

CPT/Inf (2025) 21

Response

**of the Maltese Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Malta**

from 26 September to 5 October 2023

The Government of Malta has requested the publication of this response.
The CPT's report on the 2023 visit to Malta is set out in document CPT/Inf (2025) 20.

Strasbourg, 10 July 2025

Response of the Maltese Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following the periodic visit between the 26 September and 5 October 2023

The Maltese authorities appreciate the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)'s commitment to upholding the provisions of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and that of its delegates throughout the visit to Malta.

The Maltese authorities also note with satisfaction that the delegation has reported that it has received excellent cooperation from all interlocutors. The Maltese authorities consider the exchanges with CPT as an opportunity for constructive dialogue.

The Maltese authorities are grateful for the positive remarks by the delegation, noting the efforts and investment that have been made in several fields, including Detention Services and the Correctional Services Agency. The Maltese authorities are committed to safeguarding the minimum standards in the humane and safe reception of migrants. The Maltese authorities are also committed to upholding all international obligations safeguarding the human rights of all individuals residing in Malta.

To streamline the process, feedback is being offered in alignment with the structure of the received report:

Reference	CPT Report	MT Reply
9	The CPT reiterates its recommendation that the Maltese authorities extend the mandate of the NPM to ensure that it is able effectively to access and monitor all the different types of places of deprivation of liberty in Malta. Further, the authorities should publish the NPM's Reports, including its annual reports, within a reasonable time period. More generally, the NPM should be endowed with the relevant functions to be compliant with the requirements laid down by the Optional Protocol to the United Nations Convention against Torture (OPCAT) and the Guidelines established by the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or	<p>The Maltese Authorities have appointed the Corradino Correctional Facility Monitoring Board and the Monitoring Board of Detained Persons as its official NPM. These two Boards are independent and together they oversee the institutions that are responsible for the long-term detention of persons.</p> <p>All Annual reports of the Monitoring Board for Detained Persons commencing 2015 onwards were laid in Parliament. An interested party can request a copy of such reports from the office of the Speaker or online.</p> <p>Moreover, other institutions that may deprive persons of liberty, notably the Police and the Health authorities, are also monitored by independent bodies.</p> <p>The Police, including Police detention facilities are subject to monitoring by the Independent Police Complaints Board, in accordance with Article 36(e) of the Police Act.</p> <p>Similarly, Health authorities are monitored by the Commissioner for Health. The Board and the Commissioner fulfil a function analogous to an NPM.</p>

	Punishment (SPT).4 The Committee wishes to be informed about the measures envisaged to fully implement these above principles.	
11	The Maltese legislative framework governing the overall criminal procedure and penal policy has not undergone wholesale reform since 2015, but the delegation was informed that amendments to the Prison Leave Ministerial Directives were underway, along with an initiative involving increased use of electronic tagging. The CPT would like to receive up-to-date information on the aforementioned amendments and reforms and the date that they take effect.	<p>Bill 23 creating an ACT to establish an electronic monitoring system for sentenced persons with a view to monitoring the movements of a person subject to the electronic monitoring order by means of a secure electronic device and to provide for matters connected therewith or ancillary thereto is in its second reading phase in Parliament [three-reading process]. A tender for the design and build of an electronic monitoring system for the correctional services agency was published in November 2022, offers opened in February 2023, and tender awarded in November 2023. The contract was signed in January 2024.</p> <p>No specific dates are available regarding the implementation of the Prison Leave Ministerial Directives.</p>
13	The CPT recommends that sufficient resources be invested by the Maltese authorities to ensure that the main prison building is fit for purpose and provides adequate accommodation for the decent and humane treatment of prisoners. In this respect, the CPT recommends that emphasis be placed on investing to rebuild and refurbish the male accommodation units, on a rolling basis, and invites the Maltese authorities to share its immediate and	<p>The Maltese Authorities are actively working to improve the conditions within its prison system to ensure they provide decent and humane accommodation for prisoners. The following is an overview of the current initiatives and planned investments:</p> <ol style="list-style-type: none"> Investment in Infrastructure: Between 2024 and 2025, the government will issue a tender for the constructing a new division at Corradino Correctional Facility, housing 120 prisoners, with an estimated cost of €4.5 million. This new division is part of a broader effort to enhance the infrastructure and living conditions within the prison. Refurbishment of Existing Divisions: In the short term, the plan includes refurbishing 30 cells annually in the older divisions (Divisions 1, 2, 3, and 4). This refurbishment is aimed at improving the material conditions of these facilities to meet adequate standards.

	<p>medium-term plans in this regard.</p>	<ol style="list-style-type: none"> 3. Division 8: The plan for this division is to have it pulled down this year and rebuilt in 2025. 4. Specific Upgrades: This year will see the completion of refurbishments across several key areas: 5. Female Division: All facilities in the Female Division are being upgraded. 6. Forensic Prison at Attard: All upgrades to the Forensic Prison at Attard are scheduled to be completed by the end of this year. This includes not only the infrastructural work but also the procurement of specialised furniture designed for a forensic ward. Maltese authorities are committed to ensuring that the facility meets all necessary standards for the care and evaluation of prisoners requiring psychiatric treatment. 7. Division 19: This division is being revamped to serve as a transitional area for new admissions, replacing Division 6, which previously played this role. 8. Kitchen Facilities: The prisons' kitchen is also undergoing refurbishment to improve meal preparation and hygiene standards, with completion expected within this year. 9. New Power Supply to the older part of the Divisions. 10. The Installation of grill doors in order to mitigate the extreme heat in summer.
16	<p>Given the high numbers of persons held on remand in CCF, the CPT recommends that the Maltese authorities develop a coherent policy to reduce the prison population. This should include a legislative and political strategy, reviewing the grounds for the imprisonment of various groups of prisoners, including prisoners held on remand and short-term sentenced prisoners, and providing a broad range of effective alternatives to detention. In so doing, the national authorities</p>	<p>The Maltese Authorities are already implementing several alternative measures to detention. The plan is to strengthen these services in the coming years. These include:</p> <ul style="list-style-type: none"> • Electronic Tagging: This measure allows for close monitoring of offenders in a less restrictive environment than prison, ensuring they adhere to court-mandated curfews and boundaries. • Probation and Parole: The system of probation and parole is already in place in Malta and plans to strengthen its efficiency are in place.

	<p>should be guided by Recommendation Rec(99)22 of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation, Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec(2003)22 on conditional release (parole), Recommendation Rec(2006)13 on the use of remand in custody and Recommendation Rec(2010)1 on the Council of Europe Probation Rules, Recommendation (2014)4 on electronic monitoring and Recommendation (2017)3 on European rules on community sanctions and measures.</p>	
20	<p>The CPT welcomes the proposed addition of the procedure into the OMS system as a positive development; nonetheless, it recommends that the prison management deliver to custodial staff the clear message that physical ill-treatment, excessive use of force and verbal abuse, as well as other forms of disrespectful behaviour towards prisoners, are not</p>	<p>The Maltese Authorities have always taken several measures to ensure that all forms of ill-treatment, excessive use of force, verbal abuse, and other disrespectful behaviours towards prisoners are explicitly prohibited and effectively managed within the Corradino Correctional Facility (CCF). These standards are firmly embedded within the prison's regulations, policies, and standard operating procedures (SOPs). Some of the measures taken are:</p> <ul style="list-style-type: none"> • Staff Training and Awareness: All prison staff are thoroughly trained and continuously reminded through internal communications that any form of mistreatment of prisoners is unacceptable and constitutes a breach of their professional duties. Staff are educated on the humane treatment of

	<p>acceptable and will be dealt with accordingly. Management should demonstrate increased vigilance in this area by ensuring the regular presence of prison managers in the detention areas, their direct contact with prisoners, the investigation of complaints made by prisoners, and improved prison staff training. Further, there should be a diligent recording of all incidents of alleged ill-treatment of prisoners by staff. All allegations of ill-treatment should be systematically forwarded on to the competent external investigatory or prosecutorial authorities.</p>	<p>prisoners as a core part of their training and orientation</p> <ul style="list-style-type: none"> • Disciplinary Measures: The Correctional Services Agency (CSA) takes a strict stance on non-compliance with these standards. Any staff member found violating prison regulations faces disciplinary actions, which can range from reprimands to more severe penalties, including dismissal, depending on the gravity of the offence. • Multiple Avenues for Complaints: Prisoners have several channels through which they can report grievances. They can direct their complaints to the Prison Welfare Commissioner, the Ombudsman, or choose to contact the police directly. Additionally, prisoners have the option to write to the Board of Governance or the Corradino Correctional Facility Monitoring Board. • Documentation and Investigation of Incidents: All incidents of alleged ill-treatment are recorded by staff. If a complaint involves a visit to the Medical Inspection (MI) Room, both the complaint and any injuries observed are recorded by the attending doctor. This documentation is crucial for the transparency and accountability of the process. • Regular Management Presence: CSA management maintains a regular presence in all prison areas, fostering direct contact with prisoners. This approach helps management to monitor both staff and prisoners actively and address any issues promptly. • External Investigatory Cooperation: In cases where allegations of mistreatment are made, all relevant information is systematically forwarded to the appropriate external investigatory or prosecutorial authorities to ensure an independent and thorough investigation.
23	<p>The CPT recommends that the prison management reviews its violence prevention policy to establish measures to more adequately and accurately record, respond to, investigate, and prevent inter-prisoner violence. These should include the adoption of a comprehensive anti-bullying policy, and</p>	<ul style="list-style-type: none"> • Anti-Bullying Policy: An anti-bullying policy is currently being developed by CSA and is scheduled to be fully implemented by the end of the year. This policy will outline clear protocols for identifying, addressing, and preventing bullying and violence among prisoners, ensuring a safer and more respectful environment for all prisoners. • Risk Assessment Checklist: A detailed checklist for risk assessment is also being finalised. It will be crucial to systematically evaluate the risks associated with individual prisoners. This tool will help in making informed decisions about the

	<p>systematic and regular risk assessments regarding allocation and placement of prisoners, as well as training of staff to take proactive measures to identify any risk of inter-prisoner violence and report it to management, and forward on to the competent external investigatory or prosecutorial authorities (if those involved so wished), along with the regular monitoring of CCTV cameras, including ensuring their good operational maintenance.</p>	<p>allocation and placement of prisoners to minimise the potential for violent incidents.</p> <ul style="list-style-type: none"> • Training Programs: Starting from the beginning of next year, Continuous Professional Development (CPD) sessions for prison staff will be implemented. These training sessions will focus on proactive measures for identifying and responding to potential risks of inter-prisoner violence. The training will equip staff with the skills to effectively use these tools and adhere to the best practices for maintaining a non-violent environment. • CCTV Monitoring and Maintenance: The Standard Operating Procedure (SOP) regarding using CCTV cameras is already in place, ensuring continuous and effective surveillance within the facility. Regular monitoring and good operational maintenance of CCTV systems are ongoing, reinforcing security measures and aiding in the early detection and documentation of incidents.
29	<p>The CPT reiterates its recommendation that the Maltese authorities ensure that:</p> <ul style="list-style-type: none"> - at the very minimum, cells measuring 6 m2 are only used to accommodate one prisoner and that the living space in multiple-occupancy cells is at least 4 m2 per prisoner, not including the fully-partitioned sanitary facility; - a systematic refurbishment is undertaken of the cells and sanitary facilities in Divisions 2, 3 and 5, as well as the women's unit Division A; - in-cell toilets in multiple-occupancy cells are fully partitioned; 	<p>The Maltese Authorities acknowledge the challenges posed by current infrastructure limitations, particularly the capacity to accommodate one person per cell. Given the constraints, it is presently necessary to house two persons per cell or use dormitories in some divisions.</p> <p>The following strategies are being implemented to address these issues:</p> <ol style="list-style-type: none"> 1. Alternatives to Incarceration and Expansion: The Maltese Authorities are actively working on expanding alternatives to incarceration, which will help reduce the overall prison population. Additionally, plans are underway to construct a new wing that will increase capacity and enable more single-person accommodations, aligning with best practices for prisoner housing. 2. Refurbishment of Existing Facilities: Systematic refurbishments have already started in Divisions 2, 3, and 5, as well as the Women's Division. These refurbishments are focused on enhancing the living conditions by repairing and updating the facilities to ensure safety, privacy, and comfort. 3. Partitioning of In-Cell Toilets: By the end of next year, all in-cell toilets across the prison will be fully partitioned. This project is crucial for

	<p>- no prisoner is accommodated in a cell without windows; the cells on Division 6 should either have windows installed or no longer be used for prisoner accommodation; and</p> <p>- all of the exercise yards are equipped with a shelter to protect prisoners from the sun and rain, a means of rest and sports/ recreational equipment.</p>	<p>improving privacy and sanitation standards for all prisoners.</p> <p>4. Window Installations and Enlargements: All cells at the Corradino Correctional Facility are equipped with windows to allow natural light and air circulation. In the older parts of the prison, including Division 6, windows are being enlarged to further improve living conditions and comply with recommended standards for prisoner accommodation.</p> <p>5. Enhancements to Exercise Yards: The installation of sports and recreational equipment in all exercise yards is ongoing to promote physical health and well-being among prisoners. Additionally, tents are being set up in all yards to provide shelter from the sun and rain. By June 2025, all exercise yards will be equipped with fixed tents to ensure adequate protection and facilities for all prisoners.</p>
30	<p>The CPT recommends that the Maltese authorities put in place measures to ensure, at the very least, protection from the harms of passive smoking, such as designating smoke-free accommodation and a policy on the prohibition or restriction of smoking in areas of common use. In addition, it invites the Maltese authorities to consider introducing programmes to encourage smoking cessation.</p>	<p>In line with the recommendations made by the CPT, CSA has already implemented several measures to address the issue of passive smoking within the CCF and is planning further initiatives to promote a healthier environment for all prisoners:</p> <p>1. Designation of Smoke-Free Accommodations: To protect prisoners from the harms of passive smoking, the authorities have designated specific cells and areas as smoke-free. Non-smokers are housed together in shared cells that are strictly no-smoking zones to ensure that they are not exposed to cigarette smoke.</p> <p>2. Restrictions in Common Areas: Smoking is restricted in common areas within the prison to minimise the health risks associated with passive smoking. These restrictions are enforced to ensure that communal spaces remain accessible and healthy for all prisoners, regardless of their smoking status.</p> <p>3. Smoking Cessation Programs: Recognising the importance of supporting prisoners who wish to quit smoking, the Maltese authorities are planning to introduce comprehensive smoking cessation programs in 2025. These programs will provide education, resources, and support to help prisoners overcome nicotine addiction and improve their overall health.</p>
33	<p>33. The CPT recommends that the</p>	<p>The Maltese Authorities have committed to expanding and enhancing work opportunities both within and</p>

	<p>Maltese authorities continue to invest sufficient resources to provide more daily activities and purposeful work placements to give daily structure for prisoners and support their reintegration into the community.</p>	<p>outside the CCF. This initiative aims to provide a structured daily routine for prisoners and support their successful reintegration into the community upon release:</p> <ol style="list-style-type: none"> 1. Expansion of Prison Industries: The Authorities are broadening the scope of prison industries to include more in-house work opportunities and tasks that contribute to public services. This expansion involves collaborative projects with local councils and various ministries, allowing prisoners to participate in work that benefits the community and provide them with valuable skills. 2. Community Work Programs: Working closely with local councils, the prison administration is facilitating community work programs that enable prisoners to engage in meaningful work outside the prison setting. These programs are designed not only to help rehabilitate the prisoners but also to foster a sense of contribution to society, which is crucial for their psychological well-being and social reintegration. 3. Investment in Workshop Facilities: CSA is looking into the possibility that with the support of the Council of Europe Development Bank, of constructing a large workshop at CCF. This facility will ensure that all prisoners have the opportunity to engage in productive work during their incarceration. The workshop is intended to provide a variety of vocational training and employment options that match the skills demand in the outside world, thereby enhancing the employability of prisoners' post-release. 4. Strategic Focus on Work and Training: From 2025 to 2028, 'Work in Prison' has been identified as a main focus area by the prison administration. Significant resources are being allocated to develop and implement programs that provide prisoners with practical skills and work experience. These initiatives are central to the authorities' strategy to prepare prisoners for re-entry into society.
37	<p>Overall, the Committee welcomes these positive developments in the provision of care given to prisoners at CCF.</p>	<p>CSA acknowledges the importance of continuous improvement and is dedicated to ensuring that the care and support provided to prisoners are of the highest standard. CSA's future commitments include:</p> <ol style="list-style-type: none"> 1. Continuous Improvement: CSA plans to continually assess and improve the healthcare, psychological support, and rehabilitation services provided to prisoners to ensure that these services

		<p>remain effective and responsive to the needs of the prison population.</p> <ol style="list-style-type: none"> 2. Staff Training: By investing in ongoing professional development for staff, CSA aims to keep the prison workforce well-equipped with the latest skills and knowledge in correctional care, which is crucial for delivering high-quality services. 3. Resource Allocation: Additional resources will be allocated to expand and enhance care services, ensuring that all prisoners receive the support necessary for their well-being and rehabilitation. This includes building a new pharmacy, scheduled for 2025/2027. 4. Collaboration with Experts: CSA will continue to collaborate with health professionals, social workers, and rehabilitation experts to integrate best practices and innovative approaches into the care programs at CCF. 5. Monitoring and Evaluation: Regular monitoring and evaluation processes will be implemented to measure the effectiveness of care services and identify areas for improvement, ensuring that the care provision aligns with international standards and best practices.
39	<p>The CPT reiterates its recommendation that the Maltese authorities introduce a proper induction process for all prisoners being admitted to CCF, and that newly admitted prisoners are held in a dedicated reception unit to allow for a proper needs assessment and classification process to be swiftly carried out. Thereafter, they should be allocated to appropriate accommodation units. Lastly, written information on the prison rules and prisoners' rights and obligations should be systematically provided to newly</p>	<p>The development of a detailed policy and standard operating procedures (SOPs) for the induction process is underway by the CSA. The aim is to ensure that every step—from entry into the facility to placement in a permanent cell—is handled with the utmost care and efficiency. Key elements of the new induction process include:</p> <ol style="list-style-type: none"> 1. Comprehensive Induction SOP: The new induction SOP covers all aspects of the intake process, starting when a prisoner enters the facility. This includes detailed procedures for the initial 48 hours, ensuring that the process is smooth and that the prisoners' needs are promptly addressed. 2. Dedicated Reception Unit: Division 6 will no longer serve as the reception area for new intakes. Instead, Division 19 has been designated as the new reception unit. This division is tailored to meet the needs of newly admitted prisoners, providing an environment that supports their initial adjustment period. 3. Community Support Model: Initially, new prisoners will be placed in a community setting within Division 19, allowing them to receive

	<p>arrived prisoners in a language they can understand, including alternative modes of communication. As concerns the body search process, please see the recommendations contained in section 8(c) <i>body searches</i>.</p>	<p>support from other prisoners. This approach helps prevent the immediate isolation of new prisoners and facilitates a smoother integration into the prison environment.</p> <p>4. Multilingual Information Distribution: To ensure that all prisoners fully understand their rights, obligations, and the facility's rules, written information is now provided in multiple languages. Currently, materials are available in Maltese, English, French, Spanish, Serbian, and Arabic. This ensures that prisoners from diverse backgrounds can access crucial information in a language they understand.</p> <p>5. Enhancements to Body Search Procedures: In addition to improving the induction process, the authorities are refining the body search procedures to enhance respect for privacy and dignity. These revised procedures are part of the broader efforts to align with international standards and best practices in correctional settings.</p>
40	<p>The care and psychological interventions or support did not happen until, on average, one month after arrival (see above) albeit that staff underlined that providing full psychosocial support for new admissions was still a work in progress, and had developed a plan for providing this. The Committee would appreciate being sent a copy of the plan and an update on any developments for newly arrived prisoners. Also, it recommends that care and psychological interventions happen as soon as possible after a prisoner's arrival.</p>	<p>The current system of care plan development and implementation has been in place since 2020. It involves the allocation of a psychology assistant to each newly admitted inmate. This Care, Reintegration and Education Unit (CREU) officer is tasked with carrying out an assessment, the Core Needs Assessment. This assessment is aimed at identifying psychosocial risks and needs in the period soon after admission. Following this assessment a case management meeting is then held to determine apposite interventions to address the identified needs. CREU typically drafts care plans inclusive of psychological, social and educational interventions aimed at either improving the quality of life of inmates e.g. addressing depression or else in the case of sentenced inmates address offending behaviour. Care plans are developed with the knowledge of the respective timelines dictated by the prisoners' sentencing status. Good communication exists between CREU and the Medical Infirmary and any cases that the medical officer deems require interventions from CREU within the first 24 hours are flagged to CREU management for their immediate action. A CREU officer from the Social Team is also catering for first time in prison prisoners upon admission to help them with their immediate needs, such as clothing, understanding of CSA procedures and liaison with external agencies as per need.</p> <p>For the past year however, CREU management has been engaged in reorganising and restructuring the services offered at CSA. The new system</p>

		<p>██████████ shall see all prisoners reviewed by a psychologist and a social worker within the first working day. Any interventions borne from this assessment process shall be carried out by the allocated CREU officers in liaison with their respective senior staff. Thus, all prisoners shall be reviewed expeditiously, and any interventions needed provided immediately and shall be the basis of the initial care plan. The same senior staff shall within the first month also review the prisoner concerned to help develop an accurate formulation of the case. The care plan shall then be developed together with the CREU management, outlining the different tasks that the prisoner must achieve in the different stages of their prison sentence.</p> <p>The new system is expected to be launched by the end of October 2024, following the delivery of workshops to CREU officers, which workshops are currently underway.</p> <p>██</p>
42	<p>The CPT recommends that the Maltese authorities stop this degrading treatment and should revise the purpose of Division 6.</p> <p>Should it remain as an induction wing, then it should only be used as such and not mixed with segregation and disciplinary functions. In such instances, during their placement in this division, prisoners should be unlocked from their cells for as long as those in the other divisions, have the same amount of daily access to outside yard for exercise, have access to purposeful activities if held on the division for longer than a few days and should have access to visits from the outset of their placement in this Division and</p>	<p>With regards to Division 6 at the CCF, the Maltese Authorities have taken decisive actions to ensure the humane treatment of prisoners and compliance with international standards by:</p> <ol style="list-style-type: none"> 1. Change of Function: As of July 2024, Division 6 will no longer serve as an induction wing. This division will be used exclusively for segregation purposes, and only as a last resort. This shift ensures that the division's function is clearly defined and separated from the general induction process, reducing the risk of misuse and ensuring it is used appropriately according to specific needs and circumstances. 2. Adherence to CPT Recommendations: The Maltese Authorities are committed to following the CPT's recommendations meticulously. This includes ensuring that prisoners held in Division 6 for segregation: <ul style="list-style-type: none"> • Are unlocked from their cells for the same duration as those in other divisions. • Have equal access to outdoor yards for exercise. • Are provided with purposeful activities if their stay extends beyond a few days. • Have the opportunity to receive visits from the very beginning and throughout their placement in this division. 3. Video Surveillance and Privacy Measures: Constant video surveillance will be implemented strictly based on risk assessments. Additionally,

