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### **Inspection visit to Tallinn Prison**

One of the duties of the Chancellor of Justice is to carry out regular supervision over places of detention (including prisons) (§ 1(7) and § 27 of the [Chancellor of Justice Act](#) and Article 3 of the [Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment](#)). With that in mind, the Chancellor carries out inspection visits at a time agreed with an institution in advance as well as without prior notice.

On 21–23 February 2022, the Chancellor’s advisers inspected Tallinn Prison at short notice. I would like to thank the prison for its readiness to cooperate, smooth dealings and competent explanations provided by prison officers both during and after the inspection visit.

The inspection visit focused on the situation of people in solitary confinement, female prisoners and those staying in the unit for mothers and children. The Chancellor’s advisers spoke with convicted and remand prisoners in solitary confinement, communicated with prison officers and staff and carried out a tour of the prison grounds and rooms. A selection of documents was also examined. During the inspection visit, the Chancellor’s advisers were accompanied by a psychiatrist as healthcare expert. Most recently the Chancellor had carried out an inspection visit to Tallinn Prison in [2020](#), inspecting the unit for mothers and children.

The Chancellor can note with pleasure that the prison has taken into account several of the Chancellor’s earlier recommendations. It is commendable that women have free access to essential hygiene articles and that only female guards have been assigned to the women’s unit. The needs of children have been better taken into account in the design of the waiting room at the preliminary visitor entrance point. Children living in the unit for mothers and children can attend an ordinary kindergarten and the unit has living rooms adjusted to their needs, as well as a sufficient choice of toys and other items necessary for age-appropriate recreational activities. The prison also supports contact by children who live with their mother in prison with the other parent and next of kin at liberty. It is also commendable that photography can be arranged at the unit for mothers and children. Almost all female prisoners work and/or study; in this respect involvement of women in activities should also serve as an example for dealing with male prisoners. In open units, prisoners can freely use computers adjusted for them. Most prisoners in open units can also stay in their cell alone.

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Unfortunately, not everything at Tallinn Prison complies with laws and international requirements. Many of the problems found at Tallinn Prison are similar to problems identified during the inspection visit to Tartu Prison in [2020](#) and Viru Prison in [2021](#).

On 2 June 2022, the Ministry of Justice sent to the Chancellor a [Draft Act](#) also aimed at resolving problems pointed out by the Chancellor. The amendments concern, inter alia, the maximum length of disciplinary confinement punishment, the ban on visits while serving a disciplinary confinement punishment or staying in the reception unit, creating communication options via a video link, etc. This is an extremely welcome development.

Yet various shortcomings remain in the work of prisons (including Tallinn Prison) which do not support reintegration of people into society and create a favourable situation for ill-treatment of people. It is the Chancellor's duty as the national preventive mechanism to draw attention to these shortcomings and, if necessary, to do so repeatedly.

Once again I must point out that so far there has been no improvement in the movement and communication possibilities for remand prisoners to which the Chancellor already drew attention in [2014](#). A persistent problem is that assessment of the need for committing a person to an isolated locked cell is not always clear. Prisoners in the reception unit must be taken to an ordinary unit as soon as possible after initial risk assessment and a decision on placement. Every day the prison must monitor the health of people in solitary confinement and offer them opportunities for meaningful human contact.

Living conditions in disciplinary cells and isolated locked cells must be improved. A sanitary corner in a cell must be separated from the rest of the cell and it may be monitored only in exceptional cases. The prison should check the conformity of the ventilation system with requirements. Solutions for improving acoustics (in particular echo suppression) should be found in the unit for mothers and children. Exercise boxes need improvement and, instead of them, preference should be given to existing exercise areas at ground level that could be usable all year round.

Inter alia, the living arrangements and conditions in prison must serve the aim of re-socialising inmates. Creating opportunities for work and study, maintaining family relationships and keeping abreast of developments in society significantly increase the possibility that upon release a person will start or continue leading a law-abiding life. Thus, prison plays a major role in making society safer, reducing recidivism, and at the same time reducing the [cost of imprisonment](#).

Conditions not facilitating meetings of convicted and remand prisoners with their next of kin must be reviewed. Full strip searches of children coming for a visit in prison must be stopped. Mothers in the unit for mothers and children as well as prisoners meeting with their next of kin, especially children, should be allowed to wear their own clothes. Consideration should also be given to how books and newspapers could once again be made more accessible to convicted and remand prisoners.

Tallinn Prison needs officers directly dealing with convicted and remand prisoners. Shortage of staff affects the working mood of officers as well as the ability of the prison to meaningfully deal with convicted and remand prisoners, which in turn complicates ensuring prison security. According to the assessment by the healthcare expert, many positions in the prison medical department are also vacant. Problems also exist with access to and quality of mental health

services, as well as compliance with pharmacovigilance requirements and ensuring confidentiality of patient data in distributing medicines.

**Since the problems found are complex and many of the solutions presume a change of legislation, the recommendations are intended both for the prison and the Ministry of Justice under whose area of administration Tallinn Prison belongs and whose competence also includes preparing legislation related to imprisonment law.**

## **1. Solitary confinement**

According to information sent by Tallinn Prison, 828 persons were in prison as at 16 February 2022, and of these 390 were in solitary confinement. Held in solitary confinement were convicted and remand prisoners serving a disciplinary confinement punishment or staying in an isolated locked cell, all remand prisoners, prisoners in the reception unit and those in medical isolation (including persons receiving tuberculosis treatment or those suspected of being infected with tuberculosis).

