

Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database
(FRANET)

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Part I: National standards

1. Cells

a. Cell space

The national standard is provided in [Imprisonment Act \(Vangistusseadus\)](#)¹ (further in this text: IA) §-s 7, 45 and 90 and the Prison Internal Rules ([Vangla sisekorra eeskiri](#))² (further in this text: Rules) § 6. The usual standard in Estonian prisons in 2-place chambers is 8 m², additionally sanitary space (the toilet and sometimes the shower). The standard comes from ECtHR Grand Chamber 20 October 2016 judgment *Mursic v. Croatia* (no 7334/13). The judgment was also the basis for the clarification of standards by the [Estonian Supreme Court 14 June 2017 in case 3-3-1-15-17](#), para 12 – 13.

b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The national standard is stipulated in [Imprisonment Act](#) § 45. The cell of a prisoner shall meet the general requirements established for dwellings on the basis of the Building Code which ensures the air flow and circulation, light and temperature in the cell which is necessary for living. A cell must have a window and artificial lighting which ensures sufficient lighting of the room. The minister in charge of the policy sector shall establish the size of cells and the list of the items belonging to the furnishings of the cell in internal rules of prisons.

c. Video-surveillance of cells

The standard is stipulated in [Imprisonment Act](#) § 7, enabling constant supervision of prisoners in closed prison cells.

d. NPM assessment

The NPM 2020 inspection visit to Tartu Prison and the psychiatric department of prisons, report from 05 May 2021³: ([Kontrollkäik Tartu Vanglasse](#)) repeats previous recommendation to use video surveillance of patients in wards only if other measures for ensuring the safety of a patient are insufficient. If video surveillance of a patient's toilet is unavoidably necessary, a technical possibility should be found to blur the area of hygiene procedures on the screen.

¹ Estonia, the Estonian Imprisonment Act (*Vangistusseadus*), entry into force 01 December 2000, the Estonian Parliament (*Riigikogu*), with subsequent amendments the [Estonian Imprisonment Act](#)

² Estonia: the Estonian Prison Internal Rules (*Vangla sisekorra eeskiri*), entry into force 31 December 2000, the Estonian Parliament (*Riigikogu*), with subsequent amendments the [Estonian Prison Internal Rules](#)

³ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

The NPM 2022 inspection visit to Tallinn Prison, [the Report](#) from 25 July 2022⁴: contains the following observations on page 11: “The prison should consider enforcement of disciplinary confinement punishment and the isolated locked cell regime in an ordinary cell (this is common practice e.g. in Viru Prison and Tartu Prison) and use cells with video surveillance capacity only for placing those persons in whose case video surveillance is justified. If the prison nevertheless concludes that a person should be placed in a cell equipped with a video camera but the person is not video monitored, then the camera in the cell should be covered for that period.

Sanitary corners in disciplinary cells and isolated locked cells should be separated from the rest of the room either by a cubicle or in another suitable manner. The sanitary corner may be monitored by a video camera or through an observation window only exceptionally and this must be justified by circumstances related to the specific person. If no exceptional circumstances exist then the observation window of a sanitary corner should be kept locked”.

Here and below the report refers to [the CPT report](#)⁵ from 19 November 2019 concerning the inspection from 27 September – 05 October 2017.⁶

Regarding cell space, the CPT 2019 report had several remarks in the Executive Summary and items 29, 36, 42, 56.

Regarding the natural right, the CPT report item 29 is relevant, for light item 93, for cell equipment items 29, 56 and 83, for facilities the Executive Summary and items 29, 36, 37, 38, 42, 48, 50, 53.

Regarding surveillance, the CPT report items 43 and 58 are relevant.

Question to the Estonian Chancellor of Justice officials: What is your assessment of cells in detention facilities concerning cell space, access to natural light, fresh air, cell equipment, facilities available to detainees, as well as the availability of video-surveillance of cells?

Response in writing: The oldest prison in Estonia dates from 2002. As a rule, Estonian prisons have double chambers with the space of 8 sq.m, plus sanitary unit (the toilet and sometimes shower). It is possible that in some instances the chamber has been rebuilt due to a specific reason (for instance, separation bars were installed). The standard of Mursic v. Croatia regarding personal space is met and there is practically no concern over personal space. Most chambers have a window, which as a rule cannot be opened, but there is compulsory ventilation. Video surveillance is rarely used in chambers. When used, it concerns a special chamber for monitoring persons with problematic behavior. In regular chambers, there is no video surveillance.

⁴ Estonia, *Inspection visit to Tallinn Prison, 25 July 2022*, the Chancellor of Justice, [the Report](#)

⁵ Estonia, *Report to the Estonian Government on the visit to Estonia carried out by the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment*, 19 November 2019, the Council of Europe, [the CPT Report](#)

⁶ There was a new visit from 29 May – 08 June 2023, but the report is not yet released at the time of writing this report.

2. Allocation of detainees

a. Geographical allocation

The standard is stipulated in [Imprisonment Act](#) § 11. Prisoners shall be placed to prisons pursuant to a treatment plan, taking into consideration the length of the actual sentence imposed, age, sex, state of health and characteristic features of the prisoners.

b. Allocation within detention facilities

The standard is stipulated in [Imprisonment Act](#) § 11. Prisoners shall be placed to prisons pursuant to a treatment plan, taking into consideration the length of the actual sentence imposed, age, sex, state of health and characteristic features of the prisoners.

c. NPM assessment

The 2019 [CPT report](#) does not contain observations regarding the aspect of geographical allocation. Nor are there any respective matters raised in NPM reports.

In written communication with the NHRI, the following additional explanation was given: The main standard for allocation is related to the previous residential location of the detainee, but there are several exceptions – for instance regarding the adolescents, women, those being imprisoned for certain types of crimes. As a rule, the detainees are in the prison of the location of the court which deprived them of liberty. Although the distances in Estonia are not too long, there still have been some complaints that it is difficult to visit the detainees when the facility is several hundred kilometers away.

3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

a. Access to toilets

The general standard is stipulated in [Imprisonment Act](#) § 45, which says that the cell must correspond to Building Code requirements. The [Rules](#) § 7 article 1 (8) stipulates that the cell equipment should include – if possible – a toilet.

b. Access to showers and warm and running water

The general standard is stipulated in [Imprisonment Act](#) § 50 (personal hygiene of prisoners). Prisoners must take care of their personal hygiene. Prisoners shall be given the opportunity to have a sauna, bath or shower at least once a week and upon reception into prison. Prisoners shall be provided with hairdressing and barber's services. It is permitted to shave a prisoner's head only with respective prescription of a medical officer or at the prisoner's request.

c. Access to sanitary products

It is not clear from the legislation who is responsible for providing shampoo and soap and other basic sanitary products.

d. Hygienic conditions in cells

The general standard is stipulated in [Imprisonment Act](#) § 45 articles 1 and 2. (1) The cell of a prisoner shall meet the general requirements established for dwellings on the basis of the Building Code which ensures the air flow and circulation, light and temperature in the cell which is necessary for living. A cell must have a window and artificial lighting which ensures sufficient lighting of the room. Prisoners are required to clean their cells and the furnishings and keep them in order.

e. NPM assessment

The 2019 [CPT report](#) report mentions the matters as follows: toilets in items 24, 30 and 93 (including shower); water in item 24. The matters of hygienic conditions, soap and shampoo were not addressed.

The NPM 2021 inspection visit to Viru Prison, [the Report](#) from 16 May 2022⁷: contains the following recommendation on page 12: “The prison should ensure maintenance of prisoners’ living space. This may mean that in the cells mentioned above, as well as other cells in a similar condition, repairs must be carried out and, if necessary, cell furnishings and fittings also repaired. As soon as possible, cracked glass in windows should be replaced because this may pose a security risk and also affect cell temperature. And on the same page: The prison should remove dense metal mesh from cell windows and ensure security by other means”.

The NPM 2022 inspection visit to Tallinn Prison, [the Report](#) from 25 July 2022⁸ contains the following observations. On page 9: “The prison should remove the dense metal mesh from cell windows and ensure security by other means”. On pages 9 – 10: “The prison should improve washing opportunities for people serving a disciplinary confinement punishment and offer them an opportunity to shower at least twice a week. Consideration should be given to serving a disciplinary confinement punishment in an ordinary cell (this is usual practice e.g. in Viru Prison and Tartu Prison) which also has a shower corner, a place for keeping things and a possibility to notify the guards via the cell terminal (e.g. in case of starting to feel poorly). Should the prison nevertheless conclude that a disciplinary confinement sanction must be served in a disciplinary cell, the prison does have enough vacant ordinary cells whose shower corner could be used as a washing facility for those committed to a disciplinary cell”.

