



## UN rights expert: do not neglect prisons in pandemic plans

Alice Edwards, a UN Special Rapporteur, has criticised the lack of consideration of people in prison in WHO's draft pandemic accord. John Zarocostas reports from Geneva.

For Edwards' report to the UN Human Rights Council see <https://www.ohchr.org/en/special-procedures/sr-torture/annual-thematic-reports-special-rapporteur>

For more on prison trends see <https://www.penalreform.org/global-prison-trends-2023/>

For the WHO Europe report see <https://www.who.int/europe/publications/i/item/WHOEURO-2023-803-1-47799-70574>

For the March 13 draft of the WHO pandemic accord see [https://apps.who.int/eb/inb/pdf\\_files/inb9/A\\_inb9\\_3-en.pdf](https://apps.who.int/eb/inb/pdf_files/inb9/A_inb9_3-en.pdf)

Prisons are hotspots for infectious diseases and must be included in national pandemic preparedness planning, along with the needs of vulnerable groups deprived of their liberty including people in prison, and not neglected or sidelined, cautioned Alice Edwards, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in a report presented to the UN Human Rights Council on March 8, 2024. Edwards, an Australian jurist, warned the 47-member state Council, that as pandemics are predicted by WHO to emerge more often, and have more severe impacts, "societies need to be ready".

Globally, a record 11.5 million people were in penal institutions in 2023 (of which one in three were in pre-trial detention), and prisons in 120 countries were operating above 100% capacity, according to a study of prison trends. "There is no doubt that inhumane prison conditions and lack of access to health care often pose serious health risks to detainees, violating their right to health", Steve Cockburn, Head of Economic and Social Justice at Amnesty International, told *The Lancet*. "The highly infectious nature of COVID-19 of course hugely heightened

the risks to detainees, with devastating and deadly effects, but the neglect of the rights of detainees remains a constant...Decent prison conditions and health care for detainees must be a key part of national health plans and pandemic preparedness."

A report by the WHO Regional Office for Europe found that 36 member states referenced a COVID-19 preparedness and response plan, but only six referred to prisons or the vulnerabilities of people living in places of detention. The Director of the Office, Hans Kluge, stated that the study highlighted "how rarely prisons and places of detention are included in national pandemic preparedness planning processes and documents".

Kenneth Roth, former Executive Director of Human Rights Watch, and currently Visiting Professor at the Princeton School for Public and International Affairs, told *The Lancet*, "We often forget about prisoners. Tared as criminals, they tend to be treated as out of sight, out of mind. But by imprisoning people, governments assume the responsibility of protecting them from such threats as pandemics or the severe weather of climate change. Even impoverished people have some capacity to fend for themselves, but prisoners are entirely dependent on the state to provide for them."

Edwards recommended that states and WHO should consider incorporating the special situation of persons deprived of their liberty, including those in prisons, in the drafting and negotiating stages of WHO's proposed pandemic accord. However, she noted that the types of vulnerable groups are not specified in the WHO draft. The latest version dated March 13 also does not refer to people in prisons. "While a certain level of generality is necessary in any international agreement, I worry

that the draft is too vague to keep under scrutiny particular locations of vulnerability, such as prisons and other places where people are under the custody or care of the authorities and which are at heightened risk of disease transmission", Edwards told *The Lancet*. Talks are aiming to broker a successful accord before the start of the World Health Assembly on May 27.

"In [the] case of pandemics, the most vulnerable people are at increased risk of disease and death. [There's] no doubt in my mind that special populations must include...the people who are incarcerated worldwide. The call for special attention to this highly vulnerable population within the WHO Pandemic Agreement is more than legitimate and a means to avoid human suffering and unnecessary deaths", Mario Raviglione, Professor of Global Health at the University of Milan, told *The Lancet*.

Edwards also flagged to the UN Human Rights Council the challenge posed by severe overcrowding, which impacts all aspects of prison life, and voiced that, "detaining persons in overcrowded cells is a form of cruel, inhuman, or degrading treatment". The risk of infectious diseases including tuberculosis, pneumonia, and COVID-19 has been associated with higher occupancy rates says Marie Brasholt, Medical Director at Dignity—the Danish Institute Against Torture. As a result, Edwards criticised authorities for a lack of focus on rehabilitation, and recommended measures to replace pre-trial detention with house arrest for pregnant women, replace prison sentences with unpaid community service work, and reduce the length of a sentence to be served for people incarcerated in degrading conditions.

John Zarocostas



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