

Chapter 13 - Prisoners and Detainees

Consular A-Z Index

Internal Guidance - not to be handed out to external contacts

Key Points

Contact the prisoner (by telephone or in person) within 24 hours. Visit as soon as possible afterwards, preferably within 48 hours, if the prisoner wishes you to do so.

Offer to inform friends or family in the UK if the prisoner wishes and explain to the prisoner how friends and family can send prison comforts.

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Ensure the prisoner knows about Prisoners Abroad and encourage them to sign their registration form.

Get to know the legal system and whether or not there is a Prisoner Transfer Agreement.

British nationals often need legal advice when abroad. An up-to-date **list of local lawyers** is essential.

Do not become involved in the interpretation / translation of any legal issues. A list of translators should be provided with the lawyers list.

Keep in regular contact with prisoners to ensure that they are treated in accordance with international standards and that their welfare needs are met. If they are not being met, with the detainee's permission you can proactively follow these up after discussing with Consular Directorate.

After sentencing, in EEA countries, North America and Australasia, visit once after sentencing and thereafter if a real need arises. In the rest of the world visit at least once a year, or more frequently depending on local circumstances and the prisoner's circumstances. Do not visit more than is necessary.

Remember to complete the Half Yearly Detainee Return.

Remember that all prisoners should be treated equally regardless of their offence.

Note: where a British national is held in a British Military facility which the International Committee of the Red Cross (ICRC) have access to, we should not offer consular support but leave it to ICRC to look after their welfare.

Assessing vulnerability

1. You can use the individual prisoner checklist to assess the vulnerability of prisoners and detainees. You should also use the prisons checklist to assess the prison where they are. Your post may already have assessed these and uploaded them to the central SharePoint page.
2. Action to take for prisoners and detainees is described in this chapter. **If you decide to do more (or less) than you would for others, you can also consider the things in paragraphs 4 and 5.** This list is not exhaustive – they are only our initial suggestions - and you may have other ideas. If you do, please tell us about them or post them on the more and less discussion page.
3. Make sure you record your decision and if the circumstances of a case change and you believe your customer's vulnerability has changed as a result, assess them again.

Doing more:

4. If you decide a prisoner or detainee is more vulnerable, there are additional things you can do – these are listed below in two groups, general support and support for specific vulnerabilities.

General support

- To provide additional emotional support and support mental health, you can consider extra visits and increased monitoring; lobby to move them to better conditions; ask family and friends/local NGOs to support, including visits; provide means to communicate with outside world (i.e. arrange calls);
- To provide additional medical support, you can ask **REDACTED INFORMATION** (they have a medical and vitamin fund); contact prison social workers and prison staff to raise any specific concerns; consider referral to a pro-bono medical panel;
- To support people's legal case, you can consider supporting clemency and /or prisoner transfer requests; support a local lawyer as they prepare for a trial/bail hearing by supporting legitimate concerns they have raised with the authorities and lobbying for information/access when appropriate; consider whether a lawyer is providing appropriate levels of service; attend court hearings; and consider referring issues to a pro bono lawyers panel and NGOs who might be able to assist;
- To help ensure personal safety, ask for them to be moved to a different wing / section of the prison or another in the same country;
- To provide financial assistance, you can apply to use the VPF.

Specific support to consider for people who are:

Over 65: assess for physical/mental health issues; support clemency.

Under 18: request prison/courts treat as child; increased contact with lawyer; support clemency appeal.

With a learning difficulty/disability: request prison/courts recognise difficulties/disabilities; increase contact with lawyer (can assist in providing documents on disabilities).

Seriously ill: push for medical care/appointments; consider asking for consent to access medical records (in UK and locally including prison medical records); consider pro-bono medical panel, with a view to considering clemency.

Pregnant: monitor physical and emotional health (visits, phone-calls, contact with prison officials/doctors/social workers); check process for birth (e.g. will the prisoner be shackled?); monitor post natal care

With an existing mental health problem: request prison/courts recognise this.

Illiterate: ensure they understand what is happening, and any documents they have been given; ensure there is a way to contact you other than by letter; ensure prison officials/lawyer are aware.

Experiencing discrimination (e.g. re sexuality, ethnicity, religion, gender): consider lobbying prison authorities for equal treatment; consider requesting internal transfer or transfer within facility.

Sentenced to the death penalty.

Making a suicide threat / on hunger strike: (see emotional support and support mental health above); consult Mental Health Adviser if suicide threat and Human Rights Adviser if hunger strike; in consultation with the individual, increase contact with prison authorities/social workers; explore reasons for threats; encourage contact with family/friends

Rape and other forms of sexual assault – see guidance on these types of cases and Torture and Mistreatment.

Doing less:

If you have assessed local conditions and the individual circumstances of the detainee and have found them in both cases not to be vulnerable, you should consider reducing the number of visits after your first visit. Instead you can do the following:

- **communicate to the detainee the steps you are intending to take and your justification for doing so**
- Monitor the status of the detainee through contact with the prison authorities (doctors, social workers, prison governors) rather
- Write to the detainee on a regular basis
- Contact NGOs / support groups / family who may be able to offer assistance to the detainee

Public Statement

Support for British Nationals Abroad pages 17 & 18

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/317474/FCO_Brits_Abroad_2014.pdf

British nationals in detention or prison overseas

- ☐ If you are arrested or held in custody or prison overseas, the authorities in that country should ask you whether you want them to contact the British Embassy, High Commission or Consulate. However, you can also ask for this to be done, and should do so particularly if you are charged with a serious offence.
- ☐ We will aim to contact you, depending on local procedures, within 24 hours of being told about your arrest or detention. If you want us to, we will then aim to visit you as soon as possible.
- ☐ We can put you in touch with Prisoners Abroad, a UK charity which supports British citizens detained overseas and their families **REDACTED INFORMATION**
- ☐ Our staff are there to support you and to take an interest in your welfare. We aim to be sensitive and non-judgemental. We also aim to treat everyone in prison or detention the same, no matter what they are being held for, or whether they are on remand or have been sentenced. You should stay in touch with our staff and ask for their help, as they have experience in dealing with many of the problems you may face.
- ☐ But, we cannot get you out of prison or detention, nor can we get special treatment for you because you are British.
- ☐ If you want us to, we can tell your family or friends that you have been arrested. If you are thinking about not telling your family, please consider the distress it may cause them if they are not told where you are. It can also be a disadvantage to you if you need money for anything in prison or fall ill. Once we have told your family and friends, we can pass messages between you if phone or postal services are not available.
- ☐ Although we cannot give legal advice, start legal proceedings or investigate a crime, we can offer basic information about the local legal system, including whether a legal aid scheme is available. We can give you a list of local interpreters and local lawyers if you want, although we cannot pay for either. It is important to consider carefully whether you want to have legal representation and to discuss all the costs beforehand with the legal representative.
- ☐ We can offer you information about the local prison or remand system, including visiting arrangements, mail and censorship, privileges, work possibilities, and social and welfare services. We can also explain where there are different regulations for remand prisoners and sentenced prisoners. For example, in some countries, prisoners are allowed to send more mail when they are on remand.
- ☐ If appropriate, we will consider approaching the local authorities if you are not treated in line with internationally-accepted standards. This may include if your trial does not follow

internationally recognised standards for a fair trial or is unreasonably delayed compared to local cases.