The NPM 2020 Inspection visit to Tartu Prison and the prisons psychiatric department, [the Report](#) from 05 May 2021⁹ contains the following recommendation on page 12: “The prison should ensure maintenance of prisoners’ living space. This may mean that repairs need to be carried out in cell No 2134 and other cells in a similar condition. No rainwater should leak into a room through a window frame. On page 13 is this recommendation: The prison should remove dense metal mesh from cell windows (including in cell No 1002) and ensure security by other means. For instance, impact-resistant glass may be put in a window similarly to cell No 1004”.

⁷ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

⁸ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

⁹ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

The Chancellor of Justice [Letter to the Minister of Justice](#) from 13 February 2013¹⁰ points out, that the regulatory acts of the prison service need to include the element of discretion, which would allow to respect the dignity of all detainees.

In written communication, the NHRI has stated that although it is not fully clear who is responsible for the purchase of sanitary products, the detainees are expected to make these purchases themselves. The majority of cells have a shower and sink. When there is no shower in the cell, then there exists a general showering room. The minimal standard from the IA § 50 (2) of having the right to a shower once per weeks hardly exists and the detainees usually take a shower 2 -3 times per week. Those who wish can take a shower every day.

4. Nutrition

a. Quality and quantity of food

The general standard is stipulated in [Imprisonment Act](#) § 47 “Provision of food for prisoners” (1 – 2). The provision of food for prisoners shall be organised in conformity with the general dietary habits of the population with a view to meet the food requirement necessary for survival. Food shall be provided for prisoners on a regular basis and it shall be such as to meet the requirements of food hygiene. A health care professional supervises the preparation of the prison's menu and catering.

More specific norms are contained in the resolution “Food norms in the detention facility” ([Toidunormid kinnipidamisasutuses](#))¹¹, issued by the Minister of Social Affairs on 31 December 2002. The current version is valid from 01 January 2010.

b. Drinking water

Clean drinking is available to detainees at all times. Please also see the resolution “Food norms in the detention facility”, referred above.

c. Dietary requirements

The general standard is stipulated in [Imprisonment Act](#) § 47 “Provision of food for prisoners”. A prisoner is ensured with dietetic food as prescribed by a health care professional. As far as possible, a prisoner is permitted to observe the dietary habits of their religion.

Please also see the resolution “Food norms in the detention facility”, referred above.

d. NPM assessment

The CPT 2019 report does not contain any observations on the matters of nutrition.

¹⁰ Estonia, letter to the Minister of Justice, 13 February 2013, the Chancellor of Justice, [the Letter](#)

¹¹ Estonia, [Toidunormid kinnipidamisasutuses \(Food norms in the detention facility\)](#), 01 February 2003, the Estonian Parliament (*Riigikogu*), with subsequent amendments the [Food norms in the detention facility](#)

The NHRI has further observed in written communication to the present report that the menu has quite wide selection bases on the preferences of the detainees – for instance vegetarian food, food for people of Islamic faith, no fish, gluten free food.

5. Time spent outside the cell and outdoors

a. Time spent outdoors

The general standard is stipulated in [Imprisonment Act](#) § 55. Prisoners shall be provided with the opportunity to engage in sports. Prisoners shall be allowed at least one hour of walk in the open air daily.

b. Time spent indoors

The general standard is stipulated in [Imprisonment Act](#) § 8. Prisoners shall be permitted to move about within the territory of a closed prison at the locations and at the times provided in the internal rules and rules of procedure of a prison. Prisoners shall be separated in locked cells allocated to them from lights-out until wake-up and at other times provided in the internal rules and rules of procedure of the prison. In the case of justified need, the prison service may lock prison wards and cells or lodge prisoners temporarily in other rooms in a time other than prescribed in subsection 1 of this section if this is necessary for ensuring security in the prison or prevention of unlawful behavior of a prisoner. Decisions concerning making of exceptions shall be made in writing.

The [Rules](#) § 8 specifies in article 1 that each detainee must have time for moving freely in the unit at least 4 hours per day.

c. Recreational facilities

The general standard is stipulated in [Imprisonment Act](#) § 55. Prisoners shall be provided with the opportunity to engage in sports. Prisoners shall be allowed at least one hour of walk in the open air daily.

d. Educational activities

The general standard is stipulated in [Imprisonment Act](#) § 31 and 31¹. Prisoners shall be allowed to listen to radio broadcasts and watch television broadcasts in a prison. With the permission of a prison service officer, a prisoner shall be allowed to possess a personal radio, television set other necessary electrical equipment, unless the use of such item violates the internal rules or order of the prison or disturbs other people and the prisoner has no such disciplinary punishment in force which was imposed on him or her for the violation of the requirements for the use of a personal radio, television set or other necessary electrical equipment.

A prisoner is not permitted to use the Internet, except for the purpose of accessing a website on devices adapted for that purpose by the prison service, and for the purpose of using a service or other Internet solution required by the prisoner in accordance with the purposes of this Act, provided that the prisoner has secure technical capacities and is under supervision. The list of websites, procedure and security requirements for the use of the necessary services and Internet solutions made available to a prisoner via the Internet is established by a regulation of

the minister in charge of the policy sector. In order to ensure the right of a prisoner provided in this section, the prison service has the right to process their facial image or fingerprint data with the consent of the prisoner. In the case of a refusal by the prisoner to allow the processing of the personal data referred to above, the prisoner is authenticated by an official of the prison service.

e. NPM assessment

The NPM 2021 inspection visit to Viru Prison, [the Report](#) from 16 May 2022¹² contains the following recommendation on page 14: “The prison should make efforts to ensure that the exercise areas of convicted and remand prisoners meet international detention standards and recommendations of international organisations. Prisoners in closed units could be allowed at least occasionally to walk in a courtyard that offers a view to the horizon and experience the benefits of being in the open air (e.g. natural elements)”.

The NPM 2022 inspection visit to Tallinn Prison, [the Report](#) from 25 July 2022¹³ contains the following observations on page 12: “For outdoor exercise by convicted and remand prisoners, the prison should give preference to existing exercise areas at ground level and they could be used all year round. Prisoners in closed units could also be allowed at least occasionally to walk in a courtyard that offers a view to the horizon and experience the benefits of being in the open air (e.g. natural elements)”.

The prison should make efforts so that exercise boxes meet international detention standards and recommendations from international organisations. Exercise boxes can be improved in various ways. Training equipment should be fitted in all the exercise boxes, and windows offering a horizontal view should be installed where this is possible in terms of engineering and without endangering prison security. Convicted and remand prisoners participating in training as painters or the art group could help in making exercise boxes more attractive. Cooperation with art and design university students could also be considered.

The NPM 2022 inspection visit to Tallinn Prison, [the Report](#) from 25 July 2022¹⁴ contains the following observations on page 15: “In cooperation with the Ministry of Justice, the prison should consider the possibility of restoring the prison library in its previous form or at least offering a library service on the same level as it was to the end of 2019.

The prison should comply with the duty laid down by § 30(1) of the Imprisonment Act and enable convicted and remand prisoners to read national daily newspapers and magazines regularly and without unreasonable delay”.

The 2019 [CPT report](#) does not contain observations in relation to the time spent indoors and outdoors. It has observations in relation to recreational facilities in items 52, 53, 55, 57, 63, 94, and in the Executive Summary. The topic of educational facilities is mentioned in the Executive Summary and in items 5, 52, 53, 55, 57, 72, 89, 96.

¹² Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

¹³ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

¹⁴ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

The NHRI has observed in written communication in the preparation of this report the following. The Chancellor of Justice has on several occasions stressed the importance to widen the scope of Internet access for the detainees. As of 01 April 2024, the Imprisonment Act has been amended and now the detainees have the possibility to use the Internet for educational purposes and also if needed for other purposes – for instance search legislation and court cases.

