



CPT/Inf (2019) 32

Response

**of the Estonian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Estonia**

from 27 September to 5 October 2017

The Estonian Government has requested the publication of this response. The CPT's report on the September/October visit to Estonia is set out in document CPT/Inf (2019) 31.

Strasbourg, 19 November 2019

Response of the Estonian Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Estonia from 27th September to 5th October 2017

October 2019

CONTENTS

1. INTRODUCTION	3
1.1. National Preventive Mechanism	3
2. ESTABLISHMENTS UNDER AUTHORITY OF THE MINISTRY OF THE INTERIOR	4
2.1. Preliminary remarks.....	4
2.2. Ill-treatment.....	4
2.3. Fundamental safeguards against ill-treatment	5
2.4. Conditions of detention.....	6
2.5. Remand prisoners held in police establishments	8
3. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE	12
3.1. Preliminary remarks.....	12
3.2. Ill-treatment.....	14
3.3. Conditions of detention.....	16
3.4. Health-care services at Tartu Prison	22
3.5. Contact with the outside world.....	26
3.6. Solitary confinement as a disciplinary sanction.....	28
3.7. Security-related issues	32
3.8. Legal remedies and complaints procedures.....	34
4. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF EDUCATION AND RESEARCH	36
4.1. Preliminary remarks.....	36
4.2. Living conditions and pedagogical approach	36
4.3. Health care	36
4.4. Other issues.....	37

1. INTRODUCTION

1.1. National Preventive Mechanism

- ***The CPT welcomes the fact that, following a specific proposal made by the Committee in the 2012 visit, a separate unit had been set up within the Office of the Chancellor of Justice, to be responsible for the NPM functions. Four persons had been assigned to NPM activities. Two additional positions had become vacant and would soon be filled. When required, experts may be recruited to take part in visits. However, there was no separate budget for NPM activities and it remained the case that the staff assigned to the NPM unit were also involved in the processing of complaints. In this connection, the CPT recalls the Guidelines on national preventive mechanisms adopted by the United Nations Subcommittee on Prevention of Torture (SPT)² in 2010, which specify that “[w]here the body designated as the NPM performs other functions in addition to those under the Optional Protocol, its NPM functions should be located within a separate unit or department, with its own staff and budget”. Further, in the CPT’s experience, it is not advisable to involve staff dealing directly with complaints in the work of the NPMs. Where the same institution is designated to handle complaints and to monitor places of deprivation of liberty, both functions should preferably be kept separate and performed by clearly distinct entities. The CPT invites the Estonian authorities to review the organisation and functioning of the NPM in the light of the preceding remarks.***

The parliament shall pass an annual state budget as an Act. The budget of the Chancellor of Justice is separate part of the state budget – it is not part of the budget of any other body or institutions and the Chancellor of Justice has absolute management and control over it in the boundaries set by the parliament.

The budget of the Office of the Chancellor of Justice shall be approved by the Chancellor of Justice based on the state budget (§ 42 (1) of the Chancellor of Justice Act). The Director of the Office of the Chancellor of Justice shall prepare the budget project and present it to the Chancellor and other members of the management of the Office (incl. the head of the NPM unit) for discussions and approval. The breakdown of the Office’s budget shall consider, inter alia, the personnel costs of the NPM unit, its annual work plan, special funds for consultations and expert assessment, need for training, participation in international networks and events and other costs necessary for the effective functioning of the national preventive mechanism. Although the activity costs of the NPM unit are part of the overall budget of the Office, the NPM unit has been provided with all necessary resources to carry out its tasks. The unit has also received additional funding to cover unexpected costs. Currently the NPM unit employs 5 persons.

The NPM unit has been focused in particular on carrying out inspection visits to closed institutions. Handling complaints has not been considered as part of the task of prevention for ill-treatment and neither has it been an obstacle to the fulfilment of NPM functions.

2. ESTABLISHMENTS UNDER AUTHORITY OF THE MINISTRY OF THE INTERIOR

2.1. Preliminary remarks

Recommendations

- **12. As previously, the CPT notes with great concern that police detention houses were not only used for police custody, but also for accommodating remand prisoners (as well as persons sentenced for having committed a misdemeanour) and that for prolonged periods. As stated in previous visit reports, the CPT remains of the opinion that such establishments are unsuitable for prolonged periods of detention. In this regard, reference is made to the remarks and recommendations made in paragraphs 35 to 39.**

With reference to remarks and recommendations made in paragraphs 35-39, we indicate to replies given in section 2.5 (remand prisoners held in police establishments).

- **13. As regards the practice of holding in detention houses (for a maximum period of 30 days) persons sentenced for having committed a misdemeanour, the CPT encourages the authorities to either significantly reduce the maximum duration of such detention or to abolish that type of sanction altogether, in line with the trend observed by the Committee in several other European countries.**

As a result of a misdemeanor, the basic sanction is a fine, arrest or deprivation of the right to drive. The Penal Code allows a court to award up to thirty days for a misdemeanour and up to ten days for a person who has committed a misdemeanour as a minor. The court can, with the consent of the offender, replace the sanction with community service. One day of arrest corresponds to one hour of community work, which is not awarded less than five hours. Nonetheless, replacing misdemeanour detention with community-based work is not suitable in all cases, such as people with addictions and long-term criminal convicts. It is, therefore, important to ensure that the punishment has both a general and a vidual effect, and in the case of certain types of offenses, this possibility is maintained. The 30-day rate is maximum and, in accordance with general and vidual-interest objectives, shorter detention or less stringent measures will be applied. According to the Penal Code, if a court imposes detention, the court, taking into consideration the situation of the family and the professional activities of the offender and his or her state of health, may order the punishment to be borne in parts. Consequently, there are flexible measures in Penal Code that allow the application of sanctions to comply with the general and vidal prevention principles, which means that the statutory limit is not planned to be reduced in the near future. We would also draw attention to the fact that distinction of misdemeanours and criminal offences depends on the gravity of the punishment available, as defined by the legislator, and offences punished as misdemeanours include a large variety of acts starting from traffic breaches and deficiencies in the area of economic activity to petty thefts, embezzlements and frauds, and breaches of the peace. Arrest may be decided only by a court and is applicable only for the most severe misdemeanours.

2.2. Ill-treatment

Remarks

- **15. The CPT is pleased to note that, as in 2012, its delegation received hardly any allegations of physical ill-treatment by police officers from detained persons who were or had been held in police custody or who were being detained in police detention houses.**

It is in our continuous efforts to enhance knowledge and skills of the police officers and personnel at the detention houses related to appropriate treatment of persons deprived of liberty. According to the directive "Requirements and procedure for the special and physical training of the police officers of the Police and Border Guard Board" of the Director General of the Police and Border Guard Board of 12 February 2016, it is obligatory for police officers to take part in self-defence and tactical training once in every six months and in shooting training twice in every six months. The relevant training includes techniques such as communication and applying direct force and the proportionality and legal bases

thereof. In addition, officers are obligated to pass direct force (force and special device) and firearms tests once a year.

Recently, in 2018-2019 the Police and Border Guard Board in cooperation with College of Justice of the Estonian Academy of Security Sciences have developed further training course for specialists of the detention house. During the period of two years, 40 workers of the detention house will commence this training, out of which 12 academic hours focus on communication with the detainee and psychology, and 16 academic hours focus on first aid and psychological disorders.

In addition, the Ministry of Justice has commissioned a study on mental health of Estonian offenders that was conducted in 2018-2019. One of the aims of the study was to find good international practice on specific professional training. Based on results of this study and as a follow-up, activities are planned for enhancement of skills of law enforcement and judicial authorities on communication and treatment of offenders with mental disorder.

2.3. Fundamental safeguards against ill-treatment

Recommendations

- ***17. The vast majority of detained persons interviewed by the delegation confirmed that they had been in a position to exercise their right of notification of custody to a third person shortly after apprehension. However, a few detainees claimed that their next-of-kin had been notified only after several days. The CPT trusts that the Estonian authorities will make further efforts to render fully effective in practice the right of persons deprived of their liberty by the police to inform a relative or another third party of their situation, as from the outset of their deprivation of liberty.***

We reassure that Estonian authorities will make continuous efforts to apply legal obligation laid down in the Section 9 of the Internal Rules of Procedure of Detention Houses to ensure by the relevant detention house officer the right of a detained person to notify a person close to him or her (chosen by the detained person) of detention. The notification of next-of-kin or third persons takes place at the first opportunity and not later than upon placement in a detention facility. In practice, relevant detention house officer conducts as soon as possible briefing on whether the right of notification has been ensured (if this right has been used, or if there is wish to use this right and organises the notification), except in cases where the law stipulates otherwise.

- ***20. The Committee has recommended since its very first visit to Estonia in 1997 that steps be taken to ensure that persons in police custody are formally entitled and granted in practice the express right of access to a doctor as from the very outset of their deprivation of liberty. Regrettably, these recommendations remain unimplemented. [---] The CPT once again calls upon the Estonian authorities to take the necessary measures – including at the legislative level – to ensure that all persons detained by the police are formally entitled and granted in practice the right to have access to a doctor - including one of their own choice – as from the very outset of their deprivation of liberty (it being understood that an examination by a doctor of the detainee’s own choice may be carried out at his/her own expense). This should also enable all persons in police detention to continue any necessary medical treatment prescribed to them prior to their detention. As regards the Estonian authorities’ plans to improve health services in police detention houses, reference is made to paragraph 36.***

Estonia agrees with the recommendation that the health services in police detention houses is a matter of priority and the need to provide for sustainable solutions to the issues identified. The Ministry of Social Affairs, the Ministry of Justice and the Ministry of the Interior analyse together the options to integrate the health care service provided in prisons and houses of detention with national health care. Thus, the Government of the Republic of Estonia has by its resolution of the 26 April 2018 given the task to the Ministry of the Social Affairs in cooperation with Ministry of Justice, Ministry of the Interior and Ministry of Finance to analyse and create an action plan on possibilities of integrating health services which are provided in prisons and detention houses with the health services provided in general. The Ministry of the Social Affairs has in co-operation with the Health Board and the Health Insurance Fund mapped the current access to medical care in the detention houses and prepared general propositions on how

integral health services in houses of detention would outline. Followingly, the work is on-going to find balanced and systematic approach for health services for every type of detention house in the country. The importance of this task, with the new deadline of April 2020, was re-stated in the Work Programme 2019-2023 of the Government of the Republic of Estonia.

Meanwhile, related to the higher-loaded houses of detention, for example the Jõhvi Detention House situated in the same territory as the Viru Prison, and the Tallinn Detention House situated next to the territory of Tallinn Prison, the Police and Border Guard Board and the Prison Service are developing solution at the local level that meets their specific needs. In the case of lower-loaded houses of detention, the reception of medical personnel is provided on a stationary basis. Emergency medical care is guaranteed in all detention houses.

- **21. Further, many detainees interviewed at Tallinn Detention House told the delegation that during the health-care interview (or during the basic physical examination) by the nurse, custodial staff were frequently present. The CPT recommends that in order to preserve medical confidentiality, medical consultations should always be conducted out of the hearing and – unless the health-care professional concerned expressly requests otherwise in a given case – out of the sight of non-medical staff.**

We emphasise that the rest of the personnel will be near the activity only if it is necessary to ensure safety or if the health care professional has requested it. Health care professionals do not usually have knowledge about dangers that a person poses (for example danger of escaping or risk of being taken as a hostage), which means that trained personnel must be near in case of suspicion of danger in order to protect the life and health of the doctor, other health care professionals or third persons. We confirm that we have taken relevant measures, which help to ensure that medical procedures are always carried out while taking into account the interests of the patient, including the doctor-patient confidentiality. Requirements helping to ensure the patient's privacy are set out in legislation. The rooms used to provide health care services must comply with requirements set out in legislation. One of these requirements is that the place of medical examination has to be separated with a curtain or screen in the case the reception and examination areas are in the same room. Therefore, medical examination rooms are already equipped with tools like screens and dividers to ensure privacy and make sure that third parties are not able to see the procedure. The personnel sending a person to a doctor is always taking into account that the patient's privacy is ensured in every possible way, considering the situation and risks that the person poses.

- **23. [---] The CPT trusts that the Estonian authorities will take the necessary measures to ensure that juveniles are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, whenever feasible, a trusted adult person.**

According to Code of Criminal Procedure¹, a person detained as a suspect is given an opportunity to notify at least one person close to him or her at his or her choice of his or her detention through a body conducting proceedings. If the person detained is a minor, his or her legal representative shall be immediately notified of the detention, except in the case this is not in the interests of the minor. In the case of the latter, a local government authority must be notified. If the notification prejudices a criminal proceeding, the opportunity to notify or notification of detention of a minor may be refused with the permission of a prosecutor's office. In addition to the legal representative, if a minor is been suspected of a crime, presence of his or her lawyer is required throughout the proceedings (§ 45(2) CCP). Estonia confirms that the bases and procedures for the activities of officials are in line with the legislation in force and respective authorities take the necessary measures to ensure this in practice.

2.4. Conditions of detention

- a. Police detention houses

Recommendations

- **28. Notwithstanding the above, the CPT recommends that the Estonian authorities take the necessary measures to ensure that:**

- *no detained person is held at Valga Detention House beyond the maximum period of police custody (i.e. 48 hours);*
- *the two small waiting cells on the ground floor of Valga Detention House - measuring less than 2 m² – are no longer used for more than very brief waiting periods;*
- *cells measuring less than 5 m² at Valga and Haapsalu Detention Houses, as well as in other detention houses, are no longer used for overnight stays;*
- *the material shortcomings at Tallinn, Tartu, Haapsalu and Valga Detention Houses as described in paragraph 24 are remedied.*

See reply given in paragraph 34.

- *29. As regards the detention houses which were equipped with yards, the CPT welcomes the fact that, at Tartu Detention House, many detainees told the delegation that they were offered access to the outdoor yards every day for one hour. However, this was apparently still not the case for persons held at Tallinn Detention House, despite the Committee's recommendation made to this effect in 2012. According to the large majority of detainees interviewed by the delegation at this establishment, access to the open air was offered on two to six days per week for no longer than half an hour at a time. Further, four of the six outdoor yards at Tartu Detention House and the yard at Tallinn Detention House were not equipped with any means of rest (e.g. a bench). In the CPT's view, all persons who are detained by the police for 24 hours or more should be offered at least one hour of access per day to the open air in outdoor facilities which are equipped with a means of rest. The Committee reiterates its recommendation that the Estonian authorities take the necessary steps to ensure that these precepts are implemented in practice in all police establishments in Estonia.*

The detainees can stay in the fresh air for one hour a day as required by the law. In Tartu house of detention, the size of one cell is 12 m² and in total there are 6 cells for walking.

- *30. The Committee is also concerned about the material conditions in security cell no. 3 at Tallinn Detention House. Apart from a toilet, this cell was totally bare and did not contain any means of rest (e.g. a chair, bench or bed). According to the register examined by the delegation, detainees were sometimes held in this cell overnight. The CPT recommends that the security cell at Tallinn Detention House be equipped with a suitable means of rest. The Committee would further like to receive confirmation that whenever a detainee is held in this cell overnight or for part of a night, he/she is provided with a mattress as also provided for by Section 13 (2) of the Internal Detention House Rules.*

The new Tallinn detention house was opened in December 2018, resulting that these issues are no longer relevant.

- b. Other police detention houses
 - *33. However, as regards Tallinn East Police Station, the CPT notes with concern that the specific recommendations made by the Committee in the report²¹ on the 2012 visit have not been implemented. In fact, the conditions of detentions have further deteriorated since the last visit. Cells were dilapidated, poorly ventilated and in some cases very dirty (including the mattresses). In addition, most of the cells were lacking a means of rest (e.g. a fixed chair or bench). [---] In their letter of 26 February 2018, the Estonian authorities informed the Committee that "detainees are kept in individual cells of more than 4 m² in size" at Tallinn East Police Station. The CPT recalls that in its view it would be desirable for police custody cells used as overnight accommodation to measure in the order of 7 m². The Committee reiterates its recommendation that the use of any cell measuring less than 5 m² at Tallinn East Police Station for overnight stays be discontinued immediately.*
 - *34. Moreover, neither of the two above-mentioned police stations comprised any outdoor exercise facility. In this respect, reference is made to the remarks and recommendation in paragraph 29.*

Estonia would like the CPT to take note of the following information related to the improvement of conditions of the police detention houses:

- Construction of the new Pärnu house of detention has started and the new building should be in use in summer of 2021. Due to the plan to establish a new building for the rescue service and police, no extensive construction works are planned for the old building. However, during second half of the 2018, smaller maintenance and renovation works were conducted such as sanitary repairs.
- Valga house of detention will undergo reconstruction with renewal of the detention house spaces and living conditions. The project for the renovation is finalised and the new building should be in use in first half of 2021. Due to aim to avoid an overload in other houses of detention, only after opening a new house of detention in Tallinn, the Valga house of detention is used as a custodial institution for short-time detention (48 hours).
- Cells No 118 and 2017 in Tartu house of detention were closed after CPT visit.
- During 15–22 May 2018, the Haapsalu's house of detention has undergone sanitary repairs such as ceiling and walls were painted and in the storage space, the wall was repaired and the floor was casted. There are 10 places for detainees. The average occupancy rate of a house of detention per year is 13% and it is used only as an option for the temporary detention of persons.
- The new Tallinn house of detention was opened in December 2018. There are over 130 places for detainees and detention house ensures at least 4 m² of personal space per person in each cell. The size of a one-person cell is 10.1 m² and four-person cells have 5.75 m² per each person. The temporary detention cells of East-Harju police station are used for short-time detention and the size of a single cell is more than 4 m². During repairs in the first half of 2018, the bunks were installed in the cells, beds were installed in the cells and the sanitary repairs were made, metal doors were replaced, food hatches were added and also other additional conditions of detention were aligned with standards.
- The funding for construction of Kuressaare's house of detention walking yard is in planning phase as we hope to get funds for construction work by 2020.
- The corridors of the Rapla house of detention were re-constructed during June–July 2017, new ventilation system was installed and new duty room was constructed.

