

## **COVID-19: Why are prisons a particular risk, and what can be done to mitigate this?**

**Why a priority?** Worldwide, over 10.7 million people are held in penal institutions,<sup>1</sup> either as pre-trial detainees/remand prisoners, or having been convicted and sentenced. Those in prison are particularly vulnerable to the rapid spread of Covid-19 given confined conditions, lack of ventilation and often poorer quality healthcare and hygiene standards and infrastructure than in the community.

Risks are particularly acute in LMICs, where prisons may be dangerously overcrowded and under-resourced. Physical distancing and self-isolation are also extremely difficult. Cases have already been identified in the US, UK, China, Iran, South Africa, Algeria, Kenya and Pakistan.

Those in custody include older people and those with serious chronic health conditions at higher risk from Covid-19. Infection rates for tuberculosis are 10 to 100 times higher than in the community, and people in prison may be five times more likely to be living with HIV than the population at large.

This briefing note summarises recommendations to mitigate the spread of Covid-19 in prisons. In some settings these may be practically very difficult to implement, politically and socially sensitive, or have downstream implications. However, for any context, workable alternatives could at least be considered to reduce risk of infection in prison. A summary table of relevant statistics and measures, and key sources and links are also included, with examples of actions that LMICs have already taken.

**Open and transparent communication.** Public authorities and operators of penal institutions should publicly disclose their plans of action to reduce the risk of Covid-19 in their facilities, including steps taken to contain the infection and protect prisoners, prison staff and visitors.

**Prioritise the right to health and hygiene.** People in detention have the same right to health (including mental health) as everyone else and are entitled to the same standards of prevention and treatment as per the UN 'Nelson Mandela Rules'.

Authorities should prioritise provision of the basic protective measures advised by the WHO, including clear and actionable information; water and sanitation infrastructure to facilitate regular hand washing; and access to urgent, specialised healthcare in suspected or confirmed cases.

Prison administrations should link closely with community health services and other providers to help ensure equivalence of care. Prisons should provide hygiene training and supplies and ensure disinfecting, consistent with accepted best practices.

**Safety of prison staff should be planned for and prioritised.** Prison management should proactively plan the work of prison staff during the COVID-19 pandemic, share the emergency preparedness plan, and ideally provide support for relatives of staff members. Specific training should be provided to all staff and efforts to increase healthcare and hygiene provision should be prioritised.

**Protect human rights.** Despite resources being stretched, measures should be put in place to facilitate access to legal advice and representation and attend trials – this can be done through free access to confidential telephone lines or video conferencing, remote hearings or providing protective gear for face-to-face processes.

The WHO has stressed that the Covid-19 outbreak must not be used as justification for objecting to external inspections. Independent bodies with mandates to prevent torture and other cruel, inhuman or degrading treatment or punishment must still be able to monitor detention centres.

**Limitations on contact with the outside world should be proportionate, including by being time limited and non-discriminatory.** While restrictions on face-to-face visits for people in detention can

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<sup>1</sup>Source: [https://www.prisonstudies.org/sites/default/files/resources/downloads/wpp1\\_12.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/wpp1_12.pdf). Figures for Eritrea, Somalia and the Democratic People's Republic of (North) Korea are not available and those for China and Guinea Bissau are incomplete and missing. The data show differences in the levels of imprisonment across the world and makes possible an estimate of the world prison population total. In most cases the original source is the national prison administration of the country, or the Ministry responsible for the prison administration.

prevent Covid-19 transmission, measures must be proportionate to the goal of preventing/responding to an outbreak, well-communicated with clear information on the restrictions and time periods for review or lifting such policies, and appropriate substitutions found – e.g. by phone, email or video call.

In many countries, it is common for visitors to bring prisoners supplies of food, drinks, sanitary products and medicine. These essential services should be prioritised in cases where public authorities are not able to provide this support, with additional hygiene precautions taken.

