



**MARCH  
-MAY  
2020**

**INTERNATIONAL,  
NATIONAL & REGIONAL  
RECOMMENDATIONS  
ON THE MANAGEMENT OF  
CORONAVIRUS IN  
PRISONS**

**MONITORING THE DEPRIVATION OF  
LIBERTY AND POLICE ACTIVITY  
DURING THE COVID-19 EMERGENCY**

# NEW RESEARCH PROJECT INTO COVID-19 AND THE DEPRIVATION OF LIBERTY

Since the beginning of the Covid-19 health emergency, the SIRECOVI team of the Observatory of the Penal System and Human Rights (OSPDH) has been analysing the implications of political decisions taken to control the spread of the virus on the penal system agencies' activities.

We have carried out various campaigns in collaboration with other human rights organizations and families' associations in support of people deprived of liberty, urging public administrations to comply with the numerous recommendations issued by international organizations, and to adopt measures that are more respectful of the fundamental rights of prisoners.

After the first two months of work, we decided to shape a structured research project that we have called **"Monitoring the deprivation of liberty and police activity during the Covid-19 emergency"**. The main objective of this new project is to carry out constant monitoring of the impact that the pandemic - and measures adopted to combat it - are having in prisons, and implications of police activity, monitoring compliance with restrictive measures of movements, activities and social distancing.

For more information regarding the project's objectives and methodology, you can consult our presentation letter at the following link:

<http://www.ub.edu/ospdh/ca/node/656>

To monitor the prison system, we intend to produce an ongoing dynamic diagnosis that reflects, both in a quantitative and qualitative way, the impact that the pandemic is having on the prison systems belonging to the

General Secretary of Penitentiary Institutions (SGIP) and the Secretary of Criminal Proceedings, Reintegration, and Victim Care (SMPRAV). More than just monitoring the number of infections, this dynamic diagnosis aims to offer information regarding the measures adopted by the administrations and their implications on visits, prison population reduction, health services, social reintegration, work and education.

Obviously, the end of the State of Alarm does not mean the end of the pandemic. Administrations face a complex challenge in which they will likely have to continue to take action in an unpredictable pandemic, with its possible peaks and troughs.

With all this in mind, we have drawn up a plan to carry out monitoring that continues, at least, until the summer of 2021. We hope that the results of these diagnoses can contribute to the work of other human rights organizations, families' groups, support groups for imprisoned people, legal groups, and the managers of public administrations.

This report sets out the recommendations made by international, Spanish state- and Catalan organizations, and also those of civil society organizations. In these recommendations, relevant bodies have been pressed to take urgent measures during the pandemic regarding the management of people deprived of liberty. The objective of these recommendations is to safeguard and guarantee the right to life, health and communication, since, as it is commonly known, they are in a situation of extreme vulnerability in the area of deprivation of liberty.



# RECOMMENDATIONS OF INTERNATIONAL ORGANISATIONS

## World Health Organization (WHO)

March 25th

The WHO publishes a guide for national governments, warning them about the threat of the rapid spread of the virus. It indicates that states should consider adopting and prioritizing non-custodial measures. Other international organizations have since emphasized this same point.

## United Nations (UN)

March 25th

The UN High Commissioner for Human Rights, Michelle Bachelet, makes a video statement urging states to take action to prevent COVID-19 from “wreaking havoc in prisons”.

The main measure she recommended was releasing those especially vulnerable to COVID-19, including the elderly, the sick and less dangerous individuals.

The High Commissioner also indicated that

authorities must continue to meet the specific health needs of women, those who are pregnant, those with reduced capacity and minors. She urged governments to release those who are deprived of their liberty without further legal grounds, such as political prisoners or those who are in jail only for expressing their ideas.

She also pointed out that it may be necessary to limit prison visits, and if so, the affected people should be well informed, maintaining the transparency of decisions. She referred to various alternative measures that some countries have taken, such as videoconferencing, increasing the time for telephone calls with relatives, and allowing the use of email.

March 27th

The Office of the OHCHR and the World Health Organization publish a preliminary document called “COVID 19: Focus on persons deprived of their liberty”, expanding on the main messages and recommendations made two days previously by the High Commissioner. The

document is aimed at other United Nations organizations, governments and relevant authorities, national human rights institutions and civil society entities.

### March 30th

The United Nations Subcommittee on the Prevention of Torture issues detailed recommendations on actions that governments and independent monitoring bodies can take to protect imprisoned people during the COVID-19 pandemic.