Detention conditions of these convicted and remand prisoners are characterised by being held in their cell for up to 23 hours a day, being socially isolated and being totally or largely unable to participate in out-of-cell activities, and also having no opportunity for meaningful daily contact.

The healthcare expert participating in the inspection visit noted that the prison had not assigned specific medical practitioners or laid down guidelines for monitoring the health of those in solitary confinement. The health condition of convicted and remand prisoners is not assessed daily. In its judgment of 8 December 2021 [No 3-18-1895](#) the Supreme Court emphasised that, since long-term solitary confinement primarily endangers a person's mental health, one cannot rely only or mostly on the premise that the prisoner themselves notifies a deterioration in their health. A person might not sufficiently quickly perceive – or be able or wish to draw attention to – a deterioration in their mental health (para. 26).

Based on scientific literature and international requirements, as well as expert assessments, I analysed the situation of people in solitary confinement in the summary of an inspection visit carried out at Tartu Prison in [2020](#). I have also previously drawn attention to the negative effects of solitary confinement (e.g. in statement No [6-1/161019/1604041](#), recommendations No [7-4/200674/2003054](#) and No [7-7/200463/2001980](#)). Tallinn Prison is well aware of these opinions. I repeat my earlier recommendations.

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

**The prison should ensure at least two hours of meaningful interaction a day for convicted and remand prisoners held in solitary confinement. Meaningful interaction must take place directly without any physical barriers (e.g. a food hatch, or the like) and enable empathetic human contact. Such interaction may take place during out-of-cell activities with other inmates, as well as by meeting with a person's next of kin, or officers or staff of the medical unit. To ensure meaningful interaction, all staff – and in particular guards who have the closest contact with prisoners – should apply the principles of dynamic security in their everyday work. The prison management should organise the necessary training for staff and provide them with the relevant instructions.**

## 1.1. Remand prisoners

Remand prisoners in Tallinn Prison very rarely participate in out-of-cell activities. Some people have not participated in any out-of-cell activity during the three years they have been remanded in custody. As a rule, out-of-cell activity for remand prisoners comes down to a daily one-hour walk outdoors, and their opportunities for communication are limited to infrequent meetings with an inspector-contact person. No social programmes or other activities (e.g. participation in education, hobby or sports groups) have been offered to remand prisoners. The prison has tried to activate people mostly by offering them a possibility to participate in prison maintenance work (e.g. cleaning a few hours a week).

Attention to the need for out-of-cell activities for remand prisoners was also drawn in the recommendations sent to prisons in [2011](#), [2019](#) as well as [2022](#). I have also said that remand prisoners are essentially in solitary confinement (see the opinion of 26 May 2020 No [7-4/200674/2003054](#) to Tallinn Prison). To prevent and alleviate the possible negative effects of solitary confinement, all remand prisoners should be offered meaningful out-of-cell activities, first and foremost those who have already been remanded in custody for a long time.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had noted in its report as long ago as in [2005](#) and most recently in its report of [2019](#) that Estonia should begin to radically improve remand prisoners' opportunities for activities. According to the CPT's assessment, remand prisoners must be able to spend part of the day (i.e. eight hours) outside their cell and they must be involved in various structured activities (see e.g. the CPT's recommendations sent to Romania in [2022](#), para. 88). In its recommendations sent to Finland in [2021](#) (para. 47) the CPT stated that the longer a person is remanded in custody the more opportunities they should have to participate in out-of-cell purposeful activities.

The situation of remand prisoners (whose contact with other remand prisoners does not need to be restricted in the interests of criminal proceedings) could be significantly improved if, similarly to convicted prisoners, they could participate in purposeful activities and be outside the cell at least four hours a day (§ 8(1) [Internal Prison Rules](#)). Locking all remand prisoners, without exception, in their cells (first sentence of § 90 subs. (3) and subs. (5) [Imprisonment Act](#)) does not enable consideration of the procedural interests relevant at a specific moment in time and that the need to prevent compromising criminal proceedings might not be the only reason for holding a person in custody.

It is extremely unfortunate that since the Chancellor's proposal made in [2014](#) and the guidance provided by the Riigikogu, the Ministry of Justice is still analysing the issues of expansion of the freedom of movement and opportunities for remand prisoners to have contact, and the [Imprisonment Act](#) has still not been amended.

**The Ministry of Justice should immediately prepare and submit to the Riigikogu a Draft Act for amending the first sentence of § 90 subsection (3) and subsection (5) of the [Imprisonment Act](#) on remand prisoners' freedom of movement and opportunities for contact.**

**The prison should take immediate steps to prevent and alleviate the possible negative effects of solitary confinement on remand prisoners. Among other things, this means that remand prisoners should be offered purposeful out-of-cell activities.**

## 1.2. Reception unit

According to information sent by Tallinn Prison, as at 16 February 2022 some 46 prisoners were in the prison reception unit. Interviews with prisoners revealed that they believed they had to stay in the reception unit for three months, i.e. the longest possible period laid down by § 14(4) of the [Imprisonment Act](#). In the six cases checked, the prisoners had indeed been in the reception unit for several months already. The data obtained later affirmed that one of the six prisoners was released from the reception unit after three months, four prisoners had been in the reception unit for two and a half months and one prisoner for two months. Most of these prisoners had previously been in the prison as remand prisoners.

