

Prison during covid-19: Nordic approaches

By Audrey Quicke

Nordic countries have incarceration rates that are a fraction of Australia's. Their systems emphasise non-custodial alternatives to imprisonment and promote prisoners' access to education. This has helped Nordic prisons respond to Covid-19.



Above: A cell in Norway's Halden Prison¹

Prisons are epicentres for infectious diseases.² In response to the covid-19 crisis, prisons around the world have implemented emergency measures to help prevent disease outbreaks, including the temporary release of prisoners.³ Australian lawyers and human rights advocates have called for the release of prisoners from Australian prisons in the wake of the covid-19 crisis.⁴

Close contact in overcrowded facilities is one of the main factors contributing to prisons as epicentres for infectious disease.⁵ The Nordic states have successfully sustained lower rates of incarceration and recidivism, thus minimising overcrowding.

In response to covid-19, Norway is abolishing the use of double and multi-bed cells, housing all inmates in single cells to prevent the spread of infection.⁶ This preventative measure would not be possible in jurisdictions with higher imprisonment rates and facilities already operating above capacity.

In the time of covid-19 it is pertinent to consider how the Nordic nations have achieved lower rates of incarceration and recidivism. According to Penal Reform International, the Nordic states' success in sustaining lower prison occupancy rates is due to crime prevention initiatives combined with well-resourced rehabilitation and reintegration programs.⁷

Non-custodial alternatives to prison

Fines are one of the principal forms of punishment in the Nordic states. In Denmark, Sweden and Finland the amount of a day-fine is based on the offender's financial situation, with the aim of achieving equal severity of punishment for offenders with different levels of income and wealth. Other common alternatives to prison include community service, probation or supervision, electronic monitoring, treatment orders and mediation.⁸

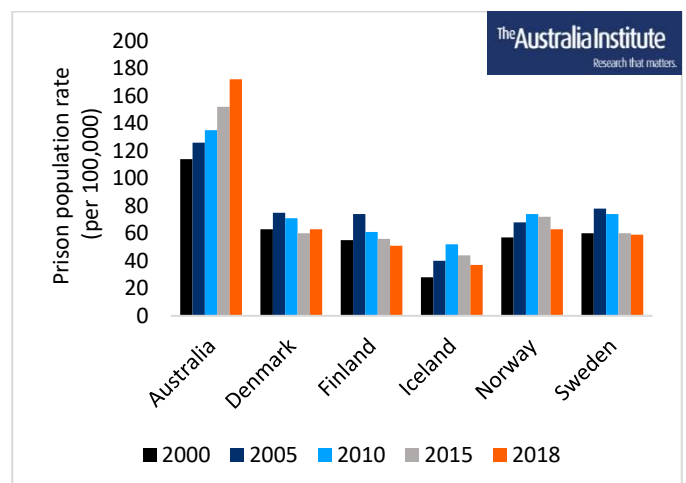
Education and employment programs

Services are fundamental to Nordic prisoner rehabilitation and assist with the reintegration process necessary to limit re-offending.⁹ Around one third of the Nordic prison population is involved in educational studies, which are provided at a comparatively high standard.¹⁰ In Norway, prisoners on remand (awaiting trial or sentencing) are entitled to the same access to educational services as those who have been sentenced.¹¹ Education and employment programs are designed to prepare inmates for life after prison.

Humane prison conditions

The architecture of some Nordic prisons has been designed to provide comparatively humane conditions with adequate natural light. In Norway, small prisons are spread across the country, helping prisoners stay connected to family and community.¹²

The call on Australian prisons to release prisoners in the wake of covid-19 is an opportunity to critically examine the existing penal system and explore possibilities for improvement. Although the penal approach is not identical in each Nordic country and does not provide an exact blueprint for other jurisdictions, it shows that alternative prison systems are possible, and that significantly lower imprisonment and recidivism rates are achievable. If Australia is to improve its penal system, it would be wise to look to the Nordic states for inspiration.



Prison population rate; Nordic States and Australia¹³

¹ BBC (2019) *How Norway turns criminals into good neighbours*, <https://www.bbc.com/news/stories-48885846>

² Kinner, et al. (2020) *Prisons and custodial settings are part of a comprehensive response to COVID-19*, *The Lancet*, [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(20\)30058-X/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(20)30058-X/fulltext)

³ United Nations (2020) *Political prisoners should be among first released in pandemic response, says UN rights chief* <https://news.un.org/en/story/2020/04/1061002>

⁴ Australian Lawyers for Human Rights (2020) *Open letter to Australian governments on COVID-19 and the criminal justice system* <https://alhr.org.au/open-letter-australian-governments-covid-19-criminal-justice-system/>

Greenlist (2020) *Second national open letter to Australian Governments on covid-19 and prisons and youth detention centres* <https://www.greenlist.com.au/assets/papers/Second%20open%20letter%20to%20Australian%20governments%20re%20prisons%20and%20COVID-19%20-%20with%20signatures.pdf>

⁵ Kinner, et al (2020) *Prisons and custodial settings are part of a comprehensive response to COVID-19*, *The Lancet*

⁶ Europris (2020) *DNCS Prevention Measures in European Prisons against COVID-19*, <https://www.europris.org/directorate-of-norwegian-correctional-service-no/>

⁷ Penal Reform International (2020) *Global Prison Trends 2020*, Special Focus pull-out section, 2, <https://www.penalreform.org/resource/global-prison-trends-2020/>

⁸ Lappi-Seppala (2009) *Crime Prevention and Community Sanctions in Scandinavia*, United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, 23, https://www.unafei.or.jp/publications/pdf/RS_No74/No74_06VE_Seppala2.pdf. For wider discussion of progressive fine systems in Australian and Nordic context see Lindqvist and Amos (2016) *Finland's fine example: How to fix the regressive nature of traffic fines in Australia*, <https://www.tai.org.au/content/income-based-traffic-fines>

⁹ Community Justice Coalition (2017) *Chalk and cheese: Australia vs Norwegian Prisons*, 6, <https://www.justiceaction.org.au/images/ChalkCheeseNorway.pdf>

¹⁰ Scott (2017) *Crime prevention and prisoner rehabilitation in Australia: Lessons from Nordic nations*, *Alternative Law Journal* 42(2), 120.

¹¹ Norwegian Ministry of Education and Research (2005) *Education and Training in the Correctional Services*, https://www.epea.org/wp-content/uploads/AnotherSpring_Norway_.pdf

¹² Community Justice Coalition (2017) *Chalk and cheese: Australia vs Norwegian Prisons*, 5. For discussion of the importance of maintaining connection to the community and prisoner's mental health, particularly following release, see Baker (2014) *Unlocking care: Continuing mental health care for prisoners and their families*, https://www.tai.org.au/sites/default/files/Unlocking%20Care%20Report_WEB_Final.pdf.

¹³ World Prison Brief (2018) *World Prison Population List: 12th edition*, 11-15, <https://www.prisonstudies.org/sites/default/files/resources/downloads/wpp12.pdf>.
