

## Fighting covid19 in prisons and detention centres in Europe: Protected prison workers - protected inmates



(15 April 2020) Based primarily on reports provided by the EPSU prison services network, EPSU has put together an update on COVID-19 in Europe's prisons and other detention centres, as well as five policy recommendations to protect prison workers and those under their care.

Since our first update on 19 March, as feared, the corona virus has been spreading among prison staff and inmates in countries that have been badly hit by the virus. At the start of April, a number of cases had been reported in Italy (131 prison officers and 21 inmates), Spain (69 workers and 6 inmates), France (114 staff and 48 inmates), as well as Belgium, Germany, and Portugal. Fatalities due the corona virus among prison staff (surveillance and healthcare) have been reported in Spain, the UK, Italy and France as well as among inmates in the UK, France, and Italy.

In total, thousands of prison staff in the abovementioned countries are on sick leave or in quarantine. This exacerbates an already dire situation of overcrowding – most

critically in Turkey, Belgium, Italy, France, Hungary, Romania and Turkey – and understaffing, which existed long before the pandemic outbreak, and puts the physical and mental health of prison staff and inmates at high risk.

The reported situation in prison services is not as acute as in the healthcare or elderly care sectors, and many governments have introduced or adjusted contingency plans, sometimes in consultation of EPSU's affiliates. But the situation is changing fast and prison health monitoring is notoriously poor in some countries.

The overall management of the pandemic, not only in prison services, has been characterised by shortages, not least due to a decade of austerity across all public services. The lack of resources, protective equipment and testing in prisons led many if not most governments to ban or limit family, friends or lawyers' visits, social activities, work or training. This makes the prison environment extremely tense, with direct consequences for inmates' physical and mental health as well as for prison workers and their families.

Prison health is an integral part of public health. Like all workers, workers in prisons and detention centres have a right to a safe and healthy workplace and prisoners have the same right to healthcare as does the rest of the population. Global efforts to tackle the spread of the disease in society require proper attention to infection control inside prisons.

## **Five immediate recommendations**

Based on inputs from the EPSU prison services network and the recommendations from WHO, Council of Europe and other organisations, five immediate priorities for public authorities stand out to reduce fear and the risk of contagion and to protect prison workers and those under their care:

1. **Distribution of personal protective equipment for staff (i.e. masks, gloves, goggles, soap)**, other preventative measures, screenings for fever and lower respiratory tract symptoms for all new admissions, and testing. The availability of masks and training on how best to use them is a shared priority amongst affiliates, lack of which puts the safety and inmates at high risk of contagion. EPSU calls upon governments to use all means necessary to produce and distribute masks, including by requisitioning companies, see 27/03 letter [here](#). The fear among inmates of being left out from healthcare provision and being infected from unprotected staff is a strong riot risk factor

which puts inmates' and workers' life in danger, as seen in Italy, Spain, France, Belgium. Infection and prevention measures are also key to limit or lift emergency restrictions on prisoners' rights not to be cut off from family, friends or lawyers. Inmates with COVID-19 symptoms must be put into medical isolation until further medical evaluation and testing.

2. **Respect working time and trade union rights.** It is vital that workers have proper rest periods in between duty. Overtime is a contagion risk factor, which must be limited and compensated if it cannot be entirely avoided. Some affiliates have negotiated extra payment for irregular hours or extra bonus payment (keeping a balance with other public service workers, not the least healthcare staff). The crisis throws into sharp relief the need for additional prison officers and healthcare workers, as has long been called for by EPSU. This is a safer option than relying on overworked or retired staff, as called for by affiliates in Italy or Greece (with emphasis on healthcare staff for the latter). A public sanitary emergency crisis should be an opportunity to relaunch or strengthen collective rights and cooperation in order to be more effective, as is the case in Italy where unions have also negotiated overall pandemic related health and safety protocols. In countries where the trade union rights of prison officers are restricted or where social dialogue is ineffective, public protests or even litigation, as done by a French affiliate, must be supported. EPSU has also urged governments to protect whistleblowers (see joint NGO/unions statement of 6 April [here](#)).
3. **Reduction of incarceration** for non-violent offenders and the most vulnerable inmates, who should be assisted by financial, healthcare and, where necessary, housing support. EPSU has long called for a reduction of the prison population, not least by reducing pre-trial detention and investing in alternatives to detention. Where social distancing or even medical isolation cannot be implemented in overcrowded prisons and where even soap is in short supply, reducing the prison population is an urgent, preventive and realistic measure. As of early April, 9 countries have opted for this measure in line with numerous calls from the Council of Europe, UN and WHO, human rights organisations as well as some EPSU affiliates (see list of countries below). Regarding undocumented migrants or asylum-seekers who have committed no crimes, it is EPSU's policy that they should not be detained in the first place and thus must be released and have access to public healthcare

and decent housing, in line with the Council of Europe's Human Rights Chief.

4. **Good communication from management to workers and their trade unions.** Not only is this crucial for workers' confidence, it might have an added benefit of reducing sick absence and leading to effective social dialogue. Management needs to provide clear, factual information to both workers and inmates on an ongoing basis as well as advice about what is being done, or planned to be done, to alleviate the situation and prevent riots. It is reminded that many inmates suffer from mental health problems or are in a system which does not use their native language; female prisoners, a growing minority in some countries, are notoriously more isolated and require special attention.
5. **Coordination and collaboration between health, justice and labour ministries** and authorities are paramount if the health of people in prisons and other places of detention and society is to be protected (WHO guidance for prisons).

More detail

Countries taking or considering measures to reduce the number of incarcerated offenders, based on affiliates' reports and the International Observatory on Prisons:

- Italy: following pressure from EPSU's affiliate FP-CGIL and human rights groups, on 16 March, the government changed home detention rules so that up to 3,000 inmates on less than 18-month imprisonment sentence should be released in the next few weeks. The union is however concerned that shortages of electronic tagging equipment will delay the implementation.
- UK, from 1 April, temporary release of pregnant women, once risk assessed and accommodation are found, the transfer of 9,000 defendants to reception centers was also announced as well a greater number of temporary leaves
- Spain: 251 (third-degree) prisoners on a parole system (15% of that group of prisoners) will be allowed to sleep at home daily rather than just over the week-end (18 March)
- Ireland: considered since 18 March, release of more than 200 prisoners, on a temporary basis, serving sentences of less than 12 months for non violent offences.
- France: the plan to release 5000 inmates has started, the measure was welcomed by one of the French affiliates of EPSU, CGT although it regrets that

the government has not used this opportunity to release non-dangerous pre-trial detainees who represent 30% of the total prison population.

- Greece: EPSU affiliate OSYE calls for the immediate detention release of more than 2.000 prisoners -minor sentences of up to five years or a prison sentence of up to one year, and vulnerable groups such as the elderly and prisoners with serious health problems.
- Turkey: the release of 100,000 of the country's roughly 286,000 prisoners is reported to being planned, as called for by human rights organisations or healthcare unions, with much emphasis on political prisoners. It is the country with the fastest growing incarceration rate.
- Germany, some länder (in charge of prisons) released prisoners based on subsidiary penalties, others have stopped new entries in prisons, in several länder juvenile sentences are suspended and/or released. Three regional states do not enforce sentences of up to three years (Berlin; until July 2020) and six months (Bavaria and Lower Saxony) to minimize the number of entries. The same applies to the open prison system in Hesse (IOP)
- Latvia, suspension of short term-imprisonment from 15 days to 3 months (to limit new prison entries) for the duration of the period of emergency. (IOP)
- The Netherlands, one of the few countries which has drastically reduced its prison population over the recent years, has amended the rules on arrest and detention regarding "minor" crimes to reduce further the number of new inmates (IOP)

Similar steps are reported to have been taken in Iran and are under consideration in the United States of America as well as Canada.

### Migration detention centres

On 26 March, the Council of Europe Commissioner for Human Rights, Dunja Mijatović called on all Council of Europe governments to review the situation of rejected asylum seekers and irregular migrants in immigration detention, and to release them to the maximum extent possible, and provide shelter and access to healthcare, to safeguard their dignity and also to protect public health in member states, see the statement [here](#).

Releases have been reported in Belgium, Spain, the Netherlands and a review of the situation of all those in immigration detention has been announced in the UK. This process should continue and be expanded in other member states.

EPSU opposes the detention of undocumented migrants or rejected asylum-seekers who have committed no crimes. Detention is supposed to serve the purpose of returning failed asylum or migration claims including so-called “Dublin returns”. As COVID19 measures restrict or ban travel, this is clearly not an option at the moment, thus returns of migrants should stop.

Additional information

EPSU general information on how to deal with the pandemic, protection of all public service workers and financing the social and economic consequences, please see [here](#) for regular updates including collective agreements signed by the unions and relevant public authorities or companies.

Council of Europe “Statement of principles relating to the treatment of persons deprived of their liberty” in DE, EN, ES, FR, IT, RU and many other languages, see [here](#)

World prison brief in EN, a free online information on prisons across the world, see [here](#)

EUROPRIS, a European organisation of prison and correctional services administrations has a dedicated covid-19 webpage with useful information on government measures, covid-19 protocols etc.. please see [here](#).

**[Please see attached EPSUs letter to European Commissioner for Justice, Didier Reynders.](#)**

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