- ☒ We can also help to put you in touch with the charity Fair Trials International **REDACTED INFORMATION**
- ☒ With your permission, we can take up any justified complaint about ill treatment, personal safety, or discrimination with the police or prison authorities. Again, with your permission, we can make sure that any medical or dental problems you might have are brought to the attention of any police or prison doctor.
- ☒ If you are in prison in a European Union country, or in Iceland, Liechtenstein, Norway, Switzerland, Canada, the USA, Australia or New Zealand, we aim to visit you once after sentencing and then after that only if there is a real need. In other countries, while you are in prison we aim to visit you at least once a year, although we may visit you more often if necessary.
- ☒ Within certain limits, we can send you money from your family. In some cases, there may be a charge for this service. In some countries, depending on the rules of the prison where you are being held, we can help to buy essential items with money sent by your family, friends or other people.
- ☒ We may be able to give you information about any local procedures for a prisoner's early release in exceptional circumstances. These procedures are generally known as pardon or clemency. We will only consider supporting pardon or clemency pleas:
 - in compelling compassionate circumstances, such as where a prisoner or close family member is chronically ill or dying and this would leave no-one to care for dependants;
 - in cases of minors imprisoned overseas;
 - as a last resort, in cases where we have evidence that seems to point to a miscarriage of justice.
- ☒ We oppose the death penalty in all circumstances. If you are facing a charge that carries the death penalty, or if you have been sentenced to death, we will normally raise your case at whatever stage and level we judge to be appropriate. We can also put you in touch with the charity Reprieve **REDACTED INFORMATION** who work to prevent the execution of any British national detained overseas.
- ☒ We can explain to you how you may be able to apply to transfer to a prison in the UK if you are in a country from which prison transfers are possible. We have a leaflet **REDACTED INFORMATION** with more details.
- ☒ The local authorities may have a policy of deporting foreign nationals after they have completed a prison sentence and we cannot prevent them from doing this, even if you had previously lived in the country before your prison sentence.

- ☒ You should be aware that if you are arrested for certain serious offences, such as child sex abuse or drugs crimes, our staff must tell other relevant UK authorities 9 .

We have a leaflet **REDACTED INFORMATION** with more information. You will find more details of this leaflet, and the one on transfers, on www.fco.gov.uk/publications.

Note 9:

We keep and use information in line with the Data Protection Act 1998. We may release personal information to other UK government departments and public authorities.

Support for British Nationals Abroad page 21

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/317474/FCO_Brits_Abroad_2014.pdf

British nationals in detention or prison overseas

If a relative or friend has been detained or held in prison overseas, we can give the following support.

- ☒ If your relative or friend has asked us to, we will tell you as soon as we can that they have been detained or held in prison. However, to protect their privacy, we will not normally provide any details of the detention or arrest, or tell you how to contact them, unless they have given us permission.
- ☒ We can provide general information about the country involved, prison conditions and the local legal processes.
- ☒ We can put you in touch with the prisoners' welfare charity, Prisoners Abroad **REDACTED INFORMATION**
- ☒ If the prison where your friend or relative is being detained agrees, we can, within certain limits, pass on any money you want to send to them to buy prison 'comforts', use the phone and so on. In some cases, there may be a charge for this service.
- ☒ You should be aware that, in many countries, mail the prisoner sends or receives will be opened and read by the authorities, and phone conversations may be monitored.

Notification of arrest and initial visit, including prisoner pack, lawyers list and bail

Notification of arrest – initial action for post

5. British nationals arrested overseas should be allowed to inform the consular officer if they so wish and should be informed of this right by the arresting authority of their right to consular assistance, if they request it. If the local authorities have denied such a request, consult the Human Rights Advisor with a view to raising the subject matter with them the authorities without delay and ask for an explanation of their failure. Base your representations on

- ☐ the provisions of the **VCCR, Article 36** or the customary international practice that it codified
- ☐ in Commonwealth countries - the informal reciprocal agreement
- ☐ the practice in the UK for persons under arrest to be given every opportunity of immediate contact with their consular representatives
- ☐ provisions of the bilateral convention.

Chapter 12 - Prisoners and Detainees - Human Rights Issues provides further information and guidance on issues of non-notification and denial of or delays to consular access. Before making representations, Post should consult the Human Rights Advisor.

6. When you become aware of the arrest of a British national **REDACTED INFORMATION OUT OF SCOPE** regardless of where the notification came from (official channels, the media or friends/family) you must:

- ☐ **Contact the prisoner** (by telephone or in person) within 24 hours. Visit as soon as possible afterwards, preferably within 48 hours, if the prisoner wishes you to do so. In some countries local procedures or the distances involved make visiting difficult. In these cases, explain to the prisoner that distance / procedure means that it difficult to visit as soon as the prisoner would like and confirm a time period within which to visit.
- ☐ Although all prisoners should be treated equally regardless of the alleged offence or possible time in custody you must visit vulnerable prisoners as a priority (see Vulnerable Groups below). Therefore, out of hours the consular officer should try and visit vulnerable prisoners as soon as possible. If the Global Response Centre takes the call they should try and contact someone at Post who should try and visit.
- ☐ Out of hours, ie over a weekend, the Global Response Centre/consular duty officer should try and make contact with a detainee over the phone and follow this up by faxing a prisoner pack (this should be the main body of the pack – extra leaflets can be delivered during the follow up visit). If there are difficulties getting through to a prisoner by phone then a prisoner pack should be faxed anyway and a follow up phone call to the prison should be made, asking them to pass on the pack. Officers should continue to try and contact the prisoner. Where local procedures block first contact by phone or face to face, and prisoner packs are therefore sent by post or fax, you need to ensure the material reaches the detainee, they have an opportunity to respond and, if they wish, request a visit. If you do not hear back from the detainee you *must* follow up by telephone or if this fails, with a visit. Consular officers should take the complete *prisoner pack* with them on a visit in case the detainee did not receive the first pack. In the long term Posts should work with local authorities to improve the policy on first contact.

7. You may be asked to be present when a British national is to be arrested. The circumstances of each case should be weighed up before a judgement is made (see Vulnerable Groups, below). In general, requests to be present when searches are made should be politely refused.

8. Staff may receive requests from local police or judicial authorities for the criminal records of British nationals under detention. Staff should refuse such requests and advise the authorities to make their enquiries through international police channels.

Prisoner pack

9. On your first visit to a prisoner you should provide them with a prisoner pack.

10. All posts should have a prisoners pack containing useful information for prisoners and their families. The pack should be kept up to date, whether or not you have prisoners at the present time.

11. Post should review the prisoner pack and update it at least once a year. Post should also look out for any recommended updates to packs that prisoner section send out throughout the year (via the consular bulletin for example).

12. All prisoner packs should be available on Posts external website so that any family members and Prisoners Abroad can access them. Prisoners Abroad use our prisoner packs to advise prisoners and their families.

13. Posts should also make sure that the Global Response Centre have the latest version of their prisoner pack as part of the Post Essential Information (PEI).

REDACTED INFORMATION OUT OF SCOPE

Local Lawyers List

16. All Posts should ensure that they have an up-to-date lawyers list available to give to British prisoners or any other Distressed British National.

17. The lawyers list should have details of the local lawyer and firm, contact details, addresses, telephone, fax numbers and e-mail address, opening hours, out of hours availability, consultation fee (if available), legal speciality, other standard services and any additional information. The lawyers list for Madrid serves as a good example.

18. Post should ensure that they have suitable lawyers to cover the areas of expertise most relevant to consular work. For example, Posts should have lawyers on their list covering criminal law and family law in particular and also have a range of lawyers who cover public and private law. The list should show clearly which areas are covered by which lawyers.

