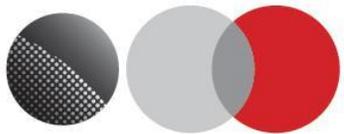


Prisons, drugs and COVID-19: Early releases and continuity of care

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HARM REDUCTION
INTERNATIONAL

Global Scan of decongestion measures

- March – June 2020
 - Published in July 2020: first global analysis
- Desk-based research, policy analysis, survey of NHRI, NPMs, prison administrations, civil society
- Information collected: authority; type of measure; criteria for release/exclusion [focus on health and drug offences]; implementation and impact
 - Lack of data (implementation; measures to reduce intake) → *caveat*

Why focus on people who use drugs and drug offences?

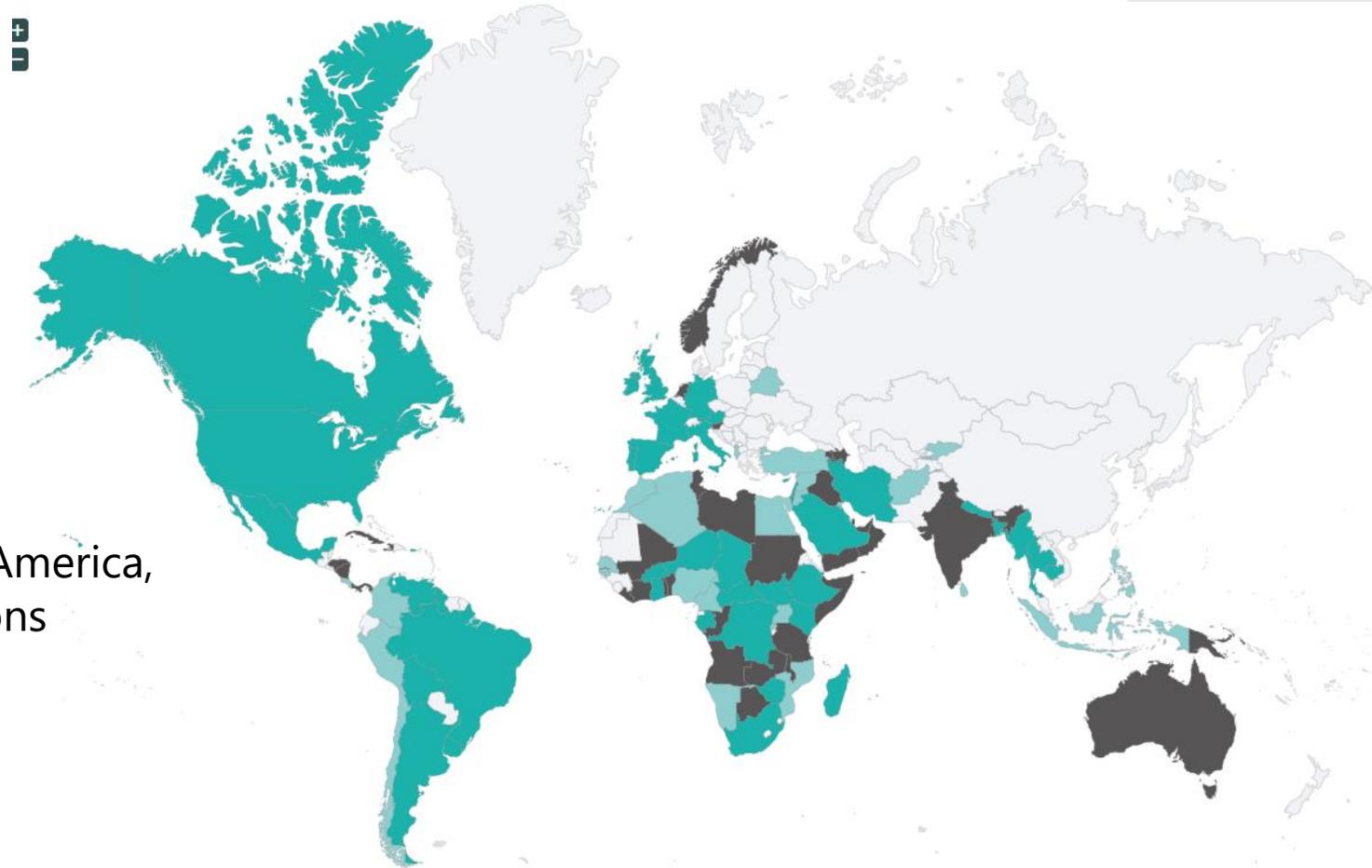
- ~20% of global prisoners → significant impact on success of the measures
- Health vulnerabilities to COVID-19
- Explicit calls for decarceration by UN mechanisms
- Arguably, some shouldn't have been imprisoned in the first place → Potential for long-term, structural reform
- Human rights obligations through COVID-19 lenses
 - Prohibition of discrimination
 - Right to health
 - Prohibition of arbitrary detention (necessity and proportionality)

Key findings: DECONGESTION MEASURES

- At least 109 countries, at least 15 in Europe
- Main measures:
 - Early releases
 - Pardons/Amnesties
 - Diversion to house arrest
 - Release on bail/parole
- ~**640,000** released (5,8%). At the same time, prisoners intake → limited impact

