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**FOLLOW-UP COVID-19 RELATED STATEMENT
BY THE COUNCIL FOR PENOLOGICAL CO-OPERATION WORKING GROUP
(PC-CP WG)**

The Council for Penological Co-operation Working Group (PC-CP WG), at its 25th meeting held on 8-10 September 2020, which was attended also by representatives of the European Organisation of Prison and Correctional Services (EuroPris) and the Confederation of European Probation (CEP), wishes to call attention to its [COVID-19 related statement](#) made in April 2020 as well as to the [follow-up statement](#) made by the CPT in July 2020, and to further add the following.

The PC-CP WG members, having considered the abundant information and data collected in the course of the last six months from the national prison and probation services of the Council of Europe member States, related to the steps taken by them to limit/stop the spread of this pandemic and to deal with infected persons, wish to draw attention to some conclusions, key principles and recommendations in order to assist in dealing with the longer-term impact of this and similar situations in the future.

1. The Council for Penological Co-operation Working Group (PC-CP WG) notes with satisfaction that timely and proportionate measures were taken by virtually all prison and probation services in Europe in an organised and consistent manner and this has allowed to either avoid or limit significantly the spread of the virus in the penitentiary institutions and to limit infections among staff and persons under probation supervision.
2. The PC-CP WG notes also that in many countries, moves towards re-establishing the usual prison and probation work arrangements, while at the same time ensuring the safety of staff and persons under their responsibility, have led to finding and adapting additional tools and methods. In a few countries, restoration of face-to-face visits with safety precautions was implemented, as well as prison leaves and out-of-cell activities, including prison workshops. Restoration of probation visits, treatment and intervention programmes has started again with appropriate precautions, including holding interviews and other visits in an open space and maintaining remote forms of training and interventions.
3. The pandemic has shown to what extent good sanitary conditions and high-quality healthcare are important. Therefore, the maintenance of such conditions and services should be preserved and further improved in the future. This requires also reviewing medical staffing levels, training of all staff on sanitary and general healthcare rules and ensuring sufficient stocks of necessary items.
4. The use of new technologies in prisons and by the probation services is a positive trend, which needs to be further evaluated. Their use allows *inter alia* for maintaining an acceptable level of contacts and activities in times of crisis. Compensating prisoners with free-of-charge phone calls and other means of communication is also a positive trend in this respect. In relation to this though, it should be underlined that under normal circumstances, practices like the holding of remote meetings, of educational and training activities, as well as of remote visits and contacts with families, lawyers and

others should be used as a complement to normal face-to-face contacts, treatment interventions and interactions. Arguments like security, cost-effectiveness, saving time or other staff resources, in the use of such tools should be weighed against the importance of preserving direct positive human contact and interaction between staff and offenders for helping achieve desistance from crime. There should always be as much informed choice as possible, regarding the means of contact and communication, offered to staff and offenders.

5. A positive practice of many prison and probation services is the regular and transparent communication with offenders under their responsibility, with their families, lawyers and other relevant persons on the restrictions and sanitary measures taken, including providing clear explanations about reasons, timespan, etc. This has helped in gaining the understanding of the addresses and in preserving safety and good order.
6. As solitary confinement and in particular prolonged periods of such confinement, have noteworthy negative impact on the mental and physical health of detainees, as detailed in the recently revised and updated [European Prison Rules](#) and in their [commentary](#) (Rules 53 and 60.6), any such confinement for sanitary and safety reasons should be coupled with counterbalancing activities, such as increased number of free-of-charge phone calls, books and other reading material, TV and other media, in-cell educational, training and recreational activities and others. Such periods of solitary confinement should be ended immediately with the end of the reason for their imposition. As a general rule the PC-CP wishes to underline that any such restrictions on rights and freedoms of persons under the supervision of prison or probation services should be temporary only and should be proportionate to the severity of a crisis, as well as to its impact and time-span, and should be lifted as soon as the source for their introduction has ceased to exist.
7. The COVID-19 pandemic has led to significant backlogs in probation work and has negatively impacted the work of the courts and contacts between the probation services and the courts. Many countries have reported that pre-sentence reports were no longer prepared, the use of alternative sanctions and measures was significantly reduced or even stopped. Educational and treatment programmes have also severely suffered during this period. Measures should be taken as soon as possible to evaluate this impact in order to restore the normal scope and availability of court and probation work.
8. On the other hand, the pandemic, by allowing for more use of new technologies in the treatment and educational programmes, has granted easier access for offenders with limited resources or those living in remote areas to treatment and education interventions at little cost. Probation services have become more creative and flexible in finding new ways for enforcement of community sanctions and measures and these good practices should remain after the crisis. Such positive developments should be evaluated and preserved in the future.
9. In many countries, short-term sentences for petty crimes related to probation supervision were not executed and the files were closed due to the pandemic. In some countries the courts have decided that periods of confinement measures outside prisons due to COVID-19 should be considered as part of the execution of a prison sentence. While such positive trends of reducing the penal response, in the first place, to minor acts of offending is welcome, there is a need to find other forms of helping offenders to move away from crime. In relation to this, the PC-CP WG urges prison and probation services to assist persons under their responsibility, who have no means to do so, in contacting other agencies and services, such as housing, medical, employment, etc.
10. Another noticeable impact of the pandemic was the reduction of prison numbers in many countries by the use of different early release schemes or by postponing the execution of prison sentences or by replacing them with community sanctions or measures. While this trend should be welcomed and maintained in the future, it should also be noted that this has led in many countries to pressure on the caseload of the probation services. The PC-CP WG therefore urges the national authorities to evaluate the impact of such measures on the work of prison, probation and police services and to ensure

