



Managing Uncertainty in Prison

DIVERSE RESPONSES TO COVID-19

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CENTRO DE ESTUDIOS
JUSTICIA & SOCIEDAD

MANAGING UNCERTAINTY IN PRISON

DIVERSE RESPONSES TO COVID-19

An eleven-country study:

Argentina, Brazil, Chile, Costa Rica,
France, Ireland, New Zealand, Norway,
Spain, South Africa and Thailand.

January 2021



This document was produced by Prison Insider under the coordination of the Centre for Studies on Justice and Society, Pontificia Universidad Católica de Chile, and with financial assistance from the Chilean National Agency of Research and Development (ANID) and the Council of Europe. Its contents are the sole responsibility of Prison Insider.

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List of Acronyms

A3D

Avocats pour la défense des droits des détenus, Lawyers for the Defence of Prisoners' Rights (France)

ADPHA

Asociación Pro Derechos Humanos de Andalucía, Human Rights Association of Andalucía (Spain)

CELS

Centro de Estudios Legales y Sociales, Centre for Legal and Social Studies (Argentina)

CGLPL

Contrôleure générale des lieux de privation de liberté, Controller-General for Places of Deprivation of Liberty (France).

CNJ

Conselho Nacional de Justiça, National Council of Justice (Brazil)

CNPCP

Conselho Nacional de Política Criminal e Segurança Pública, National Council on Criminal and Penal Matters (Brazil)

CNPT

Comité Nacional para la Prevención de la Tortura, National Committee for the Prevention of Torture (Argentina). Also referred to as French NPM.

CPT

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment

DAP

Direction de l'Administration Pénitentiaire, Directorate of Penitentiary Administration (France)

DCS

Department of Correctional Services (South Africa)

DGSP

Departament de Justícia de la Generalitat, General Directorate of Penitentiary Services (Spain)

ECHR

European Court of Human Rights

ENAP

École nationale d'administration pénitentiaire, National School of Penitentiary Administration (France)

PPE

Individual Protection Equipment

ERPT

Emergency Response Planning Team (Ireland)

FLUs

Unités de vie Familiale, Family Life Units (France)

HRW

Human Rights Watch

HSE

Health Service Executive (Ireland)

IACH

Inter-American Court of Human Rights

ICPR

Institute for Crime and Justice Policy Research

IDDD

Instituto de Defesa do Direito de Defesa, Institute for Defence of the Right to Defence (Brazil)

IPRT

Irish Prison Reform Trust

IPS

Irish Prison Service

NGO

Non-Governmental Organisation

NPM

National Preventive Mechanism

OIP Argentina

Observatorio internacional de prisiones sección Argentina, Argentinian section of the International Prison Observatory. Also referred to as Argentinian OIP.

OIP-SF

Observatoire International des Prisons - section Française, French Section of the International Prison Observatory. Also referred to as French OIP.

OSPDH

Observatori del Sistema Penal I els Drets Humans, Observatory of the Penal System and Human Rights (Spain)

POPCRU

Police and Prisons Civil Rights Union (South Africa)

PPE

Personal Protective Equipment

PPN

Procuración Penitenciaria de la Nación, Federal Prison Inspector (Argentina)

PPP

Public Private Partnership

SEP

Service de l'Emploi Pénitentiaire, Penitentiary Employment Service (France)

SGIP

Secretaría General de Instituciones Penitenciarias, General Secretariat of Penitentiary Institutions (Spain)

SIRECOVI

Sistema de Registre i Comunicació de la Violència Institucional, System for Registration and Communication of Institutional Violence (Spain)

SOCLA

Sociedad de Criminología Latinoamericana, Latin American Society of Criminology

SPIP

Service pénitentiaire d'insertion et de probation, Penitentiary Services for Integration and Probation (France)

SPT

Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment

TIJ

Thailand Institute of Justice

UCA

Unidad de Contención del Aprehendido, Apprehended Containment Unit

UN

United Nations

WHO

World Health Organisation

[Foreword and methodology

This document was produced by Prison Insider under the coordination of the Centre for Studies on Justice and Society of the Pontificia Universidad Católica de Chile, for the Prison and COVID in Chile Project funded by the Chilean National Agency of Research and Development (ANID) and with financial assistance from the Council of Europe.

The Centre for Studies on Justice and Society ([justiciay-sociedad.uc.cl](https://www.prison-insider.com)) aims to produce relevant knowledge and contribute to the development and analysis of public policies that promote a more just, safe and peaceful society. The Centre draws from more than a decade of research on sociology of crime, criminology and the study of invisible populations on the margins of society. The collaboration of the Centre with international organisations, other foreign universities, state entities and research centres has allowed it to conduct high impact research and to produce academic knowledge to contribute with the development of informed public policies.

Prison Insider is an organisation whose mission is to inform, compare and share testimonials about detention conditions around the world. Prison Insider draws from an international network of contributors and applies rigorous methodology to collect accurate and comparable information on practices of incarceration around the world.

Prison Insider's studies, reports and interviews are conducted with reference to the standards of the main international texts on detention: Nelson Mandela Rules (United Nations), European Prison Rules (Council of Europe), the Bangkok Rules (treatment of women prisoners), Beijing Rules (juvenile justice), Yogyakarta Principles (gender identity), Istanbul Protocol (torture) and the Convention against Torture. Prison Insider promotes a collaborative approach to information. Everyone can take responsibility for the detention conditions of their fellow citizens. This information of public interest is available on its website,

<https://www.prison-insider.com>. Prison Insider addresses all audiences for each one to build its own informed understanding about prison, to empower people to act for the respect of rights and to promote a society that upholds human dignity.

For the purposes of this study, Prison Insider conducted an extensive desk research on the measures that have been put in place in each country to respond to the COVID-19 pandemic in prisons. It also examines the consequences of the crisis. Since March 18, 2020, Prison Insider has been documenting measures taken, events observed and recommendations issued. Since September 2020, the organisation has been collecting views of people with proven expertise in their respective context (NGOs, researchers, prison officials, national institutions) through semi-directive interviews conducted by video calls and directed written interviews. The present research also makes use of articles and reports produced by national experts, which provided current and relevant insights.

This document does not claim to be exhaustive. It is a still photograph and a succinct inventory of the situation with regard to COVID-19 in prisons in 10 countries between March and November 2020. The countries examined are the following: Argentina, Brazil, Chile, Costa Rica, France, Ireland, New Zealand, Norway, Spain, South Africa and Thailand.

Acknowledgments

Prison Insider thanks the following contributors to this report:



In Argentina, Graciela Dubrez (Observatorio internacional de prisiones sección Argentina, OIP Argentina) and Juan Ambrogi (Sociedad de Criminología Latinoamericana, SOCLA).



In Brazil, Rafael Godoi (Centre for the Study of Citizenship, Conflict and Urban Violence at the Federal University of Rio de Janeiro).



In Chile, Amalia Valdés, Catalina Droppelmann, Pablo Carvacho, Ignacio Bórquez, and Angel Aedo (Centre of Studies on Justice and Society, Pontificia Universidad Católica de Chile).



In Costa Rica, María de los Angeles Espinoza Rojas and Diana Sofía Posada Solís (Ministry of Justice and Peace).



In Ireland, Fíona Ní Chinnéide (Irish Penal Reform Trust).



In Norway, Hedda Giertsen (University of Oslo).



In Spain, Alejandro Forero Cuella (Observatori del Sistema Penal I els Drets Humans, OSPDH - SIRECOVI).



In South Africa, Zia Wasserman (former National Coordinator at Sonke Gender Justice).



[Main Findings

Introduction

The spread of COVID-19 rapidly represented a major threat for prisoners around the world. Prisons in many countries were described as “ticking time bombs”: neglected healthcare, overcrowded facilities and unsanitary living conditions made preventive measures hard to comply with.

Curbing the spread was achieved at high expense; prisoners were almost entirely cut out from the outside world, both in terms of external support and monitoring. Prisoners emerged relatively unscathed from the first wave of the coronavirus in some countries, but they were more isolated than ever. This raised the fear of undocumented abuse and even higher suicidal risk and other mental health issues.

Despite long-term engagement from human rights defenders and civil society organisations to advocate for the respect of prisoners’ rights, their calls and recommendations were only scarcely taken into account in the past. The coronavirus urged the authorities to (re) act rapidly and make pragmatic decisions. Previously identified tools and strategies were activated, with short notice, to achieve results in compliance with prisoners’ fundamental rights: rapid reduction of overcrowding, increase of resources for prison healthcare, additional communication means with the outside. The respect of international standards proved to be not only realistic but crucial both in normal times and in crises.

As new dynamics are observed inside and outside, the public authorities now face the challenge of learning from the COVID-19 crisis, durably inscribe the change in their practices and policies, and secure what was achieved.

A- Coordination between public authorities

The COVID-19 pandemic surprised most governments due to its rapid development, complex nature, and intensity. Due to lack of preparedness, the response to the rapidly evolving needs seemed more like a day-to-day reaction than a real management.

International bodies rapidly issued recommendations on measures to prevent the spread of the disease. In **South Africa** however, it was noted that guidelines from both the Ministry of Justice and the International bodies were not equally implemented in all facilities. The coronavirus spread rapidly in the prison system and 57 prisoners died by November 2020.

As described by an International Committee of the Red Cross (ICRC) expert on detention¹, *“the difficulty for the detaining authorities was to recognise and manage their healthcare obligations and to prioritise compliance with healthcare standards. The link with the health authorities was crucial for this, but it was often distorted.”* In **Brazil** for instance, no coordinated measures were established between the Ministry of Justice, the State Prison Administrations and the Federal State in the first months of the crisis. The measures implemented therefore varied from one facility to another. In the State of Rio, for instance, the endemic local political crisis jeopardised the coordination between the Health and the Justice authorities.

The same kind of shortcomings was observed in several other countries by the ICRC:

“Operational cooperation between authorities of the same state was lacking. Places of detention were not always treated on an equal footing with the outside world and were rarely included in national plans, even though they posed a risk for the community in terms of contagion.”

Argentina, on the other hand, has strived to coordinate local and national responses to the crisis. The Supreme Court (Corte Suprema de la Nación) issued an Order early in the pandemic. Following international recommenda-

tions, it allowed for different prison administrations, both provincial and federal, to implement the same set of measures.

A similar coordinated response was observed in other countries with constructive outcomes. In **Costa Rica**, the Emergency Committee (Comando de Atención de Emergencias), under the responsibility of the Ministry of Justice and Peace, has worked closely with the Ministry of Health since the beginning of the pandemic. They decided jointly on protocols to be put in place in prison and adjusted them to the evolution of the situation.

Ireland established an Emergency Response Planning Team (“ERPT”) early on in mid-February. The ERPT consisted of senior staff with skills and experience in healthcare and infection control. It worked in partnership with the National Public Health Emergency Team and the Irish Red Cross. Civil society organisations commended the open and efficient communication between these bodies, which enabled a very fast policy response and implementation of measures. A similar efficient coordination was also reported in **New Zealand**.

In several other countries, the authorities’ unpreparedness paved the way for spontaneous responses: cross-learning, bottom-up initiatives by various stakeholders including prison directors, and sometimes unprecedented efforts of cooperation between prison administrations across borders.

B- Coordination with external actors

Conditions of detention are complex to document, and prison is often described as a black box of which little information emerges. This was exacerbated during the COVID-19 pandemic due to the suspension of visits. External actors were prevented from entering in detention. Independent monitoring bodies, civil society organisations, lawyers and families were alarmed and repeatedly called for access with appropriate preventive measures.

1, 2 : Vincent Ballon, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

Brazilian and **South African** civil society organisations harshly criticised the **absence of dialogue** with public authorities and the administrations' lack of transparency. Prisoners' family organisations in Brazil were very concerned about the lack of information about detention conditions and health status of their loved ones.

Independent initiatives by external actors were set up and proved to be particularly essential in countries with insufficient State response. This demonstrated how much a pragmatic collaboration was necessary between State bodies and external actors. For instance, the Irish Red Cross worked closely with the Prison Administration to produce accessible information leaflets. They involved prisoner volunteers in raising awareness with other prisoners about physical distancing gestures and identification of high-risk practices.

The hindrance of **monitoring visits**, such as the ones carried out by the National Preventive Mechanisms (NPMs), were one of the main side effects of restrictive measures. In many countries, the monitoring bodies were not able to carry out their inspections, while their controlling mandate is essential and provides one of the rare inside sources of information. In addition to the suspension of its visits, the French NPM had to face an exceptional situation: the position as the Head of NPM was left vacant for three months in the midst of the crisis.

In many countries, the NPMs had to adapt their work to be able to keep fulfilling their mission. The local members of the **Brazilian NPM** were proactive in arranging regular meetings with the public authorities to follow, at a distance, the evolution of the crisis in detention.

Once inspection visits were allowed again, monitoring bodies were able to evaluate the evolution and the impact of COVID-19 in prison. Following the development of the **Argentinian NPM's** COVID-19 monitoring plan, the Federal Prisons Inspector resumed its visits and started focusing on prisoners' mental health. In **New Zealand**, the Chief Inspector resumed its visits in late April 2020. He noted "*general positive interactions between prisoners and staff*" and commended the "*good shared understanding of*

the effects of COVID-19 and the importance of taking health and safety precautions", finding that prisoners had been kept well informed and that facilities had implemented adequate preventive measures.

C- Sanitary conditions and access to healthcare

*"The COVID-19 crisis shows that prison health remains the poor cousin of prison systems."*³

In general, **sanitary conditions** and prisoners' access to healthcare are very unsatisfactory. Poor hygiene conditions, widespread overcrowding and underfunded penitentiary health systems are the reality in many countries. Problems with water supplies are frequent and were recently reported in South Africa, France and Brazil.

Overcrowding is a systemic challenge in **Brazil, Argentina, South Africa** and **France**. It poses obvious constraints with respect to physical distancing measures. In the beginning of the pandemic, the Brazilian government recommended that prison facilities make use of curtains and ground marks to define a two-meter minimum distance. This proved to be somewhat ineffective in the overcrowded communal cells holding dozens of prisoners. In the beginning of 2020, more than 1,600 prisoners were sleeping on mattresses on the floor in **French** remand prisons. Double-occupancy cells were crowded with up to four people. During the pandemic, prisoners spent the whole day locked up, only leaving at mealtimes and with no access to a daily outdoor walk. The rapid release of prisoners then allowed for a decrease of 12,000 prisoners in the prison population from March to June. This finally made single-occupancy cells a possibility in some facilities.

Some countries had better results in the implementation of **physical distancing measures**. In **Norway**, with an average prison density of 88%⁴, prison authorities were able to abolish the use of double and multi-occupancy cells in halfway houses, as well as in higher and lower security facilities. In Ireland, meals were served in small groups,

3: Frédéric Le Marcis, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

4: <https://www.prison-insider.com/en/countryprofile/norvege-2020>

in disposable cardboard containers, respecting distancing measures.

In countries where the **access to healthcare** in prison is considered poor or even non-existent, the threat of the coronavirus was an additional motive for prisoners' anxiety. In **Argentina**, a study from 2019 showed that 31% of prisoners held in the federal system and 55% of those incarcerated in the Province of Buenos Aires did not have access to care when they were sick. The fight against the spread of COVID-19 was particularly challenging in prisons where the authorities already failed in preventing the spread of other treatable diseases, such as tuberculosis in **South Africa**, **Brazil** and **Argentina**. Some governments decided to compensate the lack of health units with new dedicated areas. In May, the Argentinian president announced the construction of 12 hospital units for prisons in the Province of Buenos Aires and four units in federal prisons. The units will be set up inside the prisons and will include sections for patients who need to be isolated. In **Spain**, the Catalan Department of Justice ordered the construction of a field hospital inside the Quatre Camins prison to treat COVID-19 patients.

While international bodies rapidly issued recommendations and instructions on the provision of **personal protective equipment** (PPE), the implementation of this key preventive measure was very uneven. In **France**, prisoners had no access to sanitising gel due to the ban on alcohol in prisons. Staff were provided with masks by the end of March, although it took a few months for them to be distributed to prisoners. In **South Africa**, testimonies received by local organisations reported a systematic lack of PPE and hand sanitiser. Up to 50 prisoners had to share one bar of soap. In many countries, prison staff did not systematically comply with the use of masks. In **Ireland**, PPE was distributed to staff by mid-February, and training sessions on the recommended use were organised. Prior to the crisis, the **Spanish** prison administration had around 100,000 surgical masks already in stock, dating from other previous epidemics. It received at least 40,000 additional masks from the Ministry of Health.

Transfers and movements proved to be a major factor in spreading the disease. **Brazilian** prisoners were frequently transferred during the crisis, with no transparency on the motives and no established protocol. In **Chile**, some transfers were done without the correct sanitary protocols nor testing the prisoners. As a result, the virus was spread between facilities. In **Costa Rica**, on the other hand, transfers were reduced to a minimum, based on lessons learnt from the management of a mumps epidemic in 2019. A senior Costa Rican prison officer describes the procedure:

“ We have set up a system of sub-groups to organise the movement of prisoners. This enabled us to avoid contacts between groups when we had to move them from one wing to another. We were then able to submit each sub-group to a 14-day quarantine and make sure the dormitories were fully disinfected in the meantime.⁵ ”

In terms of **screening and testing**, many countries have favoured the testing of prison staff over that of prisoners. An anthropologist specialising in prison health in West Africa explained:

“ Testing ministry staff before testing in prisons allowed the virus to circulate in asymptomatic forms. Recent serological approaches revealed that the vast majority of inmates had been exposed to the virus. Massive screening of all prisoners should be carried out systematically upon entry into detention. ⁶ ”

Quarantine and medical isolation measures were widely set up, even in prisons where no dedicated space existed before the pandemic. This was applied to newly arrived prisoners, symptomatic and/or positive prisoners and vulnerable prisoners. **Thailand** adopted the principle of “No exit for Insiders, no entry for Outsiders”: newly arrived prisoners and those presenting COVID-19 symptoms were placed in quarantine cells for 14 days, and prison staff had their body temperature checked before entering prison. In **Ireland**, between April and the end of June, people over

5 : Interview with a Costa Rican prison administration officer.

6 : Frédéric Le Marcis, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

the age of 70 and those with chronic illness were automatically isolated. Many were held in the so-called “cocooning”-cells for periods of up to 30 hours.

In many cases, these decisions amounted to a disproportionate use of restriction of movement. Monitoring bodies expressed their concern about the harmful impact on prisoners’ **mental health**. In **Ireland**, the Prison Inspector reported that many prisoners held in cocooning expressed suicidal and depressive feelings. In **Norway**, the Ombudsman noted that prisoners placed in quarantine or medical isolation were subjected to an excessive use of measures akin to solitary confinement⁷: they spent 23 hours a day locked up with only one hour of outdoor exercise.

The ICRC experience confirmed that:

“Mental health problems were amplified by the COVID-19 crisis. The anxiety of inmates regarding their situation and that of their families, the extreme measures of restriction, and the management of addictions have led to situations of riots in some prisons. The lack of psychological and social support proved to be a major weakness of this crisis.”⁸

“Prison systems are made up of interdependent subsystems: security, social and integration activities, management and administration, and prison conditions. If a detention regime focuses on one, the shortcomings are revealed in the others. For example, the management of infected staff leads to the cessation of certain activities or the release of detainees to the open air. In self-managed prisons, where autonomy is the norm, the impact on prison conditions is less. Failures in the management of new arrivals, with insufficient or no medical examination, result in the arrival of potentially contaminating cases among the prison population.”⁹

D- Sentence adjustments (Releases as a means for relief)

“On the one hand, justice is in ‘slow motion’. Suspended hearings, insufficient alternative measures: the crisis opens a period of disrespect for the rights of many detained people. On the other hand, many interventions are aimed at reducing prison overcrowding: it is estimated that nearly 250,000 of the 11 million people detained have been released.”¹⁰

Prisons around the world have experienced, with the sanitary crisis, an extraordinary increase of measures that can be qualified as an *opening*. The high number of prisoners and the impossibility to respect physical distance have led authorities to a pragmatic and extraordinary use of sentence adjustments: early, compassionate and conditional releases, suspensions of sentence, house arrests, electronic surveillance, massive pardons.

In the context of urgency in **France**, appeals from civil society and coordinated action by the Prison Administration, the Penitentiary Integration and Probation Department and judiciary authorities have jointly led to the release of thousands of prisoners nearing the end of their sentences. From March to May 2020, the prison population has fallen by nearly 13,500, thanks to releases and fewer incarcerations orders. This decrease, eagerly awaited for decades by civil society organisations, prison staff, and prisoners, became a reality within a few months.

In **Brazil**, the National Justice Council has issued guidelines favouring sentence adjustments in the light of the COVID-19 crisis. Judges have examined prisoners’ demands on a case-by-case basis. At least 33,000 prisoners were released under house arrest or placed under electronic surveillance. This represented 4.8% of the Brazilian prison population. In **Spain**, the number of prisoners released between March and June reached 7.4% of the prison po-

7 : Solitary confinement is defined by the revised European Prison Rules (EPR) as “the confinement of a prisoner for more than 22 hours a day without meaningful human contact”.

8 : Vincent Ballon, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

9, 10 : Vincent Ballon, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

pulation. In **South Africa**, the government authorised on May 8, 2020 the early release of 19,000 prisoners (12% of the prison population), but by the end of June, only 4,000 had been released.

In all countries, releases were conditioned by specific sets of criteria regarding the eligible prisoners. At-risk prisoners (elderly people, people suffering from illness) were the priority in **Brazil**, while in **Ireland** the releases were focused on prisoners serving the final months of their sentence (six months or less). **Chile** adopted a combination of criteria, prioritising at-risk prisoners, who had already served a significant part of their sentences in prisons, and excluding those who committed highly serious offences.

The fate of newly released prisoners has raised concern of civil society organisations, lawyers and families. Due to lack of clarity of public policies, families of prisoners that are under house arrest in **Brazil** are uncertain to this day whether their loved ones will have to return to prison after the crisis or not. The **Argentinian** Federal Prisons Inspector prepared a guide for released prisoners and their relatives, including information on institutions that could provide help. The release process in **Ireland** took into consideration factors such as health status and housing opportunities, in coordination with the Department of Housing, Planning and Local Government and the Ireland Health Service (HSE).

E- Work and activities (Shutting down)

Work and activities in prison are often scarce, but they are a key component of prisoners' everyday life and of rehabilitation process.

Work sometimes represents the only source of income for some prisoners. This is crucial given the everyday needs in detention, even though the wages are significantly lower than the national average. In many parts of the world, prisoners rely on their families to provide goods, medicine or

food. In **Thailand**, those without family support did not have any possibility to maintain their income. Most workshops inside the prisons were closed to avoid internal movements. In **France**, **Brazil** and **New Zealand**, certain workshops were nevertheless maintained or created, especially dedicated to the production of PPE. Many prisoners who worked outside the prison walls before the pandemic had to stop their activities given movement restrictions.

Activities were suspended or completely readapted. In many countries, schooling, training or cultural activities are provided by external actors, including NGOs, schools and universities. In France, all activities were put to a halt, with exceptions for walking, outdoor sports, and activities organised by the Youth Judicial Protection Services in juvenile correction facilities. Most French prisoners described an "over-confinement". In **Brazil** and **Thailand**, videos were sent by external actors, such as religious organisations, in order to compensate for the absence of in-person activities.

As internal movements were limited, time outside the cells was greatly reduced. In **Norway**, prisoners spent more time locked up alone in their cells. In **Brazil**, they were crammed together in the overcrowded and unsanitary collective cells. In order to facilitate sports and exercise, prison gyms remained opened in **Irish** prisons, but with a lower capacity and a sanitising procedure before and after use. Elderly prisoners and those presenting underlying health conditions were provided with gloves and face masks when exercising.

F- Communication with the outside world (Family ties at risk)

“ Since the management of family visits is conditioned by the available infrastructure and staff, the tendency was to suspend visits altogether. The supply of food and medical treatment was jeopardised in contexts where families provide them.¹¹ ”

11 : Vincent Ballon, international conference organised by Prison Insider, on October 8, 2020. <https://www.prison-insider.com/articles/conference-internationale-la-fievre-des-prisons>

The **suspension of visits** was one of the first closing measures implemented. Family members were not able to see their incarcerated loved ones for at least three months in **France**, and in some **Brazilian** states, this has been impossible since March 2020. The suspension of family visits was one of the key elements for uprisings and acts of protests in prisons worldwide.

Compensatory measures where necessary to **mitigate the impact of the absence of visits**. In **Brazil** and **Thailand**, computers and tablets were provided in some facilities for the first time, allowing video calls between prisoners and their families. The use of video calls brought a relief for many families, but its use remained unequal: prisons and families struggled with poor internet connection and access was complex. Many problems were reported, such as the short time allocated or the lack of confidentiality.

In **France**, **calls** were facilitated by a 50-euro increase of prison telephone credit. While mobile phones are banned in prisons in the vast majority of countries, authorities in **Argentina** and **Chile** authorised its use, in the Province of Buenos Aires and in all Chilean prisons, to ensure prisoners' rights to communicate with the outside world during the pandemic.

In some countries, visitation also represented an opportunity for families to bring **parcels** with food and goods to their imprisoned relatives. The quality of food is often poor in **Brazilian** and **Argentinian** prisons and the provision of hygiene products is insufficient, thus making prisoners rely on their family members. During the pandemic, sending parcels became more complicated and expensive. When resumed, family visits had to be adapted to new sanitary protocols. Measures and equipment varied between countries and facilities, but mainly consisted of temperature checks, disinfection of visitation rooms, separated boxes with plexiglass screens and compulsory masks. Some facilities used outdoor or bigger spaces for visitation. Even when authorised, families were not always able to visit due to moving restrictions sometimes applied outside.



A close-up, monochromatic photograph of a man's face. He is wearing a dark, textured knit beanie and a white, pleated surgical-style face mask that covers his nose and mouth. He is looking directly at the camera with a neutral expression. He is wearing a dark jacket over a light-colored shirt with dark horizontal stripes. The background is a soft, out-of-focus grey. The word "Argentina" is overlaid in white text on the right side of the image.

Argentina



Argentina



Key figures

Country population:

44,938,712

Date: 2019

Source: World Bank ¹

GDP:

449.663 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.830 (48/188)

Date: 2018

Source : UNDP, Human Development Report ³

Prison population:

103,209 including 8,326 in police custody places

Date: 31/12/2018

Source: World Prison Brief, ICPR ⁴

Prison density:

122%

Date: 31/12/2018

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

230

Date: 2018

Source: World Prison Brief, ICPR ⁶

1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=AR>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=AR>

3: UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/ARG>

4, 5, 6 : World Prison Brief, ICPR. <https://www.prison-insider.com/en/countryprofile/argentine-2020>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

1,498,160 confirmed cases **40,766 deaths**

Date: 14/12/2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

1,629 confirmed cases **60 deaths**

Date: 24/11/2020

Source: CNPT ⁸



Main facts

Implementation of quarantine:	in some facilities	—
Implementation of sanitary protocols:	yes	✓
Protests/riots:	yes	✓
Deaths due to riots:	yes	✓
Number of months without visits:	at least 7 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

Argentina is a federal state, in which each province has its own penitentiary system. The federal system holds people incarcerated for federal crimes and ordinary offences committed within the Autonomous City of Buenos Aires. The majority of the prison population is held in federal prisons and in the Province of Buenos Aires.

Each prison system is responsible for prisoners' healthcare and the health staff. In a study conducted in 2013 and 2019 by the National University of "Tres de Febrero", prisoners were asked to share their perception of prison healthcare. The results indicate a deterioration between the two surveys. In 2019, in the Buenos Aires prison system, 55% of inmates mentioned⁹ that they had not received medical attention when they got sick. The proportion is 31% in the federal system.

The Argentinian section of the International Prison Observatory (OIP) reports¹⁰ the constant overcrowding of prisons, the poor hygiene and the lack of food.

7 : Johns Hopkins University & Medicine. coronavirus.jhu.edu/region/argentina

8 : CNPT. <https://cnpt.gob.ar/estado-de-situacion-de-las-personas-privadas-de-libertad-ppl-durante-el-periodo-de-emergencia-sanitaria-por-el-covid-19-al-28-10-2020/>

9 : <http://celiv.untref.edu.ar/contenidos.html>

10 : <https://www.prison-insider.com/en/articles/argentine-le-systeme-filtre-les-plaintes?referrer=%2Farticles%3Fpage%3D1%26tag%255B0%255D%3Dinterview%26country%255B0%255D%3Darg>



1. Overview

In Argentina, the COVID-19 crisis came in addition to a context of overcrowding and other epidemic diseases, such as tuberculosis. In the beginning of the crisis, the Supreme Court (Corte Suprema de Justicia de la Nación) issued an Order that put into effect the recommendations made by the World Health Organisation (WHO), the United Nations (UN) and the Inter-American Court of Human Rights (IACHR) about how prisoners should be treated. The Order instructed different prison administrations (provincial and federal) to implement the same set of measures.

Strict restrictions were put in place by the public authorities, among them were the suspension of visits and day-releases. In the Province of Buenos Aires, the use of cell phones was officially authorised to alleviate the suspension of visits. At the federal level, a video call system was put in place to facilitate the communication with family members.

Argentinian prisons were not spared by the contagion of the disease. The restrictions had a major impact on the daily lives of prisoners and their access to basic needs, despite some innovative measures. Prisoners, their families and civil society organisations regretted what they perceived as a lack of concrete measures. This led to an increase in tensions and to numerous protests in the country's prisons.



