

Country Report: Estonia

1. Introduction

Information in this report has been gathered from several sources; the website of the Estonian Ministry of Justice, a report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on a visit to Estonia, a questionnaire returned from the Estonian Ministry of Justice, a study done on the drug services provided in Estonian prisons, and three prison visits undertaken by QCEA.

As can be seen from table 1 below, according to the International Centre for Prison Studies (ICPS) the Estonian prison population as of October 2005 was 4,463.

Table 1: Statistics on Estonian prison population as of 31 October 2005, adapted from <http://www.prisonstudies.org/>

Total prison population (including pre-trial prisoners)	4,463
Prison population rate (per 100,000 of national population)	333*
Pre-trial prisoners (as percentage of prison population)	23.1%
Female prisoners (as percentage of prison population):	3.9%
Juveniles / minors / young prisoners (as percentage of prison population)	2.0%
Foreign prisoners (as percentage of prison population)	36.4%
Official capacity of prison system	4,366
Occupancy level (based on official capacity)	102.2%

* Based on an estimated national population of 1.34 million at October 2005 (from Council of Europe figures).

There are seven prisons in Estonia (see table 2). The Department of Prisons within the Ministry of Justice is composed of three divisions; the Punishment Implementation Division, the Social Welfare Division, and the Legal and Development Division¹. The competencies of the Punishment Implementation Division include placement and registration of convicted and pre-trial prisoners, keeping statistical accounts and records on all prisoners and supervisory and guarding activities. The Social Welfare Division looks after the social rehabilitation systems for all prisoners and social work in prisons, the employment, health care and education of the prisoners and drug prevention and rehabilitation. The role of the Legal and Development Division is to deal with issues such as enhancement of prison organisation, the training and development of personnel and issues relating to prison budgets.

There are three phases of imprisonment; the reception, main and release phase. In the reception phase the detainee is helped to integrate into prison life and to compile an individual action plan. The action plan identifies ways in which the risk of recidivism can be lowered, for example by determining appropriate levels of education and training that the prisoner should undertake whilst in prison, and what work he/she should do. Each individual action plan is compiled by the social worker, psychologist, the person responsible for organising detainee labour, the education administrator, doctor and the department manager. If necessary the action plan can be changed when it is reviewed. This review occurs once a year for adult

¹ Ministry of Justice (Estonia) [on-line], accessed 2 April 2007, available at http://www.vangla.ee/?set_lang_id=2

prisoners and twice a year for juveniles. The action plan is the basis for deciding the prison or prison department to which the detainee will be assigned.

Table 2: Estonian prisons, February 2005, adapted from the Estonian Ministry of Justice website, http://www.vangla.ee/?set_lang_id=2

Prison	Type of Prison	Population
Harku Prison	Maximum-security prison	Convicted adult females Convicted juvenile females
Murru Prison	Maximum-security prison	Convicted adult males
Pärnu Prison	Maximum-security prison	Adult males awaiting trial Convicted adult males
Tallinn Prison	Maximum-security prison	Convicted adult males Adult females awaiting trial Adult males awaiting trial
Tartu Prison	Maximum-security prison	Convicted adult males Adult females awaiting trial Adult males awaiting trial
Viljandi Prison	Maximum-security prison Open prison ward	Convicted juvenile males
Ämari Prison	Maximum-security prison	Convicted adult males

Implementation of the action plan occurs in the main phase of imprisonment, with an emphasis on employment and education of the prisoner. There is also recognition of the importance of the detainee's communication with the outside world, including long and short-term visits, telephone calls, written correspondence and prison leave.

Prior to release, preparations are made (the release phase). For example, a social worker will help the prisoner to make contact with their family and the social welfare agency. Upon release the prisoner receives money saved from the work s/he has undertaken while in prison.²

The detainee will usually start his or her sentence in a closed prison but may later be transferred to an open prison. Since there are currently no open prisons for women, they have to spend the entirety of their sentence in a closed prison. However, the questionnaire returned from the Estonian Ministry of Justice stated that there are plans to start an open prison department in Harku in the future.³

Tartu, which entered into service in October 2002, is the newest prison in Estonia and, unlike all the other prisons which are camp-type from Soviet times, is 'cell-type' or 'chamber-type'. The construction of a second cell-type prison in Estonia is currently underway. The accommodation of chamber-style prisons is structured on the principle of small living units where prisoners share their cell with one other prisoner (unless they are in punishment, medical quarantine or waiting cells). According to the Estonian Ministry for Justice, the purpose of the chamber system is 'to lessen the communication and spreading of criminal knowledge between the prisoners'.⁴ The change from camp-type to cell-type is also intended to support the efforts to resocialise prisoners which is done through study and work and through the work of social workers, psychologists, medical personnel and chaplains. (NB: prisoners awaiting trial have no access to education or work).

As well as building new chamber-style prisons, the Department of Prisons aims to place prisoners in the prison nearest to their home 'so that [...] social connections and ties with the

² Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

³ QCEA questionnaire, returned from the Estonian Ministry of Justice

⁴ Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

family remain strong and help him/her lead a law abiding life'.⁵ The building of regional prisons will therefore be occurring in tandem with the closure of camp-style penal colonies.⁶

The average space per pre-trial prisoner in Estonia is 3m².⁷ According to the CPT, this area does not offer a satisfactory amount of living space and the Committee recommends that the Estonian authorities strive to maintain a standard of at least 4m² of living space per prisoner in multi-occupancy cells.

Particular issues that have an impact on Estonian prisons is the high rate of new HIV infections in Estonia with many of the prison population being infected and the high proportion of non-Estonian Russian speakers in prison.