While staying in the reception unit, all six prisoners met their inspector-contact person only on a few occasions. One prisoner was given written information on their rights and duties three months after placement in the reception unit. No data exists to indicate that the prisoners were offered any out-of-cell activity.

I described a similar situation in the summary of the inspection visit to Viru Prison in [2021](#) (para. 1.2), which I also sent to Tallinn Prison for information. Thus, the prison is very well aware of the analysis of the problem and its conclusions. These opinions also apply to Tallinn Prison. I repeat my earlier recommendations.

**The prison should ensure that prisoners in the reception unit are placed in the ordinary unit as soon as possible. This helps to avoid the negative effects of solitary confinement and, inter alia, prevent self-harming behaviour among prisoners. Where necessary, the Ministry of Justice should prepare the required legislative amendments.**

**When advising prisoners of legislation, the prison must comply with the requirement under § 14(2) of the [Imprisonment Act](#) stating that, no later than the day following the prisoner's arrival in a prison, they must meet a prison service officer who explains to the prisoner their rights and duties.**

## 1.3. Disciplinary cell

As a rule, disciplinary confinement punishments imposed at Tallinn Prison in the period from 1 August 2021 to 28 February 2022 ranged from one day to twenty days of disciplinary confinement. Thus, the situation has improved and prisoners serving disciplinary confinement no longer have to stay in a disciplinary cell for several consecutive months as could happen before. However, there were also cases where due to the length of one violation as well as consecutive enforcement of several disciplinary confinement punishments a prisoner spent several times longer in a disciplinary cell than allowed under international standards on detention. Based on available information, punishments imposed during the period checked were not related to contacts of convicted and remand prisoners with their next of kin (e.g. incidents of violence during visits, or the like).

Often, it was the same prisoners staying in a disciplinary cell who were subjected alternately to the disciplinary confinement regime and the isolated locked cell regime. Often these prisoners also had behavioural and mental health problems. Similarly to [Tartu Prison](#) and [Viru Prison](#), Tallinn Prison also limited the opportunities for reading of those committed to a disciplinary cell, who were also prohibited from using bedding (i.e. mattress, pillow, blanket, bedclothes) during

the daytime. The psychiatrist involved in the inspection visit found that such restrictions are excessive.

On 2 June 2022, the Ministry of Justice sent to the Chancellor a [Draft Act](#) for amending several laws, the plan being to reduce terms of disciplinary confinement (§ 63 subs. (1) clause 4, subs. (2) and § 100 subs. (1) clause 3 and subs. (2) [Imprisonment Act](#)) and lift the accompanying complete ban on visits.

Provisions regulating imposition and enforcement of disciplinary confinement punishments enable a prison even now, without waiting for the legislative amendment, to act in compliance with international detention standards and expert opinions (including the CPT).

The opinions that I have expressed on the maximum length of disciplinary confinement punishment, the conditions of detention in a disciplinary cell, or finding alternative solutions to disciplinary confinement (including in summaries of inspection visits to Tartu Prison in [2020](#) and to Viru Prison in [2021](#), as well as in opinion No [16-4/211408/2105134](#)), have not changed. I repeat my earlier recommendations.

**Disciplinary confinement may only be imposed in the most serious cases, as a measure of last resort, and for as briefly as possible. The duration of disciplinary confinement imposed on an adult may not exceed 14 days. A 14-day period spent in a disciplinary cell must be followed by a reasonable period under the ordinary regime. The prison should look for alternatives to disciplinary confinement. Where necessary, the Ministry of Justice should prepare the required legislative amendments.**

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

#### **1.4. Isolated locked cell**

The directives checked contained detailed descriptions of the underlying reasons for applying additional security measures (including placement in an isolated locked cell). The directives noted that measures are to be used until the relevant circumstances cease to exist. However, the directives lacked information about assessing continuation to apply the measure (e.g. directive of 2 December 2021 No 1-21/1-2/290, directive of 4 October 2021 No 1-21/1-2/214, directive of 1 September 2021 No 1-21/1-2/182). Incomprehensibly, several directives dealt simultaneously with discontinuation of security measures and renewed application of the same measures (see e.g. directive of 30 September 2021 No 1-21/1-2/207, directive of 26 November 2021 No 1-21/1-2/280). Nor was it clear from the directives checked what the prison had undertaken to transfer people back to the ordinary unit.

A directive on applying additional security measures must clearly set out when the restrictions are to be reviewed and what circumstances will be taken into account in doing so. Preparing a convicted or remand prisoner for return to an ordinary unit should start immediately after the person is placed in an isolated locked cell. The objective should be that the person is released from solitary confinement as quickly as possible.

If a prisoner is placed in a locked cell for a short term (for instance only for the purpose of ascertaining the facts of an incident), they might indeed not need all the additional interventions noted in their individual treatment plan in order to return to an ordinary unit. At the same time, the prison must then offer the person an opportunity of at least two hours of meaningful human contact a day.