2. Sanitary conditions and access to healthcare

At the early stages of the pandemic, the Latin American Society of Criminology (SOCLA) assessed the vulnerable prison population in two systems. In the Province of Buenos Aires, about 5% of the prisoners were identified as being “at risk”¹¹, while at the federal level it concerned 10% to 15% of the total population.

In March 2020, prisoners denounced the lack of measures they considered elementary, such as the quarantine of prisoners who returned to detention after temporary leaves.

They also called for a thorough implementation of preventive measures by staff at each shift change. The Argentinian OIP also criticised the poor access to health services. The NGO reported that medical treatments were limited to the distribution of painkillers and that prisoners were transferred to hospitals only in extremely severe cases.

Sanitary protocols were designed at the local level. In April 2020, for instance, the Ministry of Security and Justice and the Ministry of Health drew up a prevention protocol for the prisons in the Province of Río Negro. The protocol provided for the distribution of medicines, hygiene products and disinfectants in each facility. All incoming prisoners would undergo¹² a medical exam so that COVID-19 symptoms (cough, breathing difficulties, high temperature) could be detected. In the Province of Buenos Aires, health kits were distributed to 18,000 prison officers. The kit was composed of 250 ml of hydro-alcoholic gel, soap and ten pairs of gloves. The prison administration and the provincial Ministry of Justice announced¹³ that 180,000 masks would be distributed to prison staff.

In May 2020, the Argentinian President declared the construction of 12 hospital units (288 beds) dedicated to prisoners in the Province of Buenos Aires and four more units for federal prisons. He announced that the units would be set up inside the prisons and would include sections for patients who needed to be isolated. The President acknowledged the problem of prison overcrowding and stated¹⁴ that: “*Having people crowded together is inhumane*”.

The Argentinian OIP reported that hundreds of prisoners suffering from other diseases (high blood pressure, diabetes, tuberculosis, arthritis or advanced osteoarthritis) were highly impacted by the COVID-related restrictions. The relatives usually providing them with medicine were now prohibited to do so due to travel restrictions or their lack of financial resources. No alternative was provided.

The Argentinian NPM (Comité Nacional para la Prevención de la Tortura, CNPT) created a database¹⁵ collecting all COVID-19 judicial and administrative measures applied in places of deprivation of liberty. The measures

11 : The criteria used to determine prisoners “at risk” included people over 60 years old with pre-existing diseases, pregnant women and women incarcerated with children.

12 : <https://www.noticiasnet.com.ar/nota/2020-4-4-20-48-0-refuerzan-los-controles-sanitarios-en-las-carceles>

13 : <https://www.inforegion.com.ar/2020/04/11/entrega-de-kits-sanitarios-en-carceles-bonaerenses/>

14 : <https://www.pagina12.com.ar/268444-unidades-sanitarias-para-carceles>

15 : <https://cnpt.gob.ar/herramienta-interactiva-de-busqueda-de-medidas-relacionadas-con-la-prevencion-y-control-de-efectos-de-la-pandemia-covid19-2/>

vary from one province to another and can be implemented differently in the local or federal systems. The database includes the following categories: sanitation, compensation, reduction of the population, risk groups, children & young people, and mental health.



3. Identified cases

The first COVID-19 case amongst prisoners was confirmed¹⁶ by the authorities on April 19, 2020. The infected person, a life-sentenced prisoner held at Florencio Varela prison, was believed to have contracted the disease during his treatment for chronic renal failure at Presidente Perón Hospital. All those who were in contact with him (10 prison staff and 5 prisoners) were isolated.

In April 2020, four medical staff¹⁷ in the Devoto federal prison and a prison guard¹⁸ at Villa Devoto prison tested positive for COVID-19. They were the first prison staff infected. In July 2020, 28 prisoners and seven guards tested positive¹⁹ in the Campo de Mayo military prison. According to the Argentinian OIP, many prison officers were infected by the coronavirus. As a result, there was less staff available for security and surveillance missions.

By the end of August 2020, the number of infected prisoners in federal prisons²⁰ was close to 390. Thirteen had died from COVID-19. Most of the cases were found²¹ at the Complejos I de Ezeira, II de Marcos Paz and CABA de Devoto facilities.

As of November 24, 2020, 1,629 prisoners were infected

and 60 had died from COVID-19: 17 in the federal penitentiary system and 43 in the provincials systems. The highest numbers of COVID-19 infections were located in the Province of Córdoba system (403). The average age of prisoners who died from COVID-19²² was 67.

Comité Nacional para la Prevención de la Tortura (CNPT), November 2020, p. 06.²³



4. Sentence adjustments

The requests for releases or sentence adjustments due the pandemic are still currently being examined by courts on a case-by-case basis. In April 2020, Paula Litvachky, lawyer and Executive Director of the Centre for Legal and Social Studies (CELS), said²⁴ that less than 500 prisoners in the Province of Buenos Aires had been placed under house arrest between mid-March and mid-April. This represented 1% of its prison population.

At least 2,609 prisoners were released²⁵ from federal prisons between March and July 2020. About 29% of these were placed under house arrest and 14.7% on parole. The number of releases increased by 61% compared to the same period in 2018, while the number of people under house arrest was multiplied by eight.

The Federal Prison Inspector (Procuración Penitenciaria de la Nación, PPN) published²⁶ a guide for prisoners released during the epidemic and their relatives. The guide included information on institutions that can provide help to prisoners and their families, as well as other resources.

16 : <https://www.infobae.com/sociedad/politicas/2020/04/19/primer-presos-con-coronavirus-en-la-argentina-es-un-detenido-de-la-unidad-n42-de-florencio-varela-y-las-autoridades-creen-que-se-contagio-en-un-hospital/>

17 : https://www.clarin.com/politicas/coronavirus-argentina-denuncian-casos-positivos-medicos-enfermeros-trabajan-penal-devoto_0_Z7i33YRKA.html

18 : <https://www.parismatch.com/Actualite/International/Mutinerie-dans-une-prison-en-Argentine-due-a-un-cas-de-Covid-19-1683236>

19 : <https://elpais.com/sociedad/2020-07-25/dos-muertos-y-mas-de-30-contagios-por-la-covid-19-en-una-carcel-con-represores-de-la-ultima-dictadura-argentina.html>

20 : <https://reportecovid.spf.gob.ar/>

21 : <https://www.fiscales.gob.ar/violencia-institucional/se-produjeron-doce-muertes-por-coronavirus-en-carceles-federales-sobre-un-total-de-304-contagios/>

22 : <https://www.fiscales.gob.ar/violencia-institucional/se-produjeron-doce-muertes-por-coronavirus-en-carceles-federales-sobre-un-total-de-304-contagios/>

23 : Estado de situación de las personas privadas de libertad (PPL) durante el período de emergencia sanitaria por el COVID-19 al 24/11/2020. <https://cnpt.gob.ar/wp-content/uploads/2020/11/Reporte-Estado-de-Situacion-PPL-Covid-al-24-11-2-1.pdf>

24 : https://www.lemonde.fr/international/article/2020/05/04/en-argentine-la-polemique-enfle-autour-de-la-sortie-de-prison-de-detenus_6038568_3210.html

25 : <https://www.ppn.gov.ar/institucional/noticias/2812-covid-19-nuevo-report-eestadistico-de-la-ppn-3>

26 : <https://www.ppn.gov.ar/institucional/noticias/2601-guia-para-personas-que-egresan-del-spf-y-sus-familias>



5. Activities and work

Activities and work were greatly impacted by the crisis. Classes and sport activities were suspended. Some teachers, thanks to their own initiative and creativity, used video calls to maintain the opportunity of interaction and exchange with the students. Apart from this, no new formats of activities were implemented. Many prisoners had their work activity suspended. As reported by the Argentinian section of OIP, the overcrowding was felt in a “very dramatic way” since the prisoners spent most of the day inside their wings.

In April 2020, it was reported²⁷ that prisoners held in San Nicolás, Bahía Blanca, Urdampilleta, La Plata, Magdalena and Florencio Varela facilities worked at least eight hours a day in textile workshops producing masks and overcoats for police, doctors, nurses, fire-fighters and court officials. Some masks were made available to prisoners. Prisoners at Bahía Blanca helped set up²⁸ a field hospital in the school of Unit 4 to prepare for the eventuality of an outbreak. Prisoners were trained to assist the sick. Fourteen prisoners were assigned to manage the makeshift 46-bed hospital.



6. Communication with the outside world

Family and loved ones

Most of the jurisdictions put new rules in place restricting contact between prisoners and families. Many had suspended visits and home leaves for two weeks at the end of March 2020 and later extended the suspension. The CNPT stated, in April, that these decisions could be useful for preventing the spread of COVID-19 in the penitentiary facilities, but that they had an impact on family ties, as well as on the psychosocial well-being of the prisoners.²⁹

As a compensation measure, in April 2020, the Court of

Appeals (Tribunal de Casación Penal) allowed³⁰ the use of mobile phones, tablets and laptops in the Province of Buenos Aires. The measure was to remain in place for as long as the visits were suspended. The use of social media was still forbidden, with the exception of WhatsApp. Prisoners who already unofficially owned a mobile phone could notify prison authorities to sort out how and when they would use it. Since the authorisation of mobile phones in mid-June 2020, more than 22,000 prisoners have registered a device with the prison service.

The effects of this measure were positively acknowledged by the Federal Prison Inspector (Procuración Penitenciaria de la Nación, PPN) in June 2020. It recommended that phone lines be set up to allow incoming calls in federal prisons. He assessed the compensation measures for outgoing calls (video calls, distribution of free phone cards) as insufficient and said³¹ that phone calls between prisoners and their families were of crucial importance.

As a compensatory measure, relatives were allowed to send packages with food and goods to the prisoners or bring it to the facilities for the prison staff to hand out. In reality, they were not always able to do so (cf. Sanitary conditions and access to healthcare). The Argentinian OIP reported that many prisoners had gone hungry due to the scarcity of food provided by the administration.

“There is a collective imaginary that prisoners are maintained by the State. Formally it would seem to be true. In reality, it is the family members who support them.”³²

In August 2020, the isolation of prisoners and the lack of contact with the outside world remained problematic. The IACHR and the UN denounced³³ the decision of the federal justice system to isolate prisoners for an indefinite period of time. The prison administration justified this measure by stating that it was necessary to avoid contagion.

27 : <https://infocielo.com/nota/116962/en-carceles-bonaerenses-producen-barbijos-y-camisolines-para-policias-medicos-enfermeros-bomberos-y-funcionarios-judiciales/>

28 : <https://www.lanacion.com.ar/seguridad/coronavirus-escuela-carcel-paso-ser-hospital-campana-nid2392682>

29 : Comité Nacional para la Prevención de la Tortura (CNPT), “Recomendación 06/20: El CNPT llama a adoptar medidas para garantizar el contacto de las personas privadas de la libertad con el mundo exterior. https://cnpt.gob.ar/wp-content/uploads/2020/04/CNPT_Recomendacio%CC%81n-uso-celulares.pdf April 8, 2020, p. 01.

30 : <https://notasperiodismopopular.com.ar/2020/06/18/el-gobierno-bonaerense-planea-construir-2-mil-plazas-en-carceles/>

31 : <https://radiomitre.cienradios.com/calificaron-como-fundamental-el-uso-de-celulares-en-las-carceles/>

32 : Graciela Dubrez, Argentinian OIP

The IACHR and the UN criticised the detention conditions in the isolation cells, declaring prisoners were completely cut off from the outside world and had no access to medical care.

Inspection visits

In the beginning of June 2020, under the “COVID-19 monitoring plan”, the Argentinian NPM visited³⁴ the federal units I and II. The Federal Prison Inspection (PPN) and the Director-General of the Protection of Human Rights visited the Marco Paz and Ezeiza prisons. The aim of these visits was to observe the measures adopted during the pandemic and to work with the authorities and prisoners.

The PPN’s Mental Health Team and its regional delegations started monitoring³⁵ prisoners’ access to mental and psychological care in federal prisons during the pandemic.



7. Acts of protest

Many protests have been taking place in Argentinian prisons since March 2020. Most protesters called for the implementation of sanitary preventive measures or for compensatory measures to the restrictions in place.

The first reported protest movement happened on March 23, 2020 simultaneously in different prisons, including Florencio Varela, Batán, Coronda and Santa Fe prisons. Several prisoners climbed on the roofs, others tried to escape. One prisoner died, and several were injured. The protestors demanded³⁶ preventive measures and denounced³⁷ the lack thereof. Five prisoners died³⁸ following the uprisings. Four of them died at the Santa Fe prison, where a special forces operations corps (Tropa de Operaciones Especiales) intervened.

Confirmed or suspected cases amongst prisoners or penitentiary staff have also been the cause of uprisings. At the end of April 2020, a riot broke out³⁹ at Villa Devoto prison after it was confirmed that one of the guards had tested positive for COVID-19. Prisoners demanded⁴⁰ emergency sanitary measures and the implementation of release procedures. Some prisoners climbed on the roofs, set mattresses on fire and took over the control of two floors. One of their banners read: “*We refuse to die in jail*”. The protest lasted nine hours. Prisoners’ representatives agreed to meet with the authorities to discuss their demands. No casualties were reported.

By April 23, 2020, the Buenos Aires prison authorities recorded⁴¹ 1,184 prisoners on hunger strike. They were incarcerated in the following prisons: Unidad 41 de Campana (332 prisoners), La Plata (141), Unidad 48 de San Martín (97), Alcaidia de Olmos (70), Unidad 39 de Ituzaingó (42), Sierra Chica (26), Hornos (22) and Florencia Varela (25). Prisoners demanded to be placed under house arrest, as per the ruling of the Court of Appeal. After the Buenos Aires riots, a “*Dialogue Table*” was set up: authorities and prisoners’ representatives discussed, and prisoners were able to express their great fear of the contagion.

In July 2020, prisoners in the San Salvador de Jujuy prison started a riot after hearing about positive cases and a sick prisoner in another facility. Authorities confirmed that there were no positive cases in this prison. Prisoners demanded better conditions of detention. The police was called in after three hours of rioting. Two prisoners died and the number of wounded was not reported⁴². Also in July, prisoners at the 1st Police Station of Marcos Paz were worried about a positive case. They voiced this concern and 28 of them were beaten by the police. The Argentinian OIP denounced⁴³ the violence and called for a court-appointed doctor

34 : <https://www.ppn.gov.ar/institucional/noticias/2702-la-ppn-visito-unidades-federales-junto-al-comite-nacional-de-prevencion-de-la-tortura>

35 : <https://www.ppn.gov.ar/index.php/institucional/noticias/2884-actividades-institucionales-de-la-ppn>

36 : https://www.clarin.com/politica/graves-disturbios-carceles-santa-fe-reclaman-medidas-seguridad-coronavirus_0_z6ZWkbGfp.html

37 : <https://www.infobae.com/sociedad/politicas/2020/03/23/los-videos-que-los-presos-viralizan-por-whatsapp-y-muestran-la-tension-por-el-coronavirus-en-las-carceles/>

38 : <https://www.notimerica.com/politica/noticia-coronavirus-cinco-muertos-motines-carceles-argentina-exigir-mayor-proteccion-coronavirus-20200324183135.html>

39 : <https://www.parismatch.com/Actu/International/Mutinerie-dans-une-prison-en-Argentine-due-a-un-cas-de-Covid-19-1683236>

40 : <https://uk.reuters.com/article/uk-health-coronavirus-argentina-prison/we-refuse-to-die-in-jail-argentine-inmates-set-fire-to-prison-in-coronavirus-protest-idUKKCN226312?rpc=401&>

41 : https://www.clarin.com/politica/tension-carceles-bonaerenses-1-184-presos-huelga-hambre-piden-salir_0_seQuK9Rl9.html

42 : <https://www.infobae.com/sociedad/politicas/2020/07/16/presos-de-una-carcel-de-jujuy-realizan-un-motin-por-supuestos-casos-de-coronavirus-dentro-del-penal/>

to examine the wounds inflicted and the prisoners' health conditions.

In response to some of the prisoners' demands, and to address the overcrowding, the Argentinian government launched ⁴⁴ infrastructure work in August 2020 in three Buenos Aires prisons. The objective was to have 1,350 new places by the end of the year and additional common spaces.

According to the Argentinian OIP, in the beginning of the pandemic, prisoners would follow the authorities' decisions and readily agreed to stop seeing their families. However, the NGO stated that this measure should have been accompanied by extra precautions from the penitentiary staff. When prisoners found out that the infection started to spread mainly amongst the staff, they reacted strongly. Movements of panic started despite the fact that many had not been in direct contact with the infected officers.

The NPM has registered a total 80 movements of protests between March and November 2020. It highlighted that most of the incidents happened in facilities where there were no channels for dialogue that could allow a *"peaceful management of conflicts"*.⁴⁵



8. Calls and recommendations

The OIP-SA has been very active since the beginning of the pandemic. On March 13, 2020, the organisation sent a letter⁴⁶ to the Minister of Justice and Human Rights sharing its concerns about the health crisis and the *"explosive situation of the prison systems"*. The OIP-SA drew attention to the sanitary problems and the lack of food in the country's prisons, many of them already being faced with outbreaks of dengue fever, measles and tuberculosis. The association called for a meeting with the federal penitentiary administration in order to set up a strategy and avoid a situation similar to the one experienced in Italian prisons.

On March 25, 2020, the OIP-SA expressed⁴⁷ its concerns regarding the particularly tense situation in the Buenos Aires prisons. In a letter addressed to the Assistant Secretary of Human Rights of the Supreme Court of Buenos Aires Province, the OIP-SA criticised the suspension of temporary leave and of all visits from loved ones, through which incarcerated individuals received food and medicines. The NGO also highlighted the lack of healthcare adapted for diabetic, injured prisoners and those suffering from digestive problems. It expressed its belief that prisons are in a state of health emergency and asked for fast and proper intervention.

In April 2020, the civil society organisation *"Espacio de Derecho Popular"*, along with relatives of prisoners and lawyers jointly deposited ⁴⁸ a *"Habeas Corpus Correctivo Colectivo"*. The latter called for measures to guarantee the right to health and physical integrity of persons deprived of their liberty. It concerned prisoners from facilities in the Córdoba Province: the prisons of Bouwer, Monte Cristo and Unidad de Contención del Aprehenido (UCA). This habeas corpus called for emergency measures regarding prevention protocols, provision of sanitary equipment and healthcare, as well as the preservation of prisoners' ties with the outside world.

43 : https://www.prison-insider.com/files/cfe1193e/oip_argentina_comisaria_de_provincia_de_bs_as_tortura.pdf

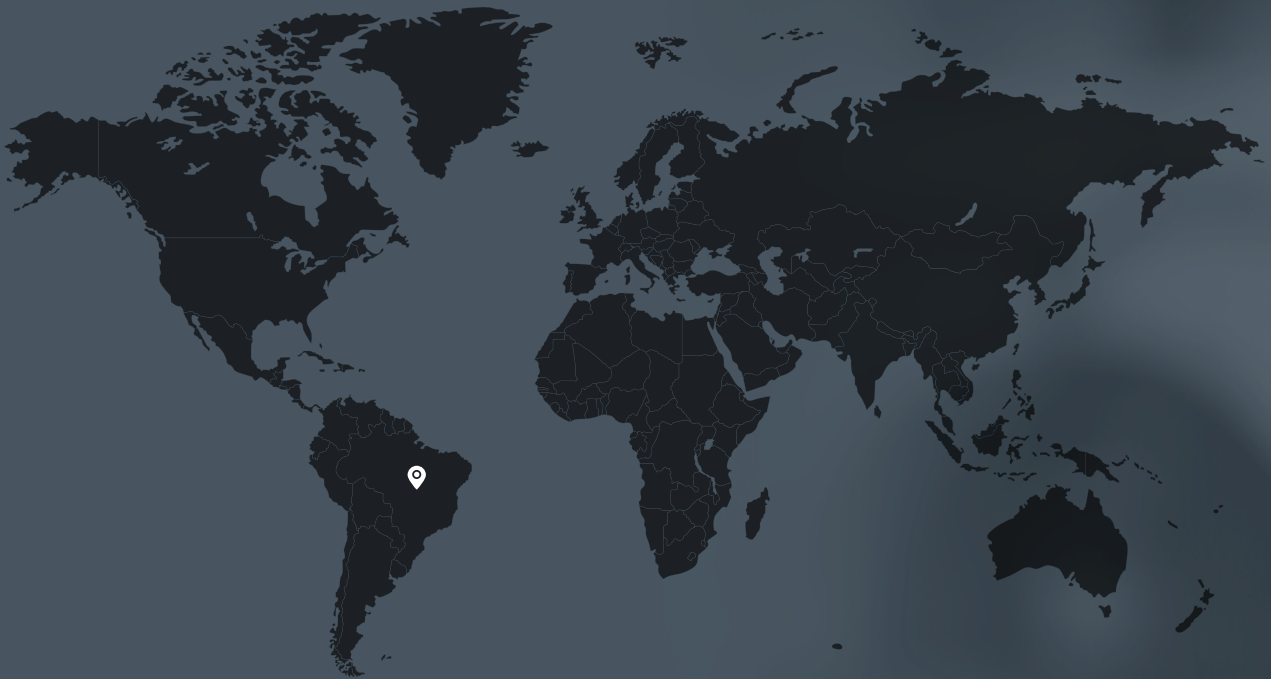
44 : https://www.eldiario.es/tecnologia/el-gobierno-argentino-inicia-obras-en-varias-carceles-para-evitar-el-hacinamiento_1_6153869.html

45 : Comité Nacional para la Prevención de la Tortura (CNPT), "Reporte: Estado de situación de las personas privadas de libertad (PPL) durante el período de emergencia sanitaria por el COVID-19 al 24/11/2020" <https://cnpt.gob.ar/wp-content/uploads/2020/11/Reporte-Estado-de-Situacion-PPL-Co-vid-al-24-11-2-1.pdf>", November 2020, p. 10.

46 : https://www.prison-insider.com/files/c26bb733/nota_dra._losardo.pdf

47 : https://www.prison-insider.com/files/9879c9ca/solicitud_a_lorat_2.pdf

48 : <https://latinta.com.ar/2020/04/carceles-sin-cuarentena-ii-parte/>





Brazil



Brazil



Key figures

Country population:

211,049,527

Date: 2019

Source: World Bank ¹

GDP:

1.84 trillion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.765 (84/188)

Date: 2018

Source : UNDP, Human Development Report ³

Prison population:

755,274

Date: December 2019

Source: World Prison Brief, ICPR ⁴

Prison density:

170.7%

Date: December 2019

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

357

Date: December 2019

Source: World Prison Brief, ICPR ⁶

1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=BR>

2: World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=BR>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/BRA>

4, 5, 6 : World Prison Brief, ICPR. <https://www.prisonstudies.org/country/brazil>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

6,901,952 confirmed cases **181,402 deaths**

Date: 14/12/2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

52,937 confirmed cases **126 deaths**

Date: 09/12/2020

Source: Conselho Nacional de Justiça, CNJ ⁸



Main facts

Implementation of quarantine:	in some facilities ⁹	—
Implementation of sanitary protocols:	in some facilities ¹⁰	—
Protests/riots:	yes	✓
Deaths due to riots:	no deaths reported	✗
Number of months without visits:	at least 6 months ¹¹	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

Brazil is organised as a federal country. Each of the 27 federal units has its own prison system, independent of the federal prison system. Most facilities are managed by the public authorities, yet others are under private or mixed management (public-private partnership).

The Brazilian prison population is the third largest in the world. It is distributed unequally from one state to another. For instance, the state of São Paulo has about 30% of the national prison population. The lack of respect for fundamentals rights and poor imprisonment conditions are observed throughout the country.

The Minimum Rules of the Treatment of Prisoners in **Brazil** from 1994 (Regras mínimas para o tratamento de presos no Brasil)¹² requires¹³ that medical assistance must be provided by the prison administration within the facilities. In April 2020, official data showed¹⁴ a ratio of 1 doctor and 1.83 nurses per 1,000 prisoners.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/brazil>

8 : Conselho Nacional de Justiça, CNJ. <https://www.cnj.jus.br/wp-content/uploads/2020/12/Monitoramento-Semanal-Covid-19-Info-09.12.20.pdf>

9, 10 : See chapter 2. Sanitary conditions and access to healthcare.

11: See chapter 6. Communications with the outside world.

12: Regras mínimas para o tratamento de presos no Brasil. <http://www.crp.org.br/interjustica/pdfs/regras-minimas-para-tratamento-dos-presos-no-brasil.pdf>

13, 14: <https://www1.folha.uol.com.br/colunas/painel/2020/04/depende-diz-que-penitenciarias-tem-deficit-de-medicos.shtml>



1. Overview

In Brazil, the implementation of the sanitary measures in prisons has been negatively impacted by the federal government's policy minimising the pandemic. Brazilian prisons were already the subject of strong criticism regarding respect for fundamental rights, access to healthcare and overcrowding.

Despite the early recommendations for the release of prisoners issued by the National Council of Justice (CNJ), the pre-existing context and the current political scenario posed strong obstacles for the prevention of the pandemic.

The Brazilian prison system has therefore been particularly affected by the virus. Civil society organisations and researchers have found¹⁵ the reporting by the prison administration on infection and deaths in prisons to be inconsistent¹⁶. In June 2020, the CNJ started its own weekly reporting on infection data in prison. Civil society organisations and experts generally denounced a policy of “*under-reporting*”, also criticising the lack of mass testing and prison. By August 2020, 3.5% of the prison population was tested¹⁷.

Measures were taken at the state level and varied significantly from one to another. Following the suspension of visits in many states, rising tensions and conflicts between prisons and the administration were observed. Civil society organisations and family associations were alarmed by the increasing occurrence of ill-treatment and torture, due to the closure of prisons and the lack of transparency of the administration.

The introduction of compensatory measures, such as video calls, was observed in many states, but it was not implemented in all facilities.



2. Sanitary conditions and access to healthcare

Overall, the Brazilian prison system is marked by systematic overcrowding and poor detention conditions. Since the beginning of the pandemic, many prisoners and family members have denounced the lack of access to healthcare. In April 2020, the prison administration confirmed¹⁸ that the prison facilities lack doctors.

The federal government tried¹⁹ to implement the use of containers to temporarily isolate vulnerable prisoners. This idea was strongly criticised by local NGOs, the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR). They stated²⁰ that the containers were not adequately ventilated, and that this equipment would expose prisoners to high temperatures and violated the principle of human dignity. In May 2020, the National Council on Criminal and Penal Matters (CNPMP) refused to use containers. Instead, it authorised the construction of “*exceptional areas*”, without detailing any architectural criteria. This represented²¹ a risk of construction of precarious and unsanitary structures within prison premises.

In May 2020, the director of the Prison Staff Union of Sao Paulo regretted that the policy of downplaying the pandemic was supported by several prison staff members. Some refused²² to use protective equipment, despite the fact that prison staff was an important vector of contagion within prisons. The denial was further aggravated²³ by the Brazilian president, who watered down the law on the use of masks in public places, suppressing an article making it mandatory in prisons. In August 2020, this decision was overturned²⁴ by the Supreme Court.

The management of healthcare within the penitentiary facilities remained rather opaque throughout the sanitary crisis. To this day, it is still difficult to know the extent to which health measures are effectively implemented. In the

15 : <https://twitter.com/INFOVIRUSpp/status/1257046584065474565>

16 : <https://twitter.com/INFOVIRUSpp/status/1262147914329194496>

17 : <https://twitter.com/INFOVIRUSpp/status/1262147914329194496>

18 : <https://twitter.com/INFOVIRUSpp/status/1257046584065474565>

19 : <https://www1.folha.uol.com.br/cotidiano/2020/04/com-mortes-por-coronavirus-ministerio-da-justica-quer-vagas-para-presos-doentes-e-idosos-em-containers.shtml>

20 : <http://www.iddd.org.br/index.php/ongs-denunciam-proposta-de-isolar-presos-em-containers-para-combater-covid-19/>

21 : <https://www1.folha.uol.com.br/colunas/painel/2020/05/orgao-veta-containers-para-presos-mas-autoriza-espacos-excepcionais-para-grupos-de-risco-e-acusado-de-pegadinha.shtml>

22 : <https://www1.folha.uol.com.br/cotidiano/2020/05/coronavirus-avanca-e-35-de-presidios-de-sp-tem-casos-suspeitos-ou-confirmados.shtml>

23 : <https://www.lapresse.ca/international/amerique-latine/2020-07-06/bresil-le-port-du-masque-encore-assoupli-par-bolsonaro.php>

24 : <https://www1.folha.uol.com.br/colunas/monicabergamo/2020/08/gilmar-derruba-veto-de-bolsonaro-que-desobrigava-presidios-de-adotar-mascaras.shtml>

State of Amazonas, civil society organisations denounced the lack of transparency concerning medical care in prison. They claimed²⁵ that the prison administration had not communicated their testing protocol. Several testimonials denounced²⁶ the poor and unsanitary living conditions²⁷, as well as the lack of testing, medical care²⁸, personal hygiene products and disinfectants²⁹.

Transfers between facilities were maintained and testimonies reported that prisoners were transferred without any sanitary protocol.



3. Identified cases

The first COVID-19 cases were reported³⁰ in March 2020 and the number of infections increased significantly throughout the pandemic.

Between May and June 2020, the CNJ reported an increase of 800% in COVID-19 cases amongst prisoners (from 245 to 2,212). A sharp rise was also observed³¹ amongst prison staff. In June, the infection reached 4,256 cases and 58 deaths amongst prisoners and prison staff. Most of the cases identified were³² in the central-western (29.5%), south-eastern (28.8%) and north-eastern (23.3%) regions of the country. The number of cases continued to increase significantly between July and November 2020.

