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The Maltese Detention Service was transformed into an Agency.655The refurbishment programme of all detention facilities has been ongoing since 2021.656In 2023, works continued in the Hal Far centre and renovations finished in the Safi detention centre. A new clinic was launched to house the Migrant Health Service, independent from the Detention Service Agency (DSA), providing primary care services to detainees. The DSA also refurbished an area at the Hal Far Initial Reception Centre where a medical clinic was set up for the Migrant Health Service to conduct the initial assessment of all boat arrivals and to serve as a clinic for residents of the centre. Nurses are on-site full-time and detainees' health information is recorded electronically, which facilitates the transfer of information between different services. To improve overall conditions, the training of detention staff continued in 2023, focusing on emergency first aid, cultural sensitivity and security. In addition, the Welfare Officer continued various activities, for example, by organising weekly football practice based on a cooperation agreement with the Malta Football Association.

Despite improvements, the ECtHR ordered interim measures and found violations of several ECHR articles for self-claimed minors in Malta due to their illegal dentition and the conditions in detention (see Section 4.6). The First Hall Civil Court granted access to a journalist to the prison and administrative immigration detention centres to investigate allegations about the conditions. The court noted that denying entry to this particular person was dictated by personal arbitrariness. Following this court judgment, the Maltese authorities confirmed that, while the court decision to grant access to a journalist to the immigration detention centres is in the appeal phase, all requests for visits by individuals inside the detention centre are considered by the DSA administration on a case-by-case basis.

The CPT report on its visit to Lithuania in December 2021 acknowledged the Lithuanian authority's efforts to quickly increase capacity but assessed that "several months after their arrival, foreign nationals were yet to be provided with dignified living conditions".657The Lithuanian government replied in a detailed document and noted that the reform of the reception, accommodation and detention systems was underway (*see Section 3.6*).

The CPT published the report of its visit to Latvia in May 2022 and noted that the material detention conditions in both centres were of a good standard in general. While the delegation

did not receive any allegations of ill treatment by the centres' staff, detainees related several accounts of ill treatment by the special police forces patrolling the border area, relating to incidents from August 2021 to March 2022.658

The CPT also published in 2023 the findings of its visit to the Netherlands that took place in 2022 and found overall good conditions in facilities used for immigration detention but noted very poor conditions in the facilities in Aruba and Curaçao. The council underlined the need to speed up the planned legislative reform, which would provide specific rules for immigration detention to reflect its administrative character.659The government replied that the draft was before the Senate but needed new amendments to be passed by the House of Representatives. The bill was not foreseen to be enacted before the end of 2024.660

UNCAT expressed concerns about the conditions in temporary holding centres for immigrants and detention centres for foreign nationals in Spain, and invited the authorities to investigate possible abuse and acts of violence in these facilities.661For Slovakia, UNCAT reiterated that families with children should only be detained as a measure of last resort, for the shortest period of time, including for the implementation of a Dublin procedure.662UNCAT suggested the revision of Romanian legislation to ensure that children and other vulnerable persons are identified and thus not detained.663

Cyprus planned to expand the capacity of the pre-departure detention centre in Limnes, as part of its overall plans to manage migration. The CPT visited Cyprus in May 2023,664but the publication of the report on the visit was still pending.

The ECtHR delivered a series of judgments condemning the conditions in the Lampedusa hotspot in Italy for applicants who arrived between 2017 and 2019, and noted in all cases that a clear and accessible legal basis was missing for their detention in the hotspot.665

For Greece, the Committee of Ministers of the Council of Europe concluded that information available suggested that the conditions in detention were suitable and overcrowding was not reported. However, the committee felt that a clear and coherent description of the precise conditions in these pre-removal detention centres was missing. The committee also lacked information about the average length of detention. Based on civil society sources, the committee was informed that a high number of migrants were detained in police stations and medical and interpretation services were insufficient in some pre-removal detention centres.666

The ECtHR concluded that Croatian authorities did not protect a detainee's life from a foreseeable danger and did not properly investigate the incident when fire broke out in 2015 at a police station where migrants (having arrived in an irregular manner) were detained. The court found several shortcomings in the monitoring of detainees and concluded that the organisation and the state of the facilities were inadequate and the staff were not prepared. Croatian authorities noted that the action plan for the execution of the judgment was being developed.

On instructions from the government, the Swedish Migration Agency presented plans to increase detention capacity by approximately 100 places in total, in the regions of West and North Sweden.667The Swedish Ombudsperson conducted an unannounced inspection at the Mölndal

detention centre in January 2023 and identified a number of shortcomings in the qualification and training of the personnel and the lack of detailed standard operating procedures and working methods.668The authorities replied that the visit happened shortly after the opening of the centre and many of the gaps observed were remedied since then, including special training for employees and the establishment of workflows.

The Prison and Probation Service in Denmark has been improving its procedures and the conditions in Ellebæk Detention Centre since 2020. Admission procedures were updated to allow for a timely, systematic and standardised identification of psychiatric conditions and suicide risk, with a swift referral for further treatment. The facility was also modernised. Civilian staff was employed to increase the number of recreational and educational activities and cooperation with NGOs was strengthened as well.

The Polish Ministry of Foreign Affairs submitted a letter to the Council of Europe, following a communication by the Helsinki Foundation for Human Rights on the execution of *Bistieva and Others (Russia) v Poland*. The letter details the initiatives which were undertaken to improve conditions in detention, especially for minors. The ministry acknowledged that time spent in detention increased, following a rise in migration in 2021 and 2022.669

Throughout 2023, the ECtHR communicated cases against Poland, for example concerning the detention of a pregnant woman with two children,670a family with two children,671and a family with children at the Polish-Belarusian border.672The Border Guard submitted information to the court about the care of the children, who were provided with special medical and psychological support due to their vulnerabilities. The authority also underlined that the average area per person is between 5-11 m2 and rooms are equipped with beds, tables with chairs, wardrobes and a television. The Border Guard stated that the family had access to public rooms and other facilities. In September 2023, the detention centre in Lesznowola opened a new building dedicated to families with children, with a capacity of 200 places and the old centre was closed. A civil society organisation observed that the staff in the old centre were reported to be more experienced with families (*see Section 4*).673The Border Guard underlined that officers receive full training in specialised training centres, including working with vulnerable groups and children.

The Supreme Court in Estonia declared unconstitutional the full ban on access to mobile phones and the Internet in immigration detention centres. The court underlined that the specific security environment of prisons could not automatically be applied to detention centres.

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