In a situation where a person is placed in an isolated locked cell because they pose a danger to themselves and/or others, an action plan based on their needs should be prepared for their return to an ordinary unit. In doing so, interventions mentioned in the prisoner's individual treatment plan are not sufficient, but the prison must also intensively deal with the reasons why a person ended up in an isolated locked cell.

Although, according to the [assessment](#) by the Ministry of Justice, preparing such an individual action plan is not necessary, I nevertheless maintain the opinion that a prison cannot merely hope that a person's attitude and behaviour would change only because they are isolated from others and left on their own to reflect on the situation. It is important that close and meaningful daily contact should be maintained with a prisoner in an isolated locked cell, that the reasons for their committal to solitary confinement are actively dealt with and they are helped to return among the ordinary prison population as soon as possible. An individual plan for withdrawal from solitary confinement was also considered important by the CPT in its [21st General Report](#) (para. 57 (c)), most recently in recommendations sent to Spain in [2021](#) (para. 75) and to the United Kingdom in [2020](#) (paras 89–91).

A directive on deciding to commit a prisoner to an isolated locked cell for some time must also set out the events taking place during the assessment period, including any interventions by the prison and their results. I emphasised this in the summaries of an inspection visit to Tartu Prison in [2020](#) (see paras 1.5–1.5.1) and to Viru Prison in [2021](#) (see para. 1.4). These opinions and the underlying reasoning are also well known to Tallinn Prison. I repeat and elaborate on the earlier recommendations.

**The prison should draw up detailed guidelines to assess the need for placement in an isolated locked cell. The guidance should also clearly set out the requirement that directives on applying a measure must clearly indicate that the measure is to be discontinued immediately after the underlying circumstances for it cease to exist, but in any case the necessity to continue the measure is to be reviewed after a specific interval (advisably not less often than once a month).**

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

## **2. Direct coercion**

During the period from 1 August 2021 to 28 February 2022 Tallinn Prison drew up 28 reports on the use of physical force, a service weapon, special equipment or means of restraint and

examination of the health condition of a violator. Use of direct coercion and the situations preceding and following it were described in detail. However, in several cases, a suspicion arose that a person's health check had taken place before removal of handcuffs (e.g. the report of 18 August 2021 No 5-7/21/49-104, the report of 4 October 2021 No 5-7/21/55-1).

The Chancellor has repeatedly drawn the attention of prisons (including in the summary of an inspection visit to Tallinn Prison in [2017](#)) to the fact that no complete picture of a situation can be obtained if information is lacking as to the health condition of a person subjected to coercion after use of coercion was discontinued.

Information sent by the prison also indicates that, as a rule, direct coercion was used in respect of the same persons. These convicted and remand prisoners were at the same time either under the disciplinary cell or the isolated locked cell regime, and they had behavioural and/or mental health problems.

The prison should look for different solutions instead of using direct coercion and isolation on people. In other countries, motivational systems as well as intensive intervention programmes are used to cope with difficult convicted and remand prisoners. Instead of isolating people and keeping them under austere conditions, such convicted and remand prisoners are placed in a unit with a crisis team consisting of several specialists and maintaining constant contact with prisoners.<sup>1</sup> In its [2020](#) report the CPT noted that, in Ireland, such people are dealt with in a so-called challenging behaviour unit.

The healthcare expert participating in the inspection visit pointed out that such a unit definitely requires more staff who need relevant training and support from the medical department and psychologists. Staff at the unit should closely communicate with convicted and remand prisoners and implement activities and programmes that would help to influence these people to change their behaviour. Prisons have a positive experience with juveniles and young people in Viru Prison where intensive engagement with them has yielded good results. This approach should also be used for interaction with adults with difficult behaviour.

**The prison should also check a person's health status after applying direct coercion (e.g. removal of handcuffs) and this should be documented in detail.**

**The prison should look for alternatives to use of direct coercion and isolation of inmates in order to cope with convicted and remand prisoners with difficult behaviour. Of assistance in this respect might, for example, be an incentive system, units specialised in resolving behavioural and mental health problems, or the like. Where necessary, the Ministry of Justice should prepare the required legislative amendments.**

### 3. Living conditions

#### 3.1. Lighting

Windows in disciplinary cells and isolated locked cells in Tallinn Prison are covered with dense metal mesh. I have drawn the attention of prisons to the fact that because of this security measure

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<sup>1</sup> See e.g. Vera Institute of Justice, [Segregation Reduction Project Findings and Recommendations](#), 30 January 2015; S. Zivoloski, [Impacts of and Alternatives to Solitary Confinement in Adult Correctional Facilities](#), Social Work Master's Clinical Research Papers, 2018.



not enough natural light reaches the cells (see e.g. the opinion of 17 December 2019 No [7-4/191561/1906265](#), the summary of an inspection visit to Tartu Prison in [2020](#) (para. 2.2.).

In order to prevent a person with aggressive behaviour from breaking cell furnishings and fittings (including windows), in some situations additional security measures need to be taken to protect windows. At the same time, alternative means (e.g. impact-resistant glass) are available which prisons use even now and which do not prevent natural light from reaching the cell to the same extent as metal mesh.

**The prison should remove the dense metal mesh from cell windows and ensure security by other means.**

### 3.2. Washing facilities

Prisoners committed to a disciplinary cell can use the shower once a week. The shower is located outside the cell, in a small closed windowless room. During the inspection visit, the shower room had one shower head, one peg and a lamp. The room had no call button or any place for keeping things.

