

COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?

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The following information on prisons in different European countries has been collected in the last few weeks thanks to the work of the European Prison Observatory members. Please note that the situation is constantly changing and that this information might already be out of date.

The information published here and the upcoming updates will be available on the [European Prison Observatory website](#).

WHO/Europe has published an interim guidance on how to deal with the Coronavirus disease (COVID-19) in prisons and other places of detention, entitled "Preparedness, prevention and control of COVID-19 in prisons and other places of detention". The guidance can be found on the WHO page: [Preventing COVID-19 outbreak in prisons: a challenging but essential task for authorities](#)

The CPT has [published a statement](#) of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic.

Penal Reform International has issued a briefing note on the situation of the outbreak of a novel form of Coronavirus (COVID-19) and prevention measures in prisons and wider impacts of responses to

governments on people in criminal justice systems: Coronavirus: [Healthcare and human rights of people in prison](#)

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 (EUOPRIS)** 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.

BELGIUM

Update: 8/04/20

Several detainees and 32 prison guards tested **positive for Covid-19**. In particular, four inmates in Turnhout prison, two in the prison of Namur and one in the prison of Forest have been hospitalised and 53 other prisoners across several different jails have been put in solitary confinement after presenting moderate symptoms of coronavirus such as fever. Even though they have not been tested yet, they are being medically monitored. Furthermore, 32 prison guards have also tested positive for the virus: 26 of them are still recovering, while 6 guards have recovered and were able to return to work. Belgium's Central Council of Penitentiary Surveillance (CCSP) is also trying to pressing to free all prisoners who can be released in order to avoid overcrowding and at times insalubrious prisons that makes it difficult to stop the spread of coronavirus.

It has also been stated that Belgium has **the most overcrowded prisons in Europe**, according to the 2019 Council of Europe Annual Criminal Statistic, published on April 7.

CROATIA

Update: 6/04/20

Prisoners in Split's Bilice prison started a **hunger strike**, refusing to eat prison food out of fear that COVID-19 could enter the prison, but on March 26 Bošnjaković called on them to end the strike. On March 28 one **police officer** was found positive to the COVID-19, while several others are in self-isolation. There were no cases COVID-19 inside prisons until the date of this update. Measures have been taken on time and the system works well, said **Justice Minister Dražen Bošnjaković**.

The Croatian Penitentiary Administration adopted all **recommendations and measures** of the Croatian National Civil Protection and Public Health Institute to protect the health of inmates, judicial police officers and other staff in prisons with a purpose of timely detection and treatment of persons with COVID-19 disease and prevention of its further spreading.

The measures are the following:

Family visits, daily prison leaves and permits to work outside the prison:

- ◆ limitation of visits to prisoners; family members need to arrange video conferencing / video visits or use other technologies for long-distance visits, enable more frequent and longer phone calls to mitigate consequences of visit restrictions
- ◆ If the visit is completely suspended, the prison director can give specific approval for the visit, for example in the case of death or when visitor's presence is crucial and necessary for the welfare of prisoner (eg to protect the inmate's rights in court proceedings). In that case, the visitor can enter the facility only with the confirmation from the family doctor the day before the visit.

- ◆ daily prison leaves or permits to work outside, as well as weekend leaves are restricted or suspended.

The procedure with sentenced people:

- ◆ a person with health problems, especially respiratory disorders and symptoms such as a cough, elevated temperature or any other signs of flu, should, if possible, be delayed with the start of the serving his/her sentence until the complete healing
- ◆ a person who has been in a country outside Croatia for the last 14 days, should possibly delay the start of serving his/her sentence

Activities within the prisons:

- ◆ suspension of group activities within the prisons or organizing them respecting social distance between people so that no more than five people are present in the group (group therapies, recreational or work activities). It is necessary to organize such group work in large rooms or outdoors in a way that person sit as far as possible from another person (for example, with one or two empty seats in between) and, if possible, provide a distance of two meters between persons. It is not allowed to be more than 30 people at a time in the canteen during meals.
- ◆ the organisation in smaller groups and the social distance between people has to be respected during normal daily activities (maintenance of regular physical activity in the internal and external spaces)
- ◆ Intensification of videoconferencing use and other long-distance meeting technology for the judicial proceedings, to reduce the number of prisoners being taken outside the penal institutions
- ◆ suspension or delay of activities for external organizations such as civil society organizations in the prison system.



