

EXECUTIVE SUMMARY

The main objective of the 2017 periodic visit was to review the measures taken by the Estonian authorities to implement the recommendations made by the Committee after previous visits. In this context, particular attention was paid to the treatment and conditions of detention of persons in police custody as well as to the situation in police detention houses and prisons. In addition, it visited, for the first time in Estonia, a juvenile institution, namely Valgejõe Training Centre of Maarjamaa Education Institute in Tapa.

The co-operation received throughout the visit, from both the national authorities and staff at the establishments visited, was excellent. That said, the principle of co-operation also requires that the CPT's recommendations be effectively implemented in practice. In this regard, the CPT expresses its concern about the lack of progress in a number of areas, such as the material conditions in several police detention houses and the continued practice of holding remand prisoners in police establishments, as well as the regime provided to remand prisoners in detention houses and prisons and the frequent and prolonged recourse to solitary confinement in prison.

Law enforcement agencies

The CPT notes positively that 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.

As regards the fundamental safeguards against ill-treatment (i.e. the right of notification of custody and the rights of access to a lawyer and doctor), the vast majority of detained persons interviewed by the delegation indicated that they had been able to notify a third person shortly after apprehension, and the situation appeared to be generally satisfactory regarding criminal suspects' access to a lawyer. That said, the Committee 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 of access to a doctor (including one of their own choice) as from the very outset of their deprivation of liberty.

Whilst acknowledging the efforts by the Estonian authorities to improve the material conditions of detention in police detention houses, the CPT is very concerned about the appalling material conditions found at Pärnu, Tallinn, Tartu and Valga Detention Houses, as well as at Tallinn East Police Station, and the small size of some of the cells seen in various police establishments. The Committee recommends that the material shortcomings be remedied and that cells measuring less than 5 m² no longer be used for overnight stays.

The CPT notes positively that Estonian legislation provides that persons held in detention houses should be given access to an outside space for at least one hour per day. Unfortunately, in practice this was frequently still not the case, partly because many detention houses were not equipped with an outdoor yard. The Committee reiterates its long-standing recommendation that all persons who are detained by the police for 24 hours or more be offered at least one hour of access per day to the open air.

The CPT expresses serious misgivings about the fact that remand prisoners were still frequently being held in police detention houses beyond the period of police custody (pending their transfer to a prison) for one to four weeks, and in some cases even for several months.

Whilst acknowledging the fact that the total number of such cases in the country has significantly decreased since the 2012 visit, the Committee recalls that detention houses are not suitable for holding remand prisoners. In the CPT's view, the detention of remand prisoners in such establishments for prolonged periods in the poor material conditions described in the report combined with the total lack of out-of-cell activities could amount to inhuman and degrading treatment, all the more so if the persons concerned are *de facto* held in solitary confinement. The CPT calls upon the Estonian authorities to put an end to the practice of holding remand prisoners in police detention houses beyond the period of police custody (i.e. 48 hours). Further, pending the definitive end of this practice, a number of interim measures should be taken to improve the living conditions of the persons concerned.

Prison establishments

The CPT welcomes the measures taken by the Estonian authorities to reduce significantly the total prison population since the 2012 visit (from 3,389 to some 2,600). That said, Estonia still has one of the highest national incarceration rates of the Council of Europe's member States (i.e. 210 inmates per 100,000 inhabitants). The Committee encourages the Estonian authorities to further develop alternatives to imprisonment, in the light of relevant recommendations of the Committee of Ministers of the Council of Europe, and urges them 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 Tallinn and Tartu Prisons, hardly any allegations of physical ill-treatment by staff were received, while a few allegations of excessive use of force by prison officers were heard at Viru Prison. Further, inter-prisoner violence did not constitute a major problem in any of the prisons visited.

In the newer establishments of Tartu and Viru Prisons, material conditions of detention were generally satisfactory. That said, at Tallinn Prison, conditions remained substandard (dilapidated cells and appalling sanitary facilities), and many sentenced prisoners were still being held under cramped conditions (e.g. up to ten persons in a cell measuring 31 m²). Given the planned opening of the new Tallinn Prison at the end of 2018, the CPT refrains from making any recommendations regarding the infrastructure of the current establishment. Instead, the CPT requests the Estonian authorities to provide updated information on the progress made to finalise the construction of the new prison in Tallinn and to withdraw the old premises from service.

