

Rehabilitation and mutual recognition – practice concerning EU law on transfer of persons sentenced or awaiting trial

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Author(s) name: Anna Markina

Reviewed by (on contractor's side): Katre Luhamaa

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Section A: General information on existing situation: probation measures, alternative sanctions and supervision measures as an alternative to pre-trial detention

Please add the information required to answer the questions. Provide supporting or explanatory information – highlighting laws, policies and measures which justify the answer.

Q1. Please outline the specific probation measures or alternative sanctions that are available at the post-trial stage in the Member State on which you are reporting:

The following alternative sanctions are available in Estonia:

- Community service¹. Up to two years imprisonment can be substituted with person's consent by community service. The time for community service should not exceed 24 months in case of criminal offence and 12 months in case of misdemeanours.
- Substitution of imprisonment by electronic surveillance². The imprisonment up to six months could be substituted by electronic surveillance. The consent of the offender is required.
- Substitution of imprisonment by treatment³. If the imprisonment of 6 up to 24 months is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder (including addiction), the court may substitute imprisonment by treatment. The informed written consent of the offender is required.

The following probation measures are available:

- Probation (conditional sentence)⁴

¹ Estonia, Penal Code (*Karistusseadustik*). §69. [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

² Estonia, Penal Code (*Karistusseadustik*). § 69 (1). [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

³ Estonia, Penal Code (*Karistusseadustik*). § 69 (2). [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

⁴ Estonia, Penal Code (*Karistusseadustik*). §73. [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

- Probation with subjection of offender to supervision of conduct⁵
- Probation supervisor's surveillance⁶, mainly applicable to minors
- Release on Parole⁷ (Penal Code (*Karistusseadustik*) §76)

There are approximately 5,248 people placed under probation supervision in Estonia as for 15 June 2015.⁸

Q2. Please outline the specific supervision measures as alternatives to pre-trial detention that are available in the Member State:

The Code of Criminal Procedure (*Kriminaalmenetluse seadustik*) outlines the following specific supervision measures:⁹

- 1) an obligation to inform the competent authority in the executing state of any change of residence, in particular for the purpose of receiving a summons;
- 2) an obligation not to enter certain localities, places or defined areas in the requesting or executing state;
- 3) an obligation to remain at a specified place, where applicable during specified times;
- 4) an obligation containing limitations on leaving the territory of the executing State;
- 5) an obligation to report at specified times to specific authority;
- 6) an obligation to avoid contact with specific persons in relation with the offence allegedly committed.

⁵ Estonia, Penal Code (*Karistusseadustik*). §74. [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

⁶ Estonia, Penal Code (*Karistusseadustik*). §75. [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

⁷ Estonia, Penal Code (*Karistusseadustik*). §76. [RT I 2001, 61, 364](http://www.riigiteataja.ee/en/eli/519032015003/consolide). Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

⁸ Estonian Ministry of Justice. 'Statistics on prisoners and persons under probation' (*Vangide ja kriminaalhooldusaluste arv*). 15 June 2015. Available at: <http://www.vangla.ee/et/uudised-ja-arvud/vangide-ja-kriminaalhooldusaluste-arv>.

⁹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (21). [RT I 2003, 27, 166](http://www.riigiteataja.ee/en/eli/501042015002/consolide). Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

Q3. Are there any specific legislative or policy developments regarding alternatives to prison (at the pre- and post-trial stage) of particular suspects/sentenced persons (such as children, persons with disabilities, persons in need of special treatment or mothers with young children)?

Pre-trial stage:

According to the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*)¹⁰, if it becomes evident as a result of expert assessment that a person held in custody committed an unlawful act in a state of mental incompetence, he or she is mentally ill, feeble-minded or he or she has another severe mental disorder, he or she shall be immediately released from custody by an order of a prosecutor's office, unless otherwise provided for in § 395¹ of this Code.

Post-trial stage:

- A court may release on parole an offender who was younger than eighteen years of age at the time of commission of the criminal offence¹¹.
- If a person suffers from a terminal illness, the court may release him or her from bearing the punishment¹².
- If an offender is seriously injured as result of committing criminal offence punishable by imprisonment for a term of up to five years, the court may release the person from punishment.¹³
- Coercive psychiatric treatment.¹⁴
- Sanctions applicable to minors¹⁵ include admonition; subjection to supervision of conduct; placement in a youth home; placement in a school for pupils who need special treatment due to behavioural problems, referral to social programmes.

¹⁰ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 137 (2): RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

¹¹ Estonia, Penal Code (*Karistusseadustik*). § 76 (1). RT I 2001, 61, 364. Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

¹² Estonia, Penal Code (*Karistusseadustik*). § 79. RT I 2001, 61, 364. Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

¹³ Estonia, Penal Code (*Karistusseadustik*). § 80. RT I 2001, 61, 364. Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

¹⁴ Estonia, Penal Code (*Karistusseadustik*). § 86. RT I 2001, 61, 364. Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

¹⁵ Estonia, Penal Code (*Karistusseadustik*). § 87. RT I 2001, 61, 364. Available at: www.riigiteataja.ee/en/eli/519032015003/consolide.

