

COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?

UPDATE #1
April 3rd 2020



COVID-19: WHAT IS HAPPENING IN EUROPEAN PRISONS?

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 Please note that the situation is constantly changing and that this information might already be out of date.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 (EUROPRIS)** 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.

ALBANIA

Update: 24/03/20

Albania has adopted a **legal act** that drafts temporary measures aiming to contrast the spread of Covid-19 in prison, ensuring the right conditions for inmates defense, life and health. The country is temporarily sending home some inmates to serve their sentences there. If they don't have a home, they can benefit from several authorised facilities. Detainees can get this special 3-months permit if they meet some requirements: they must be convicted for lesser crimes, with a remaining prison term of up to 3 years, older than 60 years and suffering from chronic diseases that makes them vulnerable. Justice Minister Etilda Gjonaj said on Tuesday that about **600 prisoners are expected to be released** from prison and sent home on a special permit for about three months as a result of the pandemic.

AUSTRIA

Update: 26/03/20

On **25 February 2020**, the Austrian Ministry of Justice took measures to mitigate the spread of the COVID-19 virus in prisons and established a task force at General Directorate for the Prison Service and Preventive Detention and aiming at:

- ◆ Protecting the population, prison staff and prisoners against the spread of the "Corona Virus"
- ◆ Ensuring fast support and the exchange of information with prisons through short lines of communication and the establishment of a multi-professional task force.
- ◆ Adopting transparent procedures in the Ministry of Justice and with stakeholders (staff unions, Austrian Ombudsman Board, Austrian Bar Association, etc.)
- ◆ Ensuring exchange with other European prison authorities.

The first measures included: hygiene measures, the provisions of masks and other safety gears, medical checks of new inmates, the ban of external persons within prisons, meetings with organisations and guided tours through prisons as well as inmate group excursions. Furthermore, prison leave was only to be granted in necessary cases and, if possible, visits had to take place only if a glass pane was separating the inmate from the visitors.

On 27 and 28 February and on 2, 5 and 12 March, the Ministry adopted further detailed and practical instructions for prison directors and some

more restrictive measures (for more information in German see [here](#)). Such measures concerned inter alia: the coordination with courts and public prosecutor offices, the transfer of prisoners, the possibility to carry out court hearings via video, raising awareness among prison staff, and separating newly arrived inmates from those who had been already detained for a period of 14 days.

On 15 March 2020, with the rise of the number of positive tested people in Austria, the Ministry of Justice decided to take more restrictive measures in prisons, including:

- ◆ **Family visits** are not allowed at all but should be compensated by increased access to alternative means of communication (phone or video communication). For those inmates who do not have the means to call their family, the costs should be covered by the State.
- ◆ Within the first 14 days, all new inmates should be tested for COVID19.
- ◆ Daily prison leaves or permits to work outside the prison are not allowed.
- ◆ Temporary ban of **religious services**.
- ◆ Due to the restrictions, appropriate **compensation** through internal measures should be considered.
- ◆ Temporary closing of workplaces for inmates which are not needed for the functioning of the prison.
- ◆ **Court hearings and trials** should be held through video conferencing.
- ◆ Prisons have to establish a group system for all employees. If possible, staff should work from home.



Access to lawyers or legal representatives continues to be allowed behind glass.

Additionally, the General Directorate for Prisons states that it has prepared a plan that would allow for the isolation of infected inmates in a separate department or a prison annex in case of necessity.

Moreover, the Parliament adopted **a COVID-19 Adjustment law** (entered into force on 22 March 2020). The law stipulates, inter alia, that the execution of prisons sentences may be postponed for the duration of the measures against the spread of COVID-19, provided that the convicted person is not particularly dangerous and the prison sentence does not exceed three years.

According to media reports, two prison guards were tested positive for COVID-19 in two different prisons on 23 (**Garsten**) and on 26 March 2020 (**Graz-Karlau**). Additionally a nurse (**Stein**) was tested positive and as a consequence, 21 prisons guards were sent to home quarantine. A first COVID-19 case among inmates was confirmed on 25 March in **Innsbruck**.

It is positively noted that the Ministry of Justice has reacted quickly and also emphasized the need to compensate the impact that the restrictive measures have on the inmates (e.g. by providing video calls, buying additional mobile phones and allowing more time on the phone). However, as the guidelines to not provide detailed instructions, these measures leave a big margin of discretion and pose structural and operational challenges to each prison management. Especially, due to the staff separation into groups, sick leaves or quarantine, only limited resources might be available to provide compensational activities to inmates.