By December, the country had³³ 40,479 cases and 126 deaths amongst prisoners. The coronavirus has also particularly affected prison staff. A total of 12,458 staff members were infected³⁴ and 90 died in October.



4. Sentence adjustments

beginning of the pandemic, the CNJ recommended³⁵ that the judicial authorities reduce the prison population. In April 2020, the prison administration estimated that around 30,000 prisoners were released or obtained a sentence adjustment, based on the CNJ's instructions. Some were placed³⁶ under electronic surveillance.

In March 2020, the Public Defender Congregation (Condege) filed³⁷ an urgent petition to the Brazilian president for a pardon. He has however regularly spoken out against measures to release prisoners despite the sanitary crisis. The prison administration has been following³⁸ his position. The granting of early releases was done most of the time at the initiative of the state authorities on a case-by-case basis.

They varied therefore from one state to another. In May 2020, the State of São Paulo released 3,190 people, among which 72% were awaiting trial. By June 2020, the judicial authorities had approved³⁹ 3% of the release requests. In this state, the number of prisoners decreased from 234,000 in May 2019 to 216,000 in September 2020. Experts explained⁴⁰ that the COVID-19 related releases and the decreasing of the number of arrests are amongst the main reasons of this change.

In May 2020, the Institute for Defence of the Right to Defence (Instituto de Defesa do Direito de Defesa, IDDD) stated that the number of releases was “*derisory*”. Its director recalled⁴¹ that at least 25,000 prisoners from São Paulo were considered at-risk.

25 : <https://g1.globo.com/am/amazonas/noticia/2020/08/24/casos-de-covid-19-entre-detentos-no-am-sobem-para-148-entidades-cobram-ampliacao-de-testagem.ghtml>

26 : <https://www.cadaminuto.com.br/noticia/2020/08/28/parentes-de-presos-interditam-novamente-o-transito-e-denunciam-torturas-dentro-de-presidio>

27 : <https://g1.globo.com/to/tocantins/noticia/2020/10/19/detentos-entram-em-confronto-dentro-de-presidio-em-cariri-do-tocantins.ghtml>

28 : <https://www.covidnasprisoas.com/blog/detentos-fazem-revolta-em-presidio-de-goias-por-falta-de-agua-e-de-comida-e>

29 : <https://www.republica.com.uy/carceles-de-brasil-el-coronavirus-se-dispara-y-agrava-la-situacion-id767579/>

30 : <https://theintercept.com/2020/03/18/coronavirus-presidios-rio-witzel/>

31 : https://www1.folha.uol.com.br/colunas/painel/2020/06/cnj-fala-em-crescimento-de-800-de-casos-de-covid-19-em-presidios-e-renova-recomendacao-para-soltura.shtml?utm_source=May&utm_medium=social&utm_campaign=compMay

32 : <https://www.cnj.jus.br/wp-content/uploads/2020/06/Monitoramento-Semanal-Covid-19-Info-24.06.20-1.pdf>

33, 34 : <https://www.cnj.jus.br/wp-content/uploads/2020/12/Monitoramento-Semanal-Covid-19-Info-09.12.20.pdf>

35 : <https://www.conjur.com.br/dl/recomendacao-cnj-coronavirus.pdf>

36 : <https://www1.folha.uol.com.br/colunas/painel/2020/04/depen-estima-que-30-mil-presos-tenham-sido-liberados-por-decisoes-judiciais-durante-pandemia.shtml>

37 : <https://www.conjur.com.br/dl/defensores-publicos-pedem-bolsonaro.pdf>

38 : <https://www1.folha.uol.com.br/eqilibrioesaude/2020/04/governo-faz-ofensiva-contrasoltura-de-presos-devido-ao-coronavirus.shtml>

39 : <https://www.conjur.com.br/2020-jun-08/justica-sp-deferiu-pedidos-soltura-base-cnj>

40 : [https://www1.folha.uol.com.br/cotidiano/2020/09/sistema-prisional-de-sp-tem-a-menor-populacao-carceraria-em-sete-anos.shtml#:~:text=O%20sistema%20prisional%20de%20S%C3%A3o,\(PSDB\)%20obtidos%20pela%20Folha](https://www1.folha.uol.com.br/cotidiano/2020/09/sistema-prisional-de-sp-tem-a-menor-populacao-carceraria-em-sete-anos.shtml#:~:text=O%20sistema%20prisional%20de%20S%C3%A3o,(PSDB)%20obtidos%20pela%20Folha)

41 : <https://www1.folha.uol.com.br/cotidiano/2020/05/coronavirus-avanca-e-35-de-presidios-de-sp-tem-casos-suspeitos-ou-confirmados.shtml>



5. Activities and work

In general, all States suspended most of the educational activities and day releases for working outside. Some prisons, in the State of Maranhão for instance, implemented e-learning tools. Several prisons adapted and maintained a few workshops dedicated to the production of masks or cleaning products. At the end of March 2020, the daily production of masks by prisoners at São Paulo was estimated⁴² at 26,000 items. This equipment was not primarily intended for use in prison or by prisoners. Women held in Anísio Jobim prison (Manaus) produced⁴³ around 10,000 protective masks per day for prison staff and public security agents.

Because of the suspension of most daily activities, prisoners spent more time locked up and were allowed one to two hours of outdoor exercise (*“banho de sol”*).



6. Communication with the outside world

Family members

Each state or city decided on their own measures regarding the visits. The vast majority decided to suspend visits and activities. A few compensatory measures (video call, email) were implemented, but they were⁴⁴ extremely limited, not widespread enough and often dysfunctional. In the state of Maranhão, 42 out of 52 prisons were provided with the necessary equipment for hosting online visits by September 2020. Relatives declared that the video calls brought them relief, but they complained that the time allocated

was too short. They said that they were given only five minutes and there were problems with the connection. They also reported⁴⁵ that the video calls took place in a very controlled environment.

In March 2020, many facilities suspended the possibility for families to bring parcels (called *“jumbos”*) with goods, hygiene products and food to their loved ones. In the State of São Paulo, the packages could be sent⁴⁶ by mail. Families and relatives of prisoners published an open letter to the authorities reporting the failures observed this new system and the high cost involved. Some families also had to face strikes from the postal company. Family members highlighted⁴⁷ that prisoners relied on the parcels to fulfil their basic needs.

In several states, the restrictions on visitation rules made⁴⁸ it difficult for external parties, such as family members and legal representatives, to monitor prison conditions. Relatives reported⁴⁹ they had problems contacting their loved ones in prison and obtaining information on their health status. They had to rely⁵⁰ on rumours from medical and prison staff to obtain news. Due to the lack of communication about transfers, families did not always know where their incarcerated relative was being held. Many groups of relatives and families of prisoners from different states organised⁵¹ protests and called⁵² for transparency about the situation inside the prisons.

Visits resumed⁵³ progressively in some states between September and November 2020⁵⁴. Each state had its own protocol, but in general the number of visitors remained limited, the wearing of masks was compulsory and physical

42 : <https://www.correiobraziliense.com.br/app/noticia/brasil/2020/03/24/interna-brasil,836340/presos-confeccionarao-mascaras-de-protecao-contra-coronavirus-em-sp.shtml>

43 : <http://estudio.folha.uol.com.br/iniciativascontraocoronavirus/2020/04/1988630-detentas-do-amazonas-produzem-mascaras.shtml?dic-bo=v1-4d39ff601c3dd5f429527d74c268336-00de1bb92c343ea54da674593b8cda3ac8-gzswmodegvsdalldgmzdsjljuha4dsjljymu2giljwgfdsmbqme3weyte-me>

44 : <https://www.covidnasprisoas.com/blog/familiares-denunciam-massacre-silencioso-nas-prisoas-e-pedem-retorno-das>

45 : <https://ponte.org/as-visitas-online-a-presos-que-deram-certo-e-reaproximaram-familias/>

46 : <https://www1.folha.uol.com.br/cotidiano/2020/03/governo-de-sp-suspende-entrega-de-itens-a-presos-e-eleva-tensao-em-presidios.shtml>

47 : <https://uploads.strikinglycdn.com/files/a425dd66-d5d0-42ce-9cc5-668b8d7fce57/CARTA%20ABERTA%20-%20SITUA%C3%87%C3%83O%20CARCER%C3%81RIA%20EM%20TEMPOS%20DE%20PANDEMIA.pdf>

48 : <https://twitter.com/INFOVIRUSpp/status/1308517058385244160>

49, 50 : <https://www.thejakartapost.com/news/2020/06/16/in-brazils-overcrowded-jails-covid-19-breeds-fear-and-calls-for-change.html>

51 : <https://twitter.com/INFOVIRUSpp/status/1275541821305872384>

52 : <https://twitter.com/INFOVIRUSpp/status/1308517058385244160>

53 : <https://www.fairtrials.org/news/short-update-family-visits-allowed-par%C3%A1-prisons-brazil>

54 : http://www.sap.sp.gov.br/noticias/conexao-familiar-presencial.html?fbclid=IwAR08m_kfbShBLq4lnj4NKA8SWJCuoDGczrbw7JhKV_wV-Fm75LKP22ZgDQ

contact was prohibited. By the end of November 2020, the State of Minas Gerais suspended⁵⁵ visits in some facilities due to an increase in positive cases.

Inspection visits

In the first months of the pandemic, inspection visits from monitoring bodies were suspended. Despite the restrictions, the local members of the Brazilian NPM were proactive in arranging regular meetings with the public authorities to follow, at a distance, the evolution of the crisis in prisons.

Several appeals reported⁵⁶ an increase of ill-treatment and torture during this period. In the end of August 2020, about 200 women and families of prisoners protested on the streets of Maceió (State of Alagoas) and denounced the torture in prisons. They claimed that prisoners were “*forced to drink their own urine, were not allowed any outdoor time and were not provided with any food*”. Released persons from Professor Jacy de Assis prison (State of Minas Gerais) reported⁵⁷ that since the suspension of visits, acts of physical and psychological torture had intensified.



7. Acts of protest

Numerous acts of protest have taken place in the country's prisons between March and October 2020. They mainly denounced⁵⁸ the lack of sanitary measures, the increase⁵⁹ of ill-treatments and torture⁶⁰ and the suspension⁶¹ of visits. Many protests involved mutinies⁶² and hostage-taking. Prison staff also protested during the pandemic, denouncing⁶³ the lack of personnel and insufficient mass testing.

In May 2020, the prison administration obtained 19 million reais (more than 3 million dollars) of extra funding to buy “*non-lethal*” equipment (including grenades, ammunitions and pepper spray) in order to “*supply units with*

uprising prevention equipment, following the suspension of visits”. The initiative “*Infovirus*” criticised the action of the prison administration. It regretted⁶⁴ the allocation of resources to repression, instead of efforts on providing a list of at-risk prisoners and on implementing widespread testing.



8. Calls and recommendations

The majority of calls from civil society organisations, prisoners' relatives, professionals or judicial authorities were related to the lack of efficient measures to prevent the spread of the virus in prisons. The calls denounced numerous human rights violations and the increase of torture and ill-treatment in detention.

In June 2020, over 200 national bodies alerted the UN and the Organisation of American States (OAS) on the failure of the administration to control the spread of COVID-19 in Brazilian prisons. The document presented data and evidence of violations of standards and international recommendations in access to care, sentence adjustments, communication, registration of deaths, response to riots, and the use of inadequate temporary accommodation facilities. The joint appeal showed⁶⁵ that the COVID-19 outbreak had deepened the pre-existing problems in the already weak prison system. In August 2020, the IACHR argued⁶⁶ that Brazil was not able to guarantee the physical integrity of prisoners and the access to health care under the current detention conditions. It called⁶⁷ the Brazilian government to reduce the overcrowding and the promiscuity inside the facilities.

56 : <https://primeiroasaber.com.br/2020/09/28/detentos-fazem-rebeliao-no-presidio-de-ponte-nova/>

57 : <https://apublica.org/2020/08/tortura-em-presidio-de-uberlandia-explode-com-visitas-suspensas-por-causa-da-pandemia-afirmam-presos/>

58 : <https://primeiroasaber.com.br/2020/09/28/detentos-fazem-rebeliao-no-presidio-de-ponte-nova/>

59 : <https://www.instagram.com/p/CFnxaG7pXPe/?igshid=1677jofpt1v4>

60 : <https://apublica.org/2020/08/tortura-em-presidio-de-uberlandia-explode-com-visitas-suspensas-por-causa-da-pandemia-afirmam-presos/>

61 : <https://www.voanews.com/covid-19-pandemic/inmates-brazil-prison-protest-suspension-visits>

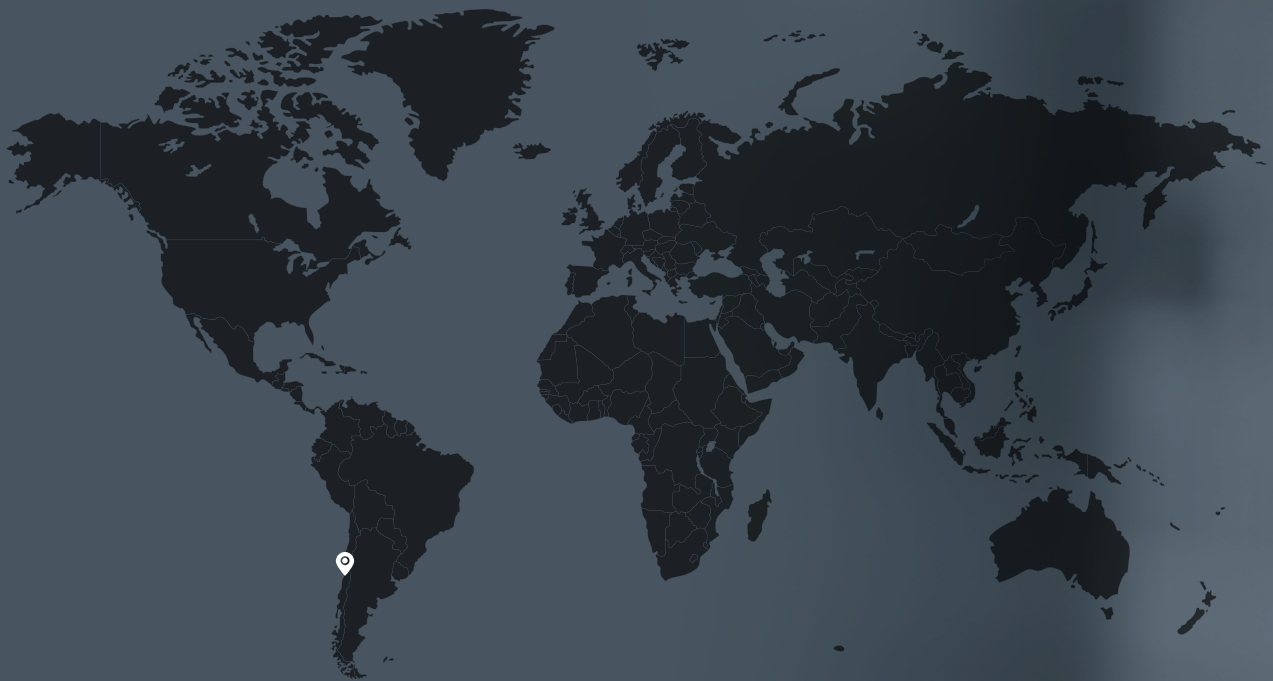
62 : <https://www1.folha.uol.com.br/cotidiano/2020/05/com-medo-do-coronavirus-presos-fazem-refens-em-motim-em-manaus.shtml>

63 : <https://cgn.inf.br/noticia/185606/covid-19-ato-e-realizado-em-frente-a-penitenciaria-de-piraquara-apos-15-agentes-testarem-positivo>

64 : <https://drive.google.com/file/d/1WB2FPL2IpCFbmMuncPNUrPm2GSWqaLxw/view>

65 : <https://www.ibccrim.org.br/noticias/exibir/627>

66, 67 : <https://www.oas.org/pt/cidh/prensa/notas/2020/195.asp>





Chile



Chile

Key figures

Country population:

18,952,038

Date: 2019

Source: World Bank ¹

GDP:

282,318 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.851 (43/188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

39,786

Date: 30/11/2020

Source: World Prison Brief, ICPR ⁴

Prison density:

100,4%

Date: 31/12/2018

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

215

Date: 2020

Source: World Prison Brief, ICPR ⁶



1, 2 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=CL>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/CHL>

4, 5, 6 : World Prison Brief, ICPR. <https://www.prisonstudies.org/country/chile>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

620,641 confirmed cases

16,767 deaths

Date: 05/01/2021

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

2,156 confirmed cases

18 deaths

Date: 05/01/2021

Source: Prison administration ⁸

Prison officer infection figures and deaths:

1,763 confirmed cases

2 deaths

Date: 05/01/2021

Source: Prison administration ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	yes	✓
Deaths due to riots:	no	✗
Number of months without visits:	at least 9 months (since March 2020)	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

Chile is a decentralised, unitarian state. The institution in charge of the Prison System in Chile is the “Gendarmería”. Established in 1911 under the supervision of the Ministry of Justice, it manages the Chilean prisons¹⁰ (76 public and 8 private) and aims to contribute to the social reintegration of people serving sentences. Almost a third of the prison population are pre-trial detainees and prisoners on remand (34.7%), and it has the second-highest female prison population rate of the region (7% of the total¹¹).

Human Rights Institutions have reported¹² poor living conditions and systematic deficiencies in access to health services for prisoners¹³. It is also the responsibility of the “Gendarmería” to facilitate health access to inmates through its Health Department. Its objective is to manage and coordinate the resources destined to grant health benefits to prisoners and prison staff. This department is in charge of prison infirmaries and hospitals, referring prisoners to external public health facilities if required and hiring health personnel to work within the prisons. However, this endowment is said to be scarce¹⁴, with few medical specialties and low-quality care.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/chile>

8, 9 : Prison administration. https://www.gendarmeria.gob.cl/corona_2020.html

10 : https://html.gendarmeria.gob.cl/doc/estadisticas/Compendio_Estadistico_Penitenciario_2019.pdf

11 : <https://www.prisonstudies.org/country/chile>

12, 13, 14 : Instituto Nacional de Derechos Humanos (2019). Estudios de las condiciones carcelarias en Chile.

Available from <https://bibliotecadigital.indh.cl/bitstream/handle/123456789/1180/estudio-general-2016-2017.pdf?sequence=3>



1. Overview

In Chile, the first confirmed COVID-19 case was a prison officer on March 23, 2020. It was followed by a COVID-19 outbreak in specific prisons of the capital city and other regions of the country. In response to this, the Prison Service – in coordination with the Ministry of Justice and the Ministry of Health – implemented several strategies, such as the development of a Coronavirus Plan, a Health Protocol, a massive vaccination campaign against influenza, the suspension of in-person visits, and a pardon act to release prisoners. Civil society organizations, including human rights and justice organisations, have repeatedly claimed that current prison conditions do not allow for adequate management of the pandemic, due to the overcrowding in some prisons, lack of access to water and sanitary conditions in others.¹⁵

The “Gendarmería’s” transfer¹⁶ of prisoners to prison facilities and regions without prior testing was heavily criticised. This resulted in the infection of other prisoners. Shortly after, the penitentiary authorities improved their transfer protocols, making it compulsory to apply a PCR test before and after any transfer.

Prisoners incarcerated during the pandemic experienced high levels of tension and fear. The access to information was insufficient for both prisoners and staff, which resulted in several riots and strikes. Various organisations calling for better prison conditions gained however more visibility. Arguing that prisoners’ lives and human rights are as important as of any other citizen, they recommended measures such as sentence adjustments, early release, and health protocols.



2. Sanitary conditions and access to healthcare

The Prison healthcare system depends on the “Gendarmería”, and its Health Department. The latter is not formally connected to the public health system, but some coordination enables prisoners to access public healthcare when the penitentiary healthcare is overwhelmed.

When the first COVID-19 case was identified in the country, a procedure for prison facilities was developed. On March 23, 2020, the “Gendarmería” presented the “Comprehensive Action Plan for COVID-19 Contingency”, which adopted guidelines to increase the operational security of the service and to improve access to healthcare, supply and logistics. It organised inter-institutional coordination and access to information, with a focus on the protection of officials and people deprived of liberty.

In early March 2020, the Ministers of Health and Justice visited some prisons to inform about the prevention measures. A H1N1 influenza vaccination campaign was launched for prisoners and prison officers, so as to reduce the risk of the comorbidity.

The same week, the penitentiary institution decided to restrict visits, reducing the days, number of people allowed entrance, and prohibiting pregnant women and the elderly to visit. As the contagion rapidly spread in prisons, all visits were suspended. The facilities started to systematically sanitise prisons and institutional transfer vehicles before and after use.

The penitentiary service set up spaces within prisons to receive possibly infected persons or people having been in contact with them. In all facilities, a 14-day preventive isolation was imposed on all those entering from abroad by court order or from another facility. According to the report¹⁷ of the Judicial Prosecutor’s Office of the Supreme Court, 2,667 places were set up nationwide for this purpose. A contingency plan was developed in case that all isolation places be occupied and that trained personnel be overwhelmed: the dependencies of the Concepción Penal Complex was to be adapted to function as an isolation hospital for 1,600 people. The plan¹⁸ also projected the transfer of prisoners from other regions, the isolation of officials and the creation of a fully equipped medical area, including a central food supply and handling personnel.



3. Identified cases

The prison administration reported daily¹⁹ on the number

15 : “Situación en recintos penitenciarios en pandemia COVID-19” (Fiscalía Judicial de la Corte Suprema) and Cárcel y COVID Chile (NGO LEASUR)

16 : <https://www.latercera.com/la-tercera-pm/noticia/traslado-de-reos-con-covid-a-penales-de-rancagua-valdivia-y-serena-un-error-que-obliga-a-larrain-a-dar-explicaciones/ESGIFZP5WRBV7N4UYEMO6JF72Q/>

17 : https://www.pauta.cl/pauta/site/docs/20200414/20200414174213/informe_final_carceles_por_pandemia.pdf

18 : https://html.gendarmeria.gob.cl/doc/141_plan_accion_coronavirus.pdf

19 : https://www.gendarmeria.gob.cl/corona_2020.html

of cases, counting prisoners, prison staff, and number of people vaccinated against influenza. The most recent figures show that 2,156 prisoners and 1,763 prison officers have been infected, and that 18 prisoners and 2 prison officers died from COVID-19.

The first confirmed case was a prison officer on March 23, 2020, followed by a prisoner on March 29 in the Puente Alto Prison²⁰ in Santiago, where the contagion spread rapidly, with 68 prisoners and 81 prison officers testing positive by April.

In June 2020, the first COVID-19 death in prison was announced²¹: a 75-year-old prisoner who had been in prison since 2013 in the country's largest and most crowded prison, CP Santiago Sur (ex Penitenciaría).

Several other COVID-19 outbreaks in prisons were noted in the past months. The CP Puente Alto outbreak was followed by clusters in Valdivia prison²², Chillán prison²³ and in the educational and work prison in Valparaíso²⁴. According to human rights authorities²⁵, the outbreak in Valdivia was due to a negligent transfer of prisoners from Santiago who had not been tested.



4. Sentence adjustments

Chile's average penitentiary overcrowding rate is not very high. Several facilities however present serious overcrowding contexts and poor sanitary conditions. To reduce the prison population and limit health risks that are aggravated in crowded cells, the Ministry of Justice and the Public Criminal Defence Office took measures to limit the entry of new prisoners and promote early release.

On March 25, 2020, the Ministry of Justice presented a bill to the National Congress that aimed to pardon people identified as high-risk groups in prisons (including the elderly, pregnant women, children and adolescents, and people with chronic diseases). The project was approved

on April 16 after discussions and modifications. It allowed prison sentences to be commuted to house arrest for those aged 75 years or more, for men between 60 and 75 and women between 55 and 75, for pregnant women or mothers with a child under two residing with them, and for people serving overnight detention. It also allowed the temporary modification of the custodial sentence of convicted people who benefited from the controlled exit permit. The bill excluded people convicted for serious crimes, such as domestic violence, torture, rape, parricide, femicide, homicide, or crimes related to genocide, crimes against humanity or war crimes. A total of 1,610 people were released.²⁶

On the other hand, the Public Criminal Defence Office (DPP) promoted "massive defence actions to replace the preventive detention of accused persons belonging to groups with a higher health risk".²⁷ Between April and May 2020, the DPP called all its professionals to request as much as possible the revocation of precautionary measures of deprivation of liberty. As a result:

- By April 2020, the Parole Commissions granted 1,560 paroles of the 3,250 prisoners nominated by DPP, a 48% success in the first instance. Later, 97 legal protections (amparos) were accepted, adding to a total figure of 1,657.
- By May 2020, defence actions were deployed for 8,199 people, managing to revoke the precautionary measure for 2,489 of them.

The combined implementation of all measures decongested prisons by 9%, according to the "Gendarmería" data.



5. Activities and work

Activities that required prisoners to leave the prisons or required the entering of external actors were for the most postponed, reduced, or cancelled. The social rehabilitation programs continued with reduced amplitude and group sessions were suspended. The drug programs remained operational throughout the crisis. In-person school classes

20 : https://www.cnnchile.com/coronavirus/primer-caso-coronavirus-carce-puente-alto_20200329/

21 : https://chile.as.com/chile/2020/06/03/actualidad/1591200142_539305.html

22 : <https://www.biobiochile.cl/noticias/nacional/region-de-los-rios/2020/05/22/brote-covid-19-la-carcel-valdivia-deja-95-reos-gendarmes-cuarentena.shtml>

23 : <https://www.latercera.com/nacional/noticia/gendarmeria-informa-de-brote-de-covid-19-en-carcel-de-chillan-122-reos-y-5-funcionarios-contagiados/IQEUAXUD5VBNBFDGGRG73UUSA/>

24 : <https://www.puranoticiachile.cl/noticias/regiones/masivo-brote-de-covid-19-en-la-carcel-de-valparaiso-30-internos-dieron/2020-11-27/180629.html>

25 : <https://bit.ly/3cgOMUC>

26 : Data obtained from "Gendarmería de Chile".

27 : National Defender, Speech in Public Account, May 20, 2020.

were suspended, while online courses and educational guides were made available to prisoners.²⁸ Some work activities were suspended, while over 2,000 masks were made²⁹ by prisoners in workshops.



6. Communication with the outside world

All visits in prisons were suspended since March 2020, in many cases, due to the demand of prisoners to protect themselves and their families. As an alternative and to maintain contact with families and courts, new technologies were implemented for virtual visits.

The “Gendarmería” and the Ministry of Justice and Human Rights suspended all sanctions for use of cell phones in prisons, allowing access as a regulated and exceptional measure. The equipment was provided by families or by the Ministry of Justice, through a “humanitarian call” for the donation of telephone chip cards. By July 2020, there were 2,120 authorized cell phones, 249 working computers, 470 public phones and 256 cell phones provided by the government.³⁰ Prisoners were allowed one telephone per person, to be used during specific hours and only to maintain communication with registered loved ones or lawyers. These mobile phones were controlled by the administration and regulated through a protocol of use and operation.

Given the long suspension of in-person visits and the increasing flexibility of sanitary measures in the country, several prisoners demanded³¹ to resume their right to in-person visits. By December 2020, a strict visits protocol was

developed³² by the Penitentiary Institution. Some prisons have started to implement the protocol.



7. Acts of protest

Several riots and acts of protests were reported in Chilean prisons. The first big riot was at CP Puente Alto (in Santiago), where the first outbreak was observed and has 80% of all infected prisoners. The riot was led by 400 prisoners from Tower 1, incarcerated for “highly complex crimes”. The protesters set fire³³ to mattresses, denouncing the management of the pandemic by the authorities, the lack of testing and their limited access to release measures, since as “high risk” prisoners they were not eligible to governmental pardon. The “Gendarmería” and fire-fighters intervened. No one was injured.

Two other riots took place³⁴ in C.C.P. Colina I (Santiago). According to the prison authorities, one of the riots started^{35 36} after a search procedure by prison staff following prisoner fights inside tower 4A. Four hundred inmates were involved, and 36 prisoners and 12 staff were injured³⁷, one of them seriously. The second riot caused³⁸ serious damage and left 38 prisoners and 32 staff injured. Following the riots, “Gendarmería” transferred 126 prisoners to other prisons and regions.

Prisoners in Santiago 1 protested³⁹ against the poor hygiene conditions. Some tried⁴⁰ to escape with the help of families and friends on the outside, without success. The riot ended with 25 injured prisoners and 12 staff. Other riots and escape attempts have been reported in private prisons in Rancagua⁴¹ and Valdivia, among others.

28 : Information provided by the “Gendarmería’s” Council of civil society.

