

RECOMMENDATIONS

of 30th June, 2010

of the *Contrôleur général des lieux de privation de liberté*

and concerning the remand prison in Majicavo (Mayotte)

The remand prison in Majicavo (Mayotte) was visited by four inspectors from the Contrôleur général des lieux de privation de liberté (CGLPL) on 28 and 29 May and 2 and 3 June, 2009.

The findings from this visit were submitted in a report to the director of the institution on 11 September 2009.

The director made known his observations in a letter dated 7 October 2009.

On 13 November 2009, the full report of the visit was sent for observations both to the Minister of Justice and the Minister for Health and Sports. The Minister of Justice submitted her remarks in a letter dated 24 December 2009. The Minister for Health and Sports submitted his comments in a letter dated 26 March 2010.

In the wake of this procedure, and in accordance with law No. 2007-1545 of 30 October 2007, the CGLPL has decided to make public the following recommendations:

1. An increase in the capacity in the Majicavo remand prison is essential given its constant dramatic over-population - at the time of the inspectors' visit there was a rate of occupation of 294% of the capacity in the adult section No. 2, and 333% in the end of sentence wing.

It is essential that any new construction be carried out bearing in mind local conditions and with early involvement of the prison staff and other appropriate personnel in the project to ensure the new establishment is best suited to the prison's activities as well as taking account of the constraints.

2. Transferring inmates, in particular those from the Union of the Comoros, to prisons in Réunion Island, which would necessarily result in severing family links, should not be considered as the systematic and only solution to an easing of the over-crowding in the remand prison in Majicavo.

Each prisoner's individual circumstances must be taken into account. In addition, when a transfer to metropolitan France is considered, the clearly inadequate baggage allowance of 5 kilogrammes per person must be waived.

3. The totally inhuman conditions for inmates (sometimes less than 2 m² per person; a disabled inmate needed to use a close stool for going to the toilet, etc.) can not be allowed to persist until the proposed prison extension is commissioned, sometime in 2014 or 2015.

Certain organisational items must be adapted forthwith to local conditions:

- given the living conditions imposed by the establishment, the length of time during which inmates are confined into communal cells should be limited as much as possible. Opening and closing times for those cells that open directly onto exercise yards, which are de facto the only places where an acceptable existence is possible, should be aligned with the local times for sunrise and sunset, which are the same all year round - 6am and 6pm;
- as for hygiene improvements in this establishment, the frequency with which bed linen is changed, currently every fortnight as in metropolitan France, should be increased to take account of the heat and the overcrowding in each cell. In addition, the remand prison authorities must ensure that products for dish-washing, cleaning the cells and personal hygiene are genuinely available - as also the possibility for prisoners to wash their own clothes.
- more account needs to be taken of the inmates' situation and that of their families, the majority of whom neither read nor speak French - as has been done with the prison welcome film produced in a language understandable by all; this is particularly necessary concerning fixing appointments in the visiting room, for letters addressed to the prison authorities and for confidential correspondence with the medical staff.

4. Inmates' families should not be afraid of using the visiting room through fear of being apprehended for questioning by the security forces as a result of their own personal situation.

In these circumstances, respecting the right to maintain family relations, guaranteed by law, should clearly take precedence over any concerns about illegal immigration. Instructions must be issued to this effect.

5. Concerning inmates' diet, the prevailing Mayotte dietary culture should not be used as a reason not to establish balanced menus, in close cooperation with the health authorities. Nor should this influence the manner in which meals are served and the provision of a complete set of cutlery for each meal.

6. There is no productive workshop within the establishment. This fact, coupled with the economic situation in Mayotte, means that there is very little professional activity available to inmates. It is thus appropriate that educational, cultural and sporting activities be developed. Organising access to the under-utilised library should be reviewed.

7. The likelihood of Mayotte becoming a French 'département' with effect from 1 January 2011, should be the catalyst for the Majicavo remand prison to start aligning itself with the normal French law and put in place a system for vocational training.

8. The handling of young offenders needs to be organised such that all the various mechanisms provided by the law can be used in this establishment.

It would be opportune, by cooperating with all the available national organisations, to have recourse to suitable sentences other than imprisonment for young offenders, or for taking them into assisted educational structures, and to set up a psychiatric treatment unit for adolescents.

9. The strengthening of the nursing staff in the UCSA (the prison medical consultation and out-patient treatment unit) planned for 2010 must be real in order to take into account the full range of healthcare needs and to continue the preventative actions already undertaken.

10. The 'départementalisation' of Mayotte will ensure that the prison warders' status will be integrated into the standard prison administration system and will thus bring an end to the difference in salary and benefits between the locally recruited staff and those on assignment from metropolitan France.

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