The Estonian authorities have expressed the intention of reducing the prison population to 2500 (i.e. by some 2000) by the year 2015 and the incarceration rates concomitantly from 330 to 200 per 100,000 of the national population.⁸

In terms of the legal framework, the Imprisonment Act of 2000 (which entered into force on 1 September 2002) changed the rules applicable to pre-trial and sentenced prisoners. The 2001 Penal Act, through the introduction of community service sanctions, has led to a decrease in the use of imprisonment for minor offences.⁹

2. Women prisoners in Estonia

Figures from the questionnaire, returned by the Estonian Ministry of Justice, show that from 2000 to 2004 the number of women in prison in Estonia increased from 160 to 226 (see figure 1.11 in section 1). This represents an increase in the female prison population of forty-one per cent over five years. Female prisoners as a percentage of the total prison population increased overall from 3.6 per cent to 5.2 per cent. Data from the ICPS in table 1 seems to contradict this and states that the number of female prisoners as a percentage of the total prison population was only 3.9 per cent in October 2005. Although it is possible that this percentage dropped from 5.2 per cent to 3.9 per cent between 2004 and 2005, this seems unlikely. Over the period 2000 to 2004 the number of male prisoners ranged between a minimum of 4,142 and a maximum of 4,574.

The number of women awaiting trial has grown more rapidly than the number of sentenced prisoners (see figure 1 below) with the number of women awaiting trial almost doubling over the five year period from forty-seven to ninety-three, compared to just a seventeen per cent increase in the number of sentenced prisoners (113 to 133). Possible reasons for this, not stated in the questionnaire, may be that fewer women are being convicted at trial, the time spent in prison awaiting trial is getting longer (with no concomitant rise in sentence length) or a combination of these.

⁵ Ministry of Justice, available at http://www.vangla.ee/??set_lang_id=2

⁶ Communication from the Council of Europe: Council of Europe, *Report to the Estonian Government on the visit to Estonia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23-30 September 2003*, CPT/Inf (2005) 6 (Strasbourg 27 April 2005), paragraph 42. Available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

⁷ *ibid.*, paragraph 53.

⁸ *ibid.*, paragraph 43.

⁹ *ibid.*, paragraph 42.

Composition of women prisoners in Estonia by sentence status

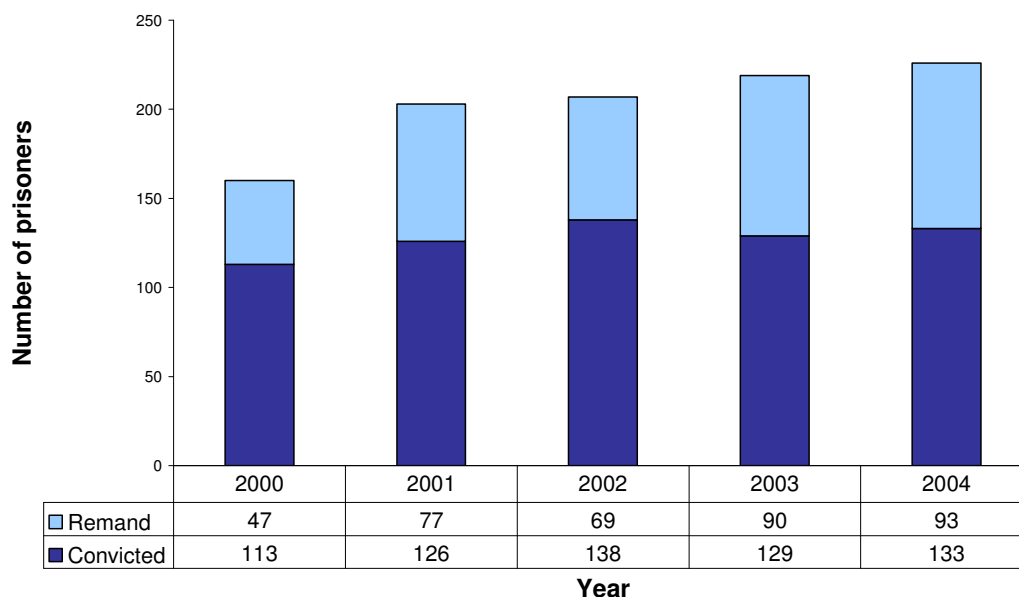


Fig. 1: Graph showing the composition of the Estonian women prisoner population by sentence status (awaiting trial or convicted). Source: QCEA questionnaire returned from the Estonian Ministry of Justice.

Prisons

There are three prisons in Estonia which hold women prisoners; Tallinn, Harku and Tartu. Women awaiting trial are held at Tallinn and Tartu which are both closed prisons for male prisoners. In these prisons women are never placed in cells with men, but there are no female wings¹⁰ and the women's cells are on the same corridors as the cells for men. It is guaranteed that male and female prisoners have no contact with each other.¹¹ Convicted women (both adult and juvenile) are held at Harku, a closed prison which also has a mother and baby unit.

Tallinn

Tallinn prison is a closed maximum security prison that holds convicted male prisoners and male and female prisoners awaiting trial. A small number of juveniles are also held here. Tallinn is a camp-style prison from Soviet times. It is located on the territory of a former prisoner of war camp¹² and the compound includes a number of decommissioned workshops and industrial production facilities¹³. Between 1950 and 1960 stone buildings were constructed that are still used today, including two industrial buildings that were adapted into preliminary investigation blocks in the 1990s.¹⁴

¹⁰ QCEA questionnaire

¹¹ *ibid.*

¹² Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

¹³ Council of Europe, CPT/Inf (2005) 6, paragraph 44, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

¹⁴ Ministry of Justice, available at http://www.vangla.ee/?set_lang_id=2

Convicted women only stay a short while at Tallinn before being transferred to the women's prison at Harku. There were also two juvenile female prisoners at Tallinn.

Tartu

Tartu prison is a modern facility which entered into service in October 2002.¹⁵ It is a closed adult prison holding both women and men pre-trial prisoners and convicted men. It is the newest prison in Estonia and, unlike all the other prisons which are camp-type from Soviet times, it is cell-type.

At the time of the visit there were seventeen women (including one juvenile girl who was fourteen years old). Due to the small number of women prisoners there is no separate wing or section for them but their cells are all along the same corridor. Juvenile girls are kept in different cells from female adult prisoners, but there are so few of them that they are on the same corridor.

