



Report of Various Size – Fieldwork research (FRANET)

Criminal Detention in the EU – Conditions and Monitoring

Country Report Estonia

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1. Cell space

- a) What is the national standard for cell space available to prisoners in m²? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- c) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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There are three different regulations on different types of prisons or detention centres. The Imprisonment Act (IA, *Vangistusseadus*)¹ regulates imprisonment conditions in ordinary closed and open prisons. A closed prison (IA § 7) is a prison with a guarded wall or other barrier which enables constant supervision of prisoners. For the accommodation of prisoners, a closed prison has cells which enable constant visual and electronic surveillance of prisoners. An open prison (IA § 9) is a prison with a territory marked by clearly visible signs. An open prison has residential buildings with rooms for the accommodation of prisoners. The Imprisonment Act² regulates also the pre-trial detention and custody pending trial, in the custodial detention houses; unless stated otherwise, the following requirements also apply to the custodial detention houses. Obligation to Leave and Prohibition on Entry Act (OLPEA)³ and the Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*, AGIPA)⁴ regulate detention of illegal migrants in the specific detention centres.

One of the general aims of the Criminal Policy⁵ is the decrease in the number of prisoners including the pre-trial detention and the more extensive use of rehabilitative measures. The second main target is the improvement of the prison conditions including building of the new Tallinn prison.

Imprisonment Act (*Vangistusseadus*)⁶ § 45 Sec 2 provides that the concrete requirements and measurements of the cell in the closed prison, open prison or a pre-trial detention house are established by the regulation of the minister responsible for the area. Minister of Justice has adopted with reference to this provision regulation on Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)⁷. § 6 sec 6 of the IRP⁸ provides that a prisoner should have as a minimum 2,5 m² floor space in the room and a chamber has to be at least 3 m² big. The cells can be

¹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

² Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

³ Estonia, Obligation to Leave and Prohibition on Entry Act (*Väljasõidukohustuse ja sissesõidukeelu seadus*), State Gazette RT I, 21.04.2018, 6, available at: www.riigiteataja.ee/en/eli/523042018001/consolide.

⁴ Estonia, Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), State Gazette RT I, 28.11.2017, 32, available at: www.riigiteataja.ee/en/eli/518122017008/consolide.

⁵ Estonia, Parliament (*Riigikogu*), Estonian Guidelines for Development of Criminal Policy until 2018 (*Kriminaalpoliitika arengusuunad aastani 2018*), Decision from 09.06.2010 (757 OE I), p 21, available at:

www.just.ee/sites/www.just.ee/files/elfinder/article_files/kriminaalpoliitika_arengusuunad_aastani_2018.pdf.

⁶ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

⁷ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at:

www.riigiteataja.ee/akt/12876858?leiaKehtiv.

⁸ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at:

www.riigiteataja.ee/akt/12876858?leiaKehtiv.

intended for one or several persons (§ 6 of the IRP). The law does not limit the number of prisoners in a cell. In Tartu prison⁹, there are 993 places for prisoners including 60 places in the open prison. There are 479 cells in Tartu prison and the average cell size is 10 m². In the Viru prison¹⁰, there are places for 1000 prisoners, the cells are intended either for one or two persons. In addition, there are 75 places in the open prison and 150 places in the detention center. In the old Tallinn prison¹¹, there are 847 places for prisoners, including 124 places in the open prison (112 for men and 12 for women). The number of cells in Tallinn prison is changing due to constant renovations.

Secondly, Art 156 of the Imprisonment Act¹² authorises regulation of the detention in the custodial detention house¹³ to the relevant minister. The minister of interior has adopted for this purposes the Internal Rules of Detention House (*Arestimaja sisekorraeeskiri*, IRDH)¹⁴. According to Art 12 Sec 3 of the IRDH¹⁵, the detainee has to be provided at least 2,5 m² of floor space. There are 14 local detention houses, the number of cells and the number of persons in the cells varies. Long-term pre-trial detention is carried out in Tartu, Tallinn and Viru prison facilities.

