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# **KEEPING COVID OUT OF PRISONS**

## **APPROACHES IN TEN COUNTRIES**

**HELEN FAIR and  
JESSICA JACOBSON**

**MAY 2021**



## Institute for Crime & Justice Policy Research

Birkbeck, University of London

42 Store Street

London WC1E 7DB

Email [icpr@bbk.ac.uk](mailto:icpr@bbk.ac.uk)

ICPR website <http://www.icpr.org.uk/>

World Prison Brief <http://www.prisonstudies.org/world-prison-brief>

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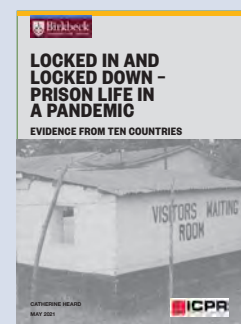
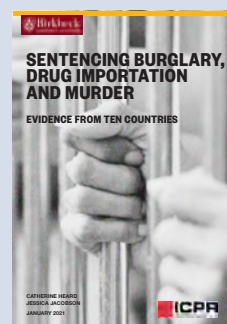
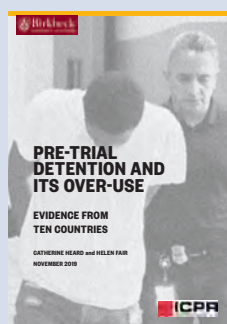
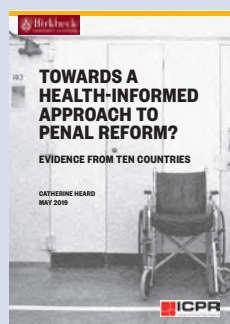
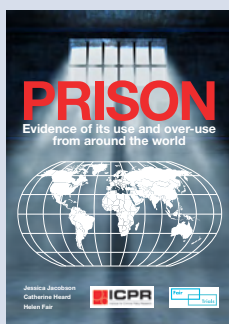
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**Helen Fair and Jessica Jacobson**

Institute for Crime & Justice Policy Research, Birkbeck, University of London

## SUMMARY

When the World Health Organization (WHO) declared COVID-19 a global pandemic on 11 March 2020, there was immediate concern about the potential health impacts on prisoners and prison staff. Concern focused on the close proximity in which prisoners live, particularly in overcrowded systems; the prevalence of underlying health conditions which affect many of those in custody; and the porous nature of prison walls and boundaries, presenting a risk of infection spreading from prisons to local communities.

In the wake of the declaration of the pandemic, penal reformers and human rights organizations around the world called for measures to be taken to reduce the numbers of people in prison, particularly in overcrowded systems, and to contain the risks of infection spreading.

This report examines the population management and infection control measures (excluding direct health interventions) taken by prison systems in a diverse group of ten countries spanning all five continents: Kenya, South Africa, Brazil, the USA (and more specifically, New York State), India, Thailand, England and Wales, Hungary, the Netherlands, and Australia (more specifically, New South Wales). The report is produced under the banner of ICPR's international, comparative project, 'Understanding and reducing the use of imprisonment in ten countries', launched in 2017.

### Prison population management

To varying extents since the outbreak of the pandemic, prison systems in our ten countries have sought to manage their populations and reduce overcrowding through deliberate measures to a) **reduce entry** into custody, whether at remand/pre-trial stage, point of sentence, or following violations of conditions of release; and b) **increase the rate of release** from custody, for example through early release schemes and amnesties.

For most of the ten countries for which recent prison population data are available, there appears to have been a decline, or accelerated decline, in prisoner numbers since early 2020. This appears to reflect some impact of the population management measures, as well as other factors related to the pandemic but unrelated to prisons policy – particularly, reduced offending and fewer prosecutions as a result of lockdowns. However, trends in prisoner numbers are not clear-cut; for example, the US presents a complex picture in that local jail populations began to increase, alongside a continuing decline in federal and state prison populations, from summer 2020.

### Infection control measures

Prison authorities in all of the ten countries introduced measures to control the risk of the virus spreading within prisons. These included the suspension of, or restriction on, visits to prisons from outside, including by families and lawyers, by inspection bodies, and by NGOs and other community organizations which provide services in prisons; the restriction of movement by prisoners within prisons; and restrictions on prisoners leaving prisons: for example on temporary licence, to work or on home visits.

### Looking ahead

There is limited information on COVID cases and deaths in prisons; and what data are available undoubtedly under-estimate the scale of the problem. Nevertheless the indications are that, to date, the epidemic may not have had as devastating an impact on the world's prisons as had been

feared, in terms of numbers of cases and deaths. It is plausible that both population management and infection control measures have made some contribution to this. However, the toll of the latter measures on prisoners' mental and physical health has been, and continues to be, significant.

The evidence of reduced prisoner numbers in most of the ten countries and in many other jurisdictions is welcome, but there is concern that these numbers will begin to rise again as and when the immediate threats posed by the pandemic recede. Policies and practices aimed at significantly reducing prisoner numbers are not easy to devise nor to implement, but remain a critical component of efforts to contain the threat of COVID in prison settings. The same applies to infection control measures, which – if prisoners' human rights and well-being are to be safeguarded – must not only be effective in public health terms, but also proportionate.

# 1 INTRODUCTION

When the World Health Organization (WHO) declared COVID-19 a global pandemic on 11 March 2020, there was immediate concern about the potential health impacts on prisoners and prison staff. Concern focused on the close proximity in which prisoners live, particularly in overcrowded systems; the prevalence of underlying health conditions which affect many of those in custody; and the porous nature of prison walls and boundaries, presenting a risk of infection spreading from prisons to local communities.

These concerns were expressed clearly by Carina Ferreira-Borges, the WHO's coordinator for prison health, in an interview with the Guardian newspaper on 23 March 2020:

*We are talking about a highly vulnerable population in overcrowded conditions and once COVID-19 gets inside prisons, everyone will be contaminated very quickly.*

*There is a risk of a huge mortality rate and unprecedented burden on the national health systems of countries that are already overstretched.*

*In a worst-case scenario this is going to be exploding in prisons and then people will want to get out so there will be a security issue. If people start dying what will the response be? Prisons must prepare now to respond to epidemics.<sup>1</sup>*

Penal reformers and human rights organizations around the world called for measures to be taken to reduce the numbers of people in prison, particularly in overcrowded systems, and to contain the risks of infection spreading.

This report looks at the impact of COVID-19 on the prison systems of a diverse group of ten countries across five continents, over the 14 months since the declaration of the pandemic in early March 2021. These countries are:

- Kenya and South Africa in **Africa**
- Brazil and the United States in the **Americas**
- India and Thailand in **Asia**
- England and Wales, Hungary and the Netherlands in **Europe**
- Australia in **Oceania**

Within the federal systems of the US and Australia, aspects of the work have focused on New York State and New South Wales respectively.

The backdrop to this report is the continuing, but highly uneven, global spread of COVID-19. Data from Johns Hopkins University of Medicine<sup>2</sup> reveal the disparate numbers of, and trends in, reported COVID cases and deaths in the general populations of the ten countries studied in this report. As of 5 May 2021, the total number of reported deaths ranges from 303 in Thailand and 910 in Australia to almost 600,000 in the United States and more than 400,000 in Brazil. In most of the ten countries at the time of writing (May 2021), the monthly figures are declining, but remain very high in Brazil (1.8 million new cases in the past month) and are increasing dramatically in India (over 8 million new cases in the past month). Thailand has also recorded its highest number of cases and deaths in the past month.

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1 <https://www.theguardian.com/global-development/2020/mar/23/everyone-will-be-contaminated-prisons-face-strict-coronavirus-controls>

2 <https://coronavirus.jhu.edu/>

## 1.1 Background

This is the fifth in a series of reports under the banner of ICPR's international, comparative project, 'Understanding and reducing the use of imprisonment in ten countries', launched in 2017. The overall aims of the project are to help bring about a sustained reduction in the use of imprisonment, and thereby improve rehabilitation outcomes for (reduced) prison populations and enhance the health and wellbeing of prisoners and prison staff.<sup>3</sup>

Previous reports in this series have examined: the patterns of imprisonment in the ten countries; the over-use of pre-trial detention; the public health risks of prison overcrowding and lack of adequate healthcare; and the sentencing of burglary, drug importation and murder in the ten countries. After the pandemic was declared we rapidly assessed the measures being taken by prisons around the world to contain the risk of COVID-19 spreading within and beyond their walls. With our research partner, the NGO [Prison Insider](#), we conducted interviews with expert informants – that is, individuals working in academia or in human rights and penal reform organizations who had specialist knowledge of prisons – in each of the ten countries. We also reviewed policy documents, published research, and relevant media reports.