The Ministry of Justice made relevant documents publicly available on its **website under a section dedicated to the COVID-19**. These include a **Q&A section** to make the information more accessible.



BELGIUM

Update: 27/03/20

On Friday, an inmate of the Belgian Forest prison tested positive for Coronavirus. The prisoner had been in medical isolation since March 19 because a case of Covid-19 was suspected. The temperature of staff and other inmates will now be closely monitored. All secondary activities at Forest, such as workshops, have meanwhile been suspended. Other measures are being implemented due to the measures decided to contain the spread of the virus, such as the suspension of visits. This is the fourth case of Coronavirus officially detected in Belgian prisons. Two prisoners are ill in Turnhout and one in Mons. On Thursday, around 60 prisoners were in medical isolation because they showed symptoms related to the Coronavirus.

Also, other measures to protect staff and inmates from the spread of coronavirus have been put in place. For example, a total of 323 inmates have benefited from an extension of their prison leave until April 5. Out of these 323 prisoners, 115 were staying in an establishment in Flanders, 160 in Wallonia and 48 in Brussels. Those who qualified to benefit from this extension of the prison leave were those who, according to the spokeswoman of the Prison Administration, have already been positively assessed because they are working intensively on their reintegration into society and have a place of residence outside the prison. Prisoners convicted of terrorism or sex offenders cannot benefit from the measure, nor can prisoners sentenced to more than 10 years or without a fixed address. Furthermore, on Friday, three prison guards were injured after a very serious incident with inmates in Lantin, north of Liège. The spokeswoman for the prison administration, added that three guards were in the hospital and that six inmates had gotten on a roof, but that there was no risk of flight. No further details about the causes of this incident were given.

FRANCE

Update: 28/03/20

On Friday, the French Prison Administration (DAP) **announced** that fifty prison staff and 21 inmates tested positive for Covid-19, and several hundred have been placed in sanitary confinement in various prisons in France. Unfortunately, the number of infected prisoners was double the number of the previous day.

As for staff, the increase is less significant, since a previous bulletin released on Tuesday showed 24 cases. Among the 42,000 prison officers, 50 have tested positive, 793 are in quarantine for 14 days and for 78 the quarantine has ended.

Among the approximately 70,000 inmates in the 188 French prisons, 21 are positive for SARS-CoV-2, 471 are in sanitary confinement, isolated from the rest of the detention in individual cells, and for 94 the 14-day quarantine has ended.

The only death recorded among the detainees to date is that of a 74-year-old man, who was incarcerated in Fresnes (Val-de-Marne) on 8 March. He died on 16 March, without having been in contact with the rest of the prison population, according to the ministry.



A group of magistrates, lawyers and representing prisoners has reported the current situation in French prisons. Sanitary precautions are basically non-existent: prisoners aren't allowed to wear protective masks, most of them don't have gloves and they're banned from having hydro-alcoholic sanitizer gel given that alcohol is prohibited. However, even though **5,000 prisoners will be released**, the tensions are still very high in jail, because overcrowding is the major problem to face in order to avoid the spread of the virus.

Apparently on March 30, the 93 inmates placed in confinement for two weeks, who may have been in contact with two positive nurses, **have returned to their usual cell** on Friday because none of them has contracted the virus. Nevertheless, five other detainees have been isolated and are

being treated, but it's still not certain whether they have contracted Covid-19 or they have another disease. It has been reported that prisoners who have been in contact with positive cases are isolated but don't have personal protective equipment, not even masks. Moreover, in several French penitentiaries such as Aix-en-Provence, Béziers, Draguignan, Lille, Marseille and Nanterre have broken out some incidents between inmates.

Newly released internal regulations of the Ministry of Justice can be found **here**.

More updates can be found **here**.

ITALY

Update: 23/03/20

The Minister of Justice Bonafede in the Chamber of Deputies on the occasion of the Question Time announced that 1600 smartphones have been distributed to the penitentiary institutes and another 1600 are about to be bought (also thanks to the important contribution of Compagnia di San Paolo). Antigone had asked to equip prisons with mobile phones in order to guarantee greater telephone contact than in the past since the first decree of the government that suspended the family visits.