2.5. Remand prisoners held in police establishments

Recommendations

- ***38. In the light of the remarks made in paragraphs 35 to 37, the CPT calls upon the Estonian authorities to take swift and decisive action to put an end to the practice of holding remand prisoners beyond the period of police custody in police detention houses. The CPT requests that it be provided, within three months, with a detailed action plan containing precise deadlines for the steps taken to achieve this objective.***

Further, the Committee recommends that an immediate end be put to the practice of accommodating remand prisoners:

- ***at Tallinn, Tartu and Viru Detention Houses which are located in close proximity of a prison;***
- ***in detention houses which do not have outdoor exercise facilities.***

Finally, pending the complete and definitive end of the use of other detention houses for holding remand prisoners, steps should be taken to ensure that the persons concerned:

- ***are accommodated in the detention house for only the shortest possible time;***
- ***are accommodated in cells of sufficient size with adequate access to natural light;***
- ***are subjected to a comprehensive medical examination by a qualified health-care professional within 24 hours of being remanded in custody;***
- ***are offered at least one hour of access to the open air every day;***
- ***are offered some activities and diversions (e.g. newspapers, TV, board games);***
- ***can receive at least one visit of one hour per week and have regular access to a telephone.***

According to the Imprisonment Act, person in custody is a person, who is serving custody pending trial in a ward prescribed for custody pending trial in a closed prison or in a house of detention.¹ The Imprisonment Act does not stipulate a due date by which the person subjected to provisional custody shall be relocated to a prison. As houses of detention are in the jurisdiction of the Ministry of the Interior, the nature of matter is not only legal, but affects the activity of the jurisdiction of two ministries on a practical level—the variability of the capacity of prisons to receive prisoners in different time periods shall be taken into account on the one hand, and the detention conditions that can be ensured for inmates in houses of detention today and in the near future, on the other. Estonia acknowledges the issue on accommodating remand prisoners in police detention houses raised by the CPT. The Ministry of Justice has regarded the time spent in a house of detention by an inmate or person in custody as one question to be solved in the plan to develop the draft legislation to amend the Imprisonment Act² and has pointed out the need to regulate the matter on the level of legislation. In the reply given, the Ministry of the Interior has voiced their support to the plan to develop a principle to regulate the time spent by imprisoned or persons in custody in a house of detention. The question has therefore been raised by the ministries responsible and the need to change the legal situation has been recognised. Concerning the prisoners, who are temporarily being held in detention houses, the Ministry of Justice is planning to prepare amendments to legislation that stipulate the time limit and take into account the need where it is essential to temporarily place the prisoner in a detention house. Such remedy is to be viewed as supporting the court proceedings or a procedural act.

Nevertheless, setting a formal time limit on the level of legislation is not sufficient to reach the objective, i.e. to ensure dignified detention conditions for all persons in custody. An appropriate measure to achieve this aim would be to establish a comprehensive system that includes both, legal and as well as practical measures. The number of persons in custody has steadily decreased during the last years (during 2006–2016, i.e. in 10 years, almost two-fold)³. The number of persons in custody decreased 22% in 2016, that's by 156 persons⁴. During 01.09.2016–28.02.2017 the percentage of persons in custody decreased 16% compared to the same period of the last year.

As of 01.01.2017, the number of persons in custody was 542 in total.⁵ 176 persons or 32.4% of them were located in houses of detention. As of 01.01.2018, a total of 180 persons were in houses of detention, i.e. 31.5% of all persons in custody. The percentage of persons in custody taken to prisons has consistently grown after this⁶. As of 23.09.2019, the number of persons in custody was 524 in total, of whom 34, i.e. 6,48% were in the houses of detention of the police.

The reorganisation of the prison system under governing area of the Ministry of Justice has led to considerable change in practice of accommodating remand prisoners. With the opening of the new Tallinn Prison in December 2018, the overall number of places for prisoners has increased by about 350 places and prisons now have more space for persons in custody and this enables to place them more in prisons. The Ministry of Justice and the Ministry of the Interior have agreed upon, as recommended by the CPT, that as a rule all remand prisoners are held in prisons. These new circumstances have enabled to hand over remand prisoners from police detention houses to prisons all over Estonia. As a result and especially after mid-2019 the number of remand prisoners in police detention houses has diminished significantly.

¹Section 4 of the Imprisonment Act, available in English at: <https://www.riigiteataja.ee/en/eli/512032018002/consolide>.

²27.03.2015 plan to develop a draft legislation to amend the Imprisonment Act is available online at: <http://eelvoud.valitsus.ee/main/mount/docList/86e84720-5958-40c9-8786-0c6d8b0ec66e#Z6w6gpol>

³ See the impact analysis of the amendments to the Code of Criminal Procedure. Analysis of the Criminal Policy, Ministry of Justice, 2017. Page 2, figure 1. The number of persons in custody during 2006–2016, as of 31.12, available online at: http://www.kriminaalpoliitika.ee/sites/krimipoliitika/files/elfinder/dokumendid/pop_analuus_26.05.2017.pdf

⁴ https://www.just.ee/sites/www.just.ee/files/kriminaalpoliitika_arengusuundade_taitmine_2016_lisa.pdf

⁵ As of 26.11.2018, the number of persons in custody was 533.

⁶ According to the Ministry of Justice, as of 09.07.2018, the total number persons in custody was 483, of whom 127 or 26.3% were in the houses of detention of the police. The records kept on the imprisoned persons is available online at: <http://www.vangla.ee/et/uudised-ja-arvud/vangide-ja-kriminaalhooldusaluste-arv>

New houses of detention are under construction⁷ and at the same time the living conditions of the houses of detention in use are continually being improved. With the opening of the new Tallinn Prison in December 2018, prisons now have more space for persons in custody and this enables to place them more in prisons. With new Tallinn detention house, new vacancies were created⁸, which means that the burden of other houses of detention decreased considerably. Thereby better conditions (personal space, etc.) will be provided for the persons in detention houses. The new Tallinn house of detention ensures at least 4 m² of personal space per person in each cell. The size of a one-person cell is 10.1 m², four-person cells have 5.75 m² per each person⁹. There are a total of 16 cells for walking. The size of a these cells is 22.6 m².

However, it should be taken into account that lack of personnel¹⁰ has a significant impact on the capacity of prisons to accommodate persons in custody. Nonetheless, we point out that prisons started and will continue to receive all the persons in custody that are held in houses of detention on the request of the Police and Border Guard Board.

Estonia would also like to draw attention of the CPT to another crucial step in this context. Namely, the analysis and ongoing discussions held during 2018-2019 on organisation of detention and imprisonment of persons in police detention houses and prisons between Ministry of Justice, Ministry of the Interior, and authorities under their governing areas. Currently, the project plan is developed to hand over the detention service provided by the Police and Border Guard Board in Jõhvi and Tartu police detention houses to the Prison Service, respectively to the Viru Prison and Tartu prison. The main outcome of the analysis results directly in practice, specifically in improvement of conditions of detention and the shorter period of time during which remand prisoners are held in houses of detention.

Please note that police does not keep convicts in houses of detention anymore.

- ***39. Apart from the very poor conditions prevailing in some detention houses, it is far preferable from the standpoint of prevention of intimidation and ill-treatment that further questioning of remand prisoners is undertaken by investigators in prison rather than on police premises. The Committee therefore reiterates its recommendation that the Estonian authorities take steps – including at the legislative level – to ensure that the return of remand prisoners to police detention facilities is sought only very exceptionally, for specific reasons and for the shortest possible time. Further, such a return should in each case be subject to the express authorisation of a prosecutor or judge. As a rule, the prisoners concerned should not be held overnight in police establishments.***

This question has already been brought to attention in 2015 in the legislative intent of the law amending the Imprisonment Act. They intend to prepare a draft legislation that sets out that when the judgment of conviction enters into force, the person is placed into a prison as soon as possible. They also intend to establish a provision pursuant to which a person could stay in a house of detention temporarily, in relation to an investigation, court hearings or in justified cases. This is first and foremost a practical consideration so that there would be no need to transport a person from one facility to another more times than it is necessary. For example, if a prisoner has to be brought to an area without a prison but with a house of detention, and the stay in there would last one day and night. Usually, the hearings are planned as successively as possible.

In parallel, actions are taken to ensure up to date conditions for the persons in custody in houses of detention. The new building of the Pärnu house of detention is planned to be completed by 2021. Due to the plan to establish a new building for the rescue service and police, no extensive constructions

⁷ The new Tallinn house of detention (2018), the Pärnu house of detention is planned to be completed by 2020.

⁸ The new Tallinn house of detention has 132 places for detainees, 2 one-person cells for disabled people, 6 one-person quarantine cells, 4 four-person cells and 54 two-person cells.

⁹ In accordance with the practice of EIK, the area is not inclusive of the area covered by the toilet.

¹⁰ According to the Ministry of Justice, as of the end the 4th quarter of 2017, there were 63.55 vacancies for guards in Viru Prison, 73.93 in Tallinn Prison and 26 in Tartu Prison.

works are planned for the old building of the Pärnu house of detention. However, smaller maintenance and renovation works are still conducted. The walking yard of Kuressaare house of detention is planned to be completed by 2020. In 2018, bunks were installed into the cells for temporary detention in the Ida-Harju Police Station, and renovation was performed that included replacing the metal doors and adding food hatches. There is a plan to reconstruct the building of the Valga house of detention, including to modernise the rooms and living conditions. In June–July of 2017, construction works were performed in the service hall of the Rapla house of detention which included the reconstruction of the corridors, installation of a new ventilation system and construction of the duty room. In 2018, the renovation of the Haapsalu house of detention was performed.

3. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF JUSTICE

3.1. Preliminary remarks

- **42. The Estonian authorities indicated that they were confident that, after the opening of the new prison in Tallinn, all prisoners would be provided with at least 4 m² of living space per person. The CPT trusts that this will indeed be case and urges the Estonian authorities to raise the legal minimum standard of living space per prisoner in multiple-occupancy cells to 4 m² (not counting the area taken up by in-cell sanitary facilities) without any further delay.**

At least 4 m² of personal space has been provided to prisoners in Tartu Prison and Viru Prison. With the opening of the new Tallinn Prison on 1 December 2018, every prison provides at least 4 m² of personal space to prisoners.¹¹ The legislation will be changed accordingly.

- **43. The CPT encourages the Estonian authorities to pursue their efforts to develop non-custodial measures before the imposition of a sentence, alternatives to imprisonment and measures facilitating the reintegration into society of persons deprived of their liberty. The relevant Recommendations of the Committee of Ministers of the Council of Europe, as set out in the previous CPT report, should continue to guide such efforts.**

Alternative sanctions are the priority of criminal policy in Estonia, the aim of which is to reduce recidivism and decrease prison population. Estonia has been relatively successful in achieving the latter aim last 15 years, as prison population has decreased 1.8 times owing to wider use of alternative sanctions, i.e. electronic tagging and extensive use of probation (prison population still continues decreasing, yet note that it is among the 6th highest prison populations per capita in the EU.)

The number of prisoners in prisons and houses of detention decreased by 136 in 2018 (In 2017 it had increased by 134). At the beginning of the year, the total number of prisoners was 2707, at the end of the year it was 2571; the number of convicted persons decreased by 95, while the number of those arrested increased by 41. One reason, why the number of persons in custody has decreased, is the amendment of the Code of Criminal Procedure which came into force in 2016 and which clearly states that taking into custody must be inevitable. In addition to the amendments of the regulation that became into force on 1st September in 2016, the decrease of persons in custody can also be associated with the decrease of the number of registered crimes.

The amendment that entered into force on 1 September 2016 specifies subsection 130 (2) of the Code of Criminal Procedure in such a way that taking a person into custody is possible only if it is inevitable. Restriction of liberty has to be done pursuant to the Constitution. Therefore, a suspect or accused may be taken into custody only if he or she is likely to abscond from the criminal proceedings or continue to commit criminal offences and taking into custody is inevitable in order to avoid it. Other provisions related to taking into custody have also been significantly amended, including the part related to a choice of preventive measures that entered into force on 1 January 2016 and according to which the prosecutor has an option to request that taking into custody be replaced with electronic surveillance if the person held in custody agrees to it, and in the case a minor suspect or accused is taken into custody, the possible negative effects relating to taking into custody on the person held in custody are assessed particularly thoroughly.

In order to reduce the number of prisoners, we are constantly developing additional measures. In 2015, amendments to the Code of Criminal Procedure entered into force, bringing the laws of Estonia into conformity with the regulation on the mutual recognition and application of the decision to use alternative preventive measures in the case a person is taken into custody in the Member States of the European Union (Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an

¹¹ In accordance with case-law of the European Court of Human Rights, the total space excludes the area used for the toilet.

alternative to provisional detention). In 2016, the Ministry of Justice completed an analysis¹² to improve the system of measures that ensure criminal proceedings. In 2018, the Ministry of Justice prepared a draft amending the Code of Criminal Procedure and other laws¹³ (draft to revise the Code of Criminal Procedure) which amends the regulation of preventive measures of the Code of Criminal Procedure so that they conform more precisely to the framework decision on supervision measures of the European Union. The draft significantly broadens and diversifies the choice of preventive measures besides taking into custody, allowing to ensure that the persons' fundamental rights are met, victims and the public are protected more effectively and accurately, and decreasing the load of detention facilities because there will be alternatives to taking into custody. Several innovative preventive measures are proposed; they are not directly related to the framework decision of the European Union, but they will increase the effectiveness of criminal proceedings. The draft is at the coordination stage.

- **44. As indicated above, all juvenile prisoners are held in the unit for young offenders at Viru Prison. The CPT has long advocated that all detained juveniles who are suspected or convicted of a criminal offence should be held in detention centres specifically designed for persons of this age, offering a non-prison-like environment. In this regard, the delegation was informed by the Estonian authorities that they were considering transferring all juvenile prisoners to dedicated institutions in the near future. The CPT would like to receive updated information on these plans.**

Young people, especially minor prisoners are given special attention in prisons as due to their age it is especially important to ensure measures that support their environment and mental well-being. It is a special group who is guaranteed to have significantly more lenient imprisonment conditions, motivational systems have been developed for them, and they socialise every day with contact persons, psychologists, and other specialists from various fields. The number of minors held in custody that are in prison has not changed significantly during the last years – there were 13 minors held in custody in the prison in 2014, 2015 as well as at the end of 2016. According to a weekly statistics in October 2018, the number of minors in prison was 9, September 2019 the number of minors was 16. The time of juvenile offenders' trial is somewhat shortened. In 2018, 73 %¹⁴ of juvenile cases were solved within 3 months time. The special treatment of minors is aimed at faster processing of criminal cases, favouring alternative influence methods, and comprehending that the focus has to be set to the child, and involve his /her family members (close relatives in some cases). Decreasing the recidivism of minors who have committed criminal offences is one of the main planned activities of the Ministry of Justice for the years 2019–2022. In order to decrease the recidivism of persons who have committed a criminal offence as a minor and to avoid young people staying in confined facilities, thus far the most comprehensive evidence-based prevention programme Multidimensional Family Therapy (MDFT) has been utilised in Estonia since 2015. By autumn 2015, buildings for specialised schools with new requirements were also finished in Tapa and Kaagvere, also allowing to decrease the number of minors in the prison environment.

In 2018, legislative amendments to the Penal Code, Code of Misdemeanour Procedure and Code of Criminal Procedure related to treatment of juvenile offenders entered into force. The main changes were the following: the principle of preferring interventions to punishment was introduced: punishment may be applied only if juvenile measures are not effective enough to prevent further offences; the principle of special treatment of young adults was introduced: court may apply juvenile measures also to young adults aged 18-21; the possibility that a judge may substitute detention with placement to a closed children institution was introduced.

¹² The analysis is available here:

https://www.just.ee/sites/www.just.ee/files/kriminaalmenetlust_tagavate_meetmete_susteemi_taiendamine_m_hirvoja.pdf

¹³ The text and explanatory memorandum are publicly available here:

<http://eelvoud.valitsus.ee/main/mount/docList/aca7e3cf-d349-4a40-a700-bbdb2b5a115c#EhuAcNFC>

¹⁴ According to Estonian Guidelines for Development of Criminal Policy until 2030, the further goal is that at least 80 % of these cases will be conducted within 2 months time.

The criminal policy focuses on preventing young people from committing crimes of violence, including offering evidence-based (therapy) programmes (MDFT in particular) for minors who have committed offences, and removing minors from prisons. The success of the reformation of minor offenders also depends on the law enforcement system and efficient cooperation between local governments and the social protection system. Further work is required in order to remove minors from prisons. In cooperation with other facilities, work is done in order to place as much minors as possible into facilities that work with minors and young people.

Recently (13th September), Local development program agreement was signed and by the support of EEA and Norwegian Financial Mechanism we start no later than in the beginning of 2020 implementing projects focused to develop the treatment of youth offenders. The project includes several activities that improve the ways young offenders are treated in prisons, closed children institution and probation. For examples different trainings, evaluation and multi-cooperation models, interventions development are foreseen. Besides, restorative justice practices will be introduced in Viru prison and staff trained to facilitate use of alternative conflict solutions in youth unit.

3.2. Ill-treatment

- **45. The CPT recommends that the Estonian authorities reiterate to prison officers in all three prisons that all forms of ill-treatment of prisoners, including verbal abuse and the excessive use of force when dealing with incidents, are not acceptable and will be punished accordingly.**

The officers receive the skills and knowledge for communicating with prisoners in the Estonian Academy of Security Sciences during one year or three-year preparatory service.¹⁵ The issue of prevention of torture and ill-treatment is included in all law enforcement personnel education curricula in the Estonian Academy of Security Sciences, providing professional education for civil servants in police, border guard, rescue service and prison service. Therefore, the prison officer's professional curriculum includes training to prevent any form of ill-treatment. Further training will be conducted to prison officers as needed.