It is important to note that in this report we have not covered direct health interventions in prisons, such as screening and testing, contact tracing, vaccinations or provision of Personal Protective Equipment, but have concentrated on measures to manage prison population numbers in order to reduce the risk of the virus spreading, and those taken to control the risk of infection in prisons. Prisoners' own perceptions of, and responses to, the measures discussed here are covered in a separate report: [Locked In and Locked Down: Prison life in a pandemic](#).

## 1.2 Structure of this report

The next section of this report discusses prison population management – a matter of urgent concern at a time of global pandemic. It covers the two key approaches to bringing down prisoner numbers: reducing **entry** into prisons and increasing the rate of **release** from prisons. Here, as elsewhere in the report, examples of specific measures in some of the countries are set out in text boxes.

The report then looks at measures that have been introduced in our ten countries to limit the spread of COVID-19 in prisons: suspension of family, legal and inspection visits and of entry into prison by NGOs and other outside services; restriction on prisoners' movement within prisons; and restrictions on prisoners' temporary leave, for example, for work or visits home.

The report concludes with a review of the available data on COVID cases and deaths in prisons in the ten countries, and a brief consideration of implications of the pandemic for future policy and practice.

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<sup>3</sup> <https://www.prisonstudies.org/ten-country-project>



## 2 PRISON POPULATION MANAGEMENT

The global prison population has risen substantially in recent decades and now stands at around 11 million.<sup>4</sup> In much of the world, increases in prison populations have not been matched by additional built capacity or greater investment in staff and other resources, leading to overcrowded and unhealthy environments, with cramped living spaces, poor sanitation, and limited access to fresh air, clean drinking water, nutritious food, and medical treatment (see Heard, 2019). Most countries in the world have overcrowded prison systems today.

Overcrowded, under-resourced prisons have serious consequences for public health, including with regard to communicable diseases. The risk of harm exists not only for the millions of people (staff and prisoners alike) who spend time in overcrowded prisons around the world in any given year, but also for their families and wider communities.

It is within this context that there was wide recognition of the need to rapidly reduce prison populations during a global pandemic. On 13 May 2020 UNODC, WHO, UNAIDS and OHCHR issued a joint statement on COVID-19 in prisons and other closed settings. The statement:

*urge[d] political leaders to consider limiting the deprivation of liberty, including pretrial detention, to a measure of last resort, particularly in the case of overcrowding, and to enhance efforts to resort to non-custodial measures... A swift and firm response aimed at ensuring healthy and safe custody, and reducing overcrowding, is essential to mitigate the risk of COVID-19 entering and spreading in prisons and other places of deprivation of liberty.<sup>5</sup>*

To varying extents and with mixed levels of success, prison systems have sought to address prison overcrowding through a) **reduction of entry** into prisons, whether at remand/pre-trial stage, point of sentence, or following violations of conditions of release; and b) **increase of rate of release** from prisons, for example through early release schemes and amnesties. It is important to note, however, that other factors relating to the pandemic, but unrelated to targeted population measures, will also have impacted prison population numbers.

### 2.1 Reducing entry into prisons

Across our ten countries, a range of targeted policy and practical measures (involving policing, prosecution and the courts) have been taken to reduce the numbers of people entering prison; such as making bail more widely available and greater use of non-custodial penalties. At the same time, other COVID-related developments will have significantly reduced prison receptions. In particular, national lockdowns led to lower levels of crime and therefore fewer arrests, and court shutdowns meant cases were not being prosecuted.

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4 Data on prison populations are available on the World Prison Brief website, hosted and published by the Institute for Crime & Justice Policy Research (ICPR): <http://www.prisonstudies.org/>

5 <https://www.who.int/news/item/13-05-2020-unodc-who-unaid-and-ohchr-joint-statement-on-covid-19-in-prisons-and-other-closed-settings>

## MEASURES TO REDUCE ENTRY – EXAMPLES FROM THE TEN COUNTRIES

### The Netherlands

The prison population in the Netherlands fell by nearly nine percent between 1 January and 15 September (Aebi and Tiago, 2020). This can be partly attributed to the fact that in March 2020 the Minister of Legal Protection announced that people convicted of relatively minor offences awaiting sentence, and those due to be detained because of failure to pay a fine or complete a community sentence, were not to be brought to court (Uit Beijerse and Boone, 2020). In addition, prisoners in the lowest security setting who were able to leave the prison during the day to work and to spend weekends at their homes were allowed to stay home continuously under electronic monitoring.

### United States

A study by the Vera Institute for Justice found that in the first month of the pandemic, the number of people held in local jails<sup>6</sup> fell by a quarter. They attribute this to fewer arrests due to state-wide lockdowns, and judges and prosecutors using their discretion to release people who were deemed ‘safe’ (Vera Institute, 2020). Releases from jails have been achieved in a number of ways, including through the re-examination of cases in which a person has been held pre-trial due to inability to pay a bond; through the release of those who are at high risk of contracting COVID-19 to house arrest on electronic tag; and the early release of people with only a short amount of their sentence left to serve (Fair and Just Prosecution, 2020). However, this decline was not sustained, and in the second half of 2020 jail populations began to rise again, although they are still below their pre-pandemic levels (Kang-Brown et al, 2021).

Figures collated by the Marshall Project and The Associated Press found that between March and June 2020, more than 100,000 people were released from state and federal prisons, reducing the number of people in prison by eight percent over that period. Detailed analysis of data from eight states showed that the decrease in state and federal prison populations was not due to the release of prisoners but because: state prisons stopped accepting prisoners from local jails to avoid importing the virus; court closures meant that fewer people were being sent to prison; and parole officers returned fewer people to prison for low level violations.<sup>7</sup>

6 Local jails are generally operated under the authority of a sheriff, police chief, or county or city administrator. Jail inmates usually have a sentence of less than 1 year or are being held pending a trial, awaiting sentencing, or awaiting transfer to other facilities after a conviction.

7 <https://www.themarshallproject.org/2020/07/16/prison-populations-drop-by-100-000-during-pandemic>

### England and Wales

The decline in the prison population in England and Wales, from 83,000 in February 2020 to 78,000 in February 2021, has been attributed to a number of causes outside the prison system. The police recorded 15 percent fewer crimes in the second quarter of 2020 compared to the first, leading to a drop in the number of cases being charged by the Crown Prosecution Service. The number of cases coming into the Magistrates Courts fell by 37 percent in the period between April and June 2020, and the number of cases coming into the Crown Court fell by 45 percent over the same period.<sup>8</sup>

However, inspectors have warned that courts are now facing an unprecedented backlog of cases<sup>9</sup> and information obtained by Fair Trials has found that almost a third of the remand population in England and Wales have been held beyond the legal time limit. In September 2020 the government extended the custody time limit (the amount of time someone can be held on remand) from six to eight months, but Fair Trials notes that as the extended limit of eight months only came into force in September 2020, none of the people held for longer than six months by December 2020 fell under that extended limit.<sup>10</sup>

### South Africa

The national lockdown which came into place in South Africa on 27 March 2020 placed severe restrictions on the functioning of the criminal justice system, effectively bringing it to a standstill, and the default position was the postponement of cases to a future date.

Data for the Western Cape province indicate there had been a notable decline in both sentenced and awaiting trial prisoners by the end of August 2020. At this time, the most severe restrictions were lifted and courts could resume trying cases, with the result that the sentenced prison population increased. However, in the latter half of 2020 new (pre-trial, remand) cases were still not entering the system at pre-lockdown levels (Muntingh, forthcoming).

