
COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?

UPDATE #12
North Rhine-Westphalia
(Germany)
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EUROPEAN
PRISON
OBSERVATORY



WHAT DOES THE "NEW NORMALITY" LOOK LIKE IN PRISON?

During the Covid-19 emergency, the European Prison Observatory has released [weekly updates](#) on the situation of prisons around Europe. Most European prison systems took several actions to face the virus, such as the introduction of restrictions to the entrance of family members, staff, and volunteers, decarceration measures to facilitate social distancing hence lowering the chances to spread the virus in prisons, or more phone and video calls to favour contacts with family members who were not allowed anymore to visit their detained relatives.

After the first emergency phase, restrictions started to be lifted. However, the situation is not back to a complete normality because the risk of contracting the virus is still very real; therefore, the partners of the European Prison Observatory have decided to publish new issues of the series [Covid-19: what is happening in European prisons?](#) to try to depict the "new normality" in prison systems around Europe.

The following information on prisons in **North Rhine-Westphalia¹ (Germany)** has been collected in the last few weeks thanks to the work of EPO's member **Prison Archive at the University of Applied Sciences and Arts Dortmund** and is updated to 25 September 2020. Please note that these answers do not include the situation in the other German Federal States. The information published here and the upcoming updates will be available on the [European Prison Observatory website](#).

Other information can be found on the following websites.

The **Association for the Prevention of Torture (APT)** has launched an [information hub](#) of news and resources, including on how different actors in the criminal justice, penitentiary, healthcare and oversight spaces are responding to the COVID-19 situation around the world.

The **European Organization of Prison and Correctional Services (EUROPRIS)** has set up a [webpage](#) where it gathers and shares all regulations/protocols/approaches European Prison Services or related organisations have drafted or taken in order to deal with the Covid-19 virus.

Prison Insider collected in a [webpage](#) the measures that countries around the world are taking to guarantee the safety of all prisoners and prison staff and the consequences of the pandemic on the living conditions in prisons.

World Prison Brief is compiling a [list](#) of news articles from around the world on COVID-19 and prisons which will be updated regularly.

Fair Trials has launched the [COVID-19 Justice project](#) to monitor how criminal justice systems are being affected by the pandemic and their response.

¹ References: Ministerium der Justiz Nordrhein-Westfalen 2020: Coronavirus. Justizvollzug. <https://www.justiz.nrw.de/JM/ministerium/corona/justizvollzug/index.php> (last checked on 17.09.2020). Letters of inmates from various prisons in North Rhine-Westphalia.

WHICH COVID-19 RULES STILL CURRENTLY APPLY TO PRISONS?

Suspected cases are placed in quarantine and tested. In the prison hospital, places are available for stationary care of acutely ill persons. If a prisoner is not acutely ill, s/he is placed in quarantine in the respective prison.

Based on a phased concept, the enforcement of custodial sentences was resumed in July. It started with the summons of the persons with a prison sentence of more than six months up to one year.

For prisoners with a subsidiary penalty for failure to pay fines or a prison sentence of up to 18 months, the detention could be discontinued. It is not clear whether this was/is also possible after July.

According to reports from prisoners, masks are distributed to staff. However, many staff members do not seem to comply with protective measures. Moreover, soap and paper towels also seem to be lacking.

(Accompanied) measures outside of prison seem to be gradually resumed across the federal state. A prisoner reported that they could only reside outdoors; thus, no restaurants, no flats, etc. Besides, only two people are allowed to join.



HAVE IN PERSON FAMILY VISITS RESUMED?

The visits seem to be reinstated from July onwards. However, the visit is limited to one person per visit. A prisoner's child may be admitted as an additional visitor, but this is only allowed under certain conditions. It was reported that the visit is limited to 1.5 hours and once a month.

Visits are subject to additional measures. Here are just a few:

- ◆ Each visitor is screened using a questionnaire (cold symptoms and/or loss of smell/taste, COVID-19 infection or contact with infected persons)
- ◆ Visitors must cover their mouth and nose
- ◆ No physical contact between visitors and prisoners.

HAVE ACTIVITIES PREVIOUSLY CARRIED OUT VIA VIDEOCONFERENCING RESUMED IN PERSON?

Prisoners are brought to the courts to appear in person.

However, it is worth taking a look at the federal state of Hesse. In the context of a change in the law, it is planned to count the Skype calls as part of the minimum duration of physical visits. In general, the continuation and development of family relationships is not possible with a visit duration of a few hours per month. However, including the Skype calls to the overall length of the visits is equivalent to the abolition of the right for visitation. In principle, the use of Skype, which has increased during the Corona crisis, is to be welcomed. But it cannot, and should not, replace the prisoners' right to physical contacts.



ARE VOLUNTEERS AND/OR OTHER PERSONNEL (NOT BELONGING TO PRISON STAFF) ALLOWED TO ENTER IN PRISONS?

Contacts with external personnel are still limited. Restrictions have been relaxed since May.

IS TECHNOLOGY (E.G. PHONE CALLS, VIDEO CALLS, EMAILS) STILL USED TO MAINTAIN CONTACTS WITH THE FAMILY AND/OR FOR OTHER ACTIVITIES? WHICH ONES?

Phone calls and video calls seem to be the main methods to stay in contact with family and friends. However, a prisoner reported that the implementation depends on the decisions of individual staff members.

HOW MANY INMATES HAVE BEEN POSITIVE TO COVID-19 SINCE THE BEGINNING OF THE PANDEMIC?

As of 4 September, 13 prisoners are known to have been tested positive, all of whom have recovered.

WHAT DOES THE "NEW NORMAL" LOOK LIKE IN PRISON?

Corona seems to be used as a "universal excuse" for refusals and delays; this applies not only to the prisoners but also to researchers.





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