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4.8.4 Conditions in detention facilities

The conditions in detention facilities are periodically reviewed by national and international human rights bodies. As part of its monitoring, the CPT visited Malta in September 2020 to review the conditions in facilities run by AWAS and the Detention Service. In both cases, the CPT recommended that the Maltese authorities improve the living conditions which may amount to inhuman and degrading treatment, contrary to the ECHR, Article 3. It also recommended to provide outdoor activities to detainees and take specific measures for vulnerable groups (especially families with children, unaccompanied and separated minors, and women).[712] The CPT called for immediate action to transfer vulnerable people to open detention centres, to stop the detention of women and children, and to renovate the detention facilities to provide an adequate environment. [713] The Maltese authorities embarked on a number of projects to improve the conditions, including refurbishing and renovation works, offering programmes and activities for children in line with health measures, and speeding up the transfer of vulnerable applications from closed to open centres, with immediate referral to social workers and the therapeutic team within AWAS.

In Slovenia, the living conditions in the Centre for Foreigners in Postojna were criticised by the Ombudsperson, who stated they were not in line with the requirements set in the Reception Conditions Directive.[714] The report highlighted the inadequate living space, the lack of outdoor space and recreational activities, the mixing of asylum seekers with other third-country nationals, and the arbitrary extended length of stay. The Ombudsperson specified that no deviation was justified for health reasons due to COVID-19 and noted the need to ensure the timely registration of an application for international protection. Following the report, the accommodation facilities within the Detention Centre were upgraded. [715]

The Spanish Ombudsman raised concerns over the deteriorating conditions in the Detention Centres for Foreigners (CIEs) in Spain, calling for their immediate reform. The JRS also noted that CIEs do not guarantee respect for human rights, often fail to comply with internal operating regulations and are ineffective for their purpose resulting in disproportionate and illegitimate detentions.[716] In this context, the Commissioner of Home Affairs at the Senate asked the government to report annually on the situation of the CIEs and CETIs, providing information on detainees and residents, human and material resources, and the number of officers in charge of the protection of migrants. [717]

NGOs warned about the hindered access to legal aid in detention in Greece, [718] Slovenia [719] and Switzerland,[720] and about the lack of information provision in Bulgaria [721] and Spain [722] for asylum seekers in administrative detention.

The average duration of detention varied significantly in EU+ countries, ranging between 26 (Romania), 36 (Slovenia), 48 (Bulgaria) and 55 (Sweden) days to 2-6 months in Cyprus. 723

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