### New South Wales, Australia

The number of prisoners in New South Wales, Australia, fell by 11 percent between February and June 2020. The NSW Bureau of Crime Statistics and Research (BOCSAR) said the decrease was mainly due to a reduction in the number of people on remand, driven by both a decrease in remand receptions and an increase in remand discharges. Remand receptions declined due to a fall in the number of Court Attendance Notices issued by the police, and to the decline in police and court bail refusal rates. Remand discharges increased due to the number of remandees being released on bail nearly doubling in April 2020. The decline in sentenced prisoners occurred due to a drop in sentenced custody receptions associated with reduced numbers of court finalisations (BOCSAR, 2020).

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8 <https://www.crimeandjustice.org.uk/resources/update-whats-been-happening-prison-population-during-covid-19>

9 <https://www.theguardian.com/law/2021/jan/19/case-backlog-threatens-uk-criminal-justice-system-say-inspectors>

10 <https://www.theguardian.com/uk-news/2021/mar/17/third-of-remand-prisoners-in-england-being-held-beyond-legal-time-limit-for-trials>



## 2.2 Increasing rate of release

Potential measures to increase the rate at which people exited the prison system include prisoner amnesties, and the introduction of early and temporary release schemes. Such measures have been a feature of penal responses to COVID in many countries beyond the ten that are the focus of our report. A report published in March 2021 (DLA Piper, 2021) which analysed 53 countries' approaches to decongesting prison systems (in Asia Pacific, Europe, the Middle East, Africa, and North and Central America) estimated that at least 475,000 sentenced and pre-trial remand prisoners across these countries were released between March and July 2020 under COVID-related prisoner release schemes. Criteria for release under the schemes varied, but tended to be based on offence type, nature or status of sentence, and prisoner vulnerabilities.

Notwithstanding the evidence of some success with regard to increased rates of prisoner release, announced intentions in this regard – including in at least two of our ten countries (South Africa and England and Wales; see below) – have not always been reflected in practice.

### MEASURES TO INCREASE RATE OF RELEASE – EXAMPLES FROM THE TEN COUNTRIES

#### Kenya

Authorities in Kenya moved quickly to establish electronic court hearings, using Skype or Zoom, to expedite the release of mainly petty offenders in order to reduce overcrowding in the country's prisons. By 2 April 2020, 4,800 people had been released, most of whom were serving short sentences or were serving longer sentences but had less than six months remaining of their prison term.<sup>11</sup> Others benefitted from a review of their bail or bond terms by magistrates. Within five months of the implementation of the decongestion programme an estimated 12,000 prisoners had been released, with the prison population falling from nearly 54,000 in 2019 to around 41,000 by August 2020 (Deche and Bosire, 2020).

#### New York, United States

In New York State, 3,147 people had been released early from state prisons by November 2020 under COVID release measures, including 791 whose low-level parole violations were cancelled. However it was estimated that hundreds more prisoners who were eligible for early release – due to being 55 or older and within 90 days of the end of their sentence – remained imprisoned due to delays in their cases being reviewed.<sup>12</sup>

11 <https://edition.cnn.com/2020/04/02/africa/kenya-courts-on-skype/index.html>

12 <https://www.thecity.nyc/2020/11/24/21717723/prisoners-approved-for-early-release-stuck-behind-bars-covid>

### India

On 23 March 2020 the Supreme Court of India issued a directive to all States ordering them to establish high-level committees to put together processes and guidelines for the early release of prisoners during the pandemic in order to reduce overcrowding. It proposed that convicted prisoners be released on emergency parole for four to six weeks (after which time the situation would be reviewed and the prisoners returned to jail once it was deemed safe for them to do so),<sup>13</sup> and that interim bail be considered for those prisoners who were awaiting trial and were likely to receive a sentence of under seven years (Dmello and Ranjan, 2020). This proposal had the potential to affect a large number of prisoners, as over two thirds of India's prison population are pre-trial detainees.

The Commonwealth Human Rights Initiative, which has been tracking the number of releases across the States and United Territories based on media reports, has estimated that by 21 April 2021 nearly 70,000 prisoners had been released since the start of the pandemic.<sup>14</sup>

### South Africa

In May 2020 the South African President Cyril Ramaphosa authorised the early release of nearly 19,000 prisoners, or roughly 12 percent of the country's prison population. These prisoners were mainly those who were deemed low risk and were within five years of release (Kras and Fitz, 2020). By July 2020 around 7,000 eligible prisoners had been released.<sup>15</sup>

### Thailand

On 14 April 2020 the Director-General of the Thai Department of Corrections announced that the sentences of 8,000 prisoners were being suspended in order to reduce prison overcrowding during the pandemic.<sup>16</sup> In December 2020 a royal decree was issued that pardoned at least 30,000 prisoners and reduced the sentence length of 200,000 others.<sup>17</sup>

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13 <https://theprint.in/health/this-is-how-prisons-across-india-plan-to-release-and-track-34000-inmates/392108/>

14 <https://www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india>

15 <https://ewn.co.za/2020/07/19/the-release-of-low-risk-offenders-has-helped-ease-covid-19-outbreak-in-prisons>

16 <https://www.bangkokpost.com/thailand/general/1899685/8-000-inmates-released-to-ease-risk>

17 <https://www.aljazeera.com/news/2020/12/5/thai-king-to-pardon-cut-jail-sentence-of-tens-of-thousands>

### England and Wales

On 31 March 2020 Her Majesty's Prison and Probation Service (HMPPS) of England and Wales announced that pregnant women in custody who did not pose a high risk of harm to the public would be temporarily released from prison. (By August 2020 eight pregnant women had been released in this way).<sup>18</sup> This was followed days later by an announcement that up to 4,000 low-risk prisoners would be electronically tagged and released on licence in order to control the spread of COVID.<sup>19</sup> However, by 7 August only 275 prisoners had been released under the temporary release scheme (MoJ, 2020), which was then terminated on 30 August.<sup>20</sup> The Prisons Minister explained that the figure of 4,000 prisoners was 'the number of people who would be eligible for the scheme, not necessarily the number of those who would be released' and that the strict measures put in place had meant that the spread of infection and rate of deaths had been much lower than expected and therefore early release of prisoners was unnecessary.<sup>21</sup>

*'The high court has been revising the sentences of the lower courts and people are being released every day. The pandemic has removed a lot of the barriers that stopped this happening before – there is a lot of goodwill among the justice sector at the moment, with everyone working together. I don't know if it is sustainable, it depends a lot on political will.'*  
[From interview with academic, Kenya]

## 2.3 Prisoner numbers since the outbreak of the pandemic

Assessing the impact to date of COVID-related prison population control measures on population size is by no means straightforward. There are three main challenges. First, many countries (including most of those in our ten) do not update their prison population figures frequently enough to detect relatively short-term changes. Secondly, temporary measures may have an impact in the short-term that is not sustained in the medium to longer term (DLA Piper, 2021). Thirdly, without additional data, it is not possible to attribute any detected changes in prisoner numbers to specific causes – such as deliberate interventions, other COVID-related factors and factors unrelated to COVID – since all these factors may simultaneously have differing kinds and degrees of impact.

Nevertheless, some limited data are available. Monthly prison population data (collated by ICPR for the World Prison Brief) are available for two of our ten countries: Thailand and England & Wales. As shown in Figure 2.1, the Thai prison population has declined since September 2020 following a period of overall growth, and as of March 2021 stood at 311,605 compared to 371,471 in February 2020 – representing a 16 percent fall, and 60,000 fewer prisoners. In England and Wales (Figure 2.2), a pre-pandemic gradual decline in prisoner numbers accelerated in the first few months of the pandemic; here, the total prison population has fallen by seven percent, or nearly 6,000, from 83,868 in February 2020 to 78,081 in March 2021.