6. Solitary confinement

a. Placement in solitary confinement

The detainee can be placed into solitary confinement in the event of gross violation of discipline – under the [Imprisonment Act](#) § 63 (4). Under the same Act § 69 (2) – 1, the detainee can be placed into solitary locked cell to secure special security requirements.

b. Monitoring of detainees

The general standard is stipulated in [Imprisonment Act](#) § 65¹. Punishment cells shall be in compliance with the conditions provided for in subsection 1 of § 45 of this Act and ensure constant visual and electronic surveillance of prisoners.

c. NPM assessment

The NPM has addressed the topic of solitary confinement in 2020 inspection visit to Tartu Prison and the psychiatric department of prisons, [the Report](#)¹⁵ from 05 May 2021. The report has the following observations and recommendation on page 3: “In Tartu Prison, solitary confinement is imposed on prisoners serving a disciplinary punishment in a disciplinary cell under § 63(1) of the Imprisonment Act, as well as those staying in an isolated locked cell on security considerations under § 69(2) clause 4 of the Imprisonment Act. In practice, essentially all remand prisoners and inmates held under the reception regime under § 8(4) of the Internal Prison Rules are also in solitary confinement. The majority of inmates subject to the reception regime stayed in a locked cell for approximately three months, which is also the longest period admissible under § 14(4) of the Imprisonment Act. Under those regimes, people are socially isolated, there is little or no activity outside the cell, and their physical environment is poorer in comparison to other inmates.

In 2014, the Chancellor of Justice proposed to the Riigikogu to amend § 90(3) (first sentence) and § 90(5) of the Imprisonment Act concerning remand prisoners’ freedom of movement and possibilities of communication. The Vice-President of the Riigikogu tasked the Riigikogu Legal Affairs Committee with initiating a Draft Act to bring the Imprisonment Act into line with the Constitution of the Republic of Estonia. It is extremely regrettable that even after seven years the Imprisonment Act has not been amended based on the Chancellor’s proposal and the guidance by the Riigikogu. The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act amending § 90(3) (first sentence) and § 90(5) of the Imprisonment Act.”

¹⁵ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

Further the report says on page 6: A prison healthcare professional should assess the condition of everyone in solitary confinement on a daily basis. On pages 6 – 7 the report says: The prison should ensure at least two hours of meaningful interaction a day for convicted and remand prisoners held in solitary confinement. For this, all staff, in particular guards who have the closest contact with prisoners, must apply the principles of dynamic security in their everyday work. The prison management should organise the necessary training for staff and provide them the relevant instructions for work.

On page 7 is the following recommendation: The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act to amend § 63 subsection (1) clause 4 and subsection (2) of the Imprisonment Act as well as § 100 subsection (1) clause 3 and subsection (2) of the Imprisonment Act by which these provisions are brought into line with international penitentiary standards and opinions expressed by international experts, including the CPT. A prison may impose disciplinary confinement only in most serious cases, as a measure of last resort, and for as short a period as possible. The duration of disciplinary confinement imposed on an adult may not exceed 14 days. A 14-day period spent in a disciplinary cell must be followed by a reasonable period under the ordinary regime.

On page 9 is the following recommendation: The prison should look for alternatives to disciplinary confinement, e.g. by creating an incentive system, units specialised in resolving behavioural and mental health problems, or the like. Where necessary, the Ministry of Justice should prepare the required legislative amendments.

On page 10 is the following recommendation: The prison should draw up detailed guidelines to assess the need for placement in an isolated locked cell. This also concerns guidance as to how to assess the circumstances leading to a person's segregation and whether those circumstances have ceased to exist. Directives on applying a measure must clearly indicate that the measure is terminated immediately when the underlying circumstances for it have ceased to exist, but in any case the necessity to continue the measure is reviewed after a specific period.

The prison should draw up an individual plan for each person in an isolated locked cell to discontinue their solitary confinement and also notify the plan to the prisoner. A directive on deciding to commit a person to an isolated locked cell for some time must also set out the events taking place during the assessment period, including any interventions by the prison and their results. Justifiability for continuing the measure cannot be assessed based merely on a description of a single incident (e.g. a prisoner was impolite to an officer or destroyed property) and the conclusion that the prison is not convinced that the prisoner would behave in a law-abiding manner.

The NPM 2021 inspection visit to Viru Prison, [the Report](#) from 16 May 2022¹⁶ contains the following recommendation on pages 9 – 10:

The prison should draw up detailed guidelines to assess the need for placement in an isolated locked cell. The guidance should also clearly set out that directives on applying a measure must clearly indicate that the measure is to be discontinued immediately after the underlying

¹⁶ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

circumstances for it cease to exist but in any case the necessity to continue the measure is to be reviewed after a specific interval (advisably not less often than once a month).

The guidelines should also direct prison officers and staff to take steps with a view to releasing a person from solitary confinement as soon as possible. This could be ensured by having an individual action plan for return from solitary confinement prepared for everyone held in an isolated locked cell (in particular those who have been committed to solitary confinement because they pose a danger to others and/or themselves). A directive containing a decision to continue the application of an isolated locked cell must also set out the events that took place during the assessment period, including any interventions by the prison written in the individual treatment plan, and the results of those interventions.

On pages 10 – 11 is the following recommendation: If observation cells are used for calming down, they must be turned into safe rooms conducive to calming down. A person may be held in such a cell only as long as this is unavoidably necessary. Use of a calming-down cell must be documented in detail. A prison healthcare professional must be notified of a prisoner taken to a calming-down cell so that they can examine the person. A decision on placing a person who is a danger to themselves in a calming-down cell must be made by a prison healthcare professional. If a healthcare professional finds that a person to be placed in a calming-down cell should be relieved of their clothes for security reasons, the clothes must be immediately replaced with safe clothing.

The prison should seek alternatives to using an isolated locked cell, in particular if this concerns detention of prisoners who are self-harming, suicidal or suffering from mental disorder. Where necessary, the Ministry of Justice must prepare the required legislative amendments.

The NPM 2021 inspection visit to Viru Prison¹⁷, [the Report](#) from 16 May 2022: pages 3-4 contain the following recommendation: “The prison should ensure at least two hours of meaningful interaction a day for convicted and remand prisoners held in solitary confinement. Meaningful interaction must take place directly without any physical barriers (e.g. a food hatch, or the like) and enable empathetic human contact. Such interaction may take place during out-of-cell activities with other inmates, as well as by meeting with a person’s next of kin, or officers or staff of the medical unit. To ensure meaningful interaction, all staff – and in particular guards who have the closest contact with prisoners – must apply the principles of dynamic security (*the expression explicitly used by the Chancellor of Justice, which is, however, not opened in the report and not frequently used in Estonian legal discourse*) in their everyday work. The prison management should organise the necessary training for staff and provide them the relevant instructions for work”.

On page 51 is the following recommendation: “The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act for amending the first sentence of § 90 subsection (3) and subsection (5) of the Imprisonment Act on remand prisoners’ freedom of movement and opportunities for contact. The prison should take immediate steps to prevent and alleviate the possible negative effects of solitary confinement on remand prisoners. Among

¹⁷ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

other things, this means that remand prisoners should be offered purposeful out-of-cell activities”.

On page 7 is the following recommendation: “The prison should ensure that prisoners in the reception unit are moved to the ordinary unit as soon as possible. This helps to avoid the negative effects of solitary confinement and, inter alia, prevent self-harming behaviour among prisoners. Where necessary, the Ministry of Justice should prepare the required legislative amendments”.

The NPM 2022 inspection visit to Tallinn Prison¹⁸, [the Report](#) from 25 July 2022, contains the following observations on page 3: “A prison healthcare practitioner should assess the condition of everyone in solitary confinement on a daily basis. The prison should ensure at least two hours of meaningful interaction a day for convicted and remand prisoners held in solitary confinement. Meaningful interaction must take place directly without any physical barriers (e.g. a food hatch, or the like) and enable empathetic human contact. Such interaction may take place during out-of-cell activities with other inmates, as well as by meeting with a person’s next of kin, or officers or staff of the medical unit. To ensure meaningful interaction, all staff – and in particular guards who have the closest contact with prisoners – should apply the principles of dynamic security in their everyday work. The prison management should organise the necessary training for staff and provide them with the relevant instructions”.