	<p>throughout their time held there.</p> <p>Constant video-surveillance should be only undertaken on a risk-assessment basis and the toilet area should be pixelated.</p> <p>Lastly, measures should be taken to reduce the constant loud noise of the air conditioners located near the cells and the cells should be deep-cleaned on a regular basis.</p>	<p>privacy in sensitive areas such as toilets will be enhanced by pixelating these areas within the surveillance system to protect prisoner privacy.</p> <p>4. Improvements in Ventilation and Maintenance: Forced ventilation improvements are planned for the entire prison, including Division 6, to address issues related to air quality and the excessive noise from air conditioning units. These upgrades aim to provide a more comfortable and quieter environment for the prisoners.</p> <p>5. A regular deep-cleaning schedule is already in place for all cells, ensuring high standards of cleanliness and hygiene throughout the facility.</p>
46	<p>In light of these comments, the CPT calls upon the Maltese authorities to reform their policy towards life-sentenced prisoners with a view to ensuring that the law provides for a possibility, during the sentence, for prisoners to apply for conditional release, after having served a defined period of their sentence. A procedure should be put in place for prisoners to be able to lodge such requests and to ensure that this possibility is real and effective.</p>	<p>This recommendation is under consideration.</p>
47	<p>The CPT recommends that a shelter be installed in the exercise yard and that the library books be expanded to provide a range of books in commonly spoken languages by foreign national prisoners (Russian, Arabic and others).</p>	<p>CSA is taking the following steps:</p> <ol style="list-style-type: none"> 1. Installation of Shelter in Exercise Yards: To improve the conditions in the exercise yards, shelters are being installed to protect prisoners from the elements, such as sun and rain. This improvement will make the yards more accessible and comfortable, encouraging physical activity which is vital for the health and well-being of the prisoners. 2. Expansion of Library Resources: The library's collection is being expanded to include books in

		languages that are commonly spoken by the foreign national prisoners housed at CCF. This expansion will include materials in Russian, Arabic, and other languages, ensuring that prisoners have access to reading materials in their native languages. This enhancement supports the educational and recreational needs of the prisoners, aiding in their rehabilitation and personal development.
48	The CPT would appreciate information on whether diapers and infant material is given free of charge when infants are held with their mothers in this unit.	It is pertinent to note that when infants are housed with their mothers in the 'Mother and Baby Unit' at CCF, all necessary infant materials, including diapers, are provided free of charge. This policy ensures that the basic needs of the infants are met without any financial burden to their mothers, supporting the health and welfare of both the child and the incarcerated parent.
49	The CPT recommends that the management of CCF deliver to custodial staff the clear message that verbal abuse of prisoners as well as other forms of disrespectful behaviour towards prisoners, is not acceptable and will be dealt with accordingly.	<p>CSA has implemented the following measures to ensure that staff understand and adhere to the standards of conduct expected within the facility:</p> <ol style="list-style-type: none"> Staff Training and Education: Comprehensive training programs have been enhanced to include modules on prisoner rights, ethical conduct, and the importance of maintaining a respectful and professional demeanour. These training sessions are mandatory for all staff, with refresher courses conducted regularly to reinforce the principles. Clear Communication of Policies: The management has made an effort to clearly communicate policies regarding the treatment of prisoners. This includes the distribution of written guidelines to all staff and regular meetings where expectations are discussed, and staff are reminded of the zero-tolerance policy towards any form of abuse or disrespectful behaviour. Accountability Mechanisms: Mechanisms are in place to hold staff accountable for their actions. This includes a straightforward process for prisoners to report any incidents of abuse or disrespect, with guarantees of non-retaliation. All reports are taken seriously, investigated thoroughly, and if substantiated, result in disciplinary actions against the staff involved. Monitoring and Supervision: Increased monitoring and supervision by senior staff ensure that interactions between staff and prisoners are conducted appropriately. This includes frequent unannounced visits to the cell blocks and

		<p>monitoring of CCTV footage to proactively identify and address potential issues.</p> <p>5. Promotion of a Positive Culture: Great efforts are made to foster a positive culture within the facility that values respect and dignity for all individuals.</p>
50	<p>In light of this, it recommends that, at the very minimum, cells measuring 6 m² are only used to accommodate one prisoner and that the living space in multiple-occupancy cells is at least 4 m² per prisoner, not including the fully-partitioned sanitary facility. Equally, it recommends that the in-cell toilets be fully partitioned and that the showers should ensure sufficient privacy.</p>	<p>Given the current population of over 650 prisoners at CCF and the structural limitations of the existing prison facilities, it is currently challenging to adhere strictly to the CPT's recommendation to use 6 m² cells solely for single occupancy. The facility's constraints mean that achieving the minimum standard of 4 m² per prisoner in multiple-occupancy cells, excluding fully partitioned sanitary facilities, is not immediately feasible.</p> <p>However, planned infrastructure developments include:</p> <ul style="list-style-type: none"> • New Division Construction: The construction of a new division and the rebuilding of Division 8 are significant steps planned to alleviate overcrowding. These developments are aimed at expanding capacity and improving living conditions, thereby allowing for greater compliance with the recommended space standards. • Toilets and Showers Renovations: Commitments have been made to ensure that all in-cell toilets will be fully partitioned and that shower facilities will be enhanced to ensure sufficient privacy for all prisoners. These renovations are scheduled to be completed across the prison by the end of 2025.
51	<p>The CPT recommends that the Maltese authorities renovate the cells in the female Division A to ensure that there is sufficient in-cell ventilation. The CPT also requests information from the Maltese authorities concerning the additional support prisoners receive when they have their babies or infants with them, and the protocol for the use of the mother and baby unit for such situations.</p>	<p>CSA has specific plans to enhance the living conditions for female prisoners and the prison in general. These include:</p> <ol style="list-style-type: none"> 1. Ventilation Improvements: CSA has a comprehensive plan to install forced ventilation systems throughout the prison, including in the Female Division A. This system will help maintain a steady and comfortable temperature throughout the year, addressing issues of insufficient in-cell ventilation, especially during the extreme temperatures of summer and winter months. 2. Support for Mothers and Babies: Mothers housed in the prison's 'Mother and Baby Unit' receive extensive support to ensure that both their needs and the needs of their infants are met. This support includes providing essential supplies such as diapers, baby food, and clothing, as well as

		<p>access to paediatric healthcare services to ensure the health and well-being of the infants.</p> <p>3. Mother and Baby Unit Protocol: A formal protocol for the use of the ‘Mother and Baby Unit’ is being developed and is expected to be in place before the end of the year. This protocol will outline the criteria for eligibility, the duration of stay, the rights of the mothers and infants in the unit, and the specific services and support provided. It will ensure that the unit operates transparently and effectively, providing a safe and supportive environment for mothers to bond with and care for their babies while serving their sentences.</p>
52	The CPT therefore recommends that immediate steps be taken to ensure that all prisoners have adequate quantities of essential personal hygiene products free of charge, including sanitary towels.	<p>CSA confirms that it already provides all prisoners with adequate quantities of essential personal hygiene products free of charge, including sanitary towels. This policy ensures that the basic hygiene needs of all prisoners are met without any financial burden to them, supporting their dignity and well-being while in custody.</p>
53	The CPT recommends that the Maltese authorities provide equal treatment for access to work outside the prison and that equal sentence progression be afforded to all prisoners and ensure that a wide range of work or activities are available to all prisoners.	<p>In terms of this recommendation, CSA would like to make the following clarifications:</p> <ol style="list-style-type: none"> 1. Alignment with Inmate Care Plans: Opportunities for work outside the prison are carefully aligned with each prisoner’s individual care plan. This approach ensures that work assignments are not only part of the rehabilitative process but also tailored to the personal development and reintegration goals of each prisoner. 2. Role of the Prison Leave Advisory Board: The Prison Leave Board, which operates independently from the CSA, plays a crucial role in recommending which prisoners are eligible for external work opportunities. This board evaluates prisoners based on their behaviour, rehabilitation progress, and security risk to ensure that only suitable candidates are granted permission to work outside the facility. 3. Provision of In-Prison Work: Within the constraints of space and infrastructure, CSA is dedicated to providing a variety of work opportunities inside the prison. These opportunities are designed to engage prisoners productively, help them develop new skills, and prepare them for successful reintegration upon

		<p>release. The range of activities and jobs inside the prison is continuously reviewed and expanded as feasible to meet the needs and capabilities of the inmate population.</p> <p>4. Commitment to Improvement: CSA acknowledges the limitations imposed by the current infrastructure but is committed to exploring all possible avenues to expand both in-prison and outside work opportunities. This includes potential infrastructure expansions, collaborations with external agencies, and innovative programs that can accommodate more prisoners in meaningful and rehabilitative work settings.</p>
54	<p>The CPT recommends that the Maltese authorities develop prison admission procedures to take account of the gender-specific needs of women prisoners. This should include screening for sexual abuse or other forms of gender-based violence inflicted prior to entry to prison, and ensuring that such information is considered in the drawing up of a care plan for the woman in question. This should be conducted in a way that is sensitive and trauma-informed, that is, not necessarily using a questionnaire during the initial interview, but should nevertheless make it possible to identify needs shortly after admission. Further, steps should be taken to ensure that the admission procedure is always comprehensively carried out.</p>	<p>The Maltese authorities confirm that the admission procedures at CCF already incorporate measures designed to address the gender-specific needs of women prisoners. These procedures include:</p> <ol style="list-style-type: none"> 1. Trauma-Informed Screening: Upon admission, women undergo a screening process that is sensitive to the trauma they may have experienced. This process is designed to identify any history of sexual abuse or other forms of gender-based violence. The screening is conducted in a manner that is considerate and trauma-informed, avoiding direct questioning that could re-traumatize the individual. Instead, trained professionals use methods that allow them to gather necessary information while providing support and ensuring the comfort of the new prisoners. 2. Integration into Care Plans: Information gathered during the initial screening is used to tailor the care plans for each woman, ensuring that the specific needs and vulnerabilities identified are addressed appropriately. These care plans are dynamic and are regularly updated as required throughout the prisoner's time at the facility. 3. Comprehensive Admission Procedures: The admission procedures for women are comprehensive and systematically implemented to ensure that all aspects of their health, safety, and well-being are considered from the moment they enter the facility. 4. Ongoing Training for Staff: Staff involved in the admission and care of female prisoners receive ongoing training to enhance their understanding of gender-specific issues and improve their ability to implement trauma-informed practices effectively.

55	<p>The CPT recommends that the Maltese authorities ensure that the management and all the custodial staff working directly with women prisoners receive gender-specific training, including gender-specific needs and key issues relating to women's health as well as the precepts embodied in the Bangkok Rules. Further, the CPT supports mixed-sex staffing as, generally, the presence of male and female staff can have a beneficial effect in terms of both the custodial ethos and in fostering a degree of normality in a place of detention. It invites the Maltese authorities to apply this to the prison's female Divisions.</p>	<p>CSA is committed to further enhancing the training of staff within CCF to better cater to the needs of women prisoners. The planned actions are as follow:</p> <ol style="list-style-type: none"> 1. Gender-Specific Training: Starting in 2025, comprehensive gender-specific training will be provided to all management and custodial staff working directly with women prisoners. This training will focus on understanding gender-specific needs and addressing key issues related to women's health, aligning with the recommendations of the Bangkok Rules. The aim is to equip staff with the necessary skills and knowledge to effectively support female prisoners' unique needs. 2. Implementation of the Bangkok Rules: Emphasis will be placed on fully integrating the Bangkok Rules into the daily operations and management practices within the female prison division. This initiative will ensure that the treatment and care of women prisoners are conducted in a manner that respects their dignity and rights, providing an environment conducive to rehabilitation and personal development. 3. Mixed-Sex Staffing: While same-sex staffing already exists, there will be an increase in mixed-sex staffing within the female divisions. The presence of both male and female staff is supported as it can benefit the custodial ethos and help foster a degree of normality within the detention environment. This approach is expected to enhance the female divisions' overall atmosphere and operational dynamics.
64	<p>Recommends that the Maltese authorities ensure that the policy and prevention approach to inter-juvenile violence at CORRs is reviewed and revised.</p>	<p>CSA has already initiated a comprehensive review of the operational strategies within the juvenile section (CoRRS). These include:</p> <ol style="list-style-type: none"> 1. A Review of Juvenile Operations: A complete review of the juvenile section's operations commenced earlier in 2024. This process includes the assessment of existing policies, procedures, and intervention strategies to prevent violence among juvenile detainees. 2. Implementation Timeline: The revised policies and preventive strategies are scheduled to be fully implemented by the end of 2024. The swift timeline reflects the urgency and importance CSA places on enhancing juveniles' safety and rehabilitative environment.

66	<p>The CPT recommends that the CORRs be provided with some electronic tablets, which include language and translation applications, as well as dictionaries, in the commonly spoken languages encountered, which would help staff and the juveniles and young offenders better communicate on a regular basis. Further, all the juveniles and young offenders should be provided with written information about the Unit, the rules, their rights and obligations upon arrival, in a language that they can understand, as well as a brief video introduction, to be made available in the range of commonly spoken languages and including, where necessary, the use of alternative modes of communication in an accessible format.</p>	<p>CSA is working to implement several key improvements to facilitate better interaction between staff and young prisoners. These include:</p> <ol style="list-style-type: none"> 1. Provision of Electronic Tablets: The authorities are currently in the process of sourcing the most suitable electronic tablets that can support language and translation applications, as well as dictionaries. These tablets will be equipped with tools to aid in communication in the various languages commonly spoken by the young prisoners at CORRs, ensuring that staff and young prisoners can communicate effectively on a regular basis. 2. Expansion of Multilingual Resources: While books in various languages are already available at the facility, plans are in place to further expand this collection to ensure a wider range of linguistic needs are met. This step is part of an ongoing effort to cater to the diverse backgrounds of the juveniles housed at CoRRs. Juveniles at CoRRS also have the opportunity to connect with the National Library of Malta and read online magazines and books. 3. Development of Written and Visual Information Materials: By the end of the year, a booklet will be made available to all juveniles and young offenders upon their arrival. This booklet will detail the unit's rules, and the rights and obligations of the detainees, in languages that they can understand. A brief video introduction to the facility will also be produced, available in a range of commonly spoken languages. This video will also include accessible formats and alternative modes of communication to accommodate juveniles with communication difficulties.
67	<p>The CPT recommends that the showers in the girls' unit be refurbished and deep-cleaned on a more regular basis.</p>	<p>CSA has already undertaken steps to address these concerns though the:</p> <ol style="list-style-type: none"> 1. Refurbishment of Showers: All showers within the girls' unit have been refurbished to ensure they meet appropriate standards of hygiene and usability. This refurbishment includes the installation of new fixtures and the enhancement of the overall shower environment to ensure a clean and safe space for the juveniles. 2. Regular Cleaning Schedule: In addition to the refurbishment, a rigorous and regular deep-cleaning schedule has been implemented for the shower facilities. This schedule is designed to maintain the highest levels of cleanliness and

		sanitation, thereby ensuring the health and well-being of the young offenders.
68	The CPT recommends that the regime be expanded to ensure that the young adult and juvenile population is engaged as much as possible in daily purposeful activities (work, vocation, sports, recreation) and education (at a level that corresponds to their educational needs), as well as being provided with appropriate language courses.	<p>CSA is currently working on a number of initiatives:</p> <ol style="list-style-type: none"> Revision of Operations: The operations at CoRRs are currently under revision to ensure that they are engaging and beneficial for juveniles and young adults. This revision aims to optimise the daily schedule and introduce more structured and purposeful activities that contribute to the rehabilitation and development of the detainees. Introduction of More Work Opportunities: Efforts are being made to introduce more work opportunities within CoRRs. These opportunities are designed to be both educational and vocational, providing the young offenders with practical skills that can aid their reintegration into society post-release. Enhanced Educational Programs: The educational offerings at CoRRs are being expanded to better meet the diverse educational needs of the juvenile and young adult population. This includes providing courses in Maltese and English as foreign languages, ensuring that all detainees have access to essential language skills crucial for their personal and professional development. Sports and Recreation: The regime also includes an increased focus on sports and recreational activities, which are essential for the physical health and mental well-being of the juveniles. These activities are structured to promote teamwork, discipline, and positive social interactions among the detainees.
69	As regards healthcare, the CoRRs Unit was attended by a nurse every day. A doctor was on call and could attend whenever was required, and attended each week for certain of the young offenders. There was close cooperation between the healthcare clinic in the main prison and medical staff on site at CoRRs. The delegation noted that the medicines were properly locked in a medicine	Screening for sexual and gender-based violence (SGBV) is already conducted for all individuals upon admission to the CoRRs Unit. This screening process ensures that the specific needs and potential vulnerabilities of each new arrival are thoroughly assessed, enabling appropriate support and care to be provided. By implementing this screening procedure, the Maltese authorities are taking proactive measures to protect the well-being of young offenders and address any issues related to SGBV at the earliest opportunity.

	<p>cabinet in the healthcare room, with the key held by the nurse on duty. Detailed lists were kept of medication expenditure, however, medical records were mostly kept in the main CCF adult prison (see <i>Healthcare</i> section 7). Nevertheless, it was not clear that there was specific screening for sexual and gender based violence (SGBV) at admission to CORRs, and the CPT recommends, if this is indeed the case, that such a SGBV screening be put in place at admission.</p>	
70	<p>The CPT recommends that care plans for all the juvenile population be equally robust and any limitation of language be addressed as a matter of priority.</p>	<p>CSA confirms that care plans for the juvenile population are already robust and aligned with those established for adults. Addressing limitations in language comprehension is a priority, and efforts are underway to procure non-online translators. These tools will facilitate clear communication, ensuring that all young offenders receive comprehensive care and support tailored to their needs.</p>
75	<p>In respect of healthcare staffing vacancies, roles had been advertised for one doctor, two senior staff nurses, one senior nursing manager, one psychiatrist, one psychiatric charge nurse, six staff nurses (day), two staff nurses (night) and four psychiatric nurses. The CPT would appreciate an update on the status of these vacancies and recommends that they be filled as soon as possible (see also <i>mental healthcare</i> in section 7(f)).</p>	<p>In the year of 2023 the CSA engaged the services of a 4th medical doctor. This has allowed for better allocation - with three doctors working at the corrective facility in Paola and another physician entirely dedicated to the Forensic Unit in Attard.</p> <p>The update to the mentioned vacancies is currently as follows:</p> <ol style="list-style-type: none"> 1. Doctor Engagement: One doctor has been engaged. 2. Senior Staff Nurses: After obtaining approvals from Health, the Union, and OPM, an Expression of Interest (EOI) was issued. None of the applicants were found to be eligible for the position. 3. Consultant Psychiatrist: A call for applications was issued, but no one applied 4. Staff Nurse Engagement: One staff nurse has been successfully engaged.

		<p>5. Remaining Nursing Positions: No calls for these positions have been issued yet.</p> <p>Addressing the remaining vacancies remains a priority for the CSA, ensuring that all roles are adequately staffed to provide comprehensive care.</p>
76	<p>The CPT notes in this regard that the policy trend in Europe has favoured prison healthcare services being placed, either to a great extent, or entirely, under the responsibility of the Ministry of Health. In principle, the CPT supports this trend. In particular, the CPT is convinced that a greater participation of health ministries in this area (including as regards recruitment of healthcare staff, their in-service training, evaluation of clinical practice, certification and inspection) will facilitate the provision of good quality healthcare for prisoners, as well as implementation of the general principle of the equivalence of healthcare in prison with that in the wider community. The Committee would appreciate comments from the Maltese authorities on the above principles as regards the system in Malta.</p>	<p>CSA maintains the general principle of equivalence of care - striving to even surpass these standards. CSA believes that keeping healthcare provision within its current framework is more effective than placing it entirely under the Ministry of Health. Nevertheless, a strong collaboration with the health sector is maintained - with regular in-house training provided by staff employed by the Ministry of Health for the CSA medical complement. Multiple ongoing health projects including the Hepatitis C prison eradication programme and on-site vaccination clinics have been highlighted by the World Health Organisation as good practice. The success of these projects is a testament to the ongoing and intense collaboration between the CSA medical staff and the Ministry of Health.</p>
79	<p>Nevertheless, some prisoners complained to the delegation that those who requested to see a doctor in the morning were locked up in their cells from 12:00 until 17:00 after returning from the clinic. One</p>	<p>CSA are aware that the busier the clinic - the shorter the time interval the physician would have with each individual patient. In principle, with lists of 30-40 inmates being reviewed per day by the medical doctor on call - the time per consultation is on average 15 minutes or less. Some cases with added medical complexity would require a lengthier consultation. So as to ensure comprehensive consultations - a few hours of 'cell respite' after the</p>

	<p>officer who was asked about this stated that this was to stop prisoners from requesting doctors' appointments for "small (trivial) things". The CPT recommends that the prison management should instruct custodial staff that a prisoner request for medical appointments should not have negative consequences for them or result in time locked in-cell, which clearly served as an informal punishment.</p> <p>Moreover, it recommends that access to appointments should be only through healthcare staff and not prison officers, and that the method of contacting healthcare directly should be improved, for example by completing a form and giving this to the nursing staff on the block or posting into a box, which is then triaged by nurses.</p>	<p>consultation may be necessary so as to avoid packing the day-to-day clinics with consultations that turn out to be a chat and a social visit to the doctor. For minor medical issues whereby troubleshooting of said problem is done by the nurse on call - the patients are not kept in their cell in the afternoon.</p> <p>The current system of triage involves the inmate requesting to be seen by the doctor or nurse - without divulging any personal medical details to the officer. At times - in view of a close officer-inmate relationship - the inmate may volunteer some medical information - <u>which is not necessary</u>. In the current set up it is the nurse who requests brief medical anecdotes to furnish the doctor on call with medical context for triage.</p>
86	<p>The CPT recalls that prison healthcare services can significantly contribute to the prevention of ill-treatment of detained persons through the systematic and proper recording of injuries and, when appropriate, the provision of information to the relevant authorities.</p> <p>The CPT recommends that the Maltese authorities take the necessary steps to</p>	<p>All objective medical findings are already being listed in the admission notes of the admitting medical doctor along with the doctor's professional observations. In the case of incongruency between the patient's claims and the alleged aetiology of injury - this is already being documented too. A central digital trauma register already exists for recording of all observed injuries. This was shown to visiting CPT staff.</p>