18 <https://www.gov.uk/government/news/pregnant-prisoners-to-be-temporarily-released-from-custody>

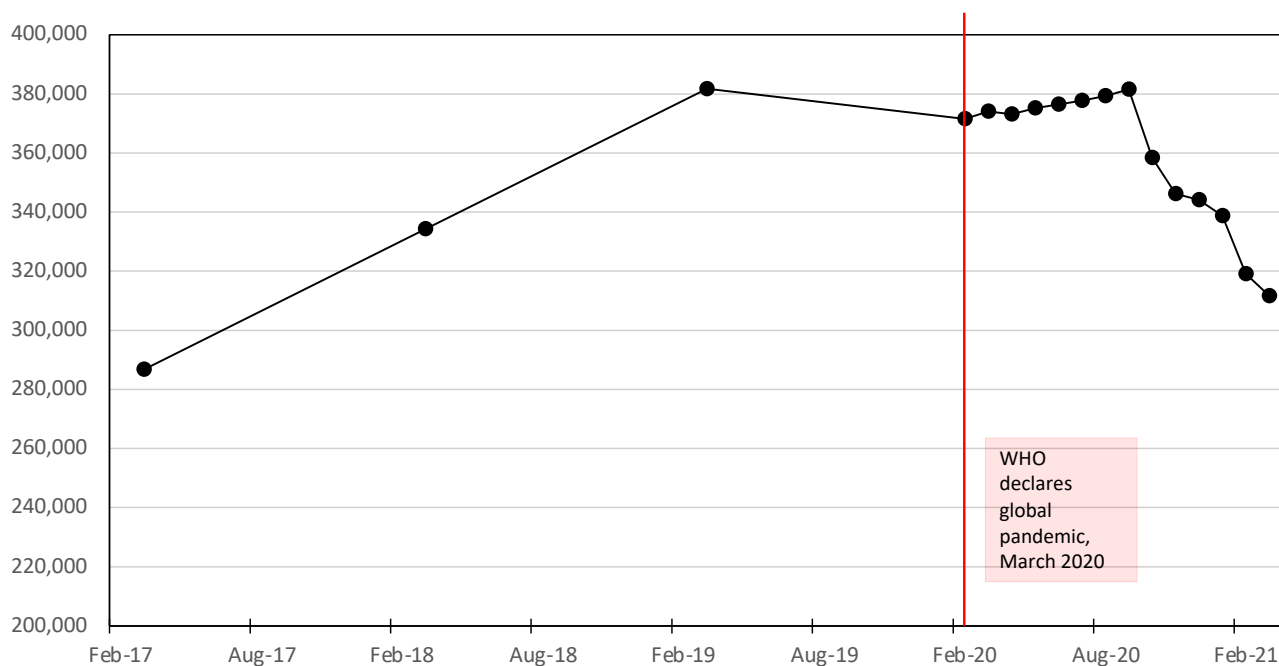
19 <https://www.theguardian.com/society/2020/apr/04/up-to-4000-inmates-to-be-temporarily-released-in-england-and-wales>

20 <https://www.gov.uk/government/news/pause-to-prisoner-early-release-scheme>

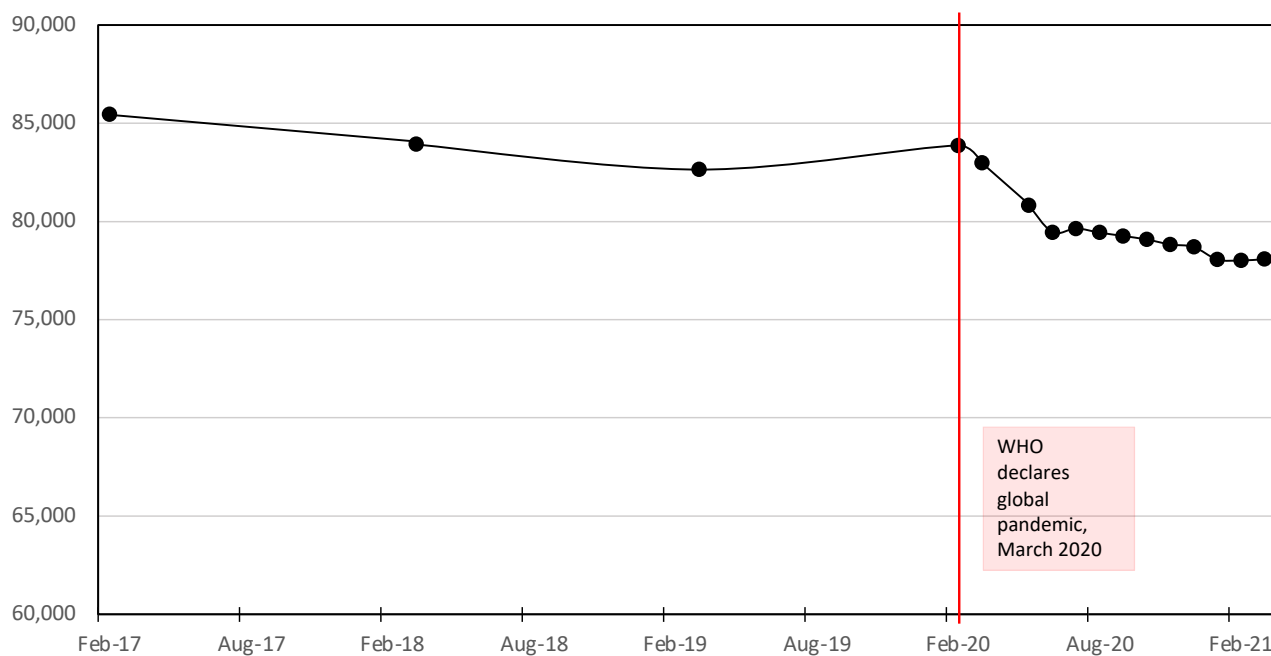
21 <https://www.theguardian.com/society/2020/may/12/coronavirus-only-55-prisoners-early-release-england-wales>



**Figure 2.1: Thailand prison population, Feb 2017-March 2021**



**Figure 2.2: England & Wales prison population, Feb 2017-March 2021**



The available data suggest a mixed picture for the prisons in Kenya, South Africa, Brazil and the United States over the first few months of the pandemic:

- In **Kenya**, there were indications of acceleration in an overall decline in prison population numbers. Here, the total population stood at 57,000 in April 2016, which had declined to 53,328 by 2019 and 42,596 by September 2020.<sup>22</sup>

<sup>22</sup> Data collated for ICPR's World Prison Brief.

- The **South African** prison population declined after a period of relative stability pre-pandemic. Total prisoner numbers were in the region of 162-164,000 in the four years prior to the pandemic, but had fallen to 154,437 in April 2020 and to 147,922 in June 2020.<sup>23</sup>
- In **Brazil**, a prior rise in prisoner numbers was sustained, at least to June 2020. Brazilian prisons held 675,859 people in April 2018, 712,305 in April 2019, and 759,518 in June 2020.<sup>24</sup>
- While it continues to be the largest in the world (in both per capita and absolute terms), the **United States**' prison population has steadily declined since it hit a peak of over 2.3 million in 2008. Recent analysis for the Vera Institute of Justice (Kang-Brown et al, 2021:1) concludes:

*The United States saw an unprecedented drop in total incarceration between 2019 and 2020. Triggered by the onset of the COVID-19 pandemic and pressure from advocates to reduce incarceration, local jails drove the initial decline, although prisons also made reductions. From summer to fall 2020, prison populations declined further, but jails began to refill, showing the fragility of decarceration.*

The Vera report notes that the total number of prisoners in the US (including those in local jails and state and federal prisons) declined from around 2.1 million to 1.8 million between 2019 and late 2020. The total population in state prisons and county jails in **New York State** fell by 20 percent from 61,156 in 2019 to 48,792 in late 2020 – albeit most of that fall had taken place by mid-year 2020.

Thus for most of the ten countries for which data are available, there appears to have been a decline, or accelerated decline, in prisoner numbers since early 2020. Brazil is an exception to this, while the US presents a more complex picture in that local jail populations began to increase from summer 2020, alongside a continuing decline in prison populations. Notwithstanding the caveats set out earlier, the data suggest that targeted prison population control measures have had some impact, even if other COVID-related factors – particularly, reduced offending and fewer prosecutions resulting from lockdowns – have also played a part.