On page 4: “The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act for amending the first sentence of § 90 subsection (3) and subsection (5) of the Imprisonment Act on remand prisoners’ freedom of movement and opportunities for contact. The prison should take immediate steps to prevent and alleviate the possible negative effects of solitary confinement on remand prisoners. Among other things, this means that remand prisoners should be offered purposeful out-of-cell activities”.

The report contains further recommendations to limit the usage of solitary confinement for disciplinary purposes – on page 6. The report suggests to draw up guidelines for assessing the need for placement in isolated locked cell – on page 7.

The Chancellor of Justice [Annual Report](#) of 2022/2023¹⁹ contains the following statements: “Without exception, all remand prisoners are locked in their cell round the clock (except for the possibility of exercise for one hour in the fresh air). This does not enable taking into account the interests of criminal proceedings at a particular point in time or the fact that the reason for remand in custody might not necessarily be the mere need to prevent compromising criminal proceedings.

Tartu Prison has taken into account the Chancellor’s earlier recommendations, but several problems already identified in [2020](#) have still not been resolved. It is worrying that the prison has not fully analysed how to help prisoners in solitary confinement to return to the ordinary regime and that the health of prisoners in solitary confinement is not monitored daily. Nor was it confirmed that the prison provides opportunities for prisoners in an isolated locked cell for meaningful daily communication”.

¹⁸ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

¹⁹ Estonia, *Chancellor’s Year in Review 2022/2023, Inspection Visits, 2023*, [the Review](#)

The 2019 [CPT report](#) has an extensive part devoted to the matter of solitary confinement in part B.5.b. “solitary confinement as a disciplinary sanction”.

The NHRI has addressed the matter of solitary confinement in [the Report](#) after the inspection to Tartu Prison²⁰.

The report contains the following final suggestions (pages 3-11):

The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act amending § 90(3) (first sentence) and § 90(5) of the Imprisonment Act.

A prison healthcare professional should assess the condition of everyone in solitary confinement on a daily basis.

The prison should ensure at least two hours of meaningful interaction a day for convicted and remand prisoners held in solitary confinement. For this, all staff, in particular guards who have the closest contact with prisoners, must apply the principles of dynamic security in their everyday work. The prison management should organise the necessary training for staff and provide them the relevant instructions for work.

The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act to amend § 63 subsection (1) clause 4 and subsection (2) of the Imprisonment Act as well as § 100 subsection (1) clause 3 and subsection (2) of the Imprisonment Act by which these provisions are brought into line with international penitentiary standards and opinions expressed by international experts, including the CPT. A prison may impose disciplinary confinement only in most serious cases, as a measure of last resort, and for as short a period as possible. The duration of disciplinary confinement imposed on an adult may not exceed 14 days. A 14-day period spent in a disciplinary cell must be followed by a reasonable period under the ordinary regime.

The Ministry of Justice should amend § 60(1) of the Internal Prison Rules so that it does not restrict the choice of reading material for prisoners in a disciplinary cell. The prison should change the practice of interpreting § 7(4) clause 1 of the Internal Prison Rules and also allow a prisoner to use the bedding in a disciplinary cell during the daytime.

The prison should look for alternatives to disciplinary confinement, e.g. by creating an incentive system, units specialised in resolving behavioural and mental health problems, or the like. Where necessary, the Ministry of Justice should prepare the required legislative amendments.

The prison should draw up detailed guidelines to assess the need for placement in an isolated locked cell. This also concerns guidance as to how to assess the circumstances leading to a person’s segregation and whether those circumstances have ceased to exist. Directives on applying a measure must clearly indicate that the measure is terminated immediately when the

²⁰ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

underlying circumstances for it have ceased to exist, but in any case the necessity to continue the measure is reviewed after a specific period.

The prison should draw up an individual plan for each person in an isolated locked cell to discontinue their solitary confinement and also notify the plan to the prisoner. A directive on deciding to commit a person to an isolated locked cell for some time must also set out the events taking place during the assessment period, including any interventions by the prison and their results. Justifiability for continuing the measure cannot be assessed based merely on a description of a single incident (e.g. a prisoner was impolite to an officer or destroyed property) and the conclusion that the prison is not convinced that the prisoner would behave in a law-abiding manner.

The prison should seek alternatives to using an isolated locked cell. In particular, this concerns detention of prisoners who are self-harming, suicidal or suffering from a mental disorder. Where necessary, the Ministry of Justice must prepare the required legislative amendments.

In item 70 the Committee recommends that the Estonian authorities take immediate steps, including at the highest legislative level, to ensure that solitary confinement is no longer imposed on juvenile prisoners.

The NHRI did not provide any comments on this topic.

7. Work and education of detainees to promote social reintegration

a. General measures to promote social reintegration

There are several measures implemented – for instance “The New Direction”²¹ ([Uus Suund](#)) for integrating individuals sentenced for sex-related crimes, and “Continuous support of those released from the prison”²² ([Vanqlast vabanenute jätkutugi](#)). The latter is the Ministry of Justice special website to support individuals released from prison and enhance the social integration of those who are released from detention.

b. Access to work

The general standard is stipulated in [Imprisonment Act](#) §-s 37 – 38. Prisoners are required to work unless otherwise provided by the Act.

The following categories of prisoners are not required to work:

- 1) prisoners of more than sixty-three years of age;
- 2) prisoners who are acquiring general or vocational education or participating in in-service training for the purpose of professional development;
- 3) prisoners who are unable to work for health reasons;
- 4) prisoners who are raising a child of less than three years of age.

²¹ Estonia, program „The New Direction“ ([Uus Suund](#)), the Ministry of Justice, program’s [webpage](#)

²² Estonia, program „Continuous Support of those released from prison“ ([Vanqlast vabanenute jätkutugi](#)), the Ministry of Justice, program’s [webpage](#)

Prisoners may be required to work at the plants specified in subsection 3 of § 38 of the Act only with the consent of the prisoners.

The prison service shall ensure, if possible, that a prisoner is provided with work, considering the physical and mental abilities and skills of the prisoner. If it is impossible to ensure that a prisoner is provided with work, the prisoner shall be required, if possible, to participate in the maintenance of the prison.

c. Access to education

The general standards are stipulated in [Imprisonment Act](#) § 34 – 36.

The objective of providing an opportunity to prisoners to acquire education is to ensure that prisoners have adequate knowledge, skills and ethical principles which would allow the prisoners to continue their education and work after release.

The prison service shall ensure that general premises, classrooms and workshops necessary for the acquisition of general education, vocational education and in-service training for the purpose of professional development exist, as well as the possibility to receive practical training in the areas of specialisation taught in the prison.

A prisoner who does not speak Estonian is given an opportunity to learn Estonian.

Remuneration for studies may be paid to adult prisoners.

Prisoners who have not acquired basic education shall be provided with the opportunity to acquire basic education on the basis of a corresponding national curriculum in the case when is prescribed in the individual treatment plan.

Prisoners who have acquired basic education shall be provided with the opportunity to acquire general secondary education on the basis of the national curriculum in the case this is prescribed in the individual treatment plan.

Prisoners may, at their request, be permitted to study at educational institutions located outside prisons. The minister in charge of the policy sector shall establish the procedure for the application for permission and the grant thereof.

Educational institutions providing basic and general secondary education within the territory of a prison shall be state schools, municipal schools or their structural units operating in the prison, financed out of allocations from the state budget on the bases and pursuant to the procedure provided by the Basic Schools and Upper Secondary Schools Act. The costs related to the furnishing, repairs and operation of the premises of which educational institutions are granted use shall be covered from the budget of the prison.

Prisoners shall be provided with the opportunity to acquire vocational education and participate in in-service training for the purpose of professional development in the case this is prescribed in the individual treatment plan. Areas of specialisation which are in higher demand in society shall be preferred upon providing vocational education to prisoners. If no individual treatment plan is prepared for a prisoner in accordance with subsection 1 of § 16 of this Act,

the opportunity of the prisoner to acquire vocational education and participate in-service training for the purpose of professional development shall be decided depending on his or her development needs.

d. NPM assessment

The NPM 2020 inspection visit to Tartu Prison and the psychiatric department of prisons resulted in [the Report](#) from 05 May 2021²³, which has the following recommendation on page 24: “The prison, in cooperation with the Ministry of Justice, should consider the possibility of restoring the prison library in its previous form or at least offering a library service on the same level as it was to the end of 2019. On page 26 the report calls upon the prison – repeating previous recommendation, to find more varied possibilities for spending free time and therapeutic activities for patients in the department. A room for joint activities should be created, so that patients would not be forced to be constantly alone in a locked ward”.