Section B: Transfer of suspects/sentenced persons

Please give a response for each of the boxes. If the information is the same in two boxes, duplicate the text. If the question is not applicable, specify why.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q1. AVAILABILITY OF INFORMATION			
Q1.1. Is information publicly available in ‘issuing states’ concerning the following: If yes, please specify.			
<ul style="list-style-type: none"> What information is provided (e.g. conditions for early release for FD 909 or the need for a suspect/sentenced person’s consent to a measure for FD 947 and 829)? 	<p>The text of the directive and the official text of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) are publicly available.</p> <p>One of the working duties of social worker in prison is to provide information to prisoners, among others about the possibility to apply for the serving the rest of the sentence in their home state. This is the way information is made available sentenced person.¹⁶</p>	<p>The information is not publicly available, except the text of the directive and the official text of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>).</p>	<p>The information is not publicly available, except the text of the directive and the official text of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>).</p>

¹⁶ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

<ul style="list-style-type: none"> How is the information made publically available (tools, or networks used)? 	n/a	n/a	n/a
<ul style="list-style-type: none"> In which languages is the information provided? 	n/a	n/a	n/a
<p>Q1.2. Apart from the competent authorities required by the FDs, is there any other national office or point of contact responsible for leading initial discussions about potential transfers (as issuing and executing state)? If yes, please provide brief details.</p>	<p>The Central Authority is International Judicial Co-operation Division, Criminal Policy Department, Ministry of Justice. The Central Authority does not issue any order or certificates but all documents regarding potential transfers in and out of the state are going through the Central Authority. ¹⁷.</p>	<p>The Central Authority is International Judicial Co-operation Division, Criminal Policy Department, Ministry of Justice. The Central Authority does not issue any order or certificates but all documents regarding potential transfers in and out of the state are going through the Central Authority. ¹⁸.</p>	<p>The Central Authority is International Judicial Co-operation Division, Criminal Policy Department, Ministry of Justice. The Central Authority does not issue any order or certificates but all documents regarding potential transfers in and out of the state are going through the Central Authority. ¹⁹.</p>

¹⁷ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

¹⁸ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

¹⁹ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

<p>Q1.3. Do the competent authorities collate information about their experience of transfers (such as personal data of the suspect/sentenced person, states involved, issues raised during the transfer process)? If yes, specify the information gathered.</p>	<p>The International Judicial co-operation Department (<i>Rahvusvahelise justiitskoostöö talitus</i>) collects data that is described in the standard application form.²⁰</p> <p>In general, annual aggregated report on judicial co-operation is published. The report contains information on type of judicial co-operation, states involved.</p>	<p>The International Judicial co-operation Department (<i>Rahvusvahelise justiitskoostöö talitus</i>) collects data that is described in the standard application form.²¹</p> <p>In general, annual aggregated report on judicial co-operation is published. The report contains information on type of judicial co-operation, states involved.</p>	<p>The International Judicial co-operation Department (<i>Rahvusvahelise justiitskoostöö talitus</i>) collects data that is described in the standard application form.²²</p> <p>In general, annual aggregated report on judicial co-operation is published. The report contains information on type of judicial co-operation, states involved.</p>
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²⁰ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

²¹ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

²² Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q2. INFORMED CONSENT OF THE SUSPECT/SENTENCED PERSON			
<p>Q2.1. Is there a procedure in the issuing state (e.g. some form of mechanism that ensures it is done in all relevant cases) in place to inform the suspect/sentenced person of the option to transfer the judgment or decision to another Member State? If yes, please briefly provide information (e.g. is it an oral or written procedure) and specify who provides this information.</p>	<p>According to the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>):²³ “Regardless of whether consent is required or not, the convicted offender shall be notified in a language understandable to him or her that it was decided to communicate the judgment for recognition and execution thereof.”</p> <p>The convicted offender will be given the form established by the FD. This form will be in sentenced person’s mother tongue or at least in language that is understandable for him or her. The sentenced person will sign the form that he or she is aware about the transfer procedure.²⁴</p>	<p>The FD was transposed in Estonia 01.01.2015, so no data on its application in practice is available yet. The law does not specify whether the informed consent of the sentenced person is needed.</p> <p>The person will be informed according to the Estonian legislation. The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) § 508 (65) states that “A certificate of supervision is prepared by the probation officer or authority applying alternative sanctions.”</p>	<p>The FD was transposed in Estonia 26.03.2015, so no data on its application in practice is available yet. According to the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) (§ 489 (34)) a prosecutor’s office has competence to prepare certificates of European preventive measures in pre-trial proceedings and a court in court proceedings. Certificates of European preventive measures are forwarded to the executing state through the Ministry of Justice. It is not specified by the law in what way either oral or written, the information is provided to the suspect.</p>

²³ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 508 (38). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

²⁴ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

<p>Q2.2. Is there a procedure in place in the issuing state to obtain the informed consent of the suspect/sentenced person before forwarding the judgment or decision to the executing state? (e.g. a pre-prepared written explanation of the process available in a number of languages). If yes, please briefly specify what information the suspect/sentenced person receives (e.g. information on appeal and release possibilities).</p>	<p>The information is orally provided by the prison social worker. The consent is given in written form.</p>	<p>The law does not specify the need for the consent.</p>	<p>It is not specified by law in what form, oral or written the consent is obtained.</p>
<p>Q2.3. Does the suspect/sentenced person have the right to revoke his/her consent to the transfer in the issuing state? If yes, please briefly specify until which stage of the procedure this right exists.</p>	<p>According to the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)²⁵ the consent is given in writing and cannot be revoked.</p>	<p>The law does not specify the need for the consent.</p>	<p>Not specified in the corresponding section of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>).</p>
<p>Q2.4. Is there any procedure in place in the issuing state to obtain the opinion of the sentenced person concerning the following: If yes, please</p>			