### Committee for the Prevention of Torture (Council of Europe)

### March 20th

The CPT presents a Declaration of principles regarding the treatment of imprisoned people during the coronavirus pandemic, and the management of the crisis, and reminds member states that any restrictive measures taken to combat the pandemic must be in accordance with the respect of fundamental rights, ensuring, for example, access to sunlight, outdoors time and a minimum level

of human contact in cases of isolation, and it invites member states to compensate for restrictions in prison visits with more phone calls or enabling alternative systems via the internet, and ends by reminding states that they must continue to guarantee access to monitoring bodies, especially in places where quarantines have been decreed.

### Parliamentary Assembly of the Council of Europe

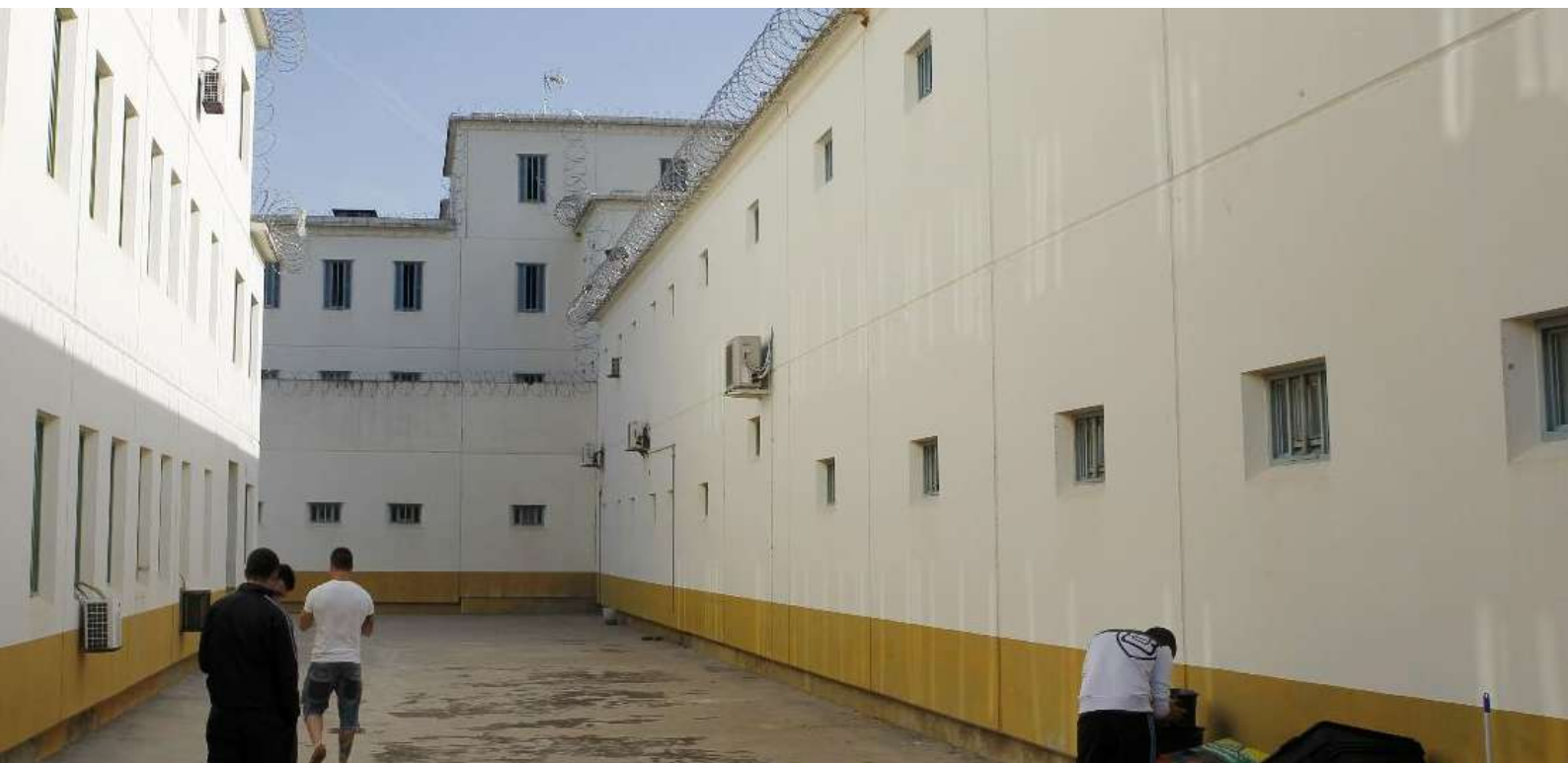
### April 2nd

CoE rapporteur Boris Tsilevitch speaks in support of measures adopted by many countries to release people deprived of liberty who do not pose a risk to society. In addition, he specifically recommends that, during the pandemic, inmates with a political profile should benefit from alternatives to prison.