The 2019 [CPT report](#) addresses the matters of work in items 52, 53, 55, 56, 78, 94. The matters of education are addressed in the Executive Summary and items 52, 53, 55, 57, 72, 89, 94.

The NPM 2023 inspection visit to open prisons²⁴, [the Report](#) from 26 June 2023 (available only in the Estonian language): noted that the Ministry of Justice needs to continue efforts to propose to Riigikogu the amendment of the Imprisonment Act so that access of the detainees to Internet – as directed in the Supreme Court judgment 3-18-477 – would become effective.

The 2023 [Annual Report](#) has the following observations: “Although prisons have taken into account a number of the Chancellor’s earlier recommendations, some problems in open prisons have remained unresolved for a long time. For example, prisoners in open prisons still do not have the opportunity to use the internet to look for work or study. The Chancellor recommended allowing prisoners to use the internet in the summary of the inspection visit carried out in [2016](#) as well as [2020](#)”.

In written communication in the preparation of this report, the NHRI has emphasized that the Chancellor of Justice expressed views in response to the Estonian Supreme Court for the case 3-18-477. The Chancellor wrote an [opinion](#)²⁵ that instead of compulsory work should be considered a system based on the motivation system, which includes also access to education.

²³ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

²⁴ Estonia, *Inspection visits to open prisons*, 26 July 2023, the Chancellor of Justice, [the Report](#)

²⁵ Estonia, *Opinion in the constitutional review case no 3-18-477*, 20 October 2022, the Chancellor of Justice, [the Opinion to the Supreme Court](#)

8. Healthcare (note – section 11 contains specific questions concerning female detainees)

a. Access to healthcare

The general standard is stipulated in [Imprisonment Act](#) § 49, 52 and 53. Health care in prisons constitutes a part of the national health care system. Health care in prisons shall be organised pursuant to the Health Care Services Organisation Act. Provision of health care services to prisoners shall be financed from the state budget though the Ministry of Justice. Health care services in prisons are provided by health care professionals pursuant to the provisions of the Health Care Services Organisation Act regulating the provision of specialised medical care.

The availability of emergency care twenty-four hours a day shall be guaranteed to prisoners.

A prisoner who needs treatment which cannot be provided in prison is referred by a health care professional to treatment at a relevant provider of specialised medical care. The prison service ensures the guard of a prisoner during the provision of health care services.

There is also the Government resolution from 01 January 2010 “Health services under the Imprisonment Act and the scope, conditions and procedure for the purchase of necessary medicaments and medical support tools from the state budget” (*“Vabngistusseaduse” alusel osutatavate tervishoiuteenuste ning nende osutamiseks vajalike ravimite ja meditsiiniliste abivahendite soetamise riigieelarvest rahastamise maht, tingimused ja kord*”).

b. Availability of medical staff

A health care professional is required to supervise the state of health of a prisoner on a constant basis, treat them in prison to the extent possible and, where necessary, refer them to treatment at a relevant provider of specialised medical care, and perform other functions assigned to them.

c. Medical examination upon admission

The general standard is stipulated in [Imprisonment Act](#) § 14 (1-1¹). A prisoner is required to undergo medical examination by a health care professional upon reception to prison. The objective of the medical examination of detained suspect who is a minor is to assess in particular his or her overall mental and physical condition. The findings of the examination shall be communicated to the body conducting the proceedings.

d. Preventive care

No specific standards for vaccination or preventive care exist. Please see above for the health screening.

More specific regulation is provided by the Prison [Rules](#) contain Chapter 4 “Prison Medical Service” (*Vangla meditsiiniteenindus*)

e. Specialised care

There are no provisions for specialized care. There is an [academic article](#) on the topic by Maria Sults and Käti Mägi where suitable detention facilities for persons with mental disabilities in Estonia are analyzed.²⁶

f. Treatment of the detainee's choosing

There are no provisions for treatment of the detainee's choosing.

g. NPM assessment

The NPM 2020 inspection visit to Tartu Prison and the psychiatric department of prisons²⁷, [the Report](#) from 05 May 2021 contains the following recommendation on page 16: "The prison should reorganise dispensing of medication prescribed by a doctor to convicted and remand prisoners so that medicines are distributed only by healthcare professionals".

2022 [Annual Report](#):

The Chancellor underlined that prisons need more mental health specialists to prevent suicides and that a big problem is shortage of prison officers.

The 2019 [CPT report](#) found the healthcare services generally adequate – see item 38.

The NHRI in response to the current project has indicated that as of 01 July 2024 the provision of medical services in detention centres will be re-organized – it will be implemented by the Health Insurance Fund (Tervisekassa) and through external service providers.

9. Prevention of violence and ill-treatment

a. Protection from violence by prison staff

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures. The detention facilities are guided by general legal framework and international instruments.

b. Protection from violence by other detainees

There are some special measures. For instance, the [Imprisonment Act](#) paragraph 27 (3) stipulates that the meeting with the attorney can be terminated by the prison official to protect someone's life and health. The same act paragraph 71 (2) stipulates that the prison official is

²⁶ Sults, M., Mägi, K. (2020), "Süüteo toime pannud vaimse häirega inimese kinnipidamiseks sobivad asutused: olukord Eestis ja põgus ülecaade mõnigatest Euroopa Inimõiguste Kohtu lahenditest" (Suitable institutions for detaining individuals with mental disability who have committed an offence: the situation in Estonia and brief review of some decisions of the European Court of Human Rights), *Juridica* 2020/1, [the Article](#)

²⁷ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

authorized to use personal defence tools. The general measures are regulated by the Law Enforcement Act (*Korralaitse seadus*).

c. NPM assessment

The 2019 [CPT report](#) concludes that inter-prisoner violence did not constitute a major problem (item 47). Nor was violence amongst juveniles a major problem (item 92). The report says that juveniles spoke positively about the staff in such situations (page 6).

The NHRI department of control visits added a comment during online interview that there are very few incidents of inter-prisoner violence.

10. Contact with the outside world

a. Visits

The general standard is stipulated in [Imprisonment Act](#) § 24 – 27 and 94 – 95.

In general, prisoners shall be permitted to receive at least one supervised visit (for up to 4 hours) per month from their family members and other (*authorised*) people. This applies also to detainees in solitary confinement. A short-term meeting could also be allowed via telecommunication (video-communication tools).

Prisoners (except for those in open prisons) are also allowed to receive long-term visits (up to 24 hours without supervision) from their spouse, registered partner, father, mother, grandfather, grandmother, child, grandchild, adoptive parent, adoptive child, step parent or foster parent, step child or foster child, brother or sister. Long-term visits from a cohabitee are allowed on the condition that they have common children or at least two years of cohabitation prior to commencement of serving the sentence.

A prisoner has unrestricted right to receive visits from their criminal defence counsel, representative who is an advocate, minister of religion and a consular officer of their country of nationality, and with a notary for performance of a notarial act. Meetings take place undisturbed. Where there are secure technical capacities available, the prison service may allow the meeting to take place via telecommunication.

The [Rules](#) § 31-46 further specify the conditions.

These standards provide detailed procedure for implementing the visits, including rights of the detainees and the obligations of the facilities.

b. Correspondence

The general standard is stipulated in [Imprisonment Act](#) § 28 – 29 and 96 - 97: see for reference the link above. The IA § 24 (5) also provides for the possibility to have a short-term meeting via telecommunication.

c. Visits with children

There appear no specific standards in addition to the ones mentioned above. However, there is [letter](#) from the Chancellor of Justice to the Director of Tartu Prison from 21 September 2020, where the Chancellor is stating that if a child wishes to meet the parent in prison alone, and the other parent agrees, then it is not within the discretion of the prison to prohibit such meeting.

d. NPM assessment

The NPM 2020 inspection visit to Tartu Prison and the psychiatric department of prisons²⁸, [the Report](#) from 05 May 2021 contains the following recommendations on page 20: “The Ministry of Justice should take steps to allow prisoners and their families and children to communicate via video visits. This is necessary both during the restrictions imposed due to the spread of Covid-19 as well as afterwards. The Ministry of Justice should analyse whether the current law enables video visits to be organised, and if not, then quickly prepare the necessary legislative amendments. On page 21: The Ministry of Justice should prepare an amendment to § 24(4) and § 25(3) of the Imprisonment Act so that these provisions do not automatically prohibit visits for all prisoners committed to a disciplinary cell. On page 22: The prison should facilitate prisoners’ contact with their family and children and, in cooperation with the Ministry of Justice, review the fee charged for long-term visits. The Ministry of Justice should assess the compatibility of § 41 1 of the Internal Prison Rules with § 23 of the Imprisonment Act”.