29 : <https://www.minjusticia.gob.cl/covid-19-internos-de-la-ex-penitenciaria-y-valparaiso-han-producido-2-470-mascarillas-para-distribucion-en-diversos-penales/>

30 : Data provided by the “Gendarmería de Chile”

31 : <https://www.latercera.com/la-tercera-domingo/noticia/hambre-por-visitas-la-presion-en-el-modulo-mas-duro-de-la-carcel/PLVMKVEFXZBDFMW-VKSETSGOQDI/>

32 : <https://www.elmostrador.cl/dia/2020/12/14/bajo-estricto-protocolo-ministerio-de-justicia-y-gendarmeria-dan-inicio-a-las-primeras-visitas-carcelarias-en-medio-de-la-pandemia/>

33 : <https://www.latercera.com/nacional/noticia/puente-alto-400-reos-intentan-motin-y-refuerzan-custodia/KJ7UMRKKRFHA5MNDFULQGU5NZQ/>

34, 35 : <https://www.meganoticias.cl/nacional/301725-incidentes-penal-colina-1-presos-gendarmes-solicitan-apoyo.html>

36 : <https://www.latercera.com/nacional/noticia/se-registran-incidentes-al-interior-de-carcel-colina-1/4MWH6K5XBBASZASF3HNUE7KZBA/>

37 : <https://www.elmostrador.cl/dia/2020/05/14/motin-en-colina-1-indh-informa-que-12-gendarmes-y-36-internos-resultaron-heridos/>

38 : <https://www.latercera.com/nacional/noticia/gendarmeria-disponde-el-traslado-de-126-reos-de-colina-1-a-penales-de-regiones-ante-riesgo-de-nuevo-motines/ZAWYB33JYJHXPMP7NGUYJRJEVE/>

39, 40 : <https://www.t13.cl/noticia/nacional/gendarmeria-acusa-planificacion-y-apoyo-exterior-intento-fuga-carcel-santiago-1>

41 : <https://eltipografo.cl/2020/04/gendarmes-heridos-en-el-intento-de-motin-en-carcel-de-rancagua-fueron-dados-de-alta/>

A protest was organised⁴² by the “*Gendarmería*” officials in “Calama”, who demanded more preventive measures to avoid new infections in prison.

Videos and posters of protest and discontent have been disseminated by prisoners. They demanded better prison conditions, to be eligible in the pardon bill, to be heard in decisions allowing or suspending visits and in decisions regarding the management of the pandemic. Prisoners argued repeatedly that their lives and human rights must be seen as significant as any human being.

pulsory use of personal protection elements amongst prison and health officials. Many of these recommendations have been considered by the “*Gendarmería*”, although much remains to be done.



8. Calls and recommendations

Various national and international organisations expressed concern about the state of prisons in **Chile**, considering prisoners as a particularly vulnerable group due to the nature of the restrictions, the overcrowding and the poor sanitary conditions.

The Judicial Prosecutor of the Supreme Court recommended reducing prison population with early, provisional, or temporary release schemes for those considered “*safe*”, taking into account the Tokyo Rules non-custodial measures. Its report⁴³ on the “*Gendarmería’s*” actions concluded that it was not able to prevent a crisis inside the prisons due to the structurally precarious conditions. Despite positive initiatives, the measures had not been implemented in a uniform manner.

Human rights organisations have supervised and promoted prisoners’ health rights, among which the National Institute of Human Rights (INDH) and the Medical Association (COLMED). They have visited prisons and issued recommendations to the penitentiary authorities. In the visit report⁴⁴ of CP Puente Alto in April 2020, clear-cutting conclusions argued that there was an urgent need to improve the infrastructure, the coordination between prison and local authorities, the organisation and implementation of sanitary measures during the delivery of parcels, and the access of family members outside prisons to prevent the spread of Covid-19. The report also stated the urgent need for more training, delivery and com-

42 : <http://enlalea.cl/calama-gendarmeria-exige-la-aplicacion-de-mas-medidas-preventivas-para-evitar-contagios-por-covid-19/>

43 : https://www.pauta.cl/pauta/site/docs/20200414/20200414174213/informe_final_carceles_por_pandemia.pdf

44 : http://www.colegiomedico.cl/wp-content/uploads/2020/03/INFORME-VISITA-DDHH-CDP-PTE-ALTO-2-ABRIL-2020_compressed.pdf





Costa Rica



Costa Rica

Key figures

Country population:

5,047,561

Date: 2019

Source: World Bank ¹

GDP:

61.801 Billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.810 (62/188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

19,226

Date: 01/10/2017

Source: World Prison Brief, ICPR ⁴

Prison density:

129%

Date: 2017

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

374

Date: 2018⁷

Source: World Prison Brief, ICPR ⁶



1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=CR>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=CR>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/CRI>

4, 5, 6 : World Prison Brief, ICPR. <https://prisonstudies.org/country/costa-rica>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

150,947 confirmed cases

1,895 deaths

Date: 14/12/2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

2,168 confirmed cases

13 deaths

Date: 13/12/2020

Source: Ministerio de Justicia y Paz ⁸

Prison staff infection figures:

616 confirmed cases

Date: 13/12/2020

Source: Ministerio de Justicia y Paz ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	no	✗
Deaths due to riots:	no	✗
Number of months without visits:	at least 7 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Costa Rican Ministry of Justice and Peace is in charge of the prison administration. Each penitentiary facility has its own health unit dedicated to general healthcare. The health staff can be shared between two prisons and they usually include a general doctor, a psychiatrist and nurses. All the specific care and more complex treatments or surgeries are referred to the nearest hospital or clinic.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/costa-rica>

8, 9 : Ministerio de Justicia y Paz. <https://www.facebook.com/MinisteriodeJusticiayPaz/photos/a.700837443293157/3687410147969190/>



1. Overview

In 2019, Costa Rican prisons faced an outbreak of mumps that made visible some failures of the prison system regarding the prevention of contagious diseases. The prison administration was led to adapt isolation spaces inside the facilities to quarantine those infected and mitigate the spread of mumps. At that time, the transfers were not suspended nor adapted and outbreaks were observed simultaneously in several facilities.

“This (experience) served as a background for us to be able to generate strategies and confront the coronavirus. Our country registered the first case in March 2020. In the following two weeks, we implemented a series of measures that we had been working on. The Ministry of Justice and Peace began to work hand in hand with the Ministry of Health. They drew up national guidelines for the monitoring of COVID-19 which were implemented in all prisons. These have been evolving as the spread of the pandemic advanced.”¹⁰

Under the responsibility of the Ministry of Justice and Peace, an emergency team started working closely with the Ministry of Health. It was later established as the Emergency Commission (Comando de Atención de Emergencias). Together, they established guidelines for the management of COVID-19 in penitentiary facilities, within the framework of the coronavirus national health alert.

Three sanitary protocols were established for all penitentiary facilities: one for the preventive care, another one for measures in case of massive infection and the last regarding the transfer of patients. All the documents were approved¹¹ by the Ministry of Health. The vice-minister of Justice and Peace declared¹² in July 2020, that beyond the general guidelines, “each centre had a mandatory obligation to carry out and develop its own specific protocol”.

“The Emergency Commission responds to the sanitary crisis in coordination with the Ministry

of Health, the Costa Rican Social Security Fund, the Joint Institute of Social Assistance and the Ministry of Public Security. It is an inter-institutional effort where each body intervenes in its field of responsibility within the penitentiary system.”¹³



2. Sanitary conditions and access to healthcare

In March 2020, an educational process was put in place by the administrative and health staff to inform prisoners about the virus and its prevention. At the time, the prison density was of 122%. The Vice-Minister of Justice and Peace affirmed¹⁴, in July 2020, that since overcrowding made social distancing non-existent, the administration had invested in raising awareness amongst prisoners and maintaining good hygiene.

Masks could be provided by family members. An official explained:

“There are more than 15,000 prisoners and the resources of the prison administration are scarce. That is why we authorised that the relatives provide them with reusable masks. We try as much as possible to provide for those who did not receive any.”¹⁵

When a COVID-19 case is identified among the prisoners, the first measure taken by the administration is to isolate the person. The prison authorities must then notify the Ministry of Health to coordinate a sanitary plan. Appropriate medical care must be provided¹⁶, and, in case of moderate and severe symptoms, the infected prisoners are transferred to an external public care facility.

The authorities conducted a mapping of the places within the facilities that could be transformed into medical and quarantine areas for prisoners and for prison officers. This included¹⁷ gyms and classrooms. The prison authorities reported that their architects had been working to adapt

10 : Interview with a Prison Administration Officer

11 : <https://www.ameliarueda.com/nota/sistema-penitenciario-costa-rica-registra-nueve-casos-covid-19-en-24-horas>

12 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

13 : Interview with a Prison Administration Officer

14 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

15 : Interview with a Prison Administration Officer

16, 17 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

these spaces with toilets and sinks. All prisoners having left the penitentiary facilities for more than 24 hours (for judicial procedures or medical reasons), as well as all those newly arrived were placed in preventive isolation. Newly arrived prisoners had to follow¹⁸ a protocol: disinfect the footwear, wash their hands, use alcohol gel and change clothes.

The Ministry of Justice and Peace reported that additional health staff was hired and that the health unit working hours were extended to 10pm. A new schedule to access health units was established: prisoners with COVID-19 symptoms were examined during the mornings. The afternoons were dedicated to other illnesses, with priority to chronic pathologies. Prison health staff started working on Saturdays and Sundays, so as to limit transfers from prisons to hospitals, which were found to be a major risk of contagion. Hospital transfers were limited to cases that were not treatable within the prison facility. COVID-19 cases that needed oxygen supply were treated in external health facilities.

Non-medical transfers were reduced to a minimum, based on lessons learnt from the 2019 mumps epidemic. Movements within facilities were also limited. The authorities set up a system of sub-groups (prison social bubbles) to organise the movement of prisoners, so as to avoid contacts between groups when moving them from one wing to another. Each sub-group was subjected to a 14-day quarantine and the dormitories were fully disinfected in the meantime.

“At the most critical moment of the mumps epidemic, transfers were still being made between facilities, and perhaps without any health control. We had the outbreak in one prison and suddenly the outbreak was in all prisons at the same time. With COVID-19 we could not allow that to happen because mumps is very contagious, but it's not deadly.”¹⁹



3. Identified cases

The first reported case of COVID-19 amongst prisoners occurred in Reforma prison, in Alajuela, on July 1, 2020. The infected person was a newly arrived prisoner. Once the case was identified, he was placed in quarantine in an individual cell for 18 days. The four other prisoners who shared the cell with him were also placed in quarantine, separately, for 14 days. The Ministry of Health ordered the isolation of the 300 prisoners held in the unit where the first infected was detained, as well as the disinfection of the unit. The Ministry of Justice and Peace ordered²⁰ the suspension of the transfers in and out of the unit and the reinforcement of the prevention measures and sanitary monitoring.

Two days later, on July 3, the Ministry of Justice and Peace confirmed²¹ four new cases: two prisoners and two staff members. The infected prisoners were²² already held in an isolation space at the time of their diagnosis, since they had returned to the prison after judicial procedures.

On July 21, 2020, the number of infections in the prison system rose²³ to 30 cases, amongst which 15 prisoners and 15 prison staff.

The Ministry of Justice and Peace has been reporting the number of cases on its Facebook page on a regular basis. As of December 13, 2020, 2,168 prisoners and 616 prison staff were infected²⁴ and 13 prisoners had died from COVID-19.



4. Sentence adjustments

Virtual hearings for all judicial procedures were conducted in the facilities where the appropriate equipment was installed.

The decisions of sentence adjustments are made by the Institute of Criminology on a case-by-case basis, analysing the

18 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

19 : Interview with the Head of the Emergency Commission

20 : <https://www.nacion.com/sucesos/judiciales/justicia-confirma-ingreso-de-primer-reo-con-nuevo/6MQUIH4YMRICIJHJX6SETPX2MVA/story/>

21 : <https://delfino.cr/2020/07/ministerio-de-justicia-reporta-casos-nuevos-de-covid-19-en-el-sistema-penitenciario-nacional>

22 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

23 : <https://www.ameliarueda.com/nota/sistema-penitenciario-costa-rica-registra-nueve-casos-covid-19-en-24-horas>

24 : <https://www.facebook.com/MinisteriodeJusticiayPaz/photos/a.700837443293157/3687410147969190/>

prisoner' situation and the length of the sentence already executed. Prisoners are placed in open regime as a first step.

“ Since the first cases, the procedure for the releases has become more constant and responsible. The first criterion is to make sure that the person can go back to a family, has a job offer or enough resources. Releasing someone at risk of the disease for them to live on the streets would not make sense. ²⁵ ”

Parcels (bombas) with food and goods from loved ones can be brought to prisoners. A schedule is set and relatives wait in a queue in front of the facilities. Prison officers receive each parcel for screening and are in charge of their distribution.



5. Activities and work

Before the pandemic, volunteer groups and external institutions were key to the development of sports, as well as cultural and spiritual activities. Preventive measures limited the entry of external actors. The prison administration asked prison directors to present a protocol to allow prisoners to exercise and practice contact sports, in accordance with the “prison social bubbles” system. This was especially designed to guarantee prisoners’ participation in football matches.

In order to guarantee prisoners’ right to education, classes were conducted virtually; written exams were maintained and conducted following a sanitary protocol.



6. Communication with the outside world

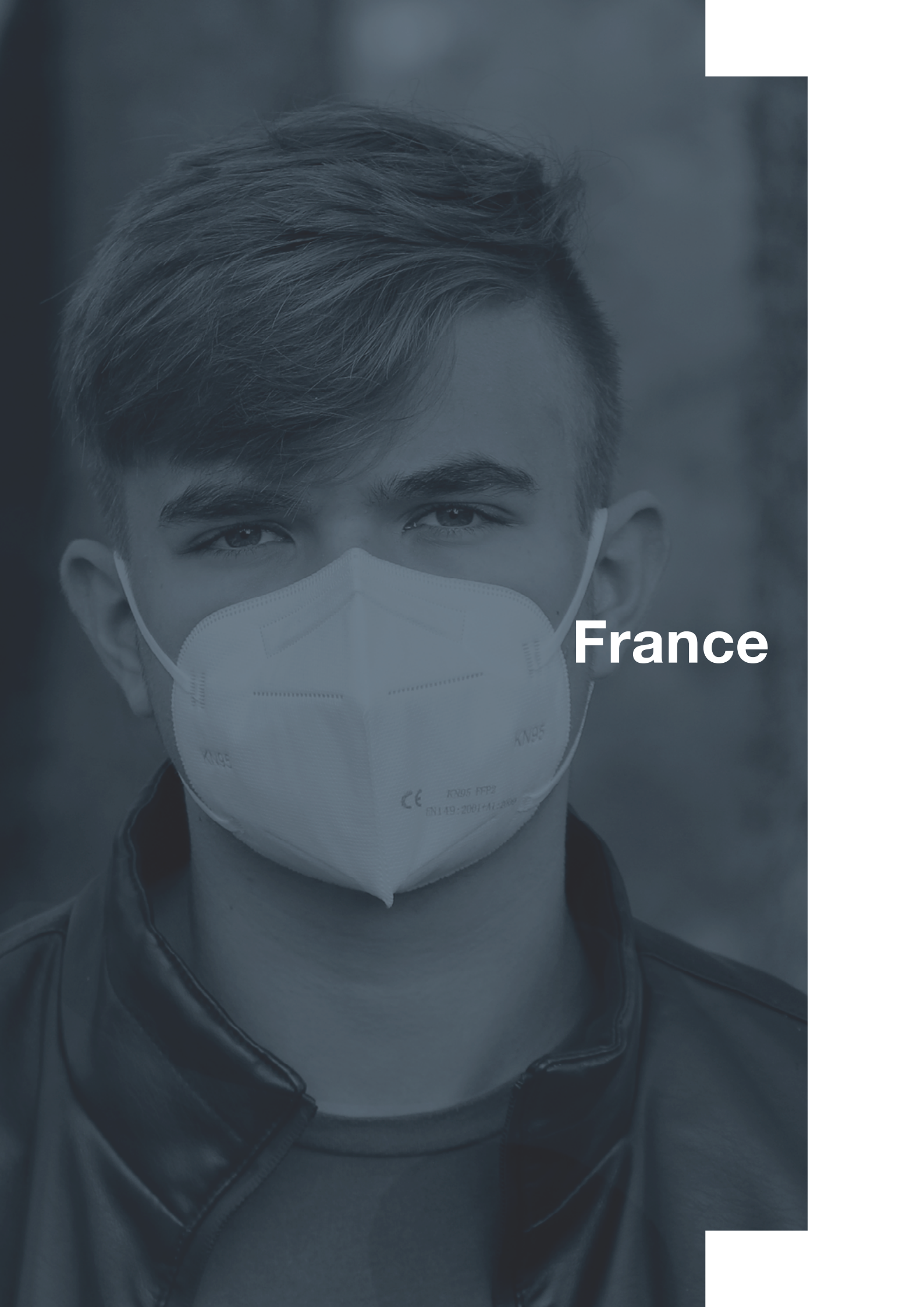
As of mid-March 2020, visits were suspended²⁶ in all penitentiary facilities. By November, the Emergency Commission and the Ministry of Health had started to study the possibility to resume the visits.

Access to phone calls was already insufficient before the pandemic. The Emergency Commission established a protocol for virtual visits. Some efforts were made to provide prisons with tablets and cell-phones and to make video calls possible, although the appropriate equipment was not equally available in all facilities. In Vilma Curling Prison for women, the virtual visit project, active for the past three months, has allowed women to obtain at least two virtual visits with their families.

25 : Interview with a Prison Administration Officer

26 : <https://vozdeguanacaste.com/en/how-is-the-liberian-prison-preparing-for-a-possible-positive-case-of-covid-19/>

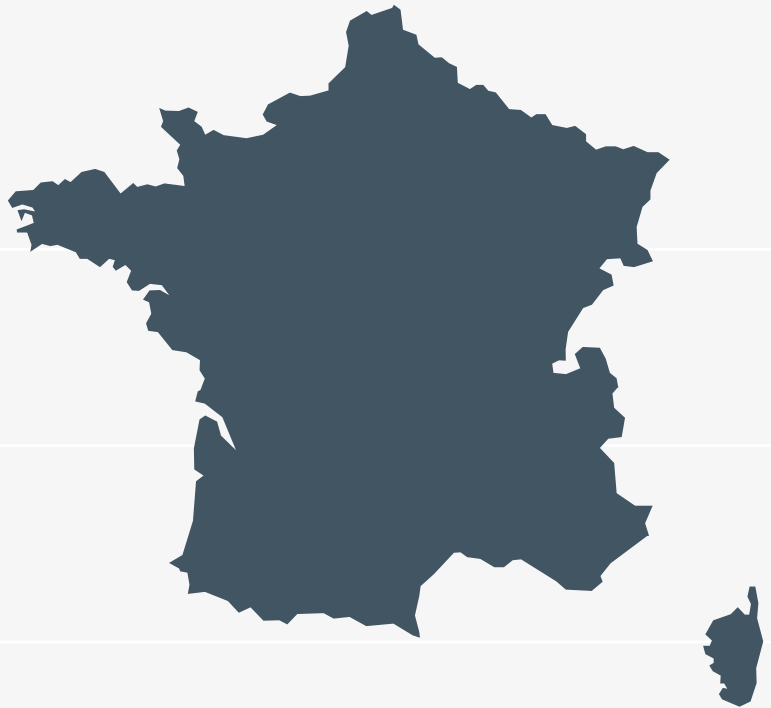




France



France



Key figures

Country population:

67,063,000

Date: 2020

Source: INSEE ¹

GDP:

2.716 trillion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0,901 (26/188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

70,651

Date: 01/01/2020

Source: Prison administration ⁴

Prison density:

115,7%

Date: 01/01/2020

Source: Prison administration ⁵

Incarceration rate:

104

Date: 2020

Source: World Prison Brief, ICPR ⁶

1 : INSEE. <https://www.prison-insider.com/en/countryprofile/france-2020-5e9db31082af2>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=FR>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/FRA>

4, 5: Prison administration. <https://www.prison-insider.com/en/countryprofile/france-2020-5e9db31082af2>

6 : World Prison Brief, ICPR. <https://www.prison-insider.com/en/countryprofile/france-2020-5e9db31082af2>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

2,430,612 confirmed cases

58,015 deaths

Date: 14/12/2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

793 confirmed cases

1 death

Date: 3/11/2020

Source: Prison Insider w/Justice Project Pakistan, JPP ⁸

Prison staff infection and deaths:

292 confirmed cases

1 death

Date: 8/05/2020

Source: Observatoire international des prisons – Section Française, OIP-SF ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	yes	✓
Deaths due to riots:	no	✗
Number of months without visits:	2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The penitentiary administration is attached to the Ministry of Justice. The penitentiary administration is responsible for the management, the surveillance, the registry (follow-up to imprisonment), probation and reintegration. The private sector is responsible for the day-to-day operations: food services, accommodations, training, work, maintenance. For the past several years it has¹⁰ also been in charge of family visits.

Health care is the responsibility of public hospitals (Ministry of Health) since 1994. There are two types of health services available: basic health care and psychiatric care. Access to medical units varies from one prison to another. General medical care is mostly satisfactory despite some problems with the facilities (conflicting scheduling, disciplinary procedures that are underway, etc.). Specialised treatment, namely eye and dental care and treatment for chronic disorders, is seriously lacking, as there are not enough medical specialists. Requests for appointments must be made in writing and can take several months to come through. The most frequently cited problems concern the safeguarding of patient confidentiality and the lack of resources in the medical units.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/france>

8 : Prison Insider w/Justice Project Pakistan, JPP. <https://www.prison-insider.com/en/articles/cartographie-du-coronavirus-en-prison>

9 : Observatoire international des prisons – Section Française, OIP-SF. <https://oip.org/covid19-en-prison-essentiel/>

10 : https://www.ccomptes.fr/sites/default/files/2017-12/20171213-rapport-immobilier-ministere-justice_0.pdf



1. Overview

The Ministry of Health, responsible for the access to healthcare in detention, issued¹¹ its first COVID-19 instructions on March 5, 2020. It instructed health units to equip themselves with PPE to prepare mainly for the arrival of new prisoners. Prison staff was asked¹² to pay attention to potential COVID-19 symptoms. On March 15, the prison administration issued¹³ its set of instructions. On March 17, as the national lockdown was declared, it announced¹⁴ the suspension of family visits, Family Life Units (FLUs), workshops and training activities.

As life in prison closed in, many concerns were raised. The European Court of Human Rights (ECHR) had just condemned¹⁵ the country, on January 30, 2020, for its prison conditions and systemic overcrowding. At the beginning of the pandemic, the country held more than 72,000 people in prisons, for a global capacity of 61,000. Remand centres, which house the majority of the prison population, had¹⁶ an average prison density of 138%.

In the context of urgency, appeals from civil society and coordinated action by the Prison Administration, the Penitentiary Integration and Probation Department and judiciary authorities jointly led to the release of thousands of prisoners nearing the end of their sentences. From March to May 2020, the prison population decreased¹⁷ by nearly 13,500, thanks to releases and fewer incarceration orders. On May 27, 2020, the Ministry of Justice advised judges on prison population regulation by extending the use of sentence adjustments. A judge commented¹⁸ the orientations to be the most lax ever communicated by authorities.

This decrease, eagerly awaited for decades by civil society organisations, prison staff, and prisoners, became a rea-

lity within a few months. It was however reported to be unevenly distributed, and some facilities remained severely overcrowded. The prison population quickly started to rise again. As of November 1, 2020, the prison population had increased¹⁹ to 62,260, reaching²⁰ an average prison density of over 115% in remand prisons.



2. Sanitary conditions and access to healthcare

The general overcrowding was pointed out as a major challenge for the control of the virus in prisons. When the crisis started, more than 1,600 prisoners were sleeping on mattresses placed on the floor in overcrowded cells. The premises, in poor conditions, did not always provide adequate ventilation.

“In reality, each prison is²¹ a potential epidemiological cluster in the making. For years, the situation of incarcerated persons has strongly deteriorated and the current crisis is throwing a harsh light on an already sick system”.

At the end of March 2020, the first masks were made available to prison officers. The use of masks was generally respected within the health units. A more lenient approach was observed in other spaces. The practice varied depending on the facility.

During the second wave of the pandemic, new mask-related measures were implemented. For instance, The Administrative Court of Toulouse ordered²² the administration of Toulouse-Seysses prison “to organise a testing campaign (...) and to make masks available to prisoners in certain closed and shared premises”. In October 2020, the use of mas-

11 : <http://sante-prison.fr/upload/05032020Covid19%20Mesures%20D%C3%A9tentionVersionFINALE.pdf>

12 : <https://oip.org/analyse/faire-face-a-lepidemie-le-protocole-sanitaire/>

13, 14 : <https://www.dalloz-actualite.fr/flash/pandemie-et-prisons-instructions-de-l-administration-penitentiaire>

15 : <https://www.dalloz-actualite.fr/flash/cedh-france-condamnee-pour-ses-prisons-indignes#.X74VWl7jIWo>

16 : http://www.justice.gouv.fr/art_pix/Mesure_incarceration_janvier2020.pdf

17 : https://www.francetvinfo.fr/sante/maladie/coronavirus/justice-13-500-detenus-en-moins-dans-les-prisons-francaises-depuis-le-debut-du-confinement_3969681.html

18 : <https://www.lefigaro.fr/actualite-france/prisons-la-circulaire-qui-entend-brider-les-incarcerations-20200526>

19 : http://www.justice.gouv.fr/art_pix/Mesure_incarceration_novembre_2020.pdf

20 : <http://www.politis.fr/articles/2020/11/les-echos-de-la-semaine-42515/>

21 : <https://oip.org/analyse/la-prison-a-lepreuve-du-coronavirus-deux-mois-de-crise-et-maintenant/>

22 : <https://france3-regions.francetvinfo.fr/occitanie/haute-garonne/toulouse/coronavirus-comment-prison-toulouse-seysses-gere-son-cluster-1883750.html>

ks became²³ mandatory in “*high alert*” areas for prisoners and staff.

Arriving prisoners were isolated and placed in quarantine for 15 days. Hydro-alcoholic gel was banned in all facilities, due to the no-alcoholic beverage policy. A reduced access to healthcare for medical conditions other than COVID-19 was reported²⁴, except in major prisons²⁵.

On April 3, 2020, prisoners’ access to water at La Santé prison was cut for several hours, preventing them from washing their hands. The incident was caused²⁶ by a pipe leak and was the second water cut reported in the previous three months. In other facilities, prisoners claimed that they did not have access to soap.

Many organisations described the conditions of detention as worrisome, calling for early releases and a strong decongestion. On May 25, 2020, a member of the French Section of the International Prison Observatory (French OIP) said that certain prisoners had not set foot outside of their cells since the beginning of lockdown by fear of getting infected. They had been staying 24/7 inside their cells, without any visits. The French OIP regretted the administration’s lack of consideration for prisoners. Hydro-alcoholic gel was banned in all facilities, due to the no-alcoholic beverage policy.



3. Identified cases

At the end of the first wave of the pandemic in May 2020, the spread of the disease in prisons seemed to have been controlled. The number of positive cases was²⁷ 292 amongst staff (including one death) and 118 amongst prisoners (including one death).



4. Sentence adjustments

A set of decisions, issued by the Ministry of Justice, took effect on March 23, 2020. Amongst the decisions, the decongestion of remand centres was of the utmost priority. The Ministry of Justice asked the courts to defer the enforcement of short prison sentences. The measure could be applied to prisoners who had demonstrated good behaviour. About 30 entries in prison per day were recorded²⁸, “*compared to more than 200 usually*”, according to its press release. Adjustments such as electronic surveillance were not included, as technicians were not working during the national lockdown.

On May 27, 2020, the Ministry of Justice advised judges on prison population regulation. The document was co-signed by the Directorate for Criminal Matters and Pardons and the Directorate for Prison Administration. It urged²⁹ prosecutors to reconsider less than one-month sentences that had not yet been served and to suspend sentences that could be postponed. Sentences inferior or equal to six months of imprisonment were to be reconsidered. Judges could also choose to shorten elderly prisoners’ sentences coming to an end. Community service, an average of 105 hours, could be reduced to 35 hours. A judge commented³⁰ the orientations to be the most lax ever communicated by the Ministry of Justice.

Between March and May 2020, the prison population decreased³¹ by 13,500 people, reaching the total number of 60,600. This decrease was the result of limited judicial activities (trials and hearings postponed), a declining delinquency during the lockdown and the implementation of early release measures.

23 : <https://www.franceinter.fr/le-ministre-de-la-justice-s-inquiete-de-la-remontee-de-la-population-carcerale-en-pleine-crise-sanitaire>

24 : <https://www.lesinrocks.com/2020/05/22/actualite/societe/prisons-pourquoi-la-crise-sanitaire-revele-les-dysfonctionnements-du-tout-carceral/>

25 : <https://www.humanite.fr/appele-gel-hydro-alcoolique-pour-qui-la-menace-dans-les-prisons-francaises-687369>

26 : <https://www.leparisien.fr/faits-divers/coronavirus-coupe-d-eau-a-la-prison-de-la-sante-impossible-de-se-laver-les-mains-04-04-2020-8294055.php>

27 : https://www.liberation.fr/france/2020/05/08/deconfinement-une-galere-pour-l-administration-penitentiaire_1787779

28 : http://www.presse.justice.gouv.fr/art_pix/2020.03.19%20-%20Communiqu%E9%20de%20presse%20-%20Nicole%20Belloubet.pdf

29 : <https://www.marianne.net/societe/prison-la-chancellerie-demande-aux-juges-de-ne-pas-faire-executer-les-peines-d-incarceration>

30 : <https://www.lefigaro.fr/actualite-france/prisons-la-circulaire-qui-entend-brider-les-incarcerations-20200526>

31 : https://www.francetvinfo.fr/sante/maladie/coronavirus/justice-13-500-detenus-en-moins-dans-les-prisons-francaises-depuis-le-debut-du-confinement_3969681.html

On April 29th, the average prison density fell below 100%. However, the overcrowding in some facilities was³² still over 140%, including in the Meaux and Villepinte prisons. This unequal decrease resulted³³ from various regional contexts and local dynamics between the judges responsible for the execution of sentences and the judicial authorities.



