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Inspection visit to the unit for mothers and children in Tallinn Prison

On 6 March 2020, the Chancellor's advisers visited the unit for mothers and children in Tallinn Prison. At the time of the visit, the unit housed one mother with a child aged one year and three months. The advisers examined the rooms in the unit, spoke with the mother and the prison deputy director.

The following recommendations are aimed at better ensuring the rights of female prisoners and children primarily during the ordinary functioning of the prison and do not presume complete compliance in an emergency situation declared under the Government of the Republic [order](#) of 12 March 2020 and while applying additional measures resulting from this¹ in prison.

The overall impression of the unit was positive. Nevertheless, the prison should make more effort to create an environment which is as home-like as possible and protects the health and well-being of children. The children's play corner in the unit could be made safer, more convenient and more conducive to children's development. Going outdoors could be made easier. Officers and staff must always give primary consideration to the interests of children in the unit.

Due to circumstances, detention of the mother in the unit has become essentially similar to solitary confinement. The prison must create more possibilities for the mother to have meaningful contact. The mother should have equal opportunities with other women to participate in social programmes and hobby and leisure activities (e.g. use of a sports hall, guided physical training, participation in art and handicraft groups). During that time, the mother must be able to leave the child in the care of a suitable person.

I. The environment for a child's upbringing

Under Rule 51.2 of the [UN Bangkok Rules](#), the environment provided for upbringing of children living with their mothers in prisons must be as close as possible to that of a child outside prison. Rule 42.2 stipulates that the prison regime must be flexible for mothers and children. Under Rule 36.3 of the [European Prison Rules](#), infants must be accommodated in rooms ensuring their welfare.

¹ Directive No 1-1/20/11 of 19 March 2020 of the director of Tallinn Prison.

Paragraph 29 of the [CPT Standards](#) emphasises that the goal should be to produce a child-centred environment, free from the visible trappings of incarceration, such as uniforms and jangling keys, for a child staying in prison with their mother. Paragraph 37 of [Recommendation CM/Rec\(2018\)5](#) sets out, inter alia, that the environment provided for the upbringing of a child in prison must be safe and the child should be able to freely access open-air areas in the prison. Paragraphs 46–48 of the Recommendation emphasise the importance of special training for prison officers and staff who come into contact with children, their important task in supporting children, respecting the needs of children and giving primary consideration to the rights of children.

The mother staying in the unit complained that since windows could not be opened it was hot in the unit, there was insufficient air and low air humidity. The deputy director also admitted the problem. A fan blower had been given to the mother and the prison affirmed that an air humidifier had also been ordered.

As already noted, the children's play corner could be made safer, more convenient and more conducive to children's development. This could mean that the floor should be additionally covered with a carpet. Acquiring a sofa and/or bean-bag chairs, and providing toys in the play corner that support the development of the child as they grow could be considered.

The mother claimed that she often had to wait for a long time to get outdoors and back. This is particularly inconvenient in winter when the child has started to feel hot while waiting indoors wearing winter clothes, and has started to feel cold while waiting outdoors. The mother was also concerned that, as the child grows, the need may arise to quickly get from the yard to the toilet with the child, but under current arrangements this would be complicated. The deputy director also conceded that waiting may happen because of staff shortage and staff being busy with other duties: such as escorting women to work and school, or to participate in programmes.

Unfortunately, when designing the prison no possibility was created for mothers and children to freely and directly access an open-air area. This possibility would have eased the burden for officers, would have reduced contact by children with the ordinary prison environment, and would have enabled mothers and children to go outdoors as they wish. Even escorting just one mother and child outdoors and back has caused some problems. If more children are in the unit, escorting mothers and children to the yard and back could take up very much of an officer's working time.

The prison should consider the possibility of undertaking reconstruction works to ensure that mothers and children can freely access the yard. When performing their duties, prison officers should give priority to the child's best interests and prioritise movements related to the child at the expense of other duties.

II. Mother's detention regime

The mother, together with her child, has been alone in the unit since 25 September 2019. Her only activity is taking care of the child. Once a week a female prisoner comes to the unit for three hours to babysit and talk to the mother. The mother can also use the babysitter when she needs to go, for instance, to the medical unit.