REDACTED INFORMATION OUT OF SCOPE

Initial visit

25. A prisoner will look to you for information. Before you conduct your first visit make sure you are prepared for the questions that a prisoner will expect you to answer. Get to know the legal system (but do not give advice). Get to know the prison system and the prison you are visiting. If security is an issue at the prison – or the prisoner is alleged to be violent – share a visit with a colleague. Where local prison conditions and local welfare funds make it appropriate to do so, consider taking a small toiletry kit (toothbrush, toothpaste, soap etc.) and stationery (a prisoner will often want to contact their family urgently).

Do be:	Do not:
Helpful	Fail to turn up
Attentive	Give legal advice
As positive and encouraging as possible	Raise false hopes
As informal as possible without being over familiar	Break promises (eg to buy something or pass on messages)
Frank but sympathetic	Get over-involved or, worse, under-involved and nonchalant
	Take any risks regarding your personal safety
	Speculate on outcome, sentence or possible release dates
	Translate/interpret any legal documents or issues

26. During the visit:

Offer to inform friends or family in the UK if the prisoner wishes. If a prisoner does not want their family informed, but you believe that the charges the prisoner is facing make it unlikely that they will be released in the near future or you are aware that there is media interest in the case, you should explain that we will maintain his/her consular confidentiality. However, if the family become aware of the detention (eg via the media) it will add to their distress if we cannot discuss the case with them and the prisoner may wish to re-consider the decision not to allow us to inform their family. If the prisoner is a minor (under 18), you must refer to London, we will consider all the circumstances, and in particular the competence and capacity of the individual. Sixteen and seventeen year olds are normally deemed to be competent to make their own decisions, such as deciding to apply for a passport and travel without parental consent. There is therefore a strong presumption that we would not inform their families of their detention without the consent of the individual. Exceptions might include where there is an assessment that the individual lacks mental capacity to make the decision whether or not to inform their family. With children under sixteen, we must have regard to all the circumstances, including whether the child or young person is competent and the seriousness of the position of the child/young person. Case specific guidance can be provided by Specialist Advisers in Consular Directorate.

Ask whether the detainee is content for us to share details of his/her case with an MP/MEP if they contact us. You should also explain that unless we have their permission, if an MP or MEP does raise their case with us we will not be able to discuss any specific issues with them. If a detainee is unwilling to agree to this, ensure they know that they can change their mind at any time. Make it clear that they can specify certain third parties who they are happy for us to speak to. Details should be noted on the prison visiting form.

Explain to the prisoner how family or friends can send prison comforts via Consular Directorate. Give the prisoner as clear an idea as possible, based on other cases, on how long it will take for them to have access to those comforts.

Check on the prisoner's health and welfare. If a prisoner complains of ill-treatment, always ask them if they want you to raise it with the authorities. If there are lots of complaints, or you are aware of a pattern of ill-treatment, consider making high-level representations. Always report any allegations of ill-treatment to the Human Rights Adviser, the Head of Human Rights and Assistance Policy Team, the Head of Consular Assistance and relevant desk officer in Consular Directorate and your Head of Mission, whether or not the prisoner wants you to take the matter up with the authorities.

Be honest with the prisoner. Be supportive, but do not hold out false hopes. Explain clearly what you will and will not be able to do from the start. If you promise to visit again on a certain date then do so, or send another member of staff on your behalf.

Ensure the prisoner has access to legal representation. Ensure the prisoner has an up to date copy of your local lawyers list. If it is difficult for a prisoner to contact their lawyer then help to resolve this, but remember that we cannot recommend a lawyer to the prisoner.

Ensure the prisoner is aware of the services Prisoners Abroad can provide (details of which should be in your prison pack) and encourage them to sign the Prisoners Abroad registration form. If the detainee wishes to sign up to Prisoners Abroad, but the prison authorities do not allow the detainee to sign the registration/consent form then a Verbal Consent form can be used. **The Verbal Consent form should only be used as a last resort, when it has not been possible to obtain written consent.** Before using the Verbal Consent form you must confirm the detainee's competency; the Verbal Consent form must be read out **in full** to the detainee before the Consular officer signs it. If a Verbal Consent form has been completed, every effort should still be made to secure a signed consent form at a later date. Please inform HRA in Consular Directorate when an detainee uses the Verbal Consent form.

Continue to visit as often as you consider necessary during the remand period. See below for visiting after sentencing.

Inform Consular Directorate of all detentions lasting 24 hours or more. Keep Consular Directorate informed of the progress of the case and the trial (usually through the prisoner's lawyer) and of ALL prison visits (families often contact Consular Directorate to discuss recent visits).

REDACTED INFORMATION

27. You should not normally visit a dual national who has been detained in the country of their other nationality (See Chapter 1 "Who can we help"). However, if concerns over mistreatment are raised in any way you should try to contact the detainee to check their welfare. If you are in a country where there are general concerns about mistreatments of certain detainees, such as those held in relation to terrorist or political offences, then you should try to contact any dual national held in relation to such offences, regardless of whether specific concerns have been raised. If contact is not possible by telephone then you should visit. If local authorities block access you should seek advice

from Consular Directorate. If the detainee does not raise concerns then you should not provide further consular assistance, but you should explain our publicly stated dual national policy and ensure that the detainee has your contact details. If they do raise concerns then you should inform the Human Rights Adviser, the Head of Human Rights and Assistance Policy Team, the Head of Consular Assistance and your Head of Mission (see Human Rights).

REDACTED INFORMATION OUT OF SCOPE

Prisoners under house arrest

If a prisoner is detained under house arrest Post should make contact with them and offer them a visit. We would only propose further visits in very exceptional circumstances and Post should discuss this with London.

Checklist for Consular Directorate

Obtain from Post **as many details as possible** of the detainee ie name, date of birth, passport number, next of kin details (specifying whom they would like us to contact on their behalf), charges, sentence details (if applicable), state of health.

Inform next of kin if the prisoner has requested this – unless the prisoner is less than 18-years old when it is mandatory to inform the next of kin.

Send out a standard letter of first arrest plus relevant consular booklets – “In Prison Abroad”, “Transfers Home for Prisoners Abroad” etc - to the next of kin.

Reassure next of kin that you are taking a close interest in the case and will continue to keep them updated. Specify when you will next call.

Where possible, inform next of kin if the country concerned has a Public Defender System or whether the family must pay for a **lawyer**.

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Do:	Do not:
Be factual but sensitive.	Speculate on the length of any custodial sentence.
Update next of kin on receipt of new information.	Make assumptions or statements about the guilt or innocence of the detainee (“Well, it’s clear he did it...” after someone has been found guilty probably won’t go down too well).
Alert Special Cases Section immediately of any arrests that are clearly of a terrorist nature or maybe connected with terrorism. Special Cases will probably take on the case	Deal with people differently depending upon the nature of the offence with which they are charged.

permanently after discussion with you and your Deputy Head of Section.	
Record conversations in full detail.	Say “He will only get six months” or “He will be out in a couple of weeks”.
	Get involved in investigations conducted by the local police or authorities. This includes acting as an interpreter, or sitting in on suspect interviews.

Mail

28. Arrangements for delivering mail and prison comforts vary depending on your host country. In some countries, it is necessary for consular staff to be involved. Check with your colleagues what the arrangements in your country are.

If possible, give the family the address of the prison.

If mail cannot be sent to the prison, advise family and friends that they can send mail directly to the Embassy or Consulate to take to a prisoner. Explain to the prisoner and his or her correspondent that if mail is sent to consular staff, we may open the mail to check for prohibited items, but will not read the contents.