The prison complex is built on ten hectares of marshy land on the outskirts of Tartu, an old university town in the south-east of Estonia. The perimeter of the prison is one kilometre long, consisting of a concrete wall with barbed wire on top. All the buildings are modern concrete blocks between two and four storeys high. There are two main rectangular blocks for pre-trial and sentenced prisoners respectively. The medical department, which has been praised by the Council of Europe¹⁶, is adjacent to the block for pre-trial prisoners. On our tour we passed the chapel, laundry block and other buildings, all built in the same style with smooth-sided concrete walls with bars over all of the windows.

The CPT describes Tartu as giving the impression of being a 'thoroughly modern facility'; 'All cells measure some 10m² and were equipped with fully partitioned integral sanitation facilities. Access to natural light, ventilation and artificial lighting were satisfactory and, with the exception of the special 'restraining cells', the cells were suitably furnished'.

Harku

Harku prison is the only women only prison in Estonia and is a closed prison located on 8.3 hectares of rural land on the eastern side of Harku town, about 12km away from Tallinn.¹⁷ At the time of the QCEA visit there were 151 prisoners at Harku, both adult and juvenile convicted prisoners.

The different prison buildings (most of them wooden) are in several different blocks with a lot of space between them covered with grass and trees. Around the perimeter is a wire fence and there is one small watch tower at one corner. There is a wooden playground in the grass which can be used by visiting children or those living with their mothers (up to four years old). The grounds have a peaceful and relaxed atmosphere about them; at the time of our visit washing was hanging up behind the accommodation block and the women prisoners were milling around freely. Two women prisoners were mowing the lawn and doing some weeding.

¹⁵ Council of Europe, CPT/Inf (2005) 6, paragraph 44, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

¹⁶ *ibid.*, paragraph 63.

¹⁷ *Ministry of Justice*, available at http://www.vangla.ee/?set_lang_id=2

Crimes

Some of the crimes that women were waiting to go on trial for at Tallinn were theft (often drug-related), other drug-related crime, murder (there are usually three or four women charged with murder here at any one time, often they have killed an abusive partner or husband), physical abuse, and pimping (finding and managing prostitutes). Several of the women were captured at the border with fake papers (illegal immigrants trying to get to Scandinavian countries or Britain through Estonia).¹⁸

For a breakdown of crimes for which women are imprisoned for in Estonia overall see table 1.02 in Part One of the report. The three most common crimes for which women are convicted are: 'Theft and handling stolen goods' (28.5 per cent), 'Drug offences' (21.9 per cent) and 'Homicide' (20.9 per cent). 3.5 per cent of women prisoners were convicted of fraud and forgery (seven cases of fraud, no cases of forgery). The 6.6 per cent of women convicted of physical violence represented thirteen cases; eleven of intentionally causing grievous bodily harm, one case of physical ill treatment and one case of torture. The one per cent of women convicted of 'Sexual offences concerning prostitution' represented two cases; one case of inciting a minor to prostitution and one case of mediating prostitution. The 0.5 per cent of women convicted of 'Other sexual offences' represented one conviction for rape.

Length of sentence

According to the CPT, the average length of time spent awaiting trial in custody in Estonia is ten months (though this accounts only for the period leading up to the court judgement). Female prisoners awaiting trial may be at Tallinn for up to one year (usually between six and seven months).¹⁹ At Tartu, one female prisoner we spoke to was keen to stress that she knew some women who had been there for over a year.²⁰ According to the questionnaire the average prison sentence being served by prisoners is four years.²¹

¹⁸ QCEA visit to Tallinn prison (21 June 2006)

¹⁹ *ibid.*

²⁰ QCEA visit to Tartu prison (22 June 2006)

²¹ QCEA questionnaire

Table 3: Summary of prisoner population in the three prisons in Estonia which hold women
Source: staff from each prison

	Tartu			Tallinn			Harku
	Women	Men	Total	Women	Men	Total	Women
Sentenced prisoners	0	504	504	5	514		156
Juveniles (under 18)	0	72	72	2	12		1
Pre-trial prisoners	20	373	393	36	602		0
Foreign nationals	3	14	14 (excluding Russians)	3	92		3
Prisoners from ethnic minorities	0	48	48 (excluding Russians)	18	415		102 Russians. 1 Ukrainian 2 from Mordovia ^a
Women with children under 18 on the outside	10	---	10		----		Approx. 100
Mothers with babies	3	---	3		----		0
Pregnant prisoners	1	---	1		----		0
Average sentence length	0	5-10 years	5-10 (average 5 years, 23 days) 2005 figures	-----			Approx. 2-3 years
Average age of prisoners	0	32 years, 7 months	32 years, 7 months (2005 figures)				Approx. 30 years
Prisoners enrolled on educational courses	-----	165	165				Basic school: 16 Vocational school: 9
Prisoners in paid employment	-----	178	178				70 at any one time
Prisoners on drug addiction treatment programmes	-----	8	8				0
Prisoners who are HIV positive	5	89	94				38 (1 July 2006)
Prisoners with mental health problems ^b	14 (2005 figures)	341 (2005 figures)	355 (2005 figures)				None

^a an ethnic area in Estonia

^b who were given a psychiatric diagnosis by the doctor

The quality of prison life for a prisoner is largely dependent upon whether a prisoner is awaiting trial or convicted, because pre-trial prisoners are locked in their cells twenty-three hours per day and have no access to work or educational activities. Below are separate sections to describe the daily routines and lives of pre-trial and convicted prisoners. These are followed by more general sections such as health and contact with the outside world which are relevant to all prisoners, whether awaiting trial or convicted.

3. Women awaiting trial

Female prisoners awaiting trial are imprisoned at either Tallinn or Tartu prison. According to the questionnaire returned from the Ministry of Justice, on 1 January 2005, 28.6 per cent of women prisoners were prisoners awaiting trial. Answers to another question in the questionnaire suggest that the percentage of women prisoners awaiting trial was much higher for the two years preceding 2005 (seventy per cent) and was as high as forty per cent in 2000. No reason was given for the apparent discrepancy in data. The Ministry did not have any statistical data to say what percentage of those awaiting trial receive a custodial sentence after trial.

During the QCEA prison visits to Tallinn and Tartu we spoke to prisoners awaiting trial and their comments are in the relevant sections below.

