



THE UNITED NATIONS SUBCOMMITTEE ON THE PREVENTION OF TORTURE (SPT) FACTSHEET

This United Nations (UN) treaty-body takes a preventive approach to torture and ill-treatment. It was established by the Optional Protocol to the Convention against Torture (OPCAT), which was ratified by Malta in 2003. This means that the body has the authority to look into the situation in Malta, as explained below.

WHAT IS THE SPT? | The Committee is comprised of 25 autonomous experts chosen by the State Parties, specialising in different areas. In essence, it seeks to prevent torture and inhumane treatment, in particular where national institutions and authorities fail to do so.

METHODS OF PREVENTION ADOPTED BY THE SPT | The SPT conducts its activities in two ways. It may decide to **visit State Parties** which have ratified the Convention (including Malta) and freely visit any place in which persons may be deprived of their liberty. Its access to these facilities is unhindered/unrestricted and absolute in nature. These places would include prisons, detention centres, airport holding rooms, and mental health hospitals.

Furthermore, it may also provide assistance to State Parties on their requirement to establish **National Preventive Mechanisms (NPM)**.

The Committee may also receive **complaints** from persons alleging that they have been tortured or subjected to cruel, inhuman or degrading treatment.

WHAT IS A NATIONAL PREVENTIVE MECHANISM? | National Preventive Mechanisms (NPM) are independent bodies established at a domestic level, seeking to prevent torture and inhumane treatment. Their role is to monitor the situation in places where torture and inhumane treatment could occur. Their mission is to prevent such incidents from occurring and, where they do occur, to support victims in seeking redress.

Malta has established two NPMs:

- a. **Monitoring Board for Detained Persons.** This Board was established in 2007. It visits detained persons, observes their living conditions and reports its findings to the Ministry for Home Affairs, National Security and Law Enforcement. The



Board may also receive complaints from detained persons, or from any person on their behalf.

The Board may be contacted on mbdp.mhse@gov.mt.

- b. **Corradino Correctional Facility Monitoring Board** focuses its activities on Malta's prison, also with the aim to ensure persons are treated humanely and with respect for their dignity. The Board may also receive complaints, all treated confidentially.

The Board may be contacted on ccfmb.mhse@gov.mt.

**THE
RELEVANCE OF
THE
SUBCOMMITTEE
TO MALTA**

The United Nations SPT is relevant to Malta in relation to living conditions, treatment and management in:

- a. **Immigration Detention Centres:** Marsa Initial Reception Centre, Lyster Barracks, 'China House', Safi Detention Centre;
- b. **Prison:** Corradino Correctional Facility and the youth offender section in Mtañleb;
- c. **Mental health hospital:** Mount Carmel Hospital;
- d. **Police lock-up rooms and divisions:** At the Courts of Law (Valletta), at Malta International Airport, at the Headquarters of the Malta Police Force (Floriana).

**WHAT ABOUT
THE
COMPLAINTS
MECHANISM?**

Article 22 of the Convention against Torture establishes a complaints mechanism, and Malta is part of this system. Complaints may be submitted alleging that torture, cruel, inhuman or degrading treatment has occurred and that the perpetrator is a State entity.

The following criteria **must** be satisfied before an individual's complaint can be considered by the Committee:

1. The name of the individual person/organisation who has lodged the complaint must be mentioned. Therefore, the complaint may not be made anonymously.
2. The matter concerned is not being simultaneously examined under another procedure of an international investigation.
3. The complaint itself is required to exhibit the existence of a consistent pattern of substantiated breaches of human rights by the State. Together with a simple description of the facts and the specific rights being infringed, the complaint must include **clear evidence of the violation**, such as a written declaration on the facts by the victim.



4. The individual has brought the complaint to all available domestic remedies (e.g. before the Courts of Law), with the exception of situations where the national procedures have been unreasonably delayed or are unlikely to be effective in finding a solution to the victim's situation.

If the complaint is considered admissible, the State Party is given **six months** to submit any statements showing what measures it took to effectively rectify the situation. The State Party is required to prove that it did not violate the Convention.

Complaints may also be brought by persons in relation to the possibility of them being sent to a country where they might suffer torture or cruel, inhuman or degrading treatment.

The complaint can be submitted by filling out the following 'Complaint Procedure Form' <https://www.ohchr.org/Documents/HRBodies/ComplaintProcedure/HRCComplaintProcedureForm.doc> and mailing it to the following address:

Complaint Procedure Unit
Human Rights Council Branch
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland

Any correspondence can also be made on the following email address: CP@ohchr.org.