



**CHECKLIST FOR THE CUSTODIAL CONDITIONS
BASED ON
EUROPEAN STANDARDS AND ADAPTED IN LINE
WITH THE NEW MS REGULATIONS
CONCERNING 'RADICALISATION'**

(according to the Recommendation R(2006) 2 of the Committee of Ministries of the Member States on penitentiary European rules adopted by the Council of Ministries on January 11th 2006)

AREA	YES	NO	REMARKS
ADMISSION AND PROFILING			
1. In entering, do you take note of the possible visible injuries and/or complains of previous mistreatments? Does every detainee/prisoner has a medical check?			
1.b Is 'radicalisation' and/or 'extremism' a criteria for the placement of the inmates into a specific wing/area/regime? Do radicals are classified as such based upon a legal sentence issued by a judge?			
1.b.1 How and why are 'radicals' and/or 'extremists' transferred to high security prisons from normal prison circuits? Who takes these decisions?			
1.b.2 Do you have a procedure in place to de-classify a prisoner/detainee accused or suspected of 'radicalism'/'extremism' to a different classification? Who and how are decisions taken for the de-classification of these detainees/prisoners?			
1.b.3 In case of a contested classification by non-judiciary bodies, can a detainee explain his/her reasons? If yes, in which way?			
1.c Religious-inspired radicals and/or terrorists are kept in the same wing of politically-inspired terrorists and/or radicals or of members of O.C. organizations?			
1.d are individuals with 'radical'/'extremist' ideas admitted to the same wings/area of people A) suspected of a terrorist offence but not convicted, B) convicted for a terrorist offence (definitive or not)			
ALLOCATION AND PLACES OF DETENTION			
2. In allocating a detainee to his/her place of detention, do you take into consideration the proximity with his/her family?			
2.a Is this considered also for political extremists or radicals or for individuals convicted terrorism related crimes?			

3. Are there standards regarding the surface, air availability, lighting, heating, ventilation?			
4. Do the places of detention have windows big enough to facilitate natural light and ventilation?			
5. Is there an alert system for the detainees to be able to immediately contact the personnel in case of necessity?			
6. Is there the possibility of being allocated to an individual cell, in particular for the night ?			
7. In case of allocation of more than one subject in the same cell, do you take into consideration the necessity of keep separated: defendants and convicted people, males and females, young, adults and aged people?			
7.b Do you consider ethnic and religious aspects in the allocation of prisoners/detainees?			
7.c Do you apply the provisions of COUNCIL FRAMEWORK DECISION 2009/829/JHA concerning mutual recognition to decisions on supervision measures as an alternative to provisional detention			
HYGIENE			
8. Do detainees have immediate access to a privacy-oriented, healthy sanitation?			
9. Daily or at least twice a week, can detainees use toilets and showers that have a temperature suitable to the weather?			
10. Do you provide the detainees with items for personal hygiene and items for general cleaning?			
10.a Is the access to these hygienic services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
CLOTHING AND BEDDING			
11. Do you provide the needed detainees with pieces of clothing suitable for the weather? Are these pieces of clothing not humiliating and degrading?			
12. Do you provide every detainee with personal and suitable bedding, with the possibility of changing it often to ensure the cleanliness?			

ALIMENTARY REGIME

13. Do you give to the detainees three meals a day, in a sufficient amount, suitable to weather, age, gender, health condition, religion, culture, nature of work he/she may be involved in?			
14. Is the food made in places that respect the appropriate hygiene standards?			
14.b Is the food made with standards that respect the basic religious principles?			
15. Is drinkable water always available for detainees?			
16. It is possible for medical and para-medical qualified staff to modify the alimentary regime of a detainee according to his/her health conditions?			
16.a Is the access to these services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			

LEGAL CONSULTANCY

17. Can the detainees who required it have access to legal consultancy if they cover the expenses by themselves?			
18. Is there also a free legal service for detainees with no means? If yes, are the detainees informed about it?			
19. Beside from waivers authorized by the judicial authority, are the correspondence between detainees and their lawyers private?			
20. Can the detainees have documents concerning their judicial procedure? Can they have access to them?			
20.1 Is the access to these services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			

CONTACT WITH THE OUTSIDE

21. Can prisoners be allowed to communicate with their family and third party people? If yes, how often and in which way?			
22. Are detainees informed immediately about possible deaths of close relatives? Are relatives informed promptly about the death of the detainee?			
23. Are detainees allowed to have access to press, radio and television?			

24. Do detainees with no restriction in participating in elections have access to vote?			
24.1 Is the access to these services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
WORK			
25. Are the detainees forced to work for disciplinary reasons?			
26. Can a detainee be involved in a paid job, in the case that he/she requests it?			
26.b Are these prisoners/detainees classified as 'radicals' or 'extremists' allowed to access alternative measures, internal and external jobs? Who decides the application of these measures?			
26.c Do you apply for this category of inmates the COUNCIL FRAMEWORK DECISION 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures			
27. Are work schedules and conditions the same as the ones applied for the rest of the society or are they very different?			
27.1 Is the access to these services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
SPORT AND LEISURE ACTIVITIES			
28. Are the detainees allowed to spend at least one hour a day outside to practice sports?			
29. Inside the prison, are there any planned activities to allow detainees to take care of their physical condition?			
29.a Is the access to these activities restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
EDUCATION			
30. Are there educational courses for detainees, especially for primary education and addressed to the youngest? Who teaches these?			
31. Is there a library inside the institute?			

31.a a Is the access to these activities restricted for specific categories of 'radicals' or 'extremists' and/or 'terrorists'?			
FREEDOM OF RELIGION			
32. Do detainees have the possibility to practice individually their religion, to participate in rituals and meet the ministries of their faith?			
33. Can they have religious books and material irrespectively of language or religion?			
34. Do they have pray halls?			
35. Are there procedures in place for religious calendars			
35.1 Is the access to these services restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
INFORMATION			
36. Are detainees always informed about their rights and duties inside the prison in a language they can understand?			
37. a Is the access to information somehow restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
TRANSFERT			
38. Are transfers of detainees done respecting their privacy and reducing public contact as much as possible?			
39. Is the access to transfers restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
LIBERATION			
40. During their liberation, do you provide detainees with identity documents, clothes and means indispensable for their immediate survival?			
WOMEN AND MINORS			
41. Are women authorized to give birth outside of the prison? If not, is the Prison Authority able to give her all the assistance she needs?			

42. If a minor is detained in a prison for adults, is the minor kept separated from them? Does he/she have access to the social, physiological and educational services?			
43. In case of very young children staying with their parents, is there any kindergarten facility with a qualified personnel and a specific place where the children can stay?			
FOREIGNERS			
44. Can foreign detainees be informed about the right of contacting their diplomatic or consular representatives?			
45. Are foreign detainees informed about legal assistance? Are they informed about the possibility to ask to move to another country?			
45.1 Is FD 947 applied to facilitate the social rehabilitation of people convicted within one country through transferring them to their home country in the EU to serve a probation measure or alternative sanctions.			
45.2 Do you apply for this category of inmates the COUNCIL FRAMEWORK DECISION 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures			
ETHNIC AND LINGUISTIC MINORITIES?			
46. Are there any special procedures for ethnic and linguistic minorities?			
47. Are these groups able to follow their cultural practices?			
48. In this case, are all the information available for detainees (through a translator? Through specific brochures?)			
HEALTH			
49. Inside the prison, is there a medical facility all the detainees can have access to without any kind of discriminations?			
50. Can detainees have access also the external medical facilities and treatments in case of necessity?			

51. How often are detainee's health conditions checked? In which way (request coming from the detainee, request coming from the doctor, time schedules...)			
52. Is there special department providing treatment for detainees with mental problems?			
53. If necessary, can psychiatric treatment be delivered? Are there any preventive measure against suicides?			
54. Can detainees be subject to medical experiments without having agreed to it?			
SEARCH AND BODY SEARCH			
55. Must body searches/search be performed by personnel of the same gender as the detainees?			
56. In case of a very personal body search, is a medical doctor the person who is going to perform that?			
57. Can detainees assist in the search among their personal belongings?			
58. Are there procedures in place to respect religious prescriptions of minorities concerning body or personal search ?			
58.1 Is the access to these rights somehow restricted for specific categories of 'radicals' or 'extremists' or 'terrorists'?			
DISCIPLINE AND SANCTIONS			
59. Does the domestic law provide with a definition of actions and omissions that are classified as disciplinary violations? What about procedures to be followed in disciplinary matter (e.g type, duration of the sanctions, authority that can decide about them).			
60. Are collective sanctions and corporal punishment allowed?			
61. Among sanctions, are the ban of family contacts and isolation in the dark allowed?			
62. If the isolations is allowed among sanctions, for how long it can last and in which way does it have to be enforced?			
63. In case of violation of the disciplinary code, can a detainee explain his/her reasons? If yes, in which way?			

64. Can the detainee have witness and time to prepare his/her defense? Can the detainee have a translator if necessary?			
64.1 Is there any difference in the rights of the detainees/prisoners accused or convicted for radicalization-related crimes in comparison to the other detainees/prisoners for what concerns discipline and sanctions?			
USE OF FORCE			
65. The use of force by the personnel is regulated in a detailed way by the law?			
66. Are irons and chains also used?			
67. Are constraint measures used also as punishment instruments?			
REQUESTS AND COMPLAINS			
68. Are detainees allowed to make requests and complaints to the director of the prison?			