	<p>ensure that the record drawn up after the medical examination of prisoners – whether newly arrived or following a violent incident in the prison – contains:</p> <p>i i) an account of statements made by the persons which are relevant to the medical examination (including their description of their state of health and any allegations of ill-treatment);</p> <p>ii ii) a full account of objective medical findings based on a thorough examination, and</p> <p>iii iii) the healthcare professional’s observations in light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.</p> <p>The record should also contain the results of additional examinations carried out, detailed conclusions of specialised consultations, and a description of treatment given for injuries and any further procedures performed. Recording of the medical examination in cases of traumatic injuries should be made on a special form provided for this purpose, with body charts for</p>	
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	<p>marking traumatic injuries that will be kept in the medical file of the prisoner.</p> <p>The healthcare service and management should ensure that allegations or suspicions of ill-treatment are systematically forwarded on to the competent external investigatory authorities.</p> <p>In addition, a central dedicated trauma register should be kept, in which all types of injury observed should be recorded.</p>	
88	<p>Nevertheless, the delegation did not that a prison officer was present during the lunchtime handover meetings held by doctors and nurses. The prison's explanation for this was that the prison officer coordinates movements from and back the blocks and to other appointments, and clinical information was kept at a minimum. The Committee considers that this could be considered to breach medical confidentiality and recommends that the confidentiality of medical data within the prison be guaranteed and that prison custodial staff do not attend healthcare information handover meetings. Healthcare staff may inform prison officers on a need-to-know</p>	<p>It is to be noted that the daily handover meetings are attended by varied staff from different professions including prison doctors, nurses, dental assistants and a medical clerk. The daily handover meeting is structured in a way to ensure that the day-to-day tasks are addressed with feedback & instructions from outpatients appointments being adhered to. In attendance there usually is a singular officer who is of good reputable standing. The complexity of the discussions are at times a combination of health and security. Thus, it is imperative for the CSA to have an officer present in the multidisciplinary team meetings of the prison clinic. The CSA will keep working on maintaining patient confidentiality by ensuring that the officer attending the meeting will undergo GDPR training as guided by the CSA Data Protection Officer. In addition, the CSA will ask the officer attending these daily meetings to sign a non-disclosure agreement to ensure that any confidential information that may be discussed is not shared to other officers in the corrective facility.</p>

	basis about the state of health of a detained person; however, the information provided should be limited to that necessary to prevent a serious risk for the detained person or other persons.	
89	The CPT would like confirmation from the Maltese authorities when the Offender Management System has become operational.	As of the end of September 2024, both the current records management system and the new Offender Management System (OMS) will be running in parallel to ensure there are no issues with the new system. This will allow for thorough checks and troubleshooting if necessary. Starting from 1st January 2025, the new OMS will be fully operational and used exclusively.
90	The CPT would appreciate being sent an update on the status of these positions and vacancies, and recommends that the prison management makes further efforts to fill its complement of psychiatrists and psychiatric nurses as a matter of priority.	<p>Efforts to fill the complement of psychiatrists and psychiatric nurses are being prioritised.</p> <p>As at mid-September 2024, the situation was as follows:</p> <p><i>Consultant Psychiatrist Position:</i></p> <p>Current Status: A call for applications was issued, but no one applied. The Correctional Services Agency is now planning to enter into a Service Agreement with a Consultant for the position.</p> <p><i>Psychiatric Nursing Positions:</i></p> <p>Current Status: No calls for applications for the remaining psychiatric nursing positions have been issued yet.</p>
93	Nursing staff dispensed medications to prisons on the blocks twice a day.	It is pertinent to note that nurses dispense medications to inmates in all divisions routinely three times a day - and at times more often if necessary.
94	As such, the CPT reiterates its recommendation that the Maltese authorities review the current practices of administration of psychotropic medication, and in particular, it should immediately stop the dissolving and mixing	The Maltese Authorities agree with the Committee that a careful balance should be sought. However, detainees' health remains our top priority. Based on the pilot studies conducted in 2022 for Division 5 and Female Division - there is enough hard evidence to show that switching to dry tablets in the Maltese prison setting will pose more risks than benefits. An individual dying of a psychotropic medicinal overdose is tantamount to an act of omission from the medical staff - when alternatives - such as administration of psychotropic medication in water is a feasible and safer possibility. We re-iterate the need to provide

	of medications in the same water and use safer alternatives to administer medications.	dangerous psychotropic medications solely to those who need them; in a manner that significantly reduces risks of abuse and harm. With regards to pharmacokinetics and drug interactions - we are constantly in conversation with our CSA pharmacist and local pharmacology and toxicology specialists so as to ensure that these medications can be administered safely together in water.
100	The CPT recommends that those prisoners on observation for the risk of self-harm or suicide should not be held on Division 6, which also holds <i>de facto</i> disciplined persons, as well as newly arrived prisoners. Instead, these vulnerable prisoners should be accommodated in more suitable accommodation within the prison (preferably in the healthcare unit) for as long as required.	Such prisoners will no longer be held in Division 6 but will instead be accommodated in 'safe cells'. Each division will have two of these cells. Depending on the specific circumstances, such persons may also be placed in the healthcare unit.
104	The CPT recommends that the Maltese authorities review custodial staff deployment practices at the CCF (especially in the female and juvenile units), with a view to increasing the number of custodial staff present in the detention areas at any one time, and to ensure equitable working hours. Equally, the CPT would like to be informed of the number of prison officer vacancies that have been filled as of 1 September 2024.	CSA is currently working towards increasing the custodial staff at the CCF. A call has been issued to recruit 100 additional custodial staff members. As of mid-September 2024, shortlisting of applicants has already been completed following preliminary physical screening. The written test is scheduled for late September 2024, with interviews and medical assessments planned for October, November, and December. The selection process will be finalised by the end of the year. Those selected will begin a 16-week induction training course in the first week of January 2025.
106	The CPT reiterates its recommendation that	An internal committee has been established to review the relevant legislation and regulations concerning

	the Maltese authorities amend the relevant legislation and regulations to ensure that the right to appeal a disciplinary sanction is afforded to prisoners.	prisoners' right to appeal disciplinary sanctions. It is envisaged that the committee will submit its recommendations during the first quarter of 2025.
110	The CPT reiterates its recommendation that the prison management should fundamentally review the operation of the disciplinary procedures to ensure that any offence is investigated, adjudicated and executed promptly and to ensure that the rule of the presumption of innocence is properly adhered to. The CPT wishes to receive confirmation that prison discipline procedures have been amended accordingly.	The same internal committee tasked with reviewing the legislation and regulations regarding prisoners' right to appeal disciplinary sanctions will also conduct a thorough review of the disciplinary procedures. It is expected that the committee will submit its report, including recommendations, during the first quarter of 2025.
111	In this regard, the CPT reiterates its recommendation that the Maltese authorities amend the relevant provisions of the Prison Regulations, as well as any other applicable legislation, to ensure compliance with the case law of the European Court of Human Rights and that an independent judge deals with disciplinary proceedings which may result in loss of remission. Further, all prisoners undergoing disciplinary procedures should be	An internal committee has been tasked with preparing a comprehensive report that includes the necessary changes and recommendations, ensuring compliance with relevant European Court of Human Rights case law. It is expected that the committee will submit this report during the first quarter of 2025.

	afforded access to a lawyer.	
115	The CPT welcomes this change to limit cellular confinement to 14 days maximum; nevertheless, it recommends that the Prison Regulations be amended to specify that this sanction applies for adults only and that all of above-mentioned rights are included. The CPT would also like to receive a copy of the amended internal regulation.	This amendment to the Prison Regulation, specifying that the 14-day maximum sanction applies to adults only and includes the mentioned rights, is expected to be completed in the first quarter of 2025.
117	The CPT recommends that the Maltese authorities ensure that the resort to strip searches is based on an individual risk assessment, subject to rigorous criteria and supervision, and carried out in a manner respectful of human dignity. The CPT takes the view that a high frequency of thorough searches – involving systematic stripping – of a prisoner entails a high risk of degrading treatment. The CPT recommends that the Maltese authorities ensure that the criteria of expediency and proportionality for, as well as the methods used in, strip-searches be reviewed, with the aim of ensuring respect for personal dignity.	<p>The current procedure already ensures that strip searches are conducted based on individual risk assessments, adhering to strict criteria and supervision while upholding respect for human dignity. This approach minimises the potential for degrading treatment.</p> <p>A guideline is being written addressing the criteria of expediency and proportionality for strip searches to ensure respect for personal dignity. This will also consider the recommendation to minimise embarrassment by allowing detained persons to remove clothing above the waist first, dress again, and then remove the remaining clothing.</p> <p>Security technology, such as body scanners, is already being used preferentially to other more intrusive methods.</p>

	<p>Further the CPT recommends that every reasonable effort should be made to minimise embarrassment; detained persons who are searched should not be required to remove all their clothes at the same time, that is, a person should be allowed to remove clothing above the waist and get dressed again before removing further clothing.</p> <p>Lastly, the CPT recommends that, in line with international norms, after due risk assessment, the least intrusive approach to body searching should be undertaken, preferably using security technology, such as body scanners, as an alternative, rather than a supplementary, search option.</p>	
118	<p>In the CPT's view, all prisoners (whether sentenced or on remand), irrespective of the regime, should benefit from a visiting entitlement of at least one hour every week and recommends that the visiting maximum timeframe be revised accordingly.</p>	<p>This recommendation has been taken on board, and all prisoners, whether sentenced or on remand, are now entitled to a minimum of one hour of visiting time per week, regardless of the regime.</p>
121	<p>The CPT recommends that all internal complaints be registered centrally immediately that the</p>	<p>By the end of this year procedures will be established to ensure compliance with this recommendation. Currently, most boxes are available in each unit, away from custodial staff administrative areas. The current system already allows complaints to be made</p>

	<p>investigation should be carried out expeditiously, and prisoners should be informed within clearly defined periods of the action taken to address their concern, or of the reasons for considering the complaint unjustified. Boxes should made available on every unit and not in places near custodial staff administrative units. It should be possible to make complaints confidentially and directly to the complaints bodies, without the need to pass through staff members first. Awareness-raising of the complaints system should also be undertaken for all newly-arrived prisoners at the admissions stage.</p>	<p>confidentially and directly to the relevant complaints bodies, bypassing staff members. Additionally, CSA will ensure that newly arrived prisoners receive information about the complaints process during the admissions stage.</p>
129	<p>The CPT recommends that police officers be firmly reminded that they should not seek to dissuade detained persons from exercising their right of access to a lawyer.</p>	<p>The law guarantees this safeguard, as delineated in Legal Notice 102 of 2017 (S.L.9.24) of the Laws of Malta. Regulation 2(1) provides the following:</p> <p>2.(1) No police officer should, at any time, do or say anything with the intention of dissuading a suspect or accused person who is entitled to legal assistance in accordance with the provisions of Sub-Title IX of Title 1 of Part I of Book Second of the Criminal Code from obtaining legal assistance.</p>
132	<p>The CPT has repeatedly called upon the Maltese authorities to amend the right to delay access to a lawyer in the law and to take the necessary measures to ensure that all persons detained by the police can effectively benefit, if they so wish, from access to a lawyer throughout their police</p>	<p>Regulation 2(3) of S.L. 9.24 of the Laws of Malta outlines measures aimed at ensuring that individuals detained are afforded prompt access to legal counsel, should they choose to avail themselves of this right, without unnecessary delays:</p> <p>2(3) If a lawyer has been contacted and has agreed to provide legal assistance to a suspect or an accused person, he should attend at the place where the suspect or accused person is detained or arrested promptly but not later than two hours after he has consented to provide legal assistance. Should two hours elapse from</p>

	<p>custody, including during any police questioning, and to amend the relevant provisions of the Criminal Code accordingly. Given that this is still not the case, the CPT recommends that a concrete action plan is put in place to outline the steps and timeframe needed to see legal reform in this area.</p>	<p>the time when the lawyer has agreed to provide legal assistance and the lawyer shall not have arrived at the place where legal assistance is required without such delay having been authorised by a Police officer not below the rank of Superintendent, awaiting further for the lawyer's arrival shall be considered to cause unreasonable delay to the process of investigation. In such circumstances, the investigating officer shall request the Duty Advocate for Legal Aid to attend instead of the said lawyer so that the interview shall commence. Once the interview has commenced, it shall be the Duty Advocate for Legal Aid who shall assist the suspect or accused person and the lawyer who did not arrive within two hours from when he consented to provide legal assistance shall not be allowed in the room where the interview is taking place so as not to interrupt the interview from continuing in terms of law.</p>
134	<p>The Committee recommends that the Maltese authorities provide specialised training in the care of intoxicated persons (and in the recognition of conditions which could be mistaken for a state of intoxication e.g. internal bleeding or diabetes), to all police officers and to ensure systematic and rapid access to a doctor or nurse whenever intoxicated persons are held at police establishments. Further, the Committee invites the Maltese authorities to consider the option of conferring the care of intoxicated persons to health-care facilities.</p>	<p>The Malta Police Force will be conducting training by medical professionals regarding the proper care of intoxicated individuals.</p> <p>The Malta Police Force consistently prioritizes the safety and well-being of intoxicated persons, though it must be emphasised that intoxicated individuals are not admitted to the Lock Up.</p>
135	<p>Nevertheless, the CPT notes that in June 2021, a person detained in police custody at Floriana Lock-Up died in a police cell after ingesting a package of cocaine which ruptured in his stomach. The arresting officer did not inform the</p>	<p>In 2022, the Malta Police Force implemented a Standard Operating Procedure (SOP) regarding the welfare of detainees. Section 8 of this policy mandates a comprehensive risk assessment for every individual admitted to police custody.</p> <p>As of 7th September 2024, the court case mentioned is still ongoing.</p>

	<p>custody officer that this man had ingested something, and there was a police investigation as well as a court case related to this event. The CPT has in the past recommended to the Maltese authorities that steps should be taken to ensure that persons in police custody are kept safe, which should include a thorough risk assessment of each detained person upon admission to police custody.</p> <p>The CPT recommends that the authorities take measures to strengthen the risk assessment of each detained person upon admission to police custody. Lastly, it would like to be informed of the court decision in this case.</p>	
138	<p>Audio-visual recording of police interviews did appear to be undertaken from what the delegation could ascertain during its visit to the above-mentioned police establishments. To ensure that the approaches followed are in line with the CPT's own standards and the Mendez Principles,⁸⁴ the CPT would appreciate information from the Maltese authorities regarding the relevant updated regulations and safeguards governing electronic recording of police interviews.</p>	<p>The guidelines pertaining to the recording of interviews through audiovisual means are outlined in Regulation 7 of the Interview of Suspects and Accused Persons (Procedure) Regulations, SL 9.24 of the Laws of Malta.</p>
143	<p>In response to the CPT's Preliminary</p>	<p>The Malta Police Force plans to construct a small custody centre within the Victoria Police Station.</p>

	<p>Observations, the Maltese authorities informed the CPT that refurbishment works are expected to take place in the near future with little detail of what such works might entail. The CPT would like confirmation of the timeframe that this will be implemented and an overview of the planned refurbishments.</p> <p>The CPT reiterates its recommendation that the Maltese authorities take the necessary measures to improve the conditions of detention at Gozo Lock-up. In particular, they should:</p> <ul style="list-style-type: none"> - ensure that all police cells where persons may be held overnight are of a reasonable size for their intended occupancy (that is, 7 m² for single cells, and at least 4 m² per person in multi-occupancy cells). The current custody cells in Gozo Lock-up should be taken out of use and made into larger cells; and - refurbish the cells in the Gozo Lock-Up to ensure that detained persons have ready access (including at night) to toilets and wash-basins, install a system of in-cell call bells, improve the access to natural light, to adequate artificial lighting and sufficient ventilation. 	<p>Once the initial preparations are made, the Police Force will proceed with applying for planning permits in line with recommendations made by the CPT as regards measurements, ventilation, call bells and such measures. Indeed, an on-site inspection has been affected together with SIPM [Social Innovative Projects Management Ltd] architects, with further considerations to be reported on whether this project is permissible from a heritage point of view. If this is permissible, the Malta Police Force shall commence with preliminary requirements and subsequently start drafting the plans.</p>
	<p>More generally, the CPT recommends that</p>	<p>Due to the particular architectural structure of the Floriana Head Quarters Lock Up, the Malta Police</p>

	the holding cells in Floriana Lock-Up are properly ventilated, sanitary facilities are refurbished and that call bells be installed in the cells of the Floriana and Gozo Lock-ups.	Force is exploring the possibility of installing ventilation systems as well as call bells. Relevant experts will be consulted for their expert advice, and we shall proceed accordingly. As regards sanitary facilities, necessary action has already been taken.
144	The CPT reiterates its recommendation that steps be taken to ensure that all detained persons held for 24 hours or more in police custody in Floriana Lock-Up be offered outdoor exercise; that an exercise area be established in Gozo Lock-Up, and that all persons detained there be offered the possibility of outside exercise.	An area will be designated adjacent to the cell premises at Floriana Lock-Up to enable detained individuals, held in police custody for more than 24 hours, to engage in outdoor exercise.
145	The CPT reiterates its recommendation that the Maltese authorities provide a new escort van for Gozo/ Victoria Police Station and Lock-Up, which conforms to the minimum safety standards. A space on the Malta-Gozo ferry deck should also be established for holding detained persons being escorted to the mainland, and the CPT would like to receive a copy of the internal regulation in this regard.	Following discussions held with the Gozo Channel administration, space has now been identified and allocated on the ferry for the transportation of detained persons. This procedure is now in place. The escort van is already equipped with air-conditioning. As regards seatbelts, these will be installed, and seats will also be replaced.
149	In its Response to the delegation's Preliminary Observations, the Maltese authorities note that a new logbook to record all movements, along with instructions to all police officers for all the movements to be	The Malta Police Force confirms that updated logbooks have been taken in use.

	recorded would be issued. The CPT welcomes this development and would like a confirmation that this has taken effect, trusting that these will be diligently completed on a systematic basis.	
150	The CPT recommends that the Maltese authorities provide adequate resources for this police complaints body to ensure that it can perform its role as an external police complaints body properly.	The Independent Police Complaints Board is established in terms of Article 35 and 36 of the Police Act (Cap. 164 of the Laws of Malta) and is made up of three members appointed by the President on the advice of the Minister responsible for the Police. The Chairperson of the Board must be a retired judge or magistrate, which ensures independence. Members of the Board may be removed from office only if they are unable to fulfil their functions on health grounds, or in case of misbehaviour. The members of the Board have been appointed and the Board is functional. Current legislation also provides that additional chambers may be set up, and also indicates that additional human resources shall be made available to the board, namely a Legal Office and the necessary administrative staff.
152	The CPT reiterates its recommendation that the Maltese authorities ensure that a system of independent monitoring be established to monitor all law enforcement establishments where persons can be held for questioning or for longer periods.	<p>Malta has appointed the Corradino Correctional Facility Monitoring Board and the Monitoring Board of Detained Persons as its official NPM. These two Boards are independent and together they oversee the institutions that are responsible for the long-term detention of persons.</p> <p>All Annual reports of the Monitoring Board for Detained Persons commencing 2015 onwards were laid in Parliament. An interested party can request a copy of such reports from the office of the Speaker or online.</p> <p>Moreover, other institutions that may deprive persons of liberty, notably the Police and the Health authorities, are also monitored by independent bodies.</p> <p>The Police, including Police detention facilities are subject to monitoring by the Independent Police Complaints Board, in accordance with Article 36(e) of the Police Act (Cap. 164 of the Laws of Malta). Similarly, Health authorities are monitored by the Commissioner for Health. The Board and the Commissioner fulfil a function analogous to an NPM.</p>
156	Nevertheless, the CPT delegation received several allegations of <u>ill-treatment</u> , including the use of excessive force by DS staff, many of which	In line with the principle of cooperation, the whole delegation has been provided with full access to the incident reports, the medical documentation, the CCTV footage of the escape and the National Court judgements related to the incident. None of these

	<p>were in the context of an escape attempt from Hal Far Initial Reception Centre (formerly known as “China House”) in May 2023. Many of these allegations involved DS staff punching foreign nationals on the head, legs and back, and kicking persons in the stomach who were reportedly lying prone on the ground, after the escape incident. The alleged ill-treatment concerned the escapees, as well as other detained persons, apparently to deter them from attempting to escape. Allegations were also received of excessively tight handcuffing after the incident. A few of these allegations were also consistent with medical documentation contained in the foreign nationals’ medical records at the prison (where some of the foreign nationals were transferred after the incident) and at Safi.</p>	<p>documents highlighted any injuries compatible with the claims mentioned in the report.</p> <p>One case related to the escape which was flagged by the CPT delegation concerned a detainee who complained of pain in his ear. It is pertinent to note that the first time that this individual complained about this discomfort was during the CPT visit, 5 months after the alleged incident. The detainee in question had previously attended multiple medical consultations and never complained of experiencing ear problems. Likewise, the medical team confirmed that it never received any allegation of ill-treatment by the said gentleman. (Photos attached as Annex 1)</p> <p>Photographic evidence recorded post apprehension confirm that the injuries sustained during the escape attempt were all compatible with running bare foot on rough terrain (fields) and grasping of the razor ribbon surrounding the centre. There were no injuries compatible with ill treatment. Moreover, during the admission at prison none of these persons alleged ill treatment.</p> <p>It should also be noted that DS Officers receive regular training with regards to the use of force and handling of detainees. Most of these detainees were caught in several different private agricultural properties and villages surrounding the Hal Far Initial Reception Centre. Apprehensions by the DS Officers were carried out according to the training they were provided and with a use of force not exceeding that exhibited by the escapees.</p>
157	<p>In addition, the delegation received some allegations of verbal abuse of a degrading and racist nature.</p>	<p>The DSA adopts a zero-tolerance policy against all types of verbal abuse. This includes verbal abuse from staff towards detainees, from detainees towards staff, inter-detainee and between staff. In this regard, it should be noted that the DSA is bound by national legislation vis-à-vis hate crime and no such incidents are tolerated.</p> <p>In line with the spirit of cooperation, the DSA has provided the delegation with the Complaint Register and the Incident Reports Register. It is also pertinent</p>

		to note that no complaints related to verbal abuse were received by the Welfare Officer.
158	<p>In the Maltese authorities' Response to the delegation's Preliminary Observations, the veracity of certain of the allegations is contested and the CPT was informed that the CCTV footage and medical records did not support the above allegations. The CPT points to a number of issues with this Response. These include, <i>inter alia</i> that the CPT received allegations from different incidents and from a range of sources, many of which were not shared with the authorities, to protect the identity of the informants. The CPT recalls that its overall mandate is to examine the risk of ill-treatment and to stop that risk from materializing or recurring. Its work is also geared around protecting its sources from the risk of potential harm or retaliation. Moreover, some of the allegations received by the delegation actually took place away from the CCTV coverage site and were not only in the context of the above escape incident.</p>	<p>The Maltese Authorities would like to reiterate the fact that the allegations made in connection with the escape incident are totally unsubstantiated and run counter to factual information that has been made available to the delegation, including CCTV footage and medical reports.</p> <p>DS Officers receive regular training with regards to the use of force and handling of detainees and all apprehensions done in connection with the escape incident were carried out according to the training the officers received and with a use of force not exceeding that exhibited by the escapees, all of whom failed to comply to the orders given. In this regard, it is also pertinent to note that all of these individuals were found guilty by the Court of Magistrates that they disobeyed the lawful orders of DS Officers according to Article 338(ee) of Chapter 9 of the Laws of Malta. (Judgement Attached as Annex 2)</p> <p>Finally, while the CPT delegation might have received allegations about other episodes of mistreatment separate from the escape incident, the Maltese authorities are of the opinion that any allegation that is not backed up by factual evidence cannot be considered anything more than an unsubstantiated allegation.</p>
159	As such, the CPT notes the information provided by the Maltese authorities,	The CPT were provided with all the data concerning complaints made by detainees, none of which involved cases of verbal abuse from DS Officers towards detainees.

