PARLAMENT TA' MALTA

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Raymond Scicluna
Skrivan tal-Kamra

The Board of Visitors for Detained Persons

Annual Report for 01 January – 31 December 2014

Composition of the Board

The Board of Visitors for Detained Persons was constituted in terms of Legal Notice 266 of 2007, published under the Immigration Act (Chapter 217 of the Laws of Malta). The the Board was made up of the following members:

Chairperson
Ms Mary Anne Agius

Members
Mr Joseph Borg
Ms Susan Mulvaney

Member-Secretary
Mr Charles Micallef

Two members who resigned for personal reasons in 2012 and a member who was asked to resign in March 2014 have not yet been replaced.

Number of Detainees

The Year 2014 started with 356 undocumented immigrants in detention. By the end of December 2014 the number was 30. However, these numbers do not necessarily reflect the number of undocumented immigrants who were detained during the Year. During the year 2014, 6 boat carrrying 568 migrants came to Malta. This is a considerable change from 2013 when 24 boats came to Malta carrying 2008 undocumented immigrants. The majority was released shortly soon after its arrival in Malta having been granted humantiarian protection and following their successful request for humanitarian protection status.

These immigrants came mainly from 14 countries as shown in Table 1.

(This information, extracted from the police data, regards all boat arrivals and not just those who applied for asylum. Consequently not all nationalities have been listed according to the categories recognized by the EU. Thus the immigrants who have been listed under a category which does not fall under EU categorization have been marked by the database as <specify> The category marked 'specify' consists mainly of undocumented migrants from Syria, Palestine and Lebanon).

Table 1

Nationality	Boat A 20/03/14	Boat B 07/06/	Boat C 08/06	Boat D 20/07/	Boat E 28/08/	Boat F 14/09/	Total
< SPECIFY >		1	5	2	161	3	172
CHAD				6			6
EGYPT					15		15
ERITREA			10	9	19		38
ETHIOPIA		1	5	1			7
GAMBIA		1	39				40
GHANA			1				1
IRAQ					20		20
MALI		1	28				29
NIGER			1				1
NIGERIA		2	28				30
SENEGAL			10				10
SOMALIA	91	1		25	1		118
SUDAN			1	38	41		80
TOGO			1				1
Total	91	7	129	81	257	3	568

2. Plenary meetings of the Board

During the Year under review the Board met 11 times in plenary. The Board carried out 24 visits to the Detention Centres at Hal Safi, Hal Far. There were no visits to Hal Far Detention centre in December since the remaining detainees had been transferred to Safi Detention Centre. The Board conducted **four** visits to Mount Carmel Hospital Mount Carmel Hospital where a number of detainess were inpatients for different periods of time. The Board also conducted five visits to the Police Headquarters where illegal immigrants were being held before their forced return. Besides the planned regular visits, the Board also concluded the administrative Board meeting with a visit to the Detention Centre where the organisational meeting was taking place. Some visits were carried out without prior notice to the Authorities concerned. During these visits the Board met detainees who very often asked to be interviewed by the members of the Board. Such interviews were mostly carried out in private.

The plenary meetings focused on the overall situation at the Detention Centres and on the various complaints received. During these meetings the Board also planned for various meetings with different entities.

Monitoring of Forced Return

In 2014 the Board was more involved in monitoring six occasions when migrants were returned to their country of origin.

1. 1st Monitoring Visit a took place in January 2014 when five migrants were returned to Nigeria. In its report the Board recommended some kind of social assistance/counselling before a forced return.

2. 2nd Monitoring Visit : On the the 14th April the Board members visited Hal Far detention Centre and met the 6 Nigerians who were going to be deported on the 16th of April. On the 16th two Board members visited the police headquarters again and they saw the detainees from the moment they were taken from the cells to the time they boarded the bus to the airport. A report was duly lodged on the 21st April.

3. 3rd Monitoring Visit: 15 April 2014 The Board members visited the police lock up and met the detainees from Ghana who were going to be deported that same day.

4. 4th Monitoring Visit- May: This visit took place on the 13th May. Four detainees from Nigeria were going to be returned. The visit took place in the afternoon a day before their departure. The detainees presented some objection re their return to the Board member. Since the detainees knew the Board member as a member of the Board of Visitors action was taken regarding these complaints. The respective entities responsible were contacted and as a result one detainee was not returned due to mental health problems. A report was duly lodged with the Immigration Police.5.

5. 5th Monitoring Visit. This visit took place in June16th. Two Pakistanis were going to be deported on the 17th in the middle of the night. Two Board members visited the detention centre and saw the detainees leaving the detention centre and being taken to the Police Lock up. The same day Board members visited the lock up and saw the two Pakistanis settled in their cells.

6th Monitoring Visit This visit took place on the 20th October when four Nigerian refugees were going to be returned. The Board visited the lock up and monitored the departure from the lock up to the airport.

The Board has not been in a position yet to monitor the flights but it is hoped that this

year the members will be able to monitor the Joint Return Operations organised by Frontex.

2.1 Contacts with the Ministry

Telephonic and emailing contact was kept during the year under review, with the Home Affairs Ministry's Permanent Secretary and the Director General (Operations). The Board also met various Ministry officials as the need arose to discuss salient problems being faced by detainees at the time and work out solutions to issues raised.

2.2 Meetings with the Head of Detention Service and other Senior Officers

The Board was regularly in contact with Mr Mario Schembri, Head of Detention Service and with the deputy heads, Col Martin Bondin at Safi Detention Centre and with Col Harold Stivala at Hal Far detention Centre. Following the resignation of these two deputy heads, the Board continued meeting with Col Karl Albert Sammut, and Col Ruggier the two deputy heads who replaced them.