5. Activities and work

On March 17, 2020, all group activities were suspended, except for daily exercise and sports when practiced outdoors. Internal movements were limited, and external actors stopped their actions. Most work, training, socio-cultural and education activities were suspended. Prisoners described³⁴ this as a “double-lockdown”. Exceptions were granted³⁵, in particular in the juvenile facilities, in which the Youth Judicial Protection Services (PJJ) intervened.

Several organisations tried to find alternatives to this situation. For instance, volunteer groups started replacing their usual visits with letters.

On March 26, 2020, sewing workshops resumed. Prisoners in 140 prisons made cloth masks. About 80% of the 5,000 pieces produced each day were sent to the Paris hospitals’ (AP-HP) staff. The other 20% were to be used by prison officers. Prisoners participating in these workshops were paid³⁶ 6 euros per hour.

In May 2020, as the national lockdown came to an end, prison restrictions were very gradually lifted. At the Rennes-Vezin prison, sociocultural and sports activities, considered to be “non-essential”, were not set³⁷ to resume before June 2.



6. Communication with the outside world

On March 18, 2020, family visits were suspended. Lawyer’s meetings were maintained³⁸. In order to compensate for this increased isolation, the Ministry of Justice issued³⁹ a set of decisions regarding compensatory measures to take effect March 23. The decisions included the allocation of a credit of 40 euros to each prisoner’s telephone account. This credit could be used from telephone booths (in all prisons) or from the telephones placed inside cells (64 prisons are equipped). Television was made accessible free of charge, and the most destitute prisoners’ financial aid was increased⁴⁰ by 40 euros per month. The French NPM highlighted in a report the fact that such compensatory measures were neither effective nor sufficient: in one prison, there was a telephone booth that barely functioned and was shared among 80 prisoners. The length of calls was limited⁴¹.

On May 11, 2020, visits were resumed⁴² and first carried out according to strict sanitary measures. Prisoners were allowed only one visit per week with a maximum duration of one hour. Visitors were not authorised to bring in laundry. All physical contacts were prohibited. However, all sanitary measures were not equally implemented. In Sequedin prison, for instance, visiting cubicles were not equipped with plexiglass screens. Where plexiglass screens were places, visitors described the atmosphere as highly unsatisfactory: masks, distancing, lack of human contact and loud background noise hindered the interactions. Some said⁴³ they even preferred not to return.

Certain types of visits were resumed gradually. Legal and employment advice sessions with external actors were still

32 : <https://www.lefigaro.fr/coronavirus-en-prison-le-taux-d-occupation-tombe-en-dessous-de-100-annonce-belloubet-20200429>

33 : <https://oip.org/analyse/face-au-risque-sanitaire-en-prison-une-politique-de-liberations-a-plusieurs-vitesses/>

34 : <https://www.dalloz-actualite.fr/flash/pandemie-et-prisons-instructions-de-l-administration-penitentiaire>

35 : <https://www.dalloz-actualite.fr/flash/pandemie-et-prisons-instructions-de-l-administration-penitentiaire>

36 : https://www.francetvinfo.fr/sante/maladie/coronavirus/coronavirus-5-000-masques-en-tissu-produits-chaque-jour-par-les-detenus-dans-les-prisons-francaises_3905707.html#xtor=RSS-3-%5Blestittres%5D

37 : <https://www.letelegramme.fr/dossiers/lepidemie-de-coronavirus/la-prison-de-rennes-se-deconfine-entre-espoir-et-apprehension-10-05-2020-12549918.php>

38 : <https://www.gazette-du-palais.fr/actualites-professionnelles/covid-19-les-parloirs-des-avocats-sont-maintenus/>

39 : <http://www.justice.gouv.fr/la-garde-des-sceaux-10016/covid-19-mesure-daccompagnement-penitentiaire-33010.html>

40 : http://www.presse.justice.gouv.fr/art_pix/2020.03.19%20-%20Communiqu%E9%20de%20presse%20-%20Nicole%20Belloubet.pdf

41 : https://www.cglpl.fr/wp-content/uploads/2020/07/CGLPL_Rapport-COVID.pdf

42 : https://www.liberation.fr/france/2020/05/08/deconfinement-une-galerie-pour-l-administration-penitentiaire_1787779

43 : <https://blogs.mediapart.fr/observatoire-international-des-prisons-section-francaise/blog/180520/les-parloirs-au-temps-du-covid-19-entre-soulagement-0?fbclid=IwAR3dme43-zz7NLPy4j6xdAZA01nd9nM8HtfhyI4GEjwBLLL20Ux4XIDLJqg>

prohibited. On July 22, 2020, individual meetings⁴⁴ with chaplains and collective religious celebrations resumed⁴⁵ at Meaux-Chauconin prison.

Inspection visits are still limited; the French NPM has not resumed its on-site visits since the beginning of the pandemic. Members of the Parliament (MP) are usually allowed to conduct ad hoc inspection visits. In April 2020, however, a MP's request to visit a prison near Lille was refused. He contested⁴⁶ this decision in court, which overturned⁴⁷ the ban.



7. Movements of protest

The first movements of protest took place⁴⁸ on March 17, 2020 and attested high tension levels. On March 22, 2020, prisoners of Uzerche prison refused to return to their cells. Some went up on the roof and burned mattresses. They protested against the suspension of visits. A union representative explained⁴⁹:

“ The family visits are often what links prison to the outside (...) It is human contact that counts for these prisoners (...) It is seeing their families, their wives and their children over the weekend that keeps them going. About 200 cells were degraded after the incident. ”

The day after, about a hundred prisoners at the Rennes-Vezin facility addressed⁵⁰ a public letter to prison and government authorities. They claimed they were being put

in “mortal danger” and called for the decongestion of all prisons. They asserted that the hygiene protocols were impossible to respect due to overcrowding.

On March 24, 2020, about thirty prisoners refused⁵¹ to return to their cells in the Tarascon prison. They demanded masks, hand sanitiser and to be released. On March 27, 2020, 44 protests – sometimes violent – had occurred in more than 40 different facilities. Remand prisons were the most impacted⁵², since they were the places most affected by overcrowding and promiscuity. The movements have⁵³ mainly been considered to be a reaction to the poor detention conditions, the lack of communication with the outside world, the feeling of danger and to be neglected, unclear instructions, and a drug shortage linked⁵⁴ to the suspension of visits. The prison administration repressed⁵⁵ these protests.

Protests mostly occurred during the first months of the pandemic.



8. Calls and recommendations

On March 19, 2020, more than 1,000 people (researchers, public figures, magistrates, lawyers and NGOs) signed⁵⁶ an opinion piece calling for the decongestion of prisons. On March 29, 2020, a petition for the protection of fundamental liberties (référé-liberté) was brought before the Council of State on behalf of the French OIP, the Association of Lawyers for the Defence of Prisoners' Rights (A3D), the Magistrates Union and the Union of French

44 : <https://www.la-croix.com/Religion/En-prison-presence-indispensable-aumoniers-2020-07-22-1201105913>

45 : <https://www.humanite.fr/appel-gel-hydro-alcoolique-pour-qui-la-menace-dans-les-prisons-francaises-687369>

46 : <https://france3-regions.francetvinfo.fr/hautes-de-france/coronavirus-depute-lfi-ugo-bernalicis-conteste-son-interdiction-visiter-prison-seque-din-1817236.html>

47 : <https://france3-regions.francetvinfo.fr/hautes-de-france/nord-0/lille/coronavirus-conditions-vic-prison-depute-ugo-bernalicis-enfin-pu-visiter-maison-arret-sequed-in-1819044.html>

48 : <https://oip.org/wp-content/uploads/2020/06/oip-frise-covid-1024x768.png>

49 : <https://www.francebleu.fr/infos/faits-divers-justice/importante-mutinerie-au-centre-de-detention-d-uzerche-en-correze-1584903262>

50 : <https://blogs.mediapart.fr/observatoire-international-des-prisons-section-francaise/blog/230320/nous-detenus-bloquons-les-prisons-de-france>

51 : <https://www.francebleu.fr/infos/faits-divers-justice/coronavirus-des-tensions-dans-la-prison-de-tarascon-1585071760>

52 : <https://www.mediapart.fr/enquete/national/2020/03/27/coronavirus-plus-dune-quarantaine-de-mutineries-dans-les-prisons-francaises/>

53 : <https://blogs.mediapart.fr/journal-lenvolee/blog/090420/lettre-ouverte-la-ministre-des-tribunaux-et-des-prisons>

54 : <https://france3-regions.francetvinfo.fr/grand-est/meurthe-et-moselle/nancy/mutinerie-incendie-prison-toul-ecrouves-1817868.html>

55 : <https://www.leparisien.fr/faits-divers/coronavirus-la-tension-monte-en-prison-l-administration-menace-les-detenus-de-sanctions-22-03-2020-8285628.php>

56 : https://www.lemonde.fr/idees/article/2020/03/19/coronavirus-reduisons-le-nombre-de-personnes-incarcerees-pour-de-courtes-peines-ou-en-fin-de-peine_6033711_3232.html

Lawyers. They urged the Council of State's litigation section (juge des référés) to reinforce⁵⁷ measures to put a stop to the infringements on the basic rights of prisoners. On March 31, 2020, prisoners from the Nanterre prison lodged⁵⁸ a complaint against the Prime Minister and the Minister of Justice for “*endangering the lives of others*.”

The Lyon Bar denounced derogatory measures that enabled judges to extend pre-trial detention. The president of the Criminal Lawyers Association denounced: “*closed-door, judge-sitting-alone videoconference hearings of presumed innocent prisoners*”. The Magistrates Union alerted⁵⁹ that “*these provisions in force for many months are likely to have a contamination effect on common law*”.

On April 4, 2020, several lawyers and prisoners urgently appealed to the Administrative Court of Martinique. They urged the prison administration to “*reduce the number of prisoners held in Ducos prison to a figure allowing single-occupancy cells, take action to help maintain family ties, take sanitary and hygiene measures, and carry out screening tests*.” The Court recognised the “*worrying situation of overcrowding*”, but it stated that the prison administration had no power to change living conditions or make sentence adjustments. It ordered⁶⁰ the provision of masks and gloves and requested that screening tests be carried out.

On June 3, 2020, an open letter signed by 40 organisations and nearly 1,000 public figures was addressed to the French president. They called⁶¹ on the President to initiate a policy for the decongestion of prisons.

On July 2, 2020, the French NPM published a report making reference to the measures taken, welcoming the “efficient” prevention and the low number of infections. It recalled that: “*the major risk of an epidemic developing in closed crowded spaces and within a population whose state of health often made them particularly vulnerable had been avoided*”. The NPM stated⁶² that the “spectacular fall” in the number of prisoners showed that it was “*possible for the overall occupancy rate of French prisons to return to their actual capacity, or even below*”.

57 : <https://oip.org/communiqu/covid-19-en-prison-des-organisations-saisissent-en-urgence-le-conseil-detat/>

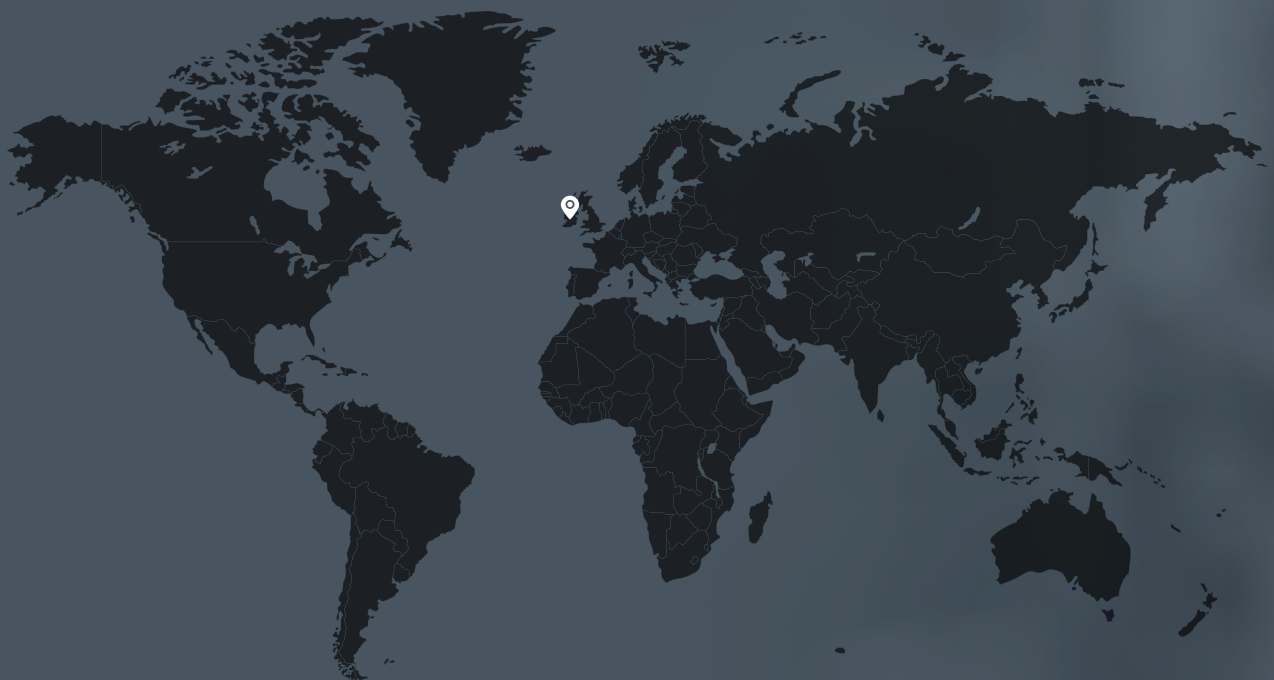
58 : https://www.lemonde.fr/idees/article/2020/03/19/coronavirus-reduisons-le-nombre-de-personnes-incarcerees-pour-de-courtes-peines-ou-en-fin-de-peine_6033711_3232.html

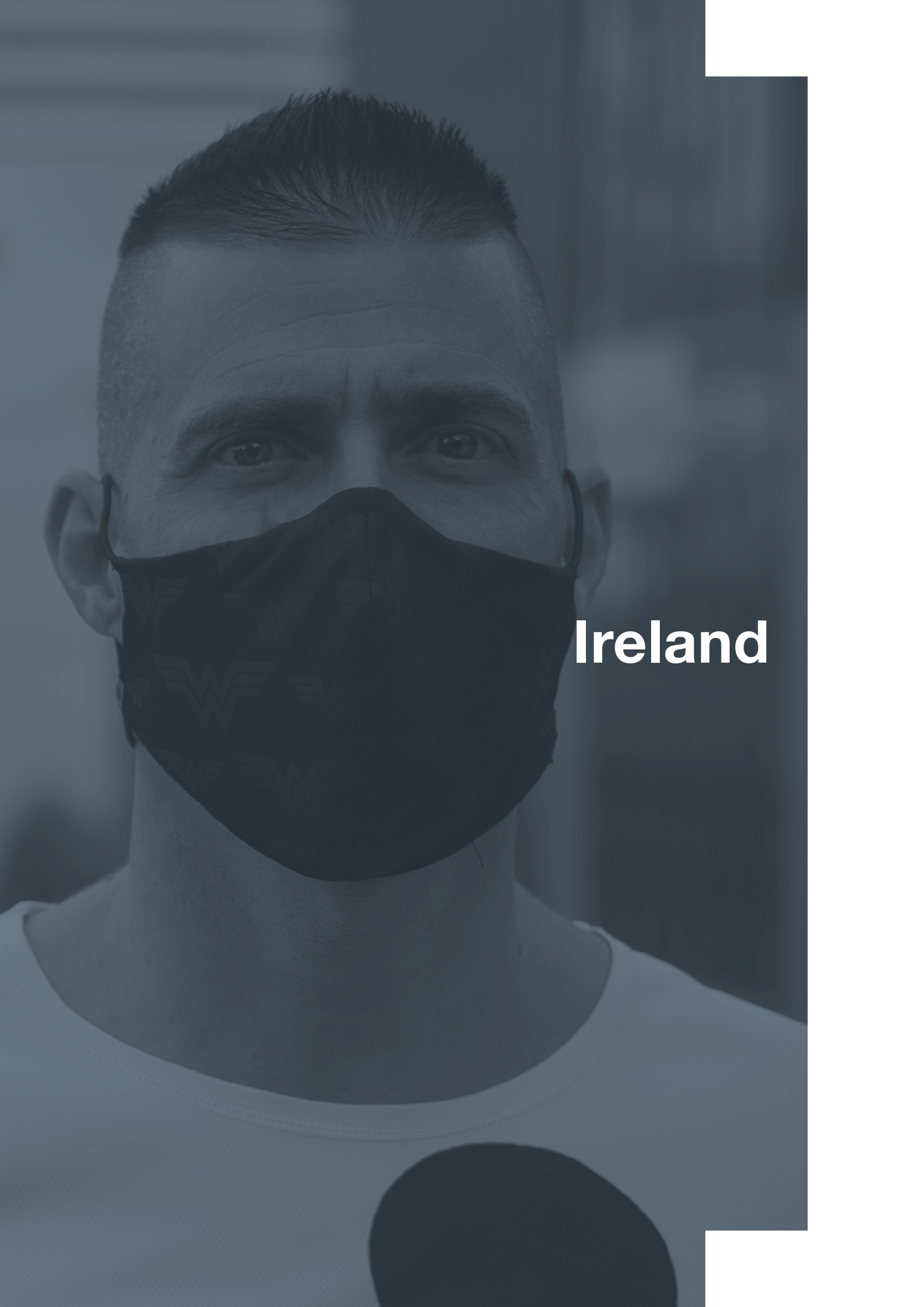
59 : https://www.lexpress.fr/actualite/societe/justice/face-au-coronavirus-des-avocats-alertent-sur-un-confinement-des-droits-de-la-defense_2122536.html

60 : <http://martinique.tribunal-administratif.fr/A-savoir/Communiqu/Covid-19-Le-Tribunal-ordonne-la-mise-a-disposition-de-masques-et-gants-aux-detenus-et-aux-auxiliaires-de-vies-lors-de-la-distribution-des-repas-et-enjoint-la-mise-en-oeuvre-de-tests-de-depistage>

61 : https://www.francetvinfo.fr/sante/maladie/coronavirus/prisons-pres-de-1-000-personnalites-et-organisations-appellent-emmanuel-macron-a-une-veritable-politique-de-deflation-carcerales_3992433.html#xtor=AL-79-%5Barticle%5D-%5Bconnexe

62 : https://www.cglpl.fr/wp-content/uploads/2020/07/CGLPL_Rapport-COVID.pdf





Ireland



Ireland



Key figures

Country population:

4,941,44

Date: 2019

Source: World Bank ¹

GDP:

388.699 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.955 (2/188)

Date: 2018

Source : UNDP, Human Development Report ³

Prison population:

4,194

Date: 12/2019

Source: World Prison Brief ⁴

Prison density:

97%

Date: 02/2020

Source: Prison administration⁵

Incarceration rate:

84

Date: 02/2020

Source: World Prison Brief, ICPR ⁶

1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=IE>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=IE>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/IRL>

4, 5, 6 : World Prison Brief, ICPR. <https://www.prison-insider.com/en/countryprofile/irlande-2020>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

76,185 confirmed cases

2,124 deaths

Date: 14/12/2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

4 confirmed cases

Date: 16/11/2020

Source: Prison Insider w/ Justice Project Pakistan, JPP ⁸

Prison staff infection and deaths:

10 confirmed cases

Date: 16/11/2020

Source: Based ⁹ on local media ¹⁰



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	no ¹¹	✗
Deaths due to riots:	no	✗
Number of months without visits:	2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Irish Department of Justice and Equality is responsible for the prison administration, as well as the management of healthcare in prisons. In July 2018, an executive clinical lead was appointed to prison healthcare. Since then, the review of the organisation of prison healthcare has been agreed¹² between the Department of Justice and Equality, the Department of Health and the Irish Prison Service.

The European Committee for the Prevention of Torture (CPT) visited Irish prisons in 2019. It found that “*there has been considerable progress*” regarding the provision of health care: “*The CPT’s delegation found very good access to health care in prisons and a vastly improved approach to the treatment of substance use. The mental health nurses and visiting psychiatrists were also doing a good job in difficult circumstances. Further, the carers employed at Midlands Prison to assist the older population of prisoners were very good, displaying genuine warmth and affection towards their clients.*”. Nevertheless, the CPT criticised the lack of provision of interpretation services to facilitate the communication between incarcerated non-English speakers and the healthcare staff. The CPT also critiqued that the Irish prisons continue to incarcerate severely mentally ill persons.¹³

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/ireland>

8 : Prison Insider w/ Justice Project Pakistan, JPP. <https://www.prison-insider.com/en/articles/cartographie-du-coronavirus-en-prison>

9 : Based. <https://www.irishexaminer.com/news/arid-30992060.html>

10 : Reports. <https://www.irishexaminer.com/news/arid-40083416.html>

11 : One attempt aborted. <https://www.irishtimes.com/news/crime-and-law/kinahan-associated-inmates-transferred-from-mountjoy-following-failed-covid-protest-1.4267086>

12 : <https://pips.iprt.ie/>

13 : Council of Europe, CPT/Inf 37 – Report 2020 to the Government of Ireland on the visit to Ireland (<https://rm.coe.int/1680a078cf>), p.6.



1. Overview

In 2017, the Irish Prison Service (IPS) had implemented a “*whole of prison approach to infection control*”, following a tuberculosis outbreak. It comprised¹⁴ the establishment of an infections control team, in partnership with the Irish Red Cross Inmates Team, and the training of 2,300 staff and 450 prisoners on the topic of infection control.

The IPS initiated its COVID-19 response mid-February 2020, before it was declared a pandemic. The infections control team rapidly established¹⁵ an Emergency Response Planning Team (“*ERPT*”) consisting of senior staff with skills and experience in operational, healthcare and infection control, working in partnership with the National Public Health Emergency Team and the Irish Red Cross.

Irish Prison Reform Trust (IPRT), a charity campaigning for prisoners’ rights, reports a very open and efficient communication between the ERPT, the prison administration and the government. This enabled a fast policy response and implementation of measures.

The prison administration used new communication channels on its website and on social media to disseminate information outside the prison system.

IPRT highlighted the interesting work done in partnership with the Irish Red Cross to produce accessible information leaflets. They involved volunteering prisoners in raising awareness within the facilities about social distancing gestures and identification of high-risk practices.



2. Sanitary conditions and access to healthcare

As of mid-February 2020, on the advice of the ERPT, the administration started¹⁶ supplying staff with protective equipment (PPE). The ERPT initiated, along with the penitentiary administration training college, an upskilling

and training of all staff on the use of PPE.

On March 31, 2020, temperature screening started¹⁷ to be systematically carried out at prison entrances. Social distancing protocols were implemented¹⁸: marking of floor areas with 2 metre separation lines and posting of signage throughout the premises. All new incoming prisoners were placed in quarantine for 14 days and “*swabbed*” after six days to prevent the spread of the virus within the prison population. A contact tracing method was implemented¹⁹ to quickly isolate prisoners or members of staff when a positive case was suspected or identified.

A few days later, Cloverhill Remand Centre, which houses the majority of the country’s remand prisoners and records an average of 100 entries and exits per day, adapted²⁰ its meal distribution. Food was distributed to prisoners in small groups, respecting distancing measures. Cups and plates were replaced by disposable cardboard containers. Prison officers were required to wear protective equipment (gown, mask, goggles) during every interaction with prisoners.

In July 2020, the authorities estimated that the additional cost of COVID-19 related measures was around five million euros. This included the replacement of quarantined prison officers, provision of sanitary protection and video call equipment to hold certain hearings.

Between April and the end of June 2020, people over the age of 70 and those with chronic illnesses were automatically isolated (“*cocooning*” measure). Many of them were held in cells for periods of up to 30 hours.

While the prevention protocols curbed the spread of the virus in prison, observers alerted the authorities on the significant impact of certain measures on prisoners’ mental health. The Prisons Inspector and the University of Maynooth jointly led²¹ a project to evaluate the consequences of the “*cocooning*” measures on prisoners. In April 2020, they distributed 86 notebooks to vulnerable prisoners qua-

14 : <https://www.redcross.ie/national-news/irish-prisons-model-best-practice-on-handling-covid-19/>

15, 16 : http://www.justice.ie/en/JELR/Pages/Information_regarding_the_Justice_Sector_COVID-19_plans

17 : <https://www.irishexaminer.com/breakingnews/ireland/prisons-introduce-temperature-screening-at-entrances-to-stop-covid-19-spread-991322.html>

18 : http://www.justice.ie/en/JELR/Pages/Information_regarding_the_Justice_Sector_COVID-19_plans

19 : <https://www.irishprisons.ie/midlands-103-speak-fergal-black-midlands-prison-covid-outbreak/>

20 : <https://www.rte.ie/news/coronavirus/2020/0407/1129072-coronavirus-prisons/>

21 : <https://www.oip.ie/ameliorating-the-impact-of-cocooning-on-people-in-custody-a-briefing/>

quarantined under the “cocooning” measure for them to write their diary. Three months later, the Prisons Inspector presented²² a few abstracts from the diaries to the government. The texts demonstrated the harshness of the isolation, with prisoners expressing suicidal and depressive feelings. Concerned about the deteriorating mental health of prisoners, the Inspector made recommendations to adopt more flexible and compassionate quarantine measures.



3. Identified cases

On April 3, 2020, four prison officers tested²³ positive for COVID-19 at Mountjoy (2), Cork (1) and Portlaoise (1) prisons. Amongst the prison population, 142 were isolated but none were found positive.

No COVID-19 cases amongst prisoners were reported²⁴ before August 22, 2020. The first case was a 23-year-old woman who had just been incarcerated in Dóchas women prison (Dublin). Her infection was confirmed during her first 14 days of quarantine, as required for all new prisoners. Three other cases, identified²⁵ in August and September, had equally developed²⁶ symptoms during their first period of quarantine. The authorities asserted²⁷ that *“each positive case was a recently committed prisoner from the community and none of the cases have been acquired within the prison environment”*.

On October 30, 2020, five prisoners tested²⁸ positive at Midlands prison and were isolated. Tests were done on all other prisoners and staff of the facility. At this point, the administration issued²⁹ a note dedicated to the families of prisoners incarcerated in this facility. The Director of Care

& Rehabilitation and the Governor of the Midlands prison gave³⁰ interviews on local radios to reassure³¹ families on the management of the outbreak.

On November 2, 2020, several staff members were³² reported positive, although no precise number was communicated. On November 6, 2020, a person detained at Limerick prison tested³³ positive. All prisoners and staff members were tested twice, at 6 day intervals. Six staff members were declared³⁴ positive.



4. Sentence adjustments

On March 24, 2020, more than 200 prisoners with a remaining sentence of three months or less were released³⁵. The administration extended the measure to those serving six months or less. The authorities affirm³⁶ that factors such as housing and health status are taken into account, and that the administration is coordinating with the Department of Housing, Planning and Local Government and the Ireland Health Service (HSE).

In four weeks, a total of 476 people were released³⁷, that is about one in eight prisoners. The prison population decreased³⁸ from 4,235 to 3,772 prisoners between March and October 2020.

Prisoners on temporary release were granted longer intervals for signing in with IPS, going from weekly to monthly appointments. The aim was³⁹ *“to reduce footfall in and out of the prisons, and to free up administrative staff to mitigate any depletion in prison officer numbers”*.

22 : <https://www.irishtimes.com/news/crime-and-law/prison-diaries-give-insight-into-bleak-conditions-during-pandemic-1.4316027>

23 : <https://www.irishexaminer.com/news/arid-30992060.html>

24 : <https://www.independent.ie/irish-news/woman-23-becomes-first-positive-covid-19-case-in-irish-prison-system-39469801.html>

25 : <https://www.dublinlive.ie/news/health/second-case-covid-19-identified-18848294>

26 : <https://www.dublinlive.ie/news/dublin-news/coronavirus-ireland-dublin-prison-case-18924231>

27 : <https://carlow-nationalist.ie/2020/10/22/four-prisoners-test-positive-during-pandemic-minister-states-none-acquired-virus-in-prison/>

28 : <https://roscommonherald.ie/2020/10/30/covid-outbreak-at-midlands-prison/>

29 : https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Midlands-Prison-Covid-19-Outbreak-Family-QA.pdf

30 : <https://www.irishprisons.ie/midlands-103-speak-fergal-black-midlands-prison-covid-outbreak/>

31 : <https://www.irishprisons.ie/governor-midlands-prison-speaks-kclr-radio/>

32 : <https://www.rte.ie/news/2020/1102/1175555-midlands-prison-covid/>

33 : <https://www.irishtimes.com/news/crime-and-law/prisoner-tests-positive-for-covid-19-in-limerick-prison-1.4402686>

34 : <https://www.irishexaminer.com/news/arid-40083416.html>

35 : <https://www.irishexaminer.com/breakingnews/ireland/early-release-for-200-inmates-as-part-of-emergency-measures-989879.html>

36 : http://www.justice.ie/en/JELR/Pages/Information_regarding_the_Justice_Sector_COVID-19_plans

37 : <https://www.thetimes.co.uk/article/coronavirus-in-ireland-nearly-500-prisoners-released-under-covid-19-precautions-0cd8d2cm0>

38, 39 : http://www.justice.ie/en/JELR/Pages/Information_regarding_the_Justice_Sector_COVID-19_plans



5. Activities and work

Certain activities, such as work and training, were curtailed to reduce prison movements and interactions, and the prison schools were closed. While prison gyms remained open, their capacity for use was significantly reduced. The staff oversaw the cleaning of the equipment prior to use, and prisoners most vulnerable due to age or underlying health conditions were provided with gloves and face masks when exercising. “Cocooning” prisoners were not allowed⁴⁰ to use the gym.