Do not offer to forward mail through the diplomatic bag between prisoners and their family and friends overseas. The use of the diplomatic bag is governed by international law and should only be used to transport official correspondence or documents/articles for official use.

Vulnerable groups

29. Vulnerable prisoners could include the following sort of people:

Ability to survive in prison – eg minors, elderly people, those with mental health needs (see Chapter 10, Mental health - Prison detention), learning difficulties or physical difficulties or lesbian/gay/bisexual/transgender.

Nature of offence may put the prisoner at risk – eg sexual offences.

Past lives put them at risk – eg ex police officer, informant.

Prisoners with debts within the prison.

Prisoners who are being bullied (can include minors and any others listed in the above groups).

30. If you are made aware that a detainee has been subjected to rape or sexual assault then you should make every practicable effort to follow the guidance contained in Chapter 7 - Rape and Sexual Assault.

In particular you should aim to:

Visit the person as soon as possible, in private if at all possible, and preferably by a female officer;

Inform Consular Directorate;

Inform next of kin, if that is the victim's wish;

Inform Prisoners Abroad, if that is the victim's wish;

Provide information on prison procedures regarding rape and serious sexual assault. (Posts should check with the prison authorities on their procedures regarding rape and sexual assault);

Offer to assist and accompany the victim on visits to the prison doctor;

Do:	Do not:
Explain to prisoners that in assessing whether to permit bail, the judicial authorities are entitled to consider a person's links to the country and how likely it is that they will flee. This means that foreign nationals may be less likely to receive bail. But they should take advice from their own lawyer on local bail issues.	Interfere with the decision whether to issue bail, unless there are strong grounds to suggest that due process has not been followed. In this case, consult Consular Directorate.
Explain that similar factors are considered in the UK and we do not regard it as a form of discrimination per se.	Offer to pay someone's expenses while they are awaiting trial.
Remind British nationals, who have been permitted to leave the country on condition they return for the proceedings, that failure to comply could lead to them being placed on an immigration blacklist or extradited from the UK, or a third country to which they later travel, for the offence.	Offer to hold the passport of a British national who has been released on bail until the conclusion of legal proceedings. We cannot withhold passports belonging to British nationals without the permission of the Home Secretary.
Explain that Prisoners Abroad will not provide hardship payments or other allowances to British nationals who are released on bail.	Offer any official guarantees that a British national released on bail will remain in the country or offer to take the British national into the custody of consular staff prior to the trial. If the person flees the country, HMG, or you personally, could be held responsible. It may even lead to you becoming a <i>persona non grata</i> and returned to the UK.
Explain that they will have to find sufficient funds to support themselves while on bail. They may be unable to work due	

to local regulations or language difficulties. The local authorities in most countries will not be able to provide support. We cannot provide funding or find them a job.	
Consider making representations to the local authorities if there is unreasonable delay in a case coming to trial.	

Upon release, Consular Directorate should follow up with the person and provide information on UK-based support groups and Sexual Assault Referral Centres (SARCs).

You should be aware that:

Your initial reaction to the victim is very important. Your handling of the situation can affect his or her recovery;

A victim of rape or sexual assault is likely to suffer from shock. Shock affects people differently; a victim may appear completely calm and unemotional or may shake, twitch or even laugh hysterically;

Rape is NEVER the victim's fault.

Bail – action for Post

Retention of passports by foreign authorities

31. This can be a sensitive issue and we have to try to balance our inability to refuse passport facilities to eligible British nationals against our wish not to be seen to assist anyone to evade the due process of law.

32. If an individual who has surrendered their passport as a condition of bail enquires about a replacement passport, warn the individual that HMG cannot issue a passport for an individual who already has a valid passport in circulation, without attempting to retrieve the original passport. Before a new passport can be issued, Post must first contact the local authorities and request the return of the holders original passport. The individual should be warned that such a request might result in bail being revoked. It is for the individual to then decide whether to continue with the passport application.

33. If the individual continues with the application, Post should write to the authority holding the passport and request its return as it is the property of HMG. Explain that it may not refuse passport facilities to eligible British nationals and that a replacement will be issued if the local authorities continue to retain the passport. Ensure that this correspondence is addressed to the correct individuals. You may need to follow up any written correspondence with telephone contact. Ensure that a paper trail is kept of all dealings with the local authorities.

34. If, after 10 working days, the passport has not been returned, Post can issue a replacement and should notify the Country Casework Team in Consular Directorate when a replacement passport has been issued.

35. If a British national on bail approaches a Post in a third country (ie they have managed to leave the first country by some means), the same procedure should be followed. The Post in the third country should notify the Post in the country holding the passport who should then write to the local authorities to request the return of the original passport.

REDACTED INFORMATION OUT OF SCOPE

Subsequent prison visiting

Action for Post

39. We are publicly committed to ensuring that British nationals are treated in accordance with international standards and that their welfare needs are met. Consular staff may also be asked to assist EU or Commonwealth nationals. Consular staff should keep in regular contact with prisoners, either by visiting personally or by telephone/letter. The frequency of visits should depend on local conditions and the prisoner's circumstances. If you need further help on how frequently to visit prisoners, you might find the prison visiting tool helpful. If you decide that you have been overservicing this area in the past, take a look at the exit strategy tool.

40. In EEA countries, North America and Australasia:

Unless consular staff deem it necessary to visit more frequently, the policy for visiting prisoners on remand should be once every 12 months.

Visit a prisoner once in prison after sentencing and establish what prison conditions are like, and thereafter only if a real need arises.

Make sure the prisoner has contact details of the Embassy and who to contact if a problem arises.

If need be, explain again how the prisoner's family or friends can send prison comforts. If the family cannot help financially, ask Consular Directorate to approach Prisoners Abroad who may be able to help with a small monthly allowance.

Explain about Prisoner Transfer Agreements, if there is one, and how to apply to serve the sentence in the UK. There is an FCO publication on Transfers Home for Prisoners Abroad .

Remind the prisoner about Prisoners Abroad and, if necessary, encourage them to sign Prisoners Abroad's registration form. When a prisoner comes towards the end of their detention, advise them to contact Prisoners Abroad who may be able to help the prisoner resettle on their return to the UK. But bear in mind that most prisoners returning to OTs will not qualify for such support.

Make contact with the Prison Governor and ensure (s)he knows how to contact the Embassy/High Commission if required. It is important to cultivate a good working relationship with a key contact in the prison. This will help you resolve issues quickly and help families have successful prison visits.

Assist the family when they visit. Provide guidance on visiting the prison, what they can and cannot take in. If the family have travelled a great distance try to arrange extra visits for them.

Inform local volunteer prison visiting groups about new prisoners (with the prisoner's permission).

We can ask prisoners if they would like to be visited by a third party (non-family or close friends) and give that third party information on how to go about a visit, eg direct with the prison authorities, applying to the Court etc and contact details but we should not arrange the visit nor agree to accompany the third party.

REDACTED INFORMATION

Refer any complex cases to Consular Directorate and keep the Directorate updated on all cases.

41. In all other countries, consular staff should follow the above guidelines and in addition:

Visit prisoners at least once a year, and more frequently if necessary.

Keep a close eye on the prisoner's physical and mental health. If you see a significant change in either then take the necessary steps to get them proper medical care. If you have any concerns about the ability of the prison authorities to provide appropriate and prompt treatment, contact Assistance Policy and Prisoners Section in Consular Directorate who can seek expert guidance in the UK.