**Isolation or quarantine measures must be proportionate, authorised in law and not result in de facto solitary confinement.** Any plans for lockdown or isolation should be time-limited, taken following independent medical assessment and be proportionate to risk posed.

Plans should be transparently communicated with those affected (including for provision of food, drinks, sanitary items, medication and contact with the outside world), and should not be or appear punitive, as fear of being placed in lockdown or isolation could delay people notifying medical staff if they experience symptoms. During isolation or quarantine, conditions should meet standards set out in the UN Nelson Mandela Rules.

**Early release of those held in pre-trial detention, low risk offenders and those toward the end of their sentence.** Public authorities should consider urgently reducing populations in prisons, jails and other detention centres through appropriate supervised or early release of low-risk category of detainee, such as those whose scheduled release may be soon, those in pre-trial detention for non-violent and lesser offenses, or whose continued detention is unnecessary or not justified.

With over 40% of prison populations in about half of African and South Asian countries in pre-trial detention, this could have significant impact. Bail, electronic tagging, community monitoring or release on licence could be considered. Urgent Covid-19 prisoner releases have already been done in many countries (see table). In all cases, these should be non-discriminatory in terms of political belief.

**Release those particularly vulnerable to Covid-19, including older detainees, those who are sick, and pregnant women and women with children.** These groups should be considered for early release, weighing factors such as whether the detention facility has the capacity to protect their health and guarantee access to treatment, with the gravity of the crime committed and time served. Appropriate infrastructure to mitigate and respond to violence against women should also be prioritised, making use of community support structures. This can be done through measures such as bail, early release, pardons or suspended sentences. If not released, prisons should commit to providing for the specific health care needs.

**Screening and healthcare provision for those released.** When people are released, they should be medically screened and where needed, care and proper follow-up is provided. Public authorities should work with community health care providers to support these populations.

**Stop arresting minor offenders, including those who violate lockdown rules.** Police have a vital role to play in preventing overcrowding of police stations, courts and prisons – this can be exacerbated by imprisonment of those who fail to comply with Covid-19 movement and physical distancing restrictions. Non-custodial measures such as diversion, a warning or bail could be used instead.

## Sources cited and useful resources

Human Rights Watch [Human rights dimensions of Covid-19 Response](#)

Penal Reform International [Coronavirus: Healthcare and human rights of people in prison](#)

African Arguments [We need to decongest Africa's prisons urgently. For everyone's sake.](#)

OHCHR [Urgent action needed to prevent COVID-19 "rampaging through places of detention" - Bachelet](#)

ICRC [Protecting prison populations from infectious coronavirus disease](#)

World Prison Brief, [News and policy guidance database](#)

Prison Insider, [Coronavirus: Prison Fever](#)

## Prison population data

The table summarises total prison population, percentage of pre-trial detentions, percentage of female prisoners, to help understanding of the potential scale of Covid-19 risks in different countries.

It also includes measures taken to tackle the issue of Covid-19 in prisons though note that this information is changing rapidly. Updates can be found [here](#) and [here](#). The intention is to demonstrate that a range of countries are taking, or considering, urgent actions.