In the fall, Mountjoy prison and Maynooth University partnered⁴¹ to allow prisoners to access online university courses.

Activities were⁴² further restricted at Midlands prison after the discovery of positive cases in late October. The administration assured that prisoners would have access to in-cell learning, such as learning supports broadcasted on the prison TV channel. Prisoners involved in essential work and training were still able to pursue their activities.



6. Communication with the outside world

On March 13, 2020, the prison administration announced strict restrictions on visitation rules. Visits were limited to 15 minutes once a week per prisoner. Visitors under the age of 18 and those with flu symptoms were not admitted⁴³. Two weeks later, all family visits were suspended⁴⁴.

As a compensatory measure, prisons gradually introduced video calls. The Irish Penal Reform Trust commended⁴⁵ the successful implementation of videoconferencing across the country’s prisons.

By June 2020, the administration was planning a gradual lift of the restrictions in two phases. Every prisoner would be allowed⁴⁶ one 15-minute personal visit every two weeks from one person over 18. A video call could also be organised during the two week interval. Prisoners could replace the in-person visit with a second video call. This was implemented⁴⁷ on July 20, 2020.

The prison service published a guide for prisoners’ relatives, informing them of the sanitary rules. They were to have their temperature checked, fill in a health questionnaire, follow social distancing rules, wash their hands and wear a mask provided by the prison.

On August 17, 2020, the second phase started: visits were⁴⁸ still limited to once a fortnight but allowed two visitors, including children. In late September, a prisoner of Portlaoise prison seized⁴⁹ the High Court to protest against the visit restrictions. While the usual policy allows for a 30 minute visit, the 15 minute limit was inconsistent with prison regulations. IPRT then noted⁵⁰ that the duration of visits had been increased to 20 minutes.

In early November, and after discovering positive cases in Midlands prison, the administration announced⁵¹ that some changes would be made to visits and calls and a schedule would be set.



7. Calls and recommendations

On March 30, 2020, IPRT submitted⁵² to the prison administration and the Ministry of Justice a list of recommendations and measures aimed at limiting the impact of the pandemic. The organisation called, inter alia, for a significant reduction in the prison population, support for

40 : http://www.justice.ie/en/JELR/Pages/Information_regarding_the_Justice_Sector_COVID-19_plans

41 : <https://www.irishtimes.com/news/social-affairs/mountjoy-prisoners-gain-access-to-third-level-education-during-pandemic-1.4393400>

42 : https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Midlands-Prison-Covid-19-Outbreak-Family-QA.pdf

43 : <https://www.thejournal.ie/prisons-ireland-coronavirus-5046229-Mar2020/>

44 : <https://www.independent.ie/world-news/coronavirus/prisoners-offered-virtual-visits-from-loved-ones-after-all-in-person-visits-suspended-39081343.html>

45, 46 : <https://www.irishtimes.com/news/crime-and-law/family-prison-visits-to-resume-after-three-months-for-15-minutes-slots-1.4286745>

47 : <https://www.thejournal.ie/prison-visits-ireland-who-irish-prison-service-5130965-Jun2020/>

48 : <https://www.thejournal.ie/prisons-restrictions-visiting-kildare-laois-offaly-5177930-Aug2020/>

49 : <https://www.irishtimes.com/news/crime-and-law/high-court-challenge-brought-over-reduction-of-prisoner-visits-due-to-covid-19-1.4366884>

50 : <https://www.iprt.ie/latest-news/increased-duration-of-physical-prison-visits/>

51 : https://www.irishprisons.ie/wp-content/uploads/documents_pdf/Midlands-Prison-Covid-19-Outbreak-Family-QA.pdf

52 : <https://www.iprt.ie/iprt-submissions/irish-prisons-and-covid-19-proposed-measures/>

prisoners upon release, and the introduction of preventive and protective measures in prisons.

In July 2020, IPRT urged⁵³ the authorities to start reforming the complaint system, as promised four years ago. The organisation stated that the current internal system did not meet the criteria of an independent mechanism. It claimed that the current restrictive measures made independent external oversight even more necessary. Of the 24 serious complaints received from prisoners during the first half of the year, 21 were still being investigated and two had not been examined, as the inquiries had been put on hold during the pandemic.

On July 29, 2020, the Prisons Inspector shared concern about the harshness of the “*cocooning*” measures and consequences on the mental health of prisoners. He called for more flexible and compassionate quarantine measures.

53 : <https://www.irishexaminer.com/news/arid-31010248.html>





New Zealand



New Zealand

Key figures

Country population:

4,917,000

Date: 2019

Source: World Bank ¹

GDP:

206.929 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0,931 (14/188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

9,469

Date: 30/06/2020

Source: World Prison Brief, ICPR ⁴

Prison density:

93.8%

Date: 30/06/2019

Source: Prison administration ⁵

Incarceration rate:

84

Date: June 2020

Source: World Prison Brief, ICPR ⁶



1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NZ>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=NZ>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/NZL>

4, 5, 6 : World Prison Brief, ICPR. <https://www.prisonstudies.org/country/new-zealand>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

2,096 confirmed cases

25 deaths

Date: 14/12/ 2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

1 confirmed case

0 death

Date: November 2020

Source: Based on local media reports ⁸

Prison staff infection and deaths:

2 confirmed cases

0 death

Date: 16/11/2020

Source: Based on local media reports ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	no ¹⁰	✗
Deaths due to riots:	no	✗
Number of months without visits:	at least 2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Ministry of Justice is in charge of the prison administration (Department of Corrections). Some facilities operate¹¹ under a public-private partnership, such as the Auckland South Correctional Facility in Wiri. The Department of Corrections is in charge of healthcare in prison. Every prison in the country has a medical unit that provides primary healthcare. Prisoners are transferred to public hospitals when serious conditions call for treatment. The Corrections Act 2004 outlines the right for every prisoner to receive medical treatment that is “reasonably necessary”. It also states¹² that standards of the health care service provided should be “reasonably equivalent to the standard of health care available to the public”.

Prevalence of mental health disorders is five times higher in the prison population than in the general population. All prisons have psychiatric medication available but prisoners that have to seek specialist mental health care are referred to the District Health Boards. The SPT showed concern that not all prisoners “received timely and adequate treatment. The provision and availability of health care staff, health premises and equipment varied widely across the facilities visited. [...] The current capacity of the system to properly address the mental health of persons in detention does not match the actual needs.”¹³

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/new-zealand>

8, 9 : Based on local media reports. <https://www.stuff.co.nz/national/health/coronavirus/300009845/coronavirus-woman-jailed-for-refusing-covid19-medical-examination-tests-positive-after-release-from-auckland-prison>

10 : However, an increase in spitting attacks from prisoners to prison officers has been noted during the first three months.

11 : <https://www.prison-insider.com/countryprofile/prisonsnz-en?s=vue-d-ensemble>

12 : <https://www.prison-insider.com/countryprofile/prisonsnz-en?s=sante-5cab190969190#sante-5cab190969190>

13 : United Nations, CAT/OP/NZL/1 – Report 2014 on the visit to New Zealand (https://tbinternet.ohchr.org/Treaties/CAT-OP/Shared%20Documents/NZL/CAT_OP_NZL_1_7242_E.pdf), p.12.



1. Overview

New Zealand has been largely spared from the COVID-19, both in its prisons and in the general population. The entire country and its prisons were fully confined as of March 25 until May 13.

Restriction measures, including conditions akin to solitary confinement, were put in place in all facilities according to their level of alert. Levels ranging from one to four were defined by the Department of Corrections according to the local context and based on the evolution of the pandemic. Under the highest-level alert, prisoners were subject to being locked up in their cells all day. Several local organisations criticised the difficulty to maintain physical distancing and denounced the absence of considerations for the prisoners' rights. They also regretted the scarcity of early releases.

Restrictions within the prisons were lifted progressively thanks to a systematic introduction of sanitary equipment and the adaptation to the local context. By October 2020, prisons were still spared from the pandemic and had returned to its usual functioning.



2. Sanitary conditions and access to healthcare

The administration early on adopted a strict confinement strategy to avoid the spread of the virus. All new prisoners were placed in isolation for fourteen days upon their arrival.

In April 2020, under the alert level 4, prisoners in most facilities were locked up in their cells for 20 to 23 hours a day. *"The cells are quite small and they are poorly ventilated, and some of them are double bunked, so it is a fairly difficult situation for anyone to be in at the best of times"*, reported¹⁴ the spouse of a man serving at Spring Hill prison.

Prison staff and prisoners who had been in contact with an infected person or with someone showing COVID-19 symptoms were rapidly placed in quarantine. In September, for instance, two prisoners and about twenty prison officers were placed¹⁵ in quarantine at Auckland prison after a staff's family member tested positive. Prison officers had to wear gloves and masks. They were required¹⁶ to use gowns and eye protection when dealing with prisoners suspected of being infected with COVID-19.

In late April 2020, the Chief Inspectorate resumed its visits to prisons. After six visits, the Chief Inspector noted positive interactions between prisoners and staff. The importance of taking health and safety measures was well understood.

"We found¹⁷ that sites have good hygiene measures in place and that staff are wearing PPE appropriately. Prisoners have been kept well informed. They have understandably spent more time in their cells, but this is starting to be eased."



3. Sentence adjustments

Parole hearings and in-person sentence follow-ups were suspended¹⁸ between March and July 2020. During this period, the parole board conducted¹⁹ 600 hearings by video call. *"No hearings were lost, and lawyers had the opportunity to make submissions on behalf of their clients in one form or another in every case"*, said the Chairperson of the parole board, which usually holds 9,000 hearings a year.

In early August, as the Northern prisons were put in alert level 3, guided and temporary releases of prisoners were suspended, including reintegration activities outside prison and temporary removal. A few exceptions applied²⁰.

14 : <https://www.rnz.co.nz/news/in-depth/413538/covid-19-prisoners-in-cells-up-to-23-hours-a-day-guards>

15, 16 : <https://www.stuff.co.nz/national/health/coronavirus/120383374/coronavirus-real-concerns-over-covid19s-impact-on-prisons>

17 : https://inspectorate.corrections.govt.nz/news/news_items/latest_covid-19_update_from_chief_inspector

18 : <https://www.rnz.co.nz/news/national/414370/recommendations-to-push-back-release-of-virus-risk-prisoners-condemned>

19 : <https://www.scoop.co.nz/stories/PO2007/S00075/parole-hearings-return-to-prisons.htm>

20 : <https://www.stuff.co.nz/national/122431800/coronavirus-corrections-halts-visitors-to-auckland-prisons>



4. Activities and work

Leave permits for work activities were suspended from March 24, 2020, under alert level 4, until 13 May.

During alert levels 3 and 4, items were distributed to prisoners to keep them occupied, among which activity workbooks containing *“modules on improving self-esteem by the Centre for Clinical Interventions, maths and literacy booklets, Brain Bites Activity Books, and wellbeing information, such as workout programmes”*. Other initiatives were reported, such as *“additional television channels, streaming films in-cell, evening snack packs with additional food, board game sessions, and additional library books”*. At one prison, the Ombudsman’s team reported²¹ that those measures had been suspended during alert levels 3 and 4.

In early August, as the Northern prisons were put in alert level 3, activities were suspended, including reintegration activities outside prison, release to work activities, face-to-face rehabilitation programmes and non-essential prison industries. In other facilities under alert level 2, education, employment, rehabilitation, and constructive activities were maintained²² with physical distancing when operationally possible.

In August 2020, prisoners at Auckland Region Women’s Corrections facility and Invercargill prison made²³ masks for the community. Several artworks created by prisoners at Northland Region Corrections facility during the first lockdown were exhibited²⁴.



5. Communication with the outside world

Visits were suspended from March 24, 2020, under alert level 4, until 13 May. Interviews with lawyers were possible only by telephone. To compensate for the suspension of visits, the administration distributed²⁵ prepaid cards (5 NZ dollars) each week and facilitated²⁶ access to e-mails. Other means of keeping touch were put²⁷ in place, such as installing more phones for prisoners and making video calls available in most facilities (subjected to availability and only for previously approved visitors).

When visits resumed, family, lawyers, volunteers and researchers were able to enter prison again. Thermal cameras were set up at prison entrances to prevent visitors with temperatures over 38°C from entering. Visitors were asked to wash their hands regularly and to wear a mask. Some social distancing measures are still in place to limit the number of visitors in one area.

The prison administration continued to issue weekly phone cards to prisoners after the lockdown. Prisoners and their loved ones were encouraged²⁸ to use email and video calls.

In June 2020, some relatives of inmates held at Rimutaka prison expressed shock at the physical distancing measures in place, making hugs impossible, even though the facility was under the alert level 1. After the complaints, the Department of Corrections investigated²⁹ the claims and confirmed that physical distancing was not needed at alert level 1.

21 : https://www.ombudsman.parliament.nz/sites/default/files/2020-06/Report_on_inspections_of_prisons_under_the_Crimes_of_Torture_Act_1989_062020.pdf

22 : <https://www.stuff.co.nz/national/122431800/coronavirus-corrections-halts-visitors-to-auckland-prisons>

23 : https://www.corrections.govt.nz/news/2020/masks_made_in_prison_with_aroha

24 : <https://www.facebook.com/CorrectionsNZ/posts/1526019627569547>

25 : <https://www.stuff.co.nz/national/health/coronavirus/300008110/rise-in-spitting-attacks-on-corrections-officers-during-coronavirus-pandemic>

26 : https://www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/email_and_mail

27 : https://www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/video_calling

28 : https://www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/visits

29 : <https://www.stuff.co.nz/national/health/coronavirus/121923450/rimutaka-prison-inmates-still-cant-hug-family-and-children-in-mindboggling-rule>

On August 13, 2020, visits were suspended again in the Northern prisons, as Auckland was put in alert level 3. Contact through telephone and video calls, letters and emails were encouraged³⁰. Statutory visits from the independent Corrections Inspectorate and the Office of the Ombudsman were still facilitated. In other facilities under alert level 2, visits were³¹ still allowed but with additional safety measures for all visitors.

On October 7, 2020, the alert level changed³² to level 1. Masks and physical distancing during visits were no longer required. Measures, such as health screening questions, hand hygiene and contact tracing were³³ still in place. All visitors had to pass³⁴ through the thermal cameras and could be denied entry if their temperature was 38 or higher.



6. Acts of protest

On May 8, 2020, prison officers complained about an increase in “*spitting attacks*” from prisoners during the pandemic. As reported by a local media, prison staff were spat at 68 times between March 1 and March 7, 2020, usually in the officers’ faces. For the same period in 2019, the administration registered 50 spitting incidents. All members of staff subjected to spitting were tested twice for infectious diseases: after each incident and three months later. The national president of the Corrections Association of New Zealand declared³⁵: *“It’s a really offensive form of an assault, and it’s very hard on the staff (...) For three months, the staff had no idea what they could have picked up from the prisoners. It’s mentally harrowing.”*



7. Calls and recommendations

In April 2020, the organisation Just Speak warned about the denial of prisoners’ rights and the danger that the confinement measures represented for some of them. The NGO encouraged³⁶ citizens to call upon their legislative representatives and government authorities to take action and reduce the prison population to protect prisoners and prison staff.

In June 2020, the Chief Ombudsman reported on his inspection visits in 45 units of 9 prisons in Auckland, Wellington and Christchurch. All the facilities were in alert level 3 during the visits. He firmly stated that *“independent monitoring is essential during these unprecedented times.”* He noted that the prison administration had responded to the pandemic *“in a well-resourced, balanced and efficient manner”*. He observed³⁷, however, that some prisoners had not accessed the mandatory one hour of fresh air on a daily basis, especially during alert levels 3 and 4. The prison authorities responded³⁸ that the Ombudsman’s recommendations would be addressed.

In September 2020, the national coordinator of Amnesty International criticised³⁹ the prison administration, especially for their management of the Auckland prison for women which was described⁴⁰ as a having a *“punitive culture”*. They also pointed at the extensive use of lockdown, both before and during the pandemic, regretting the lack of transparency of the government.

30 : https://www.corrections.govt.nz/news/2020/update_on_corrections_moving_to_covid-19_alert_level_4

31 : <https://www.stuff.co.nz/national/122431800/coronavirus-corrections-halts-visitors-to-auckland-prisons>

32 : https://www.corrections.govt.nz/news/2020/visits_update

33 : https://www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/visits

34 : https://www.corrections.govt.nz/working_with_offenders/prison_sentences/staying_connected_with_friends_and_family/visits/covid-19_thermal_cameras

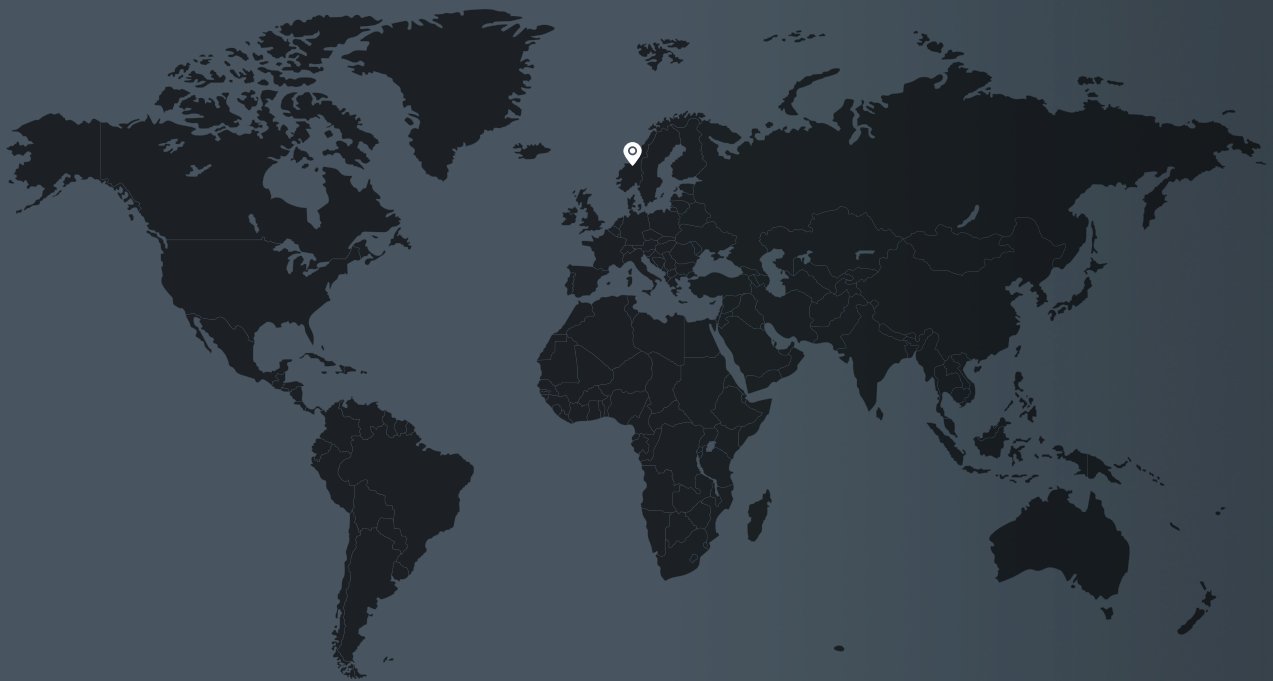
35 : <https://www.stuff.co.nz/national/health/coronavirus/300008110/rise-in-spitting-attacks-on-corrections-officers-during-coronavirus-pandemic>

36 : <https://actionstation.org.nz/action/take-action-for-people-in-prison/choose>

37, 38 : <https://www.stuff.co.nz/national/politics/121911277/coronavirus-corrections-fight-against-covid19-at-expense-of-some-prisoners-rights-ombudsman>

39 : <https://www.rnz.co.nz/news/on-the-inside/425725/time-for-pm-to-step-in-over-minister-s-handling-of-prison-concerns>

40 : <https://www.rnz.co.nz/news/in-depth/425401/punitive-culture-at-new-zealand-s-largest-women-s-prison-internal-corrections-review-says>



A close-up, low-key photograph of a person's face, partially obscured by a light-colored surgical mask. The person's eyes are looking upwards and to the left, with a slight smile visible above the mask. The lighting is dramatic, with deep shadows on the right side of the face and bright highlights on the left. The background is dark and out of focus. The word "Norway" is printed in a bold, white, sans-serif font on the right side of the image.

Norway



Norway



Key figures

Country population:

5,347,896

Date: 2019

Source: World Bank ¹

GDP:

403.336 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.957 (1/188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

3,207

Date: February 2020

Source: World Prison Brief, ICPR ⁴

Prison density:

88%

Date: 30/06/2019

Source: Prison administration ⁵

Incarceration rate:

60

Date: June 2020

Source: World Prison Brief, ICPR ⁶

1 : World Bank.<https://data.worldbank.org/indicator/SP.POP.TOTL?locations=NO>

2 : World Bank.<https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=NO>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/NOR>

4 , 5, 6 : World Prison Brief, ICPR.<https://www.prison-insider.com/en/countryprofile/norvege-2020>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

41,003 confirmed cases

387 deaths

Date: 14/12/ 2020

Source: Johns Hopkins University & Medicine ⁷

Prisoner infection figures and deaths:

39 confirmed cases

0 death

Date: 14/12/ 2020

Source: The Norwegian Correctional Service, “Kriminalomsorgen” ⁸

Prison staff infection and deaths:

76 confirmed cases

0 death

Date: 14/12/ 2020

Source: The Norwegian Correctional Service, “Kriminalomsorgen” ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	no	✗
Deaths due to riots:	no	✗
Number of months without visits:	at least 2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Ministry of Justice and Public Security is responsible for the administration, control and security of penitentiary facilities. Welfare services, such as education and health, provided in prison are the responsibility of the same authorities (municipal or national agencies) providing these services to the general population.

The Ministry of Health and Care Services is in charge of medical care in prison and each facility has at least one medical cabinet with basic equipment. The medical staff consists mainly of nurses and general practitioners. Some facilities have psychologists, psychiatrists, and specialists in addictions. Hospitalisation is possible with a doctor's orders and prison directors are in charge of the appropriate security measures to be implemented. The most common diseases in prison are related to mental disorders and addictions. The Health Department is¹⁰ responsible for the prevention of epidemic and contagious diseases, such as the immediate quarantine of an infected person.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/norway>

8, 9 : The Norwegian Correctional Service, “Kriminalomsorgen”. <https://www.kriminalomsorgen.no/coronavirus-in-formation-in-english.526292.no.html>

10 : <https://www.prison-insider.com/en/countryprofile/norvege-2020?s=sante-5cab190969190#sante-5cab190969190>



1. Overview

On March 13, 2020, the authorities established¹¹ a crisis response team and assert that it has been meeting on a daily basis since then. The Ombudsman noted that a dialogue was maintained within the authorities during the pandemic. However, several administrations found that it was challenging to adapt guidance from the health authorities to the prison circumstance. It has been noted that some municipalities adopted comprehensive measures before central guidelines had been issued. The Ombudsman criticised the lack of clarity and the absence of national guidelines adapted to the prison context which led to the implementation of radical measures, such as systematic solitary confinement¹² as an infection control measure.¹³

In the following months, the facilities gradually adapted sanitary protocols to their local contexts and lifted certain restrictions to try to take into account the needs of the prisoners in the fight against the epidemic. Following the resurgence of infections in November 2020, the administration assessed all local factors on a case-by-case basis to determine the health measures to be put in place within each prison.



2. Sanitary conditions and access to healthcare

In March 2020, prison authorities decided to abolish the use of double cells and multi-occupancy cells to prevent the spread of the virus. The measure concerns¹⁴ high and lower security facilities, as well as halfway houses.¹⁵

Prisoners considered at risk and those who tested positive were placed¹⁶ in isolation. Those who had been in contact

with infected people were subjected to the same procedure. When a prisoner tested positive at Kongsvinger prison in October 2020, 44 prisoners and five staff members who had been in contact with him were placed¹⁷ in quarantine and medical isolation.

An Ombudsman's investigation between March and May 2020 in ten prisons showed that a high number of prisoners were subjected to a severe form of solitary confinement: 23 hours per day locked up alone, with one hour of outdoor exercise, for up to 14 days. It concerned all newly arrived prisoners regardless of medical criteria. The Ombudsman deplored the lack of a legal basis, such as necessity and proportionality, for implementing isolation as a general measure of infection control. It alerted that the widespread and excessive use of long-term solitary confinement represent a risk for the mental health of prisoners. The Ombudsman also denounced the lack of consideration for less restrictive measures, recommending the implementation of health screening and massive testing of prisoners as a less intrusive infection control measure. As of May 18, 2020, the prison administration eased the use of solitary confinement, which was no longer systematic but based on medical criteria.¹⁸



3. Sentence adjustments

The administration stated that facilities were able to provide single cells for all prisoners by April 8, 2020. By April 29, 326 early releases had been granted and 121 sentences had been "*interrupted*". A number of prisoners were released without assistance or housing. The Ombudsman criticises this practice as dangerous for the safety of the released person.¹⁹

Between March and May 2020, a new rule permitting the

11 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

12 : The Norwegian Parliamentary Ombudsman uses the term solitary confinement as the routine implemented for exclusion of prisoners from the community.

13 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, "Protecting Prison Inmates During the COVID-19 Pandemic" – June 2020. https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf, p.7.

14 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

15 : Prisoners under the lowest security regime are held in open prisons or "halfway houses"

16 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

17 : <https://norwaytoday.info/news/corona-infection-enters-kongsvinger-prison-44-inmates-quarantined/>

18 : International Corrections and Prisons Association (ICPA), "Adapting to Covid-19: Medical Isolation and Quarantine in Prison during a Pandemic" – 7 October 2020. (https://icpa.org/wp-content/uploads/2020/10/Expert-Network-Newsletter-Special-Issue-6-CORRECTED_.pdf), pp.12-18.

19 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, "Protecting Prison Inmates During the COVID-19 Pandemic" – June 2020 (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), pp.15-16.

extension of electronic surveillance for people sentenced to up to six months (previously four) was implemented. Authorities also decided to limit the new admissions in prison, stating that new arrivals should be *“reduced to a minimum”* and enforced only when *“strictly necessary from a security point of view”*. For instance, the intake of convicted persons in lower security facilities and halfway houses was suspended²⁰.



4. Activities and work

Educational programmes, physical activities and day releases were mostly cancelled. Severe restrictions were applied at the beginning of the pandemic. As staff learned to manage the spread of the virus, these measures were eased over time.

Some work and activity services were adjusted to be maintained in some prisons (pottery, textile work, woodworking, greenhouse maintenance). Prisoners responsible for cleaning tasks, outdoor maintenance and sometimes kitchen duty could keep working²¹. The manufacturing of PPE was also developed²².

Several prisons found alternative solutions to compensate the closing of exercise rooms. Some moved their exercise equipment outdoors. Others broadcasted home workout videos in the cells. Some exercise rooms could be used with a limited number of prisoners²³. TV services were extended, and DVD and book renting was offered in some prisons.

In several facilities, prisoners were organised in *“cohorts”*, a small group viewed *“as a household”*. This allowed them to share meal times, as well as physical exercise and outdoor activities with the members of the same *“cohort”*²⁴.



5. Communication with the outside world

Visits were suspended²⁵ from March 13 to May 20, 2020. Prisoners were entitled²⁶ to free calls, and call time was doubled (from 20 to 40 minutes) and 20 minutes of international calls were offered to compensate for these restrictions²⁷.

A survey initiated by the Ombudsman between March 12 and May 14, 2020 in ten prisons showed that only 58% of the prisoners in solitary confinement had access to video calls²⁸. As a visitation permit was required, several prisoners with family abroad or who could not be cleared for visits were denied video calls. Those who had access to compensatory measures reported that these were *“better than nothing, positive, but not the same as a normal visit”*. In the general population, only 18% of the respondents replied that they had been offered additional phone time, 12% stated that their phone time had been limited and 10% did not know whether they had been offered more phone calls²⁹.

Lawyers, the police and embassy staff could³⁰ still meet prisoners if using a separating plexiglass screen. It was never-

20 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

21 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020. (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), p.22.

22 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020 (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), p.23.

23 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020 (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), p.24.

24 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020 https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf, pp.22-23.

25 : <https://www.kriminalomsorgen.no/measures-in-prison.527287.no.html>

26 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

27 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020 (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), p.21.

28 : International Corrections and Prisons Association (ICPA), “Adapting to Covid-19: Medical Isolation and Quarantine in Prison during a Pandemic” – 7 October 2020 (https://icpa.org/wp-content/uploads/2020/10/Expert-Network-Newsletter-Special-Issue-6-CORRECTED_.pdf), p.17.

29 : Parliamentary Ombudsman Investigation Report under the OPCAT Mandate, “Protecting Prison Inmates During the COVID-19 Pandemic” – June 2020 (https://www.sivilombudsmannen.no/wp-content/uploads/2020/09/Norwegian-NPM-report-on-Covid-19_revised-versjon_2.pdf), p.21.

theless recommended for them to opt for communication via video calls. The administration made 800 tablet computers available for this purpose.

In March 2020, prison authorities suspended³¹ all leaves and day releases, except for cases with “*extraordinary circumstances*”.

