

 <p>Google</p> <p>Map data ©2020</p>	Quick Facts	
	Immigration detainees (2013)	1,900
	Detained asylum seekers (2019)	Not Available
	Detained minors (2017)	113
	Immigration detention capacity (2011)	720
	Persons expelled (2018)	530
	International migrants (2019)	84,949
New asylum applications (2019)	3,956	

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/europe/malta>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	1,900	2013	Number of detained asylum seekers	Not Available	2019
	482	2013		53	2018
	497	2012		20	2016
	1,500	2011		600	2013
	652	2011		1,650	2012
	61	2010			
	793	2009			
Total number of detained minors	113	2017	Number of detained unaccompanied minors	130	2019
	25	2016		62	2014
	11	2015			
	126	2014			
	500	2013			
Number of detained accompanied minors	64	2014	Number of apprehensions of non-citizens	1,990	2018
				530	2017
				450	2016
				575	2015
				990	2014
				2,435	2013
				2,255	2012
Immigration detainees as a percentage of total international migrant population	5.51	2013	Estimated total immigration detention capacity	720 - 720	2011
	5.4	2013			
	8.3	2011			
	0.18	2010			
Number of dedicated long-term immigration detention centres	1	2018	Estimated capacity of dedicated long-term immigration detention centres	200	2018
	2	2014		720	2011
	3	2013			
Number of dedicated medium-term immigration detention centres	1	2018	Number of persons removed/returned (voluntary returns and deportations)	530	2018
	0	2013		470	2017
				420	2016
				465	2015
				495	2014
				460	2013
				570	2012

Number of deportations/forced returns only	225	2018	Percentage of persons removed in relation to total number of people placed in removal procedures	50	2014
	170	2017		18.9	2013
	95	2016			
Criminal prison population	569	2015	Percentage of foreign prisoners	40.2	2014
	566	2013		38.4	2013
Prison population rate (per 100,000 of national population)	131	2015			
	134	2013			

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	400,000	2020	International migrants	84,949	2019
	419,000	2015		41,400	2015
	400,000	2012		34,500	2013
				33,000	2010
International migrants as a percentage of the population	9.9	2015	Refugees	8,908	2019
	8	2013		8,908	2019
				7,901	2016
				7,075	2015
				9,906	2014
Ratio of refugees per 1000 inhabitants	14.58	2014	Total number of new asylum applications	3,956	2019
	19.41	2012		1,890	2016
				1,733	2016
				1,280	2014
				2,200	2013
				2,211	2012
				2,060	2012
Refugee recognition rate	9	2016			
	12	2014			

DOMESTIC LAW

LEGAL TRADITION

	Name	Observation Date
Legal tradition	Civil law	
	Common law	

LAWS AND REGULATIONS				
Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
		Yes	Constitution of Malta, article 34	1964
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Immigration Act To restrict, control and regulate immigration into Malta and to make provision for matters ancillary thereto		1970	2015
	Refugees Act: An Act to make provisions relating to and establishing procedures with regard to refugees and asylum seekers		2000	2017
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name			Year Published
	Common Standards and Procedures for Returning Illegally Staying Third-Country Nationals Regulations			2011
	Reception of Asylum Seekers (Minimum Standards) Regulations			2005
	Strategy for the Reception of Asylum Seekers and Irregular Migrants			2015
	Irregular Immigrants, Refugees and Integration: Policy Document			2005
GROUNDS FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name		Observation Date	
	Detention during the asylum process		2017	
	Detention to prevent absconding		2017	
	Detention for unauthorized stay resulting from criminal conviction		2017	
	Detention for unauthorised entry or stay		2017	
	Detention to effect removal		2017	
CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES				
Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date	
	No	No	2014	
LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	540		2017	

LENGTH OF DETENTION				
Average length of detention	Number of Days		Observation Date	
	90		2016	
	180		2013	
	180		2012	
	180		2011	
	180		2010	
	180		2009	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	270		2017	
	365		2014	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes		2017
	Information to detainees	Yes		2017
	Independent review of detention	Yes		2017
	Compensation for unlawful detention	No		2017
	Right to legal counsel	Yes		2017
	Access to asylum procedures		Yes	2014
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Registration (deposit of documents)	Yes		2017
	Designated non-secure housing	Yes		2017
	Release on bail	Yes		2017
	Supervised release and/or reporting	Yes		2017
	Electronic monitoring	No	No	2015

VULNERABLE PERSONS

Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Provided	No	2020
	Unaccompanied minors	Provided	No	2020
	Asylum seekers	Provided		2017
	Unaccompanied minors	Provided	Not available	2017
	Victims of trafficking	Prohibited	Not available	2017
	Pregnant women	Prohibited	Not available	2017
	Persons with disabilities	Prohibited	Not available	2017
	Accompanied minors	Provided	Not available	2017
	Accompanied minors	Prohibited		2017
	Unaccompanied minors	Prohibited		2017
	Elderly	Prohibited		2017
	Survivors of torture	Prohibited		2017
	Stateless persons	Not mentioned		2013

MANDATORY DETENTION

Mandatory detention	Filter	Name	Observation Date
	No		2015
	Yes	Non-citizens who have been placed in removal proceedings	2014

EXPEDITED REMOVAL AND RE-ENTRY BAN

Expedited/fast track removal	Name	Observation Date
	Yes	2014

EXPEDITED REMOVAL AND RE-ENTRY BAN

Re-entry ban	Name	Observation Date
	Yes	2014

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	<p>Having closed its ports to migrants in April, purportedly as a response to the Covid-19 pandemic (see 13 April update on this platform), Malta has continued to refuse permission for migrants rescued in the Mediterranean to disembark in the country. Since 5 August, 27 migrants rescued in the Maltese search-and-rescue area have been stranded on the Danish ship, Maersk Etienne, with Maltese authorities refusing to allow the group to disembark. Amongst the group are one child and one pregnant woman. Despite rapidly deteriorating conditions on-board the commercial shipping vessel, and reports that passengers have jumped overboard in attempts to escape, the Maltese government has denied any responsibility for those on-board the vessel. "While I understand the humanitarian access of migration, I have to understand the interests of the Maltese," stated PM Robert Abela. UNHCR, IOM, and ICS (the International Chamber of Shipping) have called for the migrants' immediate disembarkation. The Secretary-General of ICS stated, "The shipping industry takes its legal and humanitarian obligations to assist people in distress at sea extremely seriously, and has worked hard to ensure that ships are as prepared as they can be when presented with the prospect of large-scale rescues at sea. However, merchant vessels are not designed or equipped for this purpose, and States need to play their part." Hours after UNHCR, IOM, and ICS called on Malta and the EU to end the stand-off, Amnesty International published a report decrying Malta's treatment of migrants and asylum seekers. According to the rights group, "Malta's unlawful practices are the by-product of the European Union (EU)'s migration policies which have prioritized reducing arrivals at all costs, and of the EU member states' continuing failure to agree on a fair system to share responsibilities for arrivals." Separately, the Maltese government appears to be moving forward with plans to establish a shipping vessel that will be used to detain migrants and asylum seekers. According to Maltese media outlet "The Shift," the country's government has agreed to hire a Cypriot flagged passenger vessel (the MV Galaxy) to use as an offshore detention facility. Reportedly, authorities pushed claims that irregular migrants are bringing Covid-19 to the island nation, presumably to direct attention away from the government's mishandling of the pandemic. The press outlet reports that "the government tried to shift the blame of the mishandling of the situation on irregular migrants reaching Maltese shores, yet the figures show that the majority of cases started spreading as a result of the lax attitude adopted by the government when opening the airport and supporting massive events to attract tourists even when other countries had exercised caution."</p>	2020
	<p>Responding to the Global Detention Project's Covid-19 survey, a non-governmental actor in Malta reported that immigration detainees in the country have not been released despite the Covid-19 crisis and detention orders are still being issued. The source, who asked to remain anonymous but whose identity was verified by the GDP, said that non-governmental actors have been raising awareness regarding Covid-19 in detention centres by circulating posters, voice messages and videos to detainees as detainees are only tested for the disease if they exhibit symptoms. Malta has reportedly halted deportations and borders have been closed. According to the source, only vulnerable people arriving on boats from Libya via the Mediterranean route, such as pregnant women and children, have been allowed to disembark on the island. The Maltese government is reportedly using private vessels, acting at the behest of its armed forces, in order to intercept migrant crossings and return refugees to Libyan detention centres. Evidence of Malta's strategy to push migrants back to Libya was revealed by a woman who survived a Mediterranean crossing in which 12 people died in April. The woman stated that the boat on which she was attempting to reach Europe had been intercepted by a ship enlisted by the Maltese authorities, which took them back to Tripoli. Upon arrival in Libya, the passengers were moved to the detention centre of Tariq al-Sikka, where they remain. In a statement released on 15 April, authorities confirmed that it "coordinated the rescue of an immigrant boat assisted by a commercial vessel." A spokesperson for Alarm Phone, a hotline service for migrants in distress at sea, said: "Twelve people have died while Malta and Europe were watching. We should never forget that these deaths are the direct result of Malta's and Europe's non-assistance policies, and their clear intention to let people die at sea. These deaths could and should have been prevented." On 20 May, it was reported that Malta's armed forces allegedly turned away at gunpoint a boat carrying migrants from their waters, after giving them fuel and the GPS coordinates to reach Italy. One of the passengers told the Guardian that the armed forces explained that: "Malta has a virus called corona if you've heard about it. We can't take you there because everyone is sick in Malta. And Malta is small and can't take all of you." The passenger added: "they gave us red life vests, a new engine and fuel and told us they would show us the route to Italy. Then they pointed guns at us and said: 'We give you 30 minutes'."</p>	2020
	<p>Global Detention Project Survey completed by the Aditus Foundation (Claire Delom) in Malta. IS THERE A MORATORIUM ON NEW IMMIGRATION DETENTION ORDERS BECAUSE OF THE COVID-19 PANDEMIC? No HAVE PEOPLE BEEN RELEASED FROM IMMIGRATION DETENTION BECAUSE OF THE COVID-19 PANDEMIC? Some asylum-seekers who could provide an address and justify a place to stay were released. No pre-return detainees were released. All new arrivals (boat disembarkation) are immediately detained under health regulation and are not released. WHAT MEASURES ARE BEING TAKEN TO PREVENT SPREADING OF THE INFECTION AND TO ENSURE APPROPRIATE CARE FOR RELEASED DETAINEES? ARE "ALTERNATIVES TO DETENTION" (ATD) PROGRAMS USED? No special measure is taken when people are released, they only have to provide an address. No ATD to our knowledge (please note most of these detentions were illegal). ARE IMMIGRATION DETAINEES TESTED FOR COVID-19? To our knowledge detainees are tested before being released. HAVE DEPORTATIONS/REMOVALS BEEN HALTED BECAUSE OF THE PANDEMIC? To our knowledge, no removal has been carried out during this period. HAS THE COUNTRY ADOPTED NEW IMMIGRATION AND/OR ASYLUM POLICIES AS WELL AS BORDER CONTROLS IN RESPONSE TO THE COVID-19 CRISIS? Malta closed its ports and does not accept any disembarkation. Borders are closed.</p>	2020
	<p>As the country ramped up its response to the coronavirus pandemic in mid-March, the country's Economy Minister announced that all foreign workers laid off during the pandemic would have to be deported from the country. Although he later apologised for the comments, explaining that "choice of words was unfortunate," he has continued to face significant criticism. On 19 March, Aditus issued a statement urging authorities to extend the residence permits of all foreigners, irrespective of their employment status; seek measures to provide housing to those made homeless; refrain from imposing entry bans on migrants made redundant during the pandemic; and to reconsider the use of detention. "Any public health measure must consider all community members," the group stated, "including migrants and other persons who are vulnerable or marginalised." Malta has long been at the centre of a divisive debate in Europe regarding search and rescue operations in the Mediterranean and has repeatedly refused to permit rescue boats to dock and disembark in the country's ports. On 9 April, authorities took further action when they announced that the country would not accept any future disembarkations from rescue boats. According to the government, this step was necessary in light of anti-epidemic measures stretching the country's resources and the risk that refugees and migrants may bring the virus with them. In a statement to the European Commission explaining their action, authorities wrote, "Malta is not in a position to offer a safe place for these immigrants, especially at a time of great challenges in the health sector, and law enforcement. The situation today calls for all local resources, including the Armed Forces, to be focused on the fight against the spread of the coronavirus." Critics argue, however, that Maltese authorities are using the crisis to further shelve their obligations to protect those in need. As a group of 16 NGOs stated, "We fear that Malta is exploiting the public health emergency to deprive migrants of their human dignity, adopting measures veiled as public health protection but having the effect of sacrificing migrants for Malta's safety." Over 300 academics also slammed the government's decision in a joint statement in which they called on EU member states to rescue migrants and assume joint responsibility for them, "The decision to close ports is unlawful. The absence of solidarity between the Member States in meeting their collective moral and legal obligations is reprehensible."The NGO AlarmPhone, meanwhile, has reported that Maltese military personnel attacked migrants at sea on 9 April and purposefully sabotaged the boat - which to-date, the Prime Minister's office has failed to deny.</p>	2020
	<p>The Hal Far Open Migrant Centre was placed under quarantine on 5 April, after eight migrants contracted the virus. The facility currently houses approximately 1,000 persons in over-crowded conditions. According to media reports, those who tested positive were isolated and vulnerable persons will be transferred out of the centre to be cared for "in a more controlled environment." With assistance from the Red Cross, the number of medical personnel at the facility will also be increased. The country's Nationalist Party criticised the government for acting too slowly, "The nationalist party warned about the danger of the virus spreading at the open centre and in prison days ago. The government hoped for the best but failed to prepare for the worst, and now the worst is happening."</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification			
International treaties	Name	Ratification Year	
	CRSSP, Convention Relating to the Status of Stateless Persons	2019	
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2015	
	CRPD, Convention on the Rights of Persons with Disabilities	2012	
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2003	
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2003	
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2003	
	VCCR, Vienna Convention on Consular Relations	1997	
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1991	
	ICCPR, International Covenant on Civil and Political Rights	1990	
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1990	
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1990	
	CRC, Convention on the Rights of the Child	1990	
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1971	
	CRSR, Geneva Convention Relating to the Status of Refugees	1971	
PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1971		
Ratio of relevant international treaties ratified	15/19		
Relevant international treaties and date of ratification			
International treaty reservations	Name	Reservation Year	Observation Date
	ICCPR Article 14	1990	1990
	ICESCR Article 13	1990	1990
Relevant international treaties and date of ratification			
Individual complaints procedure	Name	Acceptance Year	
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2012	
	ICERD, declaration under article 14 of the Convention	1998	
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1990	
CAT, declaration under article 22 of the Convention	1990		
Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number	Observation Date	
	4 / 7		
	4 / 7		

Relevant international treaties and date of ratification

	Name	Recommendation Excerpt	Recommendation Year
<p>Relevant recommendations issued by treaty bodies</p>	Human Rights Committee	<p>§16 [...] (a) Guarantee that administrative detention for immigration purposes is justified as reasonable, necessary and proportionate in light of the specific circumstances and used as a measure of last resort for the shortest appropriate period; [...] (e) Establish in its legislation a specific time limit and alternatives for detention; (f) Ensure that administrative detention for immigration purposes is subjected to periodic evaluation and judicial review by an independent judicial body, in accordance with the requirements of article 9 of the Covenant.</p> <p>§18 [...] The State party should strengthen its efforts to improve the living conditions in detention centres on a sustainable basis, including with regard to adequate health care- services and sanitary conditions, with a view to achieving full compliance with the requirements of article 10.</p>	2014
	Committee on the Rights of the Child	<p>§ 58: [...] the Committee urges the State party to: (a) Refrain from criminalizing children in irregular migration situations for their or their parent’s migration status and expeditiously and completely cease the detention of children in irregular migration situations; (b) Adopt legislation, policies and practices that subject all custodial accommodation relating to migration status to clear time limits and periodic reviews; and allow children to remain with family members and/or guardians if they are present in the transit and/or destination countries, and be accommodated in non-custodial, community-based contexts while their immigration status is being determined; (c) Improve and expedite age assessment practices by implementing multidisciplinary and transparent procedures and ensure that age assessments are undertaken only in cases of serious doubt; (d) Ensure that children are provided with accessible and adequate support and mechanisms for appealing age determination decisions in a timely manner; (e) Provide adequate human, technical and financial resources for ensuring that children in migration-related custody have access to adequate guardianship and legal representation; (f) Ensure that, while in migration-related custodial arrangements, children are provided with adequate opportunities and facilities for education, leisure and recreational activities in an open context; (g) Ensure the provision of adequate appropriate gender-separate accommodation, toilet and shower facilities in migration detention centres; (h) Respect the right to peaceful assemblies and protests by persons and children in migration detention centres and ensure that any use of force is subject to strict necessity standards and the principle of proportionality; and, (i) Ensure that adequate human, technical and financial resources are allocated to address the health needs of children and persons in migration detention centres.</p>	2013
	Committee on the Elimination of Racial Discrimination	<p>§ 13: The Committee recommends that the State party strengthen its efforts to effectively guarantee the legal safeguards for all immigrants detained, in particular to inform them about their rights and available legal assistance, and to provide assistance to those seeking asylum. The Committee also recommends that the State party continue its efforts aimed at improving the detention and living conditions of immigrants and thereby comply with international standards, in particular by modernizing detention centres and placing families with children in alternative open accommodation centres. [...]; § 14: The Committee recommends that the State party take appropriate measures to improve detention conditions and refrain from resorting to excessive use of force to counter riots by immigrants in detention centres, and also to avoid such riots. [...]</p>	2011

Regional treaties, regulations, and directives				
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	CPCSE, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		2010	
	ECHR, Convention for the Protection of Human Rights and Fundamental Freedoms (commonly known as the European Convention on Human Rights)		1967	
	ECHR1, Protocol 1 to the European Convention on Human Rights (amended by protocol 11)		1967	
	ECHR7, Protocol 7 to the European Convention on Human Rights (amended by protocol 11)		2003	
	ECPT, European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment		1988	
	CATHB, Convention on Action against Trafficking in Human Beings		2008	
	ECHR12, Protocol 12 to the European Convention on Human Rights		2015	
	Return Directive		2011	
	Reception Directive		2005	
	Procedures Directive		2008	
Regional treaties, regulations, and directives				
Regional treaty reservations	Name		Reservation Year	
	ECHR1Article 2		1967	
Regional treaties, regulations, and directives				
Regional judicial decisions on individual complaints	Name		Decision Details	Observation Date
	European Court of Human Rights (ECtHR)		Aden Ahmed v. Malta. 55352/12. 23 July 2013	2013
	European Court of Human Rights (ECtHR)		Suso Musa v. Malta. 42337/12. 23 July 2013	2013
	European Court of Human Rights (ECtHR)		Massoud v. Malta. 24340/08. 27 July 2010	2010

Regional treaties, regulations, and directives

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
Recommendations issued by regional human rights mechanisms	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	<p>36. The CPT once again calls upon the Maltese authorities to ensure that detained persons are addressed by their name and not by a number. 37. The CPT recommends that steps be taken to improve the living conditions at B Block of Safi Detention Center, notably as regards: - the amount of living space afforded to each detained person within the dormitories; - the removal of surplus beds and the provision of new mattresses; - the equipping of the courtyard with a means to rest, a shelter and sports equipment; - the provisions of activities for those persons detained longer than a few days. Consideration should also be given to serving the evening meal later in the day. 39. The CPT recommends that the Maltese authorities consider developing the role and scope of duties of detention officers, as well as their skills and training, in light of the above remarks. 42. The CPT recommends that every detained person be systematically provided with written information, in a language they understand, on the house rules immediately upon their arrival in the facility. 43. The CPT recommends that the Maltese authorities introduce the right for detained persons to receive visits on a regular basis in an appropriate setting. Further, they should be allowed to have access to their mobile phones at set times.</p>	2016	2016
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	<p>§ 47: the Maltese authorities to take steps as a matter of priority to ensure the presence of at least one female officer around the clock at Lyster Detention Centre; § 48: the Maltese authorities to remind all members of staff working in detention centres for foreigners that disrespectful behaviour and racist remarks vis-à-vis detainees are not acceptable and will be punished accordingly; § 49: the Maltese authorities to put an end to the practice of staff calling detainees by their immigration file/tag numbers; § 52: a comprehensive inquiry to be carried out by an independent body into the manner in which foreign nationals were treated by police officers and soldiers in the context of the incident of 16 August 2011 at Safi Detention Centre; § 55: the Maltese authorities to take the necessary measures to ensure that all immigration detainees currently being held in the two Warehouses at Safi Barracks are transferred as soon as possible to Ta' Kandja Detention Centre and that both Warehouses are in future only used for short-term detention in emergency situations; § 56: immediate steps to be taken to ensure that all immigration detainees at Lyster Detention Centre are offered at least one hour of outdoor exercise per day; § 57: the Maltese authorities to introduce a regime providing purposeful activities to foreign nationals held at Safi and Ta' Kandja Detention Centres; § 59: the Maltese authorities to carry out a thorough review of the current arrangements for the provision of health care in the detention centres for foreigners. More specifically, steps should be taken to ensure that: the working hours of doctors are increased and that for each detention centre one doctor is designated to co-ordinate the health-care services withing the centre; the nursing cover is significantly increased in all centres. This should make it possible for a nurse to be present every day (including at weekends) and for the provision and distribution of prescribed medicines to be handled by nursing staff; someone competent to provide first aid is always present on the premises of all detention centres (including at night); all newly-arrived detainees benefit from comprehensive medical screening by a doctor or a fully-qualified nurse reporting to a doctor; whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a foreign national (or which, even in the absence of allegations, are clearly indicative of ill-treatment), the record is systematically brought to the attention of the relevant prosecutor, regardless of the wishes of the person concerned; all detention centres are regularly attended by a psychiatrist and a psychologist; all medicines prescribed are promptly dispensed thereafter; the confidentiality of medical examinations and data is fully respected; § 61: the Maltese authorities to take steps to ensure that foreign nationals are allowed to receive visits on a regular basis and that specific facilities are set up for that purpose. Relevant information on the visiting arrangements should also be included in the information brochure "Your Entitlements, Responsibilities and Obligations while in Detention" which is given to detainees; § 64: the Maltese authorities to take steps to ensure that immigration detainees subject to the disciplinary sanction of "removal from association" have the right to be heard on the subject of the offences which they are suspected of having committed, to present evidence to defend themselves and to appeal to a higher authority against any sanctions imposed; Mount Carmel Hospital Living conditions: § 72: steps be taken in the Forensic Ward to ensure that: all patients are provided with a bed as well as with lockable space to store their personal belongings; toilets in double- and multi-occupancy rooms are adequately partitioned; the general level of hygiene is improved; § 73: the Maltese authorities to take immediate steps to ensure that all patients held in the Irregular Migrants' Ward whose state of health so permits are offered at least one hour of outdoor exercise per day; steps to be taken to improve the artificial lighting in the cells of the Irregular Migrants' Ward; § 73: steps to be taken to ensure that all foreign nationals are provided with more congenial and personalised surroundings (including a table and a chair) and are offered recreational activities.</p>	2013	2013
	European Commission against Racism and Intolerance (ECRI)	<p>§ 81: ECRI recommends that the Maltese authorities amend their legislation in order to ensure that all persons held in the detention centres are provided with a speedy and effective judicial remedy to challenge the lawfulness of their detention; § 86: ECRI strongly recommends that the Maltese authorities provide non-custodial alternatives to detention and refrain from resorting to the detention of migrants and asylum seekers unless it is strictly necessary in the particular circumstances of an individual case; § 87: ECRI also recommends that third-country nationals who are detained with a view to deportation should be freed when it is clear that it is no longer possible to effect the deportation; § 88: It further recommends that the Maltese authorities provide under Maltese law a limit to the duration of the detention of migrants in an irregular situation in all cases, in line with Directive 2008/115/EC on common standards and procedures in member States for returning illegally staying third-country nationals; § 95: ECRI recommends that the Maltese authorities conclude as soon as possible all the inquiries and the criminal investigations opened further to the deaths of a Nigerian and a Malian national in 2011 and 2012, while in the custody of detention personnel and give the public full access to the results; § 96: ECRI strongly recommends the Maltese authorities to provide detention personnel with training on human rights, including provisions against racial discrimination, ECRI further recommends that the authorities raise the detention personnel's awareness of the fact that abuse of power and the use of excessive force will be severely punished; § 101: ECRI strongly recommends that the Maltese authorities ensure that all unaccompanied minors and persons suffering from serious physical or mental conditions are promptly identified and transferred to an appropriate, non custodial setting, suitable for their vulnerable condition.</p>	2013	2013

Bilateral/Multilateral agreements linked to readmissions

Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date
	Italy	2002	2017
	Albania	2011	2017
	Bosnia and Herzegovina	2010	2017
	Moldova	2011	2017
	Montenegro	2010	2017
	Russian Federation	2011	2017
	Serbia	2010	2017
	Burkina Faso	2013	2017
	Gambia	2014	2017
	Cape Verde (EU agreement)	2013	2013
	Georgia (EU agreement)	2011	2011
	Pakistan (EU agreement)	2010	2010
	Bosnia-Herzegovina (EU agreement)	2008	2008
	Moldova (EU agreement)	2008	2008
	Montenegro (EU agreement)	2008	2008
	Serbia (EU agreement)	2008	2008
	Macedonia (EU agreement)	2008	2008
	Ukraine (EU agreement)	2008	2008
	Russia (EU agreement)	2007	2007
Albania (EU agreement)	2006	2006	
Sri Lanka (EU agreement)	2005	2005	
Hong Kong (EU agreement)	2004	2004	
Macao (EU agreement)	2004	2004	

Non treaty-based international human rights mechanisms

Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date
	Working Group on arbitrary detention	2009	

Non treaty-based international human rights mechanisms

	Name	Recommendation Excerpt	Recommendation Year	Observation Date
<p>Relevant recommendations by UN Special Procedures</p>	<p>Working Group on arbitrary detention</p>	<p>89. The Working Group welcomes the cooperation received from the Government of Malta during its follow-up visit and wishes to continue this cooperation. The Working Group would like to make the following recommendations: 1. In relation to migrant, asylum seekers and refugees (a) To end the regime of mandatory and automatic detention regime for asylum seekers, refugees and migrants in an irregular situation and to replace it by a reception system; (b) To end military presence in the management of the detention centres; (c) To ensure that immigrants in an irregular situation, refugees and asylum-seekers are informed about their rights as well as the regulations and procedures since their arrival to Malta; (d) To further reduce the duration of administrative detention of immigrants in an irregular situation. The Working Group recommends that detention should be applied when results necessary, reasonable in all the circumstances, proportionate to a legitimate purpose; non discriminatory and subjected to judicial review. The criteria of necessity and responsibility should always be respected. In addition, the Working Group recommends that less restrictive measures should be applied, such as bail; home curfew; deposit of documents; reporting conditions; community release or supervision designated residence; (e) To extend free legal aid to immigrants in an irregular situation, refugees and asylum-seekers before the appeal stage of the review process. It should be not limited to recourse before the Immigration Appeals Board but be extended to appeals before the Civil, Constitutional and European Courts, as well as international human rights bodies; (f) To design long-term planning for people living in open centres. The Government should explore alternative placement options. The Working Group suggests that the Government of Malta work together with civil organizations and religious bodies which have ample experience in providing community-based placement to create more opportunities for migrants, asylum seekers and refugees to reside in the community; (g) To prioritise the cooperation of civil society organizations, particularly religious institutions with considerable expertise and experience in these areas. These organisations have a substantial contribution to make regarding the legislative drafts that the Government is preparing in order to design a new system of reception of immigrants, refugees and asylum-seekers not based on detention.</p>	<p>2016</p>	<p>2016</p>
	<p>Working Group on arbitrary detention</p>	<p>§ 79: (e) Change its laws and policies related to administrative detention of migrants in an irregular situation and asylum-seekers, so that detention is decided upon by a court of law, on a case-by-case basis and pursuant to clearly and exhaustively defined criteria in legislation, under which detention may be resorted to, rather than being the automatic legal consequence of a decision to refuse admission of entry or a removal order; (f) Rule out immigration detention of vulnerable groups of migrants, including unaccompanied minors, families with minor children, pregnant women, breastfeeding mothers, elderly persons, persons with disabilities, people with serious and/or chronic physical or mental health problems; (g) Provide in all cases for automatic periodic review by a court of law on the necessity and legality of detention; (h) Provide for an effective remedy for detainees to challenge the necessity and legality of detention at any time of the detention period and ex post facto and define the circumstances; (i) Where there remains a regime of mandatory administrative detention for migrants in an irregular situation, legally define its maximum period rather than basing it on Government regulations or policy; (j) Provide for a system of legal aid for immigration detainees; (k) Appeal to the international community to assist the Government in bringing its immigration detention regime into conformity with applicable international human rights law and standards. The Working Group observes that Malta is carrying a disproportionate burden and does not have the necessary financial and other resources at its disposal. This does not detract Malta from its international human rights obligations undertaken voluntarily as a sovereign nation;</p>	<p>2010</p>	<p>2010</p>

Non treaty-based international human rights mechanisms

Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	Yes	2009	2017
	Yes	2013	

INSTITUTIONAL INDICATORS**Governing structures**

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2014

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2014

Institutions responsible for immigration detention

	Agency	Ministry	Ministry Typology	Observation Date
Custodial authority	Armed Forces of Malta/ Detention Service	Ministry of Home Affairs and National Security	Defence	2015
	Armed Forces of Malta/ Detention Service	Ministry of Home Affairs and National Security	Defence	2015
	Armed Forces of Malta/ Detention Service	Ministry for Home Affairs and National Security	Defence	2013
	Armed Forces of Malta/ Detention Service	Ministry for Home Affairs and National Security	Defence	2013
	Armed Forces of Malta/ Detention Service	Ministry for Home Affairs and National Security	Defence	2013
	Armed Forces of Malta/ Detention Service	Ministry for Home Affairs and National Security	Defence	2013
	Armed Forces of Malta/ Detention Service	Ministry for Home Affairs and National Security	Defence	2013
	Armed Forces of Malta/ Detention Service	Ministry of Justice and Home Affairs	Justice	2011
	Armed Forces of Malta/ Detention Service	Ministry of Justice and Home Affairs	Justice	2011
	Armed Forces of Malta/ Detention Service	Ministry of Justice and Home Affairs	Justice	2011
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2009
		Ministry for Justice and Home Affairs	Justice	2007

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Armed Forces of Malta/ Detention Service	Governmental	2016
	Armed Forces of Malta/ Detention Service	Governmental	2013
	Armed Forces of Malta/ Detention Service	Governmental	2013
	Armed Forces of Malta/ Detention Service	Governmental	2013
	Armed Forces of Malta/ Detention Service	Governmental	2011
	Armed Forces of Malta/ Detention Service	Governmental	2011
	Armed Forces of Malta/ Detention Service	Governmental	2011
	Police	Governmental	2009
	Detention Services	Governmental	2009
	Detention Services	Governmental	2009
	Detention Services	Governmental	2009
	Detention Services	Governmental	2009
	Detention Services	Governmental	2009
	Detention Services	Governmental	2009
	Detention Service	Governmental	2009
	Detention Services	Governmental	2009
Police	Governmental	2007	

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes	Dedicated immigration detention facilities	2014
	Yes	Police stations	2014

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes			Yes											2017
															2015
															2014

Detention monitoring institutions

Authorized monitoring institutions	Institution	Institution Type	Observation Date
	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	International or Regional Bodies (IRBs)	2014
	Jesuit Refugee Service	Non-Governmental Organizations (NGO)	2014
	Integra Foundation	Non-Governmental Organizations (NGO)	2014
	Malta Red Cross	Non-Governmental Organizations (NGO)	2014
	UNHCR	International or Regional Bodies (IRBs)	2014

Detention monitoring institutions															
Do NGOs carry out visits?	Do NGOs regularly carry our visits?										Observation Date				
	Yes										2014				
Detention monitoring institutions															
Do international and/or regional bodies (IRBs) visit immigration-related detention facilities?	Do international and/or regional bodies (IRB) regularly visit immigration-related detention facilities?												Observation Date		
	Yes												2014		
Outsourcing and privatisation															
Types of privatisation/outsourcing	Types of Privatisation/Outsourcing										Observation Date				
	Food services										2013				
	Social services										2013				
Outsourcing and privatisation															
Detention contractors and other non-state entities	Name of entity	Type of entity	Detainee transport	Food services	Health care	Social services	Laundry services	Legal counselling	Management	Owner of detention facility	Recreation	Security	Telephone service	Translation services	Observation Date
	James Caterer	For profit													2013
	Jesuit Refugee Service	Not for profit													2013
Foreign sources of funding for detention operations															
Does the country receive external sources of funding?	Benefitted from non-state funding sources?										Observation Date				
	Yes										2011				
Foreign sources of funding for detention operations															
Description of foreign assistance	Description of non-state assistance										Observation Date				
	European Union (European Refugee Fund), from 2008-2012										2011				

More information about immigration detention in Malta is available at the website of the Global Detention Project (www.globaldetentionproject.org)