²⁵ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 488 (2). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<p>briefly specify e.g. is it an oral or a written procedure, are there any checks on actual understanding of the option).</p>			
<ul style="list-style-type: none"> When consent is not required)? 	<p>No special established standard procedure exist. There were just two cases after the FD was transposed in Estonia. The prison social worker talks to the sentenced person to inform him or her.</p>		
<ul style="list-style-type: none"> When consent is required, Article 6 (3) of FD 2008/909/JHA). 	<p>No special established standard procedure exist. There were just two cases after the FD was transposed in Estonia. The prison social worker talks to the sentenced person to inform and obtain consent.</p>		
<p>Q2.5. Does the suspect/sentenced person have the right to change his/her opinion on the transfer? If yes, please briefly specify until which stage of the procedure this right exists and how this is implemented in practice.</p>	<p>If the consent is already given, the person cannot change his or her opinion on transfer.</p>		

<p>Q2.6. Is the suspect/sentenced person assisted by a legal counsel in the issuing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone)</p>	<p>According to Imprisonment Act (<i>Vangistusseadus</i>)²⁶ a prisoner has unrestricted right to receive visits from his or her criminal defence counsel, representative who is an advocate, minister of religion and a consular officer of his or her country of nationality and with a notary for performance of a notarial act. Visits shall be uninterrupted.</p>	<p>According to the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)²⁷ a suspect has the right to the assistance of a counsel and the assistance of an interpreter or translator. An appointed counsel is required to participate in a criminal proceeding until the end of the hearing of the criminal matter by way of cassation proceeding.</p>	<p>According to the Code of Criminal Procedure²⁸ a suspect has the right to the assistance of a counsel and the assistance of an interpreter or translator. According to the Imprisonment Act (<i>Vangistusseadus</i>)²⁹ persons in custody who are citizens of foreign states have the unrestricted right to receive visits from consular officers of their countries of nationality.</p>
<p>Q2.7. Is there a procedure in place to ascertain that the legal counsel speaks and understands the suspect/sentenced person's language in the issuing state? If yes, please specify.</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)³⁰ states that if a participant in a criminal proceeding is not proficient in the Estonian language, an interpreter or translator shall be involved in the proceeding.</p> <p>There are no such specific requirements for the legal counsel.</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)³¹ states that if a participant in a criminal proceeding is not proficient in the Estonian language, an interpreter or translator shall be involved in the proceeding.</p> <p>There are no such specific requirements for the legal counsel.</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)³² states that if a participant in a criminal proceeding is not proficient in the Estonian language, an interpreter or translator shall be involved in the proceeding.</p> <p>There are no such specific requirements for the legal counsel.</p>

²⁶ Estonia, Imprisonment Act (*Vangistusseadus*). § 26. RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

²⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 34. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

²⁸ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 34. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

²⁹ Estonia, Imprisonment Act (*Vangistusseadus*). § 94. RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

³⁰ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 161. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

³¹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 161. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

³² Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 161. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<p>Q2.8. Does the suspect/sentenced person have the right to legal aid in the issuing state?</p>	<p>Under the State Legal Aid Act (<i>Riigi õigusabi seadus</i>)³³ state legal aid is granted to a natural person or a legal person in connection with proceedings in an Estonian court or administrative body or otherwise in the protection of their rights if deciding thereon is within the competence of an Estonian court. This aid is not restricted to the citizens or permanent residents of Estonia only.</p>	<p>Under the State Legal Aid Act (<i>Riigi õigusabi seadus</i>)³⁴ state legal aid is granted to a natural person or a legal person in connection with proceedings in an Estonian court or administrative body or otherwise in the protection of their rights if deciding thereon is within the competence of an Estonian court. This aid is not restricted to the citizens or permanent residents of Estonia only.</p>	<p>Under the State Legal Aid Act (<i>Riigi õigusabi seadus</i>)³⁵ state legal aid is granted to a natural person or a legal person in connection with proceedings in an Estonian court or administrative body or otherwise in the protection of their rights if deciding thereon is within the competence of an Estonian court. This aid is not restricted to the citizens or permanent residents of Estonia only.</p>
<p>Q2.9. Is the suspect/sentenced person assisted by an interpreter in the issuing state, if required:</p>			
<ul style="list-style-type: none"> • While consenting to the transfer? 	<p>According to the head of the Central Authority those prison personal, who she has contacted in course of her duties, said that the prison personal and the sentenced person communicate in language that is</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The code states: if a suspect</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure</p>

³³ Estonia, State Legal Aid Act (*Riigi õigusabi seadus*). § 4. RT I 2004, 56, 403. Available at: www.riigiteataja.ee/en/eli/527012015015/consolide.

³⁴ Estonia, State Legal Aid Act (*Riigi õigusabi seadus*). § 4. RT I 2004, 56, 403. Available at: www.riigiteataja.ee/en/eli/527012015015/consolide.