On March 25, the State Secretary at the Justice Ministry, Juro Martinović presented before the Parliament **proposals** for adjustment of 1999 law on the execution of imprisonment. Some of the proposals are:

1. quicker execution of starting prison sentences
2. better health system previously isolated, but now part of the major health system
3. better status for the police officers
4. better use of the new modern technologies such as video conferencing for both judicial proceedings and the family contacts, special with children (very useful during the COVID-19 pandemic situation when visits have been reduced and suspended)
5. the situation regarding the **overcrowding** in Croatian prisons in the last year has worsened due to the flow of the immigrants and new laws, but lately, there was a significant drop (150 people less) due to earlier releases where possible, and milder sentences. Justice Minister, Bošnjaković also said that there was a **significant drop** in the number of people being sent to prison. The recommendation is that those cases who are a danger to society should be sent to prison, while misdemeanour cases will be dealt with after the crisis ends. The courts are only handling urgent cases because of the coronavirus crisis, while other cases are being deferred.
6. staff tournament has been introduced for less diffusion of coronavirus

NETHERLANDS

Update: 2/04/20

The [suspension of visits and other measures](#) (e.g. many of the day-time programs) for persons in prisons and places of deprivation of liberty for security measures has been extended until 28 April. Up until very recently, young people in juvenile prisons could still receive visits, but as of 2 April this is also excluded. Most communications with lawyers are carried out by phone and detainees receive additional credit to be able to call.

Anyone with a fever of at least 38 degrees, a cold, cough or shortness of breath must remain in their cell as a precaution. This currently applies to five people.

The percentage of inmates in multi-occupancy cells has decreased from 30 to 16.5%. Only inmates who show no symptoms are placed in multi-

occupancy cells, single cells are kept to isolate people who might be infected.

So far, four inmates (number that includes those who are undergoing a security measure) have been found infected with the coronavirus. They are currently being treated at Scheveningen Prison Hospital, Oostvaarderskliniek and Rooyse Wissel. This was announced by the Service of Judicial Institutions (Dienst Justitiële Inrichtingen (DJI)). Prison institutions currently host a total of 10,368 inmates.

Another important measure in place is the use of ankle bracelet to release to home detention as many people as possible to relieve the pressure on the institutions. Now there are 900 of them, usually about 700. The probation service is working more because of the needed extra supervision.

SPAIN

Update: 8/04/20

As mentioned in the previous updates, on March 15, all family visits and leave permits were suspended in order to control the spread of the disease. Later, on March 27, a technical document was released. The document reiterated the measures already in place and recommended to separate newly-arrived inmates from the rest of the prison population for 14 days and to group them by date of admission during the outdoor time. Also, detainees who test positive to the virus have to be held in closed confinement for at least 14 days without access to common areas to protect the health of others. Meanwhile, efforts to allow **contacts with the outside world** have been made by Penitentiary Administrations, which are providing phones and allowing extra time for video calls free of charge for detainees with no resources.

On March 27, Spain's prison authority has announced that a detainee and a prison staff member have died of coronavirus. Up until April 4, in the **Spanish Penitentiary Administration** 13 inmates and 177 workers had contracted Covid-19 while 245 detainees were in preventive isolation on April 6. The death toll has risen to two after a prison worker from Alicante died on March 29. The **Catalan Prison Administration** announced on April 8 that positive inmates were 20 while the officials 34. No deaths have been reported.

Unions affirm that prison workers have not enough personal protective equipment and haven't been tested for the disease, even though they are considered a "high-risk group" just like inmates. Interior Ministry claims that the state has recently provided 145,000 sanitary masks.

On 3rd April the **Catalan Ombudsman has addressed** the President of the Generalitat and the Minister of Justice requesting to expedite the actions to diminish as much as possible the number of detainees in order to minimize the risk of SARS-CoV2 virus contagion and thus help prevent the system from collapsing National Health.





Furthermore, on 6th of April, organisms as Iridia, the ICAB Defense Commission, ACDDH and OSPDH draw a written document urging that lawyers ask for the release of pre-trial prisoners and a statement urging the prosecution to consider it and courts to review it ex officio.

On 8 th April Dozens of organizations **denounce** that Penitentiary Institutions have not

adopted the **recommendations** of the WHO and the Council of Europe. They also denounce that not enough has been done to release detainees and that alternative communication channels are not enough.

According to the **2019 Council of Europe Annual Criminal Statistic**, published on April 7, Spain is above the European average rate of incarceration and ranks among European countries with the longest prison term. As reported by the Council of Europe, on January 2019 in Spain there were a total of 1,466 prisoners aged 65 or over, a very high number compared to other European countries.