The legal regulations, including human rights and prevention of torture are more specifically addressed under module "Human rights and ethics" in the curricula for police officers; under module "Imprisonment legislation and prison service" for prison guards and under module "Legal Subjects and Prison Organisation" for correction officials; the aim of the modules is to provide the students with the necessary information and skills to conduct practical tasks in full compliance with legal norms and professional ethics. In-service training for prison officers is provided according to need.

An official shall perform his or her functions honestly, competently and diligently.¹⁶ Detailed description of these general obligations, is set down in the The Code of Ethics of prison service.¹⁷ The Code of Ethics applies to prison officers and stipulates that a prison officer refrains from promoting violence and hatred in any way. According to the Code of Ethics, a prison officer shall treat a person who has served his/her sentence and has returned to law-abiding life as a normal member of society, not as a criminal offender (p 2.2). Prison official's code of ethics provides, among other things, for the prison official's

¹⁵ Prison employees are trained at the Estonian Academy of Security Sciences, where they can acquire vocational training, professional higher education or further education. Estonian Academy of Security Sciences is responsible for training prison officers on applied higher educational (EQFM level 6) and vocational level (EQFM level 4). Vocational training of prison officer - 1 year; applied higher education of correction specialty – 3 years; vocational training, continuing training on the basis of professional higher education – 5 months (case manager), 7 months (information and investigation officer). Additionally, it is possible to study at the internal security master's programme at the academy. See also Prison Service year book 2018, available online (in english), pg-s 15-21 (curricula of the College of Justice in 2018 on page 18):https://www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumendid/van_glateenistuse_aastaraamat_2018.pdf

¹⁶ Civil Service Act, available online (in english):
<https://www.riigiteataja.ee/en/eli/525032019003/consolide>

¹⁷ Available online: <https://www.vangla.ee/en/career-and-jobs/prison-officials-code-ethics>

commitment to treat prisoners and probationers lawfully and do everything in his or her power to prevent their physical and mental abuse by other officials (p 2.3).

There is no separate procedure for identification of inhuman treatment and torture, as in case the traits of such treatment become evident, a criminal case is initiated on the basis of the respective article of the Penal Code and pre-trial proceedings are conducted by the police in cooperation with the Prosecutor's Office.

During 2015–2018, there have been no proceedings related to abuse of authority, unlawful treatment of a prisoner, threatening, causing serious health damage due to negligence, torturing, crime against humanity or endangerment. Although criminal proceedings are not commenced, preliminary inspections have been carried out by the internal control officers, no violation had been found. All cases are investigated, and if necessary, disciplinary action is brought against the officer for breach of duties of service.¹⁸

Considering the higher level of risk of the environment in which the prison officers have to work every day, they have more strict requirements in order to take up the post. After taking up the post, the prison officers are immediately enlisted in training on restraint methods, special equipment and service weapons. Later on, regular trainings and conformity inspections for officers will take place to retain the skills. The prison service is constantly providing relevant trainings for officers to retain and reinforce the skills necessary for professional work as well as to raise the officers' awareness. Mandatory special equipment trainings are conducted periodically; during those trainings, the proportionality of using physical strength is assessed among other things. All of this is a part of the prison officer training. As of 1 March 2018, there were 796 prison officers in active employment within prisons: 536 prison guards, 248 case managers and other specialists in positions that require higher education, and 12 general inspectors who form the management of the prison. Of the guards, 423 employees, i.e. 78.9%, have professional education, and 230 employees, i.e. 92.7% of specialists in positions that require higher education have acquired professional education.¹⁹ As of 31.12.2018, 1214 people were in active employment on positions in prison service (including Prison Department of The Ministry of Justice and all three prisons), of which 726 were prison officers. 91% of prison officers had higher education, 73% had higher professional education, 66% had vocational education. As of July 2019, 69% of prison guards had higher professional education or vocational education. 87% of specialists in positions that require higher education have acquired professional education.

- ***46. Whilst acknowledging that the staff of the internal control units report directly to the prison governor and operates under the supervision of a prosecutor, the CPT must stress once again that it is not acceptable that prison officers carry out investigations against colleagues from the same prison. Such investigations should always be carried out by a body which is independent of the prison concerned and preferably of the prison system as a whole. The Committee reiterates its recommendation that the Estonian authorities take steps without further delay to ensure that this precept is effectively implemented in practice throughout the prison system and that the relevant legislation is amended accordingly.***

Detecting and solving offences committed by prison service officials is a priority in prison service. For this purpose, next to already existing Security Department (in 2015 referred to as Information- and Investigation Department), separate internal control departments were created in each prison. These structural changes entered into force on 1st of January, 2014. The aim of the change was to concentrate the resources by creating independent divisions to each prison to investigate offences committed by prison officers. Considering the fact that Internal Control Divisions only focus on the offences committed by prison officers, the potential conflict of interests is precluded. We point out that, in relation to the problems related to prison officer violations, the Internal Control Division (as an investigative body) of Ministry of Justice manages the activities of prisons. If facts of a criminal offence become evident, the

¹⁸ As of 31 October 2018, there were 5 ongoing preliminary investigations.

¹⁹ Estonian Prison Service yearbook 2018. Available online:

https://www.vangla.ee/sites/www.vangla.ee/files/elfinder/dokumentid/vanglateenistuse_aastaraamat_2018.pdf

investigative body and Prosecutor's Office are obligated to conduct a criminal proceeding, except if there are no basis for ending the criminal proceeding, or circumstances precluding criminal proceeding become evident. The bodies conducting proceedings are the court, Prosecutor's Office and investigative body. We point out that if the Internal Control Department of the prison does not start a criminal proceeding, the Prosecutor's Office will be notified of it. If the person does not agree with the Prosecutor's Office's standpoint that there is nothing to point to a criminal offense, the person has a right to submit an appeal against the failure to start a criminal proceeding to the Office of the Prosecutor General or submit an appeal against the ruling of the Prosecutor's Office to not initiate a criminal proceeding to the circuit court. An appeal against the ruling of the circuit court can be submitted to the Supreme Court of Estonia. Because the entire proceeding is subject to judicial control in the final stage, the impartiality of the investigation is ensured.

The disciplinary, administrative and penal remedies are available for all places where persons are deprived of liberty and it is possible to investigate the occasions of torture or ill-treatment either on complaint or ex officio. Pursuant to § 71 (1) of the Administrative Procedure Act and § 1-1 (5) of the Imprisonment Act, a prisoner has the right to file a challenge against an act or measure of a prison with an administrative court on the basis of and pursuant to the procedure provided for by the Code of Administrative Court Procedure on the condition that the prisoner has previously filed a challenge to the director of the prison or Ministry of Justice and the director of the prison or the Ministry of Justice has returned the challenge, satisfied the challenge in part, denied the challenge or failed to adjudicate the challenge during the term. In case traits of breach of discipline appear in the activity of a prison officer, disciplinary proceedings shall be conducted pursuant to chapter 8 (§§ 69-79) of Civil Service Act²⁰ and §§ 148 – 150 of the Imprisonment Act. In case traits of a criminal offence or misdemeanour become evident in an act of a prisoner or prison officer, as has already pointed out above, the issue shall be referred to the police for proceedings. Therefore, the law provides different control mechanisms that guarantee the independence of internal control, and supervision by independent institutions, starting from the Internal Control Division of the Ministry of Justice to Prosecutor's Office and Supreme Court of Estonia.

Part of a complaint system is a possibility to submit a complaint of ill-treatment to Chancellor of Justice. Chancellor of Justice may supervise the activities of state agencies (e.g. boards, inspectorates), local government agencies and bodies (e.g. city authorities, municipal schools), legal persons in public law (e.g. the Bar Association), as well as private persons performing public functions (e.g. bailiffs, non-profit associations operating on the basis of an administrative agreement). Individuals may contact the Chancellor of Justice if they believe that an agency or a person performing public functions has acted unlawfully. Chancellor of Justice expresses an opinion, assessing whether a person performing public functions had complied with the law. The Chancellor will determine the form of procedural acts and other details of administrative procedure on the basis of the right of discretion. Procedure shall be purposeful, efficient and straightforward, conducted without undue delay and impartially in order to ensure the necessary inquiry. Acts of ill-treatment can also be detected and investigated during the regular visits to places of detention.

3.3. Conditions of detention

- ***48. The CPT would like to receive updated information on the progress made to finalise the construction of the new prison in Tallinn and to withdraw the old premises from service.***

New Tallinn Prison was opened in 01.12.2018 and all the prisoners were transferred to the new building complex. As the old buildings were largely depreciated, these facilities were closed and no more prisoners were transferred there. Last prisoners were transferred to new Tallinn Prison on 7th December, 2018 and the old prison buildings have not been used for detention since that date.

²⁰ Civil Service Act, english version available online:
<https://www.riigiteataja.ee/en/eli/525032019003/consolide>

The establishment of a new prison²¹ ensures modern conditions of detention for prisoners, including the provision of a new prison cell, where there is at least 4 m² for each prisoner. In addition, a house of detention and detention centre are located outside the main border of the prison. It is a complex with more than 60,000 square meters of net area.²²

- **49. However, as was the case in 2012, the delegation received a number of complaints from prisoners at Viru Prison that the windows could not be opened and that the ventilation was inadequate. The CPT reiterates its recommendation that the Estonian authorities take the necessary measures to ensure that all cells at Viru Prison are adequately ventilated.**

The prisoners of Viru Prison are guaranteed a forced ventilation system that corresponds to the requirements of the ventilation systems of residential buildings and living spaces set out in the European standard.²³ The forced ventilation system ensures effective air circulation in the cells. Regular inspections are made in order to keep the system functioning at all times. In case of disorders in the ventilation system In order to alleviate the heat during hot weather, the prisons have handed out ventilators and bottled water to the cells.

- **50. The CPT encourages the Estonian authorities to enlarge the outdoor facilities for remand prisoners at Tartu and Viru Prisons in order to allow the prisoners concerned to exert themselves physically. Steps should also be taken to provide some protection from inclement weather in outdoor exercise yards. Further, the Committee trusts that the Estonian authorities will take the necessary steps to ensure that the outdoor exercise facilities for remand prisoners in the new Tallinn Prison will be of an adequate size and less oppressive in design (e.g. allowing a horizontal view).**

The conditions of the walking cells have been gradually improved in both Tartu and Viru Prison during the years; the walking cells and courtyard have been equipped with benches and shelters to protect against precipitation. If the weather is poor, the prisoners can exercise inside in the gym. Walking cells are located on roof decks (Viru and Tallinn Prisons) or on the ground (Tartu Prison²⁴). In each prison, there is an outdoor sports yard surrounded by wire mesh fence, for basketball, soccer and other activities. Pull-up bars have been installed in the courtyards. The sports yards in all prisons are designed, allowing a horizontal view.

The sizes of the walking cells of the new Tallinn Prison are between 19.7 m² and 28.1 m². The size of the walking courtyard is 128.8 m².

- **51. In all three prisons, several complaints were heard that indigent prisoners were not provided with adequate clothing, and in particular at Tallinn Prison, some female prisoners claimed that the supply of personal hygiene products was insufficient. Steps should be taken to remedy these shortcomings.**

During the heating period, all prisons have a temperature that corresponds to the temperature of residential buildings, that means about 21–23 degrees. The prison uniform ensures that the prisoners' dignity is honourably treated. The tender conditions take into account that the prison uniforms have to be insulated and correspond to the weather conditions. The prison uniform consists of two thick cotton jackets with long sleeves, two pairs of thick cotton trousers, four t-shirts, two pairs of short trousers, a hat, a coat, gloves and a scarf. Prisoners are allowed personal clothes such as underwear, warm underwear and socks. Female prisoners are also allowed warm tights and sleepwear. Prisoners can buy the aforementioned personal clothing items from the prison shop. Those prisoners whose financial

²¹ The video of new prison complex:

<https://www.facebook.com/351220148612004/posts/771152249952123/>

²² Selection of photos of new Tallinn Prison is available online:

https://www.dropbox.com/sh/5rgbegtyonr5a3e/AACi8ckxwXhOU_yvr00jfe-ia/TLN%20vangla%20uus/V%C3%A4iksed%20failid?dl=0&subfolder_nav_tracking=1

²³ <https://www.evs.ee/products/evs-en-12599-2012>

²⁴ Photos of Tartu Prison published in media, October, 2017:

<https://www.delfi.ee/news/paevauudised/suurespildis/fotoulevaade-tartu-vanglast-kuidas-ekspress-meedia-piltnik-pokri-pisteti?id=79562064>

situation does not allow to make purchases are provided with warm underwear and socks by the prison. For walks in colder weather, the clothes can be combined. Prisoners do not have to wash the clothes that are part of the prison uniform – this is organised by the prison. If an item of clothing is damaged or worn-out, the prison will replace it. The prison takes care that the clothes are always undamaged and clean.

Necessary toiletry can be bought by the prisoners from the prison shop. Prisoners who have no monetary means to buy toiletry are provided with a toiletry pack²⁵ by the prison. If the items in the toiletry pack are not sufficient for the prisoner and the issuance of additional toiletry items is justified, then the prison will issue the necessary toiletry items and the person does not have to wait until the next toiletry pack arrives.

Pursuant to sections 16.2.55 and 16.2.56 of the rules of Tallinn Prison, female prisoners can buy a total of two packs of sanitary pads and/or tampons and one pack of panty liners once a month. The prisoners can visit the shop usually twice per month. Female prisoners who have no personal monetary means and are unable to buy toiletries from the shop are provided with toiletries by the prison. Sanitary pads and tampons are made easily accessible for the prisoner and there is no need to ask for them from prison officer.

- ***55. The CPT calls upon the Estonian authorities to take the necessary steps at Tartu and Viru Prisons to devise and implement a comprehensive regime of out-of-cell activities (including group association activities) for all prisoners, including those on remand, and to amend, if necessary, the relevant legal provisions accordingly. The aim should be to ensure that all prisoners are able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activities of a varied nature (work, preferably with a vocational value; education; sport; recreation/association). The longer the period for which prisoners are detained, the more developed should be the regime offered to them. [---] Further, the Committee would like to be informed of the arrangements which are being made for out-of-cell activities for sentenced and remand prisoners in the future Tallinn Prison.***

Persons held in custody

According to the Imprisonment Act, the prison service is obliged to take all measures to prevent communication between persons in custody who are lodged in different cells. Restrictions on the involvement of persons in custody in non-cellular activities are imposed by the provision of the Imprisonment Act, according to which the detained persons shall be lodged in locked cells on a twenty-four-hour basis, except during the time when the person in custody is working or studying.²⁶ The imposition of restrictions on person in custody that differ from prisoners is justified by the objective of the application of custody as a preventive measure, which is to ensure that criminal proceedings are conducted. The custody is only a matter of extreme urgency and as short period of time as possible. According to this principle, the Code of Criminal Procedure provides that during the pre-trial proceedings, a person suspected or accused of a criminal offence in the first degree may not be held in custody for more than six months and a person suspected or accused of a criminal offence in the second degree for more than four months. A suspect or accused who is a minor may not be held in custody in pre-trial proceedings for more than two months. Therefore, as a rule, the length of a person's detention is short-lived.

According to an analysis done by the Ministry of Justice for 2015, the length of taking in custody (median) during the pre-trial proceedings was 143 days (4.7 months) in 2015 (arithmetic mean is 131 days or 4.3 months). The length of taking in custody (median) in the trial was 60.5 days or 2 months (arithmetic mean is 112 days or 3.7 months). The analysis confirmed that staying in a long-term custody is rather an exception than a rule in practice, which makes it impossible to talk about excessive damage of the interests of the persons in custody in the case of restrictions of movement. In 01.09.2016 changes in the Code of Criminal Procedure were enforced and deadlines for pre-trial detention were shortened. We

²⁵ The contents of a toiletry pack can vary from prison to prison. The toiletry pack includes a toilet soap, household soap, toothpaste (1), razors (5), shampoo.

²⁶ With regard to the restrictions imposed on person in custody, a change in regulation is considered.

emphasize that although prisoners are subject to certain restrictions due to the regime, the prisons deal with each person in custody individually, including the possibility of persons in custody participating in social programs and private counselling targeted at different target groups. All persons in custody can take part in individual counselling with a social worker, psychologist or chaplain, go to the chapel, participate in various activities.

The beneficial engagement of persons in custody is mainly in household work and participation in learning activities (including Estonian language studies). According to Imprisonment Act, the person in custody is not required to work, but at the request of the person in custody, and if there is a possibility for that, the work shall be ensured by the prison service.

Prisons are constantly working on involving more persons in custody in non-cellular activities.

Viru Prison

In Viru Prison, the person in custody will be able to participate in the "Lifestyle Training" social program. From February 2018 the same program for the persons in custody is also available in Tartu Prison. In Viru Prison, psychologists, probation officers and contact persons (prison officers) conduct motivational conversations with addicted persons in custody. In Viru Prison, young people and minors in custody are able to engage in various activities such as drawing/painting, scrapbooking making cards, jogging, sculpting, folding (origami), paper modelling, guitar lessons, board games (chess, checkers, tri-trak, scrabble word game, tower game, puzzle, Lego, yatzy). In addition, the prisoners of Viru Prisons can participate in a chess club and art classes as well as study the national language; there are also discussions in order to motivate addicts (contact person, psychologist, probation officer), prisoners can attend a chapel, have psychiatrist appointments and short-term visitations.

Tartu Prison

In Tartu Prison, separate addicts and support groups for persons in custody and a support group for female prisoners have been set up. Since the second half of 2018, the persons held in custody in Tartu Prison have an opportunity to participate in the social programme "Õige hetk" ("Right Moment") (for female prisoners) and continue to participate in the social programme "Eluviisitreening" ("Lifestyle Training"). Persons held in custody who are in custody for more than 6 months have been provided with structured activities by a social worker – worksheets on the topics of financial viability, alcohol and social skills, based on the need. In addition, the psychologist is actively attending persons who are in prison for the first time and who exhibit suicidal tendencies. Tartu Prison has a special exercise group (prescribed by the medical ward, 2 times a month), addiction rehabilitation group (once a week), football training (once a week), basketball (once a week), volleyball (once a week), circuit training (2 times a month), acrobatics and breakdance (once a week), whole body workout (once a week), band classes (once a week), guitar lessons (2 times a week), music (2 times a week), leather crafting (2 times a week), wooden box ornamentation (4 times a week), ceramics (4 times a week), art class (once a week), glass painting (4 times a week).