The Board Members discussed certain issues with the different officers in charge of the various units within the two Detention Centres when visits were held at the respective centres. However meetings were held with the Administration whenever important issues arose.

2.3 Other Meetings

2.3.1 Every time the Board members visited the detention centres they also met informally with the contracted medical doctors and nurses, working at Hal Safi and Hal Far, to clarify matters regarding health issues of detainees.

2.3.2 On the 18th August the Board held a meeting with UNHCR representative in Malta, Mr J Hoisaeter, to discuss the age assessment of young people in detention.

2.3.3 On the 15 May, the Board members met Dr Muiznieks the Commissioner for Human Rights of the Council of Europe.

2.3.4 On the 20th May the Board met Dr Anton Grech to discuss the state of undocumented migrants undergoing mental health treatment at Mount Carmel

2.3.5 On the 20th June the Board had a meeting at the Ministry with the Head of Psychiatry and Mr St John where the situation at the Mental Hospital where detainees were kept was discussed

2.3.6 On the 3rd October the Chairperson met the secretary of the SPT delegation to prepare for the SPT visit in October.

2.3.7 On the 15th October the Board met Dr Clifton Grima CEO at Mount Carmel Hospital to discuss the state of undocumented migrants undergoing mental health treatment at Mount Carmel

2.3.8 On the 4th December the Chairperson had a meeting with Mr Francois Crepeau, UN Office of the High Commissioner of Human Rights.

2.3.9 On the 30 December the Chairperson and Mr Charles Micallef met the Ombudsman to discuss our role in the Forced Return of Migrants.

Attendance at meetings

1. In May One member attended a Technical workshop organised in Malta by Aditus on 'Unaccompanied Minor Asylum Seekers in Malta:Age Assessment and Legal Guardianship Procedures'

2. During the year, three Board members attended training in Vienna organised by the International Centre for Migration Policy Development. This was a week's training in connection with Forced Return Monitoring of Detainees. One member attended these training sessions in November and two other Board members attended the December sessions.

3. One member attended a workshop on 'Strengthening the effective implementation and follow-up of recommendations by torture monitoring bodies in the European Union' which was organised by the The Human Rights Implementation Centre of the University of Bristol and the Ludwig Boltzmann Institute of Human Rights. This workshop was held in Bristol at the end of November.

3. Correspondence and Contacts

3.1 The Board drew the attention of the Agency for the Welfare of Asylum Seekers (AWAS) whenever, during visits, it came across minors, vulnerable adults, sick detainees and pregnant women. .

3.2 The Board was also in contact with Mr Mario Friggieri, Commissioner for Refugees and drew his attention to complaints raised by the immigrants about their status.A few

complained that they were late in being interviewed and some alleged that they were not informed of the result of the interview. However, whenever we brought the detainees' complaints to the attention of the Refugee Commission, the Commissioner was always very prompt and exact in answering our queries. Most of the complaints were very often unfounded. However, the situation of the individuals was clarified for the Board Members and consequently we could explain this to the detainess concerned. A special concern this year was the situation with migrants from Syria who refused to be fingerprinted. This caused some concern which was clarified by the Commissioner for refugees.

3.3 The Board also contacted the JRS whenever there were detainees needing psychological or in the absence of psychological help at the Detention Centres.

3.4 The Board contacted the then Assistant Commissioner of Police Mr Andrew Seychell from the Police Immigration Section regarding complaints by detainees. These complaints mainly revolved round the date of release, problems with duration of detention and personal goods which were kept in safe keeping at the Police Headquarters on arrival. The Board is extremely grateful to the Police Immigration Section for the prompt help granted when requested.

3.5 The Board wrote to the International Organisation of Migration regarding the voluntary return of certain migrants. Unfortunately the emails were rarely answered by IOM.

3.6 The Board answered questionnaires sent by Aditus Foundation regarding queries regarding Fundamental Human Rights

3.7 The Board also answered the FREM questionnaire, regarding the monitoring of forced return of migrants, by the police authorities.

SPT Visit

A major event for the Board of Visitors for Detained persons was the Visit by the Secretariat for the Prevention of Torture of the United Nations which took place from the 6th to the 9th October.

The Board held two meeting with the Head of the Board of Visitors for Prisons to coordinate this visit.

The Board also prepared four major reports analysing the work being carried out by the Board in view of its mandate to prevent torture.

Members of the Board also held an official meeting at the Ministry and two other meetings with the Director and deputy heads Head of the Detention Centres to prepare for this visit.

During the SPT visit the Board members held a preliminary meeting with the SPT group and an evaluation meeting at the end of the visit.

The Board members together with the members of the SPT had a full morning visit at Safi Detention Centre where the UN delegation saw the Board members conducting a routine visit at the centre.

4. **Complaints by Detained Persons**

The detainees presented their complaints to the Board, and the Members then reviewed and clarified each complaint with the Administration of the Centres. Some complaints were about the physical environment with such things as showers, fans, electric cookers, heaters, light tubes, freezers, broken windows panes and TVs being out order for a period of time.

The Board frequently received complaints about the lack of provision of shoes and when these were provided, sometimes they proved to be of such low quality that they were torn after a few weeks. Other complaints centred around food, which they alleged was not always varied or insufficient. Food was checked regularly by the Board Members and when necessary the complaints were ironed out between the Board Members and the Administration.

Other complaints by detainees were about their refugee status. Some alleged that they did not have an appointment for the interview about the granting of refugee status, or had no knowledge of their status or the result of the interview or had no information of the fate of their partners with whom they had left the country of origin. Some detainees claimed that they were vulnerable owing to age and to other health issues. The Board did its best to bring these complaints to the attention of the Authorities concerned. However these most of these complaints were not always founded or credible.

Some major complaints concerned the medical service, with medicines reaching inmates late – sometimes even five days after having their medicine prescribed. Some alleged that hospital appointments were not always kept whilst results of medical tests were not always available to Detention medical doctors on time. A major complaint at the beginning of the Year was the small number of detainees who could see the doctor on duty. Some complaints were seen to immediately. The Board noted a marked improvement in the medical service at the Detention Centres. Doctors were doing their

utmost to help the sometimes big numbers of detainees every day in spite of the severe difficulties encountered owing to transmissible diseases such as Scarlet Fever, TB or even Scabies. .

Unfortunately the contract of the doctors ended in October and consequently the Centres were without the services of the doctors. This created great difficulties since all sick detainees had to be taken to the polyclinic to be examined for even minor ailments. Another difficulty was the constant change of nurses and sometimes some of them could not even communicate in English

Another issue was the identification of detainees when dispensing medicines. The Board brought this to the attention of the Director and a system of identification was set up to make the process more reliable.

Another common complaint concerned the lack of cultural, educational and sports activities.

Some complaints centred on conditions in the Warehouses. A great deal of work has been done to refurbish the Warehouses yet having so many people housed on one warehouse is not conducive to privacy and mental health. The Board still thinks that the Warehouses are not fit for humans to live in and would like to see the detainees transferred to other more civilised locations.

5. Administration of Detention Centres

With the appointment of Schembri as Head, Detention Service, Col Harold Stivala in charge of Hal Far and of Col Martin Bondin at Hal Safi Detention Centre brought about a positive atmosphere and hope for a needed change in the Administration. Unfortunately however there has been a constant turnover of the deputy heads. Col Harold Stivala, Col Martin Bondin were later replaced by Col Ruggier and Col Frank Sammut. Their dedication to work made a big difference to the Centres. However even Col Ruggier has resigned with all the ill effects that these changes in the administration bring about.

The DS members of staff do their utmost in difficult conditions. They supervise food distribution and accompany detainees wherever they need to go. However, the Board has always questioned the amount of contact that there is between these people in charge of the Centres and the detainees themselves. Consequently, the personnel are usually not aware of the problems that arise. There is no alarm system (except banging on the gate and shouting) with which to alert the detention personnel on duty in the event of an emergency.

A document with clear rules of discipline is badly needed. However this seems to be difficult in view of the fact that there is no law governing the detention centres as yet.

7. Marked Improvements in the Centres

The Board noted a marked improvement in the atmosphere in the Centres, to a lesser extent in the Warehouses There is less unrest and detainees are very often rather calm and contained.

Mental Health

When detainess were at Mt Carmel Hospital the nursing staff has been very helpful and friendly with them and inpatients detainees are given the treatment required. The environment is however not very appropriate to house the undocumented migrants who have mental health difficulties. Unfortunately a major difficulty was the housing of drug addicts even female drug addicts in the same ward as the immigrants. Another problem was the state of the rooms and the ward at the mental hospital.

As a consequence the Board in April wrote a report regarding the state of the division at Mount Carmel Hospital where the detainees were being housed. This report was then discussed by the Head of psychiatry at Mount Carmel, Dr Anton Grech and by Dr Clifton Grima. A meeting was also held with the administration at the Ministry to discuss changes that needed to be made.

8. Recommendations

The Board has witnessed some positive improvements in the physical conditions of the Centres. However, capital investments in the form of refurbishments, etc.will be short-lived unless the Centres are also managed and organised in a pro-active manner. On going maintenance and proper organisation are as essential as the initial refurbishment of a capital nature. If this is not done the Centres infrastructure may deteriorate in a few months. The Board suggests the following:

9.1 Administration

Of utmost importance and requiring immediate attention is the presence of a focal person /administrator for each block has an administrator, i.e. a person in charge of the overall care and welfare of detainees. Such a person would have direct contact and full

responsibility of the detainees in the area and would be accountable to the officer in charge. This person would be available to:

- hear and possibly remedy complaints,
- see that the Centres are kept in good and running order,
- see to the proper and hygenic distribution of food,
- organise the cleanliness of the place,
- plan the interviews regarding refugee status,
- be ready to listen when inmates need help and and refer when necessary.
- initiate disciplinary charges whenever disciplinary action appears to be appropriate,
- See about the need for a special diet in certain circumstances.The Board is also of the opinion that more direct contact between the Management, DS personnel and the detainees would make life for the immigrants more bearable during this difficult period of their life.

There has been a marked improvement in the administration of the Centres and the fewer numbers of detainees has made it easier to manage However one has to be alert as to when the situation changes and a greater influx of undocumented migrants reach our shores.

The Board encounters members of staff the majority of whom are caring and who treat the detainees with care and respect. However the Board is of the opinion that continuous training of personnel needs to be more comprehensive.The Board is aware that some training has started with staff .Training (initial and ongoing) of detention staff should be more structured and on a regular basis. This training needs to include basic communication skills, security and health issues and training in disciplinary methods. Members of the Detention Service need to be given the support necessary to fulfil their duties in terms of human rights legislation and internationally recognised standards.

9.2.1 During the training a process of de-selection needs to be in place so that those who do not have the right attitude towards detainees, and who are not capable of carrying out the very delicate and onerous task entrusted to them are not recruited to work within the DS.

9.2.2 The Board would like to see more female detention staff employed to work with women detainees. It is unacceptable and also unethical to have male staff conducting body searches on female detainees or to have male staff during medical examinations of females.

9.3 Detainees

9.3.1 The Board has seen a great improvement in the detention centres regarding minors. Young children are rarely left in the centre for more than an couple of days till housing arrangements are made for the families. However the situation is different when it concerns young people who claim to be minors (on the date of arrival in Malta).These have to be examined and have their age assessed in order to be released and this is not an easy task. However, the Board is preoccupied that the results of the test for age assessment is sometimes taking too long with the problem of having young males and females in detention for quite some time when they should not be kept in detention. The Board recommends that the alleged minors are placed in a different quarters till their age assessment result is verified.

9.3.2 Females: The Board suggests that females are given attention and taught about trafficking and how to manage their life after detention, when they are still in detention. A social care system needs to be in place to help females cope with life once they are freed.

9.4 Discipline

A procedure of discipline needs to be set up. This could include:

- The types and duration of punishment which may be inflicted,
- The authority competent to consider disciplinary reports, and to impose any appropriate punishment,
- Appropriate safeguards against abuse,
- Detainees need to be briefed about the Rules, Regulations and Responsibilities,
- A disciplinary process needs to be in place whereby detainees would be entitled to a fair hearing and the punishment meted out would be in proportion to the offence,
- The right of detainees to be heard when accused of breaking the rules.
- It is imperative that when the detainees are in solitary confinement they are seen by the doctor on a daily basis. To this end, the doctor should be informed of persons held in solitary confinement.
- A register where information regarding disciplinary measures taken needs to be kept.

10. Conditions of Detention

10.1 The Board welcomes the refurbishment of some of the premises. The Board is still concerned about the use of the two Warehouses. For the DS staff having over 300 detainees living under one roof is unmanageable and also dangerous. From the

detainees' point of view, the big numbers of detainees living under one roof, does not leave them with the privacy they that they are entitled to during difficult moments. Besides having many detainees together is not conducive to good health and make it more difficult to control in the event of a riot.

This year was not so difficult since we only had a much smaller number of detainees. countries. However one needs to plan for any eventuality if and when more migrants land on our shores. The Board is aware of the constraints in logistics due to the space available in detention centres. However, ideally the Board would appreciate it very much if some form of separation of migrants from different nationalities is made possible.. This will minimize the stress and the risk of violent disturbances.

11. Health and Medical Service

Considering that most of the detainees have a very traumatic past, and some find it very difficult to deal with detention, the Board would like to see regular provision of psychiatric and psychological services which unfortunately is lacking. Of utmost importance is the identification and care of detainees who have serious mental difficulties. These services would include counselling and psychotherapy, group work, screening of members who might be suicidal and ongoing support.

An essential element to ensure proper medical care is a pharmacy on location, to ensure that prescribed medicines are dispensed as early as possible. A proper health care programme needs to be carried out by nurses and doctors. Detainees would benefit from a preventive health programme. Such a programme needs to focus also on cleanliness and self-care and hygiene. This would greatly reduce the risk of the spread of infections.

An appropriate diet would be more appreciated. Detainees would appreciate a more healthy diet where the portions are bigger and properly cooked. Fruit should to be given more often.

11.1 Cleanliness and Hygiene

The Board has noticed a marked improvement in the upkeep and cleanliness of the centres. However this does not depend only on the administration. The detainees themselves are not always used to living in a healthy and clean environment. They are not always aware of the health risks when they dirty the place and leave food under beds for several days.

The Board recommends:

- Some kind of uniform curtains to separate the beds and provide some privacy to the detainees. This will prevent them having to use blankets which besides making the place look very shabby it would also allow detainees to use blankets to cover themselves at night.
- The use of sheets on the beds. These sheets are to be changed and washed regularly. Sleeping directly on the mattress is very unhealthy as the dirt which accumulates cannot be washed.
- The regular fumigation of mattresses
- The provision of storage space so that food is not stored under or next to the beds, making it easier for the place to be infested with rats and other insects.
- Some kind of storage for personal belongings so that shoes and other personal items are not stored on trunking
- The regular provision of cleaning materials
- The provision of a decent place where to hang their clothes to dry. Hanging clothes on mattresses in a yard and/or against windows makes the place very shabby.
- The supervision of the cleanliness of the place.

The Board welcomes the plan for the establishing of laundry rooms in the Centres. Members are of the opinion that setting up this laundry room which would need to be regularly supervised, would greatly improve the situation regarding the cleanliness in the centres. Industrial washing machines have reached the centres yet they are not yet functioning. The Board would welcome a system whereby detainees can take care of their own laundry.

12. Education and Other Activities

This year the Board saw some educational activities at Hal Far Detention Centre. The Board appreciated this incentive and would like to see it developed to cover more areas. Staying in detention for eighteen months can be a long time enough for detainees to learn the languages and skills needed for when they leave the Centres. A special request of the inmates is the learning of the use of computers. With some effort this could easily be organised, making the detainees more employable when they are released from detention. These educational activities would also help to remove the boredom that develops, and which in turn sparks further problems in the Centres.

13. Announcing the result of the Interview regarding their application for Asylum

The Board has witnessed serious discontent whenever the results of the interview regarding the Asylum status were announced. It seems that whole groups of detainees

are very often told that they have been refused and this causes great discontent and sometimes trouble in the Centres. It has also been alleged that some detainees attempt suicide following the information regarding their refusal of asylum status. The Police are in charge of this procedure and this makes it more difficult since they do not normally know the detainees. The Board suggests a more humane way of giving out the results. It would make a big difference if detainees are told of their refusal of asylum status individually and privately and informed about the possibility of appeal explained. Besides, it would be ideal if not all the detainees are told of their refusal on the same day. Staggering this event will mitigate the upheaval caused in the Centres when all the detainees are given the result of refusal on the same day.

The Board welcomes the plan to employ social workers to do this task and to help detainees whenever it is needed.

Other issues

The Board would like to see the setting up of Heavy duty telephones which would save having to issue telephone cards which do not always satisfy the needs of the detainees to contact their family members abroad. Unfortunately lack of funds have rendered this impossible.

The Board would also like to see the setting up of a computer room, equipped with a number of computers and monitored by detention staff. This would also satisfy the needs of certain detainees who are highly educated and who would appreciate spending time doing something more worthwhile.???

Another issue is the change of caterer. The Board has been constantly presenting the complaints of the irregular immigrants re the type and amount of food being offered. A change of this service provider would be most welcome.

14. Concluding Remarks

The Board is relieved to report that it has noticed a marked improvement in the atmosphere at the Centres. There has also been a marked improvement in the refurbishment of the Centres, and in the training of staff. With more people in charge who show motivation to care for the detainees, detention can become more peaceful and less stressful. Overall the detainees seem to be fairly calm and quite relaxed with the officers in charge. When interviewed they rarely or practically never complain about ill-treatment.

The Board is looking forward to be able to take a more active part in the monitoring the forced return of immigrants. This is a very vulnerable time and great care needs to be taken to treat immigrants in a humane way in spite of the fact that their behaviour is

sometimes rather difficult. It would be ideal if those facing forced return are removed from the Centres some days before their planned departure. During this time ideally a case worker or a social worker is assigned with those earmarked for return and would help these detainees air their difficulties and prepare them to face their forced return.

The Board acknowledges that security plays an important role in any establishment of detention. However, the Board would like to see more emphasis on the welfare of detainees. The Board Members would like to see a more enterprising and pro-active Administration whereby detainees are not seen only as numbers, who have to be detained for generally (18) months before release. (Ideally the detainees do not have to stay in detention for such a long time).

Undocumented migrants need to be seen as persons who have gone through a bad time to come to this point and so require all the help they can get to be able to integrate in any future society. If taken seriously 18 months is a long time and detainees, through various programmes, can be adequately prepared to face a future which could be better than their past.

Mary Anne Agius

Chairperson,
Board of Visitors for Detained Persons January 2015

The Board of Visitors for Detained Persons

Annual Report for 2015

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Annual Report for 2015

1. Composition of the Board

The Board of Visitors for Detained Persons was constituted in terms of Legal Notice 266 of 2007, published under the Immigration Act (Chapter 217 of the Laws of Malta).

The Board was made up of the following members from January until July 2015:

Chairperson:	Ms Mary Anne Agius
Members:	Mr Joseph Borg
	Ms Susan Sacco Mulvaney
Member-Secretary:	Mr Charles Micallef

By Government Notice No. 814, published on the 21st August, 2015, it was notified that the Board of Visitors for Detained Persons had been constituted as follows for a year with effect from 30th July 2015:

Chairperson:	Dr Andre Camilleri
Members:	Chev. Alfred Abela
	Ms Angela Azzopardi
	Ms Susan Sacco Mulvaney
Member-Secretary:	Mr Michael Buttigieg

2. Number of Detainees

In January 2015, there were 30 persons in detention. Throughout the year, the number of detained persons fluctuated, from a maximum of 90 in January to a minimum of 3 in July.

At the end of December 2015 the number of detained persons was 18.

During the year 2015, a total of 314 migrants spent time at the Safi Detention Centre.

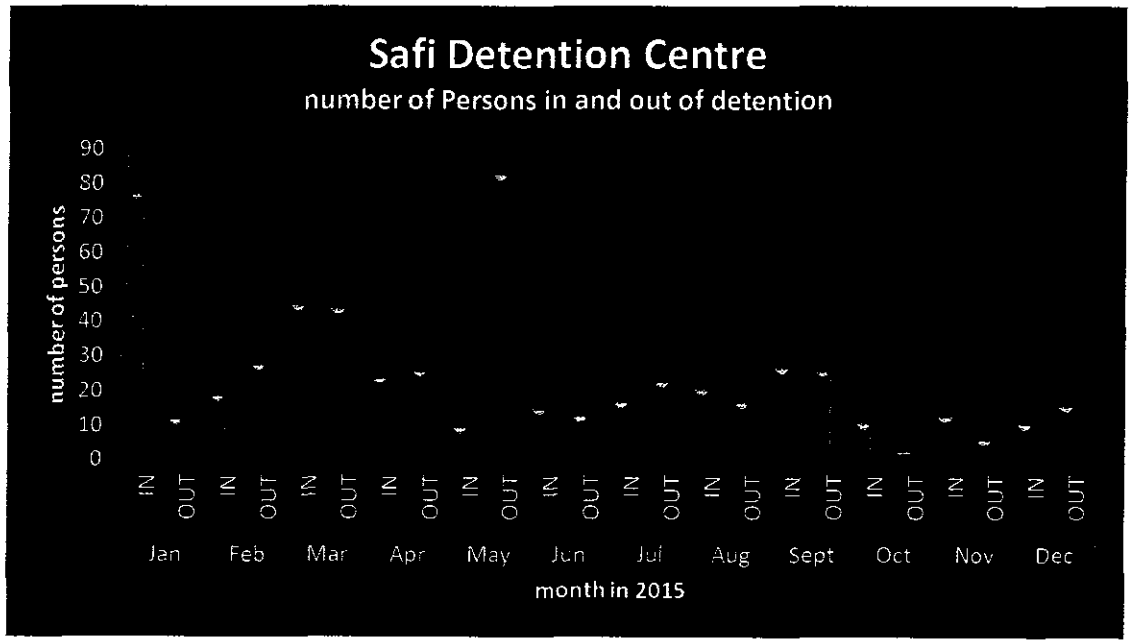
These migrants were nationals of thirty-three countries, as shown in Table 1.

Table 1

NATIONALITY	TOTALS		In detention on 31-Dec-15
	IN	OUT	
ALGERIA	125	123	2
BENIN	1	1	0
BRAZIL	1	1	0
BURKINA FASO	2	2	0
CAMEROON	2	2	0
CHINA	1	1	0
COLOMBIA	1	1	0
COMOROS	5	5	0
EGYPT	2	2	0
ERITREA	4	4	0
GAMBIA	5	5	0
GHANA	3	3	0
GUINEA BISSAU	11	11	0
GUINEA CONAKRY	1	1	0
INDIA	1	1	0
IRAN	3	3	0
IRAQ	1	1	0
ISRAEL	1	1	0
IVORY COAST	17	17	0
LIBERIA	1	1	0
LIBYA	24	17	7
MACEDONIA	7	7	0
MALI	27	27	0
MOLDOVIA	3	3	0
NIGERIA	2	2	0
PAKISTAN	1	1	0
SENEGAL	26	26	0

SERBIA	19	18	1
SOMALIA	7	5	2
SYRIA	7	3	4
TUNISIA	1	1	0
UZBEKISTAN	1	1	0
VENEZUELA	1	1	0
Totals	**314 ✱**	**298**	16

✱includes 30 persons who were in detention at the end of December 2014.



3. Meetings of the Board

During the year under review the Board met 13 times. During the period January to July, the Board visited the persons detained at the Safi Detention Centre seventeen (17) times. From August to December 2015, the newly constituted Board carried out thirteen (13) visits to the Safi Detention Centre. There were no visits to Hal Far Detention centre from July to December 2015, as all detainees had been transferred to the Safi Detention Centre. A list of the visits conducted by Board members during 2015 is annexed to this Report.

The Board conducted 2 visits to Mount Carmel Hospital where a number of detainess were in-patients for different periods of time, following a referral by medical specialists.

During the year, the Board also conducted 2 visits to the Police Headquarters where illegal immigrants were being held prior to a Joint Return Operation.

Besides the scheduled regular visits to meet detained persons, the members of the Board also visited the detained persons following a meeting of the Board, as most Board meetings were held at the Safi Detention Centre.

Most visits were carried out without prior notice to the Authorities concerned. During these visits the Board met detainees who very often asked to be interviewed by the members of the Board. Such interviews were carried out in private, except for instances when Board members requested members of the Detention Services to be present during an interview.

The plenary meetings focused on the overall situation at the Detention Centre and on the various complaints received. During these meetings the Board also planned for various meetings with different entities.

4. Monitoring of Joint Return Operations

During 2015, members of the Board participated as Monitors in six Joint Return Operations, as detailed below:

1. Ms. Susan Sacco Mulvaney took part in a Joint Return Operation on the 12th March, 2015. The JRO was organised by Norway. Two Nigerian nationals were returned to Lagos via Madrid airport, where they joined other Nigerian nationals being returned to Lagos.

2. The second Joint Return Operation was organised on the 15th April, 2015, and the Monitor was again Ms. Susan Sacco Mulvaney . The return to Lagos was organised by the Netherlands via Madrid and involved three Nigerian nationals.

3. The third Joint Return Operation for 2015 was arranged on the 22nd May, and was monitored by Mr. Joseph Borg. The return involved two Nigerian nationals who joined other Nigerian nationals from Italy, Germany and Sweden.

4. In August, Ms. Mary Anne Agius monitored a Joint Return Flight from Vienna to Pristina. This was the practical part of the training as an international monitor and she was present in Vienna for the preparation of the returnees and also for the evaluation after the flight.

5. Ms. Susan Sacco Mulvaney was the Monitor of a Joint Return Operation involving the transfer of a Nigerian national to Lagos on the 17th September. The returned migrant joined various other Nigerian nationals being returned from France and Italy to Lagos. This JRO was organised by Italy, via Rome.

6. The sixth Joint Return Operation was scheduled for the 4th November, 2015, involving the return of a Nigerian national to Nigeria via Vienna. The Monitor on this trip was Mr. Michael Buttigieg, Board member and secretary. The Return Operation from Malta had to be abandoned due to the unruly behaviour of the returning migrant when he boarded the plane. The Captain of the flight insisted with the Escort Leader that the migrant and accompanying personnel, including the monitor, leave the plane prior to its departure. The migrant was still being detained at the Safi Centre at the end of the year.

5. Contacts with the Ministry

Minister Carmelo Abela, the Permanent Secretary and other staff at the Ministry for Home Affairs and National Security were very supportive to the Board of Visitors for Detained Persons throughout the year.

6. Meetings with the Head of Detention Service and other Senior Officers

The Board members met Mr Mario Schembri, Head of Detention Services, prior to or after every meeting of the Board. The members of the Board received full cooperation from Mr. Schembri and Detention Services staff, both when discussing complaints and other issues raised by detainees as well as when seeking to address other matters concerning the Detention Centre.

7. Other Meetings

7.1 On the 19th January, the Chairperson, Ms. Mary Anne Agius and Mr Charles Micallef, met the Ombudsman, and briefed him on the workings of the Board of Visitors for Detained Persons.

7.2 On the 8th February, the Chairperson, Ms. Mary Anne Agius, attended a meeting of the Parliamentary Social Affairs Committee, chaired by the Hon. Dr Deborah Schembri, regarding Detention

7.3 On the 4th of March the Board held a meeting with the Police Officers and the Ministry Official in charge of Forced Return Operations, and discussed improvements which were needed regarding the organisation of the forced returns. This meeting had been called by the Board and it was attended by the Assistant Commissioner of Police Mr Neville Xuereb and Mr Darren Buhagiar.

7.4 Members of the Board met the members of a delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), during its visit to Malta from 3 - 10 September, 2015.

7.5 Board members frequently met the nursing staff at the Detention Centre during visits, and discussed general and specific health matters involving detainees at the Centre.

7.6 On the 16th October the Board invited Dr. Katrine Camilleri, Director of the Jesuit Refugee Service (JRS), to meet the members. Dr. Camilleri informed Board members of the activities of the JRS, in Malta and across Europe, and described the legal, social and psychiatric assistance which it provided to detained persons.

8. Attendance at meetings

8.1 On the 2nd March Mary Anne Agius attended the Conference in Brussels 'Taking Stock and Moving Forward' to mark the 25th Anniversary of the CPT.

8.2 In April Ms. Susan Sacco Mulvaney attended a meeting in Vienna on 'Strengthening the Follow-up Recommendation in the EU' organised by the Ludwig Boltzmann Institute of Human Rights, Austria.

8.3 On the 7th May Mr Joseph Borg and Mr. Charles Micallef attended an evaluation meeting in Luxembourg on the lessons learnt from the Training organised by ICMPD during the previous for two years.

8.4 On the 12th June the Board of Visitors for Detained Persons held a meeting with the Prison Board to discuss the way forward regarding cooperation in monitoring places of detention.

8.5 On the 18th June, Ms. Mary Anne Agius discussed with SPT representatives the report which had been sent to Malta following the visit in October, 2014.

8.6 On the 25th June the Board met the UN Working Group on Arbitrary Detention and later on sent its comments on the report issued by the UN Group

8.7 On the 23rd October, 2015, the Chairman, André Camilleri and the Member and Secretary, Michael Buttigieg, attended a seminar organised by the Malta Association of Family Therapy and Systemic Practice. The topic of the Seminar was 'Working with Migrants, Asylum Seekers and refugees: A Psychosocial Family Perspective.' The opening presentation was delivered by Minister Carmelo Abela and the main speakers were Professor Renos Papadopoulos and Ms Nina Papadopoulos.

9. Correspondence and Contacts

As in previous years, the Board was in contact with representatives of various authorities and non-government organisations on issues concerning individual detained persons or on general issues regarding detention.

In January the Board completed a questionnaire for the Association for the Prevention of Torture, regarding the treatment of LGBTI persons in detention in Malta.

On the 25th February, the Chairperson held a phone interview with the Ludwig Boltzmann Institute regarding Human Rights and Detained Persons.

In May the Board submitted a checklist and additional information to the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), regarding the state of detention in Malta. This information was in preparation for the Committee's visit to Malta which took place in September, 2015.

10. Complaints by Detained Persons

The Board of Visitors for Detained Persons Regulations provide that detainees shall be asked if they have any complaints to make with regard to their treatment in the detention centre. Any detainee wishing to make a complaint shall be heard in such part of the Centre as the Board may deem fit.

Board members met the vast majority of persons being detained at the Safi Centre throughout 2015, whether individually or in groups. The persons being detained were informed of the Board's functions at law, and they were invited to advise Board members of any matter which they considered unacceptable. The majority of complaints made by detained persons concerned the length of their detention, the quality of the food being provided at the Centre and clothing in the colder months.

The Board is informed that a public tendering procedure for the selection of a caterer was suspended during the year but, as at the end of December 2015, the Board members had not been informed why the tendering process had been suspended, and whether it would be resumed.

Other complaints concerned the availability of medical treatment in specific cases, and the need for warmer clothing in the winter season. Board members discussed the medical complaints with the nursing staff at the Centre, and the Board is satisfied that the treatment available at the Centre and at the Medical Clinics is of the standard required. Whenever complaints were made regarding the quality of medical treatment, such as the late delivery of medication, these were invariably discussed with the nursing staff at the Centre and, where needed, with the Head of the Detention Services. In most cases, Board members on a follow-up visit were informed by the detained persons that the issues had been resolved.

The complaints regarding clothing were discussed with the Head of the Detention Services and the person in charge of the stores. Some Board members visited the stores and saw that there are adequate supplies of warm clothes and blankets at the Centre which are distributed to the persons in detention as needed. It was pointed out to Board members that, understandably, some detainees opt to use extra blankets to screen off their sleeping area from that of other detainees in order to have some privacy, even at the risk of feeling cold during the night.

The members of the Board, particularly one member who has served on the Board for more than seven years, note that a great deal of work has been carried out in converting warehouses into living quarters. However, housing many persons in a large open warehouse can never provide adequate privacy and can lead to mental health issues. The Board firmly believes that such large open spaces are ill suited to accommodate persons for several weeks if not months, regardless of the good and well-intentioned efforts of Detention Services staff. As highlighted in previous Annual Reports, it is the view of the Board that such warehouses are not fit for human accommodation.