REDACTED INFORMATION

Checklist for Consular Directorate

42. The frequency of visits to British prisoners by consular staff at Posts varies from country to country. Check with Post before you give any information about visiting to relatives. We are publicly committed to aiming to contact prisoners within 24 hours and visit them as soon as possible after, preferably within 48 hours (plus travelling time) of becoming aware of their case.

43. We will then visit all prisoners in the EU states, EEA countries, North America and Australasia once after sentencing, unless real need arises. We must visit prisoners in other countries at least once a year and posts may visit as frequently as twice per month where conditions are extremely poor. Do not visit more than is necessary. "Prison Visiting Exit Strategy" should be a helpful guide for staff to look at ways of implementing change to the frequency of visits with as little disruption as possible.

44. We would like consular visits to British prisoners (EU/Commonwealth nationals where appropriate) detained overseas to be consistent worldwide. To help decide how often prisoners should be visited, we have designed a Risk Assessment Questionnaire. We advise Posts to carry out the assessment annually or if local circumstances change prior to an annual review.

45. Country Casework DOs and ADOs should be aware of how often posts you cover are visiting prisoners and let Assistance Policy and Prisoners Section know if you think they are not complying with this policy.

46. Country Casework DOs and ADOs should be particularly aware of cases involving vulnerable individuals.

Attending Court Hearings

47. If a British national asks you to attend a court hearing as an observer you should explain that consular staff do not normally attend court hearings. If asked, you should explain that we are not legally trained and cannot, therefore, comment on proceedings; nor can we provide interpretation of those proceedings. There are serious resource implications in sending one or more members of a consular section as observers to hearings that may run for several days.

48. In certain **exceptional** cases you may consider attending a court hearing. Cases and local circumstances will vary from Post to Post. You should **always** discuss the case with the Country Casework Team in Consular Directorate before reaching any decision. You may also wish to consult the Consular Directorate Human Rights Adviser and should always do so in death penalty cases.

49. Should you decide to attend the case, make it clear to the British national involved that you are attending purely as an observer and that your presence at a particular hearing is the exception rather than the rule. Remember that just because you attend certain significant hearings, such as committal and sentencing, does not mean that you should attend all hearings.

50. If you do attend a trial, you should complete the trial attendance form and send a copy to Country Casework Team (CCT) and prisoners section.

REDACTED INFORMATION OUT OF SCOPE

Ill health including pro bono Medical Panel and hunger strike

Ill Health

53. Many prisoners will suffer some form of illness. If a prisoner claims to be ill, or their family claims that the health of the prisoner is deteriorating:

Do

Take all issues of ill health seriously. Get as many details of the condition as you can and keep them on file. This is crucial for any action we take later on.

With the prisoner's consent, keep records of any medical treatment a prisoner receives, including, if possible, the drugs they have been prescribed. This is extremely helpful for UK doctors when a prisoner is repatriated.

Refer all requests from British Citizens for money to cover emergency medical treatment to Prisoners Abroad. PA will act on a phone call if there is an urgent need for a small amount of funding for medical purposes.

Refer similar requests from BN(O)s to the BN(O) Assistance Unit in Hong Kong, which may be able to help.

Discuss mental health cases with the Social Work Advisers.

Do not

Provide any medication, prescription or otherwise, directly to prisoners. You are putting yourself and the prisoner at risk. A prisoner may misuse genuine medicine or have a bad reaction. We are not medically trained.

Provide medication that is illegal or banned by the authorities.

Consider

Raising complaints about poor conditions with the prison authorities. Consult Assistance Policy & Prisoners Section.

Referring serious or repeated cases to the FCO Pro Bono Medical Panel.

In particularly **sensitive cases**, confirming with the Prisoner whether they are happy for family and Prisoners Abroad to be informed.

REDACTED INFORMATION OUT OF SCOPE

Hunger Strike

58. As with other prisoner cases, we should do our best to ensure the health and welfare of prisoners on hunger strike. Although we respect the right of a prisoner to take such action, HMG does not endorse hunger striking as a means to an end. The prisoner is responsible for his/her own actions. We cannot talk a prisoner out of hunger striking, but can encourage the prisoner's family, lawyer or doctor to do so (if the prisoner has indicated that he/she does not want anyone informed, please consult London about confidentiality issues). The local prison authorities still have responsibility for the welfare of the prisoner while he or she is on hunger strike. Within the restrictions above, we should continue to do our best to ensure the prisoner's welfare and health.

59. What is a hunger striker? A hunger striker is someone who refuses liquids/solids for a particular cause, as a form of protest, to seek attention, to generate publicity, or as a threat. Refusal of foods and/or liquids is considered to be a hunger strike when they have been refused for at least 6 days and continuing.

60. Before/at the start of the hunger strike, clarify with the prisoner:

The purpose of the hunger strike. Are they claiming any abuses of human rights or complaining about poor prison conditions? Have they made other political or personal demands?

Can we inform the next of kin, Prisoners Abroad, lawyer and doctor (please consult London if in doubt)?

How far does the prisoner intend to go? Have the consequences of hunger striking been explained by a prison doctor? Is he/she aware of all the implications, including the risk of irreversible health problems or the prospect of being force-fed?

61. Clarify with prison authorities:

How do they propose to deal with this?

Has the prisoner been examined by a doctor or psychiatrist? Have the consequences of continued fasting been explained to him/her? Have medical officers taken into account any pre-existing medical conditions? Will they transfer him/her to hospital/solitary?

What is their position regarding force-feeding? If they do this, how do they do it? Are their procedures humane?

Contact with third parties :

62. We cannot normally inform a third party if the prisoner does not wish us to do so.

63. If we are able to inform his/her family, Prisoners Abroad, lawyer or doctor we can urge them to discuss all the options with the prisoner, to ensure he/she makes an informed decision

64. But avoid making statements giving any personal views of the prisoner's intention to follow through, or offering medical opinions of his/her condition.

65. Agree a plan of action with Consular Directorate. If the complaint is valid, can we make appropriate representations to the authorities? (See human rights guidance for advice on making representations on human rights grounds). Inform Press Office and agree press lines. Make plans to monitor the prisoner's medical condition.

Once the hunger strike has started :

66. Monitor the medical condition of the prisoner via the prison doctor or an independent doctor. Ask Assistance Policy and Prisoners Section for advice on pro bono medical assessment. Arrange more frequent visits to ensure welfare of individual. Encourage the prison authorities to inform you promptly of any deterioration in health, or if the prisoner dies. Ensure press lines are up to date.

Artificial feeding :

67. As a general rule, mentally competent adults are entitled to take the decision to hunger strike and should not be fed against their will. Force-feeding can be an invasive procedure and involves degrading elements which, in certain circumstances, may be contrary to prohibitions on torture, inhuman, cruel or degrading treatment in international human rights instruments.

68. The World Medical Association (WMA) Declaration of Tokyo, 1975, prohibits any form of participation in torture by a medical doctor. The Tokyo Declaration also states that prisoners on hunger strike who are capable of forming an unimpaired and rational judgement shall *not* be fed artificially. Once the prisoner is no longer capable of forming a rational judgement, the doctor *may* be entitled to intervene. The WMA Declaration of Malta on Hunger Strikers 1991 says that, in these

circumstances, the doctor shall be free to make the decision for his/her patient as to treatment which he/she considers to be in their best interest during the hunger strike. However, the Declaration directs the doctor to take into account the original decision arrived at during the preceding period of care.

