



Jesuit Refugee Service

Servizz tal-Ġiżwiti mar-Rifuġjati

56 Lion Street
Floriana VLT 16
Malta

Tel: +356 21 22 75 21; Fax: +356 21 22 75 19
email: info@jrsmalta.org

Report on the living conditions in Floriana Centre July 2003

Introduction

This report was prepared by the Jesuit Refugee Service, and is based on the personal observations of lawyers and other professionals who visit Floriana detention centre to render service to the detainees held there, as well as on information obtained from the detainees themselves.

It is addressed primarily, though not exclusively, to the Minister for Justice and Home Affairs and other officials within the said ministry, such as the Director for Third Country Nationals and the Permanent Secretary, as well as to officials within the police force.

All of these public officials are responsible to a greater or lesser extent for the conditions prevailing in this centre.

This report draws attention to the living conditions and other significant factors, which we believe are underlying the growing tension at Floriana detention centre. It seeks to provide the authorities with recommendations that will enable them to address the situation in a humane and satisfactory manner.

In particular, and in view of the events that took place on June 17, 2003, JRS is concerned not only for the physical and psychological well being of the detainees, but also for the safety and welfare of the police officers on the ground. It is clear that the increasingly fragile security situation makes it difficult for the detaining officers to exercise their duty in a manner that is both humane and safe.

However, we strongly believe that this situation has been engendered by detention conditions that, wittingly or unwittingly, create tension and are conducive to violent behaviour.

JRS therefore urges the authorities to take note of the crisis that has been created, and to take all the necessary steps to bring living conditions at Floriana detention centre in line with Malta's international legal obligations and with other internationally accepted basic principles and standards on detention¹.

¹ See for example the 1999 UNHCR Guidelines, the UN Standard Minimum Rules for the Treatment of Prisoners, the basic standards used by the European Committee for the Prevention of Torture to assess the adequacy of otherwise of detention facilities.

1. Detainee population

The centre houses 150 persons, all of them male, from various nationalities. The detainees are all prohibited immigrants in terms of the Immigration Act. Many of them applied for refugee status, and are therefore asylum seekers. As such they are persons of concern to JRS.

The detainees are at various stages in the proceedings for the determination of their application for protection. Moreover a significant number have had their applications rejected. Some among them are refusing repatriation and others want to return home.

The vast majority of the detainees have been detained for at least six months and some have been detained for as long as nineteen months.

2. The premises

Conditions at the Floriana detention centre have been a cause of serious concern since its inception.

The first cause for concern is the total unsuitability of the premises as a place of detention for any number of people, particularly such a large number.

It consists of three very large rooms, each measuring approximately 86ft X 23 ft. The ceiling of these rooms is very high. Each room has two large windows and a door in each of the narrower walls, i.e. those measuring approximately 23ft.

At one end of the room the apertures lead out into a small exposed yard, surrounded by high iron fencing topped with barbed or razor wire.

At the opposite end of the room the apertures are barred and lead onto the central yard of the Police Depot, known as the 'CID Yard'. The offices of various police officials are situated in this yard, as is the entrance to the central police lock up, just a few feet away from the windows of the detention centre.

At the time of writing, approximately 47, 55 and 60 persons are being detained in each room respectively, leading to a situation of overcrowding. In view of the large number of persons held in each room and the fact that the rooms are quite long and natural light and air can only enter from the above-mentioned apertures, they tend to be rather poorly ventilated and dark.

Across from the windows of the centre, in the 'CID Yard', is a small room, furnished with a couple of chairs, a table and a bed, used by visiting doctors and lawyers to see their clients in private.

Police officers responsible for providing daily care to the detainees are stationed outside the perimeter of the area provided for detainees. On or two police men will usually be stationed in the 'CID Yard' across from the windows of the detainees' quarters, where they have a small office, and others will be stationed in a small makeshift construction a few metres outside the gate in the fencing of the yard.

3. Living and sleeping quarters

Beds are aligned foot to foot, in each of the three rooms described above, with a column of beds placed lengthwise between them along the central aisle. There is little standing room left between the beds and, as a consequence, absolutely no privacy.

Detainees from different cultures, religions and ethnicity are thrown together at all times. It is clear that in such conditions, little or no consideration can be given to ethnic or religious differences and the tensions that may arise therefrom when allocating quarters to detainees.

The only area available for recreation is the small open yard that is entirely exposed. In view of the high temperatures and strong sun, typical of Maltese summers, it is impossible for the detainees to stay in the yard for long periods.

4. Food and water

The detainees receive three meals a day. These are generally high in carbohydrates and low in protein, fruit and vegetables. Further, these meals are culturally inappropriate, and no allowance is made for specific religious or dietary needs. The detainees are only provided with one litre of bottled drinking water per person per day.

They are also allowed tea or coffee, which is served to them if they pass a plastic bottle through the bars to be filled, a process that the detainees describe as degrading and dehumanising.

5. Hygiene and sanitary installations

The detainees have been provided with six toilets, which are often very dirty because the detainees, who carry out their own cleaning, say that they are not supplied with enough disinfectants with which to clean them. It must be emphasised that approximately 150 people share these six toilets.