Daily routine

There are no educational or work activities available for pre-trial prisoners. All pre-trial prisoners (both male and female) are locked in their cells twenty-three hours per day. For one hour each day the prisoners (along with their cell mates) can go to an exercise box to walk up and down and get some fresh air. This is not obligatory. The exercise hour is at the same time each day for each cell. The exercise boxes are around 15m² with concrete walls and have a metal grill for the roof. This allows guards to observe the prisoners from above. The grill means that the prisoners are not protected if it rains. Each exercise box has a heavy metal door with a spy-hole so the guard can look in to check on the prisoners. Since all the prisoners from one cell take their exercise together in the same box this means that there may be very limited space per prisoner.

Usually there is a radio station playing loudly in the prison grounds at Tallinn so that the prisoners in different exercise boxes and cells cannot communicate with each other by talking or shouting. The psychologist who was showing us around said that the radio station is changed regularly so that a variety of music is played. She said that she is so used to the radio that she forgets it is playing and it is the same for the prisoners. The CPT has recommended that the practice of playing a radio programme at an unpleasantly loud volume at Tallinn should be discontinued.²²

Pre-trial prisoners get to shower once per week and are escorted with their cellmates to the shower by the guards. Our guide at Tallinn said that this long interval between showers was especially unsuitable for the women. The time at which the prisoners shower is not the same as their hour of exercise so they are able to do both on that particular day. Any toiletries (such as soap, shampoo, toilet paper, sanitary towels) have to be paid for by the prisoners themselves. At Tallinn we were told by a member of staff that if a prisoner really cannot afford to buy basic

²² Council of Europe, CPT/Inf (2005) 6, paragraph 57, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

toiletries then they will be given some by the prison once a quarter. She said that this was not provided for, however, in the official prison budget.²³

Within their cells, prisoners awaiting trial may write letters or read books. There are libraries at both Tartu and Tallinn that prisoners can order books from. At Tallinn playing cards are forbidden as this may encourage gambling. At both prisons prisoners are allowed to bring in their own television or radio but have to pay for the electricity themselves. We were told at Tallinn that if a prisoner misbehaved (for example by having playing cards) then the television or radio could be taken away from them. The female prisoners we spoke to at Tallinn said that they write letters to people on the outside, read books and shout and wave to the male prisoners from their window. At Tartu, which has been designed to restrict communication between prisoners we saw one cell and it did not face onto any other accommodation blocks but onto barren land.

The CPT has criticised the regime about the treatment of pre-trial prisoners, saying that a proper programme of out-of-cell activities is of crucial importance for the physical and psychological well-being of any prisoner. In relation to Tartu in particular, the CPT was of the opinion that 'one of the most harmful effects of the impoverished regime for pre-trial prisoners was the reduction of human contact to a bare minimum, due to the fact that prisoners were held one or two to a cell and inmates from different cells could never associate'. One woman prisoner we spoke to at Tartu said that she felt she had 'nowhere to breathe'.

The prisoners at Tallinn get three meals per day: at 07:00, 12:00 and 18:00.²⁴

At Tallinn prisoners awaiting trial are unable to attend church services at the prison. If they want to meet up with the chaplain, social worker or psychologist then they have to give in a piece of paper stating their reason which could be as simple as 'wanting to have a chat'.

Under Estonian law a woman may only have a certain number of each item of clothing (bras, pairs of socks etc). Sometimes they obtain more than they are allowed and if a search discovers this, then the extra items will be taken away.²⁵

Prisoners are allowed no drugs or alcohol in the prison. Tobacco and cigarettes are allowed and can be bought by the prisoners. There is no cash money in the prison and prisoners have an account through which they can purchase things. This account may be supplemented by friends or family on the outside.²⁶

4. Convicted prisoners

Harku holds convicted women prisoners. On our visit we were shown the accommodation block and saw one of the biggest dormitory rooms with eight bunk beds in it. All the doors and some windows were open in the building and the women were wandering around freely. We were told that all the rooms have been recently painted (previous wallpaper was from Soviet times). The room and corridor were fresh and clean but old. There are two floors of rooms and women are allocated beds and have no choice over which room they will be in.²⁷

Russian and Estonian women are not separated into different rooms, but juveniles and adults are, although they all live in the same building. If a woman does not get on with her roommate

²³ QCEA visit to Tallinn prison

²⁴ *ibid.*

²⁵ *ibid.*

²⁶ QCEA visit to Tallinn prison. See also *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

²⁷ QCEA visit to Harku prison (21 June 2006)

and wants to move room, then she has to speak to the head of security about the problem and explain why.²⁸

One of the women we spoke to was in prison for the second time (many women are here for re-offending).²⁹

5. Contact with the outside world

Letters and telephone calls

According to the Ministry of Justice,³⁰ all prisoners are entitled to send and receive correspondence in the form of letters. The cost of sending letters is incurred by the prisoner.

Convicted prisoners are also able to receive packages which are either delivered by hand to the prison or sent through the post.³¹

All prisoners are also able to telephone family and friends and have to pay for the cost of the calls themselves. At Tartu prisoners are allowed to make at least five minutes of phone calls a week³².

While at Tartu prison we saw that when prisoners make telephone calls the telephone is brought on a trolley in front of the door of their cell and the telephone receiver is passed through the hatch usually used for food distribution. After hearing some complaints from prisoners on this subject, the CPT criticised this practice as it means that prisoners are obliged to make telephone calls in the presence of their cellmates.

