

Covid-19: Call for urgent action to lift closure policies in places of detention

Joint public statement

Geneva, 9 May 2022

As Covid-19 cases and fatalities continue to decline in most regions around the world, public health measures and restrictions are being loosened to an unprecedented degree. While people around the world go back to live their lives as normally as possible, those detained remain largely excluded from a return to normalcy. Restrictions on their rights still impact over 11 million people held in penal institutions, human rights groups and experts said today.

New research conducted by the World Organisation Against Torture (OMCT) indicates that measures restricting the core exercise of rights have in many instances been adopted without due regard to the principles of legality, proportionality and necessity and with very limited judicial oversight. In countries such as Honduras, Togo, Uganda and Nepal, to name a few, blanket bans on family visits and access of civil society organisations to places of detention have spanned over extended periods of time. As a result, thousands of people deprived of liberty, including over 250,000 children in detention facilities and many thousands of individuals held in places of detention outside the criminal justice system, have not been able to see their families for two years.

The research process and methodology included input from over 70 civil society organisations and experts in the anti-torture, detention, health and public health fields. Today, they call for urgent action to revert the isolation and suffering that many detainees continue to endure around the world ever since the Covid-19 pandemic was declared in March 2020.

While preserving the health of detainees in congregate and often overcrowded settings needs to be a top priority, Covid-19 related measures ought to be guided by a human rights-based approach. Equal access to Covid-19 vaccination, equity when it comes to the promotion of health and disease prevention, as well as the need to guarantee the mental health and emotional well-being of those held in places of detention are crucial.

Restrictions on visits have had a major impact on the mental health and emotional well-being of detainees and their families, as detailed in our new Guidance Note *“Breaking the walls of isolation: Ensuring contact with families for persons deprived of liberty in a world with Covid-19”*. Despite the existence of international standards and guidelines affirming the need for children to maintain social connectedness and in particular in-person visits by family members, restrictions involving the suspension and reduction of visits have also applied to children deprived of liberty.

Many of these restrictions and protocols in place have not been communicated to detainees and their families. In fact, while the Covid-19 pandemic has unveiled the heightened importance of information in times of crisis, our new Guidance Note *“Breaking the walls of silence: Access to information for detainees in a world with Covid-19”* shows a lack of official data, or the provision of unreliable or manipulated data, on Covid-19 cases, infection rates, health condition, deaths of persons deprived of liberty and vaccination coverage, among other matters of public interest.

The lack of access to information and the collective isolation that detainees continue to face in many countries have grave implications for upholding the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. In addition, the lack of transparency and the isolation from families and the outside world are crucial risk factors for increased tensions and violence in detention facilities.

The OMCT and the undersigned civil society organisations and experts call on States and prison and other detention authorities across the world to:

- Observe the principle of non-discrimination when lifting or easing Covid-19 restrictions. Covid-19 related restrictions in detention settings should be aligned with the gradual removal of restrictions for the general population. All unjustified restrictions violating human rights should be lifted immediately;
- Guarantee the right to communicate with the outside world and to receive regular visits, which is a basic right that ensures the dignity and well-being of persons in detention and protects the right to be free from torture and other ill-treatment. Restrictions on family contact have to be provided by law, adopted only when strictly required (when less harmful alternatives do not exist), for a limited duration and subject to periodic judicial review;
- Guarantee access to all places of deprivation of liberty by lawyers, national preventive mechanisms (NPMs) and other independent monitoring bodies, including civil society organisations, as well as medical personnel, with all the required sanitary and security protocols;
- Uphold the right of persons deprived of liberty to receive reliable, accurate and up-to date information;
- Adopt and publicise a protocol on emergencies, including a roadmap, in the event of an emergency (which could be a new Covid-19 variant or a different emergency): to guarantee transparency (regular press conferences, bulletins, agreement with NPM, etc); to prevent torture and other cruel, inhuman or degrading treatment or punishment and to guarantee access to independent complaint mechanisms; to guarantee meaningful and frequent contact of detainees with the outside world, their families and lawyers in particular;
- Persons deprived of liberty who have been subjected to isolation from their families and social networks should be entitled to compensatory measures, including considering access to early and conditional release schemes. Access to mental health services is paramount and should be guaranteed and scaled for detainees and their families.

Call on civil society organisations and the anti-torture movement to:

- Join the call for the lifting of closure policies, drawing on the health, human rights, security and prison governance arguments put forward in the new Guidance Notes;
- Continue promoting strategies, including advocacy, campaigning and litigation strategies, to push back against the entrenchment of unjustified restrictions and to trigger the increase of transparency in traditionally opaque detention administrations;
- Engage with international bodies, notably by submitting alternative reports to United Nations Treaty Bodies, to provide details about the impact of the pandemic and related restrictions in places of detention and to advocate a human rights-based preparedness plan and response to the new outbreak or emergency.

Call on academics and experts to:

- Further assess the impact of closure policies on the health and personal integrity of persons deprived of liberty, including on their right to be free from torture and other ill-treatment; identify the most urgent and appropriate mitigation and reparation responses; issue recommendations for the future phases of the Covid-19 pandemic, including an eventual transition from a pandemic to an endemic stage, and in the context of long-term reform agendas.

