**Response to the questionnaire in relation to Human Rights Council resolution 47/24 on human rights and climate change**

**Introduction**

This submission largely draws on PRI’s upcoming publication *Natural Hazards and Prisons:* *Protecting human rights of people in prison in disaster prevention, response and recovery.*

People in prison remain highly vulnerable to the effects of climate change, most notably natural hazards and temperature extremes due to poor planning and foresight on the part of prison authorities.

International human rights standards are relevant and must be upheld in times of emergency and disaster. However, evacuations and other measures to protect people’s lives can come with rights violations related to security, disappearances, torture, ill-treatment, the inability to access lawyers/monitoring bodies. A significant part of the recovery process after a disaster is ensuring public scrutiny and accountability. All deaths caused by neglect or omission must be identified and investigated to determine if the loss of life could have been avoided. There needs to be accountability for decisions made and the results of those decisions to ensure justice for those affected but also to ensure lessons learned are established and adopted to improve protections and safeguards to the right to life and all other rights afforded to people in prison.

**Key recommendations**

States need to take steps to better protect the rights of people in detention from the effects of climate change including putting in place preventive and mitigating policies and procedures. This may include taking steps to reduce prison populations and especially reducing overcrowding which exacerbates the impact of any natural hazard and raising the risk of human rights violations, including the right to life.

Prison infrastructure must also be improved to withstand the impacts of natural hazards. Funding must be increased to prisons, so they are able to properly prepare for natural hazards, including improving infrastructure but also to stockpile equipment, food and medicines.

Prison administrations also need to develop comprehensive response plans to effectively manage emergency situations brought about by natural hazards including plans for safe evacuation.

Improve accountability and transparency of prison management and policy in the preparation, response and recovery from disasters associated with natural hazard. This would contribute to improved trust between prison authorities and detainees and their families and increase public trust in the system.

Prisons can learn from examples of good practice in other countries which face these risks as well as consult and cooperate with a wide range of stakeholders, including people in prison themselves to improve their policies and practices in disaster risk reduction (DRR) and better protect the rights those in their care.

**1. Please describe the impacts of the adverse effects of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations. Where possible, please share specific examples and stories.**

People in prison are among the most vulnerable to suffering from the negative effects of natural hazards, including extreme weather and climate change. Despite international and national momentum in many countries towards increasing and improving disaster risk reduction (DRR), the application of DRR in prison systems is often not a primary concern. Across the world, governments and states have policies, procedures and guidance on DRR, addressing vulnerabilities in their countries, but these rarely include mention of prisons or address the specific needs and circumstances of prisons and people in prison. In recent years people in prison and staff have been injured, sometimes fatally, because of damage and destruction caused by natural hazards, exacerbated by inadequate preparations, plans or steps taken by prison authorities to ensure their safety.

Lack of proper emergency and disaster reduction plans have left prison management and staff ill-equipped to respond effectively and lacking the resources to manage or evacuate prison populations safely. The increasing threat of natural hazards has also provoked panic and unrest within prisons, with people fearing for their own lives and the safety of their families, sometimes resulting in protests and prison escapes. The safety of prison staff is also at risk when there is no emergency response plan, and prison staff may leave the prison for their own safety and for the safety and protection of their families.

In France in the summer of 2019, a heat wave causing temperatures to exceed 45° Celsius impacted more than 71,000 detainees across 187 French prisons. After people in prison complained about difficulties in obtaining fans and bottled water and tensions caused by excessive temperatures in overcrowded cells, the country’s National Preventive Mechanism (NPM) recommended immediate action. The prison administration agreed to assess the possibility of developing an alert system, and prisons also reported that action was being taken to respond to high temperatures.[[1]](#footnote-1)

A tropical cyclone in 2018 in Tonga caused significant damage to public buildings in Eua, with the prison suffering more than 70 percent damage. Staff quarters and a workshop were also destroyed by the cyclone and there was major damage to the prison office and detainees living quarters.[[2]](#footnote-2)