The NPM 2022 inspection visit to Tallinn Prison²⁹, [the Report](#) from 25 July 2022 contains the following observations on page 13: “The prison must immediately stop full strip-searches of children coming for visits.

The prison should facilitate contact by convicted and remand prisoners with their family and children and, in cooperation with the Ministry of Justice, review the fee charged for long-term visits. The Ministry of Justice should assess the compatibility of § 41 1 of the Internal Prison Rules with § 23 of the Imprisonment Act. The prison should also enable secure taking of joint photographs for parents in prison and their children coming to the prison for a visit”.

The NPM 2021 inspection visit to Viru Prison³⁰, [the Report](#) from 16 May 2022 contains on page 7 the following recommendation: “The Ministry of Justice should prepare a draft legislative amendment to § 25(3) of the Imprisonment Act to remove from the law the ban on long-term visits for prisoners placed in a reception unit”.

2023 inspection visit to Tartu Prison and the psychiatric department of prisons,³¹ [the Report](#) from 31 August 2023 (available only in the Estonian language) contains the recommendation on page 6 to take into account the needs of older persons in meetings with the detainees and

²⁸ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 05 May 2021, the Chancellor of Justice, [the Report](#)

²⁹ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

³⁰ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

³¹ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 31 August 2023, the Chancellor of Justice, [the Report](#)

make the conditions more suitable. More training has to be given to prison officials dealing with children who come to meetings – page 6. Glass partitions need to be avoided when there are no compelling reasons – page 8.

The NPM 2023 inspection visit to open prisons³², [the Report](#) from 26 June 2023, noted on page 7 that Tallinn Prison needs to change the procedure for resolving applications for short-term departure from the facility .

The 2023 [Annual Report](#) contains the following observations:

Tallinn Prison did not allow prisoners to go on a prison leave to visit home if they did not have a workplace outside the prison at the moment. The Chancellor stressed that a prisoner cannot be denied a visit home merely because of temporary lack of a job. The Chancellor appealed to Tallinn Prison that a prisoner be given enough time to go home and that this time should be at least as long as a long-term visit in a closed prison.

Unfortunately, in Tartu Prison, short-term visits with family and children usually take place in a room where a glass partition separates visitors from the prisoner. The prison has only one room where a prisoner can meet with their next of kin directly, but of course this one room is not enough for the whole prison. Problems have also been caused by the fee charged for using rooms for long-term visits. Unfortunately, this fee is not affordable for all families, so that families cannot afford long-term visits.

In the CPT 2019 report the Committee expressed a concern that despite specific recommendations from the 2012 report, short-term visits, including those for juvenile prisoners – were still taking place under closed conditions (i.e. with a glass partition) – see item 65. The Committee reiterated its recommendation that the Estonian authorities review the visiting arrangements in all prisons accordingly. In item 73 the Committee stated that any restrictions regarding the right to receive visits should only be applied if the disciplinary offence relates to the exercise of that right. The CPT recommended that the relevant legislation be amended accordingly.

The NHRI has stated in written observations to this report, that the Chancellor of Justice has continuously emphasized to the Prison service, that it is important for the detainee to meet the family and children directly. Short-term meetings need to be organized without a glass partition. These visits cannot be made unpleasant with intensive search of the visitors.

11. Special measures for female detainees

a. General conditions of detention for women and girls

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures.

The [Imprisonment Act](#) § 54 has the following standards.

³² Estonia, *Inspection visits to open prisons*, 26 July 2023, the Chancellor of Justice, [the Report](#)

Prisons shall provide separate premises fitted out for women prisoners who are pregnant and organise care for children. A mother and her child of up three years of age (inclusive) shall be allowed to live together at the request of the mother if the guardianship authority grants consent.

The prison service shall ensure that the ties of a mother with her child over three years of age are sustained unless this disturbs the normal raising of the child or has a negative influence on the child.

b. Separation from men

The [Imprisonment Act](#) § 12 (1) – 1 stipulates that men and women are to be segregated in prisons.

c. Hygiene

There are no specific standards in legal instruments. The rules of procedure of various prisons provide a list of hygiene products that the prisoners are allowed to purchase from prison shops, for instance related to female hygiene.

d. Healthcare

There are no specific standards in legal instruments. The [Rules](#) paragraph 9 (4) stipulates that the prisons will have special rooms for hygiene for pregnant women. All prisons have their specific rules of procedure, which contain rules for purchase of sanitary packs and/or tampons. These rules specify how many products can be purchased each month and for what amount. According to the Rules of Procedure of all three prisons (Tallinn, Tartu and Viru prisons), the provisions concerning the prisoners also apply to pre-trial detainees, unless otherwise provided. Persons in police custody and persons serving detention for committing a misdemeanour are not mentioned in the Rules of Procedure of the prisons, but this could be explained by the fact that the law amendment allowing to hold these detainees in prisons entered into force very recently and the Rules of Procedure have not been updated. No relevant regulation is available about detention houses.

e. Pregnancy and women with babies or young children

The [Imprisonment Act](#) § 54 has the following standards. Prisons shall provide separate premises fitted out for women prisoners who are pregnant and organise care for children. A mother and her child of up three years of age (inclusive) shall be allowed to live together at the request of the mother if the guardianship authority grants consent. The prison service shall ensure that the ties of a mother with her child over three years of age are sustained unless this disturbs the normal raising of the child or has a negative influence on the child.

f. NPM assessment

The NPM 2023 inspection visit to open prisons³³, [the Report](#) from 26 June 2023 (available only in the Estonian language) noted tensions among female prisoners and suggested that the prison

³³ Estonia, *Inspection visits to open prisons*, 26 July 2023, the Chancellor of Justice, [the Report](#)

administration should follow the situation carefully. Power struggle between female detainees needs to be averted (page 3). The report further suggested that Tallinn Open Prison should place curtains in front of windows to the cells for women, since these windows open to the yard where are sometimes male detainees and the women need to wait for proper time for dressing (page 4). This page further on page 5 recommended that consultations with doctors are confidential and cannot take place in the presence of other detainees or prison workers.

2023 [Annual Report](#) writes that for children staying with their mothers in Tallinn open prison, age-appropriate play equipment (e.g. a swing) could be brought to the outdoor area.

The 2019 [CPT report](#) noted that the need for a glass partition for the short-term visits in Mother and Child Unit in all prisons are decided on a case-by-case basis.

The NHRI did not provide additional comments in writing or online communication on the topic. During phone conversation with an official from the Chancellor of Justice was stated that sometimes there is no clarity who is responsible for purchasing hygiene products for women.

12. Special measures for foreign nationals

a. General measures for foreign nationals

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures for foreign nationals.

b. Interpretation and translation

The [Rules](#) stipulate in paragraph 49¹ the procedure for translation of a complaint to claim for compensation. If the detainee has financial means, these funds are used to pay to the translator. If the detainee has no financial means, then the prison finances the translation.

c. NPM assessment

The 2019 [CPT report](#) has one observation regarding foreigners – in item 36 it is stated that the purchase of phone card was particularly problematic to foreigners – see footnote 29.

The NPM 2021 inspection visit to Viru Prison³⁴, [the Report](#) from 16 May 2022, contains the following recommendation: “The prison should ensure that prison rules of procedure and their explanatory memorandum are easily accessible to convicted and remand prisoners in the foreign languages most widely used in the prison (e.g. on computers adjusted for use by convicted and remand prisoners)”.

The NPM 2022 inspection visit to Tallinn Prison³⁵, [the Report](#) from 25 July 2022 contains the following observations on page 14: “The prison should ensure that prison rules of procedure (i.e. house rules) and their explanatory memorandum are easily accessible to convicted and

³⁴ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

³⁵ Estonia, *Inspection visit to Tallinn Prison*, 25 July 2022, the Chancellor of Justice, [the Report](#)

remand prisoners in the most widely used foreign languages (e.g. on computers adjusted for use by convicted and remand prisoners)”.