Prisoners described that often they must wait for a very long time in the shower room before being able to exit the room. Several prisoners found that ventilation in the shower room was poor, so that the room quickly steams up. According to prisoners, lack of air aroused in them a feeling of claustrophobia and staying in such a room for a long time was both physically and mentally difficult for them. The room has no bench, so that a person in the room must stand while waiting for a guard. Nor does the shower room have any place to keep things, so that several prisoners have asked that their towel and clothes be kept outside the shower room, for example on the floor of the public corridor. Prisoners explained that even if such a place for storing things were to be created in the shower room, it would not be possible to avoid one's towel and clothes getting wet due to the small size of the room.

Having examined the shower rooms in the disciplinary cells, the Chancellor's advisers became convinced that the descriptions by prisoners were true. In view of the shortage of officers and their heavy workload, as well as the fact that the shower room had no call button, it is also plausible that people have had to wait for a long time before being let out of the room. It is also plausible that a small closed room steams up while showering and may cause lack of air. Inevitably, in such a room the towel and clothes would also get wet and it is also difficult to remain standing up while waiting for a long time to be let out of the room. This kind of situation is degrading to human dignity.

The Chancellor has previously repeatedly noted (see e.g. the summary of an inspection visit to Viru Prison in [2014](#) and to Tallinn Prison in [2017](#)), that the minimum washing opportunity laid down by § 50(2) of the [Imprisonment Act](#) (i.e. once a week) is not sufficient. Rule 19.4 of recommendation Rec(2006)2 of the Committee of Ministers of the Council of Europe on [European Prison Rules](#) stipulates that every prisoner should be enabled to wash daily, and if this proves to be impossible then at least twice a week. The CPT has also considered the possibility of showering in warm water at least twice a week to be the absolute minimum decency threshold in modern society (see the CPT [30th General Report](#), para. 73).

**The prison should improve washing opportunities for people serving a disciplinary confinement punishment and offer them an opportunity to shower at least twice a week.**

**Consideration should be given to serving a disciplinary confinement punishment in an ordinary cell (this is usual practice e.g. in Viru Prison and Tartu Prison) which also has a shower corner, a place for keeping things and a possibility to notify the guards via the cell terminal (e.g. in case of starting to feel poorly). Should the prison nevertheless conclude that a disciplinary confinement sanction must be served in a disciplinary cell, the prison does have enough vacant ordinary cells whose shower corner could be used as a washing facility for those committed to a disciplinary cell.**

### **3.3. Video surveillance and privacy**

A video camera has been installed in each disciplinary cell and isolated locked cell, although as a rule it is switched off. However, many prisoners (especially those having stayed for a long time in an isolated locked cell) complained that they considered the presence of a video camera extremely harassing and they suspected that they were nevertheless being monitored through the camera. The presence of a camera caused additional stress in people already subjected to the oppressive effect of segregated detention conditions.

Prisoners who had been in an isolated locked cell drew the attention of the Chancellor's advisers to the fact that although the shower was separated from the cell by a wall, the toilet bowl with a sink was located in the room and situated from the rest of the living area by only a couple of metres from the eating table and bed. Prisoners noted that taking care of hygiene procedures and eating in the same room was disagreeable for them. They also thought that they might be observed by a video camera while using the toilet. So, in the cells of several prisoners the camera had been smeared with toothpaste or a piece of paper had been stuck over it.

The psychiatrist involved in the inspection visit pointed out that cameras often arouse unnecessary fear and suspicions in people, even culminating in paranoid delusions. For this reason, a prison should refrain from placing people (whom there is no reason to monitor via video surveillance) in rooms with video surveillance or to cover video cameras when not switched on.

The CPT has repeatedly noted that a prison must respect prisoners' privacy in carrying out hygiene procedures. According to the CPT's assessment, a sanitary corner even in a single-occupancy cell must be separated from the rest of the room by a partition or by using another solution. Most recently, the CPT expressed this position in recommendations sent to Denmark in [2020](#) (para. 43). Tartu Prison, for example, has built cubicles and partitions separating the sanitary corner in several disciplinary cells and isolated locked cells.

I have also previously drawn the attention of prisons to the fact that, while ensuring security, people's right to privacy should be respected and, as a rule, video monitoring of people in cells and toilets and washrooms should be avoided (see e.g. the summary of an inspection visit to Tartu Prison in [2020](#)). Placing a person in a disciplinary cell or an isolated locked cell cannot automatically involve video surveillance. Should video surveillance in a cell be unavoidably necessary, a separate assessment is needed as to whether simultaneous video monitoring of the toilet or sanitary corner is also justified.

The need to use observation windows – through which it is possible to view the sanitary corner from the unit corridor – should also be separately assessed. While touring the prison, the Chancellor's advisers found that locks had been removed from windows of sanitary corners of the cells in the orange building. Female prisoners asserted that in their unit locks had also been removed from windows for the night.