Third group of detention centres concerns illegal migrants and their detention. Obligation to Leave and Prohibition on Entry Act (OLPEA)¹⁶ and the Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*, AGIPA)¹⁷ provide that the conditions of detention centres are regulated by the regulation adopted by the minister responsible for this area. Minister of the Interior has adopted the Internal Rules of Detention Centre¹⁸ that provides the conditions and procedure for the detention of an alien placed in the detention centre. The rules do not indicate a minimum measurement of the rooms in the detention centres.

Estonian NPM is the Legal Chancellor (*Õiguskantsler*). In 2016 and 2017, she conducted visits to two prisons.¹⁹ None of the recommendations made by the Legal Chancellor concerned the size of the cell.

2. Sanitary Facilities

- a) What is the national standard with regard to access to toilets? Are these located in cells? If not, do prisoners have access to these facilities without undue delay, even during the night? Do these facilities offer privacy to prisoners who use them?
- b) What is the national standard with regard to access to regularly cleaned shower/bathing facilities? How often is this access provided? Do these facilities offer privacy to prisoners who use them?

⁹ Estonia, Tartu prison (Tartu vangla), available at: www.vangla.ee/et/asutused/tartu-vangla.

¹⁰ Estonia, Viru prison (Viru vangla), available at: www.vangla.ee/et/asutused/viru-vangla.

¹¹ Estonia, Tallinn prison (Tallinna vangla), available at: www.vangla.ee/et/asutused/tallinna-vangla.

¹² Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

¹³ Art 156 Sec 1 of the Imprisonment Act provides „Detention houses are custodial institutions which are staff units of the Police and Border Guard Board and which organise the imposition of custody pending trial and detention.“

¹⁴ Estonia, Internal Rules of Detention House (*Arestimaja sisekorraeeskiri*), State Gazette RT I, 20.05.2017, 11, available at: www.riigiteataja.ee/akt/120052017011?leiaKehtiv.

¹⁵ Estonia, Internal Rules of Detention House (*Arestimaja sisekorraeeskiri*), State Gazette RT I, 20.05.2017, 11, available at: www.riigiteataja.ee/akt/120052017011?leiaKehtiv.

¹⁶ Estonia, Obligation to Leave and Prohibition on Entry Act (*Väljasõidukohustuse ja sissesõidukeelu seadus*), State Gazette RT I, 21.04.2018, 6, available at: www.riigiteataja.ee/en/eli/523042018001/consolide.

¹⁷ Estonia, Act on Granting International Protection to Aliens (*Välismaalasele rahvusvahelise kaitse andmise seadus*), State Gazette RT I, 28.11.2017, 32, available at: www.riigiteataja.ee/en/eli/518122017008/consolide.

¹⁸ Estonia, Internal rules of detention centre (*Kinnipidamiskeskuse sisekorraeeskiri*), State Gazette RT I, 28.03.2015, 5, available at: www.riigiteataja.ee/en/eli/504122015001/consolide.

¹⁹ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, available in English at: www.oiuskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

- c) Is the provision of cleanly sanitary facilities regulated by any legal instrument such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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Imprisonment Act (*Vangistusseadus*, IA)²⁰ Art 50 and 51 provide the hygiene requirements of prisoners. According to Art 50 of the IA²¹, the prisoner has an obligation to take care of its hygiene. Art 50 Sec 2 of the IA²² provides that the prisoners are given the opportunity to have a sauna, bath or shower at least once a week and upon reception into prison. Furthermore, Art 50 Sec 3 of the IA²³ provides that prisoners are 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. According to Art 51, of the IA²⁴ the prison service may impose coercion to ensure compliance with hygiene requirements if a prisoner fails to take care of his or her personal hygiene to a necessary extent and this has brought about actual danger to his or her health or to the health of other prisoners. The imposition of coercion shall not endanger the life or damage the health of a prisoner.