Visits

According to the Ministry of Justice all prisoners are entitled to short visits at least once a month. The visits take place on the basis of a written application and can last up to three hours³³. At Harku, the maximum time is three hours per month. However, at Tallinn and Tartu, we were told that women can see personal visitors for a maximum of only two hours per month, although no reason was given for this discrepancy. If visiting rooms are available, the individual prisons have the authority to allow visits to take place more frequently.³⁴

The procedure for short-term visits are provided for in the internal rules of each prison;³⁵ in each of the prisons QCEA visited, prisoners and their visitors are separated by a glass partition during short visits and no physical contact is allowed between them.³⁶

'Prisoners [awaiting trial] may be denied regular visits from family members by the director of a prison with the permission of a preliminary investigator, prosecutor or court "if this is

²⁸ *ibid.*

²⁹ QCEA visit to Harku prison

³⁰ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

³¹ *ibid.*

³² QCEA visit to Tartu prison

³³ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

³⁴ *QCEA questionnaire*

³⁵ Estonian Imprisonment Act, Section 24 (this was accepted on 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

³⁶ QCEA visits to Tallinn, Tartu and Harku prisons

necessary to ensure the conduct of the criminal proceedings”; apparently, denial of visits affects some six per cent of remand prisoners’.³⁷

As in other countries, the small number of women prisoners (and hence prisons holding women) means that some women are imprisoned a long way from their homes. One prisoner we spoke to at Tartu said she had four children on the outside who were being looked after by her mother. She had been in contact with her family through letters and telephone calls but nobody had come to visit her because of the long distance between the prison and her home in Eastern Estonia.

The procedure and frequency of long-term visits are provided for in the internal rules of each prison;³⁸ in Tallinn, Tartu and Harku convicted prisoners are entitled to at least one longer visit of up to three days every six months. Longer visits can take place with the spouse, parent, child, adoptive parent, adoptive child, brother or sister.

Leave

In addition to short and longer visits, convicted prisoners who have served at least one year of their sentence (this condition does not apply to prisoners in open prisons) may be granted twenty-one days’ annual home leave. This is not an option for sentenced prisoners who are serving life sentences.

The time spent outside the prison is considered as imprisonment time and all expenses relating to the prison leave have to be covered by the prisoner. Any prisoner wanting to go on prison leave must submit an application to the prison director which indicates the prison leave schedule, the activities that s/he intends to undertake and how these activities are related to the preparations for release from prison. The prison leave is evaluated with the prison social worker on the return of the prisoner.

The imprisoned person must return from prison leave on time and ‘she/he must be sober’ on return. A prisoner who drinks, take drugs or misbehaves during their prison leave may be put into a punishment cell for the maximum time of forty-five days.³⁹

Visiting and leave arrangements for sentenced prisoners have been welcomed by the CPT who described them as ‘conducive to the social rehabilitation of the prisoner’.

6. Motherhood in prison

Pregnancy and birth

The babies of pregnant prisoners are born in regular hospitals outside the institution.⁴⁰

We were told at Harku that pregnant women are not often imprisoned there. Harku is the only prison in the country to have a mother and baby unit (MBU) which has room for up to six mothers and their babies. Pregnant women are given special attention and two months before the birth the woman may go to live in the Mother and Baby Unit if she wants to (although many choose to stay in their normal rooms). For the birth the pregnant woman is taken to a civilian

³⁷ Council of Europe, CPT/Inf (2005) 6, paragraph 72, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

³⁸ Estonian Imprisonment Act, Section 25 (this was accepted on 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

³⁹ QCEA visit to Harku prison

⁴⁰ QCEA questionnaire

hospital, where she will stay for around two days. Guards are present during the birth, but the woman is not handcuffed.

Over the course of one year there may be several pregnant women imprisoned at Tallinn and pregnant prisoners are treated in the same way as the other pre-trial prisoners except for getting more medical attention and care. There have been no instances of babies being born during their mother's imprisonment, but if this did happen then, like all pregnant prisoners in Estonia, they would be taken to a civilian hospital for the birth.

Babies in prison

At the time of our visit, there was no-one residing in the MBU at Harku. It consisted of two bedrooms with room for three mothers and three babies in each, a bathroom between the two rooms which had a bath in which to wash the baby, a kitchen where mothers prepare food for the babies and a shower room with two showers. The showers were clean and modern but the rest of the unit seemed very basic, old and bare. There were not many toys in the MBU and there was no television.

If and when a pre-trial prisoner is convicted, she will be transferred to Harku from Tartu or Tallinn. If at this point she has a child who is under three years of age, then the child may be able to live with her in the Mother and Baby Unit.

Children on the outside

According to the questionnaire returned by the Ministry of Justice, sixteen per cent of female prisoners have children under the age of five, eighteen per cent of female prisoners have children between six and ten, 10.5 per cent of female prisoners have children between eleven and sixteen. It was not clear from the questionnaire whether the data relates to convicted prisoners only or for those awaiting trial as well.

The questionnaire also said that there are no special arrangements for children's visits but young children have the right to physical contact with their mother during the visit. This may be the case for longer visits at Harku, but for short visits at all three prisons we were told that women prisoners and their visitors have no personal contact.

According to the questionnaire, if children cannot stay with their mother in prison they will be cared for by grandparents or other relatives.⁴¹ In Harku, however, we spoke to a woman prisoner whose two children were living with a foster family.

There is no official data on the number or percentage of women at Tallinn with children on the outside. The psychiatrist we spoke with there worked with some of the women but not all of them; she said that she is aware of one woman with five children, one woman with no children and one with one child.⁴²

Of the seventeen women prisoners at Tartu at the time of the visit, ten women had children under eighteen years old on the outside. Three of these mothers had children under the age of three.⁴³

⁴¹ QCEA questionnaire

⁴² QCEA visit to Tallinn prison

⁴³ QCEA visit to Tartu prison

One of the prisoners we spoke to at Harku had a sixteen year old boy on the outside who was living with her brother. The other woman had two children who were living with a foster family.⁴⁴

7. Health

General

General outpatient treatment and dental care is offered to the prisoners in the medical department of each prison. For specialised medical care, prisoners are referred to the central prison hospital in Tallinn. If they cannot be treated there they will be assigned to a civilian hospital for care.

All prisoners undergo an initial health check in either Tartu or Tallinn prison (juveniles get tested at Maardu prison). This will assess their health on arriving at prison; determine any diseases (including contagious diseases like tuberculosis, hepatitis and HIV) and subsequent treatment.⁴⁵ An X-ray to test for tuberculosis is compulsory for prisoners on arrival at prison.⁴⁶ Prisoners can choose whether or not to take an HIV test⁴⁷ (we were told at Tartu that new prisoners are strongly encouraged to do so).

