisoners

146. In the establishments visited, foreign prisoners, particularly those who did not speak any central European language, complained of difficulties in communicating because of language barriers; they also complained about a lack of information concerning the internal regulations and their legal situation and rights. Many of them also stated that they did not know how to contact their consular authorities.

147. The delegation's observations indicated that these complaints were far from being unfounded. The establishments' internal regulations, posted in the cells, were written only in Slovak and the difficulties of communicating with prison staff were obvious. The delegation was informed that steps were being taken to translate the prisons' regulations into foreign languages. **The CPT recommends that this be given a high priority. It would also be desirable that the expressions most commonly used in everyday activities be translated into a range of languages, together with other appropriate information, such as how to contact a lawyer or consular authorities.**

148. The delegation noted that hardly any of the foreign prisoners had work. Moreover, those who did work were mainly employed on simple, unpaid maintenance activities for a few hours per day. Nor were any educational or training activities offered to the foreign prisoners.

The CPT would welcome the Slovak authorities' comments on this subject.

Autriche : Visite 1994
(CPT/Inf (96) 28)

B. Etablissements relevant du Ministère de la Justice

5. Autres questions

b. détenus étrangers

137. A Stein et Schwarzbach, des initiatives avaient été prises en vue de surmonter les difficultés liées au nombre important de détenus étrangers (environ 30%). Ainsi, peut-on citer la mise en place d'un service pour étrangers "Ausländerreferat" et l'affectation spécifique d'un assistant social au suivi des détenus étrangers à Stein ainsi que la prise en compte de la situation spéciale des détenues étrangères par le service social à Schwarzbach.

Cela étant, la délégation a constaté que la situation des détenus étrangers restait problématique dans les deux établissements.

138. Les difficultés de communication dues aux barrières linguistiques demeuraient importantes (en dépit des traductions du règlement intérieur et des principales expressions quotidiennes en plusieurs langues que les détenus pouvaient obtenir sur demande), ce qui pouvait avoir des répercussions dans plusieurs domaines (par exemple, sur la capacité de réhabilitation des détenus, leur santé mentale et leur suivi médical ou thérapeutique).

Le CPT souhaite souligner l'importance de poursuivre des efforts en ce domaine pour surmonter ces difficultés.

139. De plus, comme déjà indiqué (cf. paragraphes 106 et 113), dans les deux établissements, l'accès aux activités de formation/d'éducation était très limité pour les détenus étrangers. Dans ce contexte, le CPT a noté avec intérêt les dispositions de l'article 65a nouveau StVG selon lesquelles il convient de prendre en compte, dans la mesure du possible, dans le cadre des activités d'éducation et de travail des détenus ainsi

que dans les cours de formation et de langue et autres activités, les besoins des détenus dont la langue maternelle n'est pas l'allemand.

140. De manière plus générale, le CPT souhaite souligner l'importance de la mise en oeuvre d'une politique non discriminatoire à l'égard de détenus étrangers dans un établissement pénitentiaire. C'est là l'un des principes fondamentaux des règles pénitentiaires européennes (article 2). Une telle politique pourrait s'inspirer des principes exposés dans la Recommandation N° R (84) 12 du Comité des Ministres aux Etats membres concernant les détenus étrangers.

Le CPT recommande aux autorités autrichiennes de veiller à ce que les dispositions de l'article 65a StVG reçoivent plein effet dans la pratique et, plus généralement, de poursuivre activement leurs efforts à l'égard des détenus étrangers, à la lumière des considérations ci-dessus développées.

Netherlands (Antilles): Visit 1994
CPT/Inf (96) 1

C. Prisons

3. Conditions of detention in Koraal Specht Prison

c. contact with the outside world

104. It is very important for prisoners to be able to maintain good contact with the outside world. Above all, they must be given the opportunity to safeguard their relations with their family and friends, and especially with their spouse or partner and children. The continuation of such relations can be of critical importance for all concerned, particularly in the context of prisoners' social rehabilitation. The guiding principle should be to promote contact with the outside world; any restrictions on such contacts should be based exclusively on security concerns of an appreciable nature or considerations linked to available resources. This is in line with a number of recommendations in the 1987 European Prison Rules, particularly rule 43, sub-paragraph 1 and rule 65, point c.