Art 7 Sec 1 Subsec 7 of the Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)²⁵ provides that if possible, the cell includes toilet facilities. When the toilet facility is in the chamber and not separated by the wall, the room is intended for the use of the single prisoner. When the cell is intended for the use of multiple persons, the toilet facility is separated by a wall or is located in a closed room.²⁶ There is no further regulation on the use or cleaning of toilets in the IRP. However, there are further specifications in the internal rules of specific prisons. As an example, Internal Rules of Tartu Prison (IRTP)²⁷ Sec 1.6.4. provide that the prisoner has an obligation to keep the cell and the toilet facilities in the cell clean. According to the Internal Rules of Tallinn Prison (IRTInP),²⁸ Sec 11.5.1, the necessary cleaning equipment is provided by the prison. Sec 5.4 of the IRTP²⁹ provides that the use of shower is organised by cell blocks.

²⁰ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

²¹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

²² Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

²³ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

²⁴ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

²⁵ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at: www.riigiteataja.ee/akt/12876858?leiaKehtiv.

²⁶ Estonia, Ministry of Justice (*Justiitsministeerium*), phone correspondence 29.06.2018.

²⁷ Estonia, Internal Rules of Tartu Prison (*Tartu Vangla Kodukord*), Order No 1-1/27 of the Director of the Tartu Prison, 11.02.2013, available at: www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tartu_vangla_kodukord_1.pdf.

²⁸ Estonia, Internal Rules of Tallinn Prison (*Tallinna Vangla Kodukord*), Order No 20 of the Director of the Tallinn Prison, 31.01.2013, available at:

www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tallinna_vangla_kodukord_al_04.06.2018.pdf

²⁹ Estonia, Internal Rules of Tartu Prison (*Tartu Vangla Kodukord*), Order No 1-1/27 of the Director of the Tartu Prison, 11.02.2013, available at: www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tartu_vangla_kodukord_1.pdf.

The Internal Rules of Detention House (*Arestimaja sisekorraeeskiri*, IRDH)³⁰ provide similar regulation – Art 13 Sec 1 subsec 7 provides that the cells of the detention house have, if possible, toilet facilities.

The Legal Chancellor (*Õiguskantsler*) has not pointed out any systematic problems in the area of toilet or washing facilities.³¹ She has, however, pointed out after the visit to Tallinn prison, that privacy should be guaranteed at the washing and shower facilities and that all the prisoners should have access to shower at least twice a week.³²

3. Time out of cell

- a) What is the national standard set for time per day/week spent by prisoners outside of their cells:
 - a. Outdoors (within the boundary of the prison)?
 - b. Indoors in the common area?
- b) Are sports or other recreational and educational facilities available to prisoners? If so what types?
- c) Is time spent in cells regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- e) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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The law does not specify the obligatory time while out of cell. Art 8 of the Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)³³ provide that the prisoner has no obligation to stay in the cell when they are participating in resocializing activities. The prisoner can be outside of the cell during the free time. As an example, the dayly plan of the Internal Rules of Tartu Prison³⁴ provides that in building S, the following times for time outside of cell:

08.30 – 19.00 Time to go for a walk, organised by departments.

10.30 – 12.15 free time (unless a prisoner works, studies or is involved in re-socialisation activities)

14.45 – 17.00 free time (unless a prisoner works, studies or is involved in re-socialisation activities).

Art 8 Sec 4 of the Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)³⁵ provide that the prisoner can be outside their department only together with a person accompanying him. Prisoner who is in the special punishment cell, in a separated locked room, in a separate cell before the end of disciplinary punishment or who is in the separate health ward, does not have the right to time outside the cell.

³⁰ Estonia, Internal Rules of Detention House (*Arestimaja sisekorraeeskiri*), State Gazette RT I, 20.05.2017, 11, available at: www.riigiteataja.ee/akt/120052017011?leiaKehtiv.

³¹ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, available in English at: www.oiguskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

³² Estonia, Chancellor of Justice (*Õiguskantsler*), Control visit to the Tallinn Prison, 29.06.2017 document No 7-7/170337/1702861, p 2, available online: www.oiguskantsler.ee/sites/default/files/field_document2/Kontrollik%C3%A4ik%20Tallinna%20Vanglasse.pdf.

³³ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at: www.riigiteataja.ee/akt/12876858?leiaKehtiv.

³⁴ Estonia, Internal Rules of Tartu Prison (*Tartu Vangla Kodukord*), Order No 1-1/27 of the Director of the Tartu Prison, 11.02.2013, available at: www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tartu_vangla_kodukord_1.pdf.

