

## **CPT Visit 2005 - Final Report**

Following its ad hoc visit to Malta between 15-21 June 2005, the CPT presented a formal report [CPT (2005) 78] of 30 November 2005 to the Maltese Government indicating a number of recommendations and comments resulting from the observations made by its delegation during its visit focusing on the situation of illegal immigrants detained within close centres.

The Maltese Government responded to this report on 9 March 2006, noting with satisfaction CPT's acknowledgement of the ongoing dialogue, cooperation and openness between the two parties. In its report, Malta confirmed its commitment towards its international obligation and to address CPT's recommendation in the light of available resources.

In its preliminary remarks the CPT recognized that the Maltese resources were over stretched in dealing with this influx of irregular immigrants. It also reports on "*the crucial importance of a concentrated effort by the international community and particularly the European Union, to give Malta the help it needs to tackle the problem it faces today [sic.2005].*"

Although financial resources are an important element in providing adequate standards of accommodation, the impact of annual influxes on such a small and densely populated country cannot be addressed through financial instruments alone. It is for this reason that Malta has long been advocating in the European and International fora for assistance through burden sharing and resettlement schemes. Unfortunately recent incidents occurring outside Malta's search and rescue zone have shown how quickly the press, international organisations, and countries are quick to come out and criticise the legitimate stance taken by Malta. Besides the fact that such criticism was based on factual inaccuracies and on incidents in which Malta had no legal obligation, these same sources are completely silent when it comes to offering practical solutions.

The previous Maltese responses of 17 November 2005 and 9 March 2006 to the CPT report indicate a number of initiatives that were already being addressed. This included the bringing into force of the Minimum Standards Directive by Legal Notice 383/2005. These regulations meant that besides government's obligation to maintain basic standards of reception it was also bound to give asylum seekers access to the labour market if the examination of an asylum application was not finalized within one year. In practice this means that asylum seekers are now being released within 12 months if their application has not been determined within this time frame. Indeed to avoid undue detention to genuine asylum seekers the Office of the Refugee Commissioner has carried out several recruitment exercises to build up its capacity. Other improvements were registered in the provision of legal aid during the appeals stage to those not granted refugee status.

Moreover national legislation dealing with Care Order, guarantees protection for of all unaccompanied minors. Together with various players the management of closed centres ensures that minors and other vulnerable groups are assessed as speedily as possible to ensure their early release within a few weeks of arrival.

A further development was the setting up of a new management structure, known as the Detention Services which would gradually take over the running of the Closed Centres and replace the present service personnel.

Other initiatives which have occurred since the CPT visit:

It is to be noted that in its latest report, the CPT has been most critical on the medical service being rendered within the Closed Centres. Notwithstanding the overstretched public health service, Government was providing regular visits by two medical officers three times a week. Such visits would cater for some 120 patients, requiring on site attention, whilst more serious cases would be referred to medical centres. Whilst this was a step in the right direction, Government did not stop there. Following a number of attempts to bring in private medical providers, with effect from 23 April 2007 the medical services provided at Safi and Lyster have been outsourced at a cost of circa euro 84,000 per annum. The service provides for 2 doctors and 2 nurses to cover Safi and Lyster Compounds five days a week. This new arrangement has made it possible for up to 400 patients to be examined every week in these two Centres alone. Clinics at each of the compounds within Safi and Lyster Detention centres have been refurbished and equipped with basic medical equipment including otoscopes, stethoscopes, haemoglucotest machines and sphygmomanometers. A major improvement by all accounts. In addition to this the service provided under the National Health Scheme at Ta' Kandja and Hal Far centres has been retained. Thus we are pleased to report that the level of medical service in the detention has been increased exponentially.

In March 2006 a new reception centre known as Block C was opened at a cost of some euro 326,000. The new compound was designed to accommodate 224 immigrants in three separate divisions. Action was taken towards the end of 2006 to relocate all irregular immigrants held at Police GHQ to Hal Far Closed Centre as the latter provided better accommodation facilities. During the past 3 years since the CPT's visit ongoing maintenance has been carried out as a result of the overcrowding and unruly behaviour by refractory and aggressive irregular immigrants. The latest refurbishment work to be completed was on Block B which has been completely refurbished with new toilets and showers, aluminium fixtures, tiling and plastering and new beddings at a cost of circa euro 61,000. The centre is accommodating 200 immigrants arriving this summer. Other refurbishing works totalling circa euro 626,000 are being carried out at Hal - Far and at Ta' Kandia through EU funds.