69. Different countries have different policies on artificial feeding – try to establish at an early stage what the prison will do, and if the prisoner will accept any form of artificial feeding. Will the medical staff involved follow the Declarations mentioned above or overrule the prisoner's wishes regardless? We cannot prevent the prison authorities from artificial or force feeding even if the individual does not want this to happen. But we should impress upon the prison authorities that artificial feeding should be carried out humanely. Please consult the Human Rights Adviser in Assistance Policy and Prisoners Section for guidance. Also encourage the lawyer to inform the prison authorities of the views of the prisoner.

After the hunger strike :

70. Ensure that proper medical follow-up care is available in the prison.

71. Ensure that the prisoner's diet is properly monitored – wrong foods could kill.

Death of a hunger striking prisoner :

72. As with other deaths in prison, discuss arrangements for burial with prison authorities as a priority. Consider whether it is appropriate to make further representations to the authorities, eg if there have been human rights concerns. Agree press lines or statement if appropriate with Consular Directorate and Press Office.

Death of a prisoner in custody – Action for Consular staff

73. If Consular staff become aware of a death of a British national prisoner whilst in custody they must inform London immediately. Country Casework Team (CCT) should make sure APPS are aware of the death. If the prisoner was a former Prisoners Abroad client CCT must inform Prisoners Abroad as soon as possible after the next of kin has been informed. Please refer to Chapter 14 - Death, for information on dealing with death overseas.

REDACTED INFORMATION OUT OF SCOPE

Suicide

75. All suicide threats must be taken seriously, and Post should inform CCT and the Social Work Adviser as soon as they hear of a threat.

76. If Post is told (regardless of the source), that a prisoner is contemplating suicide they should try to make contact by telephone straight away and visit them as soon as possible.

77. It may be appropriate for consular officers to inform the prison authorities of a prisoner's suicide threat - this decision should only be made after direct contact with the prisoner where possible. It is good practice to discuss whether to inform the authorities with the prisoner. If you are unsure whether to tell the prison authorities after direct contact with the prisoner please contact the Social Work Adviser for guidance. If it is decided that the prison authorities need to be informed, it is good

practice to tell the prisoner that you have done this. It is then up to the prison to assess the situation and take any action they deem appropriate.

78. During the visit or phone call consular officers should check on the prisoner's welfare and try to find out about their current situation. Officers should ask the prisoner if there is anything that can be raised with prison officials that could improve the situation. You should also ask the prisoner's permission if they would like you to share details with family/friends and, if appropriate, Prisoners Abroad.

79. Consular officers consider (with CCT) whether to visit the prisoner more often during this period, monitor the situation carefully with the prison authorities and report any updates to CCT (copying in the Social Work Adviser). Chapter 10 Mental health has more details on dealing with the threat of suicide and also information on prison detention for a British national with mental health issues.

Where a prisoner's suicide threat involves others (for example acting to incite a prison guard to shoot them) post should inform the prison immediately. At all times consular officers should also be aware of a possible threat to themselves and act with care if talking to the prisoner in person.

Prison Transfer Agreements

80. Prisoner Transfer Agreements (PTAs) allow prisoners to transfer to serve the remainder of their sentence in their own country. This enables them to be closer to family and friends in an English-speaking environment, and permits them to benefit from pre-release courses available in British prisons.

The UK can conduct prisoner transfers with over 100 countries through various international arrangements:

- the Council of Europe Convention on the Transfer of Sentenced Persons (CECTSP);

- the Commonwealth Scheme for the Transfer of Convicted Offenders; and

- Bilateral Prisoner Transfer Agreements.

81. There are two different types of bilateral Prisoner Transfer Agreements that can be considered. The majority are "with consent" PTAs which need the consent of the prisoner, the consent of the local authorities and the consent of the UK authorities before a transfer can take place. A "no consent" PTA needs the consent of the local and UK authorities and does not need the consent of the prisoner. The Ministry of Justice decide which is the most appropriate PTA to negotiate based on information provided by Post on local prison conditions etc.

82. Consular staff should inform prisoners if the country in which they are detained has signed up to any such arrangement and, if so, should explain how to apply for transfer. Prisoners should be reminded that overseas convictions could eventually appear on record in the UK. There are various ways the UK authorities can find out about overseas convictions and avoiding a prisoner transfer to the UK does not necessarily mean that the UK authorities will not find out. Consular staff should

provide a copy of the FCO leaflet *Transfers Home for Prisoners Abroad*. If your host country is not signed up, please see Deportation, Extradition and European Arrest Warrants.

83. An up-to-date list of contracting states to the CECTSP is available on the [Council of Europe website](#) (ETS (European Treaty Series) no. 112). Details of countries participating in the Scheme for the Transfer of Convicted Offenders within the Commonwealth is available on the [Commonwealth Secretariat website](#) and the UK has operative bilateral PTAs. Copies of the agreements and a list of countries are available on the FCO external website.

84. The Additional Protocol to the Council of Europe Convention on the Transfer of Sentenced Persons came into force in the UK in November 2009. It provides for the transfer of a sentenced person **without** their consent only when:

The sentenced person would be subject to deportation at the end of their sentence or;

The sentenced person has fled to another signatory state of which they are a national. (This means that the sentencing state can request the enforcement of the sentence to be transferred.)

85. We expect that those prisoners who other states request to transfer back to the UK will have already gone through the deportation process and will have exhausted any appeals. Prisoners who are informed that they are due to be transferred back to the UK and feel that they have not been through the appeals process should contact the British Consulate who will look at raising the issue with the authorities.

86. A prisoner does not have an automatic right to transfer. Each request is considered on its individual merits. The UK and the country in which the British prisoner is held have the absolute right to refuse a request.

87. The prisoner must also give their consent to the transfer (if transferring under a “with consent” PTA). If consular staff or officials of the sentencing State consider that the prisoner is not capable of giving consent because of age or mental/physical incapacity, the case should be referred to Assistance Policy and Prisoners Section in Consular Directorate.

The basic criteria for eligibility to apply for transfer are:

the prisoner must be a British citizen or have close family ties with the UK (normally through permanent residence in the UK); (dual nationals in prison in the country of their other nationality are also eligible to apply, providing they meet the criteria above.)

criminal proceedings in the foreign country must be complete. The prisoner cannot be transferred if they are awaiting trial or the outcome of an appeal;

the prisoner must normally have at least 6 months of the sentence left to serve at time of application, but Agreements with some countries require the prisoner to have 1 year of the sentence left to serve. If in doubt, consular staff should check with Assistance Policy and Prisoners Section, Consular Directorate or familiarise themselves with the requirements of the PTA that applies in their country;

the offence for which the prisoner was convicted must constitute a criminal offence in the UK;

the prisoner must have no outstanding fines (prisoners can start the application process while the fine is outstanding but the fine must be paid before the transfer can take place) or other non-custodial penalties;

other conditions may apply, depending on the specific transfer arrangements with each country.

88. Prisoners should normally make their transfer applications to the prison authorities in the place of detention. However where the prisoner asks us to we can forward their request to the local authorities on their behalf. The local authorities, together with the UK authorities (National Offender Management Service at the Ministry of Justice, Scottish Prison Service or Northern Ireland Prison Service), must consider the request and then decide whether to agree or refuse the transfer.

89. There may be times when it is right for Consular staff to bring to the attention of local authorities certain factors surrounding an application. But Posts should not do this, or lobby the host government for early or special consideration of a transfer request, without the explicit agreement of Consular Directorate, who will in turn consult the UK authorities before agreeing a course of action. This is particularly important if the transfer request has not been considered /agreed by the UK authorities.