**The prison should consider enforcement of disciplinary confinement punishment and the isolated locked cell regime in an ordinary cell (this is common practice e.g. in Viru Prison and Tartu Prison) and use cells with video surveillance capacity only for placing those persons in whose case video surveillance is justified. If the prison nevertheless concludes that a person should be placed in a cell equipped with a video camera but the person is not video monitored, then the camera in the cell should be covered for that period.**

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

### **3.4. Ventilation**

Most convicted and remand prisoners who spoke with the Chancellor's advisers complained of poor ventilation. According to prisoners, unusually large amounts of dust collect in cells, the air is dry and air circulation insufficient.

The Chancellor's advisers found that indeed a lot of dust could be found in some cells and communal rooms. Air humidifiers were used in rooms in the unit for mothers and children, which may also be an indication of dry air. Unfortunately, due to lack of expert knowledge, the Chancellor's advisers could not fully ascertain whether the information received was true. Even after the inspection visit the Chancellor cannot ascertain, by using procedural measures at her disposal, whether the information received was true and whether the prison ventilation system complied with requirements.

**Since complaints were received from several units and also came from people who do not have contact with each other, a suspicion remains that problems with ventilation may exist. Therefore, I ask the prison to check compliance of the ventilation system with requirements.**

### **3.5. Noise level**

In the unit for mothers and children, the noise level has been a long-standing problem, and in particular the echo. Mothers have complained that they can clearly hear movement in the corridor outside the unit and on several floors and the loud noise caused by opening and closing iron cell doors echoes into their unit and often also frightens children while asleep. Prison staff have conceded the same concern.

**The prison should look for possibilities to even further reduce contact by children living in prison with the prison environment. Among other things, this may mean that solutions should be sought to improve acoustics in the unit (e.g. by installing echo-absorbing panels).**

### **3.6. Outdoor exercise areas**

Many prisoners in closed units who spoke with the Chancellor's advisers did not use the right to go for a walk outdoors. Prisoners conceded that there is nothing to do in the empty exercise boxes and that the physical environment in exercise boxes actually causes stress, rather than alleviates it.

The exercise boxes that were checked contained call buttons, roofs protecting users from inclement weather, and benches for taking a rest. Unfortunately, not all the boxes checked had training equipment. Exercise boxes were empty concrete shells with a grated roof and with only a limited view of the sky.

Similar exercise areas were also described in the summaries of inspection visits to Tartu Prison in [2020](#) and to Viru Prison in [2021](#), which were also sent for information to Tallinn Prison. Thus, the prison is very well aware of the analysis of the problem concerning exercise areas and its conclusions. These opinions also apply to Tallinn Prison. I repeat my earlier recommendations.

**For outdoor exercise by convicted and remand prisoners, the prison should give preference to existing exercise areas at ground level and they could be used all year round. Prisoners in closed units could also be allowed at least occasionally to walk in a courtyard that offers a view to the horizon and experience the benefits of being in the open air (e.g. natural elements).**

**The prison should make efforts so that exercise boxes meet international detention standards and recommendations from international organisations. Exercise boxes can be improved in various ways. Training equipment should be fitted in all the exercise boxes, and windows offering a horizontal view should be installed where this is possible in terms of engineering and without endangering prison security. Convicted and remand prisoners participating in training as painters or the art group could help in making exercise boxes more attractive. Cooperation with art and design university students could also be considered.<sup>2</sup>**

#### **4. Communication outside the prison**

Convicted and remand prisoners in Tallinn Prison have the same concerns with communication outside the prison as those described in the summaries of inspection visits to Tartu Prison in [2020](#) and to Viru Prison in [2021](#). Thus, the conclusions presented in those summaries also apply to Tallinn Prison.

On 2 June 2022, the Ministry of Justice sent to the Chancellor a [Draft Act](#) for amending several laws, under which it is planned to create a possibility for convicted and remand prisoners to also meet their next of kin via a video link. This is a significant development.

Unfortunately, to date Tallinn Prison has been forcing children coming for a visit with parents to undergo a full strip search even though I have repeatedly asked the prison not to do so (see e.g. the recommendations to Tallinn Prison of 20 January 2020 No [7-7/191450/2000290](#) and 5 November 2019 No [7-4/191395/1905411](#)). According to information available to the Chancellor, prisons (including Tallinn Prison) have subjected children to this kind of search even after the inspection visit although Tallinn Court of Appeal on 28 February 2022 in case No [3-21-161](#) held that such a measure was unlawful. I emphasise once again that since a prisoner is searched both before and after meeting with the child, a strip search as a measure that degrades a child's dignity and overshadows the visit with the parent in prison is neither necessary nor acceptable.

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<sup>2</sup> See e.g. the Estonian Academy of Arts, Department of Architecture and Urban Planning, [48 h kong. Interdistsiplinaarne töötuba. 2019](#) (48 h cell. Interdisciplinary workshop. 2019), 22 January 2020.

In addition to the requirement that a prison must refrain from action that impedes contact by convicted and remand prisoners with next of kin, a prison must also take steps to promote such contact (§ 23 [Imprisonment Act](#)).