³⁵ Estonia, State Legal Aid Act (*Riigi õigusabi seadus*). § 4. RT I 2004, 56, 403. Available at: www.riigiteataja.ee/en/eli/527012015015/consolide.

	mutually understandable. No assistance of the interpreters has been needed so far. ³⁶	or accused is not proficient in the Estonian language, he or she shall be ensured the assistance of an interpreter or translator at his or her request or the request of his or her counsel at the meeting with the counsel which is directly related to the procedural act performed with respect to the suspect or accused, the application or complaint submitted. If the body conducting the proceedings finds that the assistance of an interpreter or translator is not necessary, the body shall formalise the refusal by a ruling. ³⁷	<i>(Kriminaalmenetluse seadustik)</i> . The code states: if a suspect or accused is not proficient in the Estonian language, he or she shall be ensured the assistance of an interpreter or translator at his or her request or the request of his or her counsel at the meeting with the counsel which is directly related to the procedural act performed with respect to the suspect or accused, the application or complaint submitted. If the body conducting the proceedings finds that the assistance of an interpreter or translator is not necessary, the body shall formalise the refusal by a ruling. ³⁸
<ul style="list-style-type: none"> • While requesting the transfer? 	In practice so far the prison personal and the sentenced person communicate in language that is mutually understandable. No assistance of the interpreters has been needed so far. ³⁹	There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The code states: if a suspect	There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure

³⁶ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

³⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2¹). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

³⁸ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2¹). RT I 2003, 27, 166. Available at: [ww.riigiteataja.ee/en/eli/501042015002/consolide](http://www.riigiteataja.ee/en/eli/501042015002/consolide).

³⁹ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

		<p>or accused is not proficient in the Estonian language, he or she shall be ensured the assistance of an interpreter or translator at his or her request or the request of his or her counsel at the meeting with the counsel which is directly related to the procedural act performed with respect to the suspect or accused, the application or complaint submitted. If the body conducting the proceedings finds that the assistance of an interpreter or translator is not necessary, the body shall formalise the refusal by a ruling.⁴⁰</p>	<p>(<i>Kriminaalmenetluse seadustik</i>). The code states: if a suspect or accused is not proficient in the Estonian language, he or she shall be ensured the assistance of an interpreter or translator at his or her request or the request of his or her counsel at the meeting with the counsel which is directly related to the procedural act performed with respect to the suspect or accused, the application or complaint submitted. If the body conducting the proceedings finds that the assistance of an interpreter or translator is not necessary, the body shall formalise the refusal by a ruling.⁴¹</p>
<p>Q2.10. Are these interpretation or translation services provided during a face-to-face consultation? Please provide brief information.</p>	<p>In practice so far the prison personal and the sentenced person communicate in language that is mutually understandable. No assistance of the interpreters has been needed so far.⁴²</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The Code states that an oral</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The Code states that an</p>

⁴⁰ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2¹). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁴¹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2¹). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁴² Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

		<p>translation shall be ensured to a suspect and accused immediately, a written translation of the documents shall be ensured to a suspect and accused within a reasonable period of time so that this does not impair the exercise of their rights of defence.⁴³</p>	<p>oral translation shall be ensured to a suspect and accused immediately, a written translation of the documents shall be ensured to a suspect and accused within a reasonable period of time so that this does not impair the exercise of their rights of defence.⁴⁴</p>
<p>Q2.11. Is the suspect/sentenced person's full understanding of the transfer checked on a case by case basis in the issuing state? Please provide brief information.</p>	<p>In practice so far the prison personal and the sentenced person communicate in language that is mutually understandable. No assistance of the interpreters has been needed so far.⁴⁵ The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) states that the assistance of an interpreter or translator shall be ensured for the participants in a proceeding and the parties to a court proceeding who are not proficient in the Estonian language. In the case of doubt, the body conducting the proceedings shall determine the proficiency in the Estonian language of both the participants in the proceedings as well as parties to the court</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The Code states that the assistance of an interpreter or translator shall be ensured for the participants in a proceeding and the parties to a court proceeding who are not proficient in the Estonian language. In the case of doubt, the body conducting the proceedings shall determine the proficiency in the Estonian language of both the participants in the proceedings as well as parties to the court</p>	<p>There were no cases in practice so far. The transfer of the suspect/sentenced person is part of criminal procedure, therefore this procedure is defined by the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>). The Code states that the assistance of an interpreter or translator shall be ensured for the participants in a proceeding and the parties to a court proceeding who are not proficient in the Estonian language. In the case of doubt, the body conducting the proceedings shall determine the proficiency in the Estonian language of both the</p>

⁴³ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (8). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide

⁴⁴ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (8). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide

⁴⁵ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

	proceeding. If it is impossible to determine the proficiency in the Estonian language or it proves to be insufficient, the assistance of an interpreter or translator shall be ensured. ⁴⁶	the court proceeding. If it is impossible to determine the proficiency in the Estonian language or it proves to be insufficient, the assistance of an interpreter or translator shall be ensured. ⁴⁷	participants in the proceedings as well as parties to the court proceeding. If it is impossible to determine the proficiency in the Estonian language or it proves to be insufficient, the assistance of an interpreter or translator shall be ensured. ⁴⁸
Q2.12. If the executing state adapts, before the transfer, the sentence or measure imposed by the issuing state (as authorised by Article 8.3 of FD 909, Article 9 of FD 947 and Article 13 of FD 829), does the suspect/sentenced person receive any updated information?	<p>According to Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁴⁹ Harju County Court makes the rulings.</p> <p>The appeals may be filed against a ruling by the accused, counsel, third parties and the prosecutor's office.⁵⁰</p>	<p>According to Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁵¹ Harju County Court makes the rulings.</p> <p>The appeals may be filed against a ruling by the accused, counsel, third parties and the prosecutor's office.⁵²</p>	<p>According to Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁵³ the ruling is made either by court or Prosecutor of-fice.</p> <p>The person subjected to securing measures may file an appeal against the ruling of the prosecutor's office or court within three days as of the receipt of the ruling.⁵⁴</p>