Data from countries beyond the ten that are the focus of this study suggest broadly similar patterns. Analysis of all eight countries for which the World Prison Brief holds monthly data, and which had at least 50,000 prisoners as of February 2020, reveals that each experienced a decline in prisoner numbers from February 2020 to March 2021. As shown in Table 2.1, the percentage decline ranged from five to 20 percent across these eight countries (which include Thailand and England and Wales); and the total fall in prisoner numbers was 161,000.

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23 Data collated for ICPR's World Prison Brief.

24 Data collated for ICPR's World Prison Brief.

**Table 2.1: Prison population changes in eight countries, February 2020 to March 2021**

<b>Country</b>	<b>Prison population February 2020</b>	<b>Prison population March 2021</b>	<b>% change</b>
Nigeria	74,106	67,631	-9%
Chile	43,110	39,092	-9%
Colombia	122,085	98,076	-20%
Indonesia	269,062	256,051	-5%
Thailand	371,461	311,605	-16%
England & Wales	83,868	78,081	-7%
Italy	61,230	53,697	-12%
Russian Federation	519,618	479,400	-8%

The NGO Harm Reduction International reviewed prison decongestion measures which were adopted around the world between March and June 2020 in response to COVID-19. They found evidence of such schemes in 109 countries, but concluded that they had had only a modest impact – estimating that their combined effect was to reduce the global prison population by less than 6 percent by 24 June 2020 (HRI, 2020). The Council of Europe, as part of their Annual Penal Statistics (SPACE) series, analysed trends in European prison populations between 1 January and 15 September 2020. Similarly to the Harm Reduction International review, this study found that the average imprisonment rate fell by 4.5 percent – from 121 to 116 prisoners per 100,000 of the general population – during this period (Aebi and Tiago, 2020).



## 3. INFECTION CONTROL MEASURES

Prison authorities in all of the ten countries introduced measures to control the risk of the virus spreading within prisons. These included: the suspension of, or restriction on, people coming into prisons, including visits by families and lawyers, by inspection bodies, and by NGOs and other community organizations which provide services in prisons; the restriction of movement by prisoners within prisons; and restrictions on prisoners leaving prisons for example on temporary licence, to work or on home visits. Unsurprisingly, these measures – and particularly the suspension of family visits – have had profound negative effects on prisoners and their loved ones, as discussed in the [report](#) published alongside this one.

*‘We have heard many testimonials from families saying that they do not have any information about what is going on inside the facilities. When families, lawyers, community councils cannot enter prisons, there is a lack of knowledge about the conditions of detention.’ [From interview with practitioner, Brazil]*

### 3.1 Visits suspended or restricted

#### 3.1.1 Family visits

In each of the ten countries, authorities moved quickly to suspend visits to prison by family members, although these suspensions have been lifted in some countries and replaced by other types of restriction (such as reduced numbers of visits, or visits behind screens), and subsequently reimposed in line with national lockdowns. Measures to mitigate some of the effects of such suspensions have also been put in place in each country, to a greater or lesser extent.

*‘The lack of contact with the outside world plus the lack of information result in confinement conditions that we cannot be proud of. In this moment, we have to double our attention on prisoners’ mental health. But we have no information on how the administration is dealing with this issue.’ [From interview with practitioner, Brazil]*

### FAMILY VISITS SUSPENDED OR RESTRICTED – EXAMPLES FROM THE TEN COUNTRIES

#### New South Wales, Australia

Personal visits to prison were suspended from 16 March 2020, and in April video visits (i.e. scheduled calls over a video-conferencing platform) were introduced ‘to support inmates and their families to maintain social connections’.<sup>25</sup> Since their introduction, Corrective Services NSW has facilitated over 145,000 such visits.<sup>26</sup> In-person visits resumed on 18 January 2021 with the following measures in place:

- Masks to be worn by staff, visitors (over the age of 12) and inmates
- Visits 30 minutes in duration
- Temperature checking and screening processes in place
- All visits pre-booked.

Corrective Services NSW have announced that, following positive feedback from prisoners and their friends and families, video visits are now a permanent fixture alongside in-person visits.<sup>27</sup>

25 <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/contact-and-visit-inmates/contact-an-inmate/video-calls.html>

26 <https://www.coronavirus.dcj.nsw.gov.au/services/corrective-services#menu3>

27 <https://correctiveservices.dcj.nsw.gov.au/csnsw-home/contact-and-visit-inmates/contact-an-inmate/video-calls.html>

### England and Wales

A restricted regime was imposed from 24 March 2020 which stopped all social visits (O'Moore, 2020). These restrictions were gradually lifted between June and September before being reimposed in line with a national lockdown in early November. Social visits began to resume again from 29 March 2021.

The Ministry of Justice announced the introduction of secure video calls at the end of May 2020, but it was not until December that these were available in all prisons and Young Offender Institutions across the prison estate. Video calls last 30 minutes and each prisoner can have up to four visitors on the call. By December over 90,000 video calls had been made totalling almost 45,000 hours, and the system remains in place.<sup>28</sup>

### Netherlands

Prison visits were suspended from 14 March 2020, but reinstated in June, albeit behind plexiglass at most prisons and with only one visitor allowed at a time.<sup>29</sup>

When visits were suspended, prisoners were able to Skype with their families via a tablet. Reports suggest that this scheme was so popular that many prisoners are choosing to continue to do so even with the resumption of in-person visits, because it enables them to speak to their whole family at the same time and to get a view of the outside world.<sup>30</sup>

### Hungary

Visits to prisons by family members were officially allowed until 14 May 2020, but in practice visits were cancelled since, under national lockdown rules, visits to a family member in prison were not deemed a valid reason to leave home.<sup>31</sup> In place of in-person visits, prisoners were allowed to maintain contact with their families via Skype video calls, and between 20 and 26 April 2020, 3,145 such calls were made. Prisoners also received additional free phone time of 15 minutes per week (European Prison Observatory, 2020).

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28 <https://www.gov.uk/government/news/secure-video-calls-help-all-prisoners-maintain-essential-family-ties-during-pandemic>

29 <https://www.dji.nl/justitiabelen/bezoek>

30 <https://www.volkskrant.nl/nieuws-achtergrond/weer-bezoek-in-de-gevangenis-maar-de-videoverbinding-blijft-het-populairst~bac89b19/?referer=https%3A%2F%2Ft.co%2F7zoLCFCio%3Famp%3D1>

31 <https://helsinki.hu/en/the-situation-in-hungarian-prisons-in-light-of-covid-19-2/>

## India

The National Prisons Information Portal (NPIP),<sup>32</sup> or E-Mulakat, which was initially introduced as a pilot project in Jaipur Central Jail, was rolled out from early April 2020 in several other prisons. The platform was designed for families to book appointments online for physical visits as well as for video calls (with a duration of five minutes). With visits suspended, families have only had access to the video calls. To date the service is available in 1,245 prisons (out of 1,350 in the country) in 37 states.

*“Under lockdown, nobody is coming to the prison from the outside. If they say it happened, maybe it did, but I don’t think so ... They may say we allowed [prisoners] more telephone time. As I said, with 240 prisons in the country, if they’re allowing extra phone calls, it means that the phones must be working, these are landline, and I’ve seen too many times that there may be five telephone stalls but only one is working. To have them repaired, you have to get the telephone company come to fix them.” [From interview with academic, South Africa]*

### 3.1.2 Lawyer visits

Visits to prisoners by their lawyers are of vital importance, particularly for those prisoners who are awaiting trial or final sentence, or are applying for parole. The restriction on visits to prisons in most countries had an impact on prisoners’ access to their lawyers, although some countries introduced measures to allow contact to be maintained.<sup>33</sup>

## LAWYER VISITS RESTRICTED – EXAMPLES FROM THE TEN COUNTRIES

### Hungary

Lawyers in Hungary have been allowed to visit their clients despite national lockdowns. On arrival at the prison, lawyers are required to have their temperature taken and to answer questions about their potential exposure to COVID-19. If subsequently admitted, the visit takes place through a plexiglass screen (such screens have been in place for all visits since before the pandemic). Documents cannot be passed between the prisoner and their lawyer and the consultation rooms are disinfected regularly. Lawyers are encouraged to consult with their clients by phone or Skype rather than in person where possible.<sup>34</sup>

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32 <https://eprisons.nic.in/public/Home.aspx>

33 A problem that extends far beyond the challenges posed by the pandemic is that many prisoners lack access to legal representation because of poor resourcing of public defender systems.