Country	Total prison pop.	Prisoners per 100,000 of pop	Pre-trial (% of total)	Women prisoners (% of total)	Measures taken
Egypt	106000	116	10	3.0	<a href="#">Suspension of visits from 9-19 March</a> HRW statement on Covid-19 in Egypt's prisons <a href="#">here</a>
Libya	6187	99	90	1.0	<a href="#">Government released 466 prisoners</a> HRW statement on Covid-19 in Libya's prisons <a href="#">here</a>
Sudan	21000	52	20.4	0.7	None to date. <a href="#">Violent protest in El-Hoda prison on 30 March, prisoners demanded release over fears of Covid-19</a>
Nigeria	73631	37	70	2.0	<a href="#">President Buhari announces amnesty of 2,600 prisoners, mostly elderly or 6 months left to serve.</a> <a href="#">Kwara and Ekiti states announce plans to release low risk and vulnerable inmates.</a> Amnesty International statement on overcrowding in Nigeria's prisons <a href="#">here</a>
DRC	20550	29	73	2.7	<a href="#">1200 Prisoners released from Makala Prison</a>
South Sudan	6504	52	29	11.0	No information available
Ethiopia	113727	127	36	4.2	<a href="#">Over 5,600 prisoners released, mostly petty offenders or less than 1 year remaining of sentence</a> <a href="#">Government blocked personal and legal visits for at least 15 days on 20 March. Two isolation facilities have been set up.</a>
Uganda	54059	129	50	7.4	<a href="#">Directorate of Prison Services recommended the release of 2,000 prisoners who had served three quarters of their sentence and had been convicted of so-called minor offenses. Pregnant women or mothers of infants, and those over 65, would have priority.</a> <a href="#">Visits suspended from 20 March until further notice</a> <a href="#">Incoming detainees would be placed in a separate area. Personnel in contact with prisoners were prohibited from leaving institutions or having contact with their relatives.</a>
Kenya	54000	108	48	4.4	<a href="#">Government suspends visits for additional 30 days from 5 April.</a> <a href="#">Nearly 5000 inmates freed via Skype court sessions, mostly petty offenders or those with 6m remaining.</a>
Iraq	45000	126	35	2.6	No information available

Jordan	15700	197	36	4.0	<a href="#">State Security Court to release 1,500 defendants arrested for national security offences</a> <a href="#">2 prisoners die after protest following announcement to ban visits</a>
Syria	10599	60	51	7.4	<a href="#">President Al Assad issued an amnesty for prisoners on 22 March for offences covering murder, kidnapping, theft and desertion of the army. It does not cover opposers of the regime and others in detention centres and secret police dungeons.</a>
Lebanon	6330	126	65	4.6	No information available. <a href="#">Numerous protests in prisons over Covid-19 fears.</a>
Yemen	1400	53	70	1.6	No information available. <a href="#">UN calls for immediate release of political prisoners and detainees.</a>
Afghanistan	30000	88	31	2.8	<a href="#">On 26 March Afghanistan pledged the release of up to 10,000 prisoners, mostly women, juveniles and sick people, over next 10 days</a> Amnesty International statement on release of women prisoners <a href="#">here</a>
Bangladesh	88424	53	81	3.8	<a href="#">Jail authorities recommend to the government release of 4,450 prisoners.</a> <a href="#">Government temporarily and conditionally released former Prime Minister Khaleda Zia for health reasons.</a> <a href="#">Chittagong prisoners make masks, to be provided to staff for free and to be sold to inmates for Tk 15.</a> <a href="#">The Inspector General of Prisons stated that incoming prisoners would be kept isolated for 14 days before joining other prisoners. Those already incarcerated will be individually checked. The number of people allowed to visit their relatives is reduced to two per visit and required to wash hands, use disinfectant and not touch the prisoner.</a>
Pakistan	83718	43	62	1.8	<a href="#">Government announces number of additional measures, including redistribution to prevent overcrowding, testing of new prisoners, checking of visitors, and banning of gatherings.</a> <a href="#">Sindh government approved release of 4,000 prisoners for 3 months.</a> <a href="#">Punjab government to release 20,000 prisoners of a total of 41,000. Additional bail applications filed for petty offenders and elderly prisoners.</a>
Myanmar	79688	145	15	12.3	Penal administration announced measures to reduce <a href="#">visitors</a> , provide <a href="#">handwashing facilities and ginger water</a> and <a href="#">awareness campaign</a> . <a href="#">Cases dropped against Rohingya Muslims.</a>
Nepal	18881	65	59	7.3	<a href="#">Government to release on bail or without bail all convicts sentenced to less than a year or those already spent half their terms.</a> <a href="#">Preventative measures introduced, including PPE.</a>
Indonesia	248765	93	24	5.5	<a href="#">Over 30,000 released and total of 50,000 eligible for parole.</a>