There are three showers, partitioned by plastic garbage bags, which serve as shower curtains and two water pipes. The supply of soap is not always reliable. If detainees wish to brush their teeth, they must pass a toothbrush (or their finger) through the bars of the door for toothpaste.

Detainees have to wash their clothes by hand in the yard using portable plastic tubs, of which there are hardly enough to go round. The clothes are then hung up to dry on the iron bars and barbed wire fences.

6. Medical assistance

The authorities ensure that as far as possible those detainees in need of medical treatment are taken to hospital if medical attention cannot be provided on site (see paragraph 9 below). As detainees are taken to hospital accompanied by security personnel, this puts a considerable strain on resources.

There seems to be a rather erratic system of distribution or dispensation of prescribed medication within the centre. Medication is obtained and stored by the police responsible for the care of the detainees. They are also responsible for dispensing the said medication.

It would seem however that they do not oblige or even remind the detainee to take the medication. It is the detainee himself who must remind them if he wants to take it.

While it is fair enough to state, in certain circumstances that adults have the right to refuse treatment, this can hardly be cited as a reason for the detaining authorities' *'laissez faire'* attitude towards dispensation of prescribed medication.

The detaining authorities are responsible for the detainees under their care and should therefore ensure that they are at least reminded to take their medication. This particularly in view of the fact that many detainees do not speak Maltese or English, and may not have understood the doctor's prescription for his condition.

Moreover, where medication is prescribed to control infective conditions such as TB, a withdrawal of medication could lead to a resurgence of infection with potentially fatal consequences for both the affected detainee and the people around him who could be infected. In such cases it is imperative that the detainee is made to take the full course of medication prescribed and hospitalised if he refuses to do so.

7. Recreational or other forms of constructive activity

The only possible source of recreation, besides a walk around the perimeter of the small fenced yard, is a television in each room. However these televisions are left on day and night, making it difficult for the detainees to get sleep or rest.

No form of activity, apart from prayer meetings organised by the members of one or two NGO's, is organised to help detainees pass the time. The detainees themselves at times organise football matches in the yard, but this is more difficult in summer.

Reading materials in languages that the detainees can understand are apparently limited. As a result detainees often complain that most of their time is spent sleeping, eating, staring and, inevitably, worrying about their situation.

8. Access to information

In this detention centre, as in all the others presently in use, the detainees are deprived of regular, reliable information from official sources. They are not given any general information regarding the conduct of proceedings for the determination of their application for protection or regarding the criteria on the basis of which such application will be determined. Nor are they provided with information about their personal legal situation, or their alternatives in the light of Maltese law.

There are no social workers assigned to follow the cases of these individuals or to provide information, assistance and support where necessary. The only information available comes from NGO representatives, who are unable to effectively reach all

the detainees, due to limitations of resources. Another, unofficial, source of information is the detainees themselves. In an attempt to fill the information vacuum and satisfy their need for information rumours and fears, at times real and sometimes imagined, are given the force of truth.

This inevitably leads to great frustration and despair among detainees who feel that they have lost all control over their life and their future.

9. Communication with the outside world

The facility is serviced with one card-operated telephone, situated in the yard, from which detainees are allowed to make calls.

As a rule they have unhindered access to the telephone, however at present they are not being allowed to receive calls. Detainees must have their own telephone card if they want to make calls.

The detainees are allowed to send and receive mail, follow the news and read newspapers.

10. Visits from family, friends and NGO's

Visitors must obtain permission from the police authorities to talk to detainees. In practice, perhaps because the competent officials have offices in the same compound as the centre, visitors have remarked that it is actually easier to visit detainees here than in other centres.

Visitors have often been seen speaking to relatives or friends through the bars of the windows leading onto the 'CID Yard'. They are not usually allowed inside the dormitories. At most the detainee is brought out to speak to the visitor in the 'CID Yard', but this is not usually the case.

Some members of local NGO's also visit the detainees on a regular basis. Among them are members of the 700 Club and the Islamic Welfare Fund. In order to visit the detainees they must obtain police authorisation. Some of them are even allowed to enter the centre to speak to detainees in the dormitories.

11. Services provided by NGOs

In this, as in other centres, NGOs provide professional services on a voluntary basis. Primarily the Red Cross provides medical assistance on site once or twice a week through the services of volunteer doctors and JRS provides legal assistance in some cases.

However, in view of the fact that NGOs are largely dependent on volunteers as well as the fact there are a relatively large number of detainees in this centre, the services provided are limited at best.

Every time a lawyer or doctor visits the centre to provide assistance, he/she is inundated with requests for assistance. While it is understandably not possible for

one person with limited time available to deal with all such requests, it is equally understandably extremely frustrating for detainees to see their only source of hope or help arrive and leave without speaking to them.

12. Psychological effects of detention

Detention in the conditions described above, inevitably leads to a deterioration in the psychological well-being of detainees.