Tallinn Prison

In Tallinn Prison, persons in custody are in various social programs, such as Lifestyle Training; Anger Management and Social Skills Training. Tallinn Prison provides an art class (once a week, separate groups for men, women and young people), music class (2 times a week), creative activities (once a week). Prisoners can voluntarily participate in paid household work, acquire general education and vocational training. There are health and addiction groups, individual consultations (social worker; with psychologist and chaplain), option to use internet. In 2018, a social skill training programme was implemented for female persons in custody in Tallinn Prison.

New Tallinn Prison

In addition to previous fields of vocational training (sewing, house painting, landscaping, cleaning), the sous chef and assistant baker vocational training groups were added in the new Tallinn Prison. The possibilities of employment will also expand, especially in terms of skilled employment: in 2019, over

100 jobs will be created with the help of AS Eesti Vanglatööstus (including jobs in production facilities for metalwork, woodwork, and textile work, assembly workshops and laundry facilities).

The number of prisoners engaged in household work will increase. Approximately twice as much prisoners will be engaged in jobs related to prisoner catering (food packaging and sharing) compared to the canteen of the old prison. The recreational activity rooms of the new Tallinn Prison allow to engage a larger number of prisoners with various free time activities. At the same time, the spacious rooms allow to carry out social recreational activities for larger groups of prisoners.

In addition to activities coordinated by the prison, the prisoners' (including persons held in custody) living quarters' common rooms and their furnishings allow to play various board games. The living quarters of the persons held in custody has its own exercise room.

Employment of prisoners

According to Imprisonment Act all prisoners under the age of 64, who are not acquiring education and who have no health contraindication for work are required to work. The main resocialization objective of the employment is to shape a person's sustainable working habits.

AS Eesti Vanglatööstus is a state owned ltd company Estonian Prison Industry (AS EVT) that has been set up to ensure greater employment, in particular skilled labor. In 2017, the AS EVT employed 219 prisoners (in 2016, 248 prisoners with closed Harku Prison's production base) and 372 open prisoners in other companies (362 prisoners in 2016). In 2018, AS EVT employed 241 prisoners and 310 open prisoners were employed in other companies. During the year 2017, 1,732 prisoners participated in household work (cleaning, kitchen work, food distribution, garbage sorting) (1618 in 2016). During the year 2018, 1,684 prisoners participated in prison household work. Thus, the number of prisoners who work has consistently increased over the years. Increasing the employment of prisoners is one of the objectives set out in the Development Plan of the Ministry of Justice's area of government for 2018-2021 and prisons are consistently working on finding new solutions. As of second quarter of 2019, 338 people in Tartu Prison were engaged in supporting household work, 317 in Viru Prison, and 223 in Tallinn Prison; the following numbers of people were engaged in jobs offered by AS EVT: 31 in Tartu Prison, 113 in Viru Prison, and 42 persons in Tallinn Prison; the following numbers of people were employed via State Real Estate Ltd: 7 in Tartu Prison, 8 persons in Viru Prison, and 2 persons in Tallinn Prison. As of the beginning of July 2019, the following numbers of prisoners in open prison are employed: Tartu Prison employs approximately 38 prisoners, of whom 30 work outside the prison; Viru Prison employs 25 prisoners, of whom 15 work outside the prison; Tallinn Prison employs 71 persons, of whom 63 work outside the prison.²⁷

Studies of Estonian language

In all prisons, there are organizers of the national language training, whose task is to identify the level of proficiency of the language of the prisoners, to motivate their learning, to teach and to coordinate courses. The acquisition of state language, basic, secondary and vocational education takes place in accordance with the national curriculum approved by the Ministry of Education and Research. The national language proficiency testing methodology, the standard of the official language of the prison, curricula and specially designed textbooks for prisoners have been developed. All prisoners who have been sentenced for more than a year and whose mother tongue is not Estonian are also referred to a state language test during the assessment of risks. If the knowledge of the state language is incomplete, the study is planned to the individual sentence schedule of the prisoner. The official language training of prisoners is adult education, but the approach is somewhat different, because of the inadequate level of education of prisoners, low social coping skills, including problems in adhering to accepted standards in society.

It is possible to study Estonian language in prisons up to the level B2 (in Tartu Prison up to the level C1). Prisoners are paid for studying the Estonian language starting from the level A2 at a rate of EUR

²⁷ As of the second quarter of 2019, Tartu Prison has 40 prisoners in open prison, Viru Prison has 31, and Tallinn Prison has 81.

69.03 per month, of which 30% is paid during the course of study, and 70% after passing the study with a positive result.

Besides Estonian language training, prisoners in all prisons have a possibility to attend “Estonian-Russian Cross-cultural Relations” courses, carried out by a PhD of Tartu University. These lectures are aimed at facilitating Russian-speaking prisoners’ integration through culture into Estonian society.

Studies, social programs and involvement in non-cellular activities

Based on the criminogenic risks of a specific prisoner, the prison term includes receiving education and passing various social programmes (for example “Eluviisitreening” (“Lifestyle Training”), “Viha juhtimine” (“Anger Management”), “Õige hetk” (“One-to-One”), “Liiklusohutusprogramm” (Traffic Safety Programme) and “Sotsiaalsete oskuste treening” (“Social Skills Training”). Tartu Prison allows the prisoners to acquire various professions during vocational training, for example wood bench operator, welder, cleaner, tiler. The professions of wood bench operator, welder, and sous chef as well as construction finishing can be acquired in Viru Prison. Tallinn Prison provides the following trainings: sewing, house painting, landscaping, cleaning and sous chef.

In 2018, 874 convicted offenders successfully completed the social programme (832 in 2017); 974 probationers (1085 in 2017) and 51 persons held in custody (49 in 2017) completed the social programme successfully as well. Not unlike in previous years, the most popular social programme was the “Lifestyle Exercise” (807 graduates compared to 818 in 2017), followed by the “Right Moment” (269 graduates, 287 in 2017) and the “Traffic Safety Programme” (202 graduates, 246 in 2017).

Prisoners are involved in various hobby activities and training sessions, such as football, basketball, volleyball and circuit-training. There are artistic and musical groups (drawing, painting, glass painting), including ceramics, creative therapy classes. Different hobby groups and activities last from 1 to 2.5 astronomical hours and meetings in one calendar month, depending on the activity, are 2 to 16 times. Prisoners and persons in custody with addiction problems are provided with separate group activities. In addition, prisons have different motivational programs that allow prisoners to spend more free time on additional sports or attend various courses.

In terms of entertainment, there are 19 television channels available in Tartu and Tallinn prisons, and 20 channels in Viru Prison, including in Estonian, English, Russian, German, Serbian. Four radio channels can be listened to in Tartu and Viru prisons, there are 19 Estonian and Russian radio channels available in Tallinn Prison. Of newspapers and magazines in Estonian and Russian, there are 11 in Tartu Prison, 14 in Tallinn Prison, and 18 in Viru Prison.

In cooperation with recreational officers, the prisons have housed various events, including joint events and projects. There have been 2 concerts of known Estonian performers in prisons in the second half of 2018, approximately 120 prisoners participated in both events; a football tournament consisting of 16 games (12 prisoners participated in each game); a school ceremony with performances by prisoners for 70 prisoners. In August 2018, the prisoners were involved in organising an exhibition of paintings and stained glass items that they had made themselves; the exhibition was housed in the joint building of Ministries (housing the Ministry of Finance, Ministry of Social Affairs, Ministry of Economic Affairs and Communication, Ministry of Education and Research, and Ministry of Justice).

- ***56. The CPT trusts that the Estonian authorities will take the necessary steps to ensure that the Mother and Child Unit in the new Tallinn Prison will be designed as a separate, closed-off section, which also comprises a suitably-equipped nursery or kindergarden-type facility; this may also facilitate the participation of mothers in work and other activities inside the prison.***

The mother- child unit schedule is based primarily on the needs of the child. The unit is not locked at night, also, the use of the walking area in the unit is virtually unlimited. All the necessary food, clothing, hygiene supplies for children are provided by prison or can be purchased from the prison shop. The prison provides groceries to prepare meals for children. Mothers are not obliged to but can work or study if they will, or attend in social programs.

The mother–child unit is completely separated from other prison units and includes a day room (80 m²), exercise and play room (25.1 m²), utility room (13.3 m²). The unit has a play area designed and equipped for children, TV, tables and benches. The rooms are bigger from regular ones, that means 14.9–20.1 m², not including the toilet room area that is separated from the cell, accordingly 2.5 m² and 3 m², have regular furniture (from wood), the sanitary facility includes a bathtub. All the cells in the unit are designed to give an impression of a standard one-room flat, to visually alleviate the limitations. That means, the design and furnishings of the entire unit and its cells, including cell doors, take into account visual child-friendliness. Windows are fitted with blinds that the rest of the prison does not have. A playground for children is situated beside the unit, equipped with a sandbox, slide, shelter.

- **57. In the unit for young offenders at Viru Prison, cell doors were as a rule open for a total of 4 ½ hours per day (including for outdoor exercise). In addition, sentenced juveniles benefited throughout the day from a range of educational, social and recreational activities and vocational training (e.g. cooking). That said, the delegation was not in a position to obtain a clear picture of the regime activities which were being offered to juvenile remand prisoners. The CPT wishes to receive a detailed account.**

We specify that in 2017 as well as today, young people and minors under a regular regime can move within their unit for 5 hours per day. In addition to that, a time for walks is prescribed. The time for being outside is also increased, which previously lasted for 1 hour, but since 1 October 2018, the time is increased to 1.5 hours, irrespective of the regime.

We draw attention to the fact that the prisoners are occupied individually and it depends on the treatment plan of the specific prisoner (programmes, schools, acquiring the national language). In addition, all prisoners who are obligated to work are occupied with household work and are working on a schedule. It is also possible to get a job via AS EVT.

According to the personal needs of the young person, the following activities are carried out:

- music therapy,
- family therapy,
- therapy with dogs,
- recreational activities
- activities that have been earned in the motivational system (for example extra visitations, additional calling time, additional exercising opportunities etc).

In addition, every young person is being occupied outside the individual treatment plan every week, one hour per day, three times per week. The content of the meetings depends on the interests and needs of the young people. If a young person has been placed into solitary confinement or locked in a cell due to a breach of discipline or committing an act that jeopardised the security, then their freedom of movement is somewhat restricted but individual occupation is still guaranteed. This is the alleviation measure of solitary confinement (see point 3.6 of reply) which is used from the third day of solitary confinement and mainly includes such interventions that could minimise the risk of committing further offences as well as discussions of topics chosen by the prisoner.

3.4. Health-care services at Tartu Prison

- **58. At the time of the visit, most of the posts were filled. However, of the 3.5 full-time psychiatrists' posts, only the equivalent of 1.8 posts were filled at the time of the visit. In order to mitigate this situation, two clinical psychologists and one psychiatric nurse had been employed. The CPT trusts that an additional psychiatrist will be recruited in due time. Some shortcomings resulted from the allocation of the available human resources. While the staff presence was generally adequate during the day, it was considered to be insufficient outside of normal working hours, during weekends and holidays. At such times, two nurses were on duty. But of the two, one was assigned to the monitoring room of the psychiatric ward, whose rooms were all equipped with video-surveillance cameras. This meant that de facto, only one nurse was present to respond to the needs of the prison population. The CPT recommends that the presence of qualified nurses outside normal working hours be increased.**

We point out that according to Imprisonment Act²⁸, state supervision over compliance with the health protection requirements and the requirements provided for health care providers in prisons prescribed by the Public Health Act and legislation established on the basis thereof shall be exercised by the Health Board. At the moment there are three psychiatrists in the psychiatric ward of Tartu Prison; one of them is employed full-time and the other two have 0.2 positions, meaning one 8-hour appointment per week. The psychiatrist does daily examinations, 8 prisoners per day. The workload of the psychiatrists is decreased by an occupational therapist. According to Imprisonment Act, prisoners who need treatment which cannot be provided in prison shall be referred to treatment at relevant providers of specialised medical care by the medical officer of the prison. Emergency service is therefore always provided in case of urgent need of assistance.

In 2018, the average length of waitlist for a psychiatrist's appointment was 12 days (in 2017, the average length of the waitlist was 17 days). As for comparison, in August, 2019 the average treatment queue for ambulatory psychiatric care in Estonian hospitals varied from 0 to 109 days. We must stress that the waitlist for a doctor's appointment does not affect the treatment plan, as already assigned treatment is carried out uninterrupted in all cases. In addition, account must be taken of the fact that any treatment plan fixed by a psychiatrist is followed and executed in collaboration with supporting personnel (mental health nurse, clinical psychologist). Psychiatrist appointments are guaranteed, when required, on a regular basis, both for planning and adjusting treatment. We specify that not all patients with a psychiatric diagnosis or suspicion are located in the psychiatric department. Patients for whom it is not medically indicated to place them in a psychiatric department, are placed in prison on the same basis as other prisoners. Therefore, in addition to medical professionals, the activity therapist and the psychologist in the units and social workers are also providing supportive and recreational activities.

Since October 2017, in the course of a pilot project the activity instructor started working in the psychiatry department of Tartu Prison, who is engaged with persons with a mild intellectual disability (a total of 100 persons). The target group is inmates, with some level of mental disability and who need some kind of support with everyday activities by prison rehabilitation specialists or prison officials. These inmates may or may not have a specific diagnosis, but the shortcomings in understanding rehabilitation programmes and everyday activities is noticed. The activities and conversations coordinated by the activity instructor are to support the mental well-being of the prisoners (including emotional stability) and to address consistently and proactively behavioural disorders in order to facilitate adaptation after releasing from prison. In the effective assistance and guidance of people with mild intellectual disability, a significant development of these abilities can be observed. An activity instructor conducts group therapies, as well as individual counselling.

- ***59. All newly-arrived prisoners were subjected to medical screening by a nurse (reporting to a doctor) who collected the medical history of the prisoner and performed a basic physical examination. The examinations also included screening for injuries, suicide risks, substance abuse and a mental health history. All newcomers underwent a chest X-ray and HIV testing was offered on a voluntary basis. As far as the delegation could ascertain, the medical files were properly kept.***

That said, the delegation did not, however, gain a complete picture of the reporting procedure which was followed in the event that a traumatic injury was detected by medical staff upon admission. The CPT would like to receive clarification from the Estonian authorities on this point.

All cases where a prisoner was hurt are investigated very closely and carefully. A health care professional is independent in his/her professional activities and operates pursuant to the rules of medical science, considering the health of the patient who requires medical attention, the requirements laid down in legal acts as regards the provision of medical care, general medical practices and principles of medical ethics. The health care professional selects the health service and the time, location and manner of providing this service, as well as the medicine and medical supplies based on the needs of

²⁸ Imprisonment Act, § 107, clause 2), available online: <https://www.riigiteataja.ee/en/eli/520062019004/consolide>

the patient and the principle of expedient usage of funds. Medical files shall be kept on inmates pursuant to Regulation No. 76 of the Minister of Social Affairs of 6 May 2002, "List and forms of documents verifying the provision of health services and the procedure for the documentation of health services". Medical files²⁹ shall be kept so that they guarantee the integrity, availability and confidentiality of personal data. The Health Board shall carry out national supervision over the fulfilment of health protection requirements established by the Public Health Act and the legal acts enforced pursuant to it, and over the fulfilment of requirements established for the providers of health care services in the prison. The quality of the health service is supervised by the Committee on Quality of Health Care Quality at the Ministry of Social Affairs.

In the event of an accident or any trauma, the prison medical department immediately informs the prison officials after the inspection of the person. Medical department also informs the prison information and investigation department, whose task is to find out the circumstances of each case and initiate the corresponding procedure. All cases of injury to a detained person will be investigated with the utmost attention and care. Photographs and injuries are recorded on the medical record of the prisoner during the medical examination. Photographs and health card information will be used in evidence-based procedures. Same practice applies, for example, after use of direct coercion with regard to a prisoner, where as health care professional shall examine the state of health of the prisoner as soon as possible. The circumstances of use of direct coercion and the results of health examination shall be recorded.

- ***60. The confidentiality of medical consultations was generally respected in all the prisons. However, medication was prepared by the nurses and distributed by custodial staff, except for the psychotropic drugs which were delivered by the nurses. Such a practice could compromise medical confidentiality requirements and does not contribute to the proper establishment of a doctor-patient relationship. Therefore, medication should only be distributed by health-care staff.***

We emphasise that medical confidentiality is guaranteed when medication is distributed insofar as the prison officers who distribute medication do not know what medication the prisoner receives and to what purpose. The medication is delivered to prisoners in a pill box and the prison personnel checks only if the prisoners take the medication that is allocated to them. The treatment and information about the medication assigned to the prisoner, their administration, and effects are explained to the prisoner by health care specialists during a medical consultation. For safety reasons, psychiatric medication is only distributed by health care specialists of the medical ward. The distribution of medication by other than the doctor is not so important breach in the context of the imprisonment in relation to the person's right to privacy insofar as the prison officers are unaware of the diagnosis of the person and their treatment. Pursuant to the Imprisonment Act, medical officers of prisons are required to supervise the state of prisoners' health on a constant basis, treat them in prison to the extent possible and, if necessary, refer them to treatment at relevant providers of specialised medical care, and perform other functions assigned to medical officers. Insofar as the prison personnel and persons directly exposed to prisoners are obligated to monitor all changes in the state of prisoners' health and notify the prison doctor, the prison personnel's involvement cannot be completely prevented in this case. The prison officer has to be aware of the circumstances that must be guaranteed in order to maintain the prisoners health. For example, if a person needs a wheelchair at certain times, the prison guard has to be aware of this prescription and has to enable the wheelchair to the prisoner.