Whilst acknowledging the efforts made by the Estonian authorities to provide sentenced prisoners with a range of purposeful out-of-cell activities, it remained the case that a considerable number of such prisoners were not provided with any such activities on a regular basis. Further, the CPT expresses its serious concern about the fact that, apart from daily outdoor exercise of one hour, the vast majority of remand prisoners remained locked up in their cells all day long for months and, in some cases, even years on end. In addition, according to the relevant legislation, remand prisoners were not allowed to associate with prisoners from other cells. The CPT calls upon the Estonian authorities to take the necessary steps to devise and implement a comprehensive regime of out-of-cell activities (including group association) for all sentenced and remand prisoners.

The delegation gained a generally favourable impression of the health-care services at Tartu Prison in terms of staffing levels, facilities and medical screening. That said, at the time of the visit, all patients in the establishment's psychiatric unit were locked up alone in their rooms all day (apart from one hour of outdoor exercise per day, in small individual cubicles). The CPT stresses that all psychiatric patients should benefit from a range of recreational and therapeutic out-of-cell activities, in addition to pharmacological treatment, and that they should, as far as possible, be allowed to associate with other patients.

As regards discipline, the CPT expresses its serious concern that hardly any of the specific recommendations made after the 2012 visit have been implemented. In particular, the maximum time-limits for disciplinary solitary confinement remained unchanged (i.e. up to 45 days for adults and up to 20 days for young offenders). It is of all the more concern that, in particular at Viru Prison, multiple disciplinary sanctions of solitary confinement were still being imposed consecutively, which in a number of cases resulted in very long periods of solitary confinement (in one case, 225 days). Overall, resort to solitary confinement as a punishment appeared to be widespread in all three prisons, and, at Viru Prison, this practice appeared to be particularly excessive. The CPT recommends once again that, for adult prisoners, the maximum period of solitary confinement as a punishment for a given offence be limited to 14 days, and preferably less, and that no prisoner be held continuously in disciplinary isolation for longer than the maximum time-limit. In addition, the Committee considers that solitary confinement as a punishment should no longer be imposed on juvenile prisoners.

The report also deals with the situation of prisoners who were segregated from other inmates and subjected to cellular confinement as a security measure (under Section 69 of the Imprisonment Act). The CPT expresses concern about the very restrictive regime which, in the case of prisoners accommodated in single cells, was tantamount to solitary confinement, often for prolonged periods. The Committee recommends that all segregated prisoners benefit from a structured programme of purposeful and preferably out-of-cell activities and that all such prisoners who are subjected to solitary confinement be 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.

Valgejõe Training Centre of Maarjamaa Education Institute

The delegation received no allegations of ill-treatment by staff at the Centre. On the contrary, all juveniles interviewed by the delegation spoke positively about staff. Further, violence amongst juveniles did not appear to be a major problem. When such incidents occasionally occurred, staff usually intervened promptly by applying de-escalation techniques.

Material conditions in the Centre were of a very good standard, and all juveniles were offered a wide range of educational and recreational activities. The CPT gained a particularly positive impression of the Centre's pedagogical approach towards juveniles, which was clearly aimed at promoting the juveniles' sense of responsibility and fostering their social skills rather than punishing them. That said, the Committee urges the Estonian authorities to ensure that all juveniles are offered access to the outdoor yard for at least two hours per day, and preferably more.

As regards health care, the delegation was impressed by the professional and proactive attitude of the Centre's nurse who worked in the Centre on a full-time basis. However, the CPT expresses concern that the treatment of juveniles with a psychiatric diagnosis was mainly based on psychotropic drugs. Further, the CPT recommends that the authorities redouble their efforts to fill the current staff vacancies as a matter of priority (including the post of a psychologist and other key personnel in charge of working with the juveniles towards rehabilitation and reintegration).

Finally, the Committee praises the Centre's flexible and generous policy towards the juveniles' contact with the outside world which included possibilities for frequent visits, access to telephone and emails several times a week, and regular home leave.