⁴⁶ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide

⁴⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide

⁴⁸ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 10 (2). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide

⁴⁹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 508 (42), 1. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵⁰ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (4). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵¹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 508 (42), 1. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵² Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (4). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵³ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (25). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵⁴ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (29). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<p>Q2.13. Is there a right to appeal the forwarding of the judgment/decision in the issuing state? If yes, please briefly provide information (e.g. how the suspect is made aware of his/her right to appeal and what support is made available to him/her)</p>	<p>If an accused person consents to the transfer, this consent cannot be withdrawn⁵⁵. If a court judgment or an administrative act contains an order to expel the person from the state immediately after his or her release from imprisonment, transfer of the person to a foreign state may be requested without his or her consent. Such court decision may be appealed.</p> <p>The decision to transfer the person always contains the information about the appeal procedure. This document (court ruling) is always given to the person.</p>	<p>If an accused person consents to the transfer, this consent cannot be withdrawn⁵⁶. If a court judgment or an administrative act contains an order to expel the person from the state immediately after his or her release from imprisonment, transfer of the person to a foreign state may be requested without his or her consent. Such court decision may be appealed.</p> <p>The decision to transfer the person always contains the information about the appeal procedure. This document (court ruling) is always given to the person.</p>	<p>If an accused person consents to the transfer, this consent cannot be withdrawn⁵⁷. If a court judgment or an administrative act contains an order to expel the person from the state immediately after his or her release from imprisonment, transfer of the person to a foreign state may be requested without his or her consent. Such court decision may be appealed.</p> <p>The decision to transfer the person always contains the information about the appeal procedure. This document (court ruling) is always given to the person.</p>
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⁵⁵ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). §488. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵⁶ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). §488. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). §488. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<p>Q2.14. Does the suspect/sentenced person have a right to a regular review of the decision on the transfer in the issuing state? If yes, please briefly provide information (e.g. how often he/she can exercise this right)</p>	<p>The internal rules of the prison state the way accused person may have access to all personal data collected by the prison. Sentenced person has right to access his personal file based on the application and permission given by the prison director.</p>	<p>According to the of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁵⁸ suspects/accused have right to examine materials of criminal file.</p>	<p>According to the of the Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁵⁹ suspects/accused have right to examine materials of criminal file.</p>
<p>Q2.15. Is the suspect/sentenced person assisted by legal counsel in the executing state? If yes, please provide details (e.g. is this legal advice provided face-to-face or over the telephone?)</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) guarantees the right for legal counsel. There is no information available whether there is special procedure to provide legal assistance to the suspect-sentenced person.</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) guarantees the right for legal counsel. There is no information available whether there is special procedure to provide legal assistance to the suspect-sentenced person.</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) guarantees the right for legal counsel. There is no information available whether there is special procedure to provide legal assistance to the suspect-sentenced person.</p>

⁵⁸ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 34 (1). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁵⁹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 34 (1). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<p>Q2.16. Have there been instances where the Member State has refused a transfer based on a pre-determined ground of refusal, as permitted to a varying extent under each FD? If so, please briefly provide details.</p>	<p>The FD is in force starting from 1 January 2015. During January-May 2015 2 decisions on transfer were issued by Estonia. One of the requests was rejected because the person was not residing in the executing state before the imprisonment. There is still no feedback on the second request.⁶⁰.</p>	<p>No requests have been issued since the FD came into force.⁶¹</p>	<p>No requests have been issued since the FD came into force.⁶²</p>
<p>Q.2.17. Are there any specific legislative or policy developments regarding the informed consent to the transfer of particular suspects/sentenced persons (such as children or persons with disabilities) in the issuing state? (e.g. the use of healthcare professionals)</p>	<p>No</p>	<p>No</p>	<p>No</p>

⁶⁰ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

⁶¹ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

⁶² Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q3. DECISION ON TRANSFER			
Q3.1. Are the following factors considered while deciding on forwarding a judgment or decision in the issuing state?			
<ul style="list-style-type: none"> The likely impact on the social rehabilitation of the suspect/sentenced person? 	To ensure that the transfer of the sentenced person will improve the social rehabilitation of the sentenced person, the following shall be taken into account: personal, family, language, cultural and economic ties with the executing state. ⁶³	To ensure that the transfer of the sentenced person will improve his or her social rehabilitation, the duty to initiate the transfer and prepare the documents is given to the parole officer. The probation officer poses the most exhaustive information about the person and while making decision about transfer shall take into account the previous life of the sentenced person, current situation, ties with the executing state etc. ⁶⁴	The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>) outlines family ties or other compelling connections with the state as important while deciding to make the decision on transfer. ⁶⁵