In 2019, Cyclone Idai hit Mozambique and resulted in people needing to be transferred from prisons in heavily affected areas to safer places. Four of the seven prisons in Sofala province were heavily damaged by the cyclone, including in Buzi where around 40 detainees and prison staff were trapped on the roof, without food and water. Many of the detainees had no news of their families and loved ones.[[3]](#footnote-3) There was also damage to prison infrastructure, equipment, furniture, archives and various crops and animals.[[4]](#footnote-4)

**2. Please describe any specific policy, legislation, practice or strategy that your Government has undertaken, in compliance with applicable international human rights law, to promote an approach to climate change mitigation and adaptation, as well as loss and damage that ensures the full and effective enjoyment of the human rights of people in vulnerable situations. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including their means of implementation.**

The United States Department of Justice, National Institute of Corrections, published a “*Guide to Preparing for and Responding to Prison Emergencies”* in 2005 and in 2009 published a *“Guide to Preparing for and Responding to Jail Emergencies”*. Both publications recognise the critical need for prisons and jails (primarily pre-trial detention facilities in the US) to have an emergency plan for disasters. The publications give guidance to US prisons and jails in planning for emergencies, including those associated with natural hazards and in developing the appropriate response capacities to cope with these events where they cannot be prevented.[[5]](#footnote-5)

In thePhilippines, the Bureau of Jail Management and Penology (BJMP) issued a circular to jails in 2020 entitled *Mainstreaming Disaster Risk Reduction and Management in BJMP*. The circular provides a national framework for jails (also referring to pre-trial detention facilities in the Philippines) for Disaster Risk Reduction and Management (which is the term used by all Philippine government agencies for DRR) and mandates the creation of DRR committees at the national headquarters, regional and jail levels. The document’s aim is, among other measures, to provide a comprehensive system and integrated approach to DRR in jails and to identify the roles of different stakeholders.[[6]](#footnote-6)

**3. Please share a summary of any relevant data that captures how the adverse effects of climate change have affected people in vulnerable situations, taking into account multiple and intersecting forms of discrimination (i.e. discrimination based on a combination of multiple grounds, including disability, gender, race, colour, sex, language, religion, nationality and migration status).**

According to data from the INFORM Risk Index cross-referenced with national prison population data from the World Prison Brief, almost 30 per cent (3,167,816 people) of the global prison population lives in the 12 countries most exposed to natural hazards.[[7]](#footnote-7) In Peru half of the country’s prisons are located in areas that registered at least 301 disasters in 2018 constituting over 50 per cent of emergencies.[[8]](#footnote-8)

**4. Please describe any mechanisms and tools that are in place to measure and monitor the impacts of climate change on the full and effective enjoyment of the human rights of people in vulnerable situations.**

Data on the impact of natural hazards and climate change on people in prison is not collected in any systematic way.

**5. Please identify and share examples of good practices and challenges in the promotion, protection, and fulfilment of the human rights of people in vulnerable situations in the context of the adverse effects of climate change.**

**Emergency response guidelines:** In Indonesia, the Director-General of Corrections of the Ministry of Law and Human Rights has published comprehensive guidelines on DRR in prisons. The guidelines serve as a good practice example because they provide a comprehensive template for SOPs for earthquakes, tsunamis, smog, volcanic eruptions, fires, floods and landslides setting out clearly what is required in each hazardous event including components covering the activities before, during and after the occurrence of a disaster. The guidelines recognise international best practice measures for DRR and set out the stages for preparedness that each prison must establish, including:

* standby teams – The standby team is a team of correction officers who are provided with the training and resources on DRR and emergency response. They are on duty 24 hours a day and are guided by the SOP for the relevant hazards.
* risk assessment – including hazards, vulnerabilities, and the capacity for reducing and managing the disaster risk.
* preparedness plan – prepare an evacuation plan identifying evacuation routes and communication systems including being connected to the early detection system managed by the relevant agencies. Prisons should also install emergency route and exit signs throughout the prison to expedite safe evacuations when alarms are raised.
* evacuation plan–the guidelines empower facilities to develop their own evacuation plan based on the classification and category of their prison population and the security and safety of people in prison and staff.
* contingency plan – each prison is required to prepare a contingency plan which outlines the key elements that need to be developed in advance so that staff are aware of their responsibilities and roles during a disaster.