The CPT reported that medical examinations of prisoners at Tartu were taking place in the presence of prison officers which is in contravention of the principles of medical confidentiality. It recommends that medical examinations of prisoners should be conducted out of hearing and - unless the doctor concerned requests otherwise in a particular case - out of sight of prison officers. At Tartu we were told that at medical examinations no one except the patient and the doctor are present.

Health facilities

The medical care facility at **Tartu** extends over three storeys of a building. In addition to various consultation rooms, the clinical area includes a treatment room, a pharmacy preparation room, an X-ray and ultrasound suite, a laboratory, a patient waiting area, a dentist's room, and a gynaecologist's room.⁴⁸

There are twenty-nine medical staff working in the department (many of whom are part-time) including two GPs, thirteen nurses (who between them cover night shifts), one psychiatrist, one dentist and one dentist's assistant, one radiologist and one assistant and technician, one gynaecologist (who is female), and one clinical psychologist. There is no midwife so the nurses do this job instead.⁴⁹

⁴⁴ QCEA visit to Harku prison

⁴⁵ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

⁴⁶ Prof. Morag MacDonald, *Country Report for Estonia (4-11 May, 2003)*, Research project for the Central and Eastern European Network of Drug Services in Prison in co-operation with The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), (University of Central England, 2004), p. 20.

⁴⁷ *ibid.*, p. 21.

⁴⁸ QCEA visit to Tartu prison

⁴⁹ *ibid.*

The CPT has described the facilities at Tartu as excellent, the premises as ‘spacious and bright’ and the equipment as ‘brand new’ and said that medical screening was systematically taking place there within twenty-four hours of arrival.⁵⁰

At *Tallinn* between 09:00 and 10:00, and after the guards have done their evening inspection, the doctors and nurse go through the corridors to check whether anyone needs medical attention. If any prisoners want to see them, they can make an appointment at this time. All medical services are free. The doctor’s room was on the same corridor as the women’s cells and had similar dimensions to the prisoners’ cells we had been in. The dentist’s room, also in a cell-sized room, appeared modern and hygienic.⁵¹

The medical staff at Tallinn has both male and female members. The gynaecologist is male and has worked in the prison for more than eight years. The doctor who takes the HIV tests is also male and has worked at the prison for a long time.⁵²

At *Harku* the medical staff includes; one full-time doctor, two full-time nurses, one dentist who comes in once per week, and one psychiatrist who also comes in once per week. Specialist doctors can come on request. No medical staff are available during the night and prisoners cannot choose to see a female doctor or nurse even if they want to. Medical facilities consisted of a room where they prepare medicine, a doctor’s room (also for gynaecological examinations), and a dentist’s room.

At Harku, the medical department has a doctor, nurses, a gynaecologist, and a dentist in the women’s prison. If, according to the doctor’s opinion, the condition of the prisoner cannot be treated in the medical department of the prison, the prisoner will be sent to the central prison hospital at Tallinn or to an ordinary hospital. Women are able to see a doctor in private and there is no third person in the room.

Mental health (including self-harm and suicide)

Table 4: Mental illness affecting women prisoners in Estonia

Disorder	Number of cases
Schizophrenia	None
Psychosis	One case in 2004
Anti-social personality disorder	None
Other personality disorder	18 cases of specific personality disorder in 2004
Depression	4 episodes and 23 cases of recurring disorder
Other:	
Mood swings	63 cases
Severe stress reactions	88 cases
Mental retardation	19 cases
Addiction	21 cases
Behavioural and psychological disorders as a result of the use of psychoactive substances	105 cases
Behavioural and psychological disorders	Total of 318 consultations in 2004

We were told that women’s fears differ from those of men and that they often have a lot of worries relating to their children. They are more likely to get depressed than male prisoners and are also more likely to be depressed than women outside prison. We were also told that

⁵⁰ Council of Europe, CPT/Inf (2005) 6, paragraphs 62 and 63, available at <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

⁵¹ QCEA visit to Tallinn prison

⁵² *ibid.*

the women have more problems and are more emotional and always show their emotions, unlike the men and are more likely to get hysterical. Anti-depressants are given to those with depression. At Harku, the prevalence of eating disorders is increasing and is often used as a way to manipulate staff.⁵³

Self-harm is considered to be a big problem in Estonian prisons; it is frequently seen as a way to manipulate staff.⁵⁴ At Tartu, self-harm happened particularly in the first six months of 2003 as the prisoners adapted to this new style of prison and the stricter regime. According to MacDonald's report, there also appeared to be a discrepancy between accounts from prisoners and staff on attitudes of staff at Tartu towards self-harm. According to the prisoners, there is a lot of self-harm which is not talked about publicly and a lot of incidents may go undiscovered by the guards, who they feel are not very sympathetic towards it. According to the staff at Tartu, there is a sympathetic attitude towards self-harming and prisoners are not punished for doing this.⁵⁵

However, these issues may affect male prisoners more than female ones as it is usually male prisoners who self-harm, and often it is those who are awaiting trial who do so as they have problems adjusting to the prison.⁵⁶

On our visit we were told by medical staff that if women self-harm at Tartu, then they are given help. The social workers, psychiatrist, or psychologist will work with the woman and try to find the reason behind the woman's self-harming.⁵⁷

There is a higher risk of suicide amongst the male prison population.⁵⁸ Suicide amongst women prisoners is not common.⁵⁹

HIV and sexual health

Estonia has the second highest estimated prevalence of HIV in Europe (over one per cent of the adult population) and many HIV infections - twenty-two per cent of all new cases in 2004 - are among prisoners.⁶⁰ At the beginning of the HIV epidemic in 2000-2001, HIV testing was compulsory in prisons and HIV prisoners were separated from the rest of the prison population because there was an initial panic about transmission. Now HIV tests are no longer compulsory (in accordance with the Council of Europe's prison health care rules⁶¹) and HIV positive prisoners are integrated into the main prisoner population.

'In July 2002, the Ministry of Justice adopted an 'HIV/AIDS prevention action plan for the years 2002-2006 in the area of government of the Ministry of Justice', with the objective of preventing the spread of HIV infection in prisons and among [people on probation] and to secure high quality anti-virus treatment for persons with HIV-infection.'⁶² The Council of

⁵³ QCEA visit to Harku prison

⁵⁴ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 16.