	<p>nevertheless overall, it recommends that the Maltese authorities and management of Safi deliver a clear message to DS staff of a zero-tolerance approach as regards ill-treatment, and that physical ill-treatment, excessive use of force, as well as all forms of disrespectful or provocative behavior towards detained persons, are not acceptable and will be sanctioned accordingly.</p> <p>The CPT also recommends that DS staff be reminded that insults and racist words directed at foreign nationals are reprehensible and must be sanctioned, and that steps be taken to sensitise DS staff and police officers to a non-racist attitude.</p>	<p>As explained above, the DSA already adopts a zero-tolerance policy and acts in accordance with national local legislation in this regard.</p> <p>At present, staff is also receiving mandatory cultural sensitivity training which is being provided by the UNHCR.</p>
162	<p>At the time of the visit, there were 189 persons detained at Safi. Overall, some renovations had taken place and there were far fewer occupants than in 2020, which put less strain on the <u>material conditions</u> of accommodation blocks. The litter, graffiti and debris had been cleared (other than Warehouse 2), some of the dormitories had been repainted, some of</p>	<p>Since the last quarter of 2020, the Maltese Authorities have carried out extensive refurbishment and upgrading works throughout the Safi Detention Centre. In fact, all detainees currently residing at the Safi Detention Centre are living in refurbished or brand-new compounds, making the accommodation more comfortable, modernised, and resistant to vandalism.</p> <p>Certain security aspects needed to be taken in consideration to avoid having instances of absconding, similarly to what has happened in the past. In view of this, unfortunately, certain security measures such as barred windows, which create a carceral environment, are required since past experience has shown us that without such measures, there a real risk that migrants abscond from the centres en-masse.</p>

	<p>the mattresses and bed linen had been replaced, access to hot water had been improved and most of the shower facilities had been cleaned and fixed. These are welcome developments.</p>	<p>As part of the refurbishments in question, wherever possible, all occupied buildings have been furnished with vandal proof systems to prevent incidents of vandalism, which naturally lead to the interruption of services offered. Thus, electricity and plumbing fittings have been installed out of reach, where possible. Shower heads have also been replaced to make them resistant to vandalism attempts, and all buildings have been repainted with a type of paint that allows graffiti to be wiped away. Furthermore, backup systems are being created to prevent any unnecessary downtimes in the provision of essential services within the Safi Detention Centre. Thus, whereas in the past the Centre used only electric water heaters, a new heat pump has now been installed, meaning that the electric water heaters are there to serve as a backup in case of equipment failure. Similarly, Mechanical and Electrical systems have been designed in ways that ensure that if a particular circuit trips, the rest of the building is not left without electricity.</p> <p>Furthermore, additional security measures have been taken to ensure the safety of DSA staff, detainees and visitors. CCTV cameras have been installed, including in vehicles used to transport migrants, thereby ensuring security and accountability, as well as the wellbeing of all involved. In addition, a new Control Room was opened to compliment the extensive investment in CCTV Systems that were installed.</p> <p>Efforts have also been made to improve the communication of detainees with the outside world. Today, international calls with family members are possible in all sections of the closed detention centres. All living areas have access to a telephone set which allows for unlimited incoming calls. With regards to outgoing calls, each detainee receives one telephone voucher per month free of charge and has the possibility to procure additional vouchers. A Communication with the Outside World Protocol was also drawn up.</p> <p>Since 2021, Block A has also been extensively refurbished and reopened. The works in this block were completed by the last quarter of 2023. The works included the installation of brand-new Mechanical & Electrical systems in all areas, with vandal proof light fittings to avoid issues of vandalism and the risks related with deliberate tempering of the installed fitting. Furthermore, the hot water system was also replaced for improved efficiency. The building is now being managed from two new central guard rooms which operate from the heart of the building. This enables improved communication between the DSA personnel and the detainees. Furthermore, changes have been made to improve access to the external</p>
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		<p>yards and a daily timetable for all accommodation areas was created. The time outside has increased well over the minimum of one hour as stipulated by law and in the CPT Fact Sheet on Immigration Detention. The yards are also being opened for a longer number of hours to facilitate the latter.</p> <p>To alleviate from the overcrowding that resulted from a surge of irregular migrant arrivals, during 2020 two new accommodation blocks were constructed at the Safi Detention Centre. The first Block (Block C) was inaugurated in the last quarter of 2020. The layout of the block also permits for an increased time in the yard and persons who reside in this unit have access from sunrise till sunset. The second Block was inaugurated in 2021 and is split in two zones. Both buildings have brand new Mechanical & Electrical systems together with brand new hot water systems for the ablution blocks. CCTV Systems were also installed inside these two blocks.</p> <p>During the COVID-19 pandemic another block was opened to cater for the quarantine and treatment of migrants who were found to be positive for this virus. This building is now being used as an initial reception centre for migrants who arrive by boat. These exclude any vulnerable groups including but not limited to persons with disability, children, & families.</p> <p>Even though this building was opened in 2020, last year (2023) the DSA embarked on a total renovation project starting from Zone A. This area was completed by September 2023 and the works shifted to Zone B where the works scheduled for completion in April 2024. Works included brand new bathrooms, new CCTV system, new hot water system, new Mechanical & Electrical systems, new apertures, and improved access to an outdoor area. A new yard was built adjacent to Zone B with the works scheduled for completion by summer 2024.</p> <p>Furthermore, in 2021, another two compounds were opened at the Safi Detention Centre to ensure that detainees are not overcrowded, to alleviate the risk of tensions between detainees, and to ensure a more peaceful environment.</p> <p>All accommodation areas have constant access to potable water (both hot and cold) for drinking and coffee / tea making. Persons who have the means are also allowed to make weekly shopping for confectionery items and or tobacco products.</p> <p>In the first quarter of 2021, the Migrant Health Service was also launched within the Detention Centres. This, together with the creation of a new clinic has resulted</p>
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		<p>in a drastic improvement in the healthcare that was being provided to all detainees.</p> <p>(Annex 3 Photos of Renovations, including rebuilding of all ablutions)</p>
164	<p>The male Block B comprised two Warehouses containing two Houses, which could accommodate up to 544 people in massive dormitories. No-one was being accommodated there at the time of the delegation's visit. These vast dormitory-type rooms were filled with bunk beds lined up against each other. One of these two Warehouses, House 2, had been split into smaller units, had a new ablution facility, had been repainted and the sanitary facilities cleaned and refurbished, while the other one, House 1 was in the same semi-derelict state as in 2020, with graffiti, mould and debris on the floor visible. Works for refurbishment of House 1 were due to start in 2024. While the two Warehouses were non-operational at the time of the delegation's visit, they could be re-opened at any moment. The CPT recommends that both these Warehouses be split into smaller living units and entirely refurbished. It would also like an update</p>	<p>The DSA appreciates that the CPT has endorsed its idea in creating smaller accommodation units within Block B.</p> <p>As also noted by the CPT, House 2 has already been split into two smaller units, while works on House 1 shall commence in 2024.</p> <p>House 1 will also be split into smaller unit, which will automatically lead to double the amount of ablution facilities per capita and a total overhaul of the building similarly to what has happened in House 2. The works shall include a new Mechanical & Engineering installation together with CCTV, mechanical ventilation, and a new hot water system.</p> <p>Following a fire during a riot in 2019, House 2 at the Safi Detention Centre was heavily damaged. In the process of carrying out the necessary works, the building was split into two sections. This has led to the creation of two separate accommodation areas and a decrease in the occupancy of the building. The sanitary facilities per capita have doubled as a direct result of the works. Furthermore, during the works a secure space within the building was erected and the compound is now managed by the Detention Services from the inside, as opposed to the previous situation where this was being done from the outside. The fact that the officers are now stationed inside the compounds has also improved communication between officers and detainees.</p> <p>On a separate note, it is important to highlight the fact that since the end of 2020 there have been no riots in any centre administered by the DSA.</p>

	when the refurbishment works have been completed on House 1.																
165	<p>Regarding the male accommodation in Safi, large dormitories were still in use in most of the blocks (with the exception of the CMU). Those blocks that were operational (Blocks A, D and C) were still crowded and almost full, despite the low overall number of detainees. For example, in Safi Block A, Zones 2, 4 and 5, various rooms had twenty beds (in sets of 10 bunk beds, lined up in rows), in a space of 40 m², meaning that when the room was full, the living space afforded to each foreign national in the dormitory was a mere 2 m². While they were not at full capacity at the time of the visit, the space taken up by the empty bunks allowed little remaining space for foreign nationals to move freely. There were a few cupboards per room, a few tables and chairs, but by no means enough for all the persons held there. The barred doors of the dormitories were kept open to the adjoining, barred, semi-open, thin external corridor lined with benches and two to three tables, where the foreign nationals spent most of their time. This allowed for more space for the foreign nationals to</p>	<p>The DSA disagrees with the statement that the Blocks were crowded despite the low number of detainees.</p> <p>The CPT were provided with all the population lists that were requested. It was also explained to the delegation that even though not all of the beds were occupied, the rooms still needed to be set up in case of new arrivals, which most of the time, come unannounced.</p> <p>The below table indicates the occupancy rates of Block A which are much lower compared to what was indicated in the report.</p> <table border="1"> <thead> <tr> <th>Block</th><th>Zone</th><th>Occupancy</th></tr> </thead> <tbody> <tr> <td>A</td><td>1</td><td>0% (Closed for Works)</td></tr> <tr> <td>A</td><td>2</td><td>62%</td></tr> <tr> <td>A</td><td>4</td><td>38%</td></tr> <tr> <td>A</td><td>5</td><td>60%</td></tr> </tbody> </table> <p>During the visit, it was also explained to the delegation that the occupied dormitories stay open. Therefore, the common area of the building should also be included in the square meterage. In this regard it should be noted that even if the area is fully occupied, when calculated, Block A square meterage per foreign national is well over the recommended area per detainee.</p> <p>Most dormitories in Block A have windows which lead to a common area in front of the building which allows for enough natural light to flow into the rooms.</p> <p>Due to different sleeping patterns, foreign nationals cover most of the bedroom windows with cardboard to prevent natural light from entering the rooms. Although DS Officers remove these coverings, detainees persist with covering such openings, thus reducing the amount of natural light that enters the room (documentary evidence pertaining to this practice by detainees can be found in Annex 4).</p> <p>With regards to the level of cleanliness of the dormitories, the DSA advocates in favour of shared responsibility. The DSA positively notes that the living areas are normally kept clean and in good hygienic conditions. Cleaning schedules are drawn up</p>	Block	Zone	Occupancy	A	1	0% (Closed for Works)	A	2	62%	A	4	38%	A	5	60%
Block	Zone	Occupancy															
A	1	0% (Closed for Works)															
A	2	62%															
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A	5	60%															

	<p>move around outside of the dormitory but within the block's individual zone corridors. While there were a couple of small windows facing directly outside some of the dormitories, others only had small windows facing the external corridor, which only allowed for a minimal amount of light and ventilation to come into the rooms. Overall, natural light was generally insufficient in each dormitory.</p> <p>Furthermore, despite the renovations undertaken, the delegation found various mattresses and blankets were dirty, toilets were in an unsanitary and mouldy condition and there were non-functioning showers in most of the male units.</p>	<p>by the detainees themselves and there are no issues with compliance in this regard.</p> <p>Mattresses are changed as frequently as required. New bedding materials such as sheets and blankets are handed to each detainee upon arrival, while new bedding items are distributed as needed. All detainees are provided with clothes and cleaning products, and a drier facility is available in every area.</p>
167	<p>Female Block B was in much better condition than the male accommodation blocks. The Block had been renovated and accommodation was in pre-fabricated units situated around a partly shaded tarmac exercise yard, which was also equipped with a fixed line communal phone, outside table and benches and a small library. The rooms were well ventilated with air conditioners and heaters fixed on unit walls, which were necessary in these pre-fabricated units as they got extremely hot in the</p>	<p>The Maltese Authorities welcome the positive comments concerning the new Female Accommodation Area within the Safi Detention Centre. However, it cannot but contest the CPT conclusion that the DSA is not providing replacement bras to its female detainees in the absence of an individual assessment. Indeed, the DSA not only agrees with the CPT that replacement bras need to be provided, but also notes that this is already the case.</p> <p>Annex 5, which is being attached to this report, includes a copy of the request for quotations for the procurement of underwear, the demand for approval issued 2 days later and the invoice containing the order of purchase for the detainees' underwear dated 14/09/2023. As clearly explained to the delegation, there was a delay in the delivery of these items which, while regrettable, is something outside of the DSA's control.</p> <p>Finally, the DSA notes that the handing in of bras containing metal and non-elastic material upon admission to the Safi Detention Centre cannot be based on an individual assessment since the female</p>

	<p>summer and cold in the winter. The dormitories were well lit, clean, spacious and provided a small number of beds per room. The women held there did not complain about their treatment or conditions at Safi.</p> <p>Nevertheless, women had to hand in their bras when they arrived at Safi for reasons of security (anti-ligature). At the time of the visit, no replacement bras had arrived, although the delegation was informed that sports bras had been ordered. The CPT considers it is a core element to dignity for women to be free to wear a bra. The CPT considers that this measure, which was followed on a routine basis with no individual assessment, may amount to humiliating or degrading treatment. The CPT recommends that the Maltese authorities stop this humiliating or degrading measure as routine. The authorities should ensure that sports or non-wired bras, in a range of sizes, are made available to women foreign nationals as soon as possible.</p>	<p>residence is constructed in a way that encourages socialisation and mingling between the female residents. In view of this, any potential hazardous items need to be removed.</p>
168	<p>Safi C-Block comprised one large dormitory, with adequate access to</p>	<p>It is pertinent to note that general maintenance of all blocks is done systematically by a dedicated team of personnel. Shower heads are changed very frequently. DSA staff encourages the detainees to keep the</p>

	<p>natural light and sufficient artificial lighting and ventilation but, as with the other blocks, it was crammed with rows of bunk beds (for a capacity of 70 foreign nationals) with an occupancy of 61 at the time of the visit, and with a few tables and chairs near the entrance. It had a washing facility, in which there were showers, toilets and a large wash basin for foreign nationals to launder their clothes. However, the showers were generally mouldy and humid and not all were functioning properly.</p>	<p>windows open to allow for proper ventilation, but during the cold months the detainees opt to keep the windows closed. Like in every household, this is not ideal as it increases the level of humidity and the risk of mould forming due to the steam that is generated from the hot water system of the showers and wash hand basins.</p>
169	<p>The Close Monitoring Unit (CMU) was a separate unit situated adjacent to B-Block, with a capacity of seven beds but which was accommodating three persons at the time of the visit. The CMU consisted of three single cells rooms that each measured 4.8 m² and two double cells measuring some 7 m² and were furnished with two (bunk) beds and unscreened, dirty toilets, without lids. The rooms were covered by 24/7 CCTV live observation. The cells had one window that allowed natural daylight but not artificial lighting – other than the light from the outside</p>	<p>The Maltese Authorities have provided the CPT with ample documentation concerning every admission to the CMU since its inception in 2021.</p> <p>Each CMU Record is created and kept individually and not in a logbook. This facilitates keeping more in-depth information pertaining to each admission. Each individual records includes the date of admission to the CMU and the date of release from the CMU. Furthermore, the CMU admission form also indicates the expected date of release. Thus, there is no need for a logbook as recommended by the CPT.</p> <p>With regards to the material conditions of the CMU the DSA would like to clarify that artificial light is available in every room. Furthermore, directional lights were installed outside of the cells to avoid possible tampering with the electrical system. With regards to call bells, it should be noted that the CCTV systems may also be used by detainees to alert the officers who are interacting with them round the clock. Furthermore, the structure of the building allows for constant direct contact between the detainees and the officers.</p> <p>At the time of writing the DSA is in the process of procuring new stainless-steel toilets to replace the existing ones as these are more hygienic and easier to clean.</p>

	<p>corridor. The cells did not have call bells. There was one small concrete outside yard, equipped with a table and two fixed benches as well as a washing machine. There was no specific register to record entries and exits of the foreign nationals into and from the CMU, only a handover book.</p>	
170	<p>A positive development was that all foreign nationals at Safi were now provided with two sets of clothes, footwear, a laundry kit and a hygiene pack. Nonetheless, foreign nationals at Safi had to wear the standardised clothes provided by the Centre, and continued to be addressed by numbers and not by their names. The CPT considers that calling detained foreign nationals by their number, and not their names, and requiring them to wear a quasi-uniform or standardised clothing robs them of a sense of personal identity. This CPT has raised its concern about this depersonalising practice in numerous previous visit reports to Malta and the situation has not changed. The CPT calls upon the Maltese authorities to ensure that staff address all foreign nationals by their</p>	<p>It should be noted that since many of the inmates who are of Asian and Arabic origin share the same faith, Islam, it is not uncommon to have cases where multiple inmates have the same name. Therefore, within the context of the dormitories, this makes it very difficult to call someone by name.</p> <p>However, in the context of individual sessions, assessments and medical reviews, the detainee is always addressed by his given name.</p> <p>The DSA provides new clothing and underwear to each detainee as explained to the delegation. This is done for various reasons including hygiene, security, health and equality between detainees. It is also pertinent to note that persons arriving to Malta by boat have no change of clothes or belongings, thus making them totally dependent on DSA to provide these basic needs.</p>

	name, instead of their police-provided immigration identity number and allow foreign nationals to wear their own clothing should they so wish.	
171	<p>The CPT has long-held that immigration detention centres should be fit for purpose in suitable premises to reflect the nature of the non-criminal detained population; persons detained under aliens legislation should be accommodated in centres specifically designed for that purpose, offering material conditions and a regime appropriate to their legal situation. Care should be taken in the design and layout of such premises to avoid, as far as possible, any impression of a carceral environment. Consequently, the CPT recommends that the design and layout of Safi Detention Centre should be reviewed.</p>	<p>Since the last CPT visit, most of the Safi Detention Centre has been extensively refurbished. During such refurbishment the layout of the centre was changed, and the overall occupancy decreased.</p> <p>Nonetheless, the DSA needs to be constantly prepared to cater for all possible eventualities vis-à-vis, in particular the ever present risk of experiencing a sudden and mass influx of migrants within a short period of time.</p>
172	In the meanwhile, the CPT calls upon the Maltese authorities to improve the conditions of detention at Safi Detention Centre's Warehouses and A, D and C Blocks, to ensure that:	Please refer to the replies provided in the previous points.

	<p>the official occupancy rates are revised so as to offer a minimum of 4 m2 of living space per detained person in the multiple-occupancy accommodation;</p> <p>large dormitories and rooms should be divided up into smaller living units;</p> <p>all dormitories have adequate access to natural light and sufficient artificial lighting, ventilation and heating/ cooling;</p> <p>the CMU should be equipped with sufficient artificial lighting and the toilets should be screened and/ or the CCTV images pixelated to afford some privacy, and a register for all entries and exit from the CMU should be maintained;</p> <p>all detained persons are offered a clean bed, mattress, blanket and bedding;</p> <p>all dormitories are equipped with tables and chairs and all detained persons provided with personal lockable space; and</p> <p>all dormitories and sanitary annexes are regularly maintained and disinfected and have properly functioning toilets and showers designed to afford a degree of privacy, and properly maintained wash-basins.</p>	
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173	<p>The <u>regime</u> of purposeful activities and education on offer for the detained persons at Safi had not changed substantially since the CPT's previous visit and remained extremely limited and, in the CPT's view, unacceptably poor.</p>	<p>Each living quarter has access to an outdoor recreational area. Each dormitory also has a television set with access to a substantial number of TV stations, together with access to YouTube.</p> <p>Furthermore, the DSA, through a Memorandum of understanding with the Malta Football Association, is providing weekly physical activity and sports sessions for all detainees.</p> <p>Works are also ongoing to organise training classes of certain life skills to detainees.</p>																																								
174	<p>Despite being informed that three hours of outside time were allowed, in practice the male detained persons had very little time outside (a couple of hours only at the time of the visit). In contrast, female detained persons had unlimited access to their outside yard during the day (except for roll call/head counts).</p>	<p>The CPT Factsheet on Immigration Detention, page 5, section 5 point 2, states that detained irregular immigrants should be provided more than one hour of outdoor time per day. At the time of the visit, all areas had access to more than the minimum recommended time.</p> <p>The time allocated outside each yard is dependent on the number of zones making use of the area.</p> <p>Since the CPT visit, the DSA, where possible, has revised the timing of the outdoor areas.</p> <p>Details are as follows:</p> <p>A Block Zones 1/2/4/5 & F Block Zones 3 & 6</p> <p>A Block Recreation yard 1 (Shared by A Block Zones 1 & 5)</p> <table><tr><td>Timings</td><td>06:00 - 14:00</td><td>14:00 - 20:00</td></tr><tr><td>Shift A</td><td>Zone 1</td><td>Zone 5</td></tr><tr><td>Shift B</td><td>Zone 5</td><td>Zone 1</td></tr><tr><td>Shift C</td><td>Zone 1</td><td>Zone 5</td></tr><tr><td>Shift D</td><td>Zone 5</td><td>Zone 1</td></tr></table> <p>A Block Recreation Yard 2 (Shared by A Block Zones 2, 4 & F Block Zone 3 & 6)</p> <table><tr><td>Timings</td><td>06:00 - 10:00</td><td>10:00 - 14:00</td><td>14:00 - 18:00</td><td>18:00 - 20:00</td></tr><tr><td>Shift A</td><td>Zones 2</td><td>Zones 3</td><td>Zones 4</td><td>Zones 6</td></tr><tr><td>Shift B</td><td>Zones 3</td><td>Zones 4</td><td>Zones 6</td><td>Zones 2</td></tr><tr><td>Shift C</td><td>Zones 4</td><td>Zones 6</td><td>Zones 2</td><td>Zones 3</td></tr><tr><td>Shift D</td><td>Zones 6</td><td>Zones 2</td><td>Zones 3</td><td>Zones 4</td></tr></table> <p>When F Block is closed, the time allocated to F</p>	Timings	06:00 - 14:00	14:00 - 20:00	Shift A	Zone 1	Zone 5	Shift B	Zone 5	Zone 1	Shift C	Zone 1	Zone 5	Shift D	Zone 5	Zone 1	Timings	06:00 - 10:00	10:00 - 14:00	14:00 - 18:00	18:00 - 20:00	Shift A	Zones 2	Zones 3	Zones 4	Zones 6	Shift B	Zones 3	Zones 4	Zones 6	Zones 2	Shift C	Zones 4	Zones 6	Zones 2	Zones 3	Shift D	Zones 6	Zones 2	Zones 3	Zones 4
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		<p>Block is given to the other zones of A Block (Zone 2 &4).</p> <p>As per the above chart, the times allocated to each zone are rotated according to the shifts so that each zone can use the open area during different timings of the day.</p> <p>B Block Zones 1/2/3/4</p> <table><tr><td>Timings</td><td>08:00 - 12:00</td><td>13:00 - 17:00</td></tr><tr><td>Shift A</td><td>Zones 1 & 3</td><td>Zones 2 & 4</td></tr><tr><td>Shift B</td><td>Zones 2 & 4</td><td>Zones 1 & 3</td></tr><tr><td>Shift C</td><td>Zone 1 & 3</td><td>Zones 2 & 4</td></tr><tr><td>Shift D</td><td>Zones 2 & 4</td><td>Zones 1 & 3</td></tr></table> <p>C Block - All Shifts</p> <table><tr><td>Timings</td><td>08:00 - 17:00</td></tr></table> <p>D Block</p> <p>Recreation Yard 1 (Shared by Zones 1 & 3)</p> <table><tr><td>Timings</td><td>09:00 - 12:00</td><td>13:00 - 16:00</td></tr><tr><td>Shift A</td><td>Zone 1</td><td>Zone 3</td></tr><tr><td>Shift B</td><td>Zone 3</td><td>Zone 1</td></tr><tr><td>Shift C</td><td>Zone 3</td><td>Zone 1</td></tr><tr><td>Shift D</td><td>Zone 1</td><td>Zone 3</td></tr></table> <p>Recreation Yard 2 (Zone 2) - All Shifts</p> <table><tr><td>Timings</td><td>09:00 - 13:00</td></tr></table> <p>Female Block - All Shifts</p> <table><tr><td>Timings</td><td>08:00 - 20:00</td></tr></table> <p>G Block - All Shifts</p> <table><tr><td>Timings</td><td>08:00 - 20:00</td></tr></table>	Timings	08:00 - 12:00	13:00 - 17:00	Shift A	Zones 1 & 3	Zones 2 & 4	Shift B	Zones 2 & 4	Zones 1 & 3	Shift C	Zone 1 & 3	Zones 2 & 4	Shift D	Zones 2 & 4	Zones 1 & 3	Timings	08:00 - 17:00	Timings	09:00 - 12:00	13:00 - 16:00	Shift A	Zone 1	Zone 3	Shift B	Zone 3	Zone 1	Shift C	Zone 3	Zone 1	Shift D	Zone 1	Zone 3	Timings	09:00 - 13:00	Timings	08:00 - 20:00	Timings	08:00 - 20:00
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176	This was all the more disappointing in respect of the juveniles awaiting final age assessment results (see	It was explained to the delegation that all the persons residing in Zone 4 were persons who were in the process of appealing their Adult Age Assessment Result. Out of a total of 23 persons in this area, 11 were documented adults, four of which were in																																						

