



Lucy Frazer QC MP
Minister of State
Ministry of Justice
102 Petty France
London
SW1H 9AJ

8 June 2020

Dear Minister

Thank you for responding to the letter that we sent to the Prime Minister on 27 March, in which we called on the Government to take urgent life-saving steps to immediately reduce the number of people in prisons, young offender institutions, secure training centres and immigration detention settings. As you will know, this letter was supported by close to 600 organisations and individuals.

Your letter confirms the government's commitment to containing the spread of COVID-19 within the prison system, and protecting the vulnerable in its care, yet it provides no explanation for why the government's own plans under the End of Custody Temporary Release programme have been so desperately slow to be implemented. As the need for urgent releases remains, please can you confirm the specific reasons why this is the case.

The inaction of the Government on this issue flies in the face of overwhelming international consensus¹ that the only way to prevent the spread of COVID-19 and minimise risks to people detained, frontline staff and the wider community, is to reduce the numbers of children, women and men in detention. The rate of releases in England and Wales lags behind other jurisdictions. In Scotland, 272 prisoners had been released by 25 May.² International efforts to release substantial numbers of prisoners have been made, with thousands released in France, Canada, Germany, Poland, Morocco, among other countries.³ Rather than prioritising prisoner releases the government's strategy appears to be expansion of the prison estate with the introduction of shipping containers and porta cabins.

The use of detention already disproportionately impacts Black, Asian and minority ethnic (BAME) individuals, as does COVID-19, so the urgent issue of reducing the prison population is a humanitarian and racial justice issue.

As lockdown relaxes in wider society, tens of thousands of prisoners in England and Wales are held in conditions that amount to prolonged solitary confinement. The harsh reality of spending 23 hours every day behind a locked door cannot be underestimated and risks inhuman and degrading treatment in breach of international standards. HM Inspectorate of Prisons (HMIP) has reported that children at Cookham Wood and Wetherby YOIs have been locked in their cells for 23 hours a day or more. Also according to HMIP, at HMP Wandsworth and HMP Portland a significant number of men with COVID symptoms were locked up without any access to showers or exercise for periods up to 14 days. We are deeply concerned by HMIP's latest report which concludes that in three women's

¹ World Health Organisation, *Preparedness, Prevention and Control of COVID-19 in prisons and other places of detention*, p 4; Council of Europe Committee for the Prevention of Torture, *Statement of Principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic*, point 5; United Nations High Commissioner for Human Rights, *Urgent action needed to prevent COVID-19 "rampaging through places of detention"*; UN Subcommittee on Prevention of Torture, *Advice to States parties and NPMs relating to the coronavirus disease (COVID-19) pandemic*, (II.9.b).

² Scottish Prison Service, *The Release of Prisoners (Coronavirus) (Scotland) Regulations 2020, Interim Report – Tranche 2*

³ <https://www.reuters.com/article/us-health-coronavirus-prisoners-released/lock-em-up-or-let-em-out-coronavirus-prompts-wave-of-prisoner-releases-idUSKBN21C38R>;
http://www.prisonobservatory.org/upload/03042020European_prisons_during_covid19.pdf;
<https://www.lereporter.ma/a-la-une/grace-royale-au-profit-de-5-654-detenus-ministere-de-la-justice/>



prisons self-harm has increased from the already unacceptably high levels seen prior to the restrictions being implemented. The widespread lockdown approach cannot be sustained without serious long term impacts on the mental and physical health of people in prison. While we welcome the announcement of a “conditional roadmap” towards the easing of restrictions, your plans side-step the crucial issue: the need to reduce the prison population. The risks of the present cannot be an excuse to cause avoidable harm in the future, especially when there are alternatives clearly mapped out.

In our previous letter we stated our view that all immigration detainees should be released. Whilst we note that some people have been released from immigration detention, we remain deeply concerned at the dearth of information in the public domain about the measures being introduced to control the spread of the virus in immigration removal centres (IRCs).

Once again we urge you to report publicly on the numbers of deaths, COVID-19 infection rates and numbers tested, in prisons and in *all* IRCs. Whilst some of this information is circulated to some stakeholders, there is a clear public interest in it being put in the public domain on a regular basis. Our own monitoring shows that since lockdown began, and until 27 May, 75 prisoners have died, of which 17 were self-inflicted deaths. Our casework and monitoring identify a recent spike in self-inflicted deaths, with five men dying over six days, which is of grave concern. There is no justification for the fact that the publication of key information relating to people who are detained – who the State is duty-bound to protect – lags so far behind that of people in the wider population.

The only way to protect the health and safety of prisoners, detainees and staff is to expedite releases, and do so in far greater numbers and a much faster rate than to date. An effective, and long-lasting response to this pandemic requires courage and political will. Post-death investigations, inquests and inquiries have identified systemic failures across places of detention and have made countless recommendations on the need for a radical overhaul of the existing system, and for investment in community and health services.

These are long-standing concerns. There is a rare opportunity now to address the entrenched crisis in places of detention by reducing the numbers of those detained, and we urge you to grasp this chance for change before it is too late.

Yours sincerely,

Deborah Coles, Director of INQUEST

Kate Paradine, CEO of Women in Prison