⁶³ Estonia, Ministry of Justice (*Justiitsministeerium*) (2013), 'Explanatory Note to the Draft law to Introduce Changes to Code of Criminal Procedure, Criminal Records Database Act, Code of Criminal Procedure Implementation Act, State Fees Act, State Secrets and Classified Information of Foreign States Act, and State Legal Aid Act' (*Seletuskiri Kriminaalmenetluse seadustiku, karistusregistri seaduse, Kriminaalmenetluse seadustiku rakendamise seaduse, riigilõivuseaduse, riigisaladuse ja salastatud välisteabe seaduse ning riigi õigusabi seaduse muutmise seaduse eelnõu juurde*), available at: www.riigikogu.ee/?op=emsplain&page=pub_file&file_id=0c06d763-d654-48e7-8906-3835a619c165&.

⁶⁴ Estonia, Ministry of Justice (*Justiitsministeerium*) (2013), 'Explanatory Note to the Draft law to Introduce Changes to Code of Criminal Procedure, Criminal Records Database Act, Code of Criminal Procedure Implementation Act, State Fees Act, State Secrets and Classified Information of Foreign States Act, and State Legal Aid Act' (*Seletuskiri Kriminaalmenetluse seadustiku, karistusregistri seaduse, Kriminaalmenetluse seadustiku rakendamise seaduse, riigilõivuseaduse, riigisaladuse ja salastatud välisteabe seaduse ning riigi õigusabi seaduse muutmise seaduse eelnõu juurde*), available at: www.riigikogu.ee/?op=emsplain&page=pub_file&file_id=0c06d763-d654-48e7-8906-3835a619c165&.

⁶⁵ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (20). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<ul style="list-style-type: none"> Fundamental rights implications (such as the right to family life, right to education)? 	The family ties are considered being important.	The family ties are considered being important.	The family ties are considered being important.
<ul style="list-style-type: none"> Others? Please specify. 	No	No	No
<p>Q3.2: While deciding on the transfer, are there any specific criteria/guidelines on the factors considered to be relevant for the purposes of (social) rehabilitation in the issuing state? Please provide any document containing those criteria/guidelines and specify whether the following factors are considered:</p> <ul style="list-style-type: none"> Family and social ties (e.g. accommodation, employment or other economic ties, linguistic and cultural links)? 	<p>Estonia may recognize or execute a punishment imposed if the convicted offender is a citizen of the Republic of Estonia whose actual permanent residence is not in the Republic of Estonia but who has family ties or other compelling connections with the Republic of Estonia and in the case of whom the serving of the sentence in Estonia is consistent with the interests of the person and other persons connected with him or her</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁶⁷ recognizes (1) the convicted offender has family ties or other compelling connections with the state of Estonia; (2) the settling of the convicted offender in Estonia is in compliance with the interests of the person and other persons</p>	<p>The Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>)⁶⁸ explicitly states family ties or other compelling connections with the state of Estonia as a criterion for recognition of decisions on application of securing measures.</p>

⁶⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 508 (56). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁶⁸ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (20). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

	and he or she has given his or her consent. ⁶⁶		
<ul style="list-style-type: none"> Criminal history and criminal ties? 	No information mentioned in the law or explanatory note.	<p>The Explanatory note mentions “previous live” as a factor that shall be taken into account while making decision. Although not explicitly, it may include information on criminal history and criminal ties.⁶⁹</p> <p>In practice, there are no cases yet.</p>	There are no cases yet. The law does not explicitly mention this factor as important.
<ul style="list-style-type: none"> Humanitarian concerns (i.e. terminal illness of suspect/sentenced person or family members)? 	Not mentioned in legal documents or explanatory notes.	Not mentioned in legal documents or explanatory notes.	Not mentioned in legal documents or explanatory notes.

⁶⁶ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 508 (36). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁶⁹ Estonia, Ministry of Justice (*Justiitsministeerium*) (2013), ‘Explanatory Note to the Draft law to Introduce Changes to Code of Criminal Procedure, Criminal Records Database Act, Code of Criminal Procedure Implementation Act, State Fees Act, State Secrets and Classified Information of Foreign States Act, and State Legal Aid Act’ (*Seletuskiri kriminaalmenetluse seadustiku, karistusregistri seaduse, kriminaalmenetluse seadustiku rakendamise seaduse, riigilõivuseaduse, riigisaladuse ja salastatud välisteabe seaduse ning riigi õigusabi seaduse muutmise seaduse eelnõu juurde*), available at: www.riigikogu.ee/?op=emsplain&page=pub_file&file_id=0c06d763-d654-48e7-8906-3835a619c165&.