As of May 20, 2020, visitors were allowed again in prison, unless the visit represented a “*special risk of spreading the virus or a health risk*”. Shortage of staff could³² also be invoked as a reason. As the infections increased in November 2020, the administration took into consideration local factors to determine if visits could take place. Visits could be cancelled or postponed depending on the infection rate in the area where the prison is located, the area the visitors were coming from, as well as the potential need to use public transport. If the visit was considered safe, visitors’ premises were adapted to prevent infection (plexiglass, distancing...).

The facilities continued³³ to use video calls in addition to or as a replacement for physical visits. Leaves and temporary releases were also evaluated on a case-by-case basis.

On November 6, 2020, the penitentiary administration established an anonymous hotline through which prisoners and their relatives could obtain general information about the COVID-19 crisis in detention.

30 : <https://www.kriminalomsorgen.no/measures-in-prison.527287.no.html>

31 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

32 : <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

33 : <https://www.kriminalomsorgen.no/measures-in-prison.527287.no.html>





Spain

TENiM



Spain



Key figures

Country population:

47,076,781

Date: 2019

Source: World Bank ¹

GDP:

1.394 trillion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0,904 (25/ 188)

Date: 2019

Source : UNDP, Human Development Report ³

Prison population:

58,642 including 8,379 in Catalonia

Date: February 2020

Source: World Prison Brief, ICPR ⁴

Prison density:

88%

Date: 30/06/2019

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

60

Date: June 2020

Source: World Prison Brief, ICPR ⁶

1 : World Bank <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ES>

2 : World Bank <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=ES>

3 : UNDP, Human Development Report <http://hdr.undp.org/en/countries/profiles/ESP>

4 , 5 , 6 : World Prison Brief, ICPR <https://www.prison-insider.com/fichepays/espagne-2020?s=vue-d-ensemble#vue-d-ensemble>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

1,730,575 confirmed cases

47,624 deaths

Date: 14/12/ 2020

Source: Johns Hopkins University & Medicine ⁷

Infection and deaths amongst prisoners:

85 confirmed cases

2 deaths

Date: 22/7/2020

Source: ⁸



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	yes	✓
Deaths due to riots:	no	✗
Number of months without visits:	at least 2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Spanish penitentiary system falls under two administrations:

- i) the General Secretariat of Penitentiary Institutions (SGIP) for all of Spain's autonomous communities, except Catalonia. It is under the supervision of the Ministry of the Interior;
- ii) the General Directorate of Penitentiary Services (DGSP) for Catalonia. It is placed under the supervision of the Department of Justice.

A joint commission allows the coordination of the two administrations. The conditions of detention vary depending on the administration it is subjected to, the facility's infrastructure and the regime of detention. The different regimes of detention are based on a "grade system" (grado): first grade (closed high security regime), second grade (ordinary closed regime) and third grade (semi-liberty regime).

The Ministry in charge of healthcare in prison is the Ministry of Health in Catalonia and Basque Country, and the Ministry of Interior for all the other Spanish communities. Access to healthcare is free, and every prison facility has a healthcare unit. The medical team consists of at least a doctor and two nurses. A psychiatrist, a dentist and a pharmacist visit the facilities on a regular basis, but the presence of other medical specialists is rare. According to the Spanish NPM, the number of medical staff is insufficient.

⁷ : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/spain>

⁸ : https://www.abc.es/sociedad/abci-elige-espana-para-exponer-medidas-contra-covid-prision-202007221223_noticia.html



1. Overview

Spain is one of the European countries most affected by the first wave of the pandemic. The Minister of the Interior declared the state of emergency (*estado de alarma*) on March 15, 2020, which was followed by the suspension of visits in prison facilities. Sanitary measures in prisons were taken accordingly to the local context. They varied from one community to another, especially between Catalonia and the rest of the country. The number of infections were kept relatively low, in comparison to the outside situation: 85 prisoners were infected between March and July.⁹ The Observatory of the Penal System and Human Rights (*Observatori del Sistema Penal i els Drets Humans, OSPDH*) has been monitoring the pandemic in prisons and publishing updates since the beginning of the crisis.

The management of the crisis by the authorities was criticised by prisoners and prison staff. The lack of PPE increased the tension in the prisons and several riots occurred. Local organisations denounced facilities' practices that were not deemed compatible with sanitary requirements. Compensatory measures were put in place, but inequalities in their access were highlighted.

Since November 2020, several facilities have reintroduced severe restriction measures, such as the suspension of visits and of day releases.



2. Sanitary conditions and access to healthcare

Since March 2020, the Spanish government has been reinforcing¹⁰ preventive measures to avoid the spread of the virus in prison. The Spanish prison administration already had in stock around 100,000 surgical masks, dating from previous epidemics. It received¹¹ 40,000 additional masks from the Ministry of Health. Spanish prison authorities isolated infected prisoners in order to avoid the spread of

the virus. In Alicante, in July, 20 prisoners were isolated¹² after one of them showed COVID-19 symptoms.

In April 2020, Catalonia's Department of Justice announced the construction of a field hospital inside the Quatre Camins prison to treat sick prisoners. The decision was made following the confirmation of 22 new cases in this facility. As of April 13, there were¹³ 58 infected prisoners in Catalan prisons. As for prison staff, there were 46 infected members of staff but some of them affirmed that the number was much higher since there were not enough testing done. In June 2020, Catalonia's prison administration decided to remove¹⁴ alcohol gel dispensers installed within all its facilities. Authorities alleged that some of the prisoners had used the gel to make alcoholic drinks.

The quarantine protocol may vary from a facility to another: it could be seven days in some places, 10 or 14 in others. Prisoners who were in contact with an infected person were isolated in their cells for five to seven days.

The OSPDH denounced to the Catalan Ombudsman (*Sindic de Greuges*) the situation that several families of prisoners held in Quatre Camins prison (Catalonia) shared with them in April 2020. A wing that was under renovation (MR-1) was set up as an isolation area. Isolated prisoners could not recharge their phone credits or buy food at the canteen. There were problems with showers, toilets, and lights. Furniture, such as mattresses and chairs, were insufficient. According to the complaints, the wing was not organised as a place to live. Prisoners held at the MR-1 wing could not take their belongings with them from their cell to the isolated area. As a result, they were not able to change their clothes.

The family members also indicated that they were practically not allowed to go out in the patio, sometimes only for an hour a day. According to the OSPDH, the prison administration adapted and rearranged the area after the complaints.

9 : OSPDH, SIRECOVI, "Seguimiento de la gestión de la COVID-19 en los centros penitenciarios españoles. http://www.ub.edu/ospdh/sites/default/files/documents/publicacions/copia_de_estado_cuestion_espana_compressed.pdf, September 2020, p.5.

10 : <https://www.rfi.fr/fr/podcasts/20200311-coronavirus-espagne-gouvernement-renforce-mesures-pr%C3%A9vention>

11 : https://www.abc.es/espana/abci-director-prisiones-anuncia-repartiremos-200-moviles-para-presos-hagan-videollamadas-202003260243_noticia.html

12 : https://www.abc.es/espana/comunidad-valenciana/abci-veinte-internos-carcel-alicante-permanecen-cuarentena-ante-posible-caso-covid-19-202007201857_noticia.html

13 : <https://www.lavanguardia.com/local/barcelona/20200413/48450561918/covid-19-coronavirus-carceles-presos-catalunya-brians-quatre-camins.html>

14 : <https://www.euroweeklynews.com/2020/06/19/prison-removes-protective-covid-measure-from-facilities-after-inmates-were-using-it-to-get-drunk-in-pains-barcelona/#.XwRFuCGzY2w>



3. Identified cases

In March 2020, Estremera prison (Madrid) announced the first death of a prisoner and the infection of 38 prison officers. Two other prisoners were also infected and hospitalised. A total of 125 prisoners and 225 staff members were under medical observation or in quarantine¹⁵.

In April 2020, authorities reported that 13 prisoners and 134 prison staff members tested positive¹⁶ for COVID-19. The most affected facilities were Picassent, Brieva, Soria and Segovia. By the end of the month, the Ministry of Justice reported¹⁷ that “COVID-19 contaminated the prison population four times less than non-incarcerated people”.

By July 22, 2020, the number of infected prisoners rose to 85. A total of 278 prison staff members also contracted COVID-19. The deputy director of the prison health service was pleased with the rapid implementation of preventive measures since the beginning of the pandemic. According to the authorities, these measures helped limit the spread¹⁸ of the virus, ensuring that the number of infections and deaths in prison was much lower than the national average outside prisons.



4. Sentence adjustments

Spain is one of the 20 European countries to have used early releases as a measure to help limit the spread of coronavirus in prison. Between March and June 2020, 4,356 prisoners were released¹⁹ (7.4% of the prison population).



5. Activities and work

All activities and work involving the participation of external actors were suspended as of March 2020. By the end of May, 11 facilities had resumed²⁰ the work activities that were compatible with the enforcement of sanitary measures. The situation in prison workshops varied among the Catalan and Spanish facilities. In Catalonia, many workshops were kept open despite the lack of sufficient PPE. In Spain, only a few of them were functioning during the first wave. The OSPDH criticised the lack of alternatives to compensate for the suspension of activities, which are key to prisoners' rehabilitation programmes.

“The vast majority of prisoners under the third grade regime went back home between March and May 2020. Some of them have returned to prison. They come in and out of the facility as before the pandemic: during the week to work or volunteer and on weekends.”²¹



6. Communication with the outside world

During the first wave of the pandemic, all visits were suspended between March 15 and May 14, 2020, after the state of emergency was declared.²² Compensatory measures were put in place, such as an increase in authorised calls (from 10 to 15 per week). Free of charge calls were also offered²³ for those experiencing financial difficulties. In March 2020, the prison administration declared²⁴ that 200 mobile phones would be distributed to the prisons to facilitate video calls for prisoners to contact their loved ones. Some facilities, such as Teixeiro, Bonxe and Monterroso prisons, for instance organised²⁵ 10 minutes.

15 : <https://www.euroweeklynews.com/2020/03/25/first-coronavirus-death-in-madrid-prison-in-and-38-correctional-officers-test-positive-for-coronavirus-in-spain/#.Xns7klj7TIU>

16 : <https://larepublica.pe/mundo/2020/04/04/coronavirus-espana-ministerio-del-interior-informa-casos-positivos-por-covid-19-en-las-carceles-nesp/>

17 : <https://www.courrierinternational.com/article/crise-sanitaire-les-prisons-espagnoles-relativement-epargnees-par-la-pandemie>

18 : https://www.abc.es/sociedad/abci-elige-espana-para-exponer-medidas-contras-covid-prision-202007221223_noticia.html

19 : <https://www.elmundo.es/espana/2020/06/18/5ceb4fb8fc6c831f1d8b45f9.html>

20 : <https://www.europapress.es/general-directorate-of-prison-administration-es/>

21 : Interview with the SIRECOVI's Coordinator (OSPDH)

22 : European Prison Observatory, Covid-19: What is happening in European prisons? Update #7. http://www.prisonobservatory.org/upload/15052020European_prisons_during_covid19n7.pdf, 15 May 2020, p.6.

23 : https://sevilla.abc.es/sevilla/sevi-coronavirus-situacion-carceles-sevilla-sin-y-menos-drogas-202003200724_noticia.html

24 : https://www.abc.es/espana/abci-director-prisiones-anuncia-repartiremos-200-moviles-para-presos-hagan-videollamadas-202003260243_noticia.html

25 : https://www.lavozdegalicia.es/noticia/pontevedra/a-lama/2020/04/12/videollamadas-llegan-carceles/0003_202004G12P31992.htm

Most of prisoners under third grade regime (open regime) were permitted to go home during the state of emergency. In Catalonia, visits without means of separation were suspended again²⁶ in July 2020. The visits were then organised using a plexiglass screen. In some prisons, such as Ponent prison in Lleida, all visits were suspended. Packages sent to prisoners were held in quarantine for 72 hours before being delivered. A video call service was put in place to compensate the lack of communication between prisoners and their relatives.

In October 2020, during the second wave, sanitary authorities' guidelines were adapted²⁷ depending on the local situation. Restrictions varied between prisons. For instance, prisoners are still allowed to receive visits as long as their wing is not subjected to lockdown restrictions. Video calls are still available. The OSPDH has observed that, in practice, prisoners subjected to the first grade regime had less access to video calls than the ones subjected to the second grade.²⁸



7. Acts of protest

In March 2020, various prison facilities reported intensifying tensions after many prisoners started showing withdrawal symptoms. The restrictive measures had made²⁹ access to drugs more difficult for prisoners. Several riots broke out³⁰ among prisoners in the Valence Community to protest against the suspension of visits. In May 2020, a riot was also reported in Córdoba prison, where prisoners flooded their cells with soapy water and barricaded doors with mattresses. Some prisoners targeted the prison officers throwing a bucket of water mixed with bleach at them. Others threatened the staff with glass shards. Authorities indicated that between March 14 and May 1, 2020, 14 riots had taken place³¹ in prison facilities throughout the country. The protests were mainly a reaction to the deaths of fellow prisoners, the lack of PPE, and the lack of information on the health crisis.



8. Calls and recommendations

Civil society organisations

At the beginning of the first wave, the Human Rights Association of Andalucía (ADPHA) expressed³² its concerns to the Ministry of the Interior and the prison administration. The association called upon the authorities to “*adopt urgent measures to prevent, on the one hand, the spread of coronavirus within prisons and, on the other, to guarantee the fundamental rights of those deprived of their liberty*”. The ADPHA also encourage the authorities to consider alternative measures to incarceration for those who are ill and for elderly people, as provided by the Spanish criminal justice system. The association urged for an increase of the medical staff in the facilities and recommended that the isolation measures should be organised in medical facilities, not in cells. The association finally requested the authorities to provide for video calls in all facilities for prisoners to maintain contact with their loved ones.

In April 2020, several lawyers called upon³³ the authorities of Palma de Mallorca prison to provide specific treatments for the most vulnerable prisoners, to release certain prisoners earlier, to stop imprisoning migrants for illegal stay, and to increase the number of COVID-19 tests.

Prison staff unions

Prison staff unions have also expressed concerns regarding the way that the authorities have been dealing with the pandemic. In July 2020, the prison staff union at the Alicante prison feared that the lifting of preventive measures could provoke a rapid spread of the virus in prisons and endanger prison staff, as well as prisoners. The union criticised³⁴ the decision to transfer female prisoners and their children to the “*Mothers' Unit*”, which is located near an area where people showing COVID-19 symptoms were isolated. It called upon the authorities to implement measures to protect prisoners, minors and prison staff.

26 : <https://www.lainformacion.com/espana/cataluna/suspendidos-vis-a-vis-prisiones-cataluna-rebotes-coronavirus/2810942/>

27 : <https://www.europapris.org/general-directorate-of-prison-administration-es/>

28 : Interview with the SIRECOV's Coordinator (OSPDH)

29 : <https://elpais.com/espana/2020-03-20/el-sindrome-de-abstinencia-agita-las-carceles.html>

30 : <https://www.euroweeklynews.com/2020/03/30/regions-prisons-ready-to-explode/>

31 : <https://www.lainformacion.com/espana/coronavirus-motines-carceles-presos-funcionarios-congreso/2806801/>

32 : <https://www.liberties.eu/en/news/spain-must-protect-the-rights-and-health-of-people-in-prison/19005>

33 : <https://www.theolivepress.es/spain-news/2020/04/20/terrified-prisoners-in-spains-mallorca-demand-to-be-set-free-after-degrading-response-to-covid-19-that-violates-their-human-rights/>

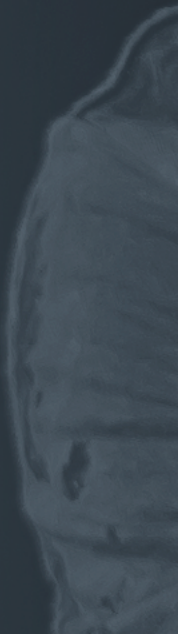
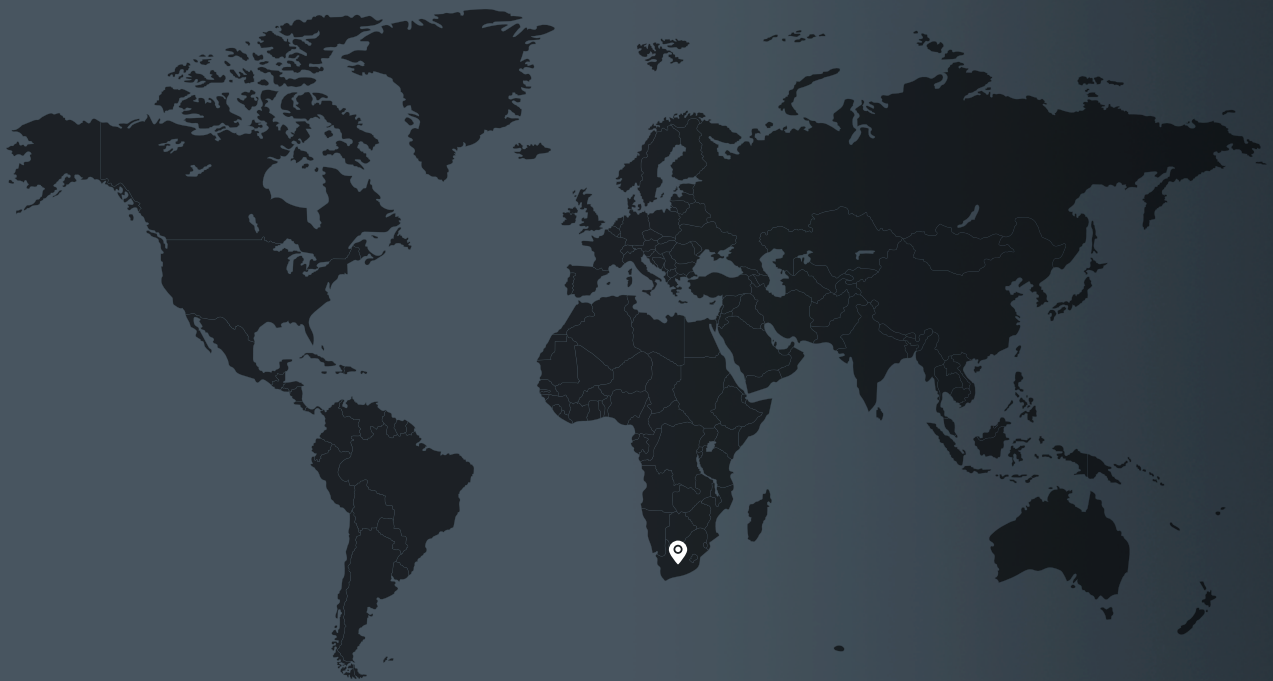
34 : https://www.abc.es/espana/comunidad-valenciana/abci-veinte-internos-carcel-alicante-permanecen-cuarentena-ante-posible-caso-covid-19-202007201857_noticia.html

Later, the ACAIP prison staff union, one of the most important in the country, criticised³⁵ the lack of initiative of the prison administration when it came to preventive measures, and denounced the lack of PPE for health workers and prisoners. The ACAIP mentioned that security measures were eased too quickly and feared that the virus would re-enter prisons.

In August 2020, the CSIP union of Cordoba urged³⁶ the administration of Alcolea prison to summon the Security and Health Committee in order to plan efficient strategies to face the current crisis. Since the infection increased at the end of July, the union feared a generalised spread of the virus amongst prisoners and staff. It also asked for the suspension of all family and conjugal visits. For the union, only visits with a means of separation (locutorio) should be authorised. The CSIP also demanded the provision of more protection material (masks, gloves, soap, and hydro-alcoholic gel) and more tests for the prison staff.

35 : <https://elcierredigital.com/salud-y-bienestar/656158850/realidad-carceles-espanolas-covid-acaip.html>

36 : <https://www.lavozdecordoba.es/actualidad/2020/08/24/csif-cordoba-reclama-medidas-urgentes-para-evitar-contagios-de-covid-19-en-la-prision/>



A dark, monochromatic portrait of a person with braided hair, wearing a face mask. The person is looking directly at the camera. The image has a high-contrast, almost black and white aesthetic. The text "South Africa" is overlaid in white, bold, sans-serif font on the right side of the image.

South Africa



South Africa

Key figures

Country population:

58,558,270

Date: 2019

Source: World Bank ¹

GDP:

351.432 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.709 (114/188)

Date: 2020

Source : UNDP, Human Development Report ³

Prison population:

154,437

Date: 01/04/2020

Source: World Prison Brief, ICPR ⁴

Prison density:

137.4%

Date: 31/03/2019

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

259

Date: April 2020

Source: World Prison Brief, ICPR ⁶



1 : World Bank <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZA>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=ZA>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/ZAF>

4 , 5 , 6 : World Prison Brief, ICPR. <https://prisonstudies.org/country/south-africa>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

860,964 confirmed cases

23,276 deaths

Date: 14/12/ 2020

Source: Johns Hopkins University & Medicine ⁷

Prisoners infection figures and deaths:

2,782 confirmed cases

57 deaths

Date: 24/11/2020

Source: Correctional services ⁸

Prison staff infection figures and deaths:

4,627 confirmed cases

74 deaths

Date: 24/11/2020

Source: Correctional services ⁹



Main facts

Implementation of quarantine:	in some facilities ¹⁰	—
Implementation of sanitary protocols:	in some facilities ¹¹	—
Protests/riots:	yes	✓
Deaths due to riots:	no	✗
Number of months without visits:	at least 2 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The Ministry of Justice is in charge of the prison administration (Department of Correctional Services, DCS). Two facilities operate under a public-private partnership (PPP): Kutama Sinthumule Correctional Centre (GEO Group, USA), Mangaung Correctional Centre (G4S, Great Britain).

Prison healthcare is managed by the Deputy Minister of Correctional Services, attached to the Ministry of Justice. ¹² A medical examination must be performed on all prisoners upon admission. This procedure is not systematically implemented.

Most infirmaries in prison are in a state of disrepair ¹³. Hygiene conditions are poor in most facilities. Medical access appears to be insufficient. Many basic medical and pharmaceutical supplies are lacking.

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/south-africa>

8, 9 : Correctional services. <http://www.dcs.gov.za/>

10, 11 : See chapter 2. Sanitary conditions and healthcare

12 : Department of Correctional Services, Annual Report 2016/2017. http://www.dcs.gov.za/wp-content/uploads/2017/12/DCS-AR-2016_17-.pdf, p. 89.

13 : <http://www.news24.com/SouthAfrica/News/Inside-Pollmoors-cells-of-shame-20150904>



1. Overview

The management of the pandemic by the South African authorities was marked by significant inconsistencies between the measures announced and those implemented.

In March 2020, the authorities announced a set of measures, including health checks, isolation, distribution of personal protective equipment (PPE) and disinfectant. Members of the prison staff and medical staff, as well as prisoners and civil society frequently reported¹⁴ the absence or inadequacy of such measures. In several facilities, prison officers protested the lack of PPE. They claimed¹⁵ that screening prisoners' temperatures was insufficient¹⁶ in preventing the spread of the virus. They also reported¹⁷ that the administration was failing¹⁸ to ensure basic functioning of the prisons: several water¹⁹ shortages occurred during the pandemic. The alternative solutions²⁰ that were put in place, sometimes for several weeks, did not allow for social distancing. In May and July 2020, the Police and Prisons Civil Rights Union (POPCRU) claimed²¹ the measures taken by the administration to be insufficient²² and inadequate to protect the prison staff and called its members to stop working if they felt in danger. In July, the medical staff at St Albans prison refused²³ to work by fear of their vulnerability to the virus.

The communication of the Ministry of Justice on the management of COVID-19 within prisons was widely criticised. In early April 2020, journalists collected evidence²⁴ showing that none of the measures advertised in a governmental video were implemented in the daily management of the facilities. Prisoners extensively reported the lack of information shared by the administration and expressed

their distress. In early June, several people incarcerated in the Pretoria region suspected²⁵ that the administration was hiding the extent of the contagion. Many prisoners had been waiting for their test results for more than a month. Some tried to be placed in sanitary isolation by intentionally burning themselves with boiling water or by injecting themselves with sanitary products.

Media reported²⁶ stigmatisation of the prison staff in shops and public spaces as a result of the widespread disinformation.



2. Sanitary conditions and access to healthcare

In March 2020, prisoners expressed²⁷ their fear that their detention conditions would contribute to the spread of the coronavirus. In St. Albans prison, for instance, single cells were shared by more than a hundred prisoners, while new prisoners were still being admitted daily. Several prisons experienced water shortages during the pandemic. This worsened the already critical hygiene conditions for prisoners and officers, sometimes for several weeks. In July 2020, people incarcerated at Thohoyandou prison reported: *"the toilets were not flushed. Inmates drank from garbage cans filled with water where plates and hands are also washed"*. In September 2020, all water supplies and sources around St. Albans had been dry for several weeks. A prison officer alerted that prisoners and staff were queuing up to receive water from canisters delivered daily, unable to distance themselves physically. Prisoners were often unable²⁸ to flush toilets for several days. They also complained²⁹ about the access to food, since many of the prisoners usual-

14 : <https://www.thesouthafrican.com/news/prisons-undergo-deep-cleaning-limit-coronavirus/>

15 : <https://zululandobserver.co.za/226441/first-covid-19-case-at-qalakabusha-prison-in-empangeni/>

16 : <https://www.iol.co.za/capetimes/news/western-cape-warders-strike-demand-mass-testing-at-prison-47876492>

17 : <https://www.thesouthafrican.com/news/western-cape-prisons-correctional-services-tuesday-22-july-2020/>

18 : <https://www.cajnewsafrica.com/2020/07/25/sa-prisoners-drink-from-dustbins-in-hazardous-limpopo-jail/>

19 : <https://www.groundup.org.za/article/staff-and-inmates-st-albans-prison-scramble-water-amid-day-zero/>

20 : <https://www.thesouthafrican.com/news/western-cape-prisons-correctional-services-tuesday-22-july-2020/>

21 : <https://www.iol.co.za/capetimes/news/western-cape-warders-strike-demand-mass-testing-at-prison-47876492>

22 : <https://www.sowetanlive.co.za/news/south-africa/2020-07-06-deaths-of-three-prison-warders-spark-health-fears/>

23 : <https://www.heraldlive.co.za/news/2020-07-14-st-albans-inmates-on-prolonged-hunger-strike-over-alleged-beatings-and-growing-covid-19-concerns/>

24 : <https://www.timeslive.co.za/sunday-times/news/2020-04-12-sun-city-accused-of-staging-covid-19-preparedness-act-for-lamola/>

25 : <https://www.iol.co.za/saturday-star/news/inmates-resort-to-desperate-measures-to-force-social-distancing-in-crowded-prisons-49331172>

26 : <https://www.iol.co.za/news/south-africa/prison-staff-being-turned-away-from-shops-because-of-covid-19-stigma-47586967>

27 : <https://www.dispatchlive.co.za/news/2020-03-28-st-albans-prison-a-ticking-time-bomb>

28 : <https://www.groundup.org.za/article/staff-and-inmates-st-albans-prison-scramble-water-amid-day-zero/>

29 : <https://www.iol.co.za/sundayindependent/news/riots-erupt-in-prisons-as-covid-19-infections-rise-50868586>

lly in charge of the kitchen were placed in quarantine.

Prisoners and civil society organisations raised the alarm³⁰ about the extremely difficult access to healthcare during the pandemic. In two prisons, prisoners reported³¹ that the infirmary had closed, that no medical staff was present on the premises to provide treatments. In July 2020, prisoners on hunger strike in Sun City prison protested³² an aggravated lack of access to medical care: *“It’s a mess here. (...) People are dying each and every day. Last week two diabetic prisoners died because they didn’t get their injections.”*

Preventive measures were announced as of March 2020, with a *“thorough cleaning”*³³ campaign for all facilities. The Ministry of Justice affirmed that enough equipment and supplies had been sent to all prisons. Testimonials from members of staff, prisoners and civil society however reported a systematic lack of PPE and hand sanitiser. In early April 2020, journalists collected evidence³⁴ showing that prison staff had no protective equipment and that containers of hydro-alcoholic gel, placed in evidence during the Minister’s visit to Sun City prison, were filled with water. In June 2020, some people incarcerated in Leeuwkop, Bavianspoort and Zonderwater prisons, panicked³⁵ by the lack of preventive measures implemented, intentionally burned themselves with boiling water or injected themselves with sanitary products in order to be placed in sanitary isolation.

Prison inspectors reported³⁶, from their only visit during the pandemic at Sun City prison in Johannesburg in May, that prisoners were spending entire days locked up in their cells, only leaving at mealtimes and with no access to a daily outdoor walk.

Prisoners and staff members reported the inadequate management of entries and movements. Incoming prisoners were admitted without being tested or isolated from the rest of the population. In April 2020, families of the prison staff in St. Albans and East London, living in more than 800 apartments and houses on the prisons’ premises, expressed concern³⁷ as they were not screened in any way when entering the facility.

At the same time, journalists entering the Sun City prison did not have to undergo any health checks. In May and July 2020, some prison officers went on strike³⁸ to protest³⁹ the ineffective temperature checks done on incoming prisoners after cases were identified in the general population. In June 2020, prisoners in several facilities called⁴⁰ for the members of the administration living outside the prison to stop entering and limit themselves to escorting transfers. In July 2020, following the deaths of three prison officers, the prison administration instructed officers not to move around, sit or eat in groups. The prison staff union argued⁴¹ that overcrowding made physical distancing impossible even for prison staff. In September 2020, the administration reportedly recalled⁴² from quarantine several prison officers at Kgosi Mampuru, despite prevention guidelines.



