



UK National Preventive Mechanism
c/o HM Inspectorate of Prisons
10 South Colonnade
3rd Floor
Canary Wharf
London E14 4PU

16 April 2020

Dear Naomi Long MLA,

I am writing on behalf of members of the National Preventive Mechanism (NPM) in Northern Ireland about the vital importance of efforts to uphold the rights of people in detention and deprived of their liberty during the coronavirus (COVID-19) outbreak. I have also [written to Secretary of State for Justice Robert Buckland QC MP](#) and to [Cabinet Secretary for Justice Humza Yousaf MSP](#) on behalf of the NPM's Scottish subgroup.

Protecting people deprived of their liberty

First of all, I would like to acknowledge the dedication and commitment that staff working in detention settings are demonstrating at such worrying times.

We are primarily concerned with the prevention of ill-treatment of all people deprived of their liberty but also with the importance of supporting staff. I am sure you are already aware of the state's duty to protect the physical and mental health and well-being of people deprived of their liberty, as set out by the UN Standard Minimum Rules for the Treatment of Prisoners ("Mandela Rules") and the Statement of principles relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic issued by the CPT of the Council of Europe recently.¹

The COVID-19 outbreak puts detainees (and staff) at significant levels of risk, and the extent to which detention authorities are actually able to mitigate these risks must be considered with realism. The World Health Organisation, in its recent guidance on preparing for, preventing and controlling the outbreak of COVID-19 in places of detention, states that "people in prisons and other places of detention are not only likely to be more vulnerable to infection with COVID-19, they are also especially vulnerable to human rights violations". The impossibility of social distance, particularly in overcrowded places of detention, puts detainees and staff at high risk. The NPM therefore welcomes the Department of Justice's recent commitment to the temporary early release of around 200 sentenced prisoners to reduce the prison population during this public health crisis.

¹ Council of Europe, Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic, 20 March 2020, <https://rm.coe.int/16809cfa4b>

In light of other inherent risks in places of detention, as well as the potential impact of some of the restrictive measures imposed to stop the spread of the outbreak,² NPM members have asked me to raise with you the following issues:

- The need to consider ways to reduce the numbers of people remanded to custody. This could have the additional benefit of reducing the pressure on staff working in places of detention.
- Maintaining principles of equivalence of care in relation to both physical and mental healthcare to those in detention. At a time when all health services are under significant strain, the government must ensure that those deprived of their liberty are not disadvantaged in accessing the health and social care services that they need. This is particularly important given the extent to which detainees are likely to be held in conditions that amount to solitary confinement.
- The measures envisaged to facilitate contact between detainees and their families, and contact with other professionals such as advocates. Where physical visits have had to be restricted, and given the many ways in which family contact plays a crucial role for those in detention, how will the government ensure skype, adapted mobiles and any other forms of contact are available.
- The need to address the possibility that the shutdown of community services could leave some vulnerable individuals at greater risk of being detained.
- The need to consider individual people deprived of their liberty in non-hospital settings (e.g. care homes) where the provision of care and imposed isolation to manage infection spread for an individual may give rise to a new or changed deprivation of liberty.
- The potential impact of COVID-19 on staffing levels in mental health places of detention, which could limit both general support to patients and specialist roles such as psychological input. This could lead to an increase in mental distress of patients and then an increase in the use of restraint, segregation and seclusion which may compromise people's human rights. Reduced staffing levels could also impact people who are already in segregation/seclusion.

Given the importance of these risks, I hope that you will be able to report to the wider public and to the Assembly on your progress in protecting those in detention.

The National Preventive Mechanism

Given this situation, the NPM is currently prioritising efforts to develop approaches to monitoring that ensure they are able to fulfil their statutory functions and international responsibilities to report on the situation in places of detention and prevent ill treatment. The NPM and its members are keenly aware of the pressures on detention authorities at this time, and the need not to overburden them while they develop their strategies and responses, as well as their own need to uphold the principle of *do no harm* in the midst of a public health crisis.³

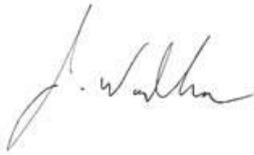
² WHO Europe, Preparedness, prevention and control of COVID-19 in prisons and other places of detention: interim guidance, 15 March 2020, http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf

³ Subcommittee for Prevention of Torture, Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic, 25 March 2020 <https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf>

I would be happy to discuss any of these points with you or your officials if that would be helpful.

Given the importance of providing reassurance to the public during these troubling times, and in particular to those who are concerned about the situation of their family members and friends in detention, the NPM will publish this letter on our website.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Wadham". The signature is written in a cursive style with a large initial "J" and a long horizontal stroke.

John Wadham,
NPM Chair