	<p>section 4 <i>Juveniles</i> and the recommendations contained therein). These juveniles had nothing to do to structure their day other than to go to a concrete yard for one to two hours a day or watch only English-language cartoons on the corridor television. At the time of the delegation's visit the remote control had been confiscated by the guards (apparently a routine practice) to force the alleged minors to watch cartoons only, which was perceived as a punishment by the juveniles.</p>	<p>possession of a physical passport. [REDACTED]</p> <p>Without prejudice to the above, it should be noted that neither the Reception Conditions Directive nor the Return Directive prohibit the detention of minors.</p> <p>Concerning the TV set, it should be noted that there are no guidelines regarding what is allowed to be viewed on TVs. The statement that the remote control was confiscated is erroneous since this is ultimately the property of the DSA. Furthermore, it should be clarified that the remote was taken by the guards as a preventive measure to avoid conflict between the residents in this specific area following a number of attempts by some of them to view pornographic material on the internet.</p>
177	<p>Persons could be held for long periods of time at Safi, with a fifth of the population held for 300 days or more, and some for over 400 days. At the time of the visit, the long periods of detention at Safi, as well as the lack of information on foreign nationals' immigration status and individual cases (see section 7(b) Information provision), cumulatively contributed to a deep sense of frustration. This situation was exacerbated by the extremely limited regime and long time spent each day locked up on the blocks.</p>	<p>Upon admission all persons are handed an information booklet in a language they understand. A copy of this booklet (in all available languages) was given to the CPT during their visit.</p> <p>It should also be noted that, the entity responsible for issuing detention orders also hands out the necessary information in the form of printed documents. In addition, detainees are regularly spoken to by the relevant stakeholders depending on their Immigration status. Thus, the claim that foreign nationals lack information on their immigration status is factually incorrect.</p> <p>Furthermore, detention is regulated by the Reception Conditions Directive and the Returns Directive, depending on the detainee's immigration status. The former does not stipulate a maximum period of detention, but according to national law an asylum seeker may not be detained for more than 9 months. The Return Directive provides for a maximum period of detention set at 18 months.</p>
178	<p>The CPT considers that the regime and conditions of detention for foreign nationals should reflect the nature of</p>	<p>Please refer to replies provided for points 173 and 174.</p> <p>Furthermore, it should be noted that due to security reasons activities such as cookery, gardening and cultural kitchens are not deemed feasible within the local detention context.</p>

	<p>their deprivation of liberty, with limited restrictions in place and a varied regime of activities. Within the detention facility, detained persons should be restricted in their freedom of movement as little as possible. Detained irregular migrants should in principle have free access to outdoor exercise throughout the day (that is, considerably more than one hour per day), and outdoor exercise areas should be appropriately equipped (benches, shelters etc.). Equally, the longer the period for which persons are held, the more developed should be the activities which are offered to them. Purposeful activities, in an immigration detention context, can include, <i>inter alia</i> language classes, IT/computer classes, gardening, arts and crafts, cookery skills and so-called “cultural kitchens”.</p>	
180	<p>Further, immigration police and case officers, as well as NGO and legal service providers should be encouraged and allowed to visit Safi more regularly to provide information on detained persons cases.</p>	<p>Immigration police and officers from the competent entities (eg. the International Protection Agency and the Agency for the Welfare of Asylum seekers), do not have any restrictions in terms of access to detention centres and are free to speak to detainees in accordance to their remit. To further facilitate this contact, the Police, AWAS and the Monitoring Board for Detained Persons have an office within Safi Detention Centre.</p> <p>NGOs who offer legal services to detainees can also visit their clients in accordance with the visitors protocol. During the year 2023 the DSA facilitated over 270 visits from lawyers, family members, NGOs,</p>

		and other relevant entities. Each visit may include up to 6 detainees.
182	<p>The CPT reiterates its recommendation that the Maltese authorities should further develop the range of, and increase access to, more structured, organized, and purposeful activities for persons held at Safi.</p> <p>In this respect, the CPT recommends that the regular programme activities run by AWAS at Dar il-Liedna and Marsa act as an example for emulation at Safi and Hal Far Initial Reception Centre. For example, establishing a cultural kitchen, where foreign nationals can regularly cook for themselves and others, in addition to the provision of other activities, such as English and vocational courses, access to a well-stocked library with reading material in commonly spoken languages, availability of diverse courses, more regular (daily) outdoor sports games organised, board games and other meaningful activities offered which can serve to structure their often long periods of time spent in detention.</p>	<p>As explained earlier, the DSA is working to implement part of this recommendation.</p> <p>It is also pertinent to note that board games, playing cards and books are available in each section.</p> <p>(Photographic evidence and invoices of such purchases is attached as Annex 7).</p>

183	<p>The CPT also recommends that the Maltese authorities should ensure free access to outdoor exercise for foreign nationals throughout the day. In addition, the Maltese authorities should review and revise the current layout of Safi to ensure increased access to the outside green areas, and should ensure that exercise areas are appropriately equipped (benches, shelters, sport equipment, etc.).</p>	<p>The recommendation pertaining to access to outdoor areas goes beyond the guideline issued by the CPT which stipulates that access to such areas should be provided for considerably more than 1 hour per day. It should also be noted that this guideline is being followed by the DSA.</p> <p>Concerning other recommendations, wherever possible, once works on the inner areas are completed, the yards will be modernised. Furthermore, the DSA already has a rota system for access to yards which are shared between different zones. This allows for access during different times of the day.</p>
185	<p>Hal Far Initial Reception Centre was visited in 2020 by the CPT and has not changed. It is comprised of 3 sections (Zones A (Capacity 40), B (capacity 60) and C (capacity 70). Zones A and B were non-operational and closed at the time of the delegation's visit, and Zone C was holding 31 foreign nationals (all Bangladeshi men), all of whom were detained on a return order or a deportation order.</p> <p>Zone C had four open rooms (18 m² each) equipped with six sets of bunkbeds. All the rooms had sufficient access to natural light through large windows, but the</p>	<p>The capacity of each zone was revised following the refurbishment works being undertaken in the building. At the time of reply both Zone A and B had been refurbished. Moreover, works had also been completed on a new recreational yard for Zone B, which will increase the outdoor time available to detainees.</p> <p>With regards to the comment on Zone C, the DSA disagrees with a number of points. The lights are centrally controlled from outside of the area to avoid vandalism. During the mornings, the area has ample natural light that comes in from the windows thus generally there is no need to switch on the lights. Contrary to what is being indicated by the CPT, the ablution facility works well and there were no reports of broken toilets.</p> <p>(Photos of the ablution facility attached as Annex 8)</p>

	<p>artificial lights in the rooms were not working. There was a large common room that also served as a dining area, also with non-functioning lighting. Each foreign national was provided with a single sheet, black blanket (of thin, poor quality and dirty) and a pillow, as well as cleaning products to launder their clothes and clean their rooms. There were double and single shower rooms, some of which were not working, and none had shower heads. There were six toilets, all of which were in need of refurbishment.</p>	
186	<p>The CPT recommends that the Maltese authorities ensure regular refurbishment and repair is made to the fixtures and fittings such as the lighting, shower facilities and toilets; and that foreign nationals should regularly be provided with clean blankets of adequate quality and hygiene products.</p>	<p>As noted above, general maintenance of all blocks is done systematically by a dedicated team of personnel. Shower heads are changed very frequently. By the third quarter of 2024 all three areas of HIRC will be totally renovated.</p> <p>Blankets, sheets, clothing, and hygiene products are distributed on monthly basis.</p>
188	<p>The CPT calls upon the Maltese authorities to ensure that at a minimum a regular regime of purposeful activities is offered to detained persons as set out in paragraph 184 above. The exercise areas should offer some shelter and be equipped (benches, shelters, sports equipment, etc.) and</p>	<p>The DSA has taken note of this recommendation and will be including this in its plans for more meaningful activities such as life skills classes.</p>

	persons should have free access to the yards throughout the day.	
193	The CPT can only encourage the authorities to continue to invest in establishing a wider range of more regular purposeful activities.	The Agency for the Welfare of Asylum Seekers (AWAS) is committed to continue investing in a comprehensive range of regular and purposeful activities for beneficiaries at the Initial Reception Centre (IRC) and Dar il-Liedna (DIL). These activities aim to sustain the physical, mental and emotional wellbeing of beneficiaries. AWAS's approach already includes quarterly assessments to understand the evolving demographics and needs of beneficiaries, ensuring that activities remain flexible, creative, and adaptable to changing circumstances. The agency offers diverse activities tailored to different interests, skill levels, and cultural backgrounds, including educational workshops, recreational events, cultural exchanges, sports tournaments, and community service projects. Collaborations with local organizations and community groups expand the network of support and resources available to beneficiaries. AWAS prioritizes effective communication and promotion of activities through posters, social media, and outreach. Activities such as orientation sessions, language classes, cultural sensitivity training, job skills workshops, life skills training, legal orientation, and community engagement activities facilitate the integration process. Additional initiatives, including cooking classes, gardening projects, arts and crafts workshops, and sports and recreational activities, provide beneficiaries with opportunities for personal development and cultural exchange.
202	Nevertheless, unaccompanied minors who had been judged to be adults from an initial vulnerability and needs screening at the port of arrival were detained at Safi, pending formal age assessment results or appealing the results, as had also been the case in 2020. The DSA holds foreign nationals who would have claimed an adult date	<p>The Maltese Authorities conduct this practise to safeguard actual minor migrants from adult migrants claiming to be unaccompanied minors for their own personal gain, something that has regrettably become a common occurrence.</p> <p>Indeed, statistically, out of a total of 47 Age Assessments conducted during 2023 only 12 were confirmed minors following the conclusion of the age assessment procedure, including appeals, as applicable. This indicates that 75% of the individuals who claimed to be minors to the Maltese Authorities were found not to be.</p>

	<p>of birth to the police on arrival to shore, and to healthcare staff on initial assessment, and who thereafter change their date of birth to that of a minor. This triggers separation from other adults and an Age Assessment protocol. Assessments concluded as adults can be appealed, which prolongs the stay in the alleged minor section.</p>	<p>The Maltese Authorities are currently working on legislative amendments aimed at shortening the appeal process while making it more efficient.</p>
203	<p>As a consequence, the CPT delegation found that, in practice, many children, including those awaiting age-assessment results or appeal results, were being deprived of their liberty both in Safi and Hal Far Initial Reception Centre, including six alleged sixteen- and seventeen-year-olds, held in Block A, Zones 4 and 5, along with other adult (that is, 18-20 year old) foreign nationals.</p>	<p>During the CPT visit all alleged minors were residing in Zone 4, separately from any adult detainees.</p> <p>The DSA is unaware of any individuals in Zone 5 and HIRC claiming to be unaccompanied minors and no such feedback was received from the delegation both during their visit and during the two rounds of final talks with DSA Management.</p>
204	<p>This situation was compounded by the fact that these juveniles had no access to regular purposeful activities, education or even the exercise yard for more than one to two hours per day. In addition, while it was positive that some individual social welfare visits did take place to the alleged minors by the AWAS team, for some</p>	<p>Whereas persons residing in Dar il-Liedna are confirmed unaccompanied minors, those residing in DSA Facilities are alleged unaccompanied minors who are either pending the conclusion of the age assessment by AWAS or who have been declared as adults by AWAS but are pending appeal proceedings in relation to the said decision.</p> <p>AWAS Social Workers visit all alleged minors on a weekly basis. Furthermore, alleged minors who are in detention are also closely followed by the AWAS Psychologists and the DSA Welfare Officer.</p> <p>Therefore, the claim by CPT that there was a notable absence of support is untrue. During 2023 AWAS held a total of 178 visits in detention facilities. Most of</p>

	one or two sessions per two to three months, there was a notable absence of regular psycho-social support or tailored programmes in the Safi – unlike the situation at Marsa or Dar il-Liedna.	these visits included a group of not less than 4 residents and not more than 6.
205	The CPT considers that these establishments are not designed to cater for children, and not only are they inadequate in terms of material conditions, they also completely lack an adequate regime and any specific care provision to cater to the best interests of the child.	<p>As previously explained, the Maltese Authorities firmly believe that it is in the best interest of the child not to mix confirmed unaccompanied minors with alleged ones.</p> <p>Detention Facilities do not cater for confirmed minors. DS Facilities only accommodate persons who are still in the AAT process and or appeal.</p> <p>Statistically, three from every four claims of persons saying that they were minors were confirmed to be false. Lodging all minors, including alleged minors, together, will in fact put at risk real minors, who will be housed with de facto adults who seek to profit out of the age-assessment procedure.</p>
206	AWAS was the unaccompanied minors' official legal guardian, and their social workers appeared to care well for the unaccompanied juveniles. Nevertheless, the CPT notes that AWAS overall has three roles within its scope of responsibility. First, that of a government agency and operator of immigration reception centres; second, the body responsible for conducting all age assessments; and third, the legal guardian for unaccompanied juveniles. The CPT considers that these roles intrinsically risk presenting a conflict of interest. The CPT would appreciate a clarification on how	While AWAS holds the responsibility for guardianship, it collaborates closely with the Directorate for the Child Protection Services to assign legal guardians for unaccompanied minors. Within AWAS, a specialized unit is dedicated to supporting unaccompanied minors from the day they arrive. This unit also accompanies the minors throughout the AAT (Age Assessment Test) process, although they do not participate in the actual AAT assessment. The assessments are conducted by a separate Assessment Unit within AWAS, focusing on age and vulnerability assessments. The two units have different leadership. The assessment tools, developed with the support of the EUAA are recognized as best practice.

	<p>the Maltese authorities intend to separate out these roles and recommends that the authorities ensure that these social workers are sufficiently independent (for example, by transferring them to a different Ministry).</p>	
207	<p>In 2020, the CPT requested that the Maltese authorities take measures to ensure that unaccompanied and separated minors (including those juveniles awaiting age assessment results), <i>inter alia</i> in Hal Far Initial Reception Centre and Safi Detention Centre, are accommodated separately from unrelated adults and recommended that Safi should not be used to accommodate unaccompanied children. It is positive that most confirmed juveniles were no longer being detained in Safi or Hal Far Initial Reception Centre. However, it notes that those awaiting age assessment results should still be considered as juveniles until proven otherwise and the CPT notes that these children are still held in Safi-C-Block, albeit along a separate corridor, in appropriate conditions and a poor regime.</p>	<p>It is important to clarify from the outset that there are no persons claiming to be unaccompanied minors in Safi Block C. During the time of the visit the designated section for alleged unaccompanied minors was Block A Zone 4 and not Block C.</p> <p>The Maltese authorities firmly believe that it is in the best of the child not to mix confirmed unaccompanied minors with alleged ones. In this regard, it should be noted that unfortunately having adults claiming to be unaccompanied minors is a relatively common occurrence as migrants try to exploit loopholes in the asylum and migration system for their own benefit, including avoiding being placed in detention, benefitting from additional guarantees and frustrating the work of the authorities.</p> <p>Without prejudice to the above, the Detention Services Agency takes all necessary measures to ensure that alleged unaccompanied minors are accommodated separately from adults until the AAT is conducted.</p> <p>Migrants confirmed to be unaccompanied minors are immediately transferred to an open facility dedicated to unaccompanied minors, whereas those who are closed as adults are either transferred to another open facility where they reside with other adults or are kept in detention, provided that the conditions for the issuance of a detention order still apply.</p>

207 (cont.)	<p>The CPT remains of the view that Safi is an inappropriate location to hold children, including those waiting age assessment results. It reiterates its recommendation¹⁰² that unaccompanied minors should be transferred without delay to a semi-open establishment specialised for juveniles (e.g. a social welfare/educational institution for juveniles). Those minors who were still in the age assessment appeals procedure should be removed from Safi Block A and held in another centre, designed around the specific needs of juveniles, including being provided with a more open regime with more time to exercise outside, offered more regular activities and education and access to more regular psycho-social support.</p>	<p>Regarding the detention of (alleged) unaccompanied minors, please see replies provided in previous points.</p> <p>Furthermore, the Maltese Authorities are of the opinion that an open regime as recommended by the CPT would significantly increase the risk of absconding, also when considering the fact that these individuals are often adults claiming to be unaccompanied minors in an effort to get out of detention.</p>
209	<p>Nonetheless, the delegation observed that it remained the case that DS staff were rather remote, not interacting with detained foreign nationals, and stayed outside the locked units for the vast majority of their shift time; this was despite</p>	<p>As explained to the CPT during their visit, thanks to the new layout of the guardrooms the detainees may now contact and communicate with the staff easily.</p> <p>With the current ratio of staff, it is physically impossible to have staff present in the living quarters all the time. Furthermore, a more frequent presence inside living quarters would not only entail a safety risk but would also be very intrusive on the detainees.</p> <p>Patrols in every zone are carried out at least three times per shift. This is in addition to the rounds done by the</p>

	<p>the fact that the DSA had moved several staff rooms inside the blocks in an effort to increase communication between the staff and the foreign nationals. Further, due to a lack of many such staff speaking English or other relevant languages, communication between the staff and the foreign nationals was hampered. The CPT would like to be informed of the training and standards provided to DS staff.</p>	<p>Migrant Health Service Nurses and the Welfare Officer.</p> <p>Currently, with the assistance of UNHCR, all officers are to undergo cultural sensitivity training. Furthermore, all staff are to be trained in Mental Health First Aid following an MoU signed between the DSA and the Richmond Foundation. This follows the Basic Life Support Training being offered by the Malta Resuscitation Council and the use of force training being offered by the Academy for Disciplined Forces.</p>
211	<p>The CPT reiterates its recommendation that the Maltese authorities ensure that all DS custodial staff in detention centres for immigration detainees receive appropriate and ongoing refresher training. Consideration should also be given to recruiting cultural mediators.</p>	<p>Please see reply provided for point 209.</p>
220	<p>The CPT notes positively that the Lead doctor is also a GP trainer and regularly has GP trainees assigned for rotations at the healthcare clinic at Safi. It also takes note of the fact that the lead doctor has requested an additional FTE GP from the Ministry of</p>	<p>The Primary Healthcare management have been contacted on the matter which falls outside of the DSA's remit. Without prejudice to this, it should be noted that the DSA also provides additional daily medical coverage (1xGP FTE).</p>

	Health given the coverage of both Safi and Hal Far Initial Reception Centre; the CPT would like an update on the outcome of this request.	
221	Turning to the mental healthcare for foreign nationals at Safi and Hal Far Initial Reception Centre, the DSA provides the services of a Welfare and Mental Health specialised nurse who collaborates with the Safi healthcare team. Psycho-social needs are referred to the AWAS therapeutic team, who carry out their own assessment and interventions. However, due to the often longer-term nature of detention and the need to diversify the regime at Safi, the CPT recommends that the Maltese authorities should consider recruiting an in-house psychologist.	<p>The services offered by the mental health team on-site allow for psychological assessment if need be. Furthermore, AWAS also provides access to a psychologist for asylum seekers through their therapeutic team.</p> <p>The Migrant Health Service believes that the current in-house, full-time equivalent (FTE) service provided by the Welfare and Mental Health officer suffices the current needs.</p> <p>It should also be noted that the DSA in collaboration with the MHS, has invested heavily in mental health input and recognizes the need to prioritize this service.</p> <p>Numbers attest to the improvements achieved in this regard. While in February 2021 there were 13 concurrent detainees admitted as inpatients at Mount Carmel Hospital (Annex 9), Malta's psychiatric institution, there were only 6 admissions during 2022, 4 admissions throughout 2023 and 1 admission yet in 2024 (to date).</p>
222	The CPT has also been informed of the plans to move Marsa to Safi, and locate it on the same site, albeit on an expansion of the site, and that the Ministry of Health would broaden its service to cover all open centres under the care of AWAS. The CPT would like detailed information on the extra funding and investment that	<p>This statement is factually incorrect. It was explained clearly to all the delegation that the DSA is only responsible for Safi Detention Centre and the ground floor at HIRC. Furthermore, the DSA can categorically confirm that the Marsa IRC is not moving under its responsibility.</p> <p>The DSA already has a plan in place in case of a surge in migrant arrivals. Furthermore, it should also be noted that the government also has its contingency plan, should such a situation arise.</p> <p>If need be, the DSA can increase its medical coverage by another 2 doctors, while additional nurses can be brought in through an existing framework agreement with the private sector. In this regard, it should be</p>