⁵⁵ *ibid.*, p. 17.

⁵⁶ *ibid.*

⁵⁷ QCEA visit to Tartu prison

⁵⁸ *ibid.*

⁵⁹ QCEA visit to Tallinn prison

⁶⁰ Joint United Nations Programme on HIV/AIDS (UNAIDS) [on-line], accessed on 3 April 2007, available at <http://www.unaids.org/en/>

⁶¹ **Communication from the Council of Europe:** Council of Europe, *The Ethical and Organisational Aspects of Health Care in Prison*, Recommendation R (98) 7, Section II.B (adopted on 8 April 1998), p. 4. Available at <https://wcd.coe.int/ViewDoc.jsp?id=473743>

⁶² **Communication from the Council of Europe:** Council of Europe, *Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Estonia 27 - 30 October 2003*,

Europe's Commissioner for Human Rights welcomes the strong emphasis placed on information and awareness-raising in this Plan, and proposes that as long as there continue to be drugs in prisons, exceptional measures, such as needle exchange programmes, be undertaken.⁶³

On all three visits we were told that prisoners' HIV status is confidential and it is up to prisoners whom they tell if they are HIV positive. Although tests are voluntary, the medical staff at Tartu told us that they strongly encourage prisoners to take the test on arrival and provide support in the form of counselling and awareness raising before and after the test and whatever the results (either positive or negative). We were told at Tallinn that almost all of the prisoners take the test.

Table 5: Numbers of HIV positive prisoners (both women and total)

Prison	Number of HIV positive women prisoners	Total number of HIV positive prisoners
Harku	36 HIV positive women	36
Tallinn	3 (around 10% of women prisoners at Tallinn)	160 (around 10% of total Tallinn prison population)
Tartu	5 (29% of women prisoners at Tartu)	Don't know

The percentage of women prisoners who find out that they are HIV positive on arrival at Tartu has been decreasing over time (two women diagnosed so far in 2006). One reason for this is that many women are re-offenders who found out during a previous sentence in prison. In the past there have been three HIV positive pregnant prisoners at Tartu, all of whom received treatment at the prison.

As well as HIV, many women prisoners at Tartu have a problem with sexually transmitted diseases (STDs). All STDs are tested for on arrival (again, voluntarily). We were told that STDs are often a problem because of the low educational and deprived social background of many of the women prisoners; many have never been to a gynaecologist before.

Substance addiction

As of 2003 there was no strategy for drug treatment in Estonian prisons, but there is a Prisons' Drug Prevention Strategy 2002-2012, which is part of the Estonian national drug prevention strategy. Methadone is relatively new in Estonia and is not routinely available for prisoners needing treatment for drug addiction.⁶⁴

The worst time for drug addicts is in the police arrest house where they may be imprisoned for two weeks before going to prison.⁶⁵ In prison, drug addicts are only given treatment for their withdrawal symptoms (such as painkillers for cramps) but nothing for their addiction.

At Harku there are weekly meetings for prisoners with a drug addiction. These meetings are organised by the non-profit organisation, Convictus. Twenty-four women participate in the meetings of the Russian speaking group and nine women in the Estonian speaking group.⁶⁶ Convictus also run a support group for HIV positive female drug users in prison.⁶⁷ In the past

CommDH(2004)5 (Strasbourg 12 February 2004), Section II.A., Paragraph 33. Available at <https://wcd.coe.int/ViewDoc.jsp?id=112789>

⁶³ *ibid.*

⁶⁴ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, pp. 24-25.

⁶⁵ *ibid.*, p. 24.

⁶⁶ *QCEA questionnaire*

⁶⁷ *Ministry of Justice*, available at http://www.vangla.ee/?set_lang_id=2

there have been regular Alcoholics Anonymous (AA) meetings at Harku for prisoners with alcohol addiction but the meetings do not take place regularly at the moment.⁶⁸

On our visit to Tartu we were told that women are often addicted to harder drugs than men. Women prisoners are often addicted to methadone from the black market and heroin outside which takes a long time to get over. Drug tests are done on prisoners if prison security has suspicions that a prisoner is using drugs. Between sixty and seventy tests are done a month but only a small number of these are done on women.

8. Education, work and training

Prisoners awaiting trial do not have access to any work, education or training programmes.⁶⁹ This section relates therefore to convicted prisoners at Harku only.

Women prisoners receive an equal share of the overall prison budget for educational and work programmes compared to male prisoners. The financial and human resources are divided equally amongst all prisoners.⁷⁰

Education

Education in prison is organised by the Ministry of Education and Research and the purpose of providing education is to prepare prisoners for release.⁷¹ In order to improve the cooperation between schools and prisons the position of an education administrator was created in the prisons. Studying is supported by the prison library.⁷²

Education is available in both Estonian and Russian.⁷³ At Harku it is possible to get both a basic and secondary education. There are also vocational programmes in which women can take sewing courses and afterwards practise their skills in a sewing workshop run by Estonian Prison Industry Ltd.

Twenty per cent of women are enrolled on some form of educational programme. According to the questionnaire, the only reason that some women may not be enrolled is because they do not want to participate.⁷⁴

Non-Estonians are integrated into Estonian society by language and civic duty courses organised by the prison.⁷⁵

Work and training

According to the Imprisonment Act, all convicted persons who are under sixty-four years of age, not studying and without medical contra-indications, are obliged to work. The working prisoners are divided into two groups: those who are employed in the internal economic

⁶⁸ *QCEA questionnaire*

⁶⁹ *QCEA visits to Tallinn, Tartu and Harku prisons*

⁷⁰ *QCEA questionnaire*

⁷¹ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

⁷² *ibid.*

⁷³ *QCEA questionnaire*

⁷⁴ *ibid.*

⁷⁵ *Ministry of Justice*, available at http://www.vangla.ee/??set_lang_id=2

activities of the prison (such as assistant workers, cleaners, and kitchen staff) and the prisoners employed in production.⁷⁶

Compulsory work is arranged for the prisoners at Harku. AS Eesti Vangloostus, a state-owned business association formed in 2001, organises prisoner employment at the sewing plant.⁷⁷ In addition to the sewing work, the detainees get paid work at the boiler house, as cleaners of the prison compound and rooms and in the kitchen and laundry house.

