

## **Fact finding visit to Tartu prison, Estonia on 22 June 2006 by the Quaker Council for European Affairs**

On 22 June 2006 a female staff member of the Quaker Council for European Affairs visited Tartu prison in Estonia accompanied by an independent female interpreter. The visit included discussions with social workers and medical staff working with female prisoners and interviews with 2 female prisoners (one of whom was 6 months pregnant, the other was a 14 year old juvenile). We were given a tour of the medical centre, punishment cells, visiting rooms, one school room cell, exercise boxes and a cell itself.

### **Background on Tartu prison**

Tartu prison is a modern facility which entered into service in October 2002<sup>1</sup>. It is a closed adult prison holding both women and men remand 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' or 'chamber-type'.

All female prisoners here are on remand. At the time of the visit there were 17 women (including one juvenile girl who was 14 years old). Due to the small number of women prisoners there is not a 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. Male juveniles, in comparison, are housed in a different section of the prison from the male adults. At the time of our visit there were around 504 male convicted prisoners and 373 male prisoners on remand.

The accommodation of cell-style prisons is structured on the principle of small living units and prisoners (unless in punishment, medical quarantine or waiting cells) share their cell with one other prisoner. 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'<sup>2</sup> and the change from camp-style to cell-style also supports the efforts to re-socialise prisoners which is done through offering possibilities to study and work during imprisonment and to use the services of social workers, psychologists, medical personnel and chaplains. Although this may be the case for convicted prisoners at Tartu, those on remand (including all the women prisoners) have no access to education or work. All remand prisoners are locked in their cells 23 hours a day.

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<sup>1</sup> 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, Strasbourg 27 April 2005, CPT/Inf (2005) 6, <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

<sup>2</sup> [http://www.vangla.ee/??set\\_lang\\_id=2](http://www.vangla.ee/??set_lang_id=2)

The prison complex is built on 10 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 1 km long, consisting of a concrete wall with barbed wire on top. All the buildings are modern concrete blocks between 2 and 4 storeys high, either painted a light purple or left grey. All the walls were very smooth with no ornamentation except for bars over all the windows. There are two main rectangular blocks for remand and sentenced prisoners respectively. The medical department, which has been praised by the Council of Europe<sup>3</sup>, is adjacent to the block for remand prisoners. On our tour we passed the chapel, laundry block and other buildings, all built in the same style with smooth-sided concrete walls.

Comments made by the two female prisoners that we spoke to (one was Russian speaking and one spoke Estonian) are included in different sections throughout the report. The prisoners were a 28 year old pregnant prisoner (referred to as the 'adult prisoner') and a 14 year old juvenile ('juvenile prisoner').

### Daily routine

All women at Tartu are on remand (although once convicted, a woman prisoner may remain at Tartu for a short while before being transferred to the women's prison at Harku). Typically a woman may be imprisoned on remand for 6-7 months but it is also possible that they are there for longer (prisoner A was keen to tell us that some women had been there for over a year).

Remand prisoners are in their cells 23 hours a day. For one hour a day, along with their cell-mate, prisoners are allowed to go to an exercise box to get some fresh air and walk up and down. There are no educational or work opportunities for remand prisoners (except for schooling for the juveniles (see later)).

The exercise boxes measure about 15m<sup>2</sup> and have concrete walls. The guards are able to observe the prisoners from above since the roof consists of a metal grill. To prevent communication between the prisoners in different exercise boxes, a radio station is broadcast to drown out any talking or shouting.

Remand prisoners are entitled to one shower a week. They have to pay for toiletries (toilet paper, shampoo, soap, sanitary towels) themselves. The adult prisoner that we spoke to said that she found it difficult to afford these things.

The adult prisoner said that she spent a lot of time reading books (available from the library within the prison). The juvenile said that she spent almost all of the day sleeping.

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<sup>3</sup> 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, Strasbourg 27 April 2005, CPT/Inf (2005) 6, <http://www.cpt.coe.int/documents/est/2005-06-inf-eng.htm>

Remand prisoners have no direct contact with NGOs and cannot go to the church services at Tartu. However, prisoners can arrange to speak with the chaplain if they want to.

### Work and Education

Adult remand prisoners have no access to work or education. According to Estonian law juvenile prisoners on remand are entitled to education and teachers come into the prison from schools outside to give classes. At the time of the visit it was school holidays so there were no classes being given. One classroom we saw was small and bare containing only small wooden desks, chairs and a blackboard.

### Visiting and contact with the outside world

Under Estonian law prisoners are entitled to make at least 5 minutes of telephone calls per week. Prisoners have to pay for the calls themselves. Prisoners are able to take the phone into their cell to make the call.

