

Global guidance and recommendations on how to prevent and manage COVID-19 in prisons

The following is a synthesis of recommendations issued by a variety of international organizations on the prevention and control of COVID-19 in prisons. The purpose of this document is to streamline the copious amount of information generated daily on this subject in order to assist DIGNITY partners to make sense of it all and take quick action to prevent and control COVID-19 in their prisons and in the communities to which they are connected. Useful information sources are listed at the end of the document so partners can delve deeper into individual points should they wish.

In order to prevent and control COVID-19 in prisons, authorities should:

1. Recall states' obligations towards detainees and especially the concept of equivalence of care and access to health care.
2. Develop and publicly disclose of COVID-19 prevention and management plans, including outlining transparent decision-making processes in coordination with public health departments.. This should include a plan to manage the prison workforce in the case of increased absenteeism due to the pandemic.
3. All action further limiting detainee freedoms (e.g. medical isolation, reduced visits, etc.) should:
 - a. Have a legal basis
 - b. Be limited in scope and duration
 - c. Be necessary and proportionate based on the best science available
 - d. Not be or seem punitive
4. Prevention & containment

Preventing the virus entering **into** the prisons:

- a. Reduce detained populations (supervised/conditional/early release for low-risk detainees, e.g. those scheduled for release or on pre-trial for lesser offences). Also consider non-custodial alternatives for pre-trial detainees, suspending or commuting sentences.
- b. Screen and test for the COVID-19 virus (SARS-CoV-2) as per health authorities' recommendations

Preventing the virus spreading **among** the prison staff and detainees:

- a. Adopt measures to alleviate overcrowding and limit detainee transfers
- b. Ensure appropriate hygiene for staff and detainees:
 - i. Training and sharing information on COVID-19 in all needed languages
 - ii. Availability and access of supplies (soap, water, disinfectant, etc.)
 - iii. Regular disinfection of staff and detainee locales as per WHO guidance

Containing the virus within prisons & mitigating its effect:

- a. Consider release of detainees vulnerable to COVID-19 such as those with underlying health conditions and the elderly taking into consideration the gravity of the committed crime. Provide screening of inmates prior to release.
- b. Ready facilities and procedures for housing people exposed to and infected by the COVID-19 virus. Ensuring isolation should not result in de facto solitary

- confinement by abiding to the UN Mandela Rules (for example, by ensuring meaningful human contact through electronic communication).
- c. Treat detainees infected with COVID-19 as per national guidance in respect of the principle of equivalence of care.
 - d. Avail psychological support as needed to detainees and staff.
5. Consider alternative/compensation strategies for visitations (e.g. video conferencing, more telephone access, etc.).
 6. Ensure that detainees continue to have the right to at least one hour of daily access to open air while ensuring physical distances between individuals.
 7. Ensure that released individuals have access to appropriate accommodations and health care services.
 8. Where appropriate services are absent, some organizations recommend that the United Nations and other inter-governmental agencies should request access to detention centers to provide direct assistance to detainees.
 9. Adopt alternative measures to ensure criminal justice can function (e.g. remote hearings) and avoid blanket measures which may be against key justice principles.
 10. Be aware that monitoring of places of detention by independent bodies is also affected by the pandemic due to suspension of visits in some countries. National Prevention Mechanisms could consider finding alternatives to physical visits in addition to requesting to monitor quarantined locations while ensuring preventive measures are applied.

The above recommendations are based on the following sources:

Penal Reform International (PRI)'s briefing note on COVID-19 and detainees:

<https://www.penalreform.org/resource/coronavirus-healthcare-and-human-rights-of-people-in/>

Statement of principles by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on COVID-19:

<https://www.coe.int/en/web/cpt/-/covid-19-council-of-europe-anti-torture-committee-issues-statement-of-principles-relating-to-the-treatment-of-persons-deprived-of-their-liberty->

Observations on COVID-19 by Amnesty International:

<https://www.amnesty.org/download/Documents/POL3019672020ENGLISH.PDF>

Statement by the Office of the UN High Commissioner for Human Rights (OHCHR) on COVID-19:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

Human Rights Watch (HRW): <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-COVID-19-response>

COVID-19 blog by Association for the Prevention of Torture (APT): <https://apt.ch/en/blog/COVID-19-in-prison/>

Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) advice to the UK on quarantine monitoring: <https://s3-eu-west-2.amazonaws.com/npm-prod-storage-19n0nag2nk8xk/uploads/2020/02/2020.02.25-Annexed-Advice.pdf-V2.pdf>

WHO Europe Interim guidance on COVID-19 in prisons:

http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1

Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic:

<https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf>

International Corrections and Prisons Association (ICPA)'s *Response to COVID-19 in Prisons* Webinar presentation by Gary Forrest, Chief Executive, Justice Health and Forensic Mental Health Network, New South Wales, Ministry of Health, Australia, 19th March 2020

<https://icpa.org/wp-content/uploads/2020/03/ICPA-Webinar-Responding-to-Covid-19-in-Prisons.pdf>

Other useful resources:

The UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules):

<https://undocs.org/A/RES/70/175>

US Federal Bureau of Prisons COVID-19 page, including screening tool:

<https://www.bop.gov/coronavirus/index.jsp>

The UK guidance to prisons regarding COVID-19: <https://www.gov.uk/government/publications/covid-19-prisons-and-other-prescribed-places-of-detention-guidance>

The Lancet COVID-19 page, including the latest research: <https://www.thelancet.com/coronavirus>

The Johns Hopkins University COVID-19 page for the public and experts: <https://coronavirus.jhu.edu/>

The WHO website on COVID-19, both technical guidance for institutions and online courses, and general guidance for the public: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

Association for the Prevention of Torture (APT) Information Hub on COVID-19 in prisons:

<https://datastudio.google.com/embed/reporting/c686bea7-3152-4dd2-b483-fce072f3ddbdf/page/hpLJB>

European Prison Observatory, COVID-19, What is happening in European Prisons:

http://www.prisonobservatory.org/index.php?option=com_content&view=article&id=32:covid-19-what-is-happening-in-european-prisons&catid=7&Itemid=101