

COVID-19: PRISONS AND DETENTION IN SOUTHEAST ASIA

Prisons and detention facilities are a high-risk environment for the spread of COVID-19,¹ especially where they are overcrowded, cannot maintain adequate standards of sanitation and hygiene, and are limited in their capacity to ensure access to medical treatment.

In several countries around the world, the heightened risks of COVID-19 infection in prisons, combined with new restrictions on visits and communication with people outside prison, has intensified anxiety and tensions amongst people held within them, in some cases resulting in riots, escapes and violence.²

Ensuring the safety and health of both prison staff, and people deprived of liberty, requires urgent action to reduce the risks and consequences of widespread COVID-19 infection.

1. Prisons and detention in Southeast Asia

A large number of people are held in prisons, jails and detention facilities, including drug rehabilitation centres. As of 2017, over 51,000 people were detained in drug rehabilitation centres in Vietnam, and over 22,000 people were detained in similar facilities in Thailand.³

Thailand also detains around 380,000 people in prisons that have capacity for up to 255,000 people.⁴ Cambodia's largest prison is 500% over capacity and in the Philippines, which had the highest prison occupancy rate in the world in 2019,

overcrowding in jails reached 534% in March 2020.⁵ Such cramped conditions, and the fact that essential activities such as eating, showering and using the toilet are often communal, make it impossible to comply with advice on COVID-19 prevention, namely physical distancing.⁶

People deprived of liberty are also more likely to have underlying health conditions, and at greater risk of prevalence of HIV, viral hepatitis and tuberculosis, which increase their vulnerability to COVID-19 infection.⁷

2. Policy responses around the world

There have been confirmed cases of COVID-19 amongst people deprived of liberty and prison officers in many countries.⁸ Several of them are taking measures to reduce the prison population as a key strategy to prevent the spread of the virus.

For example, the UK will enable early release of up to 50 pregnant women, many US states are releasing people held on pre-trial detention, Iran has released almost 10,000 people, India will grant temporary release on parole or bail to over 46,000 people, and Indonesia will grant early release to 30,000 people to prevent the spread of COVID-19.⁹

3. Recommendations

A: Suspend or reduce all arrests and admissions into prisons and other detention facilities (including drug rehabilitation centres) for non-violent offences, including for drug use and possession, and violation of curfew and 'lockdown' orders relating to COVID-19 response measures.¹⁰

B: Grant early release from prisons and other detention facilities including drug rehabilitation centres for those who are vulnerable and/or pose a low-level threat to public safety: the elderly, pregnant women, children, people with health conditions, people awaiting trial and not convicted, and those charged with minor offences such as non-violent offences including drug use or possession.¹¹

C: Provide post-release and continuum of care upon release of people in prison back into the community, including assistance with securing food, housing, employment and healthcare as needed.¹² Coordination with community and non-government organisations may be beneficial for provision of post-release care.

D: To ensure the health and safety of those who remain in prison:

- i. **improve standards of sanitation and hygiene to prevent the spread of COVID-19 in prisons**, including by providing soap and water for free to enable frequent hand-washing, and environmental sanitation and disinfection
- ii. **ensure availability and supply of personal protective equipment**, especially for healthcare staff.¹³
- iii. **ensure availability of testing for COVID-19, appropriate isolation facilities for quarantine (without unnecessarily prolonged isolation), and access to medical treatment for people in prison as needed**
- iv. **enable people deprived of liberty to maintain communication with those outside prison**, e.g. allowing phone or online calls for free.¹⁴ This can help to ease anxiety and tensions inside prisons and detention settings.
- v. **abolish the use of corporal punishment**, such as whipping or caning in Brunei, Indonesia, Malaysia and Singapore, which violate both public health and human rights standards.¹⁵

Key guidance relevant to COVID-19, prisons and detention

- World Health Organisation (WHO): [*Preparedness, prevention and control of COVID-19 in prisons and other places of detention*](#)
- United Nations Office on Drugs and Crime: [*Position Paper COVID-19 preparedness and responses in prisons*](#)
- UN Inter-Agency Standing Committee: [*Interim Guidance – COVID-19: Focus on Persons Deprived of Their Liberty*](#), WHO and Office of the High Commissioner for Human Rights (OHCHR)
- OHCHR Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [*Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic \(adopted on 25th March 2020\)*](#)
- Penal Reform International, [*Coronavirus: Healthcare and human rights of people in prison*](#)

Endnotes

¹ The novel strain of coronavirus is called Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2). COVID-19 is the name given to the disease associated with the virus. Source: European Centre for Disease Prevention and Control <https://www.ecdc.europa.eu/en/publications-data/covid-19-what-we-know>

² Hannah Summers “Everyone will be contaminated’: prisons face strict coronavirus controls” (23 March 2020), <https://www.theguardian.com/global-development/2020/mar/23/everyone-will-be-contaminated-prisons-face-strict-coronavirus-controls>; Bangkok Post, “Prisoners escape in Buri Ram jail riot after Covid-19 rumour” (30 March 2020), <https://www.bangkokpost.com/thailand/general/1888805/prisoners-escape-in-buri-ram-jail-riot-after-covid-19-rumour>

³ Stoicescu, C. and Lasco, G., *10 years of drug policy in Asia: How far have we come? – A Civil Society Shadow Report* (2019), <https://idpc.net/publications/2019/02/10-years-of-drug-policy-in-asia-how-far-have-we-come-a-civil-society-shadow-report>