105. The Koraal Specht Prison regulations (sections 14-20) allow remand prisoners to receive **visits** from their families and friends once a week, subject to the prior approval of the examining judge or public prosecutor, and sentenced prisoners once a fortnight.

The regulations provide for visits to last for either three or two hours, depending on whether they take place in the morning or the afternoon. In practice, however, these rules do not appear to be applied. The delegation was informed that, following proceedings initiated by a group of prisoners in 1991 before the Curaçao urgent applications judge, all prisoners had been granted the right to a weekly visit of up to thirty minutes.

The CPT would like to receive detailed information from the authorities of the Netherlands Antilles on the precise arrangements for visits at Koraal Specht Prison.

106. Visits took place in six individual visiting rooms fitted with a separation screen and a speaking grill. The rooms were rather small and the speaking grills did not appear to permit normal conversation. Rather than attempting to rectify these specific defects, **the CPT invites the authorities of the Netherlands Antilles to undertake a complete review of the visiting facilities, with a view to establishing more open arrangements for ordinary visits.** The individual visiting rooms currently used in Koraal Specht Prison do not promote the maintenance of good relations between prisoners and their families and friends.

Visiting rooms such as those currently in use could, of course, remain in service for certain categories of prisoner (eg. remand prisoners, at the request of the examining judge; prisoners who are strongly suspected of planning to escape or of being involved in trafficking inside the establishment).

107. Renovation work was under way in the six individual visiting rooms, involving in particular the installation of a listening system for surveillance staff. In this respect, **the CPT wishes to stress the need to preserve the confidentiality of consultations between prisoners and their lawyers.**

108. The prison's regulations make no provision for the use of **telephones** by prisoners. In practice, however, it appears that prisoners who are resident in the island can make calls once a week and foreign nationals once a month. Calls are apparently limited to about ten minutes and are monitored by staff.

109. Finally, under sections 11-13 of the regulations, every prisoner can send and receive **correspondence**; the number of outgoing letters is limited to two per week for island residents and to three per week for foreign nationals. Prisoners' correspondence is subject to censorship - by the prison governor, in the case of sentenced prisoners, and the judicial authorities, in the case of remand prisoners.

110. **The CPT wishes to stress the need for a 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, be given more opportunities to have telephone contacts with their families and not be subject to restrictions on the number of letters they can send.

Belgique : Visite 1993
(CPT/Inf (94) 15)

C. Etablissements pénitentiaires

6. Autres questions relevant du mandat du CPT

e. traitement des détenus étrangers

240. La délégation a rencontré lors de sa visite un grand nombre de détenus d'origine étrangère (particulièrement à la prison de St-Gilles). Ils ont presque tous indiqué qu'ils s'étaient heurtés à des difficultés lors de leur arrivée en prison. En effet, bien qu'apparemment, il existe une brochure intitulée "accueil et information" de l'administration centrale éditée en plusieurs langues, le règlement intérieur des établissements visités et les instructions les plus importantes n'étaient disponibles qu'en français et en néerlandais (et à Bruges en anglais).

Le CPT recommande que le règlement intérieur des établissements pénitentiaires, ainsi que toutes autres informations fondamentales concernant la vie de l'établissement et les droits des détenus, soient disponibles dans les langues couramment comprises par ceux-ci.

Norway: Visit 1993
(CPT/Inf (94) 11)

C. Prisons

7. Other aspects of relevance to the CPT's mandate

f. treatment of foreign prisoners

130. Many of the foreign prisoners whom the delegation met spoke of the difficulties they had encountered in prison, on account of the fact that the prison rules and other documents were available only in Norwegian, as well as in English in a few cases⁷.

The CPT noted with interest the attention paid by the Norwegian authorities to the situation of prisoners of foreign origin (cf. memorandum from the Central Prison Administration to the CPT dated 13 February 1993). In this context, the CPT welcomes the various steps taken to resolve, as far as possible, the difficulties which these prisoners may experience owing to factors such as remoteness from their families and differences of language, culture, customs and religion.