- ***63. It is a matter of concern that, at the time of the visit, all the patients were locked up alone in their rooms all day, apart from one hour of daily outdoor exercise which patients could take alone in a small outdoor cubicle. Thus, patients were de facto held in solitary confinement. There was no common room in the unit, and patients were not offered any recreational or therapeutic activities. Whilst acknowledging the efforts made by health-care staff to engage with patients on a daily basis, the CPT wishes to stress that, even for relatively short stays, patients should benefit from a range of recreational and***

²⁹ Medical files are kept in LIISA (Prison Hospital medical information system – accessible only for medical personnel) and all information concerning health services is added to overall Estonian Medical Data System, accessible for persons themselves and doctors that are providing services also after releasing from the prison.

therapeutic out-of-cell activities, in addition to pharmacological treatment, and they should, as far as possible, be allowed to associate with other patients (if necessary under supervision). In their letter of 26 February 2018, the Estonian authorities informed the CPT that an “activity manager” had been recruited in October 2017 at Tartu Prison. He was engaging with up to 100 patients with mild intellectual disabilities. The group and individual counselling activities offered by him/her were aimed at fostering the patients’ emotional stability and addressing behavioural disorders. In addition, a gardening pilot project for psychiatric patients was planned to start in 2018. Whilst acknowledging this development, the CPT recommends that the existing arrangements in the psychiatric unit be further reviewed, in the light of the above remarks. In particular, steps should be taken to put an end to the solitary confinement regime of the patients concerned.

The activities and conversations coordinated by the activity instructor are to support the mental well-being of the prisoners (including emotional stability) and to address consistently and proactively behavioural disorders in order to facilitate adaptation after releasing from prison. In the effective assistance and guidance of people with mild intellectual disability, a significant development of these abilities can be observed. An activity instructor conducts group therapies, as well as individual counselling. In the case of a successful project, it is desirable to extend the support person's service to all persons with mental disorder, in particular to persons in inpatient care.

The occupational therapist conducts a variety of activities in the psychiatric department that include puzzles, conversation, coloring. Together with other inmates, group work, conversations, board games (memorial, animal cards, emotion cards, checkers, chess), word games, crossword puzzles, puzzles, tests, worksheets (basic school level) are played. Although the spectre of individual interests is wide, group work has made prisoners more sociable and positive impact has revealed in most cases. Nevertheless, there are prisoners who'd like to avoid other prisoners company - in these cases the positive effect rather reveals in individual communication, when the prisoner is more approachable. One individual session usually lasts about an hour, group sessions up to 2 hours, when possible. Conversations mostly cover subsistence, future plans, employment, housing, assessment of their ability to work, family problems, socialization. Greenhouse work is also done. In 2018, a pilot project was held for individuals in the psychiatric ward to enable prisoners to engage in garden work. The aim of the project was to acquire knowledge and skills in the gardening and give the opportunity to spend more time in fresh air. The greenhouse project has been successfully completed in 2018 and extended to 2019. Prisoners of the Psychiatric Department are planned to be allowed to participate in light field work, if they wish. The measures described provide prisoners with more diverse out of cell activities.

We specify that not all patients who have a psychiatric diagnosis are housed in the psychiatric ward: they are placed in the prison with the other prisoners on the same basis. Having said that, an occupational therapist conducts activities with prisoners with a psychiatric diagnosis and prisoners who are staying in the psychiatric ward. Psychiatric ward houses prisoners who are supposed to go through a psychiatric expertise designated by court as well as prisoners who have acute psychosis or who have been sent for treatment and surveillance from other prisons (for example prisoners with suicidal tendencies). We emphasise that generally these are prisoners whose pathological psychological condition does not allow them to easily face various social situations and whose treatment can be hindered in some cases by intense social connections, which may be only recommended to a minimal degree. After a psychosis or other mentally traumatising experience, the person may not fare well in group activities, sometimes they can also have an impeding effect on the recovery of their mental condition. Due to their mental condition, the patients do not want to socialise with others; conflict situations are also something that may rise easier between persons with mental instabilities. The occurrence of these situations is minimised in the psychiatric ward but the best treatment in the case of such occurrences will be conducted in cooperation with a psychiatrist and occupational therapist. Therefore, prisons use individual solutions in such cases, basing them on the doctor's prescription and the health condition of the patient. If a person's mental state allows it, the person is placed back to their cell and regular socialisation with prisoners will continue.

3.5. Contact with the outside world

- **64. The information gathered during the visit suggests that, in all three prisons, prisoners were usually allowed to have a visit of three hours per month and that on occasion prisoners could have more than one visit per month. Further, sentenced prisoners were usually offered two long-term visits per year, and all prisoners were usually allowed to make one ten-minute telephone call per week. That said, the CPT wishes to stress again that all prisoners, irrespective of their legal status, should be entitled to the equivalent of one hour of visiting time per week and, preferably, should be able to receive a visit every week. Further, 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 prison service has an obligation to encourage the prisoner's communication with their families, relatives and other close people in order to prevent the breaking of the prisoners' social links. For this purpose, the prisoners are allowed to have a meeting at least once a month under supervision with their family members and other persons about whose reputation the prison service has no suspicion.³⁰ In particular, long-term meetings are foreseen for keeping the family relationships. The regulation does not limit the number of visits. The minimum is set down to assure that each prisoner will get at least one visit, even in cases where the prison is full and all the visitation rooms are fully booked. We emphasise that if possible, the prisons are already allowing more visitation than is set out in legislation, minors and young prisoners are also allowed more visitations and calls than adults.

Young prisoners under a regular regime are allowed to have as many visitations as possible and no restrictions have been placed on them. The restrictions can be caused by the person being under a locked regime or in solitary confinement. Having said that, the prison can provide and is providing visitations if it is necessary in the context of an activity of rejoining the society, for example in the context of therapy. For example, the Multidimensional Family Therapy (MDFT) allows visitations without a divider. More frequent visitations are allowed within the motivational programme. The motivational programme also allows home visits. Visitations without a glass divider are allowed by the Multidimensional Family Therapy and motivational programme. 22 prisoners in 2016 attended in MDFT, 32 prisoners in 2017 and over 20 prisoners in 2019.

Young prisoners under a regular regime can call at all times when the unit is open, and the length of the calls is not restricted. Prisoners under a closed regime or in solitary confinement can also make calls every day but during the time when the unit is locked. Based on the regime, in these cases the calls have a time limit of 10 minutes, but in the context of the motivational programme, additional time is provided for calling.

- **65. The CPT is concerned by the fact that, despite the specific recommendation made in the report on the 2012 visit, short-term visits – including those for juvenile prisoners – were still taking place, as a general rule, under closed conditions (i.e. with a glass partition). This was not the case for women who were accommodated in the Mother and Child Unit at Tartu Prison, and further exceptions were made in all prisons on a case-by-case basis. The CPT acknowledges that, in certain, cases, it may be justified, for security-related reasons, to prevent physical contact between prisoners and their visitors. However, open visits should be the rule and closed visits the exception, for all categories of prisoners. The Committee reiterates its recommendation that the Estonian authorities review the visiting arrangements in all prisons accordingly.**

Compared to the previous CPT's visit, the legal regulation for short-term visits has become more flexible. Changes have been made to the internal rules of the prison that entered into force in 2015. Since then, short-term visits are also allowed without separation. Unlike long-term visits, the circle of people with whom the prisoner can communicate in the context of a short-term visit is not exhaustively defined. Because short-term visit is one of the most common way to deliver prohibited items into the prison, short-term visits without separation are for security reasons allowed only in justified cases. In order to

³⁰ According to Imprisonment Act, prisoners shall be permitted to receive at least one supervised visit per month from their family members and other people with regard to whose reputation the prison service has no reasoned doubts.

provide such visits, prison must consider the merits of the application, the risk of a short-term visit and assess whether the visit contributes to achieving the purpose of imprisonment. In order to ensure the general security of the prison, the prison must be able to ascertain that short-term visit without separation is used purposefully and in accordance with the current legal regulation.

We emphasize that prisoner's application is always resolved on a case-by-case basis, considering specific circumstances and individuals, and for reasons that are valid, the visits without separation are enabled. Such visits are available, for example, in the case of a child's birth or to a prisoner, whose relatives live in a foreign country. For the purpose of strengthening family ties, the prisons organize different family events that allow direct communication. Such annual events include family days, celebrating Mother's Day and Father's Day, graduation from general education and vocational schools. On these events the visitors and prisoners can interact without separation. Female prisoners, who are raising a child in prison, are also allowed to meet their families without separation. As they are placed separately from other prisoners and there are only few of them, it is possible to allow them to meet their visitors in their own rooms. This is a very convenient and a child-friendly solution. We are considering implementing and expanding these opportunities even more in practice.

We would like to emphasize, that prison service is constantly making efforts to find new ways and to offer better and human prison conditions, but without losing in prison's security. Without safe prison environment it would be impossible to grant everybody's, as well as prisoners' and prison staff's, basic and human rights. So every change in practice or in legislation must be considered in perspective of individual aspects and from the point of prison safety in general.

Having said that, in justified cases, visitations are allowed without a divider and this practice has been already expanded by the prison, as noted in the previous section, to young persons who are guaranteed visitations without a glass divider in the context of the Multidimensional Family Therapy and motivational programme.

- **66. Some prisoners whose spouse was imprisoned in another prison complained that they were no longer allowed by the prison administration to visit their spouse, while such visits had been authorised in the past. The CPT would like to receive the Estonian authorities' comments on this matter.**

We emphasise that the main purpose of long visitations is to have the prisoner rejoin the society through the positive effect of family relationships. It has to be considered that not all family relationships have a positive effect on prisoners. The Imprisonment Act sets out instances when the prison service can refuse to give permission. These include instances where the visitation does not correspond to the goals of the execution of imprisonment, the visitation can endanger the security or order of the prison, there is reason to doubt the reputation of the visitor, or if the visitation can endanger the health and well-being of the visitor or the prisoner. Therefore, the prisoner has to assess based on the aforementioned if the family relationship is one that the prison should encourage. The prison takes into account all known facts, including the effects of the visitation on both parties. The prison can refuse to allow visitations only if at least one of the aforementioned facts emerges, and the corresponding justified refusal is reflected in an administrative act. If the aforementioned facts do not emerge, then the prison will allow the visitation. If the person finds that the prison has violated their rights with an administrative act, they have a right to file a challenge to the prison or an appeal to an administrative court pursuant to the procedure set out in the Code of Administrative Court Procedure.

Guaranteeing social communication to the prisoner has to at the same time guide the person towards law-abidance. Not all social contacts, including a relationship with a loved one, guide the person towards law-abidance and have a decreasing effect on recidivism. The contrary standpoint is based on a notion that the effects of family and visitations lessen recidivism, but it is not a rule that is confirmed by modern scientific literature. Family and close friends are allowed to have / are placed a larger effect on the prisoner's return to the society because the loved ones of the prisoner are seen as important resources and as allies in conducting activities to return the prisoner to society and gather information.³¹ The choice

³¹ UK Ministry of Justice (2017). The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime (Final Report from The Farmer Review) -

of measures of returning the prisoner to society and assessment of the suitability of the measure can only be based on conclusions that are scientifically proven. Only this way are effective activities to return the prisoner to society and guide them towards law-abidance possible. It has to be taken into consideration that social connections that preserve recidivism impede the goals of the execution of imprisonment in a wider perspective and can significantly hinder the effect of other measures. A lot of earlier research on the effect of marriage on recidivism have had significant shortcomings. Earlier research does not prove the direct causal effect of marriage on recidivism and its theoretical influence has been proven insufficiently. The connection between the effect of family and visitations and decrease in recidivism does not signify causality, and later research ³² has found that the causal connection of marriage to recidivism is overstated.

Despite its prominence, the idea that marriage reduces crime is less straightforward than assumed. Although on average the effect might be protective, the benefits of marriage might not be homogenous and are likely to depend, among other things, on the criminal history of the spouse.³³ Research on the effect of marriage on renouncing criminal behaviour indicates that the family's protective effect is realised only in the case of people from certain sub-groups, and the reducing effect of marriage on recidivism depends on the qualities of the spouse and the quality of the family relationship.

Newer studies show, that marriage reduced recidivism compared to not marrying, but only among men who married nonconvicted spouses. No evidence have been hence provided that marriage to a previously convicted spouse increased or decreased recidivism levels for this group of men compared to previously convicted men who did not marry. This shows that, compared to the men who married a nonconvicted spouse, men who married a convicted spouse were more likely to recidivate during the follow-up period. Studies show that one cannot just rely on social institutions to decrease recidivism because they often represent heterogeneous types of treatment. It is not the marriage but rather the type of marriage that matters.³⁴ One of the reasons for the lack of empirical research on the effects of partners' criminal history is that the requirements for the design of these studies are substantial: For men, the "good marriage effect" clearly depends on the criminal history of the spouse whom one marries. In sum, being married to a non-convicted spouse reduces conviction frequency by 30 percent relative to being unmarried, while being married to a convicted spouse is statistically indistinguishable from being unmarried.³⁵

3.6. Solitary confinement as a disciplinary sanction

- **70. In the light of the above, the CPT recommends that the Estonian authorities take immediate steps, including at the legislative level, to ensure that:**
 - **the maximum period of solitary confinement as a punishment for a given offence committed by an adult prisoner does not exceed 14 days and is preferably shorter;**
 - **solitary confinement as a punishment is no longer imposed on juvenile prisoners;**

³² Skardhamar, T., Savolainen, J., Aase, K.N. & Lyngstad, T.H. 2015 DoesMarriageReduceCrime? Crime and Justice (2015)7, pp 385-446;

Van Schellen, M. (2012). Marriage and crime over the life course. The criminal careers of convicts and their spouses. PhD. Utrecht University, The Netherlands.

Wyse, J.J.B. ,Harding, D.J. & Morenoff, J.D (2014). Romantic Relationships and Criminal Desistance: Pathways and Processes. *Sociological Forum* (29) 2, pp 365-385;

Van Schellen, M.,Poortman A.R. & Nieuwbeerta, P. (2012). Partners in Crime? Criminal Offending, Marriage Formation, and Partner Selection. *Journal of Research in Crime and Delinquency* 49(4), pp 545-571;

Stratton, P. (2011). The Evidence Base of Systemic Family and Couples Therapies. The Association for Family Therapy & Systemic Practice, UK.

³³ "Because You're Mine, I Walk the Line"? Marriage, Spousal Criminality, and Criminal Offending Over the Life Course" M. van Schellen, R. Apel, P. Nieuwbeerta (2012)

³⁴ „Effect of Marriage and Spousal Criminality on Recidivism“ S.H. Andersen, L. H. Andersen, and P. E. Skov (2015).

³⁵ „Marriage and crime over the life course,, M. Van Schellen (2012).

- no adult prisoner is held continuously in disciplinary isolation for longer than the maximum time-limit. If a prisoner has been sanctioned to disciplinary confinement in relation to two or more offences for a total period exceeding the maximum time-limit, there should be an interruption of several days in the disciplinary confinement once the aforementioned time-limit has been reached. Any offence(s) committed by a prisoner which it is felt call(s) for a more severe sanction should be dealt with through the criminal justice system.

Further, the Committee recommends that the current practices be reviewed in all prisons in order to ensure that solitary confinement is only resorted to in exceptional circumstances for the most serious violations.

The regulation of the disciplinary punishment of the prisoner (types and rate of disciplinary punishments, procedure) is being reviewed by the Ministry of Justice in its entirety. It is planned to prepare amendments to the Imprisonment Act in order to facilitate the conduct of disciplinary proceedings, to specify the conditions for the imposition of punishment and the types of disciplinary punishments imposed for the violation of legislation. During the preparation of the regulation facilitating disciplinary proceedings about the prisoner, the issue about the length of being in the punishment cell is also reviewed. As far as the complex issue is concerned, i.e. changes to the Imprisonment Act concern the whole regulation, these issues are resolved by a single draft.

The Ministry of Justice has referred to the need to change the regulation of disciplinary proceedings already in the 2015 legislative intent of the law amending the Imprisonment Act.

The European Court of Human Rights has not deemed that the application of punishment cells violates Article 3 by itself. The European Court of Human Rights has said that isolating a person from the rest of the prisoners does not violate Article 3 by itself, but the purpose, length, severity of the solitary confinement and the character of the prisoner have to be taken into account when assessing the legality of the isolation.³⁶ Therefore, medical information and the assessment of health care specialists have to be taken into account in every specific case.

According to the ECHR case law, adequate sensory stimulation and social contact is considered to be a prime factor in the assessment of the potentially harmful effects of solitary confinement. ECHR has cited that solitary confinement without appropriate mental and physical stimulation, in the long term, may have damaging effects, resulting in a deterioration of mental faculties and social abilities.³⁷ On that score, in cases where a person is in a punishment cell for more than 45 days, consideration will be given to the involvement of a support person as a compensatory measure. The support person is assigned with guiding the prisoner to various supportive activities by involving the necessary specialists (for example, performers of different social or motivational programs) and continuously monitoring that the person is involved in day-to-day activities that provide sufficient mental and physical stimulation. We also consider to review the availability of acceptable literature as a compensatory measure for persons who are in the punishment cell for a longer time.

We emphasize that at the time of incarceration, the prisoner is under constant supervision of the medical officer of the prison medical department. Prison doctors monitor the health status of prisoners, that is, mental status and emotional stability. At any time, a prisoner can contact a psychologist or a prison officer. The medical department will evaluate, among other things, whether the person is able to carry a punishment cell penalty or not. If a punishment cell penalty is medically contraindicated, it is possible to terminate the execution of a punishment cell penalty on the basis of a medical prescription.

The prisons started a communication programme as a pilot project in autumn 2018; the programme is developed specially for prisoners whose time in solitary confinement is long. The purpose of the programme is to ensure that the person has enough social contact and is engaged in meaningful

³⁶ See for example Lindström and Mässeli vs Finland, decision No. 24630/10.

