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**SPEECH**

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**The Principle of confinement in modern societies**

Official discourse in many European countries advocates the use of imprisonment as a measure of last resort. This principle is also at the core of several Recommendations of the Council of Europe and a Resolution of the European Parliament. In practice, detention rates in European countries vary greatly, and many countries have witnessed an increase in their prison population. Malta is no exception. Nevertheless repeat offending is considered as a major contributor to the growing number of people in prison. Undeniably further development of a restorative justice approach planned by government sets out to introduce new methods of doing justice while ensuring a balanced, transparent and efficient criminal justice system. This approach is based on shifting away from imprisonment as retribution to a wider concept that emphasises social protection, reform and the problem of relapse in tandem, supporting European human rights instruments allowing a reductionist penal policy.

**Community Sanctioning**

Indeed Malta has along the years taken steps towards the legislative implementation of restorative justice principles as demonstrated by the introduction of the Suspended Sentence in 1990 and the introduction of Remission of Sentence and Prison Leave in 1995. While extensive amendments to the Probations Act were made by introducing, also in the same year, provisions for Community Service Orders and Combination Orders. As a matter of fact the Ministry for Justice and Home Affairs is now embarking on a two-pronged approach, by building on the existing legal framework to introduce fresh principles of restorative justice and laying down innovative ways of administering justice whilst enhancing the tools for offender reprimand with a focus on true reform, reconciliation with the injured parties and reform sustainability.

The Restorative Justice Bill, which is presently being discussed in Parliament, provides for the introduction of a Parole System in Malta as well as other restorative justice measures. The Bill proposes measures offering a window of opportunity to prisoners who demonstrate that they have indeed reformed, whilst taking into consideration the need to protect society from violent or dangerous individuals.

The enhancement of Victim Support measures is also on the cards. It is being envisaged that Victim Support Services shall fall under the responsibility of a Liaison Officer as the gatekeeper to the Victim Support Unit. The Liaison Officer would also have his responsibilities determined by legislation since he will be the person responsible for keeping a Victims Register, for implementing the Victim's Charter and responsible for victim conferencing management, case determination as well as the restitution / compensation contract.

**Custodial Sentencing**

In view of these reforms, the Prisons and the Probation Services shall require operational and structural enhancement or remodelling in certain areas. The prison structure was reorganised into four main areas, each having a manager in charge of administration.

However, the areas of administration would be expected to work together for a holistic intervention in the sentence management of each prisoner.

Additionally, the introduction of such measures merited careful scrutiny of two important areas, namely education in prison and rehabilitation from substance abuse. Reforms are also in the pipeline with respect to these areas and with respect to education in prison. Plans are in hand to introduce more up to date training courses to facilitate the reintegration of inmates into society.

### **Alternative Sanctioning**

Parole and probation initiatives offer various reintegration programmes to ease the transition of prisoners into the community to serve as an alternative to prison. This has been shown to reduce re-conviction rates especially for serious offenders and those on longer sentences. Alternatives to imprisonment provide people with real opportunities to address the factors that impact on their offending behaviour in the community in which their offending occurs. The damaging aspects of prison, the isolation from family and support networks, the violence, the risk of institutionalisation, the health risks, and the frequently devastating process of dehumanisation, make rehabilitation and any reparation almost impossible inside the prison environment.

Transformative policies for the correctional system aim to achieve a different way of doing justice. That is, to protect public safety whilst allowing community correction services to deliver serious retribution that contributes to rehabilitate offenders. In this regard it is tantamount to attempt to maximise diversion from the formal criminal justice system, that is offer other means of deterrent, while being fully aware of the need to avoid posing any threat to public safety.

Consequently, a restorative justice approach creates a shift, moving away from the punitive model towards a more rehabilitative one. The introduction of Parole in Malta shall, in principle, complement the rehabilitation initiatives currently being implemented in Malta.

A particular division within the prison facility is currently undergoing pilot testing as a low security facility. Prisoners placed in this division are either on remand or are committed to a very short sentence and who above all, are considered not posing a risk based on their criminal profile. Prisoners in this division are allowed to continue with their normal responsibilities of work and / or study, however returning to sleep in their cells every day.

Furthermore, the Prison Service provides secure accommodation for young people in a building situated within the main prison compound in the Young Offenders Section. However, this building is segregated from the main adult prison divisions. This unit is autonomous and has its own administration personnel, dedicated correctional officers, its own kitchen facility and other services such as educational services.

When a young person is received into custody, induction takes place where young people are screened on arrival to ensure all immediate healthcare and other needs are identified and catered for. The young-offender regimes have a young people centred approach with special emphasis on safeguarding and promoting welfare, including the provisions of a safe environment at all times. Special attention is given to every young person's physical, mental and social health, including the promotion of healthy lifestyles and the prevention of re-offending.

### **Conclusion**

Prisons policy would therefore continue to be based on the reformatory model, which has at least one major advantage over the punitive model, in that it operates programmes considered to be central to inmates' reform with a view to preparing them for improved reintegration into society. Predominantly this proposal for transformation to our reformatory system places a greater emphasis on the needs of victims, providing restitution and

compensation for them. The introduction of the Parole System in Malta is intended to turn the law-breaking experience into an opportunity of rehabilitation and for social reintegration, while contributing to circumvent recidivism for a healthier society.