SWITZERLAND

Update: 05/04/20

Detainees at Champ-Dollon **started a protest** on the past few days. They decided to not return in their cells in order to complain against the restrictive measures adopted by the government to combat the spread of the virus. The uprising has lasted for about 5 hours, now the situation is appeased. The prisoners who caused the rebellion are now locked in security cells. Apparently, some of them were asking to be released early, some others wanted to practice sport again. In Switzerland family visits have not been suspended, but have been maintained by installing plexiglass windows.

TURKEY

Update: 07/04/20

On April 7, Turkey's parliament has discussed a **prisoner release law** that tries to ease overcrowding in jails and protect detainees from Coronavirus. The draft was proposed by President Erdogan's AK Party and it would temporarily free around 45,000 prisoners. A similar number of detainees would be released permanently

under plans drafted last year to reduce chronic prison overcrowding. Together the measures would cut the prison population by one third since in Turkey there are some 300,000 detainees, in prisons whose capacity does not exceed 120,000 units. Turkey has the second-largest prison population in Europe and **the most overcrowded prison system**, according to data from the Council of Europe. The aim is to release: inmates jailed in minimum security prisons, those older than 65, pregnant detainees and mothers with children younger than 6. In the last few days **27 different human rights organizations** have appealed to the government asking to consider the release of inmates convicted of terrorism charges, a wide category that includes tens of thousands of civil servants, judiciary officials, writers, activists, military personnel, journalists and politicians. In the meantime, the Ministry of Justice has announced that over a million and a half of protective masks will be produced in a month by detainees held in 6 different prisons.

UNITED KINGDOM

Update: 09/04/20

The Ministry of Justice has declared that up to **4,000 prisoners** in England and Wales and 100 inmates in Northern Ireland are going to be released in order to control the spread of Covid-19. Inmates with two months or less still to serve will be released on temporary licence in stages. The low-risk offenders will be selected, electronically tagged and can be recalled in prison at the first sign of concern. Categories of inmates that won't be considered for release are: sex offenders, those who don't have housing and health support in place, those convicted for violent offences or Covid-19-related offences (including coughing at emergency workers or stealing PPE), anyone who is a national security concern or a danger to children, as well as

prisoners with symptoms of coronavirus. Six pregnant inmates have been released since March 31, when the MoJ said that pregnant women – who are considered to be high-risk – would be granted temporary release from prison to protect them and their unborn children. The move also included mothers who are detained with their young children. There are currently 35 pregnant prisoners and 34 inmates in mother-and-baby units across 12 women's prisons in England.

The **Center for Crime and Justice** expressed concerns for the rise of the numbers of inmates who are becoming more and more infected and are dying because of the virus. CCJ called for the creation of an early release programme specifically to **target potentially vulnerable detainees** since, at this time, the eligibility for the early release programme is based on prisoners being close to the end of their sentence and any release of vulnerable prisoners under the present scheme is coincidental, not intentional. CCJ also points out that **according to the Prison Governors Association, Public**

Health England and the Prison Service, the number of detainees needed to be released from prisons in order to make the prison environment safer is of 15,000 prisoners. The target of 4,000 released prisoners falls far short of the numbers required.

The Ministry of Justice has also confirmed that **ten prisoners have died after contracting coronavirus**. One inmate coming from HMP Sudbury, three others from HMP Littlehey, Cambridgeshire, and others being held at Birmingham, Manchester, Altcourse in Merseyside, Belmarsh in London, Whatton in Nottinghamshire, Sudbury in Derbyshire, and Low Newton. On Sunday, according to data, some 107 detainees had tested positive for Covid-19 in 38 different prisons, as well as 19 prison staff and 4 prison escort and custody services staff coming from 12 jails. On April 4, it has been announced the death of two staff members working at north London's Pentonville Prison, they had several coronavirus symptoms. Some 1,200 inmates are currently self-isolating.



HM Inspectorate of Prisons, Peter Clarke, has **announced** on April 8 that the Inspectorate has developed a new approach to visiting prisons and other places of detention to meet its duty to report publicly on treatment and conditions during the Covid-19 crisis while respecting the guidance on social distancing. The approach for this period, involves short scrutiny visits of one-day duration carried out by a delegation of two or three inspectors to prisons and other establishments with a particular focus on issues which are essential to the safety, care and basic rights of those detained in the current circumstances. These include: healthcare, nutrition and hygiene; contact with families, friends and the outside world; legal rights; use of time and the need for meaningful human contact; support for those at risk of self-harm and suicide; and support and risk management for those being released. More updates can be found **[here](#)** and **[here](#)**



WWW.PRISONOBSERVATORY.ORG/

info@prisonobservatory.org