sufficient staffing levels and other resources, as well as other necessary measures, in order to allow these services to deliver quality work in the interest of public safety and reduction of crime levels.

11. In some countries, compensation mechanisms were installed for the loss of income by prisoners who could not work during the pandemic. Such practices are very positive and should be maintained in the future as they allow prisoners to meet their everyday needs while in prison, pay compensation to victims or support their families and such practices also maintain the sense of equal treatment of prisoners, like other persons who have lost their jobs.
12. In countries where the offenders need to contribute to the costs of electronic monitoring, such costs should be compensated in order not to bar them from the use of such measures due to purely financial reasons.
13. In some countries it was reported by offenders under probation that the use of electronic means of contact with the services has negatively impacted the accessibility to such services. The PC-CP WG wishes to underline that the electronic means of contact and communication should not impact the possibilities for seeking help and assistance by those under probation in case of urgency and need.
14. The practice of quarantining new arrivals in prison in separate cells/ wings as a precautionary measure to prevent the spread of a virus before a prisoner's allocation to an ordinary accommodation wing represents a necessary measure during a pandemic. However, such a quarantine period should not amount to solitary confinement and should not last more than strictly necessary.
15. The general rise in suicide, domestic violence, substance misuse and addiction, sexual assaults and mental health problems during the pandemic has also been quite marked among populations in prison and under probation supervision. The PC-CP WG therefore urges the prison and probation services to pay specific attention to dealing with these problems, by offering additional responses, including services for victims, as well as medical and psychological treatment, cognitive behaviour therapy, addiction therapy and other interventions as appropriate, for offenders.
16. The restrictions in the contact of prisoners with the outside world has led initially to a decrease in the consumption of certain illicit substances in prisons. Therefore, in returning to the restoration of normal contact with the outside world, prison and probation services should be aware and take respective preventive and treatment measures addressing possible health-related consequences, even deaths of offenders, caused by any increased access to illicit substances.
17. It was reported that community service and other alternatives requiring physical presence and participation of the person under probation were mostly not used in many countries during the pandemic. In some countries it was decided that the online participation of offenders in educational workshops is a form of community service. The PC-CP WG underlines that investing in finding new forms of community service and other alternatives, consistent with the sanitary restrictions, would very much help offenders and the probation services and will thus increase the public trust and understanding of the positive role community sanctions and measures can have on reducing offending without breaking the social ties of the participants.
18. The PC-CP WG urges the national prison and probation services, in case they have not yet done so, to evaluate the experiences they have had so far in fighting this pandemic and to agree and adopt crisis management plans which would help them deal with similar crises in the future in a coherent manner in full respect of human rights and the rule of law. These plans should include specific training of staff, appointment of a reference member of staff responsible for dealing with such situations and decision-taking procedures.

19. There needs to be developed a strategy for dealing with the media, including appointing and training staff members responsible for public relations and for providing transparent and regularly updated information to offenders and their families on the crisis situation, including explaining what steps are being taken and the reasons behind them.