In the unit for mothers and children, a commendable opportunity for photography has been created. Such an opportunity could also be available to other parents in prison and their children coming to the prison for a visit. Taking joint photos and creating memories supports reintegration of prisoners into society (§ 6(1) [Imprisonment Act](#)) and is also important for their children. Following the example of the unit for mothers and children, it is possible to create secure options for photography. For example, photographs can be taken with prison equipment and by a prison officer; pictures may be taken against a neutral background or in a photography corner where there are no other inmates or staff and no information sensitive in terms of prison security is visible. Convicted and remand prisoners participating in training as painters or the art group could be involved in creating such a photography corner.<sup>3</sup>

**The prison must immediately stop full strip-searches of children coming for visits.**

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

## 5. Clothing

On 2 June 2022, the Ministry of Justice sent to the Chancellor a [Draft Act](#) for amending several laws, the plan being to allow prisoners to wear their own clothes outside the prison. The explanatory memorandum to the Draft Act states that this is aimed at respecting the human dignity of prisoners and avoiding stigmatisation.

It would also be compatible with the explanations and objectives offered by the Ministry of Justice if women in the unit for mothers and children, as well as other prisoners meeting their next of kin, in particular children, in prison, could also wear their own clothes.

This possibility would support the objective of creating an environment which is as home-like as possible for children living in prison with their mothers. The possibility for prisoners to wear their own clothes would also help to alleviate the strict and punitive impression of the prison in the eyes of children coming for a visit. Meeting with a parent wearing ordinary clothes would help a child to maintain, and in some cases also create, an image of their parent which is as positive as possible. This would enable a prisoner to feel like a dignified parent even while in prison and would thus promote a prisoner's communication with the world outside (§ 23 [Imprisonment Act](#)) and would support a prisoner's reintegration into society (§ 6(1) [Imprisonment Act](#)).

Even now, prisoners serving a disciplinary confinement punishment must change their prison clothes for disciplinary cell clothes (§ 8<sup>8</sup>(1) [Internal Prison Rules](#)), and in some cases prisoners change their prison clothes for working clothes (§ 8<sup>7</sup>(2) [Internal Prison Rules](#)). Thus, organising a

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<sup>3</sup> See e.g. N. R. Fleetwood, [Posing in Prison: Family Photographs, Emotional Labor, and Carceral Intimacy](#). *Journal Public Culture*, 2015, Vol. 27(3), pp 487-511.

change of clothes for prisoners going on a visit should also not be excessively complicated for the prison. Allowing prisoners to wear their own clothes should also cause no problem in the unit for mothers and children where usually only a few mothers are staying. Among them there may also be pregnant remand prisoners or those with an infant who anyway generally wear their own clothes (§ 93(1) [Imprisonment Act](#)).

**The prison might allow women in the unit for mothers and children as well as prisoners meeting with their next of kin, especially children, to wear their own clothes. Where necessary, the Ministry of Justice should prepare the required legislative amendments.**

## **6. Access to information**

Under the [European Prison Rules](#), on admission, and as often as necessary afterwards, all prisoners must be informed of the regulations governing prison discipline and of their rights and duties in prison. This information will be provided in writing and orally in a language they understand (Rule 30.1). The same has been stated in [the Mandela Rules](#) (Rules 54–55) as well as in the CPT's recommendations sent to Denmark in [2020](#) (paras 104–105).

I drew the attention of Tallinn Prison to this in the recommendation of 1 February 2022 No 7-4/211881/2200670, which the prison had not yet taken into account by the time of the inspection visit. Therefore, I repeat my earlier recommendation.

**The prison should ensure that prison rules of procedure (i.e. house rules) and their explanatory memorandum are easily accessible to convicted and remand prisoners in the most widely used foreign languages (e.g. on computers adjusted for use by convicted and remand prisoners).**

## **7. Books and newspapers**

In the reply of 8 March 2022 ([No 10-2/2998](#)) to the Chancellor of Justice, the Ministry of Justice asserted that reorganisation of the library service had not reduced access to the service but that the change had actually improved it.

Information collected during the inspection visit did not affirm this. A large number of convicted and remand prisoners complained during interviews that the choice of books in their unit was limited and newspapers reached them seldom and after considerable delay. A similar situation could be seen in Tartu Prison in [2020](#) and in Viru Prison in [2021](#).

The experience in Tallinn Prison also shows that reorganisation of the prison library has not improved people's access to books. Bringing books into units would have been a good idea if readers had also maintained the possibility to easily borrow books in the general list and books not presently available on the shelves in the prisoner's unit. Prisoners would also like to participate in activities previously offered by the library (hobbies and other activities supporting reintegration into society).

However, reorganisation of the library has created a situation where the choice of books is more limited than before. The disappearance of the physical library also means loss of an environment conducive to sustaining people's interest and development and is thus counterproductive to the objective of imprisonment under § 6 of the [Imprisonment Act](#). I repeat my earlier recommendation.

**In cooperation with the Ministry of Justice, the prison should consider the possibility of restoring the prison library in its previous form or at least offering a library service on the same level as it was to the end of 2019.**

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

## **8. Officers**

Tallinn Prison has very many staff vacancies. Convicted and remand prisoners said that due to the shortage of officers they only rarely have contact with them (only during roll-call, food serving and while being escorted to an exercise box). This means that resolving even simple everyday issues requires a long time, official dealings (including replying to enquiries) are delayed, getting an appointment with an inspector-contact person is complicated, and officers are tired and exhausted. Some prisoners noted that they did not know who their inspector-contact person was or had never met them. Many prisoners also noted that even when an inspector-contact person contacts them, they do it through the cell terminal.