Some of the detainees held at the Floriana detention centre, had already experienced detention and other psychologically undermining experiences before their arrival in Malta. They are therefore an exceptionally vulnerable group of people, and are more at risk of suffering irreparable psychological damage as a result of their experience here.

The stress incurred by their present living conditions is compounded by the fact that they have no idea when they will be released. Arbitrary and indefinite detention is intrinsically inhumane in that it leads to destabilizing feelings of loss of control over one's life.

A number of detainees at this centre have already been hospitalised for psychiatric treatment. Some have attempted suicide and others have expressed the desire to end their lives.²

It is self-evident that crowding so many people together under such uncongenial circumstances will eventually lead to an escalation of tension that could result in physical aggression.

One detainee describes himself as having been reduced to the conditions of an animal in a cage. "They throw the food and close the cage." It is demeaning to have to constantly reach through bars for the most basic of one's needs.

13. JRS services in this centre

In our view it is fair to say that the services provided in this centre, particularly by JRS, are more limited in scope than those provided in other centres. This is due wholly to the very limited resources available, but it leads to a build-up of tension among the detainees who cannot obtain the services they need.

It is clear that the detainees look to JRS volunteers for far more than legal assistance. We receive requests for things as diverse as: general information about the procedures; help with obtaining specific information about an individual's situation; legal assistance during procedures for the determination of an individual's application for refugee status; help to contact family and friends in other countries; requests for material assistance such as phone cards to be able to contact family or obtain documents. Also JRS tries to offer much needed moral support to the detainees who are often increasingly desperate.

² Research carried out by the Royal Australian and New Zealand College of Physicians at Australian detention centres confirm that harsh detention conditions lead to serious psychological disturbances. Suicide rates were ten times higher than those among the general population.

Other organisations offer some or all of these services to some of the individuals in these centres, however all such organisations complain about the very real difficulty of providing assistance to all who need it. Many also comment about the strain that the huge demands of the detained population place upon them – both on an organisational level and as individuals.

Much of the assistance needed could and should be provided not by lawyers or even by volunteers, no matter how well meaning, but by professional social workers, who could provide the independent and reliable information that these detainees so crave for, and other forms of support.

This would take some of the strain off NGO's who would then be able to provide other, no less essential or important, more focussed services according to their particular characteristics and strengths. These could include language classes or other forms of training or the organisation of recreational activities.

Perhaps more importantly, JRS volunteers could then stick to the provision of specifically legal assistance, rather than other more general services, and could then reach a larger number of detainees who need such specific assistance.

Conclusion

JRS believes that the conditions in which asylum seekers and other detainees are currently held in Floriana detention centre fall far short of internationally recognised standards and principles regarding detention. Moreover, many of the concerns raised in this document apply to the situation of detainees in other centres.

It is clear that if the authorities intend to detain, then they should ensure that such detention is carried out in conditions that befit human dignity.

The first step towards achieving this is to ensure that the facilities being used for the purpose are adequate for long term detention of the number of people accommodated therein.

We believe that premises such as those at Floriana are inherently unsuitable to detain such large numbers of people. It is clear that the only way in which conditions at this centre could become more acceptable, is if there is a significant reduction in the number of people detained there and if the physical conditions are upgraded, to provide:

- a degree of privacy to detainees, perhaps by introducing some form of partitioning in the sleeping area;
- an area, apart from the dormitories and the bedrooms, which the detainees can use for recreation;
- a shaded area in the open air yard;
- more sanitary installations, including showers, sinks, toilets, and facilities for washing clothes, according to the number of people to be detained in the centre;
- the installation of at least one other telephone in order to ensure easy access.

Detainees must also be provided with enough detergents for personal use and for cleaning.

Beyond immediate material needs, it is imperative that detainees are provided with essential services, primarily medical assistance on site and proper access to legal assistance if and when necessary.

It is clear that the authorities should set up a functioning clinic on site, which should not be dependent on volunteers.

It is also indispensable that detainees at this centre are provided with the services of at least one, preferably more, professional social workers, who would be able to:

- assess the individual needs of detainees and make the necessary referrals;
- act as a mediator between the detainees and the authorities handling their cases;
- assist with obtaining documents and facilitating repatriation when necessary;
- provide the necessary information to detainees and asylum seekers, both regarding the procedures for the determination of refugee status, and other matters of concern to detainees;
- provide any other follow-up necessary in the individual cases.

The above-mentioned professional, or other member of staff should have direct responsibility for ensuring that detainees are provided with a programme of activities, which should include opportunities for language or other training, sports and other activities, to make the period spent in detention somewhat more bearable.

It is clear that, with the current number of detainees (approximately 350), the centres being used at present are far from sufficient. It is therefore imperative that the authorities identify and adequately refurbish one or more centres.

This matter should be given urgent priority as, once we are choosing to detain people, lack of funds cannot be used to justify depriving people of the most basic necessities. Nor is it acceptable, particularly in the light of Malta's international human rights obligations, to claim that we have no choice but to detain in appalling conditions that are an affront to human dignity in order to deter future arrivals of irregular migrants.