	<p>is envisaged to bolster Safi's healthcare service to enable it to continue to provide services at adequate levels should there be more foreign nationals to care for.</p>	<p>noted that any potential expansion of any healthcare service provided by the Ministry responsible for Health falls outside the DSA's remit.</p>
223	<p>Turning to <u>access to healthcare services</u> at Safi, appointments were generally reasonable, there are GP clinics every day except Sunday, and there is an on-call GP at night. The GP sees approximately 12 patients a day. Access to healthcare appointments is via the nurses, who perform basic triage on the blocks daily. Nevertheless, in addition, DS staff may compile a list of people asking to see the doctor, and also bring people over to the clinic who need medical attention throughout the day. Moreover, when foreign nationals are accompanied for healthcare consultations from blocks situated far from the clinic, they appeared to be systemically brought over in handcuffs, without due regard to individualised security risk assessments. The CPT recommends that access to healthcare should only be through the nurses, and not DS staff, and that foreign</p>	<p>The MHS applies a no restraint measure policy during medical consultations.</p> <p>A further development is the introduction of a written request form for a doctor's appointment, which is available to any detainee and can be posted inside a letterbox located in each residential area. The forms are subsequently collected by the nurses during their routine visits. The DSA is of the opinion that the introduction of this practice will further eliminate the need for DS staff to act as intermediaries. Nonetheless, in cases of emergency, DS staff are still to be expected to promptly intervene and alert the medical staff accordingly.</p>

	nationals brought for healthcare consultations should not be routinely handcuffed.	
224	<p>As for initial medical screening at Safi and Hal Far Initial Reception Centre, newly arrived foreign nationals to Safi are seen by a nurse the same day, and an admission form is completed which includes a body map and a question regarding ill-treatment or torture. Physical observations are checked and recorded. Photographs are taken of any injuries and included in the medical notes. Foreign nationals are screened for injuries suggestive of torture (including for injuries during arrest and for allegations of ill-treatment by police, or injuries received during boat crossings) and any indications of this referred to the AWAS vulnerability assessment team. All newly arrived foreign nationals have a chest X-ray, usually on the same day, as well as vaccinations.¹⁰⁸</p> <p>Women of childbearing age have a pregnancy test on arrival. If new arrivals need to be seen by the GP for medical reasons or because they have injuries, this is facilitated. Covid</p>	<p><u>It is pertinent to differentiate between:</u></p> <ol style="list-style-type: none"> 1. Injuries (fresh or old) suggestive of ill-treatment or torture on new boat arrivals with congruent allegations pertaining to incidents happening during the migration process to Malta, and; 2. Injuries (fresh) suggestive of ill-treatment or torture of migrants apprehended in the Maltese territory following apprehension by the Police or those who were already residing in detention centres. <p>In the first scenario, cases are referred to the AWAS therapeutic team for assessment of vulnerability. The Police are not involved as they have no jurisdiction investigating ill-treatment in third countries.</p> <p>In the second scenario, the MHS applies a policy whereby the patient, supported by medical staff, decides if he/she wishes to file a police report. In the affirmative, a copy of the injury report and of photos showing the injuries are given to the detainee, who is then taken to the district police station to lodge his/her report.</p> <p>In case the detainee decides not to file a police report, he/she needs to sign a refusal form, whereby he/she (i) states the reason(s) why he/she is not lodging a report; (ii) declares that this was his/her own free will; and (iii) acknowledges that he/she can change his/her mind at any time. Without prejudice to this, it should be noted that obligatory reporting is enacted in all cases involving grievous injury. There were no cases of ill treatment during 2023.</p>

	<p>tests are only done for symptomatic people. All new arrivals are screened and treated as required for scabies. The CPT requests clarification that in addition to referring any suspected cases of ill-treatment to AWAS, the healthcare team also reports any suspicion to the police or prosecutorial or investigatory body. The CPT would like to be provided with the relevant information from the year 2023.</p>	
226	<p>At Hal Far Initial Reception Centre, there are two clinic rooms, and the medications trolley was stored in one of these rooms. At the time of the visit, the delegation noted that the medicationstrolley was open/ unlocked while not in use. The CPT recommends that medication storage practices should be improved and, for reasons of safety, medication should be stored in a cabinet which is kept locked at all times when not in use.</p>	<p>The MHS agrees with the CPT recommendation that medication should be stored in a locked cabinet and storage practices have been revised accordingly.</p> <p>Without prejudice to the above, it is also pertinent to note that no patients are tended to in the Nursing Office.</p>
228	<p><u>Medical documentation</u> is done both electronically and in hard copy. Nonetheless, the delegation found that there were gaps in the medical recording,</p>	<p>Most of the cases involving food and fluid refusal have a duration of less than 3 days, are dealt with by the Mental Health Officer, require no medical intervention and are not at any risk of refeeding syndrome.</p>

	<p>notably regarding the end of a hungerstrike, which is important due to the risk of refeeding syndrome. In its Response to the delegation's Preliminary Observations, the Maltese authorities informed the CPT that there was a clear protocol in place for hunger strikes, with each instance documented and recorded in the individual's medical file, and that there was no need for a specific a register. Nonetheless, due to the gaps in recording observed in practice, the CPT recommends that the medical recording should be completed in a more systematic and detailed way, notably regarding the end of a hunger strike. Given the risk of refeeding syndrome, after a few days of food refusal, documentation must be completed noting that the person has started to eat again, that the doctor has been informed, and has given appropriate medical advice, with consideration as to whether the patient requires hospitalisation and clinical monitoring. It also recommends that a specific register be established, which would help doctors</p>	<p>The relevant Maltese Authorities have reviewed the notes of food and fluid refusals that took place in 2023 and found the following:</p> <p><i>Case 1: 40 y/o Hunger strike protocol started yesterday as pt had refused to eat over previous c. 24 hours and refused to shower. Started to eat again today and restarted treatment.</i></p> <p><i>Case 2: She has been refusing food provided however denies being on hunger strike. Food provided has been varied but she claims she cannot eat it. She denies any abdominal pain or straining to pass faeces. She however has not passed faeces for several days now...</i></p> <p><i>...Encouraged to increase her oral intake. Provided with a high energy food supplement, oral hydration sachets.</i></p> <p>The respective Maltese Authorities have indeed found one case, dating January 2021 which was closely followed, but the case notes do indicate a closing date. However it should be noted that the Food and Fluid refusal protocol was launched in May 2022.</p> <p>The MHS disagrees with the use of a register as all cases are clearly documented according to the available templates of the protocol and everything is placed in the individual's medical file.</p>
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	monitor the situation more easily.	
229	<p>It is positive that healthcare records were being transferred from paper copy to an online electronic system. Nevertheless, at the time of the CPT delegation's visit, medical files were all stored in the Healthcare Centre of Safi, including for those foreign nationals held at Hal Far Initial Reception Centre. The CPT takes due note that the Safi medical doctors visit Hal Far Initial Reception Centre daily. Both for ease of reference and in cases of emergency, the CPT considers that it is best practice to have the medical files of all the detained persons on the site where they are located and recommends that the relevant personal medical files are kept at Hal Far Initial Reception Centre.</p>	<p>Doctors who visit the Hal Far Initial Reception Centre also carry a laptop and have wi-fi access. This allows them to access the online medical records through their account, while also eliminating the need to have the physical files transported from one location to another.</p> <p>Furthermore, it is also assessed that having the physical treatment chart and the nursing handover sheets suffices for good continuity of care.</p>
230	<p>Regarding <u>prevention of self-harm and suicide</u>, incidents of self-harm at both Safi and Hal Far Initial Reception Centre had decreased since 2020 and a prevention protocol was in place.¹⁰⁹ Rip-proof clothing is issued to those persons considered at risk of self-harming. The CMU protocol is activated when a</p>	<p>Cases of self harm are constantly decreasing.</p> <p>To avoid confusion in this regard, the terminology used in the incident reports has been amended since not all cases categorised as self-harm on the current form were actually cases of self-harm.</p> <p>All cases of self-harm are either seen by the mental health nurse, psychiatrist, or GP but not necessarily by all three of them.</p>

	<p>person is deemed to be actively a risk to self, others or has a communicable disease. The person is transferred to the CMU to stay in a locked room, with access to the outdoor area for one hour on their own. This period is actively followed by healthcare staff (visited twice daily by a nurse who reports developments to the doctor). While most cases are of a few hours duration, these can be extended to a few days. The use of the CMU for segregation and security purposes is examined below (section 7(d) <i>Segregation</i>). While in theory there appeared to be regular medical reviews in place, in practice, the delegation found little to no documentation in the medical notes about the self-harm (which was only mentioned in the incident register). The CPT recommends that the recording of the regular review of foreign nationals at risk of self-harm or suicide be improved.</p>	
236	<p>The CPT recommends that nurses be given access to the digital database to ensure adequate continuation of care and add entries, and that prescription</p>	<p>AWAS agrees with the CPT's recommendation and will implement the suggested change to ensure continuity of care and enhance patient safety. Additionally, AWAS will soon invest in new database software to provide its employees with better tools to improve their work.</p>

	charts should be signed by the prescribing doctors.	
239	<p>In addition, there is also a restriction of movement on grounds of public health, based on the 1982 Prevention of Disease Ordinance,¹¹⁸ which contains a provision enabling the Superintendent of Public Health to restrict personal movements of new arrivals for a set period for the purpose of protecting public health.</p> <p>In 2020, the CPT found that in practice this restriction comprised the legal basis of 90% of Malta's migrants being held in reception and detention facilities, and it lasted for many months without review.¹¹⁹ The Committee was critical about the legality of this detention. Indeed, immigration detention under these health provisions has been found to be illegal by Maltese Courts.¹²⁰ The CPT recommended that the Maltese authorities urgently review the legal basis for detention on public health grounds.</p> <p>In 2023, the situation had changed significantly, and the vast majority of persons held in detention were not held on the above preventive health grounds, but rather on RD or RCD orders.</p>	<p>The DSA notes that there were no alleged minors detained for 385 days. This is evident from the detainee list which was provided in full to the CPT during its visit.</p> <p>The person the CPT is referring to is Mr [REDACTED] who was being detained under the Public Health Legislation, had active Tuberculosis, and was receiving treatment for his condition. In this case there were also compliance issues with him taking his treatment which compromised his TB status and created a public health concern.</p> <p>Furthermore, he was not an alleged minor as his date of birth is [REDACTED]/[REDACTED]/2004 which means that at the time of the visit he was [REDACTED] years old. It should also be noted that this individual was brought to Safi Detention Centre as an adult following completion of a prison sentence relating to the arson incident that he was an accomplice to some years back at Marsa IRC.</p> <p>He has since been released from detention.</p> <p>The other case is that of Mr [REDACTED], who is still currently detained on the basis of the Returns Directive.</p>

	<p>Nevertheless, the CPT did find a few persons still held on preventive health grounds in detention in Safi Detention Centre, for periods far exceeding the maximum time allowed. One such person was an alleged minor who had been in detention for 385 days, at the time of the delegation's visit. Another person detained on preventive health grounds had been in detention for 133 days, at the time of the visit.</p>	
240	<p>The CPT welcomes the change in policy on the use of preventive health detention. Nevertheless, it recommends that the Maltese authorities ensure that it is applied only when necessary, in accordance with the law, and that it be reviewed on a regular basis once the public health reasons have dissipated.</p> <p>The CPT also requests updated information as to the status of the above-mentioned persons held on preventive health grounds in Safi at the time of the CPT's visit.</p>	The update on the individuals mentioned is provided in the previous point.
241	<p>Similar to 2020 and 2015, at all the immigration detention and reception centres visited, very few of the foreign nationals had received the written</p>	The DSA does not agree with this statement as all admissions were and are still being provided with an information booklet in a language they understand.

	<p>information booklet on the house rules and their rights and obligations, let alone in a language that they understood. This was despite the booklet being available in a range of different languages.</p>	
242	<p>Equally, in Safi, although foreign nationals were aware of the fact of their detention orders or removal orders, and were in possession of such orders, many foreign nationals could not read English, yet the detention orders were only in English and Maltese. Formal interpretation services were hardly used at all. Consequently, the majority of migrants lived for many months – and some for as long as a year or even longer – in a state of uncertainty over the duration of their situation.</p>	<p>All Detention Orders handed out by the Principal Immigration Officer are reviewed by the Immigration Appeals Board. This review is done in person where the detainee in question is also accompanied by his lawyer and an interpreter is always available. When the person does not afford a lawyer, a legal aid lawyer is provided free of charge.</p>
243	<p>The CPT considers that foreign nationals who are detained should be expressly informed, without delay and in a language they can understand, of their rights and the procedure applicable to them. To this end, all foreign nationals should be systematically provided with a document setting out this information, which</p>	<p>Following disembarkation and accommodation at the initial reception centre, AWAS conducts information sessions with all residents, using an interpreter if necessary, to explain their rights.</p> <p>Other aspects of this recommendation have already been addressed to in replies to previous recommendations.</p>

	<p>should be available in the languages most commonly spoken by those concerned. The persons concerned should confirm in writing that they have been informed of their rights, in a language they can understand. Foreign nationals should receive, as required, the assistance of qualified interpreters; the use of fellow detained persons as interpreters should, in principle, be avoided. Further, house rules for all facilities should be provided to detainees, and copies of these rules should be made available in a range of languages.</p> <p>The CPT reiterates its recommendation that the Maltese authorities take the necessary steps to ensure that all foreign nationals are informed, without delay and in a language they understand, including the use of alternative modes of communication, of their rights and the procedure in oral and written formats, both on arrival in Malta and on arrival at Safi and Hal Far Initial Reception Centre, or other immigration facilities. Access to qualified interpretation services should be made available, where</p>	
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	<p>required.</p> <p>Further, regular updates should be provided to foreign nationals deprived of their liberty on the status of their stay, on a case-by-case basis, by immigration and public health officials at the immigration reception and detention establishments.</p>	
244	<p>As regards communication with the outside world, access to a <u>telephone</u> had somewhat improved since the CPT's 2020 visit. At Safi and Hal Far Initial Reception Centre, while mobile phones were not allowed and were confiscated and held by the police, telephone cards were generally provided but apparently on average between three and 10 days from arrival, with €7.50 of credit. Fixed line telephones were available on every block at Safi, from which foreign nationals could both call and receive calls internationally.</p> <p>However, at Hal Far Reception Centre, there was only one fixed line telephone for all the detained foreign nationals which, in the CPT's view, is insufficient.</p> <p>Many foreign nationals informed the delegation that in</p>	<p>The Maltese Authorities confirm that the position taken during the visit has not changed.</p> <p>Without prejudice to the above, it should be noted that the DSA facilitates in a timely manner access to the person's mobile phone to extract the relevant information such as phone numbers, when requested. Phone vouchers are provided to detainees upon admission and subsequently at the start of the second week of every month.</p>

	<p>depriving them access to their mobile phone, they were deprived access to their vital contacts and telephone numbers. In an immigration detention context, the CPT considers that access to mobile phones can help alleviate frustration, facilitate communication with family and access to information.</p> <p>Increasingly, the CPT is seeing that mobile phones are being permitted in immigration detention and reception centre contexts.</p> <p>Equally, the CPT also considers it good practice to allow foreign nationals to have access to Voice over Internal Protocol (VoIP) using computers or tablets.</p> <p>In their Response to the CPT delegation's Preliminary Observations, the Maltese authorities informed the CPT that allowing mobile phone usage in Safi would pose too great a security risk and the current procedure would not be changed.</p> <p>The CPT reiterates its recommendation that detained foreign nationals should be allowed to keep, or at least have regular access to their mobile phones, in line with security considerations. It</p>	
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	also recommends that all foreign nationals be provided with their card for telephone credit for use of the fixed line telephone immediately upon arrival at Safi. Further, the CPT recommends that foreign nationals be permitted to use VoIP.	
246	<p>At Marsa and Dar il-Liedna, visits were allowed and happened on quite a regular basis, including from external legal service providers and non-governmental organisations. At Safi and Hal Far Initial Reception Centre, <u>visits</u> were officially allowed, and the CPT examined records that showed a few visits had taken place from lawyers and non-governmental organisations providing pro bono legal services.¹²¹ That said, apparently it was made increasingly difficult for legal services to visit Safi and Hal Far Initial Reception Centre and the delegation interviewed persons who alleged that they had encountered difficulties in contacting legal services. The CPT reiterates its recommendation that foreign nationals should be able to receive visits,</p>	<p>Legal visits are always facilitated in accordance with the visitors protocol. These visits are held in two new areas constructed in 2023 which offer more privacy, resources and comfort.</p>

	<p>including legal visits, at Safi and Hal Far Initial Reception Centre on a regular basis in an appropriate setting and that ready access to legal services should be facilitated for all foreign nationals.</p>	
247	<p>The Close Monitoring Unit (CMU) at Safi had three functions. It could be used to transfer foreign nationals who requested to move out of the regular multi-occupancy accommodation blocks and live alone or with another person for a while in the CMU. In this case, a semi-open regime was followed. It also served as an observation area for vulnerable foreign nationals. Lastly, it served as a security wing and a de facto disciplinary segregation unit for Safi and Hal Far Initial Reception Centre, where foreign nationals could be placed for up to 14 days. Nevertheless, records showed that it has been regularly used as such, with persons being placed there on average every five days or so, with segregation, often done in isolation, lasting from a few days to four weeks, and occasionally for</p>	<p>The Close Monitoring Unit is designed in a way that prevents isolation. All persons residing in this unit can communicate together.</p> <p>There are no cases of persons with no meaningful human contact.</p> <p>During the time stated by the CPT there was a case who was admitted to CMU due to a fracture of his lower limb and was in cast.</p> <p>Plaster is normally removed after 6 weeks thus the admission got prolonged. However, this individual was at no point in time isolated or segregated as indicated by the CPT.</p> <p>The recommendations relating to the material conditions of the CMU are all already in place and were already in place at the time of the visit.</p>

	over two months.	
249	<p>The CPT recommends that the Maltese authorities ensure that:</p> <ul style="list-style-type: none"> - foreign nationals detained for disciplinary or security reasons in the CMU be provided with a copy of the relevant decision and information on the possibilities to appeal the measure to an outside authority; - disciplinary segregation in the CMU is time-limited and does not last more than 14 days, and preferably far less, given the immigration detention context; - a separate register is established setting out full information, such as date and time of entering and leaving, grounds for segregation; - the CMU is refurbished to ensure that foreign nationals held there have a means of rest at their disposal, ready access to toilet facilities, and regular access to a shower; and - all foreign nationals held for security purposes in the CMU are ensured at least one hour of outdoor exercise every day. 	The recommendations relating to the material conditions of the CMU are all already in place and were already in place at the time of the visit.
250	The CPT recommends that	AWAS acknowledges the CPT's recommendation and are committed to implement the suggested complaints

	this be addressed by the Maltese authorities and complaints boxes and forms be installed at Dar il-Liedna, as well as awareness raising undertaken on how to complain and to whom.	box at Dar il-Liedna. This initiative aims to provide beneficiaries with an accessible and confidential way to voice their concerns and suggestions. Additionally, AWAS will conduct info sessions and provide printed material to ensure beneficiaries understand how to use the complaints box, the process for filing a complaint, and who to approach for assistance.
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ANNEX 1

23rd April 2024

Referring to the European Committee for the Prevention of Torture & Inhuman or Degrading Treatment or Punishment (CPT) Report to the Maltese Government on the CPT Visit to Malta – Section C - Immigration establishments where persons were deprived of their liberty, Article 156 –

'Nevertheless, the CPT delegation received several allegations of ill-treatment, including the use of excessive force by DS staff, many of which were in the context of an escape attempt from Hal Far Initial Reception Centre (formerly known as "China House") in May 2023. Many of these allegations involved DS staff punching foreign nationals on the head, legs and back, and kicking persons in the stomach who were reportedly lying prone on the ground, after the escape incident. The alleged ill-treatment concerned the escapees, as well as other detained persons, apparently to deter them from attempting to escape. Allegations were also received of excessively tight handcuffing after the incident. A few of these allegations were also consistent with medical documentation contained in the foreign nationals' medical records at the prison (where some of the foreign nationals were transferred after the incident) and at Safi.'

None of the admitted inmates to the Correctional Services Agency from this escape attempt at Hal-Far Initial Reception Centre in May 2023 claimed that their injuries were sustained as a result of abuse from Detention Services staff.

The photo documentation upon arrival to prison are in fact not indicative of repeated blunt force trauma. Most injuries are congruent with an attempted escape over a barbed wire fence. A singular inmate from this attempted escape exhibited features of right infra-orbital bruising. He denied any such ill-treatment from Detention Services staff. The Correctional Services Agency medical team once again re-iterates its zero-tolerance stance to any potential ill treatment. Should any claims of ill treatment have been raised by any of these incoming patients – a police report would have been filed.

Kind regards,

Dr Christopher Cremona
CSA Doctor

Dr Chris Cremona
MD (Med), M.Ch (Med)
Med Reg 3961



**FIL-QORTI TAL-MAGISTRATI (MALTA)
BHALA QORTI TA' ĠUDIKATURA KRIMINALI**

MAGISTRAT DR. ABIGAIL CRITIEN
B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.