³⁵ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at: www.riigiteataja.ee/akt/12876858?leiaKehtiv.

The Legal Chancellor (*Õiguskantsler*) has not pointed out any systematic problems in the time out of cell.³⁶ She has, however, pointed out³⁷ the benefits of the prison leave as provided in Art 32 Imprisonment Act (*Vangistusseadus*, IA).³⁸ Granting this leave is in the discretion of the prison service.

4. Solitary confinement

- a) What is the national standard set regarding solitary confinement? Is it regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- b) *Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).*
- c) *Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>*

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Division 7 of the Imprisonment Act (*Vangistusseadus*, IA)³⁹ regulates disciplinary penalties imposed on prisoners. Art 65 Sec 1 subsec 4 provides that it is possible to commission a prisoner to a punishment cell up to 45 consecutive twenty-four hour periods. Young prisoners may be committed to a punishment cell for up to 20 consecutive twenty-four hour periods. In the choice of a disciplinary penalty, the objective of the penalty and the general aim of the imprisonment has to be considered. The prison has the discretion to decide, within the boundaries of the law, what limitations apply in every case; the penalty should take into account the nature of the violation and the aims of the punishment. Furthermore, only one disciplinary penalty may be imposed for the commission of one and the same disciplinary offence. It is prohibited to impose collective disciplinary penalties. In the case of a serious violation of discipline, the prison service has the right to place the disciplinary offender in a separate cell prior to the termination of disciplinary proceedings.

The Legal Chancellor has not noted any problems relating to this disciplinary measure.

5. Access to healthcare

- a) What is the national standard with regard to access to medical services in prisons? (*E.g. do prisoners have prompt access to medical services within prisons or externally? Do prisoners have access to dentists and opticians?*)
- b) *Are there any special provisions relating to the provision of specialist care? (E.g. for long-term diseases, for sick and elderly prisoners, the mentally ill, drug addicted prisoners etc.)*
- c) Is access to healthcare in prisons regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) *Please indicate whether there are different standards applicable to different detention regimes.*
- e) *Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most*

³⁶ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, available in English at: www.oiguskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

³⁷ Estonia, Chancellor of Justice (*Õiguskantsler*), Letter to Tallinn prison regarding prison leave, 18.10.2016, document No 7-4/160630/1604194, available online: www.oiguskantsler.ee/sites/default/files/field_document2/uhiajaline_valjasoit.pdf.

³⁸ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

³⁹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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Art 49 of the Imprisonment Act (*Vangistusseadus*, IA)⁴⁰ provides that health care in prisons constitutes a part of the general national healthcare system. Health care in prisons is organised shall be organised in accordance with the Health Care Services Organisation Act. Provision of healthcare services to prisoners is financed from the state budget through the Ministry of Justice. Article 49^{1(primus)} of the IA⁴¹ further provides that the healthcare services and the acquisition of medicinal products and medical devices necessary for the provision of health care services are funded from the state budget to the extent, under the conditions and in accordance to the procedure established by a regulation of the Government of the Republic.

Art 10 of the Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)⁴² requires that the health of the prisoner is checked when a prisoner is admitted to the prison. This is usually done by an observation and questioning the prisoner. When necessary, a medical professional is consulted.

All the prisons have their own medical departments. General and specialised medical services are provided by prison medical departments. When the prison does not have the specific specialists in the premises, medical aid is provided in the closest public hospital. Prisoner notifies the staff of his or her medical needs and on the basis of it, they are provided the medical care as soon as possible during the working-hours of the medical services. There is an emergency medical doctor in duty at all times providing emergency medical care. When necessary, the medical services prescribe medicines and they have to be consumed under the observation of the staff.⁴³

During the reference period, The Legal Chancellor has made following comments relating to health care: “A suspicion remained that handcuffs were used to escort pregnant women from the prison to hospital for childbirth and subsequently during return to prison. Prison officers are present at childbirth; male officers also stay with the woman in a postnatal ward, sometimes around the clock. The Chancellor asked the prison to organise supervision of women at birth by using different measures.”⁴⁴

6. Special measures in place to protect juvenile prisoners.

⁴⁰ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴¹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴² Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at: www.riigiteataja.ee/akt/12876858?leiaKehtiv.