The fear of contagion between prisoners and the personnel is an issue to be tackled with greater urgency. The 200,000 masks delivered to the prisons and the 760,000 disposable gloves are not enough. It is necessary to decongest our prisons in order to free some cells thus making medical isolation for infected prisoners possible and quarantine effective. To that date, according to the minister, there were 15 detainees positives to Covid-19 and 260 people were quarantined. But the numbers will unfortunately increase.

In the last few weeks, the number of people detained has fallen by about

2,500. As the Minister said, only about 200 of them were released thanks to Articles 123 and 124 of the recent Decree while the others were released thanks to the pre-existing legislation and thanks to the extraordinary work of Surveillance Judges, Guarantors of detainees, and prison Directors. Moreover, they are not on the loose: they are benefitting from home detention.

On March 26, Antigone, Anpi, Arci, Cgil, Gruppo Abele, Ristretti, Conferenza Nazionale Volontariato Giustizia-CNVG, Diaconia Valdese, Uisp Bergamo, InOltre Alternativa Progressista present **proposals** to amend articles 123 and 124 of the law converting the decree law of 17 March 2020, n. 18 (so-called Cura Italia) into law. The proposals for amendments were drawn up on the basis of the proposals presented previously (see above).

The proposals are sent to the Justice Committees and group leaders of the Chamber of Deputies and the Senate.

GERMANY

Update: 25/03/20

The Justice Minister of Germany's most populous state, North-Rhine Westphalia, has decided to **release some inmates** to reduce the risk of coronavirus infection. The regional government has drafted a decree that applies for detainees with a remaining prison term of up to 18 months and excludes the release of any sex crime offenders.

NETHERLANDS

Update: 19/03/20

On Thursday, in the Netherlands the **first infected inmate was discovered**. Daily permits and family visits have been suspended since Saturday, with some exceptions: detainees are allowed meetings with their attorneys, but appointments need to be made in advance at least until April 6. Minors are still allowed to receive visits from their parents and guardians. Inmates are held in solitary confinement if they have respiratory symptoms like cough, cold, flu symptoms or trouble breathing, and a temperature above 38 degrees Celsius.

POLAND

Update: 26/03/20

Poland is considering the idea to **send home around 12,000 inmates**, with a maximum sentence of 18 months, **to serve the rest of their sentences**; many of them will be monitored by electronic tags. In several prisons, detainees are sewing protecting masks and suits (PPE), given the shortage in the country. In order to collect more PPEs, Poland has announced, on March 18, that it sought the help of the Chinese government. China has decided to send: around 10,000 swabs, 20,000 protective masks, 5,000 protective suits, 5,000 visors, 10,000 disposable medical gloves and 10,000 footwear protections.

ROMANIA

Update: 18/03/20

On March 18, three inmates have been found dead in the Satu Mare prison, in northwestern Romania, and two other were seriously injured. The cause of this human drama is a **fire set by the detainees**, who started to burn their mattresses in order to protest against the restrictions imposed to avoid the Covid-19 spread. Inmates are not happy with the prison's decision to reduce the visiting hours.

On the same day, Romania's Government has adopted an **ordinance** with the purpose to punish people who give false statements to authorities or hide vital information during epidemiological investigations. Prime minister has declared that a new crime has been introduced: the failure to provide data, and a criminal case can be opened.

SPAIN

Update: 25/03/20

A 78 years old woman is the **first prisoner who died in Spain** after contracting COVID-19. After her death, on March 20, two other inmates coming from the same prison near Madrid tested positive and are now hospitalised in the same ward. At the moment, 38 prison officers have been hospitalised after they tested positive, while 225 prison officers and 125 inmates are currently under medical observation or in lockdown. Penitentiary institutions have started on March 24 to **delivery 40,000 protective masks** coming from the Health Ministry, while the Military Unit for Emergencies is sanitising the facilities.

SWITZERLAND

Update: 24/03/20

In Switzerland, temporary leaves, family visits and most of the inmates work activities have been **suspended**. The Canton of Zurich has set that **the former prison of Horgen** must host **prisoners** who tested positive to COVID-19 and in need of medical care.