Skilled workers at Harku can earn up to between 3,000 and 4,000 Estonian Kroons per month (€191 - €255), which is an amount comparable to the wages of a rural blue-collar worker.⁷⁸

One of the women we spoke to did maintenance work in the grounds of the prison for two hours per day. The other woman did stitching work and training work for four hours per day after school (except in summer when there is no school and she worked for eight hours per day).⁷⁹ The Estonian Imprisonment Act states that prisoners' conditions shall comply with the requirements established by labour protection law (except for the specifications arising from the Imprisonment Act), however no explicit mention is made of the number of hours that prisoners are required to work.

9. Minority groups amongst the women prisoner population

Juveniles

By Estonian law juveniles aged fourteen years or older can be imprisoned. Convicted female juveniles are held at Harku and female juvenile pre-trial prisoners are held at Tallinn and Tartu. They are in the same accommodation block as the convicted adult women but are in rooms which are separate from the adults.

At the time of our visit there were two juvenile females at Tallinn and one juvenile female at Tartu who was fourteen years old. Since she was the only juvenile female she had a cell to herself. She had no contact with other prisoners and was not being given any schooling because it was the school holidays.

Foreign nationals and ethnic minorities

On 1 January 2005, seventy-one sentenced female prisoners did not have Estonian citizenship and 18.3 per cent of these prisoners were being held for drug-related offences.⁸⁰

Fifty-eight per cent of prisoners are non-Estonian,⁸¹ and the main group of prisoners considered to be foreign are Russians who, in the main, do not speak Estonian.⁸² The high numbers of Russian-speaking prisoners has implications for both the provision of written materials, treatment groups and for staffing. Most members of the prison staff speak both Estonian and Russian but this may become a problem in the future as fewer young people now learn Russian at school.⁸³

⁷⁶ *ibid.*

⁷⁷ *ibid.*

⁷⁸ QCEA visit to Harku prison

⁷⁹ *ibid.*

⁸⁰ *QCEA questionnaire*

⁸¹ *Refugees International, Life on Hold: Estonia* [on-line], accessed on 3 April 2007, available at http://www.refugeesinternational.org/section/publications/stateless_estonia/

⁸² MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 13.

⁸³ *ibid.*, p. 14.

10. Security and punishment

On our prison visits we saw the punishment cells at all three establishments. The punishment cells in all three prisons are based on the same design; a fold-down bed which is locked up during the day, a toilet and sink in one corner and a built-in seat and table. The punishment cells at Tallinn and Harku were in separate buildings from the accommodation blocks, and both lots of cells were in a dilapidated condition. The more modern punishment cells at Tartu were within the accommodation block. In Tallinn the punishment cells hold two prisoners (of the same sex); those at Harku and Tartu hold only one person per cell.

At Tartu, in addition to ordinary punishment cells, there are also ones for difficult prisoners (such as those on drugs or who harm themselves). These cells do not have a bed but instead have a raised ledge in the middle of the room on which the prisoner can sleep. There is no table and no seats, but there is a toilet and sink in the corner of the room. The main area of the cell is separated from the door into the corridor by an extra set of bars so that the prisoner cannot attack the guard when s/he enters the cell.

Prisoners may be sent to the punishment cells for misbehaving or breaking the rules. The length of time spent there depends on the nature of what the prisoner has done, as well as on previous punishments. The Estonian Imprisonment Act specifies that sentenced prisoners may be committed to a punishment cell for up to forty-five 24-hour periods (twenty 24-hour periods for minors). Prisoners awaiting trial may be sent to a punishment cell for thirty days (or fifteen 24-hour periods if under eighteen).⁸⁴ At Tallinn, women prisoners usually serve between five and ten days (for example if they are noisy at night or if they refuse to stop shouting or are rude). A maximum stay in the punishment cells at Harku may be imposed if a woman prisoner uses drugs, gets drunk or misbehaves while on prison leave. A prisoner at Harku can get twenty-five days for not obeying the guards and between one and two days for smoking cigarettes.

Prisoners are not allowed any personal belongings while in the punishment cells, although they may bring basic toiletries such as a toothbrush and toothpaste. At Tartu prisoners are allowed to bring one book with them. At Harku and Tallinn prisoners are only allowed to read a copy of the punishment rules or the Bible.

While in the punishment cells, prisoners retain all other rights such as one hour of exercise per day and meals, although they are not allowed to see visitors and convicted prisoners are not allowed to receive packages which have been sent to them.

Other disciplinary punishments for convicted prisoners include prohibition of one short or long term visit and removal from work for up to one month. For prisoners awaiting trial, other disciplinary measures include deprivation for up to two months of the right to supplementary food purchased out of the personal funds of the prisoner.⁸⁵

11. Staff and management

According to the questionnaire, male staff are employed in 'contact' positions in Harku. At Tartu, however, we were told that it is against Estonian law for male guards to touch female prisoners and for female guards to touch male prisoners.⁸⁶ This may be due to a possible

⁸⁴ Estonian Imprisonment Act, Sections 63 and 100 (this was accepted 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

⁸⁵ Estonian Imprisonment Act, Sections 63 and 107 (this was accepted 14 June 2000, and was official law from 1 December 2000 (RT I 2000, 58, 376))

⁸⁶ QCEA visit to Tartu prison

misunderstanding of the expression 'contact position' in the questionnaire. The prison staff, male: female ratio is 1:6.7.

Both female and male guards are employed at Harku and the supervisor of the guards is male. There are three contact persons for the prisoners (one male and two female). The role of a contact person is to explain the rules to new prisoners, and to act as a link between the prisoner and the departments within the prison. The contact person also monitors how prisoners comply with their sentence plans and their progression.⁸⁷

⁸⁷ MacDonald, *Country Report for Estonia (4-11 May, 2003)*, p. 7.