34 <https://helsinki.hu/en/the-situation-in-hungarian-prisons-in-light-of-covid-19/>

### New South Wales, Australia

Since prisons first went into lockdown in March 2020 legal visitors have been encouraged to consult with their clients using a specific audio-visual software system.<sup>35</sup> In cases where access to the prison is required visitors are screened and their temperature checked, and they can be refused entry.<sup>36</sup>

### India

In the state of Maharashtra, prisons were locked down in March 2020, meaning prisoners were unable to meet with their lawyers. In mid-July, 111 days after visits were suspended, the High Court directed the prison department to install smartphones in jails and to arrange for prisoners to meet with their lawyers through video-conferencing in response to a case brought through Public Interest Litigation.<sup>37</sup> Following this direction at least 39 out of the 60 jails in the state purchased smartphones.<sup>38</sup>

### 3.1.3 Inspection visits

At all times, and arguably even more at a time of pandemic when prisons are more isolated from wider society than usual, prison inspection and monitoring mechanisms are vital safeguards against human rights abuses. In line with the COVID-related restrictions on visits to prisons by family members and other outside groups, visits by inspection bodies have been affected, and some alternative approaches to inspection and monitoring have been developed.

## IMPACT ON INSPECTION VISITS – EXAMPLES FROM THE TEN COUNTRIES

### England and Wales

On 17 March 2020 the Chief Inspector of Prisons announced that all full inspection visits (which involve a team of inspectors and specialist partners spending a week examining all areas of an establishment and meeting with prisoners and staff) would be suspended. Between April and June 2020 they instead implemented a system of short scrutiny visits, in which a small team of inspectors visited an establishment for one day. Since August 2020 these have been replaced by scrutiny visits which involve a one-day detainee survey followed by a two-day visit by a team of inspectors the following week.<sup>39</sup>

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35 <https://correctiveservices.dcj.nsw.gov.au/csnew-home/contact-and-visit-inmates/video-conferencing-for-professionals/just-connect.html#>

36 <https://www.coronavirus.dcj.nsw.gov.au/services/corrective-services#menu3>

37 <https://timesofindia.indiatimes.com/city/mumbai/covid-19-video-calling-facility-between-lawyers-and-inmates-in-maharashtra-jails/articleshow/76963601.cms>

38 <https://thelogicalindian.com/news/maharashtra-jail-inmates-can-now-video-call-family-lawyers-22382>

39 <https://www.justiceinspectorates.gov.uk/hmiprison/about-hmi-prisons/covid-19/>



### **New South Wales, Australia**

In response to the pandemic, the New South Wales Inspector of Custodial Services (ICS) suspended visits to places of detention from 12 March 2020. Since then, visits and on-site inspections can only be carried out at the request of the Inspector and alternative inspection methodologies can be used, for example teleconferences or video calls with prison senior staff. In March 2020 the first virtual inspection took place at the Oberon Correctional Centre. Staff and approximately 20 percent of prisoners were interviewed via a confidential line established by ICS. The prison was also asked to provide video footage of operations such as admissions, head counts, lock-ins, classification reviews, and programs and photographs of accommodation units and segregation areas (Networks Working Together, 2020).

### **United States**

In April 2020 it was announced that the Justice Department's Inspector General would conduct remote inspections of federal Bureau of Prisons (BOP) facilities to ensure they are following best practice guidelines on how to mitigate the spread of COVID-19.<sup>40</sup> These inspections involved phone interviews with prison officials; reviewing documents relating to the establishment's management of the pandemic; incorporating establishment-specific results from a BOP-wide employee survey regarding COVID-19 issues carried out in April 2020; and the evaluation of staff and prisoner complaints. As of 23 March 2021, six such remote inspections have taken place.<sup>41</sup>

#### 3.1.4 Involvement of NGOs and other outside services

Prisons in many countries rely on non-governmental organizations (NGOs) and other external providers to deliver services in prisons, including education and training, cultural activities and therapeutic services. When prisons were locked down many of these providers were no longer able to deliver these services, increasing the isolation for many prisoners who had previously relied on them for support and assistance, or for provision of purposeful activity.

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40 <https://apnews.com/article/05ff86f09e8dc6a485287d4f345126b5>

41 <https://oig.justice.gov/reports/pandemic>

## IMPACT ON OUTSIDE AGENCIES – EXAMPLES FROM THE TEN COUNTRIES

### England and Wales

When the first lockdown was announced by the government in March 2020, organizations across the voluntary sector which provide services in prisons had to change their delivery model overnight (Clinks, 2020). Most of these organizations are still unable to access prisons so have introduced other ways of supporting prisoners. For example, Fine Cell Work, which teaches prisoners to carry out high quality needlework, has produced over 1,200 products to be sent into prisons to allow prisoners to continue this activity;<sup>42</sup> the Prisoner Learning Alliance has created an In-cell Activity Hub providing a collection of learning resources for prison staff and education providers to download and print;<sup>43</sup> and National Prison Radio adapted its schedule to provide greater support to its listeners.<sup>44</sup>

### United States

In the US the suspension of access to prisons meant that college professors were no longer able to teach in-person classes. According to a Marshall Project report, many college administrators say that corrections officials have done their best to make sure college classes can continue, but are hampered by staff shortages. Further, a lack of laptops and tablets and secure methods for connecting them to the internet means many college programmes have had to be put on hold. As a result, some prisoners will not be eligible for important incentives – for example in New York State, students can have their sentence reduced by six months if they have completed certain programmes.<sup>45</sup>

### Kenya

Lack of internet access is a major source of concern for prisoners studying in Kenya. They had been dependent on their tutors bringing in reading and study materials but were not able to receive these resources when the prisons locked down. Whereas previously prisoners could take their exams on paper in the prison, the pandemic has meant that universities have moved to online assessments which the majority of prisoners cannot access.<sup>46</sup>

*'A lot of the activities are from outside people and they weren't allowed to continue: reintegration programs, rehabilitation programs, and things like that. I know we were working with a pastor who does an incredible rehabilitation program, and he hasn't been allowed in prisons. Unfortunately, those kinds of things stopped as well. And for parolees, the community corrections offices closed, so they weren't able to go and meet their parole officer, they weren't doing their community service anymore, and whatever support they do get - which I don't think is a lot - that was also closed off as well.'* [From interview with NGO representative, South Africa]

42 <https://www.russellwebster.com/cvresponse1/>

43 <https://prisonerlearningalliance.org.uk/our-work/in-cell-activity-hub/>

44 <https://prison.radio/national-prison-radio-a-lifeline-during-the-covid-19-pandemic/>

45 <https://www.themarshallproject.org/2020/05/04/can-college-programs-in-prison-survive-covid-19>

46 <https://www.universityworldnews.com/post.php?story=20201005130754867>

### 3.2 Restrictions on movement in prisons

Restrictions put in place in prisons during the pandemic have also meant that in many countries prisoners are unable to move within the prisons, leaving them unable to attend work or education, to exercise or to socialise with other prisoners. This has often led to very long periods spent locked in cells, provoking concerns about the impact this may have on mental wellbeing. More detail on such restrictions and their impact can be found in the accompanying report [\*Locked In and Locked Down: Prison life in a pandemic\*](#).

#### RESTRICTIONS ON MOVEMENT – EXAMPLES FROM THE TEN COUNTRIES

##### England and Wales

HM Inspectorate of Prisons reported in February 2021 that:

Prison gyms were closed at the end of March for several months. Most gradually reopened before further restrictions forced them to close again. When the weather was good, PE staff sometimes offered outdoor exercise sessions. Libraries were closed, often replaced by a smaller selection of books on each wing. Religious services stopped. Many health care services were suspended or severely limited at the start of the pandemic and a full service has often not resumed in adult prisons. Work to assist prisoners' rehabilitation was typically suspended and has yet to resume fully. ....