Key Findings: GEOGRAPHICAL GAPS

- **No releases** in China and Russia
- **Gap** in EECA (only Belarus and Kyrgyzstan)
- **Significant uptake** in Western Europe, Latin America, Africa, and SEAsia, though with many limitations



Key Findings: MAIN CRITERIA FOR ELIGIBILITY

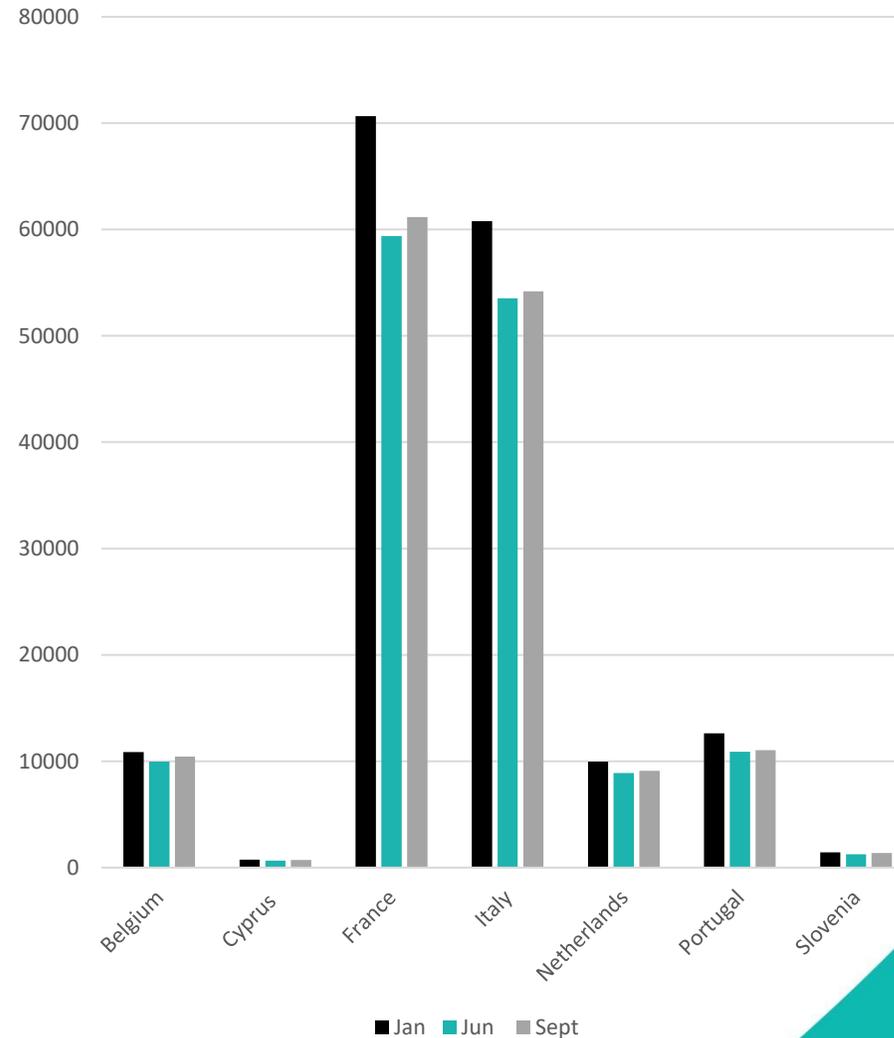
- 1) Length of sentence served/left (50%)
- 2) Age (35%)
- 3) Pre-existing health conditions, incl. HIV/AIDS, TB, chronic illnesses (35%)
- 4) Crime: **drug offences excluded in at least 28 countries***
- 5) Pre-trial detention (only 19%) + in some countries (Turkey) only final sentence
- 6) Gender: women (20%)
- 7) Availability of **accommodation** (10, incl. Belgium)

Key Findings: POOR IMPLEMENTATION

- ✓ Limited decongestion
 - ✓ 10-20% decrease
 - ✓ Bureaucratic hurdles
- ✓ In many cases temporary
 - ✓ Releases stopped in summer 2020 (Denmark, Slovenia, Norway)
 - ✓ Prisoners recalled (Iran)
- ✓ Not coupled with measures to significantly reduce intake/other structural reforms

→ **No long-term impact**

Prison Population Jan – June - Sept 2020



LACK OF SUPPORT ON RELEASE

- People who use drugs require specific attention on release from prison, because of the increased risk of overdose, HIV and viral hepatitis.
- Prisons must provide naloxone and continuity of opioid agonist therapy to address these risks.
- HRI's Global State of Harm Reduction (data: April to October 2020) found no evidence of an expansion of these programmes in the context of COVID-19 decongestion measures.
- Limited analyses of experiences in countries who implemented releases found that community re-integration programs have often failed to support people returning from detention.

CONCLUSIONS

- The pandemic showed that where there is political will, reform is possible and change can be achieved quickly
- The pandemic provided an opportunity to adopt structural, long-term reforms. Instead, most countries introduced limited, piecemeal, short-term measures
→ Punishment prioritised over health
- Even where measures were introduced, implementation was poor because of design flaws or bureaucratic hurdles