Prisoners are allowed up to a maximum of 2 hours of visits per month. This is true for both convicted and remand prisoners, although every 6 months convicted prisoners are also allowed 3 day conjugal visits with their partner/families.

The visiting room in which the shorter visits take place has a glass partition to separate the prisoners and their visitors. The prisoners and their visitors communicate via a telephone on either side of the glass. No physical contact is permitted.

The adult prisoner has contact with her family through letters and telephone calls but nobody visits her because she is too far away from her home which was in Eastern Estonia. She had not seen a lawyer since she had been imprisoned at Tartu (3 months earlier). The social welfare advisor who was showing us around the prison said that for those prisoners who can't afford it, the state pays for their lawyer. However, state lawyers, she said, don't do the job wholeheartedly and often don't make the effort to come to Tartu. Prisoners may get one meeting with a lawyer before their court case but sometimes the prisoners don't make the effort to see their lawyers even if they have the opportunity.

### Maternity and pregnancy

There is no mother and baby unit at Tartu but there may be pregnant women on remand. Pregnant woman on remand at Tartu give birth in a civilian hospital. Prior to the birth, however, prisoners do not usually have to leave the prison for external medical appointments as there is an ultrasound suite in the prison medical department. Near the time of the birth the medical department makes

preparations for the prisoner to go to hospital. The social worker is responsible for preparing the paperwork, for example if the child has to go to an orphanage. The child's birth certificate has no mention of the prison on it.

After the birth, the child will be taken away from the mother if she has to stay for a longer period of time at Tartu. If and when she is convicted, the woman will then be transferred to Harku prison where there is a mother and baby unit. It may be possible for the baby to live with her there up until the age of 3 years old.

At the time of the visit there was one pregnant prisoner at Tartu (the adult prisoner), whom we interviewed. She was 28 and was 16 weeks pregnant. This was her first time in prison and she had been accused of drug dealing. Speaking with us about her experience in prison was upsetting for her.

She said that she got regular check-ups from the medical staff, had no problems in making appointments to see the medical staff and could see a woman if she requested. She has not had to attend any external medical appointments since there are ultrasound facilities on site. Apart from medical check-ups there is no other kind of antenatal care.

When asked about food and mealtimes she said that she didn't like the food and that there was 'nowhere to breathe'. If she doesn't want to eat her food at meal times she can put it outside and eat it later, but it will be cold. There is no other food available between mealtimes.

She had never been put in the punishment cell and shares her cell with a woman who is not pregnant. Her court case was expected to take place in around 6 months, although the exact date hasn't been decided yet and she was still under investigation.

#### Children on the outside

Of the 17 women prisoners at Tartu at the time of the visit, 10 women had children under 18 on the outside. Three of these mothers had children under the age of 3 years old.

The adult prisoner said she had 4 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.

#### Juvenile prisoners

By Estonian law juveniles aged 14 years or older can be imprisoned. At Tartu, juvenile and adult males on remand are kept in different sections of the prison.

However, due to the small number of female prisoners, juvenile and adult females are in the same corridor but separated into different cells.

At the time of the visit there was 1 juvenile female on remand who was 14 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. When asked what she did all day she said that she slept almost all day. She had been at Tartu for 6 days, and before that had been at a police detention centre for a month where she said that she hadn't been able to go outside at all and that there had been no opportunity to do anything (including school classes). During her stay at the detention centre she had shared a cell with 2 other girls.

On her arrival at Tartu she had been given a medical check-up and had been introduced to her contact person who had explained the rules and who she said she could speak to at anytime. The role of a contact person is to explain the rules to new prisoners, and acts 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<sup>4</sup>. She had been in contact with her family via letters only, but hoped to receive visits from them soon. She was unwilling to say what she had been accused of.

### Health

The medical department at Tartu is large and modern and takes up the second floor of one whole block. There was a wide corridor with rooms off either side. While we were there all the doors were open giving the place a very welcoming feeling.

The medical centre has a doctors' consulting room, a pre/post test consulting room, a laboratory for testing medical samples such as urine and blood, a room where blood tests are done, a pill preparation room, a room for ultrasound and X-ray (for both teeth and body), a dentist's room and a gynaecologist's room.

There are 29 medical staff working in the department (many of whom are part-time) including 2 GPs, 12 nurses (who between them cover night-shifts as well), a psychiatrist, a dentist and dentist's assistant, a radiologist and technician, a gynecologist (who is female and who comes in for serious conditions only), a clinical psychologist, and an assistant nurse. There is no midwife so the nurses do this job instead.

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<sup>4</sup> 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), Dr Morag MacDonald, University of England, 2004, p7.

Women prisoners are able to see female medical staff if they want to (the same applies for men wanting to see male medical staff). All facilities except for dental care are available for remