

Foreigners in European Prisons Conference
From -good practicesøto -good policiesø
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Foreign Prisoners in Malta

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- É The Foundation *Mid-Dlam ghad-Dawl* (meaning: from darkness to light; pronounced *midlaam aad daaul*; acronym: MDD) was established in 1995 by a number of foreign and Maltese prisoners as a self-help group. It is a non-government organisation (aka charity), and receives structured funding from no outside entity.
- É MDD works with prisoners, their families, and ex-prisoners on an individual basis, but also publicly takes up issues that are of relevance to all prisoners. Its interest is thus both individual and institutional.
- É MDD is an association of professionals who provide advice and support in improving the structures of the penal system, or other structures that directly or indirectly affect the penal system. It is a valuable partner for local authorities and justice administrators for the improvement of justice, and, further, while being clearly an uncompromising opponent of criminality, it is an unflagging defender of every prisoner's future possibility of living happily whilst upholding the legitimate laws of the nation.

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- É Malta has only one prison, and MDD caters for all prisoners who are held there, whether they are male or female, Maltese or foreign, juvenile or adult, on remand or sentenced, or incarcerated for a short or long period.
- É The proportion of male to female prisoners is generally 1:12. 44% of prisoners are in the 16-29 age bracket; 55% in the 30-59 bracket; and 1% in the 60+ bracket.
- É Though it is known that some 10 to 15 Maltese prisoners are held in foreign prisons, no contact is generally established with them or their families. The reason being that it is standard policy that government does not provide data of their whereabouts.

Foreign prisoners in Malta

Population is around 450, of which some 30% is foreign. These come from all over the world, namely:

Middle East	Asia	Latin America	Sub Sahara	Magreb	Europe
2.5%	2.5%	4%	9%	53%	29%
Palestine	China	Columbia	Somalia	Libya	UK
Syria	Pakistan	Mexico	Sudan	Algeria	Italy
		Panama	Nigeria	Tunisia	Turkey
			Liberia	Egypt	Netherlands
			Chad	Morocco	Russia
			Ivory Coast		Romania
					Slovenia
					Bulgaria
					France
					Serbia

É The largest foreign population is Libyan, constituting 39% of foreign prisoners.

É The crimes for which foreign prisoners are generally incarcerated include:

É Drug trafficking and/or importation

É Bodily harm (SBH/GBH)

É Organising and/or skipping clandestine immigration

É Overstaying

Some problems facing foreign prisoners in Malta may be common to other countries, and thus need not be treated here in particular detail, namely:

- É Language and communication
- É Living in a different cultural environment
- É Separation from close relatives and friends
- É Incomprehension of local penal and criminal justice systems
- É Unacquaintance with local criminal law
- É Lack of sufficient money, clothing, utilities, literature, *etc.*
- É Unawareness of available local legal, charity, and other services

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Some problems of foreign prisoners in Malta may be local specific, though not necessarily unrelated to the issues raised above. Amongst these, one can find the following:

- É **Legal aid** ó Most foreigners are provided with legal aid. However, this service is very wanting. Legal aid lawyers are paid very meagrely, and this effects their service. Their direct contact with the service users is generally kept to a bare minimum (court hearings), and would not include prison visits or phone calls
- É **Desertion** ó It is not uncommon that foreign prisoners especially non-European are simply forsaken. Their personal background and conditions very frequently pitch most of them into a general state of estrangement that is markedly characterised by broad disorientation. While their case lingers on, these people simply vegetate within the prison walls.



ÉSentencing ó Most foreign prisoners are asked by the police inspectors who would be investigating and prosecuting their case to admit the charges brought against them so as to save everybody's time and money. This effects mostly the non-European prisoners mentioned above, who generally would not have anyone reliable to take advice from. It is not infrequent that, when admitting, such persons are awarded hefty sentences that are disproportionate to their alleged offences.

ÉAccess ó Again in relation to such prisoners, access to aid structures are very limited, if not null altogether. If most of these prisoners themselves do not take the initiative to approach organisations such as MDD, they would not be aware of their possibility to plead their case before competent authorities and/or justice and human rights organisations, both locally and abroad. The prison itself is reluctant to offer this service.

Amongst the bad practices employed in Malta, one can find the following:

- É **Misguided equality** ó In prison foreign prisoners are given *exactly* the same treatment as Maltese prisoners, irrespective of the qualitative difference in the prevailing conditions of both groups. Though this relates directly to their incarceration conditions, it also affects the status of their case before the law. Differences in the personal background and conditions of foreign prisoners – especially those who are effectively deserted – are neglected or even ignored.
- É **Ungauging** ó Foreign prisoners in Malta, irrespective of age, are not assessed in any formal way so as to determine their particular needs in some specific way. It follows that the prison administration does not tap necessary services, its own or by proxy, to deal with those needs, and forlorn prisoners are left to fend for themselves.
- É **Religious services** ó Though Muslims (who are always invariably foreigners) are provided regular religious services by the local Mosque, all other non-Catholic denominations, including Protestant and Orthodox Christians, are not. During the Ramadan period Muslims are allowed their special diet.

As regards work within the prison facility, education, sports, recreation, food, medical care, and contact with the outside world, foreign prisoners are treated exactly like Maltese prisoners. However, they additionally enjoy the following:

É **Phoning home** ó All foreign prisoners are given a telephone card once a month with which they can telephone abroad on reduced rates.



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Foreign prisoners in Malta

Thank you for your attention

Apart of the first two bad practices mentioned above, namely, Misguided equality and Ungauging which somehow also form part of the facility's policies the following may be considered too:

É **Unprivileged** ó Foreign prisoners are not allowed to enjoy the same privileges that are accorded to the Maltese *if* this entails leaving the prison facility. Hence, they cannot attend university or undergo drug rehabilitation treatment at specialized centres.

É **Censure** ó Letters in and out of prison are generally still censored. Though in these last years this police seems to have been relaxed, it has not been abrogated officially.

It is *not* a policy that non-Catholic prisoners do not receive formal religious instruction by their respective pastoral carers. Though it would not refuse such carers from entering the prison if they ask for it, the prison administration does not, on its own accord, seek or ask for such services.

Two good policies, already mentioned above, are:

É Providing religious assistance and Ramadan food to Muslims

É Providing foreign prisoners with phone cards to call home