³⁷ Glowacki v Poland, no 1608/08; Csüllög v Hungary, no 30042/08; Iorgov v Bulgaria, no 40653/98.

activities in order to reduce the possible negative effect of the solitary confinement. The programme includes analysis of various topics by specialists, the purpose of which is to help the person to realise the reasons for their offences and guide the person through this towards law-abidance.

The communication programme will start on the 11th day of solitary confinement. The programme is conducted by the chaplain, social worker, psychologist or (voluntary) mentor. The meetings take place thrice per week and last for an hour. The programme lasts for up to 5 weeks. The communication programme is entirely carried out by one official. The chaplain is only involved in the programme and the concurrent conversations are only conducted if the prisoner gives their consent. The person does not have to participate in religious activities in the prison and has to want to talk to the chaplain. If the person does not want to do it, then the programme is carried out by a public servant other than chaplain. The following topics are discussed in the meetings:

1. Personal values, their development, acting according to values.
2. The effect of groups on values and attitude: family, friends, growth environment etc.
3. Connections between actions and consequences; making choices, alternatives and responsibility.
4. My strengths that allow me to be more responsible for my choices.
5. Open topic – the prisoner will bring up a topic that is interesting to them.
6. Role of a victim, self-image.
7. My role in the society, possibilities of self-fulfilment.
8. Conflict: internal conflicts, conflicts of value judgments (my vs society's hopes, laws, morality).
9. Conflict: small conflicts, solution strategies (me vs other people).
10. Open topic – brought up by the prisoner.
11. Culture, doing meaningful activities during free time.
12. Empathy: seeing different standpoints, being considerate of others.
13. Self-development: in what areas and what are the options.
14. Goals for the future.
15. Open topic and a conclusion of the programme.

Free time activities are supplemented with sudoku puzzles and educational literature related to the programme (a selection of guiding literature, 4–5 books). After the programme, the meetings will take place more often, one hour of conversation 4 times per week, of which one meeting will have to take place on a weekend. The topics of the meetings are open, their purpose is to offer human contact during the solitary confinement and prevent the development or aggravation of a possible negative effect of the solitary confinement. The meetings can be carried out by a social worker, psychologist, chaplain, contact person or mentor. At least once a month, the meeting has to be carried out by a clinical psychologist or psychiatrist who will assess the person's mental condition and its changes compared to previous meetings. The meeting's purpose, content, conversation topics, tasks for the person and their fulfilment, important observations about the person's attitude and behaviour, the person's activity and motivation for cooperation as well as the length of the meeting are documented during the communication programme and the meetings following that.

- ***71. Pending the closure of the establishment, the CPT recommends that the Estonian authorities take the necessary steps to ensure that the disciplinary cells at Tallinn Prison are kept in acceptable hygienic conditions.***

As the new Tallinn Prison was under construction, the necessary cleaning and maintenance work was carried out in both the disciplinary cells and other premises to ensure proper conditions for imprisonment until all detainees were relocated.

- ***72. During placement in a punishment cell, all prisoners were offered one hour of outdoor exercise per day. Further, the relevant rules stipulate that such prisoners are entitled to have educational books and legal documents in their cell and, according to the information provided in their response to the report on the 2012 visit, they may as a rule also have access to newspapers. Notwithstanding that, in all prisons, prisoners placed in a punishment cell usually***

had access only to religious books and legal documents. The CPT reiterates its recommendation that all prisoners subjected to disciplinary confinement be allowed access to a broader range of reading material, from the outset of their placement in a punishment cell.

The recommendation has been taken into account, as the prisoners who have been placed in lock up rooms as a disciplinary sanction, are in addition to the communication programme allowed to have more literature options from which to choose.

- **73. In the CPT's view, 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 recommends that the relevant legislation be amended accordingly.**

The prisoner is in lock-up room due to a serious breach of discipline and such breaches can be avoided by the person. The law in force does not forbid to allow short visitations before the next punishment is enforced. A prison service officer may suspend the enforcement of a disciplinary penalty or an aspect thereof on the condition that the prisoner does not commit another disciplinary offence during a probationary period. The duration of the probationary period is from one up to six months. If necessary, the prison can ensure that the prisoner would have a visitation before the next punishment is enforced.

- **74. However, as had been the case during previous visits, the prisoners concerned were usually heard only by the contact officer, including when decisions were taken at a higher level. The CPT recommends that before the decision is taken, the prisoner be heard by the decision-taker. Further, the most severe of sanctions (including solitary confinement) should be taken at the level of the prison management (i.e. the prison director or a deputy prison director).**

The prisons of Estonia are fairly large in terms of the number of prisoners. The number of prisoners in units varies but a typical unit holds up to 240 prisoners. In the case of many countries, this can be compared to the total number of prisoners in a prison. The prison director is an administrative manager and the units have the jurisdiction to carry out work with prisoners. Prison officers who conduct disciplinary proceedings have received necessary training in the course of professional higher education in the field of correctional training. The professional higher education of correction is built on three fields of activity; the first year is dedicated primarily to surveillance activities, the second to resocialization and the third years is spent on legal studies. Within that time, the person has acquired knowledge that allows to conduct high-quality disciplinary proceedings. A contact person is a prison officer who has the most contact with the prisoner during the prison term. All prisoners are given a contact person who solves the prisoner's problems or organises them to be solved in cooperation with other prison officers. The purpose of the contact person is to guide the prisoner towards law-abidance. To do that, the contact person determines the possible risks based on the prisoner's previous life and actions, using specific methodology, and based on that, decides what activities the prisoner is to do in prison (for example, participate in a social programme, receive education or similar). The contact person is also tasked with checking whether the planned activities have been fulfilled and motivating the prisoner to participate in the activities. The contact person also organises other necessary social welfare related aid for the prisoner. If the prisoner commits a breach of discipline, the contact person organises the investigation, decides the penalty, and fills the necessary documentation. No other prison officer knows the circumstances related to the prisoner as well as the contact person that was allocated to them, which means that the contact person is the right person to conduct a proceeding. When choosing the disciplinary penalty, the person to conduct the proceeding takes into account the goal of the execution of imprisonment. The prisoner has a right to be heard during the proceeding. At the same time, the prisoner can appeal the disciplinary penalty imposed on him, that means submit a relevant appeal to an administrative court. Therefore, prisoners are guaranteed all possible legal remedies to protect their rights.

We hereby point out that for several consecutive years, Estonia has been at the second place among Member States of the European Union in a freshly published comparative table of justice systems called

“Justice Scoreboard 2019”³⁸ thanks to the efficiency and speed of the judicial system. That means, court cases in administrative and country courts are adjudicated quicker, for example, Estonia is the second in Europe with regard to adjudication of administrative cases.

- **76. The CPT recommends that the Estonian authorities review the role of health-care staff in relation to disciplinary matters, in the light of the above remarks. In so doing, regard should be had to the European Prison Rules (in particular, Rule 43.2) and the comments made by the Committee in its 21st General Report (see paragraphs 62 and 63 of CPT/Inf (2011)).**

We draw attention to the fact that a doctor does not decide whether to impose disciplinary sanctions on prisoners or not. At the same time, the doctor has to assess whether there are factors that rule out solitary confinement. If the health care professional assesses that the person cannot endure solitary confinement, then the execution of solitary confinement should be postponed, if feasible. The prison has an obligation to provide health services to prisoners at all times. Medical officers of prisons are required to supervise the state of prisoners' health on a constant basis, treat them in prison to the extent possible and, if necessary, refer them to treatment at relevant providers of specialised medical care, and perform other functions assigned to medical officers. A prisoner may always express their wish to get a doctor's appointment. At the same time, prison officers are obligated to monitor other changes in the state of prisoners' health.

3.7. Security-related issues

- **78. The CPT recommends that the Estonian authorities take the necessary measures to ensure that the handling of prisoners subjected to segregation is reviewed in all prisons, in the light of the above remarks. More specifically, steps should be taken to ensure that:**
 - **all segregated prisoners benefit from a structured programme of purposeful and preferably out-of-cell activities;**
 - **all prisoners subjected to solitary confinement are provided – on a daily basis – with meaningful human contact. The aim should be that the prisoners concerned benefit from such contact for more than two hours per day.**
 - **all prisoners subjected to solitary confinement are visited by a member of health-care staff on a daily basis and are provided with adequate psycho-social support.**

We explain that the additional security measure of being placed in a separate locked cell is imposed with regard to a prisoner who regularly violates the requirements of this Act or the internal rules of the prison, damages his or her health or is likely to attempt suicide or escape, and to a prisoner who poses a threat to other persons or security in the prison. Additional security measures can also be applied in order to prevent a serious offence. The application of additional security measures shall be terminated if the aforementioned circumstances cease to exist. Persons who are staying in a locked cell due to the application of additional security measures are guaranteed occupying activities every day despite that. The prisoner can participate in recreational classes and social programmes, read legislative acts via internet, watch television, stay outside in fresh air (including exercise while being outside). If a person is included in activities outside the cell, the prison has to consider circumstances related to the specific person. Depending on the danger posed by the prisoner, they are guaranteed individual consultations with a psychologist or psychiatrist. The doctor has to fulfil the obligations of health care professional irrespective of the regime the prisoner is currently under. In addition, the prisoner may always request a doctor's appointment. Prison officers are also obligated to monitor the state of the prisoners' health.

We emphasise that placement in a separate locked cell does not immediately mean that the prisoner's communication is restricted. If the prisoner's communication inside and outside the prison has not been separately restricted, then the person can continue to have short and long visitations, as well as communicate with loved ones via phone and letters. Furthermore, because the application of additional

³⁸ Available online: https://ec.europa.eu/info/sites/info/files/justice_scoreboard_2019_en.pdf; <https://www.just.ee/en/news/judicial-proceedings-estonia-are-still-most-efficient-and-quickest-europe>

security measures is not a punishment, a person who is not prohibited to use personal items pursuant to clause 69 (2) 2) of the Imprisonment Act can use personal electric devices (radio and television as well) while being in the separated locked cell and therefore follow radio and television shows. Therefore, recreational activities are guaranteed.

The resocialisation of a prisoner begins within the unit, where the prisoner is serving their sentence. There is a principle that one prisoner serves their entire prison sentence in one unit. This ensures uniform and consistent case management – the same case manager throughout imprisonment – and the surveillance staff is familiar with the prisoners of the unit, thus making it easier to meet the objectives of imprisonment. In addition to the unit manager, the unit consists of case managers, guards and senior guards, and a social worker as well as a psychologist. Most of the members of unit contact the prisoner on a daily basis, providing the prisoner with meaningful human contact. The case manager communicates with the prisoner on a regular basis and steers them towards a law-abiding path, resolves ongoing problems and mediates matters that are out of their area of competence (e.g. referring to a doctor, forwarding information to the Department of Information and Research, etc.). All this undoubtedly means active and meaningful communication between prisoners, prison officers and other staff.

For more information about meaningful human contact and measures, see also comments provided in paragraph no 70.

- **79. The delegation received conflicting information in the establishments visited regarding the procedures for the imposition of security measures under Section 69 of the Imprisonment Act, as well as for the review of such measures. The CPT would like to receive more detailed information on this matter, including the level of the decision-making, the possibility for the prisoner to appeal the decision, and the nature and frequency of the review procedure.**
- **80. The CPT recommends that a special register be kept in all prisons of every placement in a security cell, recording the name of the prisoner concerned, the reasons for the measure, the date and time of the beginning and end of the measure, the deciding authority, the precise location of the placement and the time of checks by health-care staff.**
- **The CPT recommends that the Estonian authorities take steps to ensure that:**
 - **prisoners placed in the high-security unit or in respect of whom such placement is extended are given an opportunity to express their views on the matter and are informed in writing of the reasons therefor (it being understood that there might be reasonable justification for withholding from the prisoner specific details related to security);**
 - **the placement of a prisoner in the high-security unit is reviewed at least once every three months;**

According to Imprisonment Act³⁹, additional security measures shall be imposed with regard to a prisoner who regularly violates the requirements of this Act or the internal rules of the prison, damages his or her health or is likely to attempt suicide or escape, and to a prisoner who poses a threat to other persons or security in the prison. Additional security measures may also be imposed for prevention of grave offences. The application of additional security measures shall be terminated if these circumstances specified cease to exist. It is permitted to apply the following as additional security measures:

- 1) restriction of a prisoner's freedom of movement and communication inside the prison;
- 2) prohibition for a prisoner to wear personal clothing or use personal effects;
- 3) prohibition for a prisoner to engage in sports;
- 4) commission of a prisoner in an isolated locked cell;
- 5) use of means of restraint.

Additional security measures shall be imposed by the prison service. In case of urgency, additional security measures shall be imposed by a higher prison service officer currently present. Pursuant to

³⁹ available online: <https://www.riigiteataja.ee/en/eli/ee/512032018002/consolide/current>, see paragraph 69.

regulation No. 72 "Internal rules of a prison" of 30 November 2000 of the Minister of Justice⁴⁰, the decision about the application of security measures is made by the unit manager. The director of the prison will review the prisoner's challenge which has been submitted in relation to the application of additional security measures. At the same time, the prisoner can always go to an administrative court who has the jurisdiction to determine the legality of the discretionary assessment. The directive on application of additional security measures in relation to the prisoner will be announced to the prisoner, and the prisoner can challenge the directive, similarly to any other action of a prison or administrative act that concerns a person's rights. The prisoner can also challenge the length of the application of additional security measures in a challenge proceeding as well as a court proceeding. The frequency of determining whether the application of additional security measures was justified is different from prison to prison, varying from 1–3 months. Therefore, in essence, the prisons are already heeding the recommendation.

All the aforementioned data are entered in the prisoners' register pursuant to the Imprisonment Act, and are found under the data of the specific prisoner. Pursuant to the Imprisonment Act, data entered in the prisoners' register includes among others data on the location of prisoners, persons in custody or detained persons and probation supervision departments of probationers and data on the movement of such persons; data on the state of health of prisoners, detained persons, persons in custody or probationers, including their addictions, restrictions resulting from health and provision of health care services to them; data on the supervision and security measures taken with respect to prisoners, persons in custody or detained persons, including on use of search, physical force, service weapons, special equipment or locked cells; and data on disciplinary punishments imposed on prisoners, persons in custody or detained persons and the execution thereof. Therefore, the prisons are already working according to recommendations.

- **83. Further, it is regrettable that, despite the specific recommendation made in the report on the 2012 visit, prison officers continued openly to carry telescopic truncheons, tear gas canisters and handcuffs in the detention areas of all three prisons. In the CPT's view, prison officers should not carry such equipment as a matter of routine in detention areas and, if it is deemed necessary for staff to be armed with such devices, they should be hidden from view. The CPT reiterates its recommendation that the Estonian authorities take the necessary steps to ensure that the current practices in all prisons are reviewed accordingly.**

The safety of officials must be ensured at all times. Attacks against officials are unpredictable, so we consider it necessary for the prison officer to carry such equipment to be able to quickly use it in cases where it is completely inevitable. We emphasise that the right to use an expandable baton and gas spray is only given to prison officers who have passed the training on legal bases of using a gas spray and expandable baton as well as successfully passed all practical exercises. A prison officer who has a right to use a gas spray and expandable baton has to participate in a gas spray and expandable baton training in order to retain the right, and be able to use the gas spray and expandable baton at the level determined by the Department of Prisons of the Ministry of Justice. The amount of trainings is determined by the Department of Prisons of the Ministry of Justice according to the officer's position and work duties.

- **84. The CPT recommends that the Estonian authorities ensure that this precept is respected in practice whenever it is deemed necessary, on the basis of an individual risk assessment, to resort to a strip search of a prisoner.**

The manner and extent of a search is determined by the prison every time after a consideration, taking into account that the purpose of the search is to prevent prohibited items and substances from entering the prison. The personnel of the prisons will take into account the specific case and prisoner when choosing the method and thoroughness of the search.

3.8. Legal remedies and complaints procedures

⁴⁰ Available online: <https://www.riigiteataja.ee/akt/125042018012?leiaKehtiv>

- **86. The CPT recommends that the Estonian authorities take the necessary steps to ensure that prisoners are able to lodge complaints to the management in a confidential manner (e.g. by installing locked complaints boxes accessible to prisoners in appropriate locations, to be opened only by specially designated persons).**

The right to confidentiality of messages is granted for each prisoner. Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Derogations from this right may be made only in the cases and pursuant to a procedure provided by law if they are authorised by a court and if they are necessary to prevent a criminal offence, or to ascertain the truth in a criminal case.⁴¹

The prisoner can contact the internal control department, information and investigation department of the prison or the Department of Prisons of the Ministry of Justice, the Chancellor of Justice or any other relevant authority via letter. In a situation without witnesses, the circumstances of the case may not all be effectively determined. During the proceeding, when adjudicating a petition or request, the person who testified must be identifiable. In the case of an anonymous complaint, the investigation of the case cannot be solved effectively considering the rules for proceedings. Therefore, it is important that the person who made the complaint is later identifiable.

- **87. Further, prisoners could in principle lodge complaints with external bodies, in particular to the relevant Prison Committee and the Chancellor of Justice (Ombudsman). That said, a number of prisoners interviewed by the delegation appeared to be unaware of the existence of such complaints procedures. The CPT reiterates its recommendation that measures be taken in all prisons to provide prisoners with the necessary information, in a language they understand, on all existing external complaints mechanisms.**

The public exercises supervision over prisons through prison committees operating at the given prisons. According to Imprisonment Act, prison officers shall not be included in the membership of prison committees. The specific duties, membership and operating procedure of prison committees, and the procedure for the remuneration of the members of prison committees are provided by the statutes of prison committees which shall be approved by the Minister of Justice. According to Prison Committee Statute, a prisoner shall be given written information concerning the Acts which regulate the execution of his or her imprisonment, the internal rules of the prison and the submission of complaints. Thus, it is established in the legislation, that the prison authorities shall inform the prisoners of the names of the members of the prison committee as soon as possible and shall explain the right to file pleas, applications, claims etc. to the prison committee.⁴²

All prisoners can already today contact the Chancellor of Justice in order to protect their rights. Pursuant to the Imprisonment Act, not later than on the day following the prisoner's arrival in a prison, he or she shall meet a prison service officer who shall explain to the prisoner his or her rights and obligations as a prisoner.