Among the staff, the mother comes into contact with guards, the inspector-contact person, the social worker and the medical nurse. According to the mother, these meetings are formal; officers and staff are always in a hurry and have no time to explore in more detail how the mother is really doing. The mother admitted that it was difficult for her to cope with everyday routine consisting only of repeated activities in connection with the child. When talking to the Chancellor's advisers the mother was visibly stressed and dissatisfied. The mother had filed many complaints with the prison.

The living conditions in the unit are more comfortable and the regime is more flexible in comparison to the ordinary unit. However, the mother has very limited possibilities to satisfy her basic emotional and social needs, including experiencing a sense of belonging, a possibility to create and maintain relationships, receive support and feedback from others, and the like. Due to circumstances, the mother's detention has become similar to solitary confinement.

The harmful effects of long-term solitary confinement have been scientifically proved.² Stress caused by limited interaction may be expressed, inter alia, by a person in solitary confinement becoming restless, easily irritable and searching for any (even negative) attention and contact – for instance, by constantly filing complaints with the prison.³ It should be taken into account that the negative effects of solitary confinement may also endanger the mental and physical health of the child if the mother is unable to take best care of the child, express empathy, be supportive and patient, etc. Thus, the child's well-being largely depends on that of the mother.

The prison must create more possibilities for the mother to have meaningful contact in the unit. For example, the female prisoner babysitting the child could visit the unit more often. Letting other female prisoners interact with the mother could also be considered. In other countries, for example, the measure of a fellow inmate taking on the role of a "listener/buddy" is used to alleviate social isolation and prevent suicides.⁴ Offering this kind of support and companionship to a vulnerable or isolated prisoner is treated as remunerated work in prison, just like assigning a carer to a prisoner with special needs. Another measure to consider would be to place a suitable female prisoner in the unit for mothers and children if the unit only has one mother with a child. Officers and staff must be in constant contact with the mother and provide her with both substantive and empathetic support.

The prison must also monitor that, due to taking care of the child, the mother is not deprived of the possibility to participate in re-socialising and hobby and leisure activities offered to other women in prison. Rule 29(1)(a) of the [UN Mandela Rules](#), Rule 42(2) of the [UN Bangkok Rules](#) and Rule 36.2 of the [European Prison Rules](#) emphasise that mothers in prison with their children must be ensured equal opportunities with other women. For this, the possibility of childcare must be created for a mother in prison. Paragraph 29 of the [CPT Standards](#) also says that availability of childcare in prison enables women to participate to a greater extent in work and other activities inside the prison.

² J. Lobel, P. Scharff Smith (Eds.) *Solitary Confinement: Effects, Practices, and Pathways Towards Reform*. Oxford University Press 2020, pp 129–243; C. Haney. [Restricting the Use of Solitary Confinement](#). *Annual Review of Criminology*, 2018, pp 285–310.

³ L. A. Bassett. [The Constitutionality of Solitary Confinement: Insights from Maslow's Hierarchy of Needs](#). *Health Matrix: The Journal of Law-Medicine*, 2016 Vol 26/1.

⁴ World Health Organization. [Preventing suicide in jails and prisons](#). 2007, pp 15-16.

Undoubtedly, living together with their child is a motivational force for mothers in prison and an important incentive in returning to a law-abiding life. However, merely caring for the child and building an affectionate relationship with the child is not sufficient to alleviate a woman's criminogenic risks. On the contrary, considering that upon release from prison a female prisoner with a child is also responsible for the child in addition to themselves, it is extremely important that, similarly to other prisoners, the prison should also provide activities for women with children (e.g. study, work, rehabilitation activities) which would be conducive to their smooth return to liberty and coping while at liberty. Moreover, participation in various activities helps to alleviate concerns – such as stress, depression, anxiety – arising from limited interaction by a mother who is alone in the unit for mothers and children.

The mother should enjoy equal opportunities with other women to participate in social programmes and in hobby and leisure activities. During that time, the mother must be able to leave the child in the care of a suitable person.

I expect feedback to my recommendations by 29 May 2020.

Ülle Madise