Another issue on which CPT report has been critical is the quality of food and dietary customs of the various nationalities. Whilst one appreciates that it is practically impossible to provide individually tailored meals to hundreds if not thousands of persons three times a day every effort has been made to improve this service. Indeed the supply of meals is now being supplemented through the provision of a service contract issued to a private caterer. Menus are planned in advance and differ from day to day. The management of the centres holds periodic consultation meetings between the caterer and representative of various nationals of immigrants to formulate menu options of their choice within the limit of local produce available on the market

throughout the year. Specific meals are prepared for specific dietary conditions as well as particular periods of the year associated with religious observances.

An important milestone in our effort to increase public awareness and having an informed press was the invitation to the media for an organised visit to the Closed Centres at Safi and Hal Far on 23rd March 2006. The media was also introduced to the new purpose-built accommodation centre (C Block) which had been built at Safi to replace the former Nissan Huts and tents. Through presentations by senior officials the government's policy of detention and future plans for dealing with immigration were explained. The occasion served to address any misconception that Government had something to hide. This is obviously not the case as a number of NGOs are given access to such centres and are free to report any irregularities. Government however still maintains its policy not to allow uncontrolled access to media within Closed Centres in the interest of those people seeking international protection. A policy which is applied by most democratic countries of the world.

The capacity building process of the Detention Service has continued over these years. To date some 100 persons have been engaged by the Detention Service as Casual Detention Officers. Such recruits are given an intensive two week induction course before being deployed for duty. Officials attend to training offered by international organisations, NGOs and institutions. Subjects covered welfare needs of these persons, medical aspects, laws and conventions governing rights and obligation in the field of immigration and asylum as well as aspects of human trafficking. To reinforce the standards of the Casual Detention Officers the *Detention Centre Rules and Standing Instructions* has been drawn up and now forms part of the induction training given. This provides guidelines on the regulation and management of detention centres. Action is currently being taken to reinforce the Detention Services with a core management structure as part of its evolution to replace service personnel.

The Ministry has finalised another equally important document entitled - *Your Entitlements, Responsibilities and Obligation while in detention*. This is printed in three languages, - English, French and Arabic. This publication is given to all those held in the centre to facilitate communication on the standard of behaviour that is expected as well as the obligation that the authorities have towards them. It also explains why they are being detained and what the process of applying for asylum entails. Such written documentation is supplemented by the role of Government's welfare officers working in these centres as well as the role of NGOs. In this regard plans are at hand for the appropriate government agencies together with interested NGOs and international organisations to draw up a framework for the provision of activities within the Closed Centres aimed at providing occupational activities such as craft classes and organised sports activities, awareness of Maltese culture, basic personal skills and educational programmes. Such measures are aimed to ease the boredom within these centres and to facilitate life for these persons once released in to Maltese society or possibly finding resettlement in another country offering such opportunities.

As can be seen Government has spared no effort to abide to its international obligations and to treat the matter not only as far as its legal obligations are concerned but also in as a humane way as possible to the extent that its resources allow. Once

more Government reiterates that the number of irregular immigrants arriving in Malta is unsustainable and that the European Union, which is the real pull factor to those fleeing Africa, needs to provide durable solutions. To date the most tangible demonstration of assistance has been in the provision of EU funding instruments. Whilst noting that there has been particular understanding on the part of the Commission to provide funds aimed at the specific situation of the southern borders the solidarity of MS has not been so forthcoming. Resettlement initiatives have only come from a limited number of countries, namely the Netherlands, Germany, Ireland, Lithuania and USA. More is needed and it is indeed a pleasure to note that the USA has offered to take up another 200 persons enjoying some form of protection status. Malta's request for assistance is not to be construed as an abdication of its international obligations but as a genuine need for assistance as a short term measure. Such assistance is not seen as a solution in itself, as this is only to be found in a long term approach addressing the cause factors within Africa. Various declarations have now been agreed to such as the EU's *Global Approach to Migration* (2005), the *Rabat Conference* (July 2006) the *UN High Level Dialogue on International Migration and Development – New York* (Sept 2006) and the *Tripoli Conference* (Nov 2006). It is now time to translate these declarations into practice. Indeed this migration northwards is not only affecting European countries but is equally damaging on African countries which are facing a drain of their human resource; the only resource that together with international assistance can bring them out of their economic and political doldrums.

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