If a response operation is required, the contingency plan would be activated. The contingency plan contains all the measures and steps that have been previously identified and tested as the required action to take in responding to the disaster.[[9]](#footnote-9)

In the Philippines, as part of the standard operating procedure, every jail facility has its own operational plan known as ‘Oplan’ to be ready to respond to natural and human-made hazards. The plan is customised depending on the type of hazard and consists of a guide on the execution of the plan, including the specific tasks of the jail warden, personnel and detainees before, during and after disasters. Regular drills are conducted monthly to execute different scenarios. The roles of the rescuers, responders, crowd and media are also included. The Oplan is regularly updated, especially when there is a change in personnel or a change in the jail’s environment or circumstances. For example, upon transferring to a new building, the Naga City Jail Female Dormitory revised its Oplan to update the execution and coordination during drills. In addition, when detainees have suggestions, these are acknowledged and considered in the development of the plan if applicable.

In the United States, the Texas Commission on Jail Standards (TCJS) mandates that all facilities have written and approved plans for all kinds of emergency, including procedures for an evacuation in case of a hurricane (among other reasons). The guidelines state that all evacuations must be approved by the Bureau Major (a senior supervisor in the jail) or above. All evacuations should have an incident commander who is responsible for gathering information from all available sources and who decides which evacuation plan to implement and for determining the most efficient, safe and secure evacuation route. Incident commanders are also responsible for obtaining approval for the evacuation from the Bureau Major, for all communications with other services and for ensuring the safety of detainees with mobility difficulties.[[10]](#footnote-10)

**Importance of early action:** In 2010, more than 300 detainees, including 135 women, in New Zealand were flown from Christchurch prisons by the national Defence Force to be housed temporarily in facilities amid concerns for their safety after an earthquake damaged a prison building, destabilising the infrastructure. Prison authorities stated that the relocations also allowed some staff to take time off work to be with their families and deal with any earthquake impacts on their own homes.[[11]](#footnote-11)

**Provision of emergency supplies to prisons:** The Correction Bureau in Japan under the Ministry of Justice, provides correctional institutions with power generators for emergencies, preserved food and water to last for seven days for all detainees.[[12]](#footnote-12)

**Interagency involvement in drills:** In 2017, the National Penitentiary institute (INPE) in Peru and other agencies organised their first earthquake evacuation national drill involving 69 prisons housing 85,000 people.[[13]](#footnote-13) With the active involvement of people in prison, the drill practised the safe evacuation of people detained to secure zones. Representatives of the prison population participated in the review of the security zone. A rescue brigade was used to transport the injured, and the fire brigade undertook a firefighting drill.

**Open-source information on natural hazard risks:** Prison administrations can make use of open source and publicly available information about disaster risks faced in their country or region. For example, Indonesia’s prisons have access to InaRISK, a portal that displays information on disaster threats.[[14]](#footnote-14) In the US and covering the Caribbean, the National Weather Service provides forecast information about extreme weather to better support emergency managers, first responders, government officials, businesses and the public to take advance action to reduce the impacts of extreme weather events.[[15]](#footnote-15) Some prison facilities have been evacuated due to forecasted hurricane and wind changes fuelling wild fires or preparing to shelter in place due to severe storms thanks to this service.

**6. Please include examples and good practices that highlight international and multilateral cooperation and approaches that are implemented through close consultation with and active involvement of people in vulnerable situations.**

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**7. Please provide any additional information you believe would be useful to support climate action that promotes the full and effective enjoyment of the human rights of people in vulnerable situations.**

All relevant information is included in the points above.