<ul style="list-style-type: none"> • Detention conditions (e.g. issues of overcrowding or availability of courses, such as the <i>Modulos</i> in Spain which has separate units to promote a progressive accountability of inmates) 	Not mentioned in legal documents or explanatory notes.	Not mentioned in legal documents or explanatory notes.	Not mentioned in legal documents or explanatory notes.
<ul style="list-style-type: none"> • Others? 	No	No	No
Q.3.3. Are the following persons/entities consulted in the evaluation of the likelihood of social rehabilitation by the issuing state:			
<ul style="list-style-type: none"> • Probation agencies or similar entities in the issuing state? 	No guidelines, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities
<ul style="list-style-type: none"> • The competent authorities in the executing state? 	No guidelines exist, the law does not specify the possibility or obligation to consult those persons/entities.	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities
<ul style="list-style-type: none"> • The suspect/sentenced person? 	No guidelines exist, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities
<ul style="list-style-type: none"> • The family of the suspect/sentenced persons, especially with regard to child offenders? 	No guidelines exist, the law does not specify the possibility or obligation to consult those persons/entities.	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities	No cases yet, no guidelines, the law does not specify the possibility or obligation to consult those persons/entities

<ul style="list-style-type: none"> Any other person/entity? 	No	No	No
<p>Q3.4. Are there any specific legislative or policy developments regarding the evaluation of the likelihood of social rehabilitation of particular suspects/ sentenced persons (such as children or persons with disabilities) by the issuing state?</p>	No	No	No
<p>Q3.5. Is additional information, other than that required in the certificate (for which the standard form is given in Annex I of the three FDs), provided to the competent authorities of the executing state while forwarding the judgment or decision? If yes, please specify if pre-sentence reports are forwarded.</p>	<p>In order to recognize and execute a court judgment which has entered into force, a request together with the annexed judgment or an authenticated copy thereof and its translation shall be sent to the Ministry of Justice who shall communicate these to the executing state by post, by electronic mail or in another format which can be reproduced in writing.</p> <p>FD art 23 form is translated, the translation of court ruling is not compulsory. If there is any important information (e.g. on health condition of the sentenced person), it will be added to the form.⁷⁰</p>	<p>In order to recognize and execute a court judgment which has entered into force, a request together with the annexed judgment or an authenticated copy thereof and its translation shall be sent to the Ministry of Justice who shall communicate these to the executing state by post, by electronic mail or in another format which can be reproduced in writing.</p>	<p>In order to recognize and execute a court judgment which has entered into force, a request together with the annexed judgment or an authenticated copy thereof and its translation shall be sent to the Ministry of Justice who shall communicate these to the executing state by post, by electronic mail or in another format which can be reproduced in writing.</p>

⁷⁰ Estonia, representative of the Criminal Policy Department, Ministry of Justice (*Rahvusvahelise justiitskoostöö talitus*).

<p>Q3.6. If pre-sentence reports are forwarded by the issuing state, are they translated to the language of the executing state?</p>	<p>All documents that are forwarded by Estonia are first forwarded to the Central Authority, translated and then forwarded to the executing state.</p>	<p>All documents that are forwarded by Estonia are first forwarded to the Central Authority, translated and then forwarded to the executing state.</p>	<p>All documents that are forwarded by Estonia are first forwarded to the Central Authority, translated and then forwarded to the executing state.</p>
<p>Q3.7. Are there specific measures, as required by Article 4 (6) FD 909, which constitute the basis on which the competent authorities in the executing State have to take their decisions whether or not to consent to the forwarding of the judgement and the certificate (where required)?</p>	<p>The decision on the execution of the punishment in the foreign state is in the interests of the convicted offender or the public.⁷¹. The specific measures are not outlined.</p>		
<p>Q3.8. Are there formal and clear rules regarding data protection in the information exchange between:</p>			

⁷¹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). §488. RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

<ul style="list-style-type: none"> National authorities (consulted in the evaluation of the likelihood of social rehabilitation) in the issuing state? 	<p>The Imprisonment Act (<i>Vangistusseadus</i>) establishes the rules of collection of information into the database of prisoners, detained persons, persons in custody and probationers. The data is released to persons or databases specified in the statutes of the prisoners' register only for the purpose of performance of the functions assigned by an Act or legislation passed on the basis thereof and to the extent necessary.⁷²</p>	<p>The Imprisonment Act (<i>Vangistusseadus</i>) establishes the rules of collection of information into the database of prisoners, detained persons, persons in custody and probationers. The data is released to persons or databases specified in the statutes of the prisoners' register only for the purpose of performance of the functions assigned by an Act or legislation passed on the basis thereof and to the extent necessary.⁷³</p>	<p>The Imprisonment Act (<i>Vangistusseadus</i>) establishes the rules of collection of information into the database of prisoners, detained persons, persons in custody and probationers. The data is released to persons or databases specified in the statutes of the prisoners' register only for the purpose of performance of the functions assigned by an Act or legislation passed on the basis thereof and to the extent necessary.⁷⁴</p>
<ul style="list-style-type: none"> Authorities in the issuing and executing state? 	<p>Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>): Protection of personal data in international exchange of data in framework of cooperation in criminal procedure⁷⁵</p> <p>(1) Transmission of personal data to Member States in the framework of cooperation in</p>	<p>Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>): Protection of personal data in international exchange of data in framework of cooperation in criminal procedure⁷⁷</p> <p>(1) Transmission of personal data to Member States in the</p>	<p>Code of Criminal Procedure (<i>Kriminaalmenetluse seadustik</i>): Protection of personal data in international exchange of data in framework of cooperation in criminal procedure⁷⁹</p> <p>(1) Transmission of personal data to Member States in the framework of cooperation in</p>

⁷² Estonia, Imprisonment Act (*Vangistusseadus*). § 5 (2). RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

⁷³ Estonia, Imprisonment Act (*Vangistusseadus*). § 5 (2). RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

⁷⁴ Estonia, Imprisonment Act (*Vangistusseadus*). § 5 (2). RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

⁷⁵ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (3). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁷⁷ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (3). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

⁷⁹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*). § 489 (3). RT I 2003, 27, 166. Available at: www.riigiteataja.ee/en/eli/501042015002/consolide.