### Human Rights Commissioner of the Council of Europe

### April 6th

The Human Rights Commissioner of the





Council of Europe calls on all member states to safeguard the rights and health of people deprived of liberty, stating that outbreaks of COVID-19 must be prevented inside places of detention. He also urges the use of alternatives to imprisonment wherever possible, since reduction of the prison population is essential for the adequate application of sanitary regulations, helping to alleviate the pressure on the prison system.

### **International Committee of the Red Cross (ICRC)**

**April 6th**

The International Committee of the Red Cross points out that places of detention are highly vulnerable to the spread of COVID-19, as such it urges prison authorities to take various control and prevention measures, for example, improving access to water and hygiene products. Secondly, it highlights the importance of reducing the prison population, a measure that clearly helps reduce the risks of contagion. Finally, the ICRC encourages the use of alternative forms of communication (telephone or video calls) between persons deprived of liberty and their families.

### **UNODC, WHO, UNAIDS and OHCHR**

**May 13th**

The UNODC, the WHO, the UNAIDS and the OHCHR make a joint statement on COVID-19 in prisons and other detention centres. In this document they establish the need for justice sectors and health sectors to carry out coordinated work, liaising closely with management and staff in prisons and basing their work on a fundamental respect for human rights.

# RECOMMENDATIONS OF NATIONAL AGENCIES (SPAIN)

## The Spanish Ombudsman and The National Mechanism for the Prevention of Torture (Spain)

**April 3rd**

The Spanish Ombudsman contacts prison administrations to ask what measures are being taken to protect the prison population and the officials who work there, echoing the WHO guidelines presented on March 23rd on managing Covid-19 in prisons, and the Declaration of Principles published on the 20th of March by the Council of Europe's Committee for the Prevention of Torture.

In this same statement, the Ombudsman advises administrations to:

1. Carry out an ongoing investigation into the measures adopted thus far and their application, keeping scientific and public health criteria in mind. These measures are especially relevant to health in prisons, as they focus on special attention for the most vulnerable groups such as the elderly, pregnant women, the chronically ill, etc; and

communications with families and other institutions, seeking, in particular, the greatest possible use of new technologies.

2. Investigate other means of communication for inmates due to the saturation of ordinary mail, which is the main means of communication used by inmates to make complaints.

**April 17th**

The Ombudsman asks the General Secretary of Penitentiary Institutions (SGIP) whether they are applying the recommendations set out by the World Health Organization and the Committee for the Prevention of Torture of the Council of Europe to address the problem of Covid-19 in prisons.



The Ombudsman and the National Mechanism for the Prevention of Torture also request data on changes in the prison-regime classification of vulnerable people such as those over 70 years of age, pregnant women and the chronically ill, since the state of alarm was decreed and health measures were adopted to protect these groups. They advocate facilitating the grade progression of these people - i.e. moving them to lower-security regimes. They also recommend holding assessment meetings by telephone and sending relevant documentation by email. In light of the current escalation of fake news, they ask about communication protocols with families, safety and disinfection measures, and they urge the speedy distribution of mobile phones.

Together with the penitentiary administrations, the institution has opened an action to find out how the distribution of mobile phones has been carried out for video calls with lawyers and family members. The Ombudsman considers that the number and speed of the distribution of these phones should be increased.



The image shows the exterior of a modern prison building. The word "LIBERERS" is written in large, dark, three-dimensional letters across the top of the building's facade. To the left, two flagpoles stand, one with the Spanish flag and the other with the European Union flag. The sky is clear and blue. The text "RECOMMENDATIONS OF NATIONAL AGENCIES (CATALONIA)" is overlaid in large white letters on the lower part of the image.

# RECOMMENDATIONS OF NATIONAL AGENCIES (CATALONIA)

## Catalan Ombudsman

**March 23rd**

The Ombudsman for Catalonia reports that he initiated an action to analyse the management of the crisis caused by the spread of the coronavirus, and its incidence in all prisons.

**March 26th**

He makes a statement saying that risk-minimization and swift action by the prison administration must be compatible with respect for the inmates' human rights, because the suspension of visits and inmates' activities can cause an increase in tensions and adds extra difficulty to the situation of deprivation of liberty. He also approves of measures that have been put into operation, such as the increase in weekly calls and video calls, and he supports the recommendations of the UN High Commissioner for Human Rights.

