



Ms. Ursula von der Leyen
President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels

Mr Didier Reynders
Commissioner for Justice
European Commission
Rue de la Loi 200
1049 Brussels

Mr. Charles Michel
President of the European Council
Rue de la Loi 175
1048 Brussels

Re: Situation of prisoners in the European Union in the context of coronavirus

Brussels,
3 April 2020

Dear President Von der Leyen, Dear President Michel, Dear Commissioner Reynders,

As Members of the European Parliament, we want to express our deep concern regarding the situation, health and well-being of persons held in detention in the European Union in the context of the COVID-19 pandemic, and would like the European Commission and the European Council to take steps to ensure their health and well-being are protected in this unprecedented crisis.

We acknowledge prison conditions and prison management are responsibilities of the Member States but the EU also has a necessary role to play in protecting the health and fundamental rights of prisoners especially in the current context.

In the wake of the COVID-19 pandemic, we are extremely worried for the health and rights of people in prison. Prisons represent high-risk environments for the transmission of infectious diseases, while health services can be insufficient. According to reports by Council of Europe's European Committee for the Prevention of Torture, the situation in prisons in many Member States, including prison overcrowding and the condition of prison facilities, constituting degrading and inhumane conditions of detention, are cause for extreme concern. In the current context, we can only be even more concerned since the danger of a coronavirus outbreak in a penitentiary setting is according to experts very high.

Several Member States have already taken specific measures to accommodate detention places and prison to the necessities of the pandemic. While acknowledging some of those measures are positive steps in order to protect the health and well-being of inmates, we believe they should always respect necessity and proportionality while taking into account detainee fundamental rights in particular the right to private and family life. Several accounts of violence and riots have been taking place in several countries showing the current state of distress suffered by detainees.

In that regards, the suspension of visits by family may have disastrous effect on detainees who are cut from the world in a very sensitive context, likely to impact adherence to health instructions given by authorities, as well as their families. We recall mental health issues and suicide rates are very high in detainees population. We believe visits should be adapted to cope with sanitary measures

but should be as much as possible facilitated in order to maintain family links and contacts with legal counseling and support association. When visits should deem impossible, contacts through telecommunications should be strongly facilitated. We ask the European Commission and Council to ensure necessity and proportionality of measures limiting visiting rights in this context are respected.

Echoing the call made by the United Nations High Commissioner of Human, Michelle Bachelet, that Governments must work quickly to reduce the number of people in detention¹. In many countries, detention facilities are overcrowded, making physical distancing and self-isolation practically impossible. People are often held in unhygienic conditions. We believe the European Commission and Council should strongly encourage Member States authorities to reducing the number of persons present in prison, especially vulnerable people including sick and elderly people, as well as low-risk offenders and by releasing detainees in the ending stage of their sentence, reporting implementation of prison sentence at a later stage or granting prison leave for certain categories of offenders during the course of the pandemic, especially for people with permission to work or volunteer outside the prisons.

It is also important to consider that persons leaving prison are often in an extremely vulnerable social and economic situation, at great risk of homelessness, as such they should be integrated in national preparedness and response plans toward vulnerable public.

While we acknowledge providing protection equipment for the whole population is a challenge for many Member States at the moment, we ask the European Commission and Member States to integrate detention places in their action plan and provide as soon as possible protection equipment and hygiene products to people living in detention and for prison staff. We also believe prisoners and prison staff should be included in the priority targets for testing.

We recall the EU and Member States have the obligation to protect the health and rights of those detained. As such, dedicated measures to prevent the spread of COVID-19 infection in prisons as well as preparedness to manage people in prison suffering from COVID-19, must be part of the national preparedness and response plans, including reducing overcrowding; as well as ensure that people in prison have access to all necessary prevention, diagnostics and treatment services, including the ability to self-isolate under dignified conditions. At the same time, the human rights of people in prison, including access to services, information, privacy and zero discrimination and stigmatization, must be safeguarded.

The EU is therefore called upon to urge national authorities to respect the right to health of prisoners, and take steps to reduce the likelihood of COVID-19 transmission in prisons.

Acknowledging your efforts to handle this unique situation effectively, we thank you in advance for addressing this urgent matter and we look forward to hearing from you.

Yours sincerely,

Saskia Bricmont
Diana Riba i Giner
Caroline Roose
José Gusmão

Anne-Sophie Pelletier
Damien Carême
Tineke Strik
Marisa Matias

¹ <https://news.un.org/en/story/2020/03/1060252>

**Pernando Barrena
Dorien Rookmaker
Michèle Rivasi
Francisco Guerreiro
Michael Bloss
Tilly Metz
Patrick Breyer
Clara Ponsati Obiols
Claude Gruffat
Petros Kokkalis
Grace O'Sullivan
Clare Daly
Mick Wallace
Hannah Neumann
Manon Aubry
Raphaël Glucksmann
Petra de Sutter
Margrete Auken
Kira Peter-Hansen
Giuliano Pisapia
Damian Boeselager
Nikolaj Villumsen
Katrín Langensiepen
Karima Delli
Benoît Biteau**

**Philippe Lamberts
Gwendoline Delbos Corfield
Manuel Bompard
Kostas Arvanitis
Karen Melchior
Antoni Comín i Oliveres
Carles Puigdemont i Casamajó
Alviina Alametsä
Sergey Lagodinsky
Alice Kuhnke
Pär Holmgren
Jakop Dalunde
Reinhard Bütikofer
Ciarán Cuffe
David Cormand
Ernest Urtasun
Isabel Carvalhais
Brando Benifei
Milan Brglez
Monika Vana
Mounir Satouri
Salima Yenbou
Marie Toussaint
Yannick Jadot
François Alfonsi**