



**Follow-up report of the Maltese Government in
response 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 16 to 21 July 1995**

The Maltese Government has requested the publication of its follow-up report. The appendices to which reference is made in the follow-up report may be obtained upon request. The CPT's report on its visit to Malta (CPT/Inf (96) 25) and the interim report of the Maltese Government (CPT/Inf (96) 26) were made public in September 1996.

Strasbourg, 10 July 1997

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THE MALTESE GOVERNMENT IN RESPONSE
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 16 TO 21 JULY 1995

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PREFACE

This is the final report by the Maltese Government to the recommendations, comments and requests for information contained in the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in connection with its second visit to Malta in July, 1995.

The interim reply was sent in August, 1996. It was very exhaustive but there are a number of changes to report upon since its publication and these are found in the Final Report. The latter report also includes reactions to the CPT's recommendations on Mount Carmel Hospital which were left out in the interim reply given by Government.

On the political side one has to report also that there was a change of Government following the general elections of October, 1996. The new Government, which is labour oriented, is carrying out internal reviews of the inherited situations in the various sectors of administration. In the particular areas of police, prisons and other places of detention the Government is basing its future policy on its declared commitments for respect for human rights. The CPT recommendations will, of course, form an essential part of the whole process.

PART A
POLICE ESTABLISHMENTS

1. POLICE

a. Access to lawyer

There are no new developments to report on the subject. The new Government, however, will be giving serious considerations to the recommendations made by CPT in respect of persons detained by the police to have the right of having access to a lawyer from the very outset of their custody.

b. Conditions of Detention of Police Establishments

- (i) **Lock-up at Police Headquarters** - The relative tender for the works has been finalised but at the time of writing has not yet been published in the Government Gazette owing to some administrative delays. Money for this purpose has been provided in the Police Department's budget. As stated the 54 independent cells are provided with sanitary facilities and other facilities considered necessary for humane treatment of person under detention.
- (ii) **Inspections of Police Lock-Ups** - as stated in the Interim report an independent person was appointed in May, 1996, to carry out a survey of all police places of detention and make relevant recommendations. The inspections were carried out in August, 1996, and it was proposed that henceforth all outlying police lock-ups should be centralised in the Headquarters of the main police districts. This would have the advantage of (a) concentrating the maintenance and updating efforts on a limited number of lock-ups; (b) ensuring that all stations have common basic requirements essential to all lock-ups in terms of the recommendations by the CPT; (c) effecting better control and supervision as a result of the reduced number.

Some of the these derelict lock-ups have not been used for years and closing them would present no particular problems to the police. Indeed, the concentration (and perhaps where required enlargement) of the lock-ups in the main police stations of the districts would ensure better control since normally these stations are better manned.

As a result of this policy only the following lock-ups in Malta and Gozo would be used and where required upgraded to cater for the rest of the police stations in the related districts:-

(1) General

The Law Courts
 Headquarters, Floriana
 Ta' Kandja Complex
 Malta International Airport

(2) Districts

District 1	-	Headquarters, Valletta Police Station
District 2	-	Headquarters, Qormi Police Station
District 3	-	Headquarters, Paola Police Station
District 4	-	Headquarters, Cospicua Police Station
District 5	-	Headquarters, Zejtun Police Station
District 6	-	Headquarters, Sliema Police Station
District 7	-	Headquarters, Hamrun Police Station
District 8	-	Headquarters, B'Kara Police Station
District 9	-	Headquarters, Mosta Police Station
District 10	-	Headquarters, Rabat (Gozo) Police Station

Action in terms of these recommendations were approved and the Commissioner of Police is taking action accordingly.

- (iii) **Ta' Kandja Detention Centre** - This centre now hosts only four persons detained under the Immigration Act. The conditions at ta' Kandja have also been considerably improved, especially since the over-crowding element has now been removed completely.

c. Strategic Review of the Police Force

In January, 1997, the Government commissioned the Management Systems Unit (a parastatal organisation) to make a report on the strategic review of the organisational and management structure of the Malta Police Force with recommendations as to its reorganisation in the light of the needs of a modern society with the objective of improving the Force's performance in the delivery of its aims.

Amongst one of its main recommendations which are of particular interest to CPT is the creation of a Police Board entrusted with the following main powers:

- to oversee delivery of police services;
- to introduce performance measurement criteria within the police as well as review the progress of the Force against the said criteria;
- to assess and approve the Malta Police Force's policing and business plan;
- to establish priorities for the Force at a police district and Local Council level; as well as recommend priorities to the Prime Minister with regards to national matters;
- to review all investigation reports carried out by the Internal Affairs Unit and endorse or otherwise the Commissioner's recommended action.

In addition the Board will have the following organisations and functions:

- the Police Board should have the power to see any reports from the Malta Police Force

- following review by the Minister responsible for the Force, the Police Board should have the power to present to the House of Representatives the report (s) it has examined, including the Force's business and policing plan, and any other reports on its performance and quality of service delivery;
- the Police Board should consist of five members: a chairman who should be an ex-Judge, who would be appointed by the President of the Republic on the recommendation of the Prime Minister; and two members of integrity to be nominated respectively by the two major political parties for appointment by the Prime Minister
- in order for the Malta Police Force to have the relevant mechanisms within it to ensure that the members of the Force not only act within the law, but are seen to be acting within the law, a Programme Integrity Office, comprised of an Internal Affairs Unit and an Internal Audit Unit, should be constituted
- the Police Board would have full and direct access to the Programme Integrity Office
- The Programme Integrity Office will act as the Secretariat to the Police Board
- the primary task to the Internal Affairs Unit would be to review current practices and ensure that all grievances and complaints are accurately and promptly recorded, and that appropriate follow-up action is initiated in a timely manner, including communication as appropriate with complainant
- that the Malta Police Force is tasked with the drawing up of a Code of Ethics for the police in the immediate future with the completed Code being forwarded to the Minister responsible for approval
- the curriculum at the Police Academy be revised to ensure that 'Ethics' is given the necessary weighting so as to be one of the core subject for cadets
- continued self-development courses as well as refresher training for all serving officers on ethics, morality, integrity, professionalism, should be intensified and held on an ongoing basis
- a specific study, by specialised experts, is commissioned to review whether external control mechanism over the police should have jurisdiction in the merits of a criminal investigation, and, if yes, what mechanisms and safeguards are required.

PART B
CORRADINO CORRECTIONAL FACILITY

2. PRISONS

a. Juvenile Unit

The juvenile unit was opened on 1 October, 1996. The unit caters for a maximum of 12 inmates from the ages of 16 to 21. The unit is a separate and independent entity within the prison complex and is run by qualified senior prisons officer and trained correctional officers.

b. Substance Abuse Therapeutic Unit (SATU)

The Substance Abuse Therapeutic Unit (SATU) at Division VII was opened in October, 1995. In March, 1997 the Unit was moved completely out of the prisons to a building formally used as a school at Mtahleb in the north of Malta and refurbished to cater for the needs of prisoners undergoing drug treatment. The unit is situated in a pleasant, peaceful and rural environment and is large enough to cater for a maximum of 20 inmates and is also provided with all facilities (large recreation grounds, work-shops, classrooms, meeting rooms, visiting area, agricultural fields, etc.) to enable the administration to organise a full and effective rehabilitation programme, including pre-release.

c. Female Division

Following complaints in the press the Ombudsman in February 1997 carried out an inspection of the female division at Corradino Prison. In his report the Ombudsman largely confirmed the complaints raised in the press. As a result, Government directed the prison authorities to find a quick solution to the problem. In consequence of the movement of the Drug Unit from Division VII to the new complex at Mtahleb, the prison authorities were able to find an ideal place where to transfer the female section within a short period.

The new unit contains 23 single cells, each equipped with a bed, lavatory, wash basin and shelves. It has three showers, exercise yard, chapel, kitchen, workshops/classrooms meeting places and a visiting area. The move has brought about a complete transformation of the previous negative situation and inmates have expressed deep appreciation for the quick action taken by the authorities to solve their problems.

d. Agreement on a Joint Drug and Alcoholic Rehabilitation Project for Prisoners

In October 1996 Government signed an agreement with three organisations, namely the Substance Abuse Therapeutic Unit (SATU) at Corradino Prisons, Sedqa (Agency Against Drug and Alcohol Abuse) and Caritas to provide approved rehabilitative programmes for prisoners affected by addictions to drugs and alcohol.

A copy of the Agreement is found at Annex A. A Prisoner Drug Programme Assessment Team (PDPAT) was appointed to co-ordinate and monitor the implementation of the

Agreement, including assessment and allocation of would-be candidates for specific programmes. Copy of the terms of reference of the team are found at Annex B.

e. Master Plan Project for the Prisons

In order to hasten up works on the implementation of the Master Plan for the Prisons, the new Government decided in February of this year to carry out a number of related sub-projects on a 'turnkey' basis.

As a result the Office of the Prime Minister (Home Affairs Division) with the assistance of the Ministry of Public Works and Construction prepared plans under a new time-frame to finish works on three principal sub-projects by end of December 1998, as follows:

- Female Division earmarked to be completed by February, 1998
- Administration Block to be completed by August 1998
- Division for Prisoners awaiting trial to be completed by December 1998.

All these projects are estimated to cost in the region of Lm2,000,000 and will increase the present accommodation as regards cell space by about 60% while providing enhanced administrative set-up, better methods of classification of inmates, better and decent environment for the prisoners and overall increase in the efficiency and security of the prison. In the meantime on-going projects (such as the new kitchen, gate-house, common rooms, classrooms, workshops, etc.) are moving at a fast pace of completion.

The notice in the Government Gazette for the turnkey project was published on 25 March, 1997.

f. Annual Reports

At Annex C one finds the Annual Report for 1996 of the Board of Visitors and at Annexes D and E one finds the Annual Reports of the Department of Correctional Services, for the respective years 1995 and 1996.

PART C
MOUNT CARMEL HOSPITAL

3. MOUNT CARMEL HOSPITAL

Torture and other Forms of Ill treatment: It is confirmed that there were no cases of ill treatment by staff at Mount Carmel Hospital at any time.

Therapeutic and Rehabilitation Activities: Reasonable access to the central occupational therapy has increased especially with respect to residents in the maximum security units. Although not on a prolonged basis, regular Occupational Therapy service in the ward is provided in the majority of areas. Occupational Therapy is also involved in community work featuring social leisure and recreational activities. The number of clients attending the Occupational Therapy Department would be increased once occupation therapists are engaged and the premises are refurbished.

Mental Health Law: The National Commission on Mental Health was entrusted to prepare a new and appropriate Mental Health Law. The Commission had appointed a lawyer to do a comparative study on Mental Health Legislation in European countries and in the light of this research prepare a new law.

Psychiatric Services: Community psychiatric services have been introduced in a pilot area. These services include twice weekly out-patients sessions chaired by a consultant psychiatrist. Two consultants are attached to this project which is run on a multi-disciplinary team approach. Home visits are carried out by members of the various disciplines as and when necessary. A day centre is also available daily from Monday to Friday. However, there is a need to reorient these new services towards more effective outcomes.

Acute Admission - Male Ward 2: Male Ward 2 has been redecorated and better facilities for clients and their relatives have been introduced. Today all clients have their own bedside and private clothes' lockers, besides a more congenial visitors' room. The project includes the refurbishment of Male Ward 2 so that it caters for all the needs of clients while ensuring a proper environment for therapeutic rehabilitation.

Acute Admisison - Female Ward 10: Has also been extensively upgraded and new facilities have been installed in the single room. These include sanitary facilities, cooling and heating systems. The ward has been equipped with a new pantry which includes also structural alterations. Communal baths have been upgraded. New furniture has been ordered both for the visiting area and the patients TV room, while each patient now has her own personal furniture to cater for her private needs.

Acute Admission - Male Ward 10: Works to upgrade Male Ward 10 will soon commence, once the maintenance staff complete the works currently in progress in other areas at the Hospital. All single rooms have their own toilet facilities and personal furniture.

Refurbishment of Hospital: The hospital needs to be upgraded however given the limited resources, the authorities are phasing the program over a number of years.

With regards to the non clinical recommendations submitted by the CPT, the following should be noted:-

- a) CPT has positively observed the great difference in the number of professionally qualified psychiatric nurses. In order to reach this goal the Hospital is collaborating with the Institute of Health Care by attracting students to take up studies in the psychiatric field, whilst on the other hand the hospital authorities furnish the Institute with trained nursing staff to deliver lectures in this area. Staff development is very much at heart and in this sense the authorities have implemented an in-services training program to all unqualified nursing staff. Apart from that the hospital authorities encourage all staff particularly nurses to attend lectures in the assessment of nursing care and in effective management courses and supervision. At present two members of the staff are finalising the Diploma in Psychiatric Nursing, another is attending the post graduate diploma in Nursing Education and a fourth member of the senior staff is participating in the post graduate Diploma in Health Service Management. Between ten and fifteen students, at present undergoing the foundation studies at the Institute of Health Care, have shown interest to take up studies in psychiatric nursing.
- b) the hospital authorities have given a high priority to the new admission ward, infact all plans are completed.
- c) the authorities have taken measures to improve the conditions in Male and Female Ward 10.
- d) Regarding the plans to refurbish the hospital wards, these are in-hand but on a phased program. Besides refurbishing the above wards the authorities have refurbished and up-graded the environment in the extension of the Psycho-geriatric Wards and other works are still in hand in the Juvenile Ward and Male Ward 3a.

The Management of the Hospital, together with the National Commission for Mental Health are committed to improve the staff complement of the members of the multi-disciplinary teams. These efforts were supported by the Social Welfare Development Programme. Success in achieving the desired goals depend solely on the response of these professionals. At present the complement of social workers is as follows: 5 full time, 7 casual, and 3 part-timers attached to the community services. On the other hand, there are three full time clinical psychologists and an assistant. The number of occupational therapists is unchanged.

Register for Secluded Patients: A draft policy including provision of specific register has been drawn up and merely needs finalization and implementation. Meanwhile the hospital keeps records of the occupancy of the single rooms by virtue of one of the medical audit projects. Entries include the names of patients, dates, duration, reason for seclusion, comments by the requesting medical officers, particularly regarding medication. The nurse responsible for the ward must also endorse these entries accordingly.

Complaints System: An introductory booklet drafted by the Acute Department includes information on complaints. Further, patients and relatives may appeal to the Mental Health Review Tribunal.

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