⁴³ Estonia, Internal Rules of Tallinn Prison (Tallinna Vangla Kodukord), Order No 20 of the Director of the Tallinn Prison, 31.01.2013, p 21, available at:

www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tallinna_vangla_kodukord_al_04.06.2018.pdf; Estonia, Internal Rules of Tartu Prison (*Tartu Vangla Kodukord*), Order No 1-1/27 of the Director of the Tartu Prison, 11.02.2013, p 20, available at: www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tartu_vangla_kodukord_1.pdf.

⁴⁴ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, p 35, available in English at: www.oiguskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

- a) Are there any legal instruments, such as a legislative act, internal prison regulations, manuals, policy papers etc. regulating the separation of juvenile prisoners from adults? (e.g. a separate juvenile ward, or part of the building, canteen, common area etc.?)
- b) What age category falls under this specific juvenile prison regime?
- c) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.).
- d) Please, provide a link to the National Preventive Mechanism's reports **from the reference period** (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English). These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

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Chapter 3 of the Imprisonment Act (*Vangistusseadus*, IA)⁴⁵ regulates the execution of imprisonment of young offenders. Art 77 of the IA⁴⁶ defines a young offender as anyone under 21 years of age. Art 78 of the IA⁴⁷ provides that young prisoners are imprisoned in closed or open prisons prescribed exclusively for such purpose (juvenile prisons) or in separate wards of closed prisons (juvenile wards). Art 81 of the IA⁴⁸ requires segregation of young prisoners 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.

Art 84 of the IA⁴⁹ obliges young prisoners of up to 18 years of age to acquire basic education to the extent prescribed by law. Young prisoners have also an opportunity to acquire vocational education according to their wish and aptitude.

The Legal Chancellor has not commented on any systematic issues relating to the treatment of the young offenders in its recent reports.⁵⁰

7. Special measures in place to protect prisoners from violence

- a) Are any special measures in place to protect prisoners against violence, including sexual violence? (E.g. are prisoners supervised by prison staff? Are there emergency call buttons? Do guards receive training in de-escalation? Do prisoners have access to a complaints mechanism?)
- b) Are there any special measures in place to protect LGBTI prisoners, who are particularly vulnerable to violence/sexual violence?

⁴⁵ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴⁶ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴⁷ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴⁸ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁴⁹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English: www.riigiteataja.ee/en/eli/512032018002/consolide.

⁵⁰ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, available in English at: www.oiguskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

- c) Are these measures regulated by any legal instrument, such as a legislative act, internal prison regulations, manuals, policy papers etc.?
- d) Please indicate whether there are different standards applicable to different detention regimes (for example, if applicable in your jurisdiction: open, semi-open, closed etc.)..
- e) Please, provide a link to the National Preventive Mechanism's reports from the reference period (1 January 2015 to 1 May 2018, if no report is available for this period, please provide a link to the most recent one) and whether there are any recommendations regarding this aspect (please provide the exact quotation in the national language and if official translation is available – in English) These reports can be found on the web-page of the National Preventive Mechanism. For ease of reference a list of links can be found here: <https://apt.ch/en/list-of--designated-npmb-by-regions-and-countries/>

Please cite any relevant sources

The Imprisonment Act (*Vangistusseadus*, IA)⁵¹ does not deal with elimination of violence in the prison. It, however, discusses the disciplinary procedures that follow violation of either the IA, the internal prison rules or the criminal law. Strategy for Preventing Violence⁵² notes the importance of the violence free environment in the prison. It also notes that most of the measures so far have been penal measures. The strategy focuses on the training of the prison staff (p 65) and foresees creation of violence reduction programmes in prisons (p 70; p 76-78). The implementation programmes target sexual offenders and persons imprisoned for domestic violence.⁵³

Art 64¹ Sec 15 of the Internal Rules of Prison (*vangla sisekorraeeskiri*, IRP)⁵⁴ prohibits personal items that promote violence, hatred or racism. Violent prisoners can be denied the right to work outside the prison (Art 96⁵ IRP⁵⁵).

