



Jan Swasthya Abhiyan

People's Health Movement-India

PRESS RELEASE

Petition by health care and public health professionals to

Safeguard health and health rights of all prisoners during the Covid-19 pandemic

Monday, June 28, 2021

Mumbai, June 28, 2021: **45 organizations and 187 professionals in health and allied sectors and concerned citizens from India and outside** have issued an appeal to urgently revise criteria for release of prisoners on bail or parole to decongest prisons during the covid 19 pandemic, by giving priority to health status and age related vulnerabilities of the prisoners. The letter has been sent to Chief Justices of all Indian states and Union Territories (UTs), National Legal Services Authority (NALSA), State Legal Services Authorities (SLSA), State Prison Authorities and High Powered Committees (HPCs) constituted as per the Hon'ble Supreme Court of India (SC) Orders ([March 23, 2020](#)) for releasing prisoners to reduce overcrowding in prisons as part of the response to the COVID-19 pandemic.

Overcrowding in Indian Prisons is a long-standing issue with under trial prisoners constituting nearly 70 percent of the inmates; hence the letter welcomed the measures taken by the Supreme Court and HPCs for decongestion of prisons during the pandemic. However, these measures have been inadequate from a public health and human rights perspective and also un-even across states and UTs. Citing [Commonwealth Human Rights Initiative \(CHRI\) reports](#) the letter said that, during the first wave, over 61,100 prisoners were released, which achieved only about 15.4% overall reduction in occupancy rate. Additionally, this was inadequate to address overcrowding of 40% of the Indian prisons including 134 prisons having overcrowding from 100% to 636%. Currently, additional complexities have stemmed from the ravaging second wave of the pandemic. Almost 90% of the prisoners who were released last year had returned to prisons in February and March, 2021 as per the SC Order ([2021](#)).

The criteria **employed for release on bail or parole by HPCs are based upon nature of offence and years of imprisonment; they DO NOT take into account the age, health status and associated vulnerabilities of prison in-mates to covid 19,, and being differently abled.** These vulnerabilities need to be central to determine the release of prison inmates, both because it is being done in response to the ravaging pandemic; and because the government is entrusted with upholding the rights of prisoners in alignment with Article 21 of the Constitution of India and other relevant international obligations, such as the [UN Universal Declaration of Human Rights](#), and [International Covenant on Civil and Political Rights](#). Only five state HPCs considered cases of elderly prisoners for release; only three included in the above criteria occurrence of co-morbidities, chronic diseases and certain preexisting conditions like chronic diabetes, HIV, heart condition, cancer, Hepatitis B or C, Tuberculosis. Only Punjab HPC specifically mentioned pregnant women as the category for release.

[Chiefs of the UN agencies \(May 13, 2020\) in a signed statement](#) appealed for the release of non-violent detainees as well as those at high-risk, such as the elderly and people with pre-existing health

conditions by highlighting the heightened vulnerability to COVID-19 of prison inmates and others in confinement, and urged policymakers to “...*consider limiting the deprivation of liberty to a measure of last resort, particularly in the case of overcrowding*”, which undermines hygiene, health, safety and human dignity, causing an “*insurmountable obstacle for preventing, preparing for or responding to COVID-19*”. [WHO has warned](#) that ‘efforts to control COVID-19 in the community are likely to fail if strong infection prevention and control measures, testing, treatment and care are not carried out in prisons and other places of detention as well.’

According to the [World Medical Association Declaration of Edinburgh on Prison Conditions and Spread of Tuberculosis and other Communicable Diseases](#), “Prisoners enjoy the same health care rights as all other people. This includes the right to humane treatment and appropriate medical care. The most efficient way of reducing disease transmission is to improve the prison environment by putting together an efficient medical service that is capable of detecting and treating the disease, and by targeting prison overcrowding as the most urgent action”.

The signatories urged the authorities to prioritize the following actions urgently, to safeguard health of prisoners:

1. Treat all prisoners on par for release, irrespective of charges/offense and modify the categories of prisoners to be considered for release, giving priority to age, vulnerability and health status of the prisoners, especially the under-trial prisoners (UTPs).
2. Include medical and other public health professionals, health department officials and relevant civil society organisations in the HPCs to facilitate and monitor the release of prison inmates.
3. Alternative forms of custody such as house arrest, open prisons, be considered.
4. Ensure that all health facilities, for testing, treatment and medical care are available, by linking up with local hospitals from public and private sectors, for safeguarding health of those who are not released, to ensure their access to timely and dignified health care.
5. Take this opportunity to ensure speedy trials, granting of bail and releasing those who have been granted bail.
6. Offer vaccination to all prisoners in a safe and non-coercive manner.
7. Prioritize improvement of prison conditions and implement long overdue prison reforms for improving the living conditions and health facilities in prisons, such as increasing budget for prison health, appointment of requisite medical staff.

This Petition with endorsements is available at:

[‘Safeguarding Prison Health in India’](#).

[Organizational](#) and [Individual](#) Endorsements to the Petition.

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