Il-Pulizija
(Spettur Doriette Cuschieri)

Vs

Noor Alfat
Nazmul Hassan MD
Iqbal Hossain MD
Shipon Mia
Das Ritu
Jamal Uddin
MD Sharif Uddin
Rahulu Muhammed
Shamum MD

Ilum it-22 ta' Mejju 2023

Il-Qorti,

Rat l-imputazzjonijiet dedotti fil-konfront ta' **Noor Alfat** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-003, **Nazmul Hassan MD** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-004, **Iqbal Hossain MD** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-005, **Shipon Mia** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-006, **Das Ritu** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-007, **Jamal Uddin** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23C-008, **MD Sharif Uddin** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23D-018, **Rahulu Muhammed** imwieled Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23E-019 u **Shamum MD** imwieled

Bangladesh, residenti fiċ-Ċentru ta' Detenzjoni Hal Far, Block D, Hal Far u bin-numru tal-Pulizija 23E-022 talli flimkien ma' persuna oħra, ġewwa ċ-Ċentru ta' Detenzjoni ta' Hal-Far, Block D, f'Hal-Far, nhar is-7 ta' Mejju 2023 għall-ħabta ta' wara l-ħdax neqsin kwart ta' filgħodu (10:45a.m.):

1. Ikkommettew harba sempliċi minn ġewwa ċ-Ċentru tad-Detenzjoni ta' Hal-Far waqt li kienu taħt il-kustodja ta' persuni inkarigati miż-żamma tagħhom u dan bi ksur tal-Artikoli 151 u 160 tal-Kap.9 tal-Liġijiet ta' Malta; u

2. Ma obdewx ordnijiet legittimi ta' wieħed inkarigat skond il-liġi minn servizz pubbliku u ma ħallewhx u fixkluh waqt li qed jagħmel id-dmirijiet tiegħu u dan bi ksur tal-Artikolu 338(ee) tal-Kap.9 tal-Liġijiet ta' Malta;

Rat it-talba tal-Prosekuzzjoni sabiex f'każ ta' sejbien ta' htija, tikkundanna lill-akkuzati għall-ħlas ta' spejjeż li jkollhom x'jaqsmu mal-ħatra ta' esperti jew periti fil-proċeduri hekk kif komtemplat fl-Artikolu 533 tal-Kap.9 tal-Liġijiet ta' Malta.

Rat id-dokumenti esebiti mill-Prosekuzzjoni senjatament:

- (a) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Noor Alfai;
- (b) Il-fedina penali tal-imputat Noor Alfai;
- (c) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Nazmul Hassan MD;
- (d) Il-fedina penali tal-imputat Nazmul Hassan MD;
- (e) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Iqbal Hossain MD;
- (f) Il-fedina penali tal-imputat Iqbal Hossain MD;
- (g) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Shipon Mia;
- (h) Il-fedina penali tal-imputat Shipon Mia;
- (i) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Das Ritu;
- (j) Il-fedina penali tal-imputat Das Ritu;
- (k) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Jamal Uddin;
- (l) Il-fedina penali tal-imputat Jamal Uddin;
- (m) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat MD Sharif Uddin;
- (n) Il-fedina penali tal-imputat MD Sharif Uddin;
- (o) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Rahulu Muhammed;
- (p) Il-fedina penali tal-imputat Rahulu Muhammed;
- (q) Estratt tar-reġistrazzjoni tan-Numru tal-Pulizija tal-imputat Shamum MD;
- (r) Il-fedina penali tal-imputat Shamum MD.

Rat li l-imputati ddikjaraw li huma ħatja tal-imputazzjonijiet kollha dedotti fil-konfront tagħhom, liema ammissjoni giet ikkonfermata minnhom stess wara li l-Qorti spjegatilhom l-implikazzjonijiet legali ta' tali ammissjoni u tagħthom biżżejjed żmien biex jirrikonsidraw l-posizzjoni tagħhom u jergħu lura mill-ammissjoni tagħhom;

Semgħet is-sottomissjonijiet tal-Prosekuzzjoni u tad-Difiża dwar il-piena;

Rat l-atti kollha tal-każ;

Kunsiderazzjonijiet:

L-imputati qed jiġu mixlija talli flimkien ma' persuna oħra, ġewwa ċ-Ċentru ta' Detenzjoni ta' Ħal-Far, Block D, f'Ħal-Far, nhar is-7 ta' Mejju 2023 għall-ħabta ta' wara l-ħdax neqsin kwart ta' filgħodu (10:45a.m.):

1. Ikkommettew ħarba sempliċi minn ġewwa ċ-Ċentru tad-Detenzjoni ta' Ħal-Far waqt li kienu taħt il-kustodja ta' persuni inkarigati miż-żamma tagħhom u dan bi ksur tal-Artikoli 151 u 160 tal-Kap.9 tal-Liġijiet ta' Malta; u

2. Ma obdewx ordnijiet legittimi ta' wieħed inkarigat skond il-liġi minn servizz pubbliku u ma hallewhx u fi xkluh waqt li qed jagħmel id-dmirijiet tiegħu u dan bi ksur tal-Artikolu 338(ee) tal-Kap.9 tal-Liġijiet ta' Malta.

L-imputati kollha wiegħbu li huma ħatja tal-imputazzjonijiet dedotti fil-konfront tagħhom.

Fid-dawl ta' tali ammissjoni, l-Qorti tqis kull wieħed mill-imputati għandu jinstab ħati tal-imputazzjonijiet hekk dedotti kontrihi. Għall-finijiet ta' piena l-Qorti ħadet in konsiderazzjoni l-ammissjoni ta' kull wieħed mill-imputati fi stadju bikri tal-proċeduri u l-fatt li kull wieħed mill-imputati għandu fedina penali netta. Għaldaqstant, wara li rat u kkunsidrat l-Artikoli 17(d), 151, 160, 338(ee) tal-Kap.9 tal-Liġijiet ta' Malta, filwaqt li ssib lil kull wieħed mill-imputati, fuq ammissjoni ta' kull wieħed minnhom stess, ħati tal-imputazzjonijiet dedotti fil-konfront tiegħu, tikkundanna lil kull wieħed minnhom għal sitt (6) xhur prigunerija effettiva.

Stante li ma kien hemm ebda esperti jew periti mqabbda in konnessjoni ma' din il-kawża, l-Qorti tastjeni milli tiegħu konjizzjoni tat-talba għall-applikazzjoni tal-Artikolu 533 tal-Kap.9 tal-Liġijiet ta' Malta.

Il-Qorti tiddikjara wkoll lil kull wieħed mill-imputati bħala immigrant projiċt *ai termini* tal-Artikolu 5(2)(d) u l-Artikolu 14 tal-Kap. 217 tal-Liġijiet ta' Malta u tordna lill-Uffiċjal Prinċipali tal-Immigrazzjoni sabiex bil-poteri vestiti lilu bil-liġi, jassigura li l-imputati jiġu deportati minn dawn il-Gżejjer wara li jkun skontaw il-piena skond din is-sentenza.



MAGISTRAT DR. ABIGAIL CRITIEN

B.A., Trib. Eccl. Melit., LL.M. (Family Law) (Lond), LL.D.

Fil-Qorti tal-Magistrati (Malta)

(Bhala Qorti ta' Gudikatura Kriminali)

Magistrat Dottoressa Monica Vella LL.D.; M.Jur.

Il-Pulizija

(Spettur Doriette Cuschieri)

Vs

Tuffajul MD

Kumpilazzjoni Numru: 3059/2023

Illum: 28 ta' Gunju 2023;

Il-Qorti,

Rat l-akkuzi prezentata mill-Pulizija Ezekuttiva ta' nhar it- 8 ta' Mejju
2023 talli:

Tuffajul MD, imwieled il-Bangladesh fl-21 ta' Frar 1986 bin-numr tal-
Pulizija 23C-001, residenti Centru ta' Detenzjoni Hal-Far, Block D.

Hal-Far nhar is-7 ta' Mejju 2023 għall-habta ta' wara il-hdax neqsin kwart (10:45) ta' filghodu:

1. Ikkommettejt harba semplici minn gewwa c-centru ta' detenzjoni ta' Hal-Far waqt li kont fil-kustodja ta' persuni inkarigati miz-zamma tieghek u dan bi ksur tal-artikoli 151, 160 tal-Kap 9 tal-Ligijiet ta' Malta;
2. Ma obdejtix ordnijiet legittimi ta' wiehed inkarigat skond il-ligi minn servizz pubbliku u ma hallejtux u fixkiltu waqt li qed jagħmel id-dmirijiet tieghu bi ksur tal-artikolu 338(ee) tal-Kap 9 tal-Ligijiet ta' Malta;

Il-Qorti giet mitluba wkoll sabiex f'kaz ta' htija tikkundanna lill-akkuzat għal hlas ta' spejjes li jkollhom x' jaqsmu mal-hatra ta' esperti jew periti fil-proceduri hekk kif kontemplati fl-artikolu 533 tal-Kapitolu 9 tal-Ligijiet ta' Malta.

Filwaqt li esebew il-fedina penali kif ukoll estratt mir-registrazzjoni tan-numru tal-pulizija tal-akkuzat¹ il-prosekuzzjoni titlob li dan il-kas jigi investigat skond il-ligi².

Fl-istess seduta tat-8 ta' Mejju 2023 l-akkuzat wiegeb li mhux hati tal-akkuzi mahruga fil-konfront tieghu.³

¹ Fol. 8 tal-process.

² Fol. 1-2 tal-process.

³ Fol. 7 tal-process.

Rat u qieset id-dokumenti u provi kollha prodotti.

Semghet ix-xhieda.

Semghet is-sottomissjonijiet tal-partijiet.

Rat illi l-kawza thalliet ghal-lum ghas-sentenza.

Ikkunsidrat:

Il-Fatti fil-Qosor

Dan il-kaz jirrelata dwar harba mic-centru ta' detenzjoni ta' hal-far nhar is-sebgha (7) ta' Mejju 2023 minn grupp ta' detenuti. L-imputat allegatament kien wiehed minn dawn il-grupp ta' detenuti li instab ,l barra mic-centru ta' detenzjoni fil-hin jew sieghat ta' wara. Hu, flimkien ma' ohrajn, terssaq b' arrest fit- 8 ta' Mejju 2023 u gie mixli bl-akkuzi odjerni fejn ghal kunrarju tal-bqija, wiegeb li mhux hati ta' dak addebitat lilu.

Il-Provi

Xhedet l-ispettur Doriette Cuschier fejn spegat li huija giet infurmata bil-harba tad-detenuti mic-centru ta' detenzjoni ta' Hal-Far u li l-akkuzat, flimkien ma' ohrajn, inqabdu fil-hin ta' wara barra ic-Centru.

L-ghada giet infurmata mic-CEO tas-Servizzi ta' Detenzjoni s-Sur Kyle Mifsud li kienu harbu 17- il persuna u fil-fatt kienu instabu hdax minnhom.⁴ L-ispettur Cuschieri ipprezentat ir-rapport tal-pulizija 5/POL/2298/2023. Pprezenata ukoll filmat li kien ghaddilha ic-CEO tas-Servizzi ta' Detenzjoni kif ukoll ir-rapport tieghu⁵.

Xehed ic-CEO tas-Servizzi ta' Detenzjoni fejn spjega l-involvement tieghu fil-kaz. HuU jishaq li l-imputat inqabad barra ic-centru ta' detenzjoni wara li id-detenuti kienu harbu mill-lok disinjat. Is-Sur Kyle Mifsud ikkonferma xi stills mill-kameras tas-sigurta' ta' centru kif ukoll li kien ghadda rapport tal-incident lill-pulizija kif ukoll filmat mill-kamres tas-sigurta' tal-binja.

Xehed Christopher Xuereb fejn jghid li huwa jahdem gos-servizzi ta' detenzjoni u fil-jum tal-incident kien xoghol meta id-detenuti taw is-salt waqt li kienu qed iqassmulhom l-ikel. Jghid li spcca mal-art pero' qam u mar isib lid-detenuti. Fil-parti saljenti jghid hekk:

Xhud: Lunika wiehed li irnexxili naqbad qieghed prezenti u barra il-gate ta' barra.

.....

.....

Qorti: Ix-xhud jidentifika l-imputat fl-awla.....

.....

.....

⁴ Fol. 43 tal-process.

⁵ L-imputat li jgib in-numru 23C-001 hemm imnizzel fir-rapport (Fol. 49 tal-process) li: 'were caught by the DSA officers in Hall-Far, outside of the perimeter of HIRC.' (Sottoflinejar tal-Qorti).

Pros: U s-sinjur fejn instab? Jigifieri din il-gate ta' gol-bitha kien qabizha? X' gara?

Xhud: Barra il-gate ta' barra. Il-main.

Pros: Jigifieri barra l-binja tad-detenzjoni.

Xhud: Iva.

.....
.....
Pros: U meta aktar kmieni semmejlina li xi hadd imbuttak u waqaqghek, din il-persuna qieghda ukoll f' din l-awla?

Xhud: Iva. Wiehed minnhom.

Pros: Jigifieri l-istess imputat li rnexxilek taqbad.

Xhud: Ehe

.....
.....
Qorti: Tikkonferma li l-gate ta' barra kienet maghluqa.

Xhud: Sa fejn naf jiena maghluqa kienet

.....
.....

Pros: Ghad-domanda li qed taghmillek il-Qorti, qed tghidilna li l-gate ta' barra li taghti ghal barra tat-triq kienet maghluqa. Lill-imputat li inti ghet li qabdtu, fejn qbadtu? Qabel din il-gate jew wara din il-gate?

Xhud: Barra barra.

Kontro-ezaminat waqt is-seduta tal-14 ta' Gunju 2023 jghid is-segwenti:

Christopher Xuereb: Issa jiena minn dik il-gate il-barra.

Dr. Sue Mercieca: Li rajtu

Christopher Xuereb: Triq pubblika,

Dr. Sue Mercieca: Triq pubblika, hemm hekk rajtu.

Christopher Xuereb: Ehe

.....
.....
Dr. Sue Mercieca: Tikkonferma li inti stress qbadtu:

Christopher Xuereb: Iva.

Xehed Emanuel Attard li kien xoghol mas-servizzi ta' detenzjoni waqt il-harba u qal li kienu harbu 17-il persuna billi qabzu ir-recint li idawwar ic-Centru.⁶ Jghid ukoll li l-imputat kien wiehed minn dawk li imbuttawhom u li irnexxilhom jaharbu.⁷ Jispjega li kien hu li ghamel il-head count pero' hu ma qabad lil hadd minn dawk li harbu.

Kontro-ezaminat waqt is-seduta tal-14 ta' Gunju 2023 jghid li l-imputat ma rahx barra fit-triq.⁸

Xhed Raulu Muhammed waqt is-seduta tal-14 ta' Gunju 2023 u jispjega li huwa kien wiehed minn dawk li harbu mic-centru ta' detenzjoni pero' lill-imputat l-ahhar li rah gie gewwa, ossija bejn il-gates. Jghid li xi uhud harbu qablu u ma kienx mal-ewwel grupp.⁹

Xehed Nazmul Hassan waqt is-seduta tal-14 ta' Gunjun 2023 fejn ikkonferma li hu kien qed jinzamm fic-centru ta' detenzjoni u kien wiehed minn dawk li harbu mic-Centru. Jishaq li l-imputat qatt ma rah barra mic-centru. Jikonferma li l-ahhar li ra lill-imputat kien bejn iz-zewg gates.¹⁰ Jghid li ma kienx maghhom meta ippruvaw jaharbu.

Kontro -ezaminat jghid li hu qed jghid li ma rahx jahrab u ma jafx x' ghamel wara imma huwa dejjem rah wara il-main gate.

⁶ Fol 61. tal-process.

⁷ Fol. 62 tal-process.

⁸ Fol. 69 tal-process.

⁹ Fol. 70 tal-process.

¹⁰ Fol. 76 tal-process

Ikkunsidrat:

Il-ligi relevanti ghal dan il-kaz hija principarjament is-segwenti:

‘FUQ IL-VJOLAZZJONI TA’ POSTIJET TA’ KUSTODJA PUBBLIKA,
FUQ IL-HARBA TA’ ARRESTATI JEW SUSPETTI JEW
IKKUNDANNATI U FUQ HABI TA’ HATJIN

■. Kull ikkundannat u kull prigionier iehor li jinsab hati ta’ harba sempliċi mill-habs jew mill-kustodja tal-persuna jew tal-persuni nkarigati mill-kustodja tiegħu, jehel il-piena ta’ prigionerija għal żmien mhux inqas minn sitt xhur iżda mhux iżjed minn sena.

F’dan l-artikolu "prigionier" tfigħer kull persuna li tkun miżmuma f’habs u tinkludi prigionier filwaqt li jkun qed jingarr għal jew minn habbs għal iehor jew filwaqt li jkun qiegħed taħt kura jew osservazzjoni f’xi sptar.

160. Id-dispożizzjonijiet tal-artikoli 151 sal-159 inklużivament iġoddu fil-kaz ta’ harba ta’ persuni, miżmuma skont il-ligi, minn lok maħtur għall-kustodja tagħhom.’

Ikkunsidrati:

Applikati dawn iz-zewg dispożizzjonijiet tal-Kodici Kriminali nostra applikati għal kaz odjern jirreleva li mid-dokument eżebit in atti a fol 8 tal-process jidher li l-imputat wasal biss Malta fis-17 ta’ April 2023. Dunque ftit jiem wara hu ipprova jahrab bi vjolenza ma’

haddiehor minn post fejn kien qiegħed mizmum b' mod legittimu u legali.

Mid-dokumenti RM 1 u RM 2 jidher car li l-imputata qiegħed attivament jigri mal-ohrajn, ossija detenuti ohra li huwa apmjament ippruvat li harbu. Tanti hu hekk li huma, għal kuntrarju tal-imputat, malli gew ipprezentati taht arrest quddiem dawn il-Qrati ammettew l-akkuzi adebbitati. L-imputat jaccetta li il-persuna immarkata fir-ritratti huwa hu u allura ma jistax' jingħad li huwa kellu xi rwol passiv fil-harba, altru milli hekk, hu kien parti mill-gema li ittenta li titlaq b' mod vjolenti mic-Centru ta' Detenzjoni ta' Hal-Far. Fil-fatt wieħed mill-ufficjali spicca ma-art meta id-detenuti għamlu il-forza biex jitolqu mill-grada ta' gewwa.

Il-Qorti jidhrilha li għandha toqghod fuq ix-xhieda tal-ufficjal tad-detenzjoni Christopher Xuereb. Ix-xhieda tiegħu hija konsistenti u kredibbli. Hu kien l-aktar ufficjal vicin l-imputat u kien hu li effettwal l-arrest tiegħu barra ic-Centru ta' Detenzjoni ta' Hal-Far.

Il-Qori ma jidhrillix li għandha toqghod fuq iz-zewg xiehda tad-difiza Rahulu Muhammed kif ukoll Nazmul Hassan biex tistabilixxi jekk l-imputat inqabadx barra ir-recint ta-Centru ta' Detenzjoni ta' Hal-Far jew le għas-semplici raguni li l-focus ta' dawn it-tnejn ma kienx li jaraw fejn l-imputat kien u ma kienx waqt il-harba izda li jsalvaw gildhom u jigru kemm jifilhu 'l barra mic-centru halli ma' jaqbdhomx il-membri tas-sigurta'!

Minghajr dubbju, l-imputat, flimkien ma' ohrajn fixek lill-ufficjali ta' detenzjoni fil-qadi ta' dmirijiethom waqt il-harba.

Dunuqe il-Qorti ser issibu hati kemm tal-ewwel akkuza kif ukoll tat-tieni akkuza minhabba li fl-eghmil tieghu hu fixkel lill-membri tas-servizzi ta' detenzjoni.

Ikkunsidrat:

Ghar-rigward ta' piena il-Qorti qiesek li ghal kuntrarju ta' haddiehor¹¹, imputati bhalu li ammettaw l-akkuzi mill-ewwel hu baqa' jippersist fl-innocenza assurda tieghu, hela hafna zmien lill-Qorti, lill-pulizija ezekuttiva, lill-membri tad-detenzjoni u ukoll ir-rizorsi tal-pajjiz permezz tas-servizzi tal-ghajnuna legali li kollha gew imhallsin mit-taxxi tac-cittadini onesti.

Il-Qorti tinnota ukoll li il-harba sehhet ftit gimghat mal-wasla tieghu f' dawn il-Gzejjer u allura l-imputat sa mill-bidu ma gabx ruhu sew u xellef idejn mal-gustizzja. Il-Qorti mhux ser taccetta din is-sitwazzjoni fejn minn jinzal jew jiddahhal fil-pajjiz jahseb li ghandu xi dritt sagrosant li jaghmel u jgib ruhu kif irid!

Il-Qorti tqis illi jisthoqq kull appogg u protezzjoni possibbli lill-membri tas-servizzi ta' detenzjoni li jaghmlu xoghol utli, delikat u li hu ferm bzonnjuz meta wiehed jara l-influssi kbar ta' nies li jigu mhux dokumentati fil-pajjiz.

¹¹ Flit-trattazzjoni tal-ispettur Doriette Cuschieri l-imputati l-ohra li ammettew mal-ewwel l-imputazzjonijiet gew sentenzjat ghal sitt (6) xhur prigunerija effettiva.

Decide:

Ghal dawn il-motivi il-Qorti qed issib l-imputat HATI tal- akkuzi taht l-artikoli 151, 160 u 338(ee) tal-Kap 9 tal-Ligijiet ta' Malta u tikkundannah **tnax (12) il-xahar prigunerija effettiva** li minnhom ghandhom jitnaqqsu iz-zmien li l-hati ghamel taht arrest preventiv in konnessjoni ma' dawn il-proceduri.

Il-Qorti tordna illi kopja ta' din is-sentenza tintbaghat wara li ssir res judicata lill-Kummissarju tal-Pulizija fil-veste tieghu ta' Ufficjal Principali tal-Immigrazzjoni halli immedjatament jibda il-proceduri sabiex l-imputat jigi deportat minn Malta hekk kif jiskonta l-piena moghtija.