Since the end of March 2020, the majority of prisoners have been locked in their cells for most of the day every day, to minimise the amount of contact they have with others and prevent the spread of COVID-19. At the start of the pandemic, many prisoners spent as little as 45 minutes out of their cells each day... Our more recent visits to prisons between July and October found that the average daily amount of time out of cell for adult prisoners was 90 minutes (HMIP, 2021).

##### United States

In mid-April 2020 the organizations Solitary Watch and the Marshall Project estimated that COVID-related lockdowns had increased the number of state and federal prisoners held in some form of solitary confinement from 60,000 to well over 300,000 (Unlock the Box, 2020). In most cases this meant that prisoners could not leave their cells for meals, exercise or prison jobs, and could not receive visits from their families.<sup>47</sup>

##### Brazil

In 13 of the 26 states it was reported that measures had been taken to suspend work programmes in prisons, and in nine states work in prison workshops, maintenance and kitchens was suspended. 23 states reported the suspension of educational facilities and 21 reported the suspension of religious services (Rodrigues and Khoury, forthcoming).

47 <https://www.npr.org/2020/06/15/877457603/as-covid-spreads-in-u-s-prisons-lockdowns-spark-fear-of-more-solitary-confinemen>

### Hungary

The Hungarian Helsinki Committee received information that all training and educational activities had been suspended in the prisons. In order to compensate for these restrictions, prisoners were allowed free use of the gym and televisions were provided in all prison cells.<sup>48</sup>

## 3.3 Restrictions on temporary leave from prisons

In addition to placing severe restrictions on who is allowed to come into prisons, most authorities have also stopped prisoners from leaving prison on a temporary basis, for example for work outside or for home visits.

### RESTRICTIONS ON TEMPORARY LEAVE FROM PRISONS – EXAMPLES FROM THE TEN COUNTRIES

#### England and Wales

A report by HM Inspectorate of Prisons, following an inspection of three men's open prisons in June 2020, found that the suspension of the Release on Temporary Licence scheme (other than for prisoners designated as key workers) in March 2020 had had a significant impact on prisoners who had been on the scheme:

Many prisoners had worked for years to gain the opportunity to move to open conditions, and evidence a reduction in their risk of reoffending and build or re-build ties with family and the community; others had been working out in the community for some time and had begun to build a new life even before release... Prisoners felt the loss of opportunity keenly and levels of frustration were high. Most understood the need for the restrictions, but were anxious to know when they would be relaxed in line with the lifting of some restrictions in the community. (HMIP, 2020)

#### Brazil

The temporary release scheme in the state of São Paulo was suspended in March 2020, affecting 34,000 prisoners in the semi-open regime who had been allowed to leave the prison during the day to work or study.<sup>49</sup> This action led to the coordinated escape of more than a thousand prisoners from at least five prisons in the state.<sup>50</sup>

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48 <https://helsinki.hu/en/the-situation-in-hungarian-prisons-in-light-of-covid-19/>

49 <http://www.sap.sp.gov.br/noticias/pauta-17-03-20.html#top>

50 <https://www.rfi.fr/fr/am%C3%A9riques/20200317-br%C3%A9sil-evasion-prison-semi-liberte-sao-paulo-coronavirus-covid19>



### South Africa

In June 2020 the Correctional Services Minister announced that the day parole system, designed to help prisoners reintegrate back into society, was suspended, and the transfer of prisoners was prohibited unless under exceptional circumstances.<sup>51</sup>

### Thailand

In April 2021, following COVID-19 outbreaks in prisons in two provinces in Thailand, the Corrections Department announced that no prisoners would be allowed to work outside the prison, and there would be no transfers between prisons.<sup>52</sup>

*'Prisoners were just locked down, no one came in or went out. And that also affected prisoners who usually work outside the prison/pre-release prisoners who have 6 month - 1 year to serve. The work outside the prison has also been shut down. [This has affected] how the prisoner could make money. Making some income during imprisonment is important because some prisoners do not have a family who can bring them food or money, and some prisoners need to send money home.'* [From interview with NGO representative, Thailand]

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51 <https://www.sowetanlive.co.za/news/south-africa/2020-06-22-new-rules-for-prisoners-as-covid-19-cases-climb-behind-bars/>

52 <https://www.thaipbsworld.com/thailands-prisons-on-covid-19-red-alert/>

## 4 REFLECTIONS AND CONCLUSIONS

The ten countries studied in this report are a diverse group – economically, politically and culturally – but COVID-19 has presented similar challenges to the prison administrations of all of them. The preceding sections of this report have discussed a range of measures taken by the respective prison systems in the effort to contain the spread of the virus.

One of the main concerns in most of the countries, as in other jurisdictions worldwide, was to reduce prison population numbers and levels of overcrowding in prisons. (Of our ten countries, only the Netherlands had a prison system operating below official capacity prior to March 2020.) As outlined in Section 2.3, above, the prison population control measures in the ten countries and elsewhere appear to have had some impact – difficult as this is to quantify with any precision – in terms of reducing prisoner numbers. The wider question of whether these measures, and those aimed at infection control, have been successful in reducing the spread of the disease in prisons is even more difficult to address.

### 4.1 Data on COVID-19 cases and deaths in prisons

Since the pandemic was declared on 11 March 2020, the Justice Project Pakistan<sup>53</sup> has been collating information on the numbers of cases and deaths in prisons around the world, using data collected from official government sources, leaked reports and media reports. According to their data, by 13 May 2021 at least 534,934 prisoners had tested positive for COVID-19 in 122 countries, and at least 3,956 prisoners had died in 47 countries. Given uncertainties around the scale and effectiveness of COVID testing (in prisons as elsewhere), even in those countries for which information is available, the true figures for prison-based cases and deaths are likely to be very much higher.

Availability of data on COVID in prisons in our ten countries varies considerably. A summary of the latest available data as at April 2021 is provided in Figure 4.1, below. These data present a mixed picture which in part reflects the very different trajectories of COVID infections and deaths in wider society across the ten countries; for example, Thailand and Australia have had low reported rates of infection nationally and, likewise, in their prisons.

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53 <https://www.jpp.org.pk/covid19-prisoners/>

**Figure 4.1: Information on prison-based COVID cases and deaths in the ten countries**

### KENYA

No data on COVID in prisons are routinely published. COVID is not mentioned on Kenya Prisons Service website and rarely in its social media accounts. Occasional news reports refer to outbreaks in prisons. Only available official figures were provided by Commissioner General of Prisons at appearance before Senate Health Committee, 23 October 2020.

<b>Latest data<sup>1</sup></b>	<b>Date</b>	23.10.20
	<b>Cases</b>	1,700 prisoners
	<b>Deaths</b>	At least 3 prisoners

### SOUTH AFRICA

Data on cases and deaths in correctional facilities are displayed prominently on the home page of the Department of Correctional Services (DCS).

<b>Latest data<sup>2</sup></b>	<b>Date</b>	19.4.21
	<b>Cases</b>	4,109 prisoners, 7,256 staff
	<b>Deaths</b>	72 prisoners, 172 staff

### BRAZIL

Data on cases and deaths in prison facilities are collated by Conselho Nacional de Justiça and published at regular intervals.

<b>Latest data<sup>3</sup></b>	<b>Date</b>	24.2.21
	<b>Cases</b>	46,901 prisoners, 15,450 staff
	<b>Deaths</b>	141 prisoners, 112 staff

### USA

Data on COVID in prisons are collated by non-profit organisation the Marshall Project, which notes that undercounting is likely because of limited testing. Further, no information is collected on local jails which face an enhanced risk of spread of disease since they typically have higher prisoner turn-over than state and federal prisons. (Around one-third of US prisoners are held in local jails.)