The NHRI department of control visits provided the following comments during online interview. Foreigners have as a rule less possibilities for interaction with other detainees’ due to language limitations. Sometimes they stay de facto in solitary confinement. Prison rules are interpreted into English and Russian and are available. There are no difficulties to communicate with prisoners in these languages. Sometimes google translate is used to communicate with prisoners speaking other languages.

13. Special measures relating to detention of children and young adults/juvenile detention regime

a. Age groups

The [Imprisonment Act](#) § 77 stipulates that a young prisoner means a person who at the time of enforcement of his or her punishment is younger than 21 years of age.

b. General measures for detained children and young adults

The [Imprisonment Act](#) Chapter 3 is titled Execution of imprisonment in case of young prisoners”. It contains the following general measures:

- Young prisoners shall be imprisoned in closed or open prisons prescribed exclusively for such purpose (juvenile prisons) or in separate wards of closed prisons (juvenile wards);
- Upon reception into prison, young prisoners shall not stay in the reception ward of a prison for more than two weeks;
- A prisoner who attains 21 years of age in a juvenile prison or juvenile ward shall be transferred to an adults' closed prison or adults' ward in a closed prison pursuant to his or her treatment plan;
- As an exception, a prisoner of 18 up to 21 years of age may be transferred to an adults' closed prison or adults' ward in a closed prison if such transfer is necessary due to the prisoner's character or arising from his or her individual treatment plan;
- All specifications for the work of minors arising from labour protection laws, including the specifications for working hours, shall be applied to the work of young prisoners less than 18 years of age;
- Young prisoners of up to 18 years of age are required to acquire basic education to the extent prescribed by law. Young prisoners shall be granted an opportunity to acquire vocational education according to their wish and aptitude.

c. Separation from adults

The [Imprisonment Act](#) § 12 (1) – 2 stipulates that minors and adults are segregated in prisons.

Young prisoners shall be segregated in juvenile prisons and juvenile wards as follows:

- 1) young prisoners less than 15 years of age;
- 2) 15 up to 16 years of age;
- 3) 16 up to 18 years of age;
- 4) 18 up to 21 years of age.

Exceptions may be made to the principle of segregation specified in subsection 1 of this section if where segregation of a prisoner from prisoners of another age group is contrary to their normal development or other legitimate interests.

d. NPM assessment

In the 2019 [CPT report](#) the Committee notes Estonian Government information that it was considering to transfer all juvenile prisoners to a dedicated institution in the near future. The CPT was expecting updated information on these plans (item 44). The CPT also wished to receive detailed account of out-of-cell daily activities available to this age group (item 57). In item 64 the Committee recommended that juveniles should benefit from a visiting entitlement of more than one hour every week and should have more frequent access to the telephone than adults.

The NPM 2021 inspection visit to Viru Prison³⁶, [the Report](#) from 16 May 2022, contains the following observation on page 18: “The prison should make communal rooms for minors and young people cosier and more appealing. Young people should be more involved in decisions that concern them (including their everyday life). Methods based on restorative justice should be integrated in work with minors and young people. To that effect, the prison in cooperation with the Ministry of Justice and the Social Insurance Board should look for possibilities to train officers and specialists working with minors and young people”.

The NHRI did not provide any additional comments.

14. Special measures to protect detainees with disabilities or serious medical conditions

a. Care in detention

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures.

b. Continuity of care

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures.

³⁶ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

c. Reasonable accommodation and accessibility

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special measures.

d. NPM assessment

The CPT 2019 report did not identify issues in relation to detainees with disabilities.

The NPM 2021 inspection visit to Viru Prison³⁷, [the Report](#) from 16 May 2022, contains the following recommendation on page 20: “The prison should take steps to fill vacant positions in the medical department and improve accessibility of mental health services for prisoners. The prison should reorganise dispensing of medication prescribed by a doctor to convicted and remand prisoners so that medicines are given only by healthcare professionals. Where necessary, the Ministry of Justice should prepare the required legislative amendments”.

2023 inspection visit to Tartu Prison and the psychiatric department of prisons³⁸, [the Report](#) from 31 August 2023, contains a recommendation to create suitable conditions in psychiatric department. When the prison cannot provide necessary service, the detained needs to be transferred to suitable establishment outside.

2023 [Annual Report](#) notes that, regrettably, the situation in the psychiatric department of prisons has remained the same for years. Patients in the department are in conditions similar to solitary confinement. The patient rooms are bleak and have scanty furnishings. There is no occupational therapist or activity supervisor in the department, there is no space for joint pastime or for therapeutic activities.

The NHRI department of control visits provided the following comments during online interview. It is sometimes difficult to react swiftly to the needs of people with disabilities. For instance, detention facilities have difficulties in communicating with people who are deaf-and-dumb. Another issue is related to the special needs of aged detainees and their special needs. The number of people with disabilities is growing. Cells are equipped to accommodate special needs. There is a challenge to take care of daily needs of people with disabilities. Usually prisons provide short training to other detainees to take care of those who have disabilities. This approach is sometimes not welcomed by those in need.

15. Specific measures to protect detainees with special needs or other vulnerabilities

a. Protection of LGBTI detainees

The Ministry of Justice department of prisons has indicated that there are no special measures and general legislative framework applies.

³⁷ Estonia, *Inspection visit to Viru Prison*, 16 May 2022, the Chancellor of Justice, [the Report](#)

³⁸ Estonia, *Inspection visit to Tartu Prison and the prisons psychiatric department*, 31 August 2023, the Chancellor of Justice, [the Report](#)

b. Protection of trans detainees

The Ministry of Justice department of prisons has indicated that there are no special measures and general legislative framework applies.

c. Protection of other vulnerable detainees

The Ministry of Justice department of prisons has indicated that there are no special measures and general legislative framework applies.

d. NPM assessment

The CPT 2019 report does not mention the LGBT or trans communities. As for vulnerable groups, it only focuses on juveniles.

The NHRI department of control visits has indicated in an online communication in preparation of this report that the Chancellor of Justice pays special attention to the protection of LGBT and trans detainees, as well as those from vulnerable groups. The Chancellor has not established danger to these groups. It is the responsibility of prisons to place detainees between cells and the prison stake individual circumstances into account. The number of trans detainees is not high, the officials attending the interview could remember only one application from 10 years ago.

16. Specific measures to address radicalisation in prisons

a. General measures to prevent radicalisation

The Ministry of Justice Department of Prisons has indicated in written communication related to this report that there are no special standards. The NHRI officials from department of control visits (*kontrollkäikude osakond*) stated during online interview that there is higher security awareness in prisons towards the matter.

b. Risk assessments

There is no specific information on this matter from normative instruments. The NHRI officials from department of control visits (*kontrollkäikude osakond*) stated during online interview that the prison staff is instructed to “keep an eye” on persons who may be radical. For instance, it is followed who transfer money to whom. Law enforcement institutions share information with the prison officials.

c. Training of staff

The NHRI officials from department of control visits (*kontrollkäikude osakond*) stated during online interview that the staff are informed of risks and how to prevent and recognize signs of radicalization.

d. Deradicalisation measures

The NHRI officials from department of control visits (*kontrollkäikude osakond*) stated during online interview that detainees from different religions are not segregated. It is important to provide educational opportunities and specific ways to spend free time.

e. NPM assessment

The CPT 2019 report does not contain observations regarding the topic.

The NHRI officials from department of control visits (kontrollkäikude osakond) stated during online interview that there are no specific problem related to radicalisation in prisons. Persons of islamic faith are allowed to meet the imam.

17. Inspections and monitoring

a. Inspections

The Chancellor of Justice is the NPM and conducts regular visits to the detention facilities. The NPM issues reports after the visits which are publicly available. The Chancellor also answers to individual submissions, which may lead to recommendations to institutions concerned.

b. Access to detention facilities by national authorities

The Chancellor of Justice has under its legal act paragraph 27 wide access to information, facilities, and the possibility to have undisturbed conversations. This discretion is used in detention facilities and is respected by prisons. For instance, the Minister of Justice resolution from 05 September 2011 “The organization of supervision in prison” ([Järelevalve korraldus vanglas](#))³⁹ paragraph 21 (3) gives the right for the employee from the Chancellor of Justice office to take into prison and use technical equipment. There are no special provisions regarding national parliamentaries’ access to detention facilities.

c. Access to detention facilities by international bodies

No issues have been reported regarding access of international bodies to detention facilities. [Reports](#) are all publicly available. NPM assessment

The NHRI did not furnish any additional comments.