90. Consular staff at Post and in London should, if asked by the UK authorities, assist in forwarding documents, chasing local authorities if the application is being held up, witnessing a prisoner's consent to transfer, verifying the personal details of a prisoner for the UK authorities, and making the final arrangements for transfer. The UK authorities involved will inform you about progress in each case, and will provide instructions when they need your assistance. **Please note that it is essential that any transfer arrangement details (ie return dates and flight details) are not passed to any family and/or friends of the prisoner.** Doing so may result in the transfer being terminated and the detainee may have to reapply for the transfer. Any breach of this should be reported immediately to NOMS in the Ministry of Justice or the relevant authority in Scotland or Northern Ireland. Contact details can be found at the back of the FCO leaflet "Transfers Home for Prisoners Abroad".

91. Posts in countries without a Prisoner Transfer Agreement with the UK should consult Consular Directorate at once if there is reason, for urgent medical or compelling compassionate reasons, it seems advisable to explore the possibility of negotiating one. The Ministry of Justice lead on negotiating Prisoner Transfer Agreements but the FCO are able to input their priorities.

Consular Directorate will consider putting a country to the top of the FCO priority list for any of the following reasons:

- Extremely poor prison conditions and where the prisoner's health could be seriously affected by this.
- Particularly dangerous prison conditions and where a prisoner's life could be at risk.

- Individual prisoner circumstances – such as where a transfer is needed for urgent medical or compelling compassionate reasons.

- Where there is a high number of British national prisoners and a PTA would benefit the majority

Separately it is also to the advantage of the Ministry of Justice if there are a considerable amount of foreign national prisoners from your host country detained in the UK.

This list is not exhaustive; and Post should still contact Assistance Policy and Prisoners Section if they think that a PTA would be of an advantage to British national prisoners for any reasons other than those listed above.

Before approaching the host country about the possibility of a PTA Post must contact Assistance Policy and Prisoners Section. The Ministry of Justice need detailed information from Post on local prison conditions and on the local judicial system before they decide whether a country can be approached. Please contact Assistance Policy and Prisoners Section for further details of what is needed.

List of countries with bilateral Prisoner Transfer Agreements with the UK

[List of states contracting to the Council of Europe Convention on the Transfer of Sentenced Persons \(CECTSP\)](#)

List of countries participating in the Scheme for the Transfer of Convicted Offenders within the Commonwealth

Fare to the UK

92. Posts have to make sure that the prisoner pays the cost of their fare to the UK. A Prison Service undertaking to repay the cost form is sent to the Consul for the prisoner to sign at the appropriate time. This gives the authority to charge the costs to the Prison Service in the post account (not FCO subheads 'Repatriation against Deposit' or 'non-Deposit cases').

Length of time for application to be assessed

93. The length of time can vary considerably. On average it may take 12 months, but in some countries it can take more than two years. It is important that prisoners understand this and are not over optimistic. The Repatriation of Prisoners Flow Chart (Annex 13G) explains the transfer process from a prisoner expressing an interest to the repatriation taking place.

Overseas Territories

94. Transfers are possible between participant states and certain Overseas Territories under the provisions of the Council of Europe Convention on the Transfer of Sentenced Persons (CECTSP). The Overseas Territories concerned are:

Bermuda

Cayman Islands

Falkland Islands

Gibraltar

Montserrat

Pitcairn Islands

St Helena and its Dependencies

Sovereign Base Areas on Cyprus.

Transfers between the UK and

Anguila

British Indian Ocean Territory

British Virgin Islands

are possible under informal exchanges of Notes which took place in 1987. The Notes apply the effect of the terms of the Commonwealth Scheme for the Transfer of Convicted Offenders for transfers between the UK and the Overseas Territory concerned.

95. Prisoners wishing to return to one of these Overseas Territories should make their transfer application to the prison authorities in the place of detention or, if they are having difficulties doing this, through their nearest British Consulate who will pass the application request to the relevant UK authorities. The UK authorities will then make an application to the foreign authorities on the prisoner's behalf.

Note for Consular Directorate

96. Make relatives aware that it is never possible for a detainee to apply to transfer until all legal procedures/appeals etc have been completed. Even then transfer can take a considerable time to arrange.

Internal Prison Transfers

97. Only in exceptional circumstances would we consider supporting or resisting an internal prison transfer. If Post consider that there were humanitarian or welfare reasons to do so they should consult Consular Directorate beforehand. If it is decided that lobbying for/against a transfer is not possible then Post should discuss making representations on specific conditions etc once the prisoner has transferred.

REDACTED INFORMATION OUT OF SCOPE

Prison comforts

Checklist for Consular Directorate

138. 'Prison comforts' refers to money sent by family, friends or well wishers to prisoners overseas. The money can be used by the prisoner to buy clothes, food, toiletries, reading materials, mattresses, medicines etc. Prison comforts **do not** cover the transfer of lawyers' fees and we should not pass to a third party to pay off debts etc on behalf of the prisoner.

Send written instructions to family members (example letter at Annex 13F);

We accept Electronic Bank Transfers (BACS and CHAPS), Postal Order, Bankers Draft, Building Society cheques and personal cheques (although personal cheques are not encouraged).

We do not accept Card payments, or cash sent in the post.

Cheques, bankers drafts and postal orders should be made payable to "The Foreign and Commonwealth Office"

We can accept only **one** transfer of funds for prisoner comforts per calendar month of up to £100 without charging fees. This means that fees must be applied (as per the fees table):

(NB Discretion should be used to decide when to charge. For example receiving a payment of £100 on the 1st of the month and then another payment for £100 on the 31st of the month shouldn't attract a charge. This may happen with standing orders that fall over a weekend.)

The fee is dependent on the amount being transferred.

Amount being sent	Fee
One monthly payment up to £100	Free
Each additional payment or amount of £0.01 - £99.99	£10
Each additional payment or amount of £100 - £499.99	£30
Each additional payment or amount of £500 and above	£80

Charges are applied to amount of money paid in. If relatives pay in £200, we have to charge a fee - we cannot "act as bankers" and let them avoid charges by releasing £100 one month and £100 the next. However, we can take payments monthly and pass on to prisoners for example quarterly.

Some prisoners receive funds from more than one family member/friend. It is for the family/friends to arrange who will pay the fee where relevant. For confidentiality reasons, CCT A/DOs are advised not to reveal who else has transferred money.

CCT desk officers should make it clear with families how much will be sent to the prisoner and how much will be taken as a fee. The prison comforts letter has examples of how much will go to the prisoner and how much will be taken as a fee. The letter also suggests that the family might point out how much is intended for the prisoner. If there are any discrepancies, you should call the family member/friend.

REDACTED INFORMATION OUT OF SCOPE

Check with the posts you cover as to what items are permitted in prisons in your host country and how much things cost. Make sure families are aware of any restrictions on what they can send.

Inform Prisoners Abroad if one of their clients is receiving prison comfort payments.

Amounts over £200 per month per prisoner must be cleared with the relevant CCT section head. If a family member/friend is transferring more than £200 you should find out what this money is for – medical payment, fine etc.

REDACTED INFORMATION OUT OF SCOPE

We can accept prison comfort payments in a third country if the prisoner's family/friends are located there. ie a prisoner in Canada and family resident in Spain. We can't however accept prison comforts in the country where the prisoner is detained, ie prisoner in Thailand and family/friends resident there too. Posts receiving prison comforts should make an entry on COMPASS, and then inform the relevant CCT desk so that they can keep track of all payments received. Posts should ensure they take the appropriate fee.

Post must ensure that they collect the appropriate fee when receiving funds to transfer to prisoners in other Posts. This is applicable whether the prisoner is a British national or another nationality eg Commonwealth/EU nationals.