List of signatory experts and civil society organisations:

- Dr. Ranit Mishori, Professor of Family Medicine at Georgetown University and Senior Medical Advisor at Physicians for Human Rights (member of the OMCT Covid-19 Crisis Action Group) - United States

- Susanna Marietti, national coordinator, Antigone (member of the OMCT Covid-19 Crisis Action Group) - Italy
- Adam Bodnar, Professor of Law at the SWPS University of Social Sciences and Humanities (member of the OMCT Covid-19 Crisis Action Group) - Poland
- Camilo Eduardo Umaña Hernández, Professor of Law at Universidad Externado de Colombia - Colombia
- World Organisation Against Torture (OMCT)
- Documenta - Mexico
- Advocacy Forum - Nepal
- Pastoral Social – Caritas. Diócesis de San Pedro Sula – Honduras
- Antigone - Italy
- SOS Information Juridique Multisectorielle (SOS IJM Asbl) - Democratic Republic of Congo
- Centro de Estudos de Criminalidade e Segurança Pública, Universidade Federal de Minas Gerais - Brazil
- United Against Torture Coalition (UATC) - Philippines
- Medical Action Group, Inc - Philippines
- Instituto de Terapia e Investigación sobre las Secuelas de la Tortura y la Violencia de Estado (ITEI) - Bolivia
- Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH) - Honduras
- Una Ventana a la Libertad – Venezuela
- Observatorio del Sistema Penal y los Derechos Humanos (OSPDH) de la Universidad de Barcelona – Spain
- Asociación Pro Derechos Humanos de España (APDHE) – Spain
- Helsinki Citizens' Assembly – Vanadzor- Armenia
- Collectif des Associations Contre l'Impunité au Togo (CACIT) - Togo
- Action des chrétiens pour l'abolition de la torture (ACAT) - Chad
- Changement Social Bénin - Benin
- Alliance pour l'Universalité des Droits Fondamentaux (AUDF ONG) - Democratic Republic of Congo
- Mouvement Ivoirien des Droits Humains (MIDH) – Côte d'Ivoire
- Africa End Sexual Harassment Initiative (AESHI) - Kenya
- Solidarity Centre - Kenya
- Forum tunisien des droits économiques et sociaux (FTDES) - Tunisia
- Organisation contre la torture en Tunisie (OCTT) - Tunisia
- Ligue tunisienne des droits de l'homme (LTDH) - Tunisia
- Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) - Senegal
- ACAT Italia, Azione dei Cristiani per l'abolizione della tortura- Italy
- Comisión de Derechos Humanos (COMISEDH) - Peru
- Asociación Irídia - Centro para la Defensa de los Derechos Humanos - Spain
- Children's Fund of Kazakhstan - Kazakhstan
- Task Force Detainees of the Philippines (TFDP) - Philippines
- Public Verdict Foundation, Russia
- Bulgarian Helsinki Committee, Bulgaria
- Human Rights Association (İHD) -Turkey
- Association for Human Rights in Central Asia (AHRCA), Uzbekistan / France
- Human Rights Center - Georgia
- Human Rights Alert (HRA) - India
- SUARAM - Malaysia
- Fundación Comité de Solidaridad con Presos Políticos - Colombia
- Xumek - Argentina
- Al Mezan Center for Human Rights - Palestine
- SALAM DHR - Bahrain
- Public Organization "Human Rights Center" - Republic of Tajikistan
- Alternative Espace Citoyens (AEC) - Niger
- Committee Against Torture – Russia
- Civil Society in the Penal System Association (CISST) -Turkey

- Hungarian Helsinki Committee (HHC) – Hungary
- Action des Chrétiens pour l'Abolition de la Torture (ACAT) - Cameroon
- Réseau des défenseurs des droits humains en Afrique Centrale (REDHAC) - Cameroon
- Association Marocaine des Droits Humains (AMDH) - Morocco
- Centre for Human Rights and Democracy in Africa (CHRDA) - Cameroon
- Prisoners' Rehabilitation and Welfare Action (PRAWA) - Nigeria
- Promo LEX Association - Republic of Moldova
- The Kenyan Section of the International Commission of Jurists (ICJ Kenya) - Kenya
- Association Malienne pour la Survie au Sahel (AMSS) - Mali
- Independant Medico-Legal Unit (IMLU) - Kenya
- Réseau pour la Migration et le DEveloppement (REMIDEV)- Sénégal
- Addameer Prisoner Support and Human Rights Association - Palestine
- Youth for Human Rights Documentation (YHRD) - India
- KontraS - Indonesia
- Human Rights Organization of Nepal (HURON) - Nepal
- Odhikar - Bangladesh
- Cross Cultural Foundation - Thailand
- Physicians for Human Rights
- Beladi Organization for Human Rights - Libya
- Libyan Crime Watch - Libya
- Egyptian Commission for Rights and Freedoms - Egypt
- Sociedad de Profesionales por la Dignidad y Justicia - Guatemala
- Centro de Prevención Tratamiento y Rehabilitación a las Víctimas de Tortura y sus Familiares (CPTRT) - Honduras
- Centro de Estudios Legales y Sociales (CELS) - Argentina
- Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP) - Brasil
- Rede Justiça Criminal - Brasil

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