<b>Latest data<sup>4</sup></b>	<b>Date</b>	20.4.21
	<b>Cases</b>	395,882 state & federal prisoners, 110,093 staff
	<b>Deaths</b>	2,571 state & federal prisoners, 201 staff

### New York State

COVID information on COVID is published on NY Department of Corrections and Community Supervision (DOCCS) website

<b>Latest data<sup>5</sup></b>	<b>Date</b>	22.4.21
	<b>Cases</b>	6,497 prisoners, 5,115 staff
	<b>Deaths</b>	35 prisoners, 8 staff

#### Sources:

- <https://www.the-star.co.ke/news/2020-10-24-three-prisoners-dead-1700-infected-with-covid-19/>
- <http://www.dcs.gov.za/>
- <https://www.cnj.jus.br/wp-content/uploads/2021/02/Monitoramento-Casos-e-%C3%93bitos-Covid-19-24.2.21-Info.pdf>
- <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>
- <https://doccs.ny.gov/doccs-covid-19-report>

## INDIA

The Commonwealth Human Rights Initiative collated data from media sources up to 14 December 2020, when it ceased due to lack of reporting. Reported figures are likely to be a significant under-estimate.

<b>Latest data<sup>6</sup></b>	<b>Date</b>	14.12.20
	<b>Cases</b>	18,157 prisoners and staff
	<b>Deaths</b>	17 prisoners and staff

## THAILAND

On 25 December 2020, the Thai Minister of Justice reported that there were currently no COVID cases in the country's prisons.<sup>7</sup> However, on 12 May 2021 the Justice Minister announced that nearly 3,000 cases had been reported in two prisons in Bangkok.<sup>8</sup>

## ENGLAND & WALES

HMPPS has been routinely publishing data on COVID in prisons since June 2020 (although data on cases and deaths among staff are published less frequently than data on prisoners).

<b>Latest data<sup>9,10</sup></b>	<b>Date</b>	31.3.21 (prisoners); 31.10.20 (staff)
	<b>Cases</b>	16,472 prisoners, 3,189 staff
	<b>Deaths</b>	116 prisoners, 21 staff

## HUNGARY

There is no publicly available information on COVID in the Hungarian prison system, and scant information in the media. On 22 September 2020, RTL News reported that 38 prisoners in one prison had been infected with COVID-19<sup>11</sup> and on 20 October the news website <http://ugytudjuk.hu/> reported that six prisoners and five staff members at a Penitentiary Institute had tested positive for COVID.<sup>12</sup> There have been no reports of deaths in the prison system.

## NETHERLANDS

Data on COVID in Dutch prisons are published on the website of the Custodial Institutions Service (DJI).

<b>Latest data<sup>13</sup></b>	<b>Date</b>	14.4.21
	<b>Cases</b>	755 prisoners (including 33 in youth detention facilities)
	<b>Deaths</b>	None reported

## AUSTRALIA

By December 2020 a few dozen COVID cases among prisoners and staff, and no deaths, had been reported in adult prisons and youth detention facilities in New South Wales, Victoria, Queensland and South Australia.<sup>14</sup> As of 14 January 2021, the website of the New South Wales Communities and Justice Department reported that there had been one confirmed COVID case among NSW prisoners.<sup>15</sup>

6. <https://www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india>

7. <https://www.thaigov.go.th/news/contents/details/37925>

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## 4.2 Looking ahead

As the preceding discussion makes clear, there is limited information on COVID cases and deaths in prisons; and what data are available undoubtedly under-estimate the scale of the problem. Nevertheless the indications are that, to date, the pandemic may not have had as devastating an impact on the world's prisons as had been feared, in terms of numbers of cases and deaths. It is plausible that both population management and infection control measures have made some contribution to this. However, the toll of the latter measures on prisoners' mental and physical health has been, and continues to be, significant.

The evidence of reduced prisoner numbers in most of the ten countries and in many other jurisdictions is welcome, but there is concern that these numbers will begin to rise again as and when the immediate threats posed by the pandemic recede. Indeed, in some cases this is already happening (DLA Piper 2021). It remains to be seen if other states will build on short-term successes in reversing growth, or in accelerating decline, in the size of their prison populations. These developments present an opportunity for penal policy-makers and practitioners to advance decarceration agendas. They present an unprecedented opportunity to ask whether some measures introduced as a result of the pandemic – for example, enabling the police, prosecutors and judges to divert people from the prison system – could be sustained over the longer term.

After decades of prison population growth and in the context of severely overcrowded prison systems, measures aimed at prison population management offer significant benefits beyond the immediate public health gains. In contrast, many of the infection control measures introduced in prisons over the past year are intrinsically problematic. Just as governments the world over have struggled to weigh up the public health benefits against the immense social and economic costs associated with the imposition of general lockdowns, so too prison administrations have faced the challenge of balancing the competing priorities of infection control and safeguarding prisoners' rights to maintain contact with family and friends, to access services, and to engage in meaningful activity.

The strict infection control measures implemented within most prison systems have significantly impacted prisoners who are facing the 'double lockdown' of additional restrictions in a setting in which they have already lost their liberty and many other personal freedoms. The suspension of family visits and of arrangements for temporary leave, combined with restrictions of movement within prisons, have led many prisoners to be locked up in conditions of almost total isolation, often for up to 23 hours a day. This has had a deleterious effect on their mental and physical health, general welfare, and prospects for rehabilitation, as is discussed in much greater detail in the report [Locked in and Locked Down](#) published alongside this one.

In most of the ten countries that are the focus of this report, the prison systems have made various efforts to mitigate the negative effects of their infection control measures. These include the introduction of new arrangements for remote contact (such as use of video calls) between prisoners and their loved ones and others in the wider community. Such arrangements appear to have been positively received, and present opportunities for further development in post-pandemic times, for the purpose of enhancing prisoners' engagement with the outside world and their access to education and other services. Clearly, this will offer benefits to prisoners only to the extent that facilities for remote engagement are retained as a supplement to, and not a replacement of, in-person contacts and activities.

At the time of writing (May 2021), the COVID-19 pandemic is far from over, and indeed the health situation is worsening in many parts of the globe. Part of the picture of this worsening situation is the

emergence of new variants of the virus, the implications of which are as yet little understood. Two countries that are currently especially badly affected are discussed in this report: Brazil and India. On a more positive note, vaccinations are being rolled out to prison staff and/or prisoners in most of the ten countries, within national vaccination programmes.

Although as yet the worst fears about widespread COVID infections and deaths in prisons do not appear to have been realised, the risks presented by over-crowded prisons with poor standards of healthcare remain a matter of profound concern. Even in England and Wales, for example, where COVID cases and deaths have fallen sharply in the community in recent months, the government's scientific advisers have recently warned that:

*prisons will continue to remain at high risk of outbreaks, and may also act as a potential reservoir and amplifier of infection for the community, unless there are high levels of immunity and/or extensive restrictions and infection prevention and control (IPC) measures in place. There is a risk that variants of concern could amplify rapidly within a prison environment, compromising not only the health of those in prison, but also wider community health security (SAGE, 2021: 4).*

With highly uncertain times ahead, prison administrations and penal policy-makers continue to have tough decisions to make. Some broad principles that should guide this decision-making are set out as recommendations in Chapter 6 of our accompanying [report](#). Policies and practices aimed at significantly reducing prisoner numbers are not easy to devise nor to implement, but remain a critical component of efforts to contain the threat of COVID in prison settings. The same applies to regime restrictions to control risk of infection, which – if prisoners' human rights and well-being are to be safeguarded – must not only be effective in public health terms, but also *proportionate*.

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## Institute for Crime & Justice Policy Research

The Institute for Crime & Justice Policy Research (ICPR) is based in the Law School of [Birkbeck](#), University of London. ICPR conducts policy-oriented, academically-grounded research on all aspects of the criminal justice system. ICPR's work on this report forms part of the ICPR World Prison Research Programme, a programme of international comparative research on prisons and the use of imprisonment. Further details of ICPR's research are available at <http://www.icpr.org.uk/>

ICPR's book, *Imprisonment Worldwide: The current situation and an alternative future* (Coyle, Fair, Jacobson and Walmsley) was published in June 2016 and is available from Policy Press.

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## World Prison Brief

The World Prison Brief was established by Roy Walmsley and launched in September 2000 by the International Centre for Prison Studies. Since November 2014 the Brief has been hosted and maintained by the Institute for Crime & Justice Policy Research. The data held on the Brief (which is updated on a monthly basis) are largely derived from governmental or other official sources. The data used in this report were accessed from the database in April 2021. The World Prison Brief can be accessed at <http://prisonstudies.org/>