⁴ TIJ, รายงานสถานการณ์และข้อเสนอแนะเชิงนโยบายเกี่ยวกับการแพร่ระบาดโรค COVID-19 ในเรือนจำ (2020), <https://www.tijthailand.org/th/highlight/detail/covid19-prison>

⁵ Amnesty International, *Cambodia: Overcrowded detention centres a ticking time bomb for COVID-19 amid raft of “fake news” arrests* (2020), <https://www.amnesty.org/en/latest/news/2020/03/cambodia-overcrowded-detention-centres-covid-19-raft-fake-news-arrests/>; World Prison Brief, ‘Highest to Lowest – Occupancy level (based on official capacity)’, https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field_region_taxonomy_tid=ALL; International Committee of the Red Cross, “COVID-19: Lessons from Philippines jails show how to fight infectious coronavirus disease” (24 March 2020), <https://www.icrc.org/en/document/philippines-amidst-covid-19-outbreak-icrc-focuses-one-most-vulnerable-places-prisons>

⁶ WHO, *Preparedness, prevention and control of COVID-19 in prisons and other places of detention* (2020), 5, http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1

⁷ Lipi Roy, *Infections And Incarceration: Why Jails And Prisons Need To Prepare For COVID-19 Now* (2020), <https://www.forbes.com/sites/lipiroy/2020/03/11/infections-and-incarceration-why-jails-and-prisons-need-to-prepare-for-covid-19-stat/#2ac566c049f3>

⁸ In March 2020, these countries included: Austria, Belgium, Canada, China, France, Germany, the Islamic Republic of Iran, Italy, the Netherlands, Pakistan, South Korea, Spain, Switzerland, Moldova, South Africa, Turkey, the United Kingdom and the United States. Source: UNODC, *Position Paper COVID-19 preparedness and responses in prisons* (March 2020), https://www.unodc.org/documents/hiv-aids/publications/UNODC_position_paper_COVID-19_in_prisons_FINAL.pdf

⁹ Prison Policy Initiative, *Responses to the COVID-19 pandemic* (2020), <https://www.prisonpolicy.org/virus/virusresponse.html>;

[Agence France-Presse, *Afghanistan to release up to 10,000 prisoners to slow coronavirus spread* \(2020\), <https://www.thejakartapost.com/news/2020/03/26/afghanistan-to-release-up-to-10000-prisoners-to-slow-coronavirus-spread.html> ; Patrick Wintour, *Iran to pardon 10,000, including ‘security’ prisoners* \(2020\), <https://www.theguardian.com/world/2020/mar/19/iran-to-pardon-10000-including-security-prisoners>; Lorena Allam, *Some NSW prisoners could be released early under Covid-19 emergency powers* \(2020\), <https://www.theguardian.com/australia-news/2020/mar/24/hundreds-of-nsw-prisoners-could-be-released-early-under-covid-19-emergency-powers> ; The Wire, “COVID-19: Here’s How Many Prisoners Will Be Temporarily Released From Jail, By State” \(30 March 2020\), <https://thewire.in/government/covid-19-prisoners-release-jail> ; Jakarta Post, “COVID19: Indonesia releases more than 5,500 inmates, plans to free 50,000” \(1 April 2020\) <https://www.thejakartapost.com/news/2020/04/01/covid-19-indonesia-releases-more-than-5500-inmates-plans-to-free-50000.html>](https://www.theguardian.com/world/2020/mar/19/iran-to-pardon-10000-including-security-prisoners)

¹⁰ Penal Reform International, *Coronavirus: Healthcare and human rights of people in prison* (March 2020), <https://cdn.penalreform.org/wp-content/uploads/2020/03/FINAL-Briefing-Coronavirus.pdf>, pp. 12 - 13

¹¹ UNODC, *Position Paper COVID-19 preparedness and responses in prisons* (March 2020), https://www.unodc.org/documents/hiv-aids/publications/UNODC_position_paper_COVID-19_in_prisons_FINAL.pdf; WHO, *Preparedness, prevention and control of COVID-19 in prisons and other places of detention* (2020), 5, http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1 ; Penal Reform International, *Coronavirus: Healthcare and human rights of people in prison* (March 2020), <https://cdn.penalreform.org/wp-content/uploads/2020/03/FINAL-Briefing-Coronavirus.pdf>

¹² Rule 108, *The Nelson Mandela Rules: The United Nations Standard Minimum Rules for the Treatment of Prisoners*, https://www.un.org/en/events/mandeladay/mandela_rules.shtml ; World Health Organisation, *Prisons and Health* (2014), https://www.unodc.org/documents/hiv-aids/publications/Prisons_and_other_closed_settings/2014_WHO_UNODC_Prisons_and_Health_eng.pdf, at 1.

¹³ WHO, *Preparedness, prevention and control of COVID-19 in prisons and other places of detention* (2020), http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1

¹⁴ WHO, *Preparedness, prevention and control of COVID-19 in prisons and other places of detention* (2020), http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1

¹⁵ Stoicescu, C. and Lasco, G., *10 years of drug policy in Asia: How far have we come? – A Civil Society Shadow Report* (2019), <https://idpc.net/publications/2019/02/10-years-of-drug-policy-in-asia-how-far-have-we-come-a-civil-society-shadow-report>, at 32.