(ft) Dottoressa Monica Vella

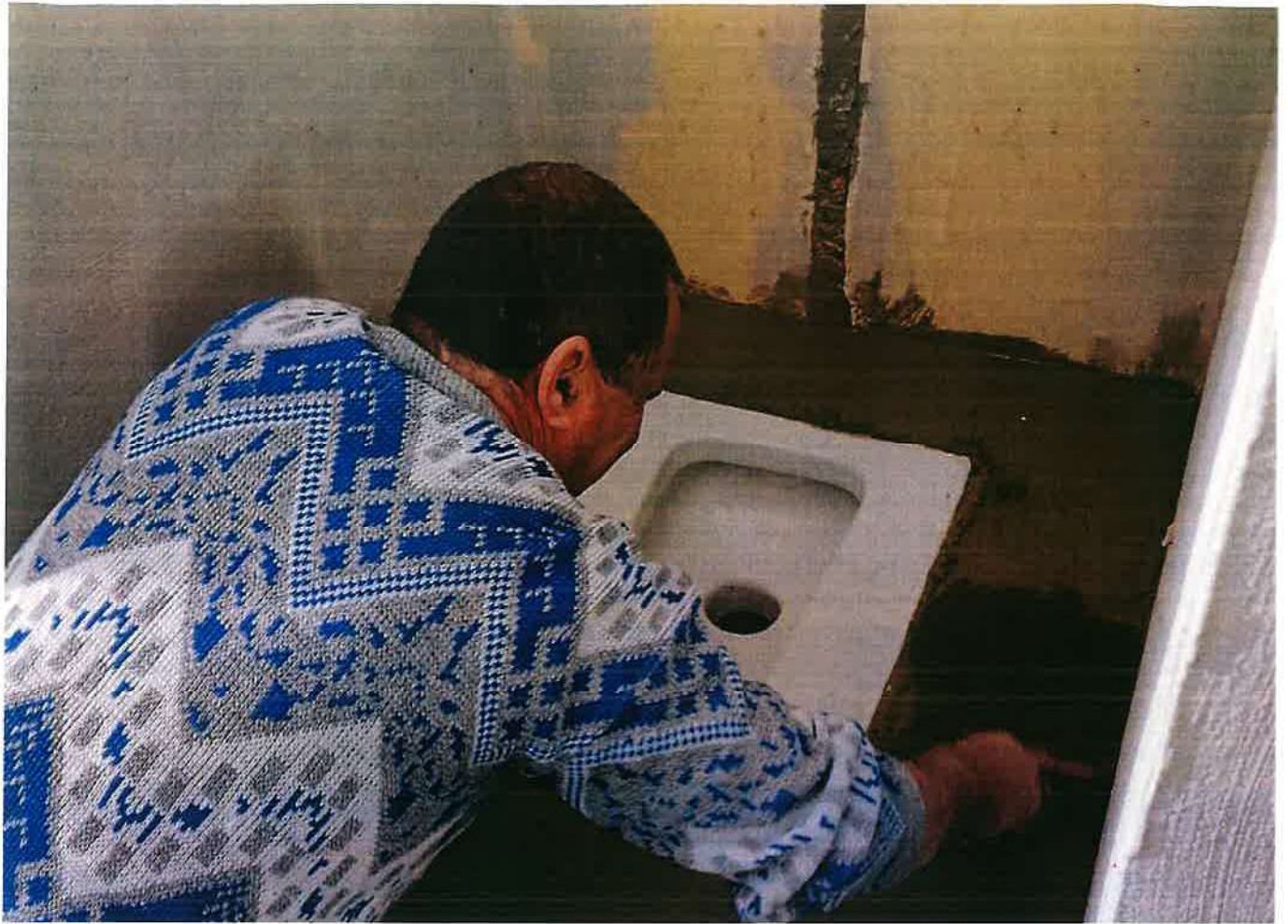
Magistrat

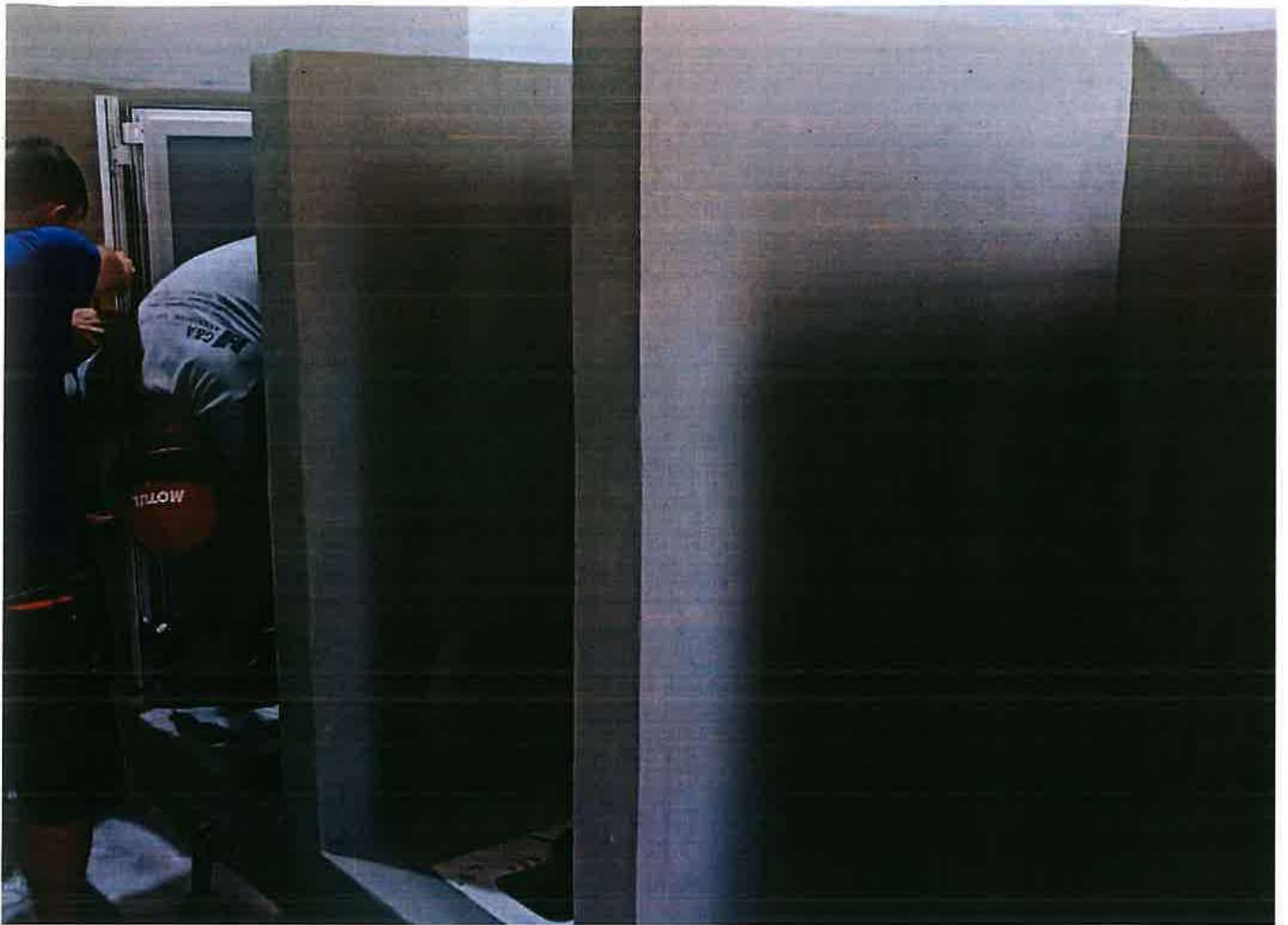
(ft) Victor Deguara

Deputat Registratur.

















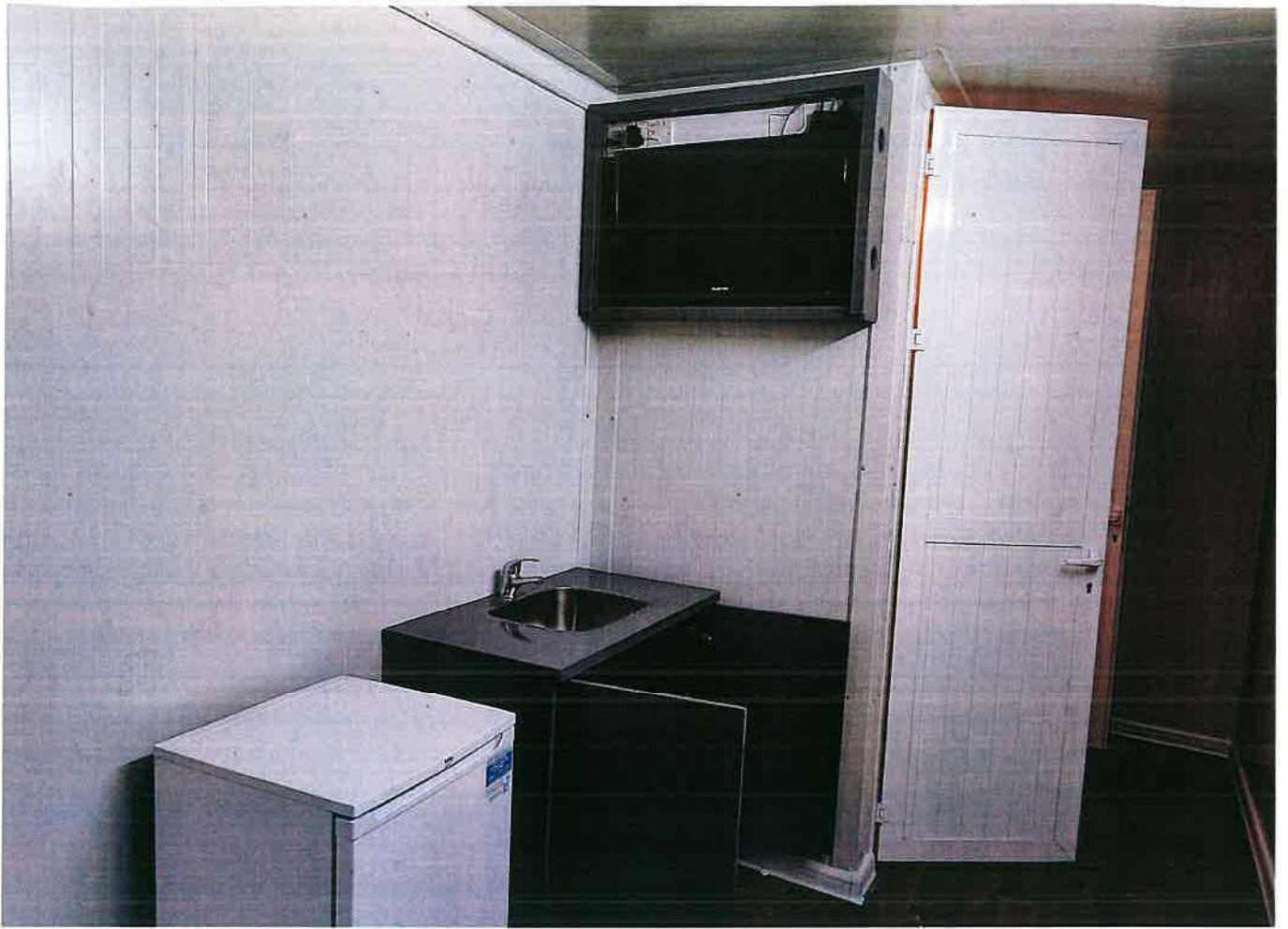




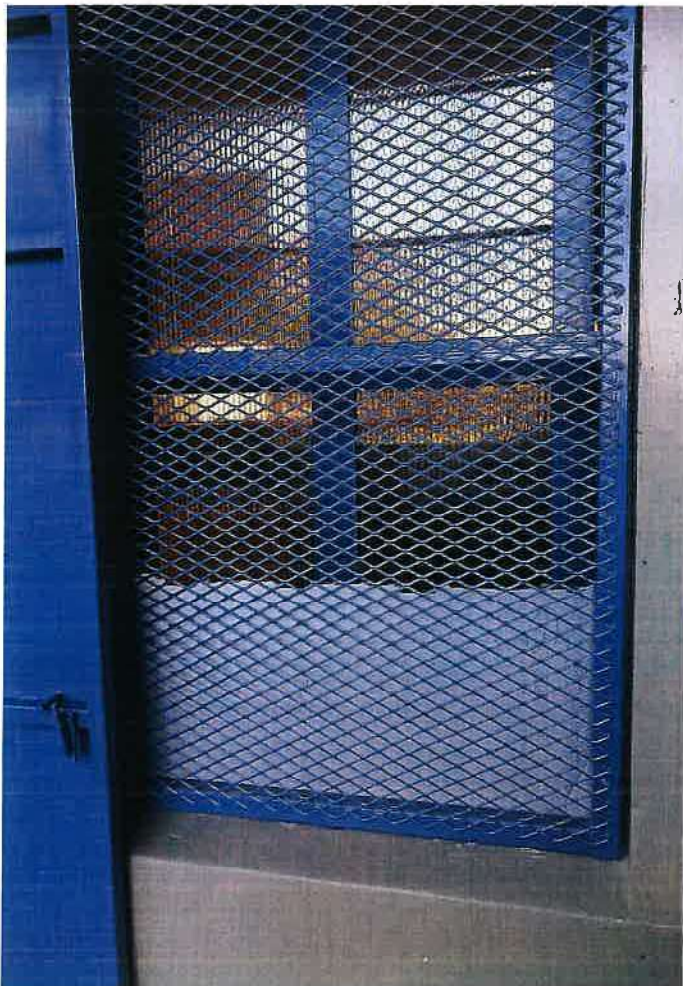








ANNEX 4
ANNEX 4



Magro Antonio at DSA

From: Magro Antonio at DSA
Sent: Wednesday, 13 September 2023 11:14
To: [REDACTED]

Dear Sir / Madam,

Could you please issue us with a quotation for the following :

Male Boxers : Medium 800

Large 800

XL 400

Female Panties : Small : 150

Medium : 150

Large : 100

XL : 60

Female Sports Bras : Small : 50

Medium : 70

Large : 70

XL : 80

Specifications are as follows:

- Items should be available from stock
- Underwear in Cotton

Quotations sent after mid-day of the 16th September, 2023 will not be accepted.

Thanks and regards

Antonio Magro
OIC Procurement Office
Detention Services

Detention Services Agency
Hal Safi
Tel Nos: 23173901 / 23173902

15-Sep-23

Ministry for Home Affairs, Security, Reforms & Equality
Office of the Permanent Secretary
201, Strait Street,
Valletta

Attention:

Mr Matthew Borg
Director Accounts and Finance

Demand Note No: DSA/A/003/2023
Service Provider: Carlos Intimo
VAT No: MT 1018-8821
PO No:

Description of Service: Male Boxers , Female Panties, Sports Bras

Approval
Demand for Approval 

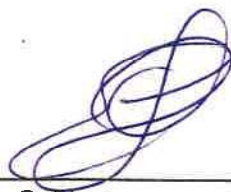
Supplier

Carlos Intimo
Mapoma Fashion
JB Stores

Amount
(excl VAT)







Elaine Galdes
f/Chief Executive Officer

[REDACTED]
Obo Carlos Intimo
23, St. Nicholas Street,
Valletta.
VAT Nr: [REDACTED]
Mob No. [REDACTED]

Bill to:
Ministry for Home Affairs, National
Security, Reforms and Equality
201, Triq id-Dejqa, Valletta, Malta
Vat No: MT21919534

Invoice 20/2023

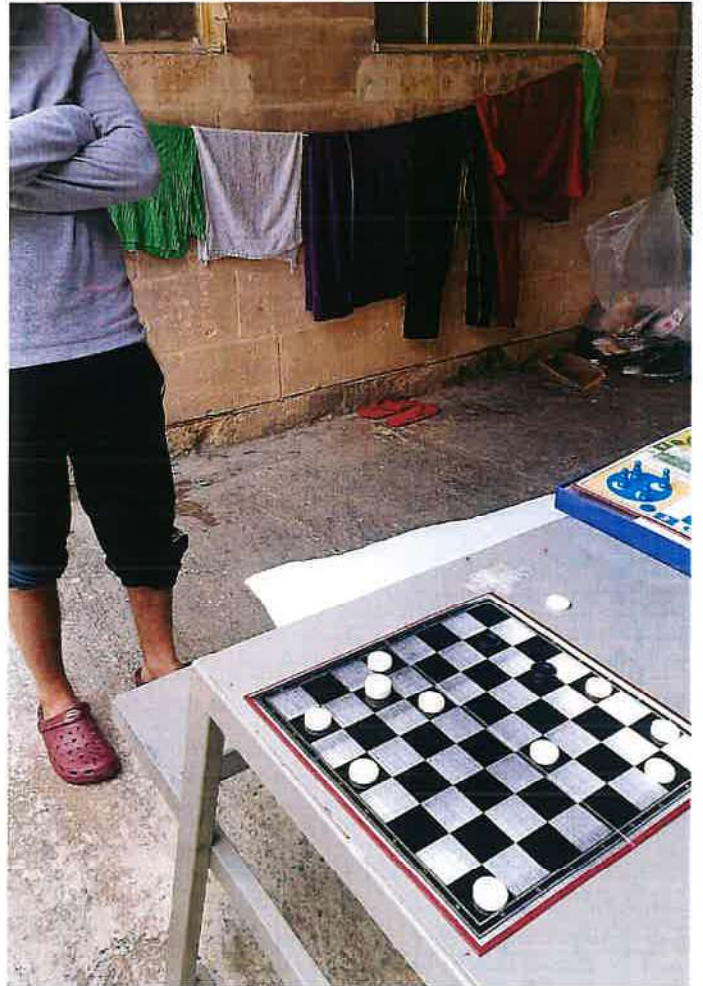
Date: 14/09/2023

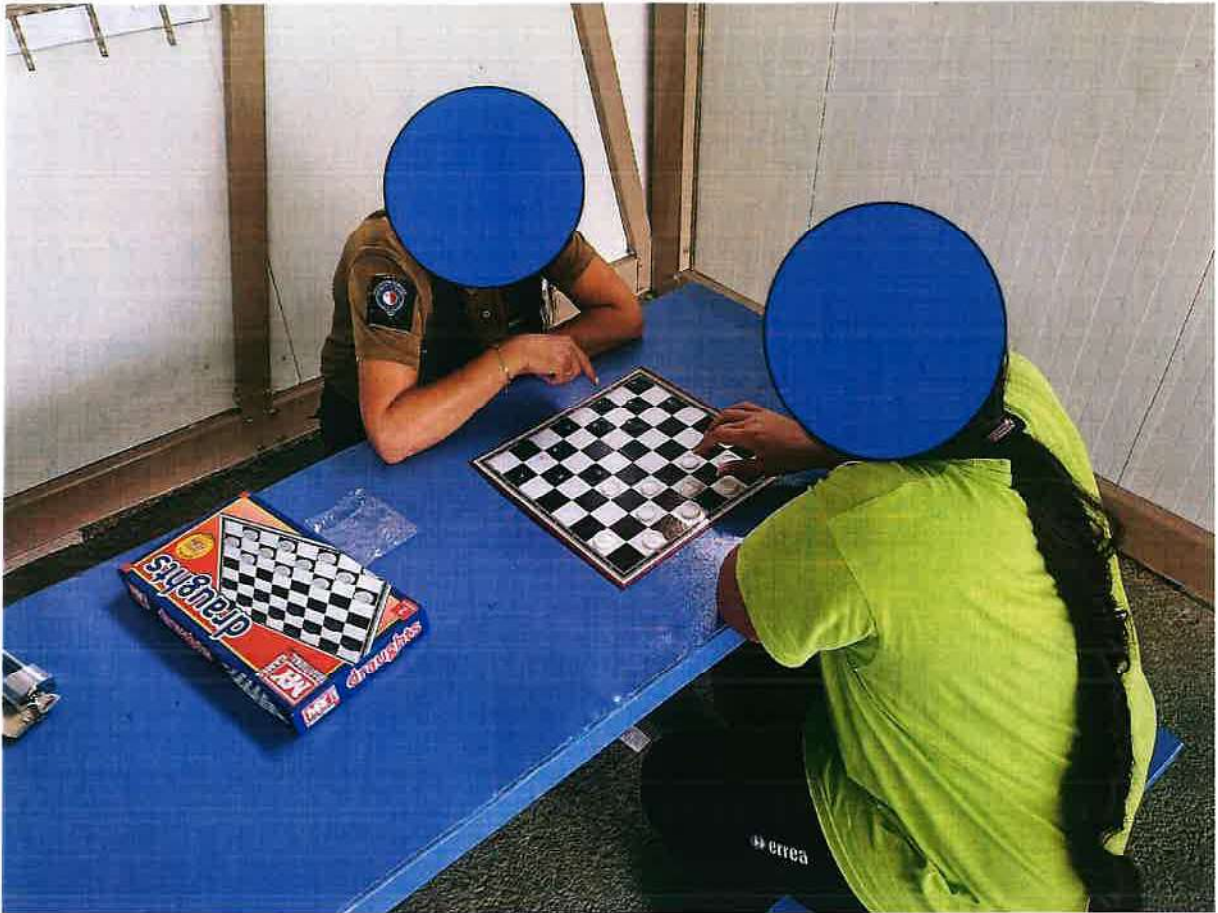
Description of goods:

	Total €
Male Boxers : Medium 800 at [REDACTED] each	[REDACTED]
Large 800 at [REDACTED] each	[REDACTED]
XL 400 at [REDACTED] each	[REDACTED]
Female Panties : Small : 150 at [REDACTED] each	[REDACTED]
Medium : 150 at [REDACTED] each	[REDACTED]
Large : 100 at [REDACTED] each	[REDACTED]
XL : 60 at [REDACTED] each	[REDACTED]
Female Sports Bras : Small : 50 at [REDACTED] each	[REDACTED]
Medium : 70 at [REDACTED] each	[REDACTED]
Large : 70 at [REDACTED] each	[REDACTED]
XL : 80 at [REDACTED] each	[REDACTED]
	NET [REDACTED]
	VAT [REDACTED]
	Total [REDACTED]

Cheques to be payable to [REDACTED]
or
Bank transfer IBAN: [REDACTED]
Swift: [REDACTED]
or
[REDACTED]

Ms. Elaine Galdes
Assistant Director
Detention Services
Agency







[BACK TO NEWS ARCHIVE](#)

MUMN alleges illegal immigrants are self-harming to be admitted to MCH

MUMN alleges illegal immigrants are self-harming to be admitted to MCH

Source: Newsbook, 29th January 2021

The Malta Union for Midwives and Nurses (MUMN) said that it cannot tolerate its members being in more danger in Mount Carmel Hospital because of the “abuse” they suffer at the hands of the illegal immigrants in the detention centres. It alleged migrants were self-harming in order to be taken to Mount Carmel Hospital, and thus, occupying much-needed beds. Later, the union announced that these migrants were being relocated after its complaint. The Commissioner for Mental Health reacted to this saying that it is “grossly unfair” to allege ulterior motives for admission, whilst the Malta Refugee Council called MUMN’s statement “insensitive” to the desperation and fear the migrants live in.

MUMN said in a statement that a number of illegal immigrants in detention centres are self-harming so that they will be transferred to Mount Carmel Hospital, which is of detriment to the patients and the workers in the admissions hall, according to the union.

For this reason, earlier today MUMN announced a number of directives for all the nurses working at Mount Carmel Hospital, instructing them to refuse to admit illegal migrants who are abusing of the system and occupying much-needed beds. According to MUMN, the large influx of migrants is resulting

please and harassing the patients and the workers.

MUMN cannot fathom how even though there are sections within the detention centres where problematic migrants are to be kept, these are still being transferred to Mount Carmel. It observed that these sections were paid for by the citizens' taxes.

The union ended its statement saying that it cannot keep itself from taking action, and waiting for a tragedy to happen. It appealed to the Commissioner for Mental Health to evaluate the situation and report all of this to the Health Ministry and the Ministry for National Security so that they may work together to solve this problem.

MUMN Update

MUMN has been informed by the Mt. Carmel Management that most of the illegal immigrants are going to be deployed elsewhere and removed from the Mixed Admission ward.

There is clear evidence that the illegal migrants were using Mt. Carmel Hospital as a false pretext that once admitted to Mt. Carmel Hospital the illegal migrants can postpone (or avoid) repatriation or with the false pretext that once discharged from Mt. Carmel Hospital, such illegal migrants would be placed in an open centre and not in detention.

MUMN has also been informed that the 250,000 euro centre built recently in the detention centre would be used in the future.

MUMN was proven right and MUMN would like to thank Mt. Carmel management for the immediate action taken to safe guard the interest of the other patients and nursing staff.

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