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Jail Mail: COVID-19 and Prisons in the Commonwealth 'Ensuring an Effective Response'

"Prison health is widely considered as public health...In all countries, the fundamental approach to be followed is prevention of introduction of the infectious agent into prisons or other places of detention, limiting the spread within the prison, and reducing the possibility of spread from the prison to the outside community...It is of paramount importance to work in partnership across public health agencies, health-care services and places of detention, bringing together community services and prison/detention services."

- Preparedness, prevention and control of COVID-19 in prisons and other places of detention, Interim Guidelines issued by the World Health Organisation (WHO)

Dear Friends,

Greetings from CHRI!

That 'prevention is better than cure' holds true now more than ever as the COVID-19 pandemic wreaks havoc across the world. The alarm has been sounded in prisons too. This issue of Jail Mail focuses on the response to COVID-19 in prisons.

By the time the WHO had declared the novel coronavirus a pandemic on 12th March 2020 thousands had been already infected. Current number of positive cases have crossed 1 million persons in over 200 countries. In the Commonwealth, it has already afflicted 45 of the 54 countries with devastating estimates being reported in UK and Northern Ireland. Not far behind are Canada, Australia, Pakistan and India, who are all struggling to contain the spread.

During this public health crisis, persons deprived of their liberty face greater vulnerabilities as the virus spreads rapidly in overcrowded spaces of confinement and inadequate health care and hygiene facilities. Although international standards provide for the same standard of healthcare to persons in detention, regardless of citizenship, nationality or migration status, as is in the community, not much progress has been made here.ⁱ

On 25th March 2020, the UN High Commissioner for Human Rights, Michelle Bachelet, urged Governments and relevant authorities to work quickly to reduce the number of people in detention, particularly those vulnerable to COVID-19, such as older and sick detainees. "COVID-19 has begun to strike prisons, jails and immigration detention centres. In many countries, detention facilities are **overcrowded**, in some cases dangerously so. People are often held in **unhygienic conditions** and

health services are inadequate or even non-existent. Physical distancing and self-isolation in such conditions are practically impossible. Governments are facing **huge demands on resources** in this crisis and are having to take difficult decisions. But I urge them not to forget those behind bars, or those confined in places such as closed mental health facilities, nursing homes and orphanages, because the consequences of neglecting them are potentially catastrophic,” she said, reminding all of the UN Standard Minimum Rules for the Treatment of Prisoners.ⁱ

There are more than 1.4 million persons incarcerated in prisons across the Commonwealth, with 33 countries having occupancy more than their sanctioned capacity and seven countriesⁱⁱⁱ confining prisoners more than double their capacity. [The basic imprisonment levels in the Commonwealth countries, viz. total number of prisons, prison population, occupancy rate, percentage of pre-trial detainees and women prisoners can be accessed [here](#).]

Focusing on the key issues highlighted herein, CHRI has prepared a detailed note, [COVID-19 and Prisons in the Commonwealth: ‘Ensuring an Effective Response](#), addressed to the executive, judiciary, legal service providers and human rights institutions, on precautions to be taken inside prisons and measures to be adopted to ease overcrowding. The note enclosed herein, includes references to steps taken by several Commonwealth countries as well as measures suggested by other national and international organisations to effectively prevent / contain the spread of the virus in prisons. It emphasises the importance of upholding human rights principles, while implementing any precautionary measures or restrictions in prisons.

CHRI stands in complete solidarity with prison administrators and seeks to enable an effective response to the crisis. A coordinated effort of all state and non-state stakeholders is vital at this crucial time. In furtherance of this, we suggest that you may,

As prison administrators

- Adopt as many precautionary measures as possible within the infrastructural, financial or workforce restraints.

As policy makers

- Develop prompt guidelines and provide adequate financial support to prison administrators for effective prison management.

As judicial officers

- Take urgent action to reduce the number of people being held in pre-trial detention as a matter of public health and safety, and resort to non-custodial alternatives, as far as possible.

As police officers

- Restrict arresting and detaining first time offenders for minor offences in order to reduce the influx of persons in pre-trial detention in prisons and provide support to prison administrators to ensure safe transit of released prisoners in case of lock down.

As civil society organisations

- Assist prison administrators in their preparedness and preventive efforts in order to control COVID-19 in prisons.

You can also write to us at chriprisonsprog@gmail.com with comments and suggestions.

Please send us an email if you wish to unsubscribe from these updates.

With best regards,

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[‘COVID-19: Focus on Persons Deprived of Their Liberty’ Interim Guidance issued by the Inter-Agency Standing Committee \(OHCHR& WHO\).](#)

ⁱⁱOHCHR, Urgent action needed to prevent COVID-19 “rampaging through places of detention” – Michelle Bachelet, 25/03/2020,

[https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E.](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E)

ⁱⁱⁱAntigua & Barbuda, Bangladesh, Grenada, Mozambique, Sierra Leone, Uganda and Zambia.

About *Jail Mail*

Jail Mail is a regular series of Prison Reform Updates from CHRI for readers interested in the rights of prisoners and the reform of prisons as a matter of public concern. The engagement of civil society in the management and monitoring of prisons and the rights of prisoners is vital to the transparency of this traditionally closed institution and to ensure the practical realisation of the rights of those behind bars. *Jail Mail* invites discussion between civil society members and those entrusted to oversee and manage prisons.

Evidence-based research and watch reports of CHRI's Prison Reforms Programme, interviews with critical stakeholders, topical issues and developments concerning the liberty of prisoners, and health of prisons in India and around the world will form the sources of *Jail Mail*. Its periodicity will depend on the urgency of issues and the interest they generate.

About CHRI and the Prison Reforms Programme

The Commonwealth Human Rights Initiative (CHRI) is an independent, non-profit, non-partisan, international non-governmental organisation, mandated to ensure the practical realisation of human rights in the countries of the Commonwealth. In 1987, several Commonwealth professional associations founded CHRI, with the conviction that there was little focus on the issues of human rights within the Commonwealth although the organisation provided member countries a shared set of values and legal principles from which to work.

The Prison Reforms Programme of CHRI is more than 15 years old. The programme focuses on improving prison monitoring through the strengthening of undertrial review mechanisms and prison visiting system nationally, and ensuring early safeguards against unnecessary pre-trial detentions, specifically in Rajasthan and West Bengal. The programme also advocates for timely repatriation of foreign national prisoners and immediate release of asylum seekers. Evidence-based research, advocacy, capacity-building of actors of the criminal justice system including prison officials, welfare and probation officers, criminal defense lawyers, magistrates, legal aid functionaries and civil society actors are the regular activities of the programme

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