The Internal Rules of Tartu Prison (IRTP)⁵⁶ Sec 1.7.4. prohibits the use of physical or mental violence against other presons.

Art 11¹ Sec 5 of the Imprisonment Act (*Vangistusseadus*, IA)⁵⁷ confirms the rights of the prisoners and persons in custody to file complaints with an administrative court against either administrative acts issued or measures taken by a prison in accordance with the Code of Administrative Court Procedure. There is no special procedure for complaints relating to violence in prison.

The Legal Chancellor has not commented on any systematic issues relating to the existence of violence or the lack of measures in prisons.⁵⁸

⁵¹ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

⁵² Estonia, Strategy for Preventing Violence for 2015–2020 (*Vägivalla ennetamise strateegia 2015-2020*), Tallinn 2015, p 10, available at:

www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/strategy_for_preventing_violence_for_2015-2020.pdf.

⁵³ Estonia, Strategy for Preventing Violence for 2016-2020 Implementation Plan (*Vägivalla ennetamise strateegia rakendusplaan aastateks 2016-2020*), 09.09.2016, available at: www.kriminaalpoliitika.ee/et/vagivalla-ennetamise-strateegia-rakendusplaan-aastateks-2016-2020

⁵⁴ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at:

www.riigiteataja.ee/akt/12876858?leiaKehtiv.

⁵⁵ Estonia, Internal Rules of Prison (*vangla sisekorraeeskiri*), State Gazette RT I, 25.04.2018, 12, available at:

www.riigiteataja.ee/akt/12876858?leiaKehtiv.

⁵⁶ Estonia, Internal Rules of Tartu Prison (*Tartu Vangla Kodukord*), Order No 1-1/27 of the Director of the Tartu Prison, 11.02.2013, available at: www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/tartu_vangla_kodukord_1.pdf.

⁵⁷ Estonia, Imprisonment Act (*Vangistusseadus*), State Gazette RT I, 09.03.2018, 19, available in English:

www.riigiteataja.ee/en/eli/512032018002/consolide.

⁵⁸ Estonia, Chancellor of Justice (*Õiguskantsler*), 2016-2017 Overview of the Chancellor of Justice Activities, available in English at: www.oiguskantsler.ee/sites/default/files/Annual%20Report%202017_0.pdf

8. Responsible authorities

- a) What authority is responsible for the provision of additional information requested under Article 15 of the EAW Framework Decision? *(Please specify whether there a central authority deals with these requests, if yes, please provide contact details, such as the name of the institution, a website, physical and email addresses, and a telephone number. In the absence of a central authority, who deals with those requests?)*
- b) What authority is responsible for monitoring conditions of detention and putting forward recommendations?

Please cite any relevant sources

Art 498 Sec 2 of the Code of Criminal Procedure (*Kriminaalmenetluse seadustik*)⁵⁹ provides that the central authority for cooperation in surrender procedure is the Ministry of Justice.

<https://www.just.ee/en/contact-information>. Contact person: Ministry of Justice, Prison Department, Legal and Development Division, Director Viorica Tšaikovski, Viorica.Tsaikovski@just.ee, (372) 620 8231.⁶⁰

The Legal Chancellor (*Õiguskantsler*) is the national monitoring mechanism that guarantees the protection of fundamental rights of everyone, including the rights of the prisoners. The Legal Chancellor has the rights to request information and make recommendations on the basis of individual complaints of the prisoners.⁶¹

⁵⁹ Estonia, Code of Criminal Procedure (*Kriminaalmenetluse seadustik*), State Gazette RT I, 05.12.2017, 8, available online: www.riigiteataja.ee/en/eli/512122017005/consolide.

⁶⁰ Estonia, Ministry of Justice (*Justiitsministeerium*), phone correspondence 29.06.2018.

⁶¹ Estonia, Chancellor of Justice Act (*Õiguskantsleri seadus*), State Gazette RT I, 28.12.2017, 20, available online: www.riigiteataja.ee/en/eli/509012018008/consolide