Officers admitted that their workload was extremely heavy, no time or energy is left for longer and more meaningful communication with people. While touring the prison units, the Chancellor's advisers also noticed only few officers moving about.

I emphasise once again that the shortage of officers (guards, senior guards, inspector-contact persons) having direct contact with convicted and remand prisoners directly affects the working atmosphere. This makes it complicated for convicted and remand prisoners to exercise their legitimate rights and may endanger prison security. In a situation where overwork by officers is customary and they stand in for several colleagues simultaneously, it is not possible to speak of using dynamic security in working with convicted and remand prisoners. The shortage of officers worsens the quality of activities offered to prisoners and endangers preparation for their release and rehabilitation. Constant overwork also endangers the health and well-being of officers.

**The prison should continue aspirations in cooperation with the Ministry of Justice in order to fill staff vacancies. In particular, this concerns filling positions of officers having direct contact with convicted and remand prisoners (i.e. guards, senior guards, inspector-contact persons).**

## **9. The medical department**

The psychiatrist involved in the inspection visit as healthcare expert noted that the medical department also had a number of vacancies. The expert noted that, in general, staffing of the prison medical department may be considered more or less satisfactory (there could be more nurses, including specialist nurses; the position of head of the medical department is also vacant) but there is clearly a shortage of staff offering psychiatric care.

The prison employs two part-time psychiatrists (with a total workload of 0.7 positions) and three clinical psychologists (with a total workload of 1.7 positions). The prison has no mental health nurses. According to the expert, there are clearly too few mental health staff for a penal institution of this size. Thus, it is plausible that access to psychiatric care at the prison is difficult, as is also claimed by several convicted and remand prisoners.

According to the expert's assessment, Tallinn Prison should also have its own mental health team involving (apart from psychiatrists and clinical psychologists) mental health nurses who would be able to support non-specialised doctors and nurses. A similar recommendation was made to Viru Prison by the expert in [2021](#). A mental nurse's training enables working independently and covering several problem areas (e.g. assessing a patient's condition during a nurse's appointment, counselling, monitoring a person's condition). Mental health nurses could also coordinate several support activities (e.g. therapy groups, joint activities).

According to the expert's assessment, one solution to improving access to mental health services in prisons (including Tallinn Prison) is creation of an inter-prison psychiatric team, as indeed the expert also found in an opinion sent to Viru Prison in [2021](#). This team could (in addition to the mental health team present in the prison) offer advice to non-specialised doctors and nurses on-site either online or via a video link. Probably it would be easiest to form this team at the psychiatric department in Tartu Prison, in that case hiring more staff there.

The healthcare expert also emphasised that prescription medicines should be distributed to convicted and remand prisoners by a medical professional. This ensures compliance with pharmacovigilance requirements and confidentiality of patient data. According to the expert's assessment, supervision over correct use of medication and, if necessary, also counselling a patient and assessing their condition may be needed not only in using psychiatric medicines but also other medication (e.g. epilepsy medicines and others, where correct use may be vitally important).

The CPT had already criticised Estonia for the practice of distributing medication in the report sent in [2014](#) (para. 82) and most recently in [2019](#) (para. 60). The Chancellor too has offered recommendations on distribution of medication (summaries of inspection visits to Tartu Prison in [2020](#) and Viru Prison in [2021](#)). The opinions contained in them and the underlying reasoning are also well known to Tallinn Prison.

The expert also drew attention to the fact that medical records checked revealed that prison psychiatrists often carried out appointments in the doorway in the presence of a guard, and often also through the food hatch in the door, but without actually opening the door. According to the expert's assessment, this situation is unacceptable and condemnable in terms of the doctor-patient relationship. In the expert's opinion, this kind of erroneous practice may also be of critical importance from the aspect of quality of medical treatment. Thus, it should be ensured that a medical examination (including a psychiatrist's interview to assess a patient's condition) takes place in conditions enabling direct contact between doctor and patient. This should be based on a clear understanding and belief by the prison medical staff that creating a relationship of trust between doctor and patient requires compliance with the principles of privacy and confidentiality, even in prison. If a medical practitioner considers it important to use additional security measures (e.g. handcuffs, presence of a prison officer) during the appointment, then separate reasoning for this should be provided.

Previously, I have sent recommendations to prisons concerning the conditions of medical examination (see e.g. the recommendation of 24 May 2016 No [7-4/151058/1602270](#)). In its recommendations sent to Estonia in [2014](#) the CPT was already critical of the fact that prison officers were present during medical examination of prisoners requiring enhanced supervision (i.e. prisoners in the 'supermax' unit). The CPT has also strongly recommended finding alternative solutions to ensure security, so as to respect the principle of medical confidentiality (para. 86).



**I ask Tallinn Prison to take the healthcare expert's opinion and recommendations into account. The prison should take steps to fill vacant positions in the medical department and improve accessibility of mental health services for convicted and remand prisoners. Medication prescribed for a prisoner by a doctor should only be given by healthcare professionals. Also in prison, medical practitioners should ensure the relationship of trust between a doctor and patient and respect the principle of privacy and confidentiality while providing healthcare services. Where necessary, the Ministry of Justice should prepare the legislative amendments required to implement the recommendations.**

I expect feedback to my recommendations from Tallinn Prison and the Ministry of Justice by 30 December 2022.

Ülle Madise

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