	<p>criminal procedure shall comply with the principles provided for in § 6 of Personal Data Protection Act.</p> <p>(2) Processing of personal data received from Member States is permitted only for the purposes for which the data were transmitted.</p> <p>(3) Processing of personal data for a purpose different than that provided for in subsection (2) of this section is permitted only if this is necessary:</p> <ol style="list-style-type: none"> 1) in order to detect and combat criminal offences, conduct criminal proceedings or execute punishments; 2) in order to conduct any administrative or court proceedings, if this is directly related to the activities specified in clause 1) of this subsection; 3) in order to prevent serious and imminent threat to public order; or 4) for any other purposes, if the consent of the state which transmitted the data for processing of 	<p>framework of cooperation in criminal procedure shall comply with the principles provided for in § 6 of Personal Data Protection Act.</p> <p>(2) Processing of personal data received from Member States is permitted only for the purposes for which the data were transmitted.</p> <p>(3) Processing of personal data for a purpose different than that provided for in subsection (2) of this section is permitted only if this is necessary:</p> <ol style="list-style-type: none"> 1) in order to detect and combat criminal offences, conduct criminal proceedings or execute punishments; 2) in order to conduct any administrative or court proceedings, if this is directly related to the activities specified in clause 1) of this subsection; 3) in order to prevent serious and imminent threat to public order; or 4) for any other purposes, if the consent of the state which transmitted the data for processing of the personal data for such 	<p>criminal procedure shall comply with the principles provided for in § 6 of Personal Data Protection Act.</p> <p>(2) Processing of personal data received from Member States is permitted only for the purposes for which the data were transmitted.</p> <p>(3) Processing of personal data for a purpose different than that provided for in subsection (2) of this section is permitted only if this is necessary:</p> <ol style="list-style-type: none"> 1) in order to detect and combat criminal offences, conduct criminal proceedings or execute punishments; 2) in order to conduct any administrative or court proceedings, if this is directly related to the activities specified in clause 1) of this subsection; 3) in order to prevent serious and imminent threat to public order; or 4) for any other purposes, if the consent of the state which transmitted the data for processing of
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	<p>the personal data for such purpose or proper consent of the data subject exists.</p> <p>The Imprisonment Act⁷⁶ specifies that data from the prisoner's register may be transmitted to other countries in compliance with law, international agreements or other international obligations binding on Estonia only in the case when the data is used for the performance of the functions determined by law and in compliance with the purpose of processing and entry of data in databases.</p>	<p>purpose or proper consent of the data subject exists.</p> <p>The Imprisonment Act⁷⁸ specifies that data from the prisoner's register may be transmitted to other countries in compliance with law, international agreements or other international obligations binding on Estonia only in the case when the data is used for the performance of the functions determined by law and in compliance with the purpose of processing and entry of data in databases.</p>	<p>the personal data for such purpose or proper consent of the data subject exists.</p> <p>The Imprisonment Act⁸⁰ specifies that data from the prisoner's register may be transmitted to other countries in compliance with law, international agreements or other international obligations binding on Estonia only in the case when the data is used for the performance of the functions determined by law and in compliance with the purpose of processing and entry of data in databases.</p>
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⁷⁶ Estonia, Imprisonment Act (*Vangistusseadus*). § 52. RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

⁷⁸ Estonia, Imprisonment Act (*Vangistusseadus*). § 52. RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

⁸⁰ Estonia, Imprisonment Act (*Vangistusseadus*). § 52. RT I 2000, 58, 376. Available at: www.riigiteataja.ee/en/eli/505062015002/consolide.

TOPIC	FD 2008/909	FD 2008/947	FD 2009/829 (ESO)
Q4. VICTIMS			
Q4.1. Do the victims have the right to receive the following information regarding the transfer from the issuing state:			
<ul style="list-style-type: none"> The decision to transfer 	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.
<ul style="list-style-type: none"> The status of the transfer 	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.
<ul style="list-style-type: none"> Other? Please specify. 	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.
Q4.2. Is there any procedure in place to provide this information as issuing or executing state? If yes, please specify:	no	no	no
<ul style="list-style-type: none"> Is the information provided upon request of the victim? 	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons.

<ul style="list-style-type: none"> Who responsible for providing this information? 	n/a	n/a	n/a
<ul style="list-style-type: none"> Is it a verbal or written communication? 	n/a	n/a	n/a
Q4.3. Do the victims have the right to be heard concerning the transfer (in the state you are describing, as issuing or executing state)? (e.g. through submitting an oral or written response)	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons
Q4.4. Do the victims have any other rights concerning the transfer (in the state you are describing, as issuing or executing state)? Please specify.	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons
Q4.5. Do the victims have access to translators/interpreter in order to be kept fully informed of the transfer (in the state you are describing, as issuing or executing state)?	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons
Q4.6. Do the victims have the right to be informed of the suspect/sentenced person's release (in the state you are describing, as issuing or executing state)?	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons	No. The victims are not mentioned in the legislation regarding the transfer of suspects/sentenced persons