

MEDIA RELEASE:
**LEGAL SECTOR SIGN ON TO OPEN LETTER CALLING FOR URGENT
RELEASE OF PEOPLE FROM ADULT AND YOUTH PRISONS AS COVID-19
SPREADS RAPIDLY IN PRISONS**

As positive COVID cases in prisons escalate in Victoria and New South Wales, there's an urgent need for Government action to protect adults and young people in prison. For the third time hundreds of legal sector professionals and organisations have signed an open letter calling for Australian governments to release people from adult and youth prisons. Signatures by over 400 legal experts and justice advocates reflect the seriousness of the situation. The letter aligns with a similar document from First Nations families to National Cabinet in April calling for the release of First Nations people from custody.

With the increasing spread of COVID in Australia and 20 positive cases in adult and youth prisons during the past fortnight, the legal sector is increasingly concerned about the welfare of those in prisons and youth detention. It is especially concerned about the risks to First Nations people and potential deaths in custody.

Evidence from US prisons provides a chilling warning. People in prison are five times more likely to contract COVID-19 and three times more likely to die than in the general population. In Australia, First Nations people are most at risk of contracting and dying from COVID-19.

In recent months in Australia, there have been lockdowns in prisons and youth detention centres. Restricting rights and isolating people are not the answer to protecting lives. Such actions have a deleterious effect on the mental health of adults and children inside. The right to health is intrinsic to the right to life. We need positive action to achieve the highest standards of health; ensuring protection from COVID-19 and the creation of prison conditions which do not violate that right. Quarantine by solitary confinement, isolation or exploitation through prison work cleaning details all violate that right. The solution is to reduce the prison population by releasing vulnerable people.

Since March, there has been some decline in the number of people in prisons. This demonstrates that release does not pose a risk to the community. Over-crowded detention settings are ripe for the rapid spread of COVID so release needs to occur more rapidly and strategically to protect those most vulnerable.

The open letter calls for:

- Safe release of all vulnerable people in prisons and youth detention centres, beginning with First Nations people and people with physical and mental health conditions and disabilities;
- Access to suitable and safe housing for those released, including housing apart from victims' homes, and availability to community-based services that are culturally appropriate and meet the needs of people with physical, mental and cognitive health issues;
- Remaining prisoners to have access to comprehensive medical care, flu and COVID-19 vaccinations once available, as well as regular COVID testing and cleaning, including access to sanitiser and masks.
- Human interaction for those in detention, including First Nations people who must have family contact when a person tests positive
- Independent oversight of COVID-19 responses in prisons and youth detention centres.

This letter builds on the calls of the previous open letters and supports the calls of families whose loved ones have died in custody, to prevent further Black deaths in custody.

Co-Chair of the National Aboriginal and Torres Strait Islander Legal Services and signatory to the letter, Nerita Waight says legal professionals and the concerned families of those inside have constantly demanded these changes:

“Black Lives Matter is not a slogan -Aboriginal people are at a higher risk of mortality if there is a COVID-19 outbreak in prison, which will mean more blood on the governments’ hands.

“A COVID-19 outbreak is imminent and governments must act before it is too late. Governments can and must roll back unjust and unfair bail reforms that currently see many of our people in prisons either for minor charges, or yet to be found guilty and release people who pose a low risk to community – but a high risk of deaths in custody.”

UTS Law Professor, Thalia Anthony says we need to prioritise the health rights of inmates:

“The pandemic is an opportunity to safely release people from prison and build a society where health needs prevail over punitive agendas.”

Deakin University Professor of Legal Practice, Felicity Gerry QC says we must comply with our human rights obligations:

“Without human rights compliance, prisons are increasingly segregated and high risk places for people inside”.

END OF RELEASE

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The open letter is available [here](#).

Previous open letters:

- [Letter 1](#)
- [Letter 2](#)
- [Open letter from families whose loved ones died in custody](#)