**April 3rd**

He writes to the President of the Generalitat and to the Catalan Justice Minister, where he advises progression to third degree for people classified in second degree and who meet the criteria of article 100.2 of the Prison Rules. Likewise, he urges the speeding up of actions to release, as far as possible, the largest possible number of prison inmates, in order to minimize the risk of contagion of the SARS-CoV2 virus, thus helping to avoid the collapse of the healthcare system.





# RECOMMENDATIONS OF CIVIL SOCIETY

Prior to the declaration of the State of Alarm, numerous human rights organizations began a campaign demanding that public administrations take effective measures to control the coronavirus in prisons.

## March 10th

The Andalusian Human Rights Association (APDHA), together with other organizations, write their first letter to the Ombudsman, after learning about the first isolation measures in the prisons of Madrid, La Rioja and Vitoria, warning of the possible consequences of these restrictive measures for prisoners, and requesting their examination.

## March 11th

The Observatory of the Penal System and Human Rights of the University of Barcelona (OSPDH) writes to the Secretary of Criminal Proceedings, Reintegration and Victim Care (SMPRAV), the Catalan Ombudsman, and the Penitentiary Health Program (of the Catalan Health Institute), requesting that measures be taken to prevent what was happening in Italy, increasing call times, video calls and the early release of prisoners, as well as taking care of and ensuring information for these people and their families.

## March 16th

The APDHA makes a statement to the Minister of the Interior and the Secretary General of Penitentiary Institutions, co-signed (to date) by more than seventy human rights organizations. The five essential measures requested - based on release, respect of fundamental rights and extra support for health staff - were the following: spaces for videoconferences in prison blocks, house arrest for seriously ill patients and those over 70 years of age, provision of PPE for staff and prisoners, increased numbers of medical personnel in prisons and transfer to hospital of the infected.





### March 18th

Various civil organizations in Europe, including several in Spain, send a complaint to the WHO and the CoE in which they state that prison systems are not prepared to deal with the pandemic, and that measures must be taken urgently to prevent the virus spreading inside prisons and other detention centres.

### March 23rd

Various human rights organizations send petitions and demands to the Commission for Civil Liberties, Justice and Home Affairs (LIBE) of the European Parliament, to the Ombudsman and the National Mechanism for the Prevention of Torture, and to the Justice Ministry and Interior Ministry of the Spanish Parliament.

At the same time, letters are sent to the Parliament of Andalusia by the APDHA, and to the Ombudsman of Navarra, from Salhaketa Nafarroa (a support organization for prisoners and their families, based in Navarre).

### March 31st

A letter signed by several organizations in Catalonia is sent to the Catalan Justice Ministry reiterating the need to expand home detention measures, not only for low-security inmates or those of article 100.2 of the Prison Rules, but also for prisoners over 70 years of age and those with serious illnesses.

### April 6th

Human Rights organizations launch an initiative calling for a review of preventive detention, in order to allow more inmates to serve their sentence under house arrest to reduce the risk of contagion in prisons. The campaign synthesized a series of arguments so that they could be used by legal professionals to ask the relevant courts and



tribunals to modify the precautionary measure of preventive detention, with a written model; and a statement urging the Prosecutor's Office and the competent courts to review these situations.

#### April 7th

Dozens of human rights organizations have once again submitted a letter complaining that the SGIP has not adopted the recommendations of the WHO and the Council of Europe.

#### April 13th

The Catalan Association for Human Rights produces a template letter available to legal professionals to request the adoption of third-degree (i.e. low security) detention.

#### April 14th

The Anti-Prison Coordinator of Catalonia calls for the adoption of measures that minimize the risks of contagion inside prisons. Three days later, prisoners' families express their despair at the situation, the lack of information about what was really happening, and the lack of protective measures.

#### April 23rd

Prior to a speech by the Minister of the Interior, Mr. Fernando Grande-Marlaska, organizations from all over Spain send a second letter of complaint to the members of the Spanish Parliament's Interior Committee, demanding that the Ministry of the Interior and the SGIP adopt the necessary measures to confront COVID-19, in order to guarantee the dignity and rights of people deprived of liberty.

#### May 7th

The OSPDH also produces a template letter requesting the release of prisoners with serious health conditions, available to lawyers and the general public

Finally, it should be noted that the OSPDH / SIRECOVI, together with other civil society organizations, continues to monitor prison situations and the measures adopted by public administrations during the ongoing health emergency.