3. Identified cases

In April 2020, the first positive cases were reported amongst staff at East London⁴³, St. Albans⁴⁴, Kutama Sinthumule⁴⁵, Worcester and Warm Bokkeveld⁴⁶ facilities. By 19 April 2020, 56 prisoners and 43 staff members tested⁴⁷

30 : <https://www.iol.co.za/news/south-africa/gauteng/prisoners-tested-positive-for-covid-19-say-they-are-not-getting-proper-medication-50049865>

31 : <https://www.heraldlive.co.za/news/2020-07-14-st-albans-inmates-on-prolonged-hunger-strike-over-alleged-beatings-and-growing-covid-19-concerns/>

32 : <https://www.news24.com/news24/southafrica/news/prisoners-fear-for-their-lives-at-sun-city-as-covid-19-wave-spreads-20200730>

33 : <https://www.thesouthafrican.com/news/prisons-undergo-deep-cleaning-limit-coronavirus/>

34 : <https://www.timeslive.co.za/sunday-times/news/2020-04-12-sun-city-accused-of-staging-covid-19-preparedness-act-for-lamola/>

35, 36 : <https://www.iol.co.za/saturday-star/news/inmates-resort-to-desperate-measures-to-force-social-distancing-in-crowded-prisons-49331172>

37 : <https://www.sowetanlive.co.za/news/south-africa/2020-04-16-prison-officials-fear-for-their-families-lives-amid-covid-19-outbreak/>

38 : <https://www.iol.co.za/capetimes/news/western-cape-warders-strike-demand-mass-testing-at-prison-47876492>

39 : <https://zululandobserver.co.za/226441/first-covid-19-case-at-qalakabusha-prison-in-empangeni/>

40 : <https://www.iol.co.za/saturday-star/news/inmates-resort-to-desperate-measures-to-force-social-distancing-in-crowded-prisons-49331172>

41 : <https://www.sowetanlive.co.za/news/south-africa/2020-07-06-deaths-of-three-prison-warders-spark-health-fears/>

42 : <https://www.iol.co.za/the-star/news/kgosi-mampuru-prison-allegedly-flouting-covid-19-rules-60a5e5fc-6949-49e6-86aa-f1b1c7b3a3d7>

43 : <https://www.timeslive.co.za/news/south-africa/2020-04-07-prisoners-staff-to-be-tested-for-covid-19-after-warder-tests-positive/>

44 : <https://mg.co.za/article/2020-04-14-police-officers-prison-officials-and-inmates-in-isolation-as-covid-19-hits-correctional-services/>

45 : <https://www.enca.com/news/limpopo-prison-official-contracts-coronavirus>

46 : <https://www.sabcnews.com/sabcnews/another-prison-official-in-worcester-tests-positive-for-covid-19/>

47 : <https://www.timeslive.co.za/news/south-africa/2020-04-19-99-covid-19-cases-in-sa-prisons-half-inmates/>

positive in several provinces. The National Institute of Communicable Diseases announced⁴⁸ screening campaigns after new cases were found amongst prison officials at East London facility. In June 2020, some prisoners at Leeuwkop reported⁴⁹ to have been awaiting their test results for over a month.

At the end of April 2020, the government announced⁵⁰ an investigation on the cause of death of a prison officer in the Province of Cape-Western. On June 23, 2020, seven prisoners and six officers had died⁵¹ from COVID-19. Two months later, death figures had risen⁵² to 43 prisoners and 60 prison staff. On September 25, Kgosi Mampuru prison, holding over 7,000 prisoners, reported⁵³ more than 177 cases amongst the prison population. Five of them died.

The government had launched⁵⁴ an online counter for infected prisoners and officers in April 2020. Both staff members and prisoners regularly contested⁵⁵ the veracity of the published numbers.



4. Sentence adjustments

The Africa Criminal Justice Reform (ACJR) organisation observed an increase in the number of people in custody during the pandemic: *“Because the courts were not functioning properly during the lockdown, people were not going out.”*⁵⁶ Many judicial cases were delayed⁵⁷ for weeks because of the lack of officers to escort prisoners to their audience. More than 500 foreign nationals having comple-

ted their sentence were not released⁵⁸ since closed borders prevented their deportation. In June 2020, the Minister of Justice stated⁵⁹ that more than half of the country’s prison population was awaiting trial. A large number of people were placed⁶⁰ in pre-trial detention for violating lockdown, increasing the overcrowding.

In April 2020, a prison service supervisor and a coalition of NGOs called⁶¹ upon the Ministry of Justice to release ill and elderly prisoners, those condemned for non-violent offences and those with remaining sentences of one year or less, and undocumented migrants. A month later, the South African President announced⁶² the early release of 19,000 prisoners, which accounts for 12% of the prison population. Those convicted of minor offences who had already served part of their sentence were to be released on parole by July 17, 2020. Those who had been convicted of murder, attempted murder, sexual assault or child abuse were excluded from this measure, despite being held in the most overcrowded facilities.

Following this statement, the South African Prisoners Organisation for Human Rights (SAPOHR) called⁶³ for the early release of a further 24,000 prisoners in order to match the official prison capacity. The organisation asked for the prison population to decrease from 160,000 to less than 120,000. As of June 30, 2020, only 4,000 prisoners of the announced 19,000 had effectively been released⁶⁴.

In September, many severely ill prisoners at Ncome prison (KwaZulu-Natal) complained⁶⁵ that the government had

48 : <https://www.timeslive.co.za/news/south-africa/2020-04-07-prisoners-staff-to-be-tested-for-covid-19-after-warder-tests-positive/>

49 : <https://www.iol.co.za/saturday-star/news/inmates-resort-to-desperate-measures-to-force-social-distancing-in-crowded-prisons-49331172>

50 : <https://rekordeast.co.za/335252/five-new-covid-19-cases-at-pretoria-prison/>

51 : http://www.dcs.gov.za/?page_id=5070

52 : <https://www.news24.com/news24/southafrica/news/covid-19-in-prisons-89-of-those-infected-have-recovered-says-correctional-services-dept-20200823>

53 : <https://www.iol.co.za/pretoria-news/news/families-encouraged-to-visit-kgosi-mampuru-prison-inmates-efa549ec-3bb2-4e20-a87f-581d714bc8d9>

54 : http://www.dcs.gov.za/?page_id=5070

55 : <https://www.heraldlive.co.za/news/2020-07-14-st-albans-inmates-on-prolonged-hunger-strike-over-alleged-beatings-and-growing-covid-19-concerns/>

56 : Interview with Lukas Muntingh, ACRJ Project Coordinator

57 : <https://www.iol.co.za/the-star/news/cases-getting-postponed-as-prison-warders-fail-to-take-suspects-to-court-49914204>

58 : <https://www.groundup.org.za/article/foreign-nationals-kept-prison-past-their-release-dates/>

59 : <https://www.timeslive.co.za/politics/2020-06-25-awaiting-trial-prisoners-hogging-jail-space-lamola/>

60 : <https://www.dailymaverick.co.za/article/2020-08-14-lockdown-crime-stats-paint-unprecedented-rosy-picture-but-almost-300000-charged-for-violating-regulations/>

61 : https://www.groundup.org.za/media/uploads/documents/JICS_DJF%20COVID-19%20release%20of%20prisoners_23%20April%202020%20djf-1.pdf

62 : <https://www.aa.com.tr/en/africa/covid-19-south-africa-grants-parole-to-19-000-inmates/1833867>

63 : <https://www.timeslive.co.za/news/south-africa/2020-05-20-prisoner-rights-organisation-calls-for-release-of-24000-more-inmates/>

64 : <https://www.sanews.gov.za/south-africa/over-4-000-parolees-released-make-social-distancing-possible>

65 : <https://www.newframe.com/how-south-african-prisons-are-managing-covid-19/>

not followed through on its release program. They said they feared for their lives. Released prisoners were eligible⁶⁶ to the “social relief grant” funded by the Department of Social Development, on the same basis as the unemployed in the general population.



5. Activities and work

As of March 18, 2020, all activities, including workshop and educational trainings were cancelled or limited⁶⁷. Activities including external actors were suspended, among which the rehabilitation programs. On June 2020, some prisoners were mobilised⁶⁸ at Barberton (Province of Mpumalanga) to build a one hundred-bed hospital for people suffering from COVID-19.



6. Communication with the outside world

On March 18, 2020, most visits were suspended⁶⁹ for a 30-day period, with a few exceptions⁷⁰ notably on the occasion of journalist visits.

Families often provide for their loved ones with parcels containing bedding, soap, and food, which are insufficiently supplied by the administration. Following the suspension of visits, prisoners complained⁷¹ that they did not receive packages or letters sent by their families. The prison administration did not effectively distribute additional supplies.

The organisation Africa Criminal Justice Reform (ACJR) stated that many of the prison telephones were broken be-

fore the pandemic and that it was unlikely that they had been repaired under the national lockdown. No additional phones were distributed and there was no indication of temporary free calls. For lack of available equipment, no video call or e-mail systems were set up⁷² for prisoners to contact their families. Local organisations have regretted the lack of an effective attempt by the administration to preserve prisoners’ contact with the outside world.

On September 2, 2020, the prison administration created a dedicated call line for inquiries and complaints from families, accessible during working hours.

On September 7, 2020, visits were resumed⁷³. Prisoners were entitled to a monthly visit from one family member. Relatives had to schedule the visit by phone or email at least two days before coming to the prison. They had to wear masks and observe health protocols. Prisoners were once again allowed⁷⁴ to receive parcels during their relatives’ visits. Local organisations regretted the partial and belated lift of the restrictions on visits.⁷⁵

Inspection visits

As of March 18, 2020, all official prison inspections, reporting and investigations had been suspended, including the South African prison oversight body. Civil society engaged the NPM (particularly the South African Human Rights Commission and JICS) on the urgency to maintain oversight mechanisms.

On May 5, 2020, the Judicial Inspectorate for Correctional Services (JICS) visited⁷⁶ pre-trial prisoners incarcerated at Sun City (Johannesburg). This was the first facility visited since the beginning of the pandemic. Two letters sent⁷⁷ by prisoners to the JICS motivated this visit.

66 : <https://www.iol.co.za/sundayindependent/news/thousands-of-parolees-eligible-for-social-relief-grant-48050075>

67 : <https://www.iol.co.za/capeargus/news/sa-prisons-suspend-visits-for-30-days-due-to-covid-19-outbreak-45119045>

68 : http://www.dcs.gov.za/?page_id=5688

69 : <https://www.iol.co.za/capeargus/news/sa-prisons-suspend-visits-for-30-days-due-to-covid-19-outbreak-45119045>

70 : <https://www.timeslive.co.za/sunday-times/news/2020-04-12-sun-city-accused-of-staging-covid-19-preparedness-act-for-lamola/>

71 : <https://www.heraldlive.co.za/news/2020-07-14-st-albans-inmates-on-prolonged-hunger-strike-over-alleged-beatings-and-growing-covid-19-concerns/>

72 : <https://www.iol.co.za/the-star/news/inmate-claims-warders-assaulted-her-after-she-exposed-prisons-unhygienic-state-50142950>

73 : <https://www.sanews.gov.za/south-africa/visits-inmates-resume>

74 : http://www.dcs.gov.za/?page_id=1123

75 : Interview with Zia Wasserman, ex Sonke Gender Justice

76 : http://www.dcs.gov.za/?page_id=5380

77 : <https://mg.co.za/news/2020-05-07-covid-19-is-a-grave-threat-in-prisons/>

However, local citizens contributing to the JICS visits (Independent Correctional Centre Visitors) were still prohibited access to the correctional facilities until June 1, 2020. Due to the backlog of visits, civil society organisations anticipate that the JICS will not be able to fulfil its projected schedule for the year. No additional resources have been allocated to the JICS to mitigate these delays.⁷⁸



7. Acts of protest

On April 19, 2020, the South African Prisoners Organisation for Human Rights (SAPOHR) called⁷⁹ on its members to “*embark on an indefinite passive resistance, which include[d] downing tools, passive hunger strikes, disobedience, and nudity*”.

Protests erupted in various facilities. Prisoners were seen burning their uniforms and mattresses, barricading themselves, throwing projectiles and filming their demands. Many prisoners filmed their living conditions, their acts of protest and communicated⁸⁰ their claims using contraband cell phones. In St. Albans⁸¹ (May 5, 2020) and Buterworth⁸² (June 14, 2020) prisoners shared photos and videos of their actions on the internet and through relatives.

Several hunger strikes were recorded. Prisoners awaiting their trial were begging to be judged while convicted prisoners’ demands related to their conditions of detention. On June 27, 2020, prisoners at Potchefstroom prison [set cell blocks on fire⁸³, demanding “*to be tested or to be released*”. On July 13, 2020, prisoners in the maximum-security wing of St. Albans prison went⁸⁴ on a hunger strike

for several days over their detention conditions, the lack of sanitation and the beatings they endured. One prisoner claimed that about 2,000 fellow prisoners were involved in the strike.

At Qalakabusha⁸⁵ (June 4) or Voorberg⁸⁶ (May 12) prisons, several officers refused to go back to work without proper prevention measures and PPE.

The acts of protests resulted in several casualties. On April 20, 2020, the prison staff repressed a collective movement in Baviaanspoort prison. Two prisoners were injured⁸⁷ and taken to the infirmary. On August 13, 2020, seven officers and one prisoner at the Westville prison in Durban were stabbed⁸⁸ by a group of prisoners while receiving their breakfasts. Prisoners explained⁸⁹ that the incident “was the result of months of tension finally boiling over”, with “unjustified punishments”, excessive use of cell confinement, drug seizures, and the unavailability of COVID testing.



8. Calls and recommendations

Civil society organisations raised⁹⁰ the alert about the lack of provision of disinfectant, PPE and mass testing in prisons. They expressed⁹¹ their concerns over the effects of suspending prison visits and urged the authorities to implement compensatory measures. They considered the government’s response unsatisfactory. They said that minimal efforts were made to release prisoners incarcerated for minor offences. For example, the South African Network of People who Use Drugs (SANPUD) suggested⁹² that the release of people incarcerated for drug-related infractions

78 : Interview with Zia Wasserman, ex Sonke Gender Justice

79 : <https://city-press.news24.com/News/prisoners-threaten-hunger-strike-if-covid-19-fears-are-not-addressed-20200419>

80 : <https://www.iol.co.za/the-star/news/inmate-claims-warders-assaulted-her-after-she-exposed-prisons-unhygienic-state-50142950>

81 : <https://www.heraldlive.co.za/news/2020-05-06-watch-frustrated-inmates-at-st-albans-set-fire-to-parts-of-the-building/>

82 : <https://www.news24.com/news24/southafrica/news/detainees-face-action-after-blocking-cell-arming-themselves-with-makeshift-weapons-20200617>

83 : <https://www.iol.co.za/news/south-africa/gauteng/prisoners-tested-positive-for-covid-19-say-they-are-not-getting-proper-medication-50049865>

84 : <https://www.heraldlive.co.za/news/2020-07-14-st-albans-inmates-on-prolonged-hunger-strike-over-alleged-beatings-and-growing-covid-19-concerns/>

85 : <https://zululandobserver.co.za/226441/first-covid-19-case-at-qalakabusha-prison-in-empangeni/>

86 : <https://www.iol.co.za/capetimes/news/western-cape-warders-strike-demand-mass-testing-at-prison-47876492>

87 : <https://www.sowetanlive.co.za/news/south-africa/2020-04-20-two-inmates-injured-during-protest-in-prison/>

88 : <https://www.timeslive.co.za/news/south-africa/2020-08-13-westville-prison-wardens-stabbed-by-prisoners-after-morning-meal/>

89 : <https://www.iol.co.za/dailynews/news/westville-prison-warder-stabbings-linked-to-request-for-covid-19-test-0f3ff55e-8863-426c-b9c3-23224c217d54>

90 : <https://www.news24.com/news24/SouthAfrica/News/coronavirus-law-society-sounds-alarm-over-the-slow-pace-of-sanatising-courts-prisons-20200321>

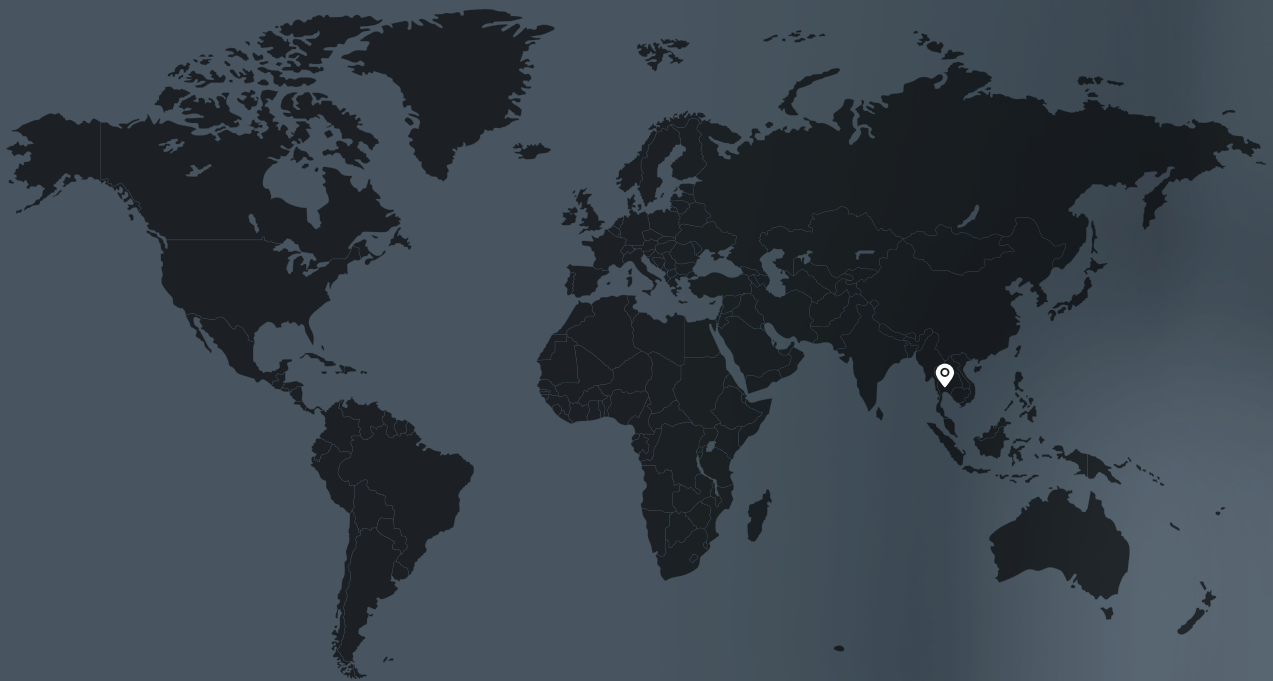
91 : <https://mg.co.za/article/2020-03-26-protecting-the-rights-of-prisoners-during-the-covid-19-lockdown/>

92 : <https://www.iol.co.za/capeargus/news/freing-those-jailed-for-substance-offences-will-resolve-sa-prison-overcrowding-f83cec9a-6805-4d44-98ac-9783da934517>

would solve prison overcrowding. According to the organisation, half of the prison population is convicted for the possession of small quantities of drugs.

Maximum security facilities are amongst those most subject to overcrowding. No sentence adjustments targeted the people held at those facilities. Civil society organisations claimed⁹³ that this overlooked the low risk of releasing prisoners who are non-violent, old, or suffering from pre-existing health conditions.

93 : <https://mg.co.za/article/2020-03-26-protecting-the-rights-of-prisoners-during-the-covid-19-lockdown/>





Thailand



Thailand



Key figures

Country population:

69,625,582

Date: 2019

Source: World Bank ¹

GDP:

543.65 billion USD

Date: 2019

Source: World Bank ²

Human Development Index:

0.777 (79/188)

Date: 2020

Source : UNDP, Human Development Report ³

Prison population:

347,042

Date: 03/2020

Source: World Prison Brief, ICPR ⁴

Prison density:

144.8%

Date: 09/2015

Source: World Prison Brief, ICPR ⁵

Incarceration rate:

539

Date: 05/2020

Source: World Prison Brief, ICPR ⁶

1 : World Bank. <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=TH>

2 : World Bank. <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=TH>

3 : UNDP, Human Development Report. <http://hdr.undp.org/en/countries/profiles/THA#>

4 , 5 , 6 : World Prison Brief, ICPR. <https://www.prison-insider.com/en/countryprofile/thailande-2020>



Confirmed COVID-19 cases and deaths

National infection figures and deaths:

4,237 confirmed cases

60 deaths

Date: 14/12/ 2020

Source: Johns Hopkins University & Medicine ⁷

Prisoners infection figures and deaths:

1 confirmed case

0 deaths

Date: 15/05/2020

Source: Department of correction, Ministry of Justice ⁸

Prison staff infection figures and deaths:

4,627 confirmed cases

74 deaths

Date: 24/11/2020

Source: Department of correction, Ministry of Justice ⁹



Main facts

Implementation of quarantine:	yes	✓
Implementation of sanitary protocols:	yes	✓
Protests/riots:	yes	✓
Deaths due to riots:	no	✗
Number of months without visits:	2,5 months	✓
Sentence adjustments:	yes	✓



Prison administration and healthcare

The prison administration is under the authority of the Ministry of Justice. The Thai prison population is the 6th in the world in terms of number of prisoners, of which 17.7% are people awaiting their trial. The vast majority of the prison population is incarcerated for drug-related offences. It concerns more than 80% of all convicted prisoners.¹⁰

Prisons are severely overcrowded: prisoners have less than one square meter on average to sleep. Physical distancing is difficult to maintain in such congested spaces.¹¹ Prisoners usually spend more than 14 hours per day in their sleeping area. According to the Thailand Institute of Justice (TIJ), overcrowding is also the cause of other management problems, including the lack of basic healthcare in prison facilities: insufficient medicine, medical services, equipment, isolation rooms, medical staff. For instance, the ratio of nurses to prisoners is 1:1,250. The majority of the facilities do not have a doctor on duty.¹²

7 : Johns Hopkins University & Medicine. <https://coronavirus.jhu.edu/region/thailand>

8, 9 : Department of correction, Ministry of Justice. <http://en.correct.go.th/news/covid-19-updates/>

10, 11, 12 : TIJ, Report on the Covid-19 Situation in Prison and Policy Recommendations for Thailand. <https://knowledge.tijthailand.org/en/publication/detail/-situation-report-and-policy-recommendations-for-covid-in-prison#book/> .March 2020, pp.8- 9.



1. Overview

From the beginning of the sanitary crisis, Thai authorities from different sectors have been collaborating in order to prevent the spread of the virus; the prison administration has worked closely with the Public Health Ministry, the Disease Control Department, the provincial Public Health offices and major hospitals. As reported by the Thailand Institute of Justice (TIJ), the prison administration and the Public Health Ministry have developed together a comprehensive healthcare system and provided training for prison-based health volunteers. The Disease Control Department has collaborated with the prison administration's Medical Service Division. Together, they have produced guidelines on how to examine and control COVID-19 in case of infection. "The guidelines aim to ensure preparedness and a timely response", says the TIJ.¹³



2. Sanitary conditions and access to healthcare

The prison administration, in collaboration with the Ministry of Health, started by implementing prevention protocols to avoid the spread of the virus. The measures introduced were based on the principle of "*No exit for Insiders, no entry for Outsiders*". Newly arrived prisoners and those presenting COVID-19 symptoms were placed in quarantine cells for 14 days.. Great emphasis was placed on screenings. Prison staff had their body temperature checked before entering prisons. Prison authorities reported that hand sanitiser was made available to prisoners and staff members and that PPE was provided for prison staff.¹⁴

The prison administration set up campaigns to encourage prisoners from each facility to regularly clean the premises. Prisoners were advised to wear masks and wash their hands. The prison administration set up mechanisms to sanitise parcels and letters, such as "*mail incubators*" and "*UV parcel boxes*".



3. Identified cases

The prison administration recorded¹⁵ COVID-19 cases in Ratchaburi Central Prison (one prisoner), Nakhon Nayok prison (the prison director), Chumphon Provincial prison (two staff members). The prison administration has not reported any new cases since May 15, 2020.



4. Sentence adjustments

In April 2020, the prison administration suspended¹⁶ the sentence of more than 8,000 prisoners in order to reduce overcrowding. Individuals detained for "*minor offences*" and those exhibiting "*good behaviour*" were eligible. Temporary release procedures were conducted by the court via video call.

Many trials were postponed¹⁷ if the delay was not causing any damage to neither of the disputing parties. About 160,000 cases were affected. As of June 1, 2020, the court had fully resumed its activities.



5. Activities and work

Activities that required prisoners to leave the prison premises or required the entering of external actors were postponed or cancelled¹⁸. These decisions particularly impacted those who used to work outside the facilities, with a severe negative impact on their income. Many prisoners were isolated from their families and did not receive food or money from their relatives. Their capacity to work and to generate income was therefore central to improve their conditions of detention.

Some external actors, such as religious associations, provided videos to compensate for the lack of in-person activities.

13 : TIJ, Report on the Covid-19 Situation in Prison and Policy Recommendations for Thailand. <https://knowledge.tijthailand.org/en/publication/detail/-/situation-report-and-policy-recommendations-for-covid-in-prison#book/11> . p.10.

14 : <https://knowledge.tijthailand.org/en/publication/detail/-/situation-report-and-policy-recommendations-for-covid-in-prison#book/11>

15 : <http://en.correct.go.th/news/covid-19-updates/>

16 : <https://www.bangkokpost.com/thailand/general/1899825/>

17 : <https://www.posttoday.com/social/general/624982>

18 : <https://www.bangkokpost.com/life/social-and-lifestyle/1916016/double-jeopardy>



6. Communication with the outside world

Family visits and visits from social workers or chaplains were all suspended from March 18 to June 1, 2020. During this period, families were still allowed¹⁹ to send money and food to their incarcerated loved ones, but on the condition of respecting the sanitary measures²⁰. The national lockdown (travel restrictions) in Thailand, however, prevented many family members from bringing goods to the facilities.

Relatives were allowed to keep sending letters (disinfected upon arrival) and communicate by e-mail; messages could be sent to the prison's e-mail address and were printed for prisoners to read.

To compensate for the lack of in-person visits, an e-visiting programme was made available²¹. Each call could last up to 10 minutes, and the number of participants could not exceed 10. Prisoners, apart from those subject to disciplinary measures, could use²² this service once a month.

The police, probation staff and lawyers were allowed to meet prisoners for legal consultations only in the case of urgent matters that affect their trial²³. No inspection visits from external organisations were allowed between March and May 2020.²⁴

On June 1, 2020, family visits resumed. The prison administration provided strict measures and guidelines for visitation.²⁵ To this day, family visits are still subjected²⁶ to each facility's rules.

The prison administration used their Facebook page and website to share instructions²⁷ on how to use the application "Line" for the video calls and inform prisoners' relatives on the measures implemented.



7. Acts of protest

One riot was reported²⁸ since the beginning of the pandemic. It took place in March 2020 at Buriram prison after rumours of contamination spread. Several prisoners escaped, seven of which were arrested. Following the riot, the prison authorities opened an investigation. All 2,106 prisoners from Buriram were transferred²⁹ to 18 other facilities in the north-east of the country.



8. Calls and recommendations

In March 2020, Human Rights Watch (HRW) called³⁰ upon the authorities to adopt "concrete measures" to guarantee access to health care and medical protection for prisoners. HRW's Asia region director added that "authorities did not need the occurrence of any riots to consider reducing the prison population". They recommended the conditional release of ill prisoners and of people imprisoned for so-called minor offences.

Also in March, the Thailand Institute of Justice (TIJ) recommended that imprisonment should be used as a last resort for criminal punishment. They asked the authorities to consider releasing prisoners in the light of the overcrowding situation in Thai prisons. The NGO called the authorities to consider using alternatives to short-term sentences for "non-serious offenders", especially for elderly people or those with underlying health conditions.

For the releases, priority was to be given to prisoners awaiting trial, prisoners with a remaining prison sentence of less than a year, elderly prisoners, prisoners convicted of "non-violent or petty offenses". Finally, the TIJ suggested the authorities to efficiently monitor prisoners who were granted conditional releases, with clear guidelines on pre-release health checks and information on how to protect themselves against the virus.³¹

19 : <https://www.bangkokpost.com/thailand/general/1881255/all-prisons-closed-to-visitors-march-18-31>

20 : DoC Official Document MOJ 0704.1/10006 <http://www.correct.go.th/infosaraban63/letter/showfile.php>, 30 march 2020.

21, 22 : <https://www.bangkokpost.com/life/social-and-lifestyle/1916016/double-jeopardy>

23, 24 : <http://www.correct.go.th/infosaraban63/letter/showfile.php>

25 : DoC Official Document MOJ 0704.1/14761 <http://www.correct.go.th/infosaraban63/letter/showfile.php> , 20 May 2020.

26 : <https://www.bangkokpost.com/thailand/general/1921420/prisons-to-reopen-for-visits-on-june-1>

27 : <http://en.correct.go.th/news/covid-19-updates/>

28 : <https://www.aljazeera.com/news/2020/03/coronavirus-rumour-sparks-prison-riot-thailand-buriram-200329111845599.html>

29 : <https://www.bangkokpost.com/thailand/general/1889470/inquiry-into-buri-ram-prison-riot>

30 : <https://www.hrw.org/news/2020/03/30/thailand-covid-19-rumors-trigger-prison-riot>

31 : TIJ, Report on the Covid-19 Situation in Prison and Policy Recommendations for Thailand. <https://knowledge.tijthailand.org/en/publication/detail/situation-report-and-policy-recommendations-for-covid-in-prison#book/11> , March 2020 pp. 11-13.





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