In 2015, from all applications filed to administrative courts, 1216 applications were filed by prisoners (that is 36 % of total applications). From 2012-2015, the applications filed by prisoners has varied, resulting 26-44% of total applications filed to administrative courts. This clearly shows that the prisoners are completely aware of their rights to contact various authorities and are using this right actively.

⁴¹ The Constitution of the Republic of Estonia:
<https://www.riigiteataja.ee/en/eli/ee/521052015001/consolide/current>; see also: Code of Criminal Procedure¹: <https://www.riigiteataja.ee/en/eli/ee/515052019002/consolide/current>

⁴² Prison Committee statute: <https://www.riigiteataja.ee/akt/129042017005?leiaKehtiv>

4. ESTABLISHMENTS UNDER THE AUTHORITY OF THE MINISTRY OF EDUCATION AND RESEARCH

4.1. Preliminary remarks

Request for information

- **89. [---] According to the amended Social Welfare Act, closed child-care institutions shall establish internal rules which specify inter alia the modalities for juveniles' contact with the outside world, and the preparation and updating of individual activity plans, as well as complaints procedures. The CPT would like to receive a copy of the internal rules of Maarjamaa Education Institute.**

Attached to this document you'll find a copy of the internal rules of Maarjamaa Hariduskolleegium (Maarjamaa Educational Institute).

4.2. Living conditions and pedagogical approach

Recommendations

- **94. [---] However, it is a matter of concern that on weekdays, access to the outdoor yard was often offered for only about 45 to 50 minutes. By letter of 26 February 2018, the Estonian authorities provided the following information: "We have started extending the outdoor time in both centres and further solutions are being sought. We can guarantee up to 2 hours of outdoor time in a day on at least 2-3 days a week and even more in cases of groups who need less supervision." This is a welcome initiative. In the light of this response, the Committee urges the Estonian authorities to take the necessary measures to ensure that all juveniles are offered access to the outdoor yard for at least two hours every day, and preferably more.**

Concerning outdoor activities: according to the internal rules (see appendix 1, "healthy moving") Maarjamaa Hariduskolleegium guarantees at least two hours outdoor time to the juveniles during the working week and even more on the weekends and school holidays.

- **97. [---] The CPT trusts that the authorities will redouble their efforts to fill all the above-mentioned vacancies as a matter of priority in order to ensure appropriate psychological and therapeutic care for the juveniles and the regular revision of their individual development plans. In this context, the Committee would also like to emphasise that the active involvement of the juveniles in the initial drafting, as well as in the review of their individual development plans, can be very beneficial in fostering their motivation and sense of responsibility for meeting the objectives set by those plans.**

The development plans for the juveniles are established in close cooperation different specialists, including psychiatrist, local authorities and also the juveniles themselves as well as their families.

Currently school has the social pedagogue, creative therapist and occupational therapist working with juveniles in our Valgejõe center. School also has a good cooperation with the family therapists and rehabilitation team of Tapa Hospital, which is situated 1 km from the school. That helps to ensure that the juveniles receive the psychological support they need.

4.3. Health care

Recommendations

- **98. A nurse was present at the centre on workdays from 8 a.m. until 5 p.m., and the delegation was impressed by her professional and proactive attitude. However, it is a matter of concern that no appropriate replacement for the nurse was provided during her holidays and in the event of sick leave. Steps should be taken to address this shortcoming.**

During the holidays and in the event of sick leave of the nurse most of responsibilities takes over the worker who has obtained a first aid qualification. School also has a possibility to consult family doctor or call the ambulance in case of a need. Additionally, there is at least one employee 24 hour who has obtained a first aid qualification.

- **100. [---] The CPT trusts that the Estonian authorities will take the necessary steps to ensure that juveniles with a psychiatric disorder are offered non-pharmacological therapeutic treatment specific to their needs (e.g. psychotherapy). Reference is also made to the recommendations in paragraphs 101 and 102.**

While Maarjamaa Hariduskolleegium is naturally in favor of non-pharmacological treatment, psychiatrists who are external to our institution are prescribing all medication and we have to rely on their expertise. We do our best to support our juveniles with non-pharmacological treatment working closely with all psychiatrists – this entails frequent exchange of information between our specialists and psychiatrists. As a result of this cooperation now and then the treatment scheme is reassessed and medication reduced. Also, a psychologist started working in October 2018.

- **101. [---] The CPT urges the Estonian authorities to redouble their efforts to ensure that juveniles in need of placement in a psychiatric hospital are transferred without delay to an appropriate facility.**

Due to the challenging nature of the job, it has always been complicated to hire the suitable and professional staff. The current number of employees is in accordance with the number of juveniles to guarantee juveniles security and support their development. We have potential to accept more juveniles to our institution provided we manage to recruit more professionals.

4.4. Other issues

Recommendations

- **102. The Centre's management itself considered staff vacancies to be the most acute problem. Apart from the above-mentioned vacant posts of a psychologist and a speech therapist, other key personnel in charge of working with the juveniles towards rehabilitation and reintegration were also lacking. At the time of the visit, a total of 30 posts were vacant. The Centre's continued efforts to recruit sufficiently qualified staff were hampered mainly by the countrywide shortage of the professionals needed. In addition, the Centre was undergoing a period of turmoil following the resignation of a considerable number of staff and the recent dismissal of the Director. The Committee recommends that the authorities redouble their efforts to fill the staff vacancies as a matter of priority.**

All efforts are being made by our institution to ensure that juveniles in need of placement in psychiatric hospital are transferred immediately, but we have unfortunately little impact on reducing the waiting times for hospitalization.

- **103. [---] The law further stipulated that a psychologist, the director or a person authorised by the director should converse with the juvenile after the episode about the reasons for the placement in the calming down room. However, in the forms used for documenting the placements, the relevant section for notes on a debriefing was often left blank or only filled in very cursorily.⁹¹ The CPT would like to receive confirmation that a proper debriefing with the juvenile always takes place following every such placement and is documented accordingly. Such debriefing will provide an opportunity for the staff involved to explain the need for the measure and thus help to relieve uncertainty about its rationale.**

Maarjamaa Hariduskolleegium has a procedure (appendix 2) that determines how the placement of a student into an calming down room is regulated. In the case of placing a student into this room a protocol must be compiled. In this document a specific person is indicated who will converse with the student as soon as possible once the student has calmed down. If it is possible to hold a conversation with the student, then usually they have been pacified to the extent that they no longer need to be isolated for

longer periods of time. At this point it is explained to the student why isolation was ineluctable, and the protocol is also introduced to the student after which the student must sign the protocol. The student must always read the protocol with caution before they sign it. In most cases the students are not particularly communicative after the isolation period; therefore, it is most likely that the conversation will engulf the comprehension of the particular situation as well as agreements regarding future behaviours. In addition, the employees will fill out an observation survey regarding the changes in the student's behaviour, support and aid provided to the student, and conversations had with the student and who took part in them. We continue to instruct our staff to fixate the final conversation correctly in the student isolation documents.

INTERNAL RULES AND REGULATIONS OF MAARJAMAA HARIDUSKOLLEEGIUM

§ 1. GENERAL PROVISIONS

- (1) In the rooms and on the territory of Maarjamaa Hariduskolleegium (hereinafter: school), administered by the Ministry of Education and Research, Estonian laws and other legislative acts and these school internal rules (hereinafter internal rules) must be followed.
- (2) The internal rules do not regulate these circumstances, which are described in other legislative and administrative deeds and in court cases.
- (3) Support measures and imposition of sanctions will be applied on students who do not abide the internal rules, following the terms and conditions set in Basic Schools and Upper Secondary Schools Act (hereinafter PGS) § 58.
- (4) The internal rules can be accessed on the school webpage www.mhk.edu.ee and in the school library.

§ 2. PRINCIPLES OF INTERNAL RULES

- (1) The presumption and basis for the development of child and for succeeding in studies is completing compulsory school attendance, support activities and relevant information exchange between school and support network.

Compulsory school attendance means the duty to participate in the studies laid down in the daily schedule of a school or an individual curriculum, to do study exercises and to acquire knowledge and skills according to one's abilities. The students have the right to use the support services that support the child's development, assigned to them by the school and other legally acknowledged institutions

- (2) It is permitted to enter the schoolhouse with personal belongings, and items and equipment necessary for studies, support- or extra curriculum activities.
- (3) Overcoats and outdoor footwear and items that are not essential for the school day, are left to an assigned place, necessary equipment is taken along to the classrooms.
- (4) The appearance of workers and students is clean and neat.
- (5) Workers and students are responsible for the purposeful use of the study- and work equipment and textbooks/workbooks given to their use and they will return these when leaving school. In

the case of losing or ruining on purpose, the person whom these items were trusted, is responsible and compensates the damage according to the law in force.

- (6) Workers and students regard respectfully and resourcefully to school property and equipment, and they keep their workplace and school/boarding school facilities clean and organised.
- (7) Keeping the personal belongings of workers, is the responsibility of the school workers. Students are responsible for keeping their personal belongings, which are not given/taken on hold. School is not materially responsible for lost or ruined personal belongings.
- (8) School students and workers express themselves in a respectful manner towards others.
- (9) Oral agreement from the school headmaster or from the person assigned by him, is needed for doing sound or video recordings in the rooms or on the territory of the school, including photographing a minor, and a written agreement by the minor's parent or their official guardian is needed, in order to do a sound or video recording of a minor, or publishing the recordings and pictures.
- (10) The workers are on school territory according to their work schedule, the students according to the general daily schedule and visitors are allowed when the workers are aware of it and have given them a permission.
- (11) In the rooms and on the territories where there are separate rules (library, computer class, etc.), the rules of the room or territory are also followed, in addition to school internal rules. Students are allowed into staff rooms only together with a school worker, with their invitation.
- (12) Safety and fire safety measures, which are introduced to all the students and workers, have to be followed in the school.
- (13) The issues that are not regulated with these internal rules, are solved and discussed by the school board, individually, in the case of each separate case.

§ 3. THE RULES AND REGULATIONS ACCOMPANYING THE INTERNAL RULES, BASED ON THE BASIC SCHOOLS AND UPPER SECONDARY SCHOOLS ACT AND THE NATIONAL CURRICULA FOR BASIC SCHOOLS

- (1) **The requirements for student behaviour are based on national curriculum for basic schools (hereinafter PRŌK) (§ 19 subsection 5). The requirements are brought out in [Appendix 1](#).**
- (2) **Notifying the daily schedule to students and their parents (PGS § 55 subsection 4):**
 - 2.1. School work takes place 365 days a year, according to the appointed general daily schedule: The general daily schedule of Emajõe study centre: [Appendix 2](#). The general

daily schedule of Valgejõe study centre: [Appendix 3](#). General daily schedule is announced to students and parents through school webpage.

- 2.2. Generally, the studying takes place inside the schoolhouse or on its territory. During the lesson, students are present at the assigned place. Students arrive to lessons on time and do the activities assigned in the curriculum. The worker has a right and responsibility to take on hold items/equipment that disturb the studies and return these to the student generally by the end of the studies.
- 2.3. Breaks are free from studying, the students are on the school territory then, in the place agreed upon with a school worker and follow the conditions given in subsection 1 of this section. In the case of an appropriate weather for outdoor activities, students are encouraged to be on the outdoor territory of the school, together with a school worker.
- 2.4. Students have the duty to report to the nearest worker about any problems, conflicts and circumstances that put their mental or physical safety to risk.
- 2.5. Worker has the duty to intervene in the case of a conflicted situation to solve it, when the possibility or ability is absent, they need to inform a security worker promptly.

(3) The school's measures of student commendment during their studies (PGS § 57)

- 3.1 Basic school graduates are commended with commencement on the basic school graduation certificate, when the last yearly mark of all the subjects on the certificate and the mark of the final exam is «very good».
- 3.2 A student is rewarded with a commencement (oral, written in e-school, student's diary) for their achievements in their activities.
- 3.3 Gratitude (oral, written in e-school, in student's diary) for a good deed or co-operation.
- 3.4 A student is rewarded with a commencement after school or class graduation for good results in study subjects.
- 3.5 A student is rewarded with a commencement for great subject field achievements.
- 3.6 A student is rewarded with a diploma for sports achievements.
- 3.7 A student, group or class is rewarded with a prize event for great co-operative results.

(4) The conditions regulating the notifying of support measures and sanctions (PGS § 58 subsection 9)

Students will be notified about imposing support measures and sanctions orally, and depending on the measure applied, the student and their parent will be notified either with a headmaster's

order or by sending a copy of the decision of teachers' council via electronic study information system or e-mail.

(5) Notifying of absence from studies (PGS § 35 subsection 3)

To support, observe and keep account of compulsory school attendance, the school has adopted a procedure for notifying of absence from studies and school. [Appendix 4.](#)

(6) Notification of assessment to students and parents (PGS § 29 subsection 4, PRÕK § 19 subsection 4): [Appendix 5.](#)

(7) Surveying entering and exiting of school building or territory and restricting student's movement outside of the school building or territory (PGS § 44 subsection 7):

Workers have the right to ask for an ID from the people on the territory of the school.

7.1 The student is allowed outside the school territory:

7.1.1 For activities assigned in the daily schedule (sports, extra curriculum activities, independent visit to the healthcare provider, to home, etc.) independently or with an adult supervisor (a school worker or another assigned person);

7.1.2 In the case of an extraordinary situation (being escorted by the police or ambulance, a visit to a healthcare provider which cannot be postponed, etc.).

7.2 In Emajõe study centre, the movements are fixated in the school information system. In case the student is outside the school territory independently, a corresponding document is created, which will be signed by the student and a copy of which shall be taken along.

7.3 In Valgejõe study centre, a corresponding document will be created about being outside the school territory, which the student will sign and receive a copy of. In addition, the student signs their exit and arrival at the reception desk.

(8) The procedure of surveillance equipment usage (PGS § 44 subsection 6)

There are cameras in the public rooms and territory of the school. There is constant tracking and recording of people's movement taking place. The existence of cameras and recordings is needed to ensure the safety of the students and their rights. The usage procedure is available in [Appendix 6.](#)

(9) The procedure for prevention of situations jeopardising the mental or physical security of students and school employees, reaction to such situations, notification of incidents, resolution of incidents and the measures taken for the prevention of mental or physical violence (PGS § 44 subsections 2 and 3): [Appendix 7.](#)

(10) The procedure of student card usage at school [Appendix 8.](#)

(11) Using school facilities, rooms, library, study-, sports-, technical- and other equipment for free in after curriculum activities (PGS § 40 subsection 2).

Students have the right to use the school facilities, rooms, study-, sports-, technical- and other equipment for free. The use of equipment takes place with the supervision of the school worker and according to the daily schedule.

(12) Keeping and returning the items deposited (PGS § 58 subsection 3 clause 6 and subsection 5)

The items deposited by students are kept in a locked cupboard. Depositing an item and returning it to the student is documented in the list of deposited items. The student and worker confirm the depositing and returning with their signatures.

Student deposits the following items:

- ICT tools (phones, computers, tablet computers, game consoles, and other tools that enable Internet access);
- Cash;
- Documents;
- razors;
- Other items (including valuables) that the student himself/herself wants to deposit.

(13) The internal rules of the boarding school facilities (PGS § 39 subsection 4): [Appendix 9.](#)

REQUIREMENTS FOR STUDENT BEHAVIOUR

The student:

- 1) follows the laws and other acts in force in the Republic of Estonia and school internal rules;
- 2) studies and takes active part in every lesson and support- and group activity;
- 3) asks for explanations and help from an adult, if necessary;
- 4) finds solutions to arisen problems together with a worker;
- 5) informs their parents about their grades/results;
- 6) takes care of school furniture and study materials;
- 7) cleans after themselves and keeps the rooms and outdoor area clean;
- 8) is polite and is respectful towards co-students and adults;
- 9) has a clean and neat appearance;
- 10) leaves overcoats and outer footwear to the assigned place;
- 11) takes part in class, group and school events and if necessary, helps to prepare and carry them out;
- 12) follows healthy lifestyle, takes care of one's health and does suitable sports in one's own leisure time;
- 13) knows table manners and follows them;
- 14) compensates the damaged caused by oneself.