11. Administration of Detention Centres

As noted in previous Annual Reports, the members of the Board can confirm that there is a positive attitude and a marked improvement in the management and working environment at the Ħal Safi Detention Centre.

The members of Detention Services staff do their utmost in difficult conditions. They supervise food distribution and accompany detainees wherever they need to go. As highlighted by the Board in previous reports, however, there appears to be a lack of regular contact and communication between detained persons and the staff in charge of the Centres. Consequently, the personnel are usually not aware of the problems that arise.

The Board is again raising this issue not as a criticism of the detention service; the staff currently working at the Centre has a clear obligation, namely to ensure that the persons in detention do not leave the area, and the Board is of the view that the employees are performing this task to the best of their ability. The Board recommends, however, that

the authorities explore other ways of making the detention experience more humane, possibly by employing staff qualified in making the weeks and months of detention a more active human experience than merely watching television, eating, playing cards and sleeping.

12. Recommendations

As reported in previous Annual Reports, the Board of Visitors for Detained Persons has seen many improvements in the environment at the Safi Detention Centre. However, the investment made in training the personnel and refurbishing the detention centre requires regular monitoring and training of staff and a proper management of the facilities. On-going maintenance and proper organisation are as essential as the initial refurbishment of a capital nature. Such maintenance is best carried out when the number of detained persons is low, and Board members are pleased to note substantial works currently underway.

The Board encounters members of staff the majority of whom are caring and who treat the detainees with care and respect. However, the Board is of the opinion that continuous training of personnel needs to be more comprehensive. The Board is aware that some members of staff have commenced training. Such training (whether initial and ongoing) of detention services staff should be more structured and on a more regular basis. This training needs to include basic communication skills, security and health issues and training in disciplinary methods. Members of the Detention Service need to be given the support necessary to fulfil their duties in terms of human rights legislation and internationally recognised standards. As noted in paragraph 11, there may be a need for additional staff with skills other than merely of keeping guard and ensuring that detainees do not escape.

The Regulations provide that the Board shall have, among others, the following functions:

(a) to satisfy itself as to the . . . state of detention centres premises and the administration of the detention centres;

(b) to advise the Minister on any matter relating to the care of detainees, as well as to the organisation and improvement of the detention centres and the Detention Service, which the Minister may refer to it or any ancillary matter on which the Board deems it opportune to tender its advice to the Minister; and

(c) to advise the Minister on matters relating to work and activity to be performed by detainees.

Accordingly, the Board would like to make the following recommendations aimed at improving the quality of life of persons in detention and of the detention services:

1. Ensure that the results of interviews regarding asylum are given in a humane manner. Detainees should be informed of interview outcomes individually and privately, and the appeal procedure should be explained.

2. The refusal of asylum status should not be notified to all detainees at the same time. Staggering such bad news may mitigate the upheaval caused at the Centre when all the detainees are given the result of a refusal on the same day. The Board welcomes the plan to employ social workers to do this task and to help detainees whenever it is needed.

3. The Board recommends the provision of better telephone arrangements to enable detainees to contact their family members abroad.

4. The Board would also like to see the setting up of a computer room, equipped with a number of computers and monitored by detention staff. This would also satisfy the needs of certain detainees who are highly educated and who would appreciate spending time doing something more worthwhile.

5. Issue a public tender for proper meals to be served to detained persons at regular times throughout the day.

6. Respect the dignity and improve the privacy of detainees by installing cubicles or other separators between beds. Currently, detainees use a blanket to segregate their bed area from that of others which, besides making the place look very shabby, leaves detainees with only one blanket to cover themselves at night.

7. The persons in detention should be encouraged to use the linen bed sheets which are issued to all persons at the Centre, and to wash them regularly at the washing machine service which is available.

8. Provide storage for personal belongings so that shoes and other personal items are not stored on trunking. The Board is informed that a number of steel lockers for the storage of personal items will be provided in the near future.

9. Provide adequate clothes drying facilities. Hanging clothes on mattresses in a yard and/or against windows makes the place look very shabby.

10. Installation of an alarm system through which detained persons can alert the detention personnel on duty in the event of an emergency.

13. Concluding Remarks

Annual Reports for past years have noted the marked improvement in the atmosphere at the Centre and in the attitude of staff. With more people in charge who show motivation to care for the detainees, detention can become more serene and less stressful. Overall the detainees seem to be fairly calm and quite relaxed with the officers in charge. When interviewed, they rarely or practically never complain about ill-treatment.

The Board takes note of its function to monitor the forced return of immigrants. This is a very vulnerable time for returning migrants, and great care needs to be taken to ensure that the migrants are treated in a humane manner, regardless of the fact that their behaviour is sometimes rather difficult. It would be ideal if those facing forced return are removed from the Centre some days prior to their planned departure. During this time, ideally, a case worker or a social worker should be assigned to those earmarked for return, helping them to discuss their difficulties and concerns, and preparing them for the return trip.

The Board acknowledges that security plays an important role in any establishment of detention. However, the Board would like to see more emphasis on the welfare of detainees. Undocumented migrants are persons who have experienced great difficulties and hardship in reaching this point and, consequently, require all the help they can get to be able to integrate in any new community and environment.

André Camilleri
Chairperson,
Board of Visitors for Detained Persons

January 2016

Annex to Annual Report 2015 - visits to detention centres