**For more information please contact:**

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1. Le Contrôleur Général des Lieux de Privation de Liberté *Annual Report 2019,* p. 125 [↑](#footnote-ref-1)
2. Government of Tonga, *Post-disaster Rapid Assessment: Tropical Cyclone Gita*, February 2018, p. 93. [↑](#footnote-ref-2)
3. Operational update on Cyclone Idai: Assistance for separated families, deep concern for rural villages, *ICRC*, 22 March 2019 [http://www.icrc.org/en/document/operational-update-cyclone-idai-assistance-separated-families-deep-concern-rural-villages](https://www.icrc.org/en/document/operational-update-cyclone-idai-assistance-separated-families-deep-concern-rural-villages) [↑](#footnote-ref-3)
4. Post-Cyclone Idai Cabinet for Reconstruction, *Mozambique Cyclone Idai Post Disaster Needs Assessment*, Government of Mozambique, May 2019, p. 148. [↑](#footnote-ref-4)
5. National Institute of Corrections, *Guide to preparing for and responding to Jail Emergencies*, page 8. [↑](#footnote-ref-5)
6. Bureau of Jail Management and Penology *Mainstreaming Disaster Risk Reduction and Management (DRRM) in BJMP, providing a framework and creating for this purpose DRRM committees in the NHQ, regional and jail levels* 2020 p. 2 [http://www.bjmp.gov.ph/images/files/policies/2020/MC-87%2001.21.2020%20DISASTER%20RISK%20REDUCTION%20AND%20MANAGEMENT.pdf](https://www.bjmp.gov.ph/images/files/policies/2020/MC-87%2001.21.2020%20DISASTER%20RISK%20REDUCTION%20AND%20MANAGEMENT.pdf). [↑](#footnote-ref-6)
7. Calculated with data from the World Prison Brief database available at: ‘Highest to Lowest - Prison Population Total’, World Prison Brief Database (Institute for Crime & Justice Policy Research), http://www.prisonstudies. org/highest-to-lowest/prison-populationtotal?field\_region\_taxonomy\_tid=All [accessed on 1 November 2021]; INFORM Risk Index 2022 available at DRMKC - INFORM [http://drmkc.jrc.ec.europa.eu/inform-index](https://drmkc.jrc.ec.europa.eu/inform-index). [↑](#footnote-ref-7)
8. Based on data from INPE, Informe estadístico (Diciembre 2020), INPE/Unidad de Estadística and INDECI (2019). Compendio Estadístico del INDECI 2019 en la Preparación, Respuesta y Rehabilitación de la GRD. Lima: INDECI. [↑](#footnote-ref-8)
9. Ministry of law and human rights of the Republic of Indonesia, *Guidelines for disaster management in correctional Institutions* December 2019. [↑](#footnote-ref-9)
10. Texas Commission on Jail Standards *Emergency Plan* 2019 [↑](#footnote-ref-10)
11. ‘Christchurch prisoners transferred north’ *Stuff,* 8 September 2010 [http://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/canterbury-earthquake-2010/4108604/Christchurch-prisoners-transferred-north](https://www.stuff.co.nz/the-press/news/christchurch-earthquake-2011/canterbury-earthquake-2010/4108604/Christchurch-prisoners-transferred-north) [↑](#footnote-ref-11)
12. Interview with Professor Miyagawa Tsubura, United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, July 2021. [↑](#footnote-ref-12)
13. ‘Mañana se realiza el primer simulacro de sismo en penales del país’, *Ministry of Justice and Human Rights*, 5 October 2017, [http://www.minjus.gob.pe/ultimas-noticias/noticias-destacadas/manana-se-realiza-el-primer-simulacro-de-sismo-en-penales-del-pais/](https://www.minjus.gob.pe/ultimas-noticias/noticias-destacadas/manana-se-realiza-el-primer-simulacro-de-sismo-en-penales-del-pais/) [↑](#footnote-ref-13)
14. InaRisk, a disaster risk assessment portal provided by the National Disaster Management Agency that displays information on disaster threats, vulnerability, capacity, and disaster risk. InaRisk can be used by all Correctional Institutions to get information about disaster risk in their respective regions, and also to learn about steps that can be taken before a disaster occurs, during a disaster, and after a disaster, to reduce disaster risk. *Guidelines document for disaster management in correctional institutions*, Dec. 2019. [↑](#footnote-ref-14)
15. National Weather Service, <http://www.weather.gov/wrn/about>. [↑](#footnote-ref-15)