18. Access to remedy

a. Legal remedies

Detainees can submit complaints – according to IA paragraph 1¹ (5) as follows: Prisoners, detained persons or persons held in custody have the right to file complaints with an administrative court against administrative acts issued or measures taken by a prison on the bases and pursuant to the procedure provided for in the Code of Administrative Court

³⁹ Estonia, „The organization of Supervision in prison“ (*Järelevalve korraldus vanglas*), in force since 01 October 2011, resolution of the Minister of Justice, with subsequent amendments the [resolution](#)

Procedure, provided that the prisoner, detained person or person in held custody has previously filed a challenge to the prison service or the Ministry of Justice, and the prison service or the Ministry of Justice has rejected the challenge, satisfied the challenge in part, denied the challenge, or failed to adjudicate the challenge during the term.

b. Legal assistance

Detainees can have a lawyer of their own choosing, or can apply for state-appointed lawyer. In both cases, confidentiality of meetings and correspondence is respected. Violation of the confidentiality constitutes infringement of human right to defence.

c. Request and complaints

There are no additional specific rules.

d. Independent authority

The Chancellor of Justice is the national independent authority to whom detainees or third parties on their behalf can turn with complaints. The Chancellor cannot award damages, but can make recommendations to institutions concerned.

e. NPM assessment

There are links provided to the reports previously in this submission. These submissions are:

- i) 2020 inspection visit to Tartu Prison and the psychiatric department of prisons, [the Report](#) report from 05 May 2021.
- ii) 2021 inspection visit to Viru Prison, [the Report](#) report from 16 May 2022.
- iii) 2022 inspection visit to Tallinn Prison, [the Report](#) from 25 July 2022.
- iv) 2023 Tartu Prison and the psychiatric department of prisons, [the Report](#) report from 31 August 2023 (available only in the Estonian language).
- v) 2023 inspection visit to open prisons, [the Report](#) from 26 June 2023

The NHRI did not offer any additional comments.

Part II: National case-law

Estonia, Supreme Court (*Riigikohus*), Tartu, [case no 3-18-477](#), 15 February 2023

Thematic area	<i>The right of access to the Internet by the detainees</i>
Decision date	15 February 2023
Reference details	https://www.riigikohus.ee/et/lahendid?asiaNr=3-18-477
Key facts of the case	The applicant serves life imprisonment at Viru Prison. He submitted a complaint to the prison for having online access to the webpages of the Supreme Court which do not contain information about publicly available judgments, and to the webpage of the Official State Bulletin. The first instance court satisfied the complaint, the circuit court reversed, and the Supreme Court satisfied the complaint.
Main reasoning/argumentation	The prohibition infringes the right to use the Internet protected in the Estonian Constitution article 44 (1). The Court analysed the purpose of the prohibition and the legitimacy of the goals. The Court concluded that allowing access to the webpages does not threaten the goals of the imprisonment and is not costly to the state. The prohibition is not proportionate. No risks were established when the legislative change is made.
Key issues (concepts, interpretations) clarified by the case	The Court relied on the concept of proportionality and necessity in the democratic society. It applied the ECHR article 10 right to have access to information. It referred to the ECtHR jurisprudence stating that Internet has a very significant role in today's society.
Results (sanctions) and key consequences or implications of the case	The Supreme Court General Chamber satisfied the complaint partially. It declared unconstitutional the Imprisonment Act § 31 ¹ in part which prohibits access of the detainees in closed prison to the webpages of the Supreme Court here are not published Supreme Court judgments, and to the online pages of the State Official Bulletin (<i>Riigi Teataja</i>)
Key quotation in original language and translated into English with reference details	<p>Oleks soovitav, et seadusandja kaaluks kinnipeetavate internetile ligipääsu küsimuse lahendamist süsteemselt ja terviklikult, vältimaks vajadust hinnata ligipääsu vajalikkust kohtutes veebileht-haaval, mis koormaks asjatult kohtusüsteemi ja menetlusosalisi ning tooks lõppastmes riigile kaasa põhjendamatuid kulusid.</p> <p>It is recommended that the law-giver considers the access of detainees to Internet in a systemic and holistic manner, in order to avoid the necessity to evaluate the access by courts on website-basis, which would place unnecessary burden upon the court system and parties and in the end would impose upon the state unjustified costs.</p>

Estonia, Supreme Court (*Riigikohus*), Tartu, [case no 3-21-1411/16](#), 26 May 2022

Thematic area	<i>Short-term visits</i>
Decision date	26 May 2022
Reference details	https://www.riigikohus.ee/et/lahendid?asjaNr=3-21-1411/16
Key facts of the case	The applicant X was detained in Tallinn Prison and asked for a short-term visit with his family (partner and children) in December 2018. Although the prison initially agreed for visit without glass partition, this was changed and the meeting had glass partition. The prison accepted that the right to family was infringed. The prison, and first and second instance courts refuse to pay monetary compensation, because the infringement was not of such intensity that compensation is justified.
Main reasoning/argumentation	The Supreme Court stated that the courts paid too little attention to the context of the case. X had been in detention since 2015, but had not been able to meet the family without glass partition. The importance of the meeting with family grows proportionately with the time that the detainee has not had such meetings. There is no information whether the courts had paid any attention to the age of the children. Young children are especially affected by communication restrictions with the father.
Key issues (concepts, interpretations) clarified by the case	The key issues are: what are the elements which need to be considered when assessing the restrictions for a short-term meeting; the intensity of family life infringement; the right to compensation due to restrictions for short-term visits.
Results (sanctions) and key consequences or implications of the case	The Supreme Court satisfied the appeal and sent the case for new deliberation to Tartu Administrative Court. The question about the intensity of the interference and whether monetary compensation has to be awarded needs to be answered in the course of resolving the case.
Key quotation in original language and translated into English with reference details	Eriti väikelapse puhul avaldavad suhtluspiirangud suhtele isaga olulist mõju ning klaasist vaheseinaga eraldatult kohtumine ei ole väikelapsega kontakti saamiseks ja suhte hoidmiseks hea lahendus. Especially a small child is significantly influenced by communication restrictions with the father, and a meeting through glass partition with a small child is not a good solution to obtain and maintain contact with a small child.

Estonia, Supreme Court (*Riigikohus*), Tartu, [case no 3-19-2164/40](#), 14 February 2023

Thematic area	<i>Health assessment for solitary confinement</i>
Decision date	14 February 2023

Reference details	https://www.riigikohus.ee/et/lahendid?asiaNr=3-19-2164/40
Key facts of the case	X was placed into solitary confinement as a disciplinary measure for 10 days in Viru Prison. He had previously complained of back pain and asked for a mattress during the day, which was refused. First and second instance courts rejected his complaint regarding illegality of the measure. Then X submitted an appeal to the Supreme Court.
Main reasoning/argumentation	Two lower level courts did not analyze whether X's health situation was suitable for his placement into solitary confinement. X had sufficiently notified the prison authorities of his back problems. Even if there are sufficient grounds for placing a detainee into solitary confinement, such measure must not infringe the detainee's right to health. Medical assessment is required before someone is placed into solitary confinement.
Key issues (concepts, interpretations) clarified by the case	Whether the authorities have an obligation to conduct medical assessment before placing someone into solitary confinement. The obligation of a medical professional to monitor regularly the physical and mental condition of a person placed into solitary confinement.
Results (sanctions) and key consequences or implications of the case	The case was sent to Tartu Administrative Court for resolving the question about insufficient medical assessment of X's condition.
Key quotation in original language and translated into English with reference details	<p>Tervisliku seisundi fikseerimine võimaldab kindlaks teha, kas kinnipeetava tervis takistab karistuse täitmisele pööramist, aitab vanglal vähendada riski jääda vastutavaks tervisekahju ilmumise korral ning vältida hilisemaid võimalikke vaidlusi.</p> <p>Fixating the health condition enables to determine, whether the detainee's health prevents to implement the punishment, and helps the prison to reduce a risk of being responsible when damage to health occur, and avoid possible future disputes.</p>