UNITED KINGDOM

Update: 02/04/20

An 84 years old man has become the **first British inmate to die** after contracting coronavirus, he died on March 22 in the hospital. Another British prisoner, a 66-year-old male, died in the hospital on March 26 because of the virus. **A 77-year-old-male has died at Littlehey prison**, in Cambridgeshire, becoming the third inmate to die because of coronavirus. The former chief inspector of British prisons, Ramsbotham, has affirmed that some prisoners will be released early to help overcrowded prisons deal with the coronavirus pandemic. He is also worried that the outbreak could reduce the number of prison staff, making them unable to deal with the crisis.

Over the last few days **27 prisoners have tested positive** for coronavirus in 14 different jails. The chief executive of the Prison and Probation Service has declared that around 4,300 prison and probation officers are self-isolating. Furthermore, it's been confirmed that: five prison staff, each one working in a different jail, four prisoner escort and custody services staff, and eight probation staff have

tested positive for Covid-19. Personal protective equipment (PPE), such as 50,000 protective masks, have been delivered to prison staff and a ban on bringing hand sanitiser into the prison had been suspended. Justice Secretary has affirmed that he may have to consider some forms of early release for detainees in order to ease pressure on prisons during this emergency.

In **Scotland** almost a quarter of Scottish Prison Service (SPS) staff are currently absent from work, which means about 1,000 people. Some officers have **reported** that they have to work without PPE and in close contact with prisoners who can be violent on a daily basis so they must intervene. SPS authorities have ordered some restrictive measures such as the suspension of some activities to reduce the risk of the virus spreading. They also plan to release prisoners earlier. On Monday, SPS affirmed that 110 prisoners from 11 different prisons were self-isolating and two of them have tested positive for Covid-19.

Northern Ireland has announced the temporary measure to release up to 200 prisoners prior to the end of their sentences.

In **England and Wales**, on the other hand, the situation is grave. The number of confirmed coronavirus infections continue to rise. Last week the Justice Secretary Robert Buckland revealed in parliament that there are nearly 2,000 prisoners who had health conditions that, were they living in the community, would result in their being shielded. Instead, they are in unhygienic, overcrowded prisons, where social distancing and shielding is impossible. For some, prison risks being a death sentence.

There are reports that at least one prison is breaching guidelines by placing prisoners who have tested positive for coronavirus in cells with prisoners who have not. There are also reports that a quarter of prison staff are absent due to coronavirus-related issues.

Yesterday the president of the Prison Governors' Association, **told The Daily Telegraph** that 'Prisons are now at the point where a decision must be made and implemented immediately on early release of prisoners'.

➤ More updates can be found **here** and **here**

CZECH REPUBLIC

Update: 24/03/20

Due to shortages of face masks and a regulation issued on March 18 which made it compulsory to cover mouth and nose, Czechs have started to sew their own face masks at home. The Prison Service has delivered several sewing machines and materials required to inmates in order to make them sew their own protective masks. It is also assumed, by local **media reports**, that prisoners can make up to 50,000 masks per month. In Belusice, a northwestern town, detainees have sewed masks to distribute to children wards in hospitals.

HUNGARY

Update: 26/03/20

The Prison Service Directorate (BVOP) has ordered jails to **suspend temporary leave** for inmates, to ban physical contact during meetings and to monitor carefully prisoners meetings with foreign relatives. Further restrictive measures enacted by authorities include: prison staff must wear personal protective equipment and will be provided with contactless digital thermometers, also a constant sanitization of surfaces and tools must be done. Newly-arrived detainees starting their prison terms in this period will be checked for infections during their medical examination and will be asked about the places they have visited recently. Isolation will be ordered if the new virus is suspected.

On February 1, BVOP has announced that prisoners of Debrecen and Sátoraljaújhely have **started to produce protective masks**. Inmates

work in 12-hour shifts, with a total production capacity of 20,000 sanitary masks per day that can be shipped immediately upon request. The production process is constantly increasing the stock, with over 320,000 protective masks currently available.

More information and updates can be found **here**.

SLOVAKIA

Update: 23/03/20

On March 23, an inmate has **tested positive** for Covid-19 in what is the first confirmed case of a prisoner contracting the disease in Slovakia. Apparently, a prison doctor has ordered immediate anti-epidemic measures. The infected detainee is now being treated in a prisoner hospital in Trencin.



WWW.PRISONOBSERVATORY.ORG/

info@prisonobservatory.org