APPENDIX 2: Emajõe general daily schedule in groups

Time	Activity Mon-Fri	Time	Activity during weekends, national holidays and school holidays
07:45	WAKE UP CALL	09:00	WAKE UP CALL
07:45-8:30	PERSONAL HYGIENE, ROOM CLEANING	09:00-09:30	PERSONAL HYGIENE
08:30-9:00	BREAKFAST, GOING TO SCHOOL	09:30-10:00	BREAKFAST
09:00-09:45	1 ST LESSON	10:00-10:15	MORNING CO-WORKING ACTIVITY
09:55-10:40	2 ND LESSON	10:15-11:00	CLEANING THE GROUP ROOM AND DECORATING IT AESTHETICALLY
10:50-11:35	3 RD LESSON	11:00-14:00	GROUP ACTIVITIES HEALTHY MOVING HOBBIES/ SUPPORT ACTIVITIES FIELD TRIPS/TRIPS/ HIKES/ <i>/the activities are based on the daily schedule according to the workplan /</i>
11:35-11:55	LUNCH (1 st shift/ 2 nd shift movement break)		
11:55-12:40	4 th LESSON		
12:40-13:00	LUNCH (2 nd shift /1st shift movement break)		
13:00-13:45	5 th LESSON		
13:55-14:40	6 th LESSON		
14:40-14:50	GOING BACK TO THEIR ROOMS (<i>students whose lessons are over</i>)		
14:50-15:35	7 th LESSON (GRADES 8-9) / CONSULTATION	14:00-14:30	LUNCH
15:35-15:45	GOING BACK TO THEIR ROOMS (<i>students who were in the 7th lesson or in consultation</i>)	14:30-18:00	REST TIME / GROUP ACTIVITIES / HEALTHY MOVING / HOBBIES / SUPPORT ACTIVITIES / FIELD TRIPS/ TRIPS/ HIKES / COMMUNICATING VIA ICT EQUIPMENTS: COMPUTER TIME* / PHONE CALLS* <i>/the activities are based on the daily schedule according to the workplan /</i>
14:50-18:00	CO-WORKING ACTIVITY / PRE-MEAL IN GROUPS / REST TIME / CALLING (20 minutes for phone calls to public institutions, with previous agreement) HEALTHY MOVING / HOBBIES/ SUPPORT ACTIVITIES / STUDYING IN THE GROUP ROOM / GROUP ACTIVITIES <i>/the activities are based on the daily schedule according to the workplan /</i>		
18:00-18:20	DINNER	18:00-18:20	DINNER
18:20-20:00	HEALTHY MOVING / GROUP ACTIVITIES <i>/the activities are based on the daily schedule according to the workplan /</i> COMMUNICATING VIA ICT TOOLS: COMPUTER TIME* / PHONE CALLS*	18:20-20:00	HEALTHY MOVING / GROUP ACTIVITIES <i>/the activities are based on the daily schedule according to the workplan /</i> COMMUNICATING VIA ICT TOOLS: COMPUTER TIME* / PHONE CALLS*
20:00-21:30	SNACK / TV-WATCHING / HYGIENE	20:00-21:30	SNACK / TV-WATCHING / HYGIENE
21:00-21:15	EVENING CO-WORKING ACTIVITY	21:00-21:15	EVENING CO-WORKING ACTIVITY
21:30-22:00	QUIET TIME IN ONE'S OWN ROOM	21:30-22:00	QUIET TIME IN ONE'S OWN ROOM
22:00-07:45	SILENT TIME – SLEEP TIME	22:00-09:00	SILENT TIME – SLEEP TIME

* **COMPUTER TIME** – in groups twice a week for 45 minutes, according to the daily schedule

* **CALLING with a personal phone, or in the case of its absence with school's phone** 10 minutes per day, as a bonus, up to 10 additional minutes, according to the daily schedule

APPENDIX 3: Valgejõe general daily schedule in groups

Time	Activity Mon - Fri	Time	Activities during weekends, national holidays and school holidays
08:00 - 8:20	Wake up call/Hygiene/Room cleaning	08:30-09:00	Wake up call/Hygiene/Room cleaning
08:20-09:00	Breakfast	09:00-09:40	Breakfast
	8:20-8:40 1 st shift		
	8:40-9:00 2 nd shift		
09:00-09:45	1 st lesson	09:40-13:00	9:00-9:20 1 st shift
09:45-09:55	Break		9:20-9:40 2 nd shift
09:55-10:40	2 nd lesson		Group activities/Field trips according to the group timetables/Healthy moving
10:40-10:50	Break		
10:50-11:35	3 rd lesson		
11:35-11:45	Break	12:30-13:20	Lunch
11:45-12:30	4 th lesson	12:50-17:30	12:30-12:50 1 st shift
12:30-12:50	Lunch (1 st shift)/ Movement break (2 nd shift)		13:00-13:20 2 nd shift
12:50-13:35	5 th lesson		Group activities/Field trips according to the group timetables/Healthy moving
13:35-13:55	Lunch (2 nd shift)/ Movement break (1 st shift)		
13:55-14:40	6 th lesson		
14:40-14:50	Break		
14:50-15:35	7 th lesson (Grade 8, 9, according to the timetables)/ Group activities		
14:40-17:30	Hobbies/Group activities/Rest time/ Healthy moving		
	Communicating via ICT equipment: Computer time* / Phone calls*		
17:30-18:20	Dinner	17:30-18:20	Dinner
	17:30-17:50 1 st shift	18:20-20:00	17:30-17:50 (1 st shift)
	18:00-18:20 2 nd shift		18:00-18:20 (2 nd shift)
Hobbies/Group activities/Rest time/ Healthy moving	Hobbies/Group activities/Rest time/ Healthy moving		
18:20-20:00	Communicating via ICT tools: Computer time* / Phone calls*	20:00-20:20	Communicating via ICT tools: Computer time* / Phone calls*
	Evening snack in the group room		Evening snack in the group room
20:20-21:30	Group activities/Rest time	20:20-21:30	Group activities/Rest time
21:30-22:00	Hygiene	21:30-22:00	Hygiene
22:00-08:00	Silent hours	22:00-08:30	Silent hours (except, on Fridays and Saturdays with an agreement)

Computer time* - in groups twice a week for 45 minutes, according to the daily schedule.

Phone calls* - according to the daily schedule.

NOTIFYING OF ABSENCE FROM STUDIES AND SCHOOL

1. The students have the right and duty to participate in the studies laid down for them in the daily schedule of their school or their individual curriculum, to do study exercises and gain knowledge and skills according to one's capability.
2. Absence from studies is permitted only with a good reason. The school assesses whether the reasons for absence from studies can be deemed good.
3. Good reasons for absence from lessons are as follows:
 - 3.1 the student falls ill or the provision of the student with a health service;
 - 3.2 the road leading to the school is impassable or the occurrence of another *force majeure* circumstance, including the weather conditions specified in a regulation of the Minister of Social Affairs based on clause 8 (2) 3) of the Public Health Act whereby the absence from studies is reasoned;
 - 3.3 substantial family-related reasons;
 - 3.4 other reasons deemed good by the school.
4. The teacher keeps account of the absence from lesson – writes into the diary for the beginning of the next lesson the latest.
5. If a student has fallen ill and cannot go to school, the child's legal guardian promptly informs the support specialist/social educator via e-diary or phone.
6. Support specialist/social educator informs other school workers about the absence of the student from school via school information system.
7. Security specialist will mark the absence of the student from school based on groups into the school information system.
8. If the student's legal guardian has not notified the school of a student's absence, the support specialist or social educator will contact the child's legal guardian as soon as possible to identify the reason for absence and the indicative period of absence.
9. Schools shall keep account of absence from studies in e-school and absence from school in the school information system. The assigned support specialist/social educator will make a summary of the absences from school of the assigned student once per academic quarter and informs the child's legal guardian thereof.

ASSESSMENT CRITERIA AND NOTIFICATION OF ASSESSMENT TO STUDENTS
AND PARENTS

1. The assessment criteria of a student is provided in the school curricula which is accessible to child's legal guardian, student, teacher and other school workers on the school webpage.
2. The teacher notifies the students orally in the beginning of the academic quarter about the study content, aims, expected learning outcomes, the required learning materials and the organisation of assessment. The student has the right to receive information from the teacher about their assessments.
3. The child's legal guardian has the right to receive information about the assessment criteria of the child and be informed about their child's marks or assessment for studies.
4. The students and their legal guardians will be informed about the grades via e-school. The student will be given a printout of the e-school reports at the end of each academic quarter. Paper report will be handed out twice a year, at the end of the first academic semester in December and in spring, at the end of studies.
5. When a student or their legal guardian has no access to the information via e-school anymore, the school will provide information about the grades and assessment in the way individually agreed upon with the student and their legal guardian.

THE PROCEDURE OF SURVEILLANCE EQUIPMENT USAGE

1. For the purpose of preventing a situation threatening the security of students and school employee, reacting to a situation and, if necessary, to control the fulfilment of care duties of the workers, the school uses surveillance equipment.
2. The sign “VIDEOVALVE” (video surveillance) on school territory and on doors notifies about the usage of surveillance equipment.
3. Police and Border Guard Board workers and other people who have the legal right to request access to the records, must file an application to the school for data access, specifying the action in regard to which the access is requested.
4. If there is a ruined property in the school or a person’s safety is jeopardised, a person authorised by the headmaster receives an access to the recording with a reasoned application, presentation, explanatory note or other relevant information. If necessary, the recording related to the situation is created, which is used as a proof in a case solving or if necessary, it is added to the report filed to the police.
5. Data gathered with the surveillance equipment is kept in a locked room with limited access. The recording of a surveillance equipment and real-time camera footage is processed only with the technical equipment designed for it.
6. The head specialist of surveillance and a person authorised by the headmaster have access to recorded material.
7. The right for monitoring the real-time surveillance equipment footage is permitted to a security worker, their replacement or the leaders of subject areas if they have a valid reason.
8. The recording of a surveillance equipment is retained in a secured room for at least one month, yet no longer than one year.
9. In the case of watching a recording of a surveillance equipment, the following information is fixated in a format that can be reproduced in writing:
 - 9.1 data of the worker;
 - 9.2 recording information (date, time, camera number, room, etc.);
 - 9.3 date and time of viewing;
 - 9.4 basis for watching the recording.

THE PROCEDURE FOR PREVENTION OF SITUATIONS JEOPARDISING THE MENTAL OR PHYSICAL SECURITY OF STUDENTS AND SCHOOL EMPLOYEES, REACTION TO SUCH SITUATIONS, NOTIFICATION OF INCIDENTS, RESOLUTION OF INCIDENTS

1. It is forbidden to use mental or physical violence towards others in Maarjamaa Hariduskolleeegium.
2. At least one adult is present at the public common rooms with students.
3. The students leave the classroom during the break and the worker locks the classroom door. If necessary, the student stays inside the classroom only with a school worker.
4. Employees are obligated to lock the door when they leave the room.
5. It is forbidden to consume and distribute alcoholic beverages, tobacco products, narcotic and illegal substances on school premises.
6. It is forbidden to have items jeopardising mental and physical safety on school premises.
7. The workers are obligated to promptly inform the security worker about the aggressive behaviour of students.
8. Students and workers do not create situations that jeopardise the mental and physical safety of students and school workers (hereinafter danger situation).
 - 8.1. In case a danger situation arises or is noticed, the student promptly informs the school workers about it.
 - 8.2. The worker immediately applies measures for solving the danger situation and notifies the safety worker. Further actions are based on the documents imposed at school.
 - 8.3. The worker who notices the danger will evaluate the situation and acts upon it without jeopardising themselves or others according to the procedure in the school.
9. In danger situation, the activities in the danger situation site, and if necessary the movements on the school premises, are stopped and the emergency plan is followed.
10. In the case of fire occurrence, the fire evacuation plan is followed.
11. Police, ambulance or rescue board will generally involve the safety specialist or security to solve the situation.
12. The school worker is obliged to inform the safety specialist or worker, and the student has the right to inform the nearest school worker, in the case a situation jeopardising the mental or physical safety of students and workers is occurring or occurred.

13. In the case of an emergency situation, a safety or a supervision specialist or their replacement must be informed and if necessary, call the emergency number 112.
14. All the situations that jeopardised the mental or physical safety of students and workers shall be solved according to the procedure imposed at school and in accordance with legislation acts.
15. The workers associated with the emergency situation will write a report as soon as possible or the next day the latest.
16. Solving the situations jeopardising safety is led by safety or supervision specialist.

THE PROCEDURE OF ISSUING AND USING STUDENT CARDS

1. The student card is a document with a photograph, identifying the student and assuring their studies in MHK, it is issued by the school after the student is enrolled in the school with the headmaster's order. The student card is given to the student for free.
2. Issuing the student card and the renewal of its period of validity is ensured with the signature of the headmaster and the seal of the school.
3. The student card is issued by the secretary who puts the owner's photo and inserts the following information onto the card:
 - 3.1. school name;
 - 3.2. student card number;
 - 3.3. first and last name of the student;
 - 3.4. national identification number of the student;
 - 3.5. period of validity of the student card;
4. The number of the student card is the student's number of registration in the student's book. The secretary registers student cards in the "registry of student cards registration" and gives the student the student card after the student has given their signature.
5. Generally, the photo (size 4x5 cm, in colour, natural state, facing forwards, without anything covering the head and without sunglasses) is submitted by the student together with the admission documents. In case of an absence of a photograph, the secretary organises a photographing session for the student at school.
6. The period of validity is renewed at the beginning of each academic year in September, by adding the corresponding date. The secretary organises the collection of the student cards that need renewal and submits them to the headmaster for renewal. A student card that is not renewed is invalid.
7. It is forbidden to pass on a student card to someone else.
8. The student uses the student card in a way that eliminates the risk of it being ruined, destroyed, lost or stolen.
9. Generally, the student card is held by the student but at school, the student has the right to give it to deposit it into the personal belongings locker.

10. In the case of losing, destroying, ruining, stealing of the student card or changing the name or identification number, the student files a written application to the headmaster to receive a new duplicate, in which they also note the reason for applying for a duplicate.
11. The application for issuing a duplicate is given to the school secretary, who registers the application.
12. The date of issuing the duplicate and the number are marked on the new student card with a note “recurring”. The duplicate can be received after five workdays from the filing of the application. The headmaster ensures the issuing of the duplicate with an order and deposes the first one invalid.
13. The secretary forms and issues the duplicate similarly to the student card.

INTERNAL RULES OF THE BOARDING SCHOOL FACILITIES

1. Every student enrolled in the school, has a place ensured in the boarding school facility.
2. The students who are removed from the school list are excluded from the boarding school facility.
3. The students have a right to live in the group and room assigned for them and the common rooms of the facilities.
4. The student follows the requirements to student behaviour.
5. The group the student is assigned for can be changed with the school board's decision, in case the exchange supports the student and their welfare.
6. The student's room is their private room, where other students are allowed to enter only with the student's invitation and with the permission of a worker.
7. The student living in the boarding school facility leaves the facility's rooms generally with a worker.
8. The student can stay in the boarding school facilities during the lessons only with a valid reason and accompanied by a worker.
9. If necessary, students and workers create additional group-based behaviour rules, and these will be visible for everyone in the group.

THE PROCEDURE REGARDING THE SEPERATION OF CHILDREN IN THE CARE OF
THE SECURE CHILDREN'S FACILITY INTO THE CALMING DOWN ROOMS
ENSURING THE SUPPORT OF THE SUPERVISORY TEAM AND THE NOTIFICATION
OF THE CHILD'S LEGAL GUARDIAN.

1. For safety precautions a student may be placed into the calming down room if and only if the student's behaviour puts in immediate danger their own health or the health or lives of other people and such danger cannot be avoided by any other means.
2. The student will be placed into the room until the threat has passed but no longer than three consecutive hours.
3. All items that may be used to harm oneself will be removed from the student's possession.
4. Whilst in the calming down room the student will be under constant supervision and will be provided support in order to stabilize the student's current state.
5. Supervision may be provided either under an employee's personal presence or with the aid of the surveillance system.
6. The decision to place the students into the room must be documented as a written protocol immediately by the person responsible for making the decision (decision) (Appendix 1). The person responsible for writing the protocol must appoint an employee who is currently available and has direct dealings with this student to explain to the student after their isolation period is over, what was the purpose and reason for placing them into the room and to introduce the protocol to the student which, upon introduction, must be signed by the student.
7. The student's parents, legal guardian or caretaker must be immediately notified of the situation by a school employee with the initiative of the person who wrote the protocol, either by telephone or e-mail. The notification must be fixed as a notice in the school information system as well as the protocol.
8. The student's condition is assessed during observation and conversation. The security specialist will monitor the child's behaviour via the live security camera footage and will record any changes in the child's demeanour into the written observation survey (Appendix 2). Should the situation become critical, the security specialist will intervene without hesitation. Observations about the student's behaviour will be recorded with no longer than a 15-minute interval. If possible, a discussion will be hold with the student which in turn shall be recorded into the observation survey.
9. The employee will attempt to speak to the student after first signs of calming to determine their state.
10. The protocol (decision) (Appendix 1) and the observation survey (Appendix 2) will be forwarded to the secretary to be registered in the document management system.
11. The case management council will assess the reasons behind the student's behaviour leading to the placement into the calming down room. The results of this analysis will be taken into account in the subsequent further support of the student's development.

PROTOCOL OF THE STUDENT'S PLACEMENT INTO THE CALMING DOWN ROOM (DECISION)

Basis: SHS § 130³ and the MHK calming down room usage and placement rules item 6.

Protocol will be completed by the person responsible for the decision.

Employee responsible for the decision to isolate <i>(first and last name, signature)</i>		
Isolated student <i>(first and last name)</i>		
Time of isolation <i>(date, time)</i>		The end of the isolation period will be fixed in the observation survey (Appendix 2)
Employee who explains the purpose and reason for isolation of the student after the isolation period is over <i>(appointed employee's first and last name)</i>		
Event	Content	
Detailed description of the situation preceding the isolation <i>(including the measures taken in order to aid the pacification of the student).</i>		
Reasons for isolating the student and the placement into the calming down room <i>(description of the immediate danger to the health and lives of oneself or others around them)</i>		
Those informed of the placement into the calming down room <i>1. who informed (name), 2. who was informed (name), 3. date and time of information</i>	1. 2. 3.	
The student confirms to have read the protocol with a signature <i>Student's name and signature,</i>		
Employee who introduced the protocol <i>name and signature</i>		

OBSERVATION SURVEY

SUPPORT AND SUPERVISION PRACTICES PROVIDED TO THE STUDENT PLACED INTO THE CALMING DOWN ROOM

The document will be initiated by the person responsible for the protocol (decision) noting the student's name, date and time of the beginning of the isolation period and will forward the document to the person under whose supervision the student shall remain.

To note: The student's state, activities, complaints etc. no less than in 15-minute intervals.

Data concerning the support activities provided (conversations, meetings etc.)

Isolated student <i>(first and last name)</i>			
Start time <i>(date, time)</i>		End time <i>(date, time)</i>	
Injuries or property damage inflicted by the student during the time period of the isolation.			
Information about the employee(s) under whose supervision the student remained:			
Time period	First and last name	Occupation	Signature
Time (max 15-minute interval)	The student's state, activities, complaints etc. including the support and supervision practices		Employee's name and signature