⁷ Examples of documents available in English were: "Information to prisoners detained in custody", "The prison health services in Oslo regional prison" and "Medical particulars" at the Oslo prison; "Regulations on the Operation of the High Security Unit" at Ullersmo Prison; "Information Digest" at Ila Prison.

The CPT recommends that a booklet setting out the daily routine and the prison regime, the rights and obligations of inmates and staff, avenues for complaint and disciplinary procedures should be made available to inmates, not only in Norwegian and English, but also in the other languages commonly spoken by prisoners.

Liechtenstein : Visite 1993
(CPT/Inf (95) 7)

C. Etablissement pénitentiaire de Vaduz
5. Détenus étrangers

43. Comme indiqué plus haut (cf. paragraphe 36 ci-dessus), la prison de Vaduz comptait essentiellement des ressortissants étrangers. La délégation a pu constater, sur place, qu'il y avait pour un certain nombre d'entre eux de grandes difficultés de communication tant avec le personnel qu'avec les co-détenus.

44. En particulier, le règlement pénitentiaire mis à disposition des détenus dans les cellules, n'existait qu'en version allemande. Compte tenu du pourcentage important de prisonniers étrangers, il serait indiqué que le règlement pénitentiaire soit traduit vers les langues les plus couramment utilisées. De même, il conviendrait que des indications sur les droits et devoirs des détenus (par exemple, la possibilité d'obtenir sur demande la traduction des actes les concernant, moyens de formuler des plaintes, procédures disciplinaires, etc.) et du personnel ainsi que sur les règles de base du déroulement de la vie quotidienne, soient traduites. Les expressions les plus communément utilisées dans les rapports quotidiens entre les détenus et le personnel, devraient également faire l'objet d'une traduction.

Le CPT recommande aux autorités liechtensteinoises de prendre des mesures en ce sens.

Greece: Visit 1993
(CPT/Inf (94) 20)

B. Prison establishments
2. Torture and other forms of ill-treatment

(...)

102. It should be noted that the different establishments in the Korydallos Prison Complex and Larissa Prison were accommodating significant numbers of foreign prisoners. In this connection, the CPT's delegation observed that some foreign prisoners did not have a full understanding of the prison regime or of their rights and responsibilities, and that on occasion there were serious difficulties of communication between prison staff and foreign prisoners. Such a situation can easily give rise to misunderstandings and possibly disputes.

The CPT therefore recommends that appropriate steps be taken to counter these difficulties (eg. preparation and translation into relevant foreign languages of a booklet describing the routine and regime of the prison, the rights and responsibilities of prisoners and staff, and complaints and disciplinary procedures; translation of those expressions most commonly used in daily interaction between prisoners and staff; basic training in foreign languages for designated prison officers).

Luxembourg : Visite 1993
(CPT/Inf (93) 19)

B. Centre Pénitentiaire de Luxembourg
6. Autres questions relevant du mandat du CPT
e. traitement des détenus étrangers

101. La délégation a rencontré lors de sa visite un grand nombre de détenus d'origine étrangère (ils constituaient approximativement 50 % de la population carcérale). Ils ont presque tous indiqué qu'ils s'étaient heurtés à des difficultés lors de leur arrivée au CPL, car le règlement intérieur de l'établissement et les instructions les plus importantes n'étaient disponibles qu'en français et en allemand.

Le CPT recommande que le règlement intérieur des établissements pénitentiaires, ainsi que toutes autres informations fondamentales concernant la vie de l'établissement et les droits des détenus, soient disponibles dans les langues couramment parlées par ceux-ci.

102. Des considérations humanitaires, sans parler de l'objectif de la réinsertion sociale du détenu, militent en faveur de l'exécution de la peine dans le pays ou dans la région où ce dernier dispose d'attaches familiales et sociales. La Convention du Conseil de l'Europe sur le transfèrement des personnes condamnées est l'un des aboutissements récents de ce concept. Or, la délégation du CPT a été informée, lors de sa visite au Grand-Duché du Luxembourg, que de nombreuses difficultés jalonnaient la mise en oeuvre pratique de cette convention.

Le CPT souhaiterait obtenir les commentaires des autorités luxembourgeoises à ce sujet.

Italie : Visite 1992
(CPT/Inf (95) 1)

B. Etablissements pénitentiaires

2. Torture et autres formes de mauvais traitements

(...)

61. La délégation a noté que les relations quotidiennes entre le personnel et les détenus semblaient globalement normales, et ce parfois en dépit de très mauvaises conditions de détention, qui ne facilitaient guère le maintien de bons rapports.

La délégation a noté cependant qu'il existait de sérieuses difficultés de communication entre le personnel pénitentiaire et beaucoup de détenus d'origine étrangère. Une telle situation peut facilement être source de malentendus et éventuellement de différends. **Le CPT désire souligner qu'il est important de prendre des mesures à ce sujet (par exemple, la traduction des expressions les plus couramment utilisées lors des rapports quotidiens entre les détenus et le personnel - tout comme du règlement pénitentiaire - dans des langues pertinentes ; la formation de base en langues étrangères pour des fonctionnaires pénitentiaires sélectionnés, etc.).**

Suisse : Visite 1991
(CPT/Inf (93) 3)

A. Prisons

1. Etablissements de détention

- c. Conditions de détention
vi. *détenus étrangers*

38. A Berne, comme à Zurich, le pourcentage élevé de détenus étrangers (voir paragraphes 13 et 14 ci-dessus sur le nombre d'étrangers) dans les établissements visités a créé des problèmes divers, notamment d'ordre linguistique. La délégation a noté que l'administration s'efforçait de surmonter les difficultés, en faisant éditer le règlement pénitentiaire et des feuilles d'informations aux détenus en plusieurs langues.

La délégation, à la suite de visites dans les cellules, a toutefois constaté qu'il existait de graves difficultés de communication entre détenus étrangers et personnel, comme aussi entre détenus.

La délégation a, à plusieurs reprises, également constaté que les détenus étrangers éprouvaient d'importantes difficultés de compréhension de la situation dans laquelle ils se trouvaient et de leurs droits et obligations.

Le CPT recommande l'adoption de mesures supplémentaires (documentation dans d'autres langues moins usitées, mise à disposition d'interprètes) en vue de surmonter les difficultés de communication et de compréhension constatées par sa délégation à Berne et à Zurich.

Suisse : Visite 1991
(CPT/Inf (93) 3)

A. Prisons

2. Etablissements d'exécution des peines

- c. Conditions de détention
v. *prisonniers étrangers*

64. A la prison de Thorberg, comme aux EPO, la délégation a constaté d'importants problèmes de communication en raison du pourcentage élevé de prisonniers étrangers (voir paragraphes 45 et 46 ci-dessus). Le règlement intérieur et les directives annexes sont disponibles à Thorberg en versions française et allemande (une version anglaise était en cours d'élaboration) et aux EPO, en versions française, allemande, anglaise et italienne. Ce n'est qu'occasionnellement et très ponctuellement que les prisonniers, non en mesure de comprendre l'une de ces langues, pouvaient s'informer soit par l'intermédiaire d'un membre du personnel ayant des connaissances linguistiques, soit par celui d'un interprète prévu par les soins du tribunal ou de leur conseil juridique.

Nombre de prisonniers étrangers ont allégué ne pas comprendre le système de calcul des retenues opérées (portées sur un compte bloqué du prisonnier) du pécule et les formulaires de décompte pertinents. Les indications du personnel ne sont pas comprises, en raison des obstacles linguistiques et sont donc perçues comme arbitraires.

Le CPT considère qu'en ce domaine il y a matière à amélioration **et recommande aux autorités de faire traduire les extraits pertinents du règlement pénitentiaire, instructions diverses et feuilles d'information aux prisonniers dans un nombre plus important de langues.**

65. Dans les deux établissements, la délégation a entendu des allégations émanant de prisonniers étrangers comme de prisonniers suisses quant au traitement des premiers (en particulier, propos offensants) comportant plus de rigueur que de besoin. Ce peut être, entre autres, une conséquence des difficultés de communication et de compréhension entre prisonniers étrangers et personnel.

Le CPT recommande aux autorités suisses de sensibiliser et former le personnel des établissements ayant en charge un pourcentage élevé de ressortissants étrangers, aux cultures étrangères.

Finland: Visit 1992
(CPT/Inf (93) 8)

B. Prisons

6. Other issues of relevance to the CPT's mandate

- f) treatment of foreign prisoners

141. The delegation met only a small number of foreign prisoners in the establishments visited, but almost without exception they stated that they encountered major difficulties because very little information was available in languages other than Finnish. Often, the internal rules of an establishment were not even available in Swedish, the other official language in Finland.

It also appeared that, despite the provisions of Finnish law on a prisoner's right to benefit from the assistance of an interpreter (cf. section 22 of the Act on Administrative Procedure), in practice such assistance was often difficult to procure.

142. **The CPT recommends that:**

- **the internal rules of every prison establishment, together with other basic information about prisoners' rights, should be available to inmates in a variety of**

languages;

- **foreign prisoners should have an effective right to the assistance of an interpreter when required to participate in proceedings which concern them (including internal disciplinary proceedings).**

Denmark: Visit 1990
(CPT/Inf (91) 12)

A. Prisons

4. The State Prison at Nyborg

- c. Conditions of detention
 - vii. *foreign prisoners*

107. As already mentioned, Nyborg Prison is used for accommodating foreigners who have no family in Denmark and no special link with the country. As a result, its situation is undoubtedly somewhat different from that of other establishments for convicted prisoners. The CPT's delegation met several foreign prisoners who were unable to communicate with the staff and other prisoners as they did not speak Danish, English or German. It was possible to talk to them through fellow-prisoners acting as interpreters. Apart from the various difficulties encountered in daily life owing to the language barrier (see also above with regard to medical care), some of these prisoners were in a state of deep moral distress owing to the isolation forced on them by their inability to communicate.

Some complaints were also made about the absence of specific facilities for religious services.

108. This question was discussed with the prison staff, who did not think that there were too many difficulties, as 80% of the prisoners spoke or understood Danish and/or English. For the remaining 20%, an interpreter was called in in cases of absolute need; otherwise the staff "made do" with the resources at their disposal. The CPT's delegation was able to see for itself the efforts made by the staff to communicate with the prisoners concerned.

109. The CPT nevertheless believes that there is some room for improvement in this area:

- **firstly, the example set by remand establishments, where the relevant excerpts from the prison rules and other texts have been translated into a considerable number of languages, might usefully be followed (see paragraph 53);**
- **secondly, the Danish authorities might consider providing prisoners and prison officers at Nyborg Prison (as well as at other establishments for convicted prisoners where foreign prisoners are kept) with better opportunities for learning Danish and foreign languages respectively.**

Austria: Visit 1990
(CPT/Inf (91) 10)

B. Establishments administered by the Ministry of the Interior

b. Conditions of detention

- iii) Police jails
(foreign prisoners)

82. A very high proportion of the inmates in the two police jails visited were foreigners (as regards the Vienna Police Jail, some 90 % on the first day of the delegation's visit). Apart from the general inadequacy of the prison building, the Director of the Vienna Police Jail identified the question of language as his greatest problem, an opinion endorsed by prison officers and trade-union officials.

During its visits to cells, the delegation was able to appreciate for itself that there were serious difficulties of communication between prison staff and prisoners and, frequently, between prisoners. However, there was apparently as yet no documentation available for prisoners in languages other than German (the Director of the Vienna Police Jail indicated that a text was under preparation). On this point, one can compare

the situation with that of the Vienna Court of First Instance Prison, where not only the prison regulations, but also those expressions most commonly used in daily interactions between prisoners and prison staff, have been translated into various languages (French, English and Spanish).

The CPT wishes to emphasise the importance of taking steps (documentation in other languages; provision of interpreters) to overcome these difficulties of communication.