Prison comforts should be handed over to the prisoner or used to buy things from Posts shopping list (see below). They should not be passed on to third parties on request of the prisoner.

Post shopping list

In some posts where access to basic essentials is limited for prisoners, Posts are able to use CFF money to buy essentials requested by the prisoner. The guidelines for this are as follows:

A shopping list should only be made available in exceptional circumstances (ie when the prisoner would have no access to essentials otherwise)

Post should use their local knowledge to agree on a suitable pre-defined list and keep it as limited as possible. The shopping list must comprise of essentials. This could include for example fruit and toiletry essentials, water and letter writing equipment. Items should only

be on the list if they are not available in the prison shop or the prisoner has no other way to access them (availability of items can be checked with individual prisons). Essential items may vary from country to country and Post should use their discretion following the general principles above. Refer to prisoners section if you are unsure whether something should be on the list.

Post should give prisoners sufficient notice to select their items ahead of the next scheduled visit and agree a cut of date for requests.

Post should make the time spent shopping for essentials as efficient as possible by not allowing prisoners to choose specific brands (unless there are exceptional circumstances). Where possible Post can bulk buy essential, non perishable items that are available on the shopping list to save time spent shopping.

Deliveries should be made during the regular visiting schedule. Extra prison visits to deliver shopping should not be made unless there are exceptional reasons for doing so.

Prisoners Abroad

REDACTED INFORMATION OUT OF SCOPE

143. Prisoners Abroad provides prisoners with a support service during the period of their imprisonment which includes information and advice, but also practical support such as: books, magazine subscriptions, information sheets on a variety of topics, pen-pals, language materials, birthday cards, international reply-paid envelopes, regular newsletters and in some cases financial assistance and vitamins. Prisoners become eligible for Prisoners Abroad support as soon as they are detained.

144. Prisoners Abroad provides ongoing information, advice and support to prisoners' families or friends. It has a free phone number (REDACTED) for them to call and runs a family linking scheme.

REDACTED INFORMATION OUT OF SCOPE

150. Once a prisoner has signed the Prisoners Abroad consent form, you should share all information about the prisoner with Prisoners Abroad. You should then continue to update them with any new information including:

Release, transfer, bail

Lack of funding

Receipt of funding from third parties through the FCO

Death in custody

Routine or minor health issues such as eye or teeth deterioration, or those related to pre-existing conditions can be shared with Prisoners Abroad. However, where you are given new information which may be sensitive personal data (see Chapter 27) you should check with the prisoner, as soon

as possible, that they are happy for you to share this with Prisoners Abroad (verbal confirmation is sufficient but it must be recorded on Compass).

Examples of occasions where you should obtain verbal confirmation from the prisoner to share information with Prisoners Abroad include:

Suicide attempts/threats

Hunger Striking

Rape

Major new health concerns eg HIV, Hepatitis, Cancer

New issues around sexuality/religion

If you are in any doubt about whether the new information requires further confirmation from the prisoner contact our DPA experts in London **REDACTED INFORMATION** Or, where possible, confirm with the prisoner that they are happy for this information to be shared.

There may be circumstances where it is not possible to obtain consent from the prisoner for us to discuss this type of information with Prisoners Abroad. In these cases you should refer back to London. In certain cases, particularly where Prisoners Abroad may be able to help with their medical funds, DPA experts may judge that it is in the prisoners 'vital interests' to share this information.

Registration

151. When making the initial visit to a prisoner you should:

Ensure that Prisoners Abroad's general leaflet for prisoners, authorisation form and CFF form if necessary are included in the prisoner pack. Please note that the Prisoners Abroad forms should be removed from the prisoner pack when visiting a non-British Citizen, for example an unrepresented EU or Commonwealth National or BN(O). The prisoner will need to complete the authorisation form and send it to Prisoners Abroad in order to access Prisoners Abroad's services. If they complete the form while you are there, you could offer to fax it to Prisoners Abroad for them. However, if the prisoner prefers to write to Prisoners Abroad for further information, or to send the 'tear-off' slip at the end of the general information leaflet, they can do so on the understanding that they will not be registered with Prisoners Abroad until the authorisation form has been completed.

Ensure that you also inform all new prisoners orally about signing up to Prisoners Abroad during your first contact with them by phone or in person.

If there are exceptional circumstances, such as the need for an instant grant payment, contact Prisoners Abroad immediately.

If you subsequently become aware that a prisoner is not registered with Prisoners Abroad you should offer details of Prisoners Abroad to the British national prisoner or his/her family.

152. The FCO is bound by the Data Protection Act to protect the personal information of British nationals. In order to allow consular staff to disclose personal information to Prisoners Abroad and vice versa, it is vital that the British citizen signs the authorisation form giving his/her permission.

REDACTED INFORMATION OUT OF SCOPE

Financial assistance

160. To apply for Prisoners Abroad funding, the prisoner must complete the relevant form

REDACTED INFORMATION

161. All Prisoners Abroad funding is means tested. Consular staff should not ask Prisoners Abroad to provide funds unless they have confirmed that the detainee cannot be supported in any other way.

Craig Feehan Fund (CFF)

162. The Craig Feehan Fund is available to prisoners in developing countries (see list in Annex 13D) who are destitute and have no other source of income. Regular payments from this fund help prisoners to buy essentials such as clothing and toiletries. The maximum amount a prisoner can receive is £90 per quarter. Payments are normally made to Consular Directorate every quarter (April - June; July - Sept; Oct - Dec; Jan - Mar) two weeks before the start of the first month, and are accompanied by a list of recipients.

163. If financial assistance is needed for a prisoner and there is no family support, consular staff should inform Prisoners Abroad and ask the prisoner to fill in an application form. Prisoners Abroad will then send an interim payment to cover the months prior to the next quarterly payment. From this point on, the prisoner will receive quarterly payments from Prisoners Abroad until they are notified of their release.

REDACTED INFORMATION OUT OF SCOPE

167. For prisoners in countries which do not qualify for the Craig Feehan Fund, Prisoners Abroad may be able to provide single payments to pay for basic essentials. These payments are only available to prisoners who have no other means to purchase these items. The maximum payment available is £50 per year. To apply, the prisoner should complete an application form.

Medical Fund

168. Prisoners Abroad (PA) can help to pay for essential (not cosmetic!) medical and dental treatment not provided by the prison authorities, where the prisoner has no other means available to pay. When applying for a Prisoners Abroad medical grant the prisoner must complete the **REDACTED INFORMATION** and supply a written estimate of the cost of treatment from the dentist or doctor. (PA will act on a phone call if there is an **urgent** need for a small amount of funding for medical purposes. The application form can follow in slower time.) If applying after treatment, they must include a receipt. Consular staff should only pass medical payments direct to the prisoner, prison authorities, or a medical professional. However, sometimes this will not be possible and in these cases CTT should refer the case to Prisoners Abroad so that the issue can be discussed and a joint decision can be made on who the money can be handed over to.

Vitamin Fund

169. Currently prisoners in 15 countries (see list in Annex13E) receive quarterly payments from the Vitamin Fund.

170. The Fund is used to purchase a 3-month supply of vitamins for each prisoner. Consular officers can issue the supplies during visits. Prisoners Abroad will send a list of recipients to the relevant Desk Officer via Assistance Policy and Prisoners Section.

REDACTED INFORMATION OUT OF SCOPE

172. Please note that pregnant women in custody may be offered more support by PA – PA should be updated as soon as possible if a prisoner is found to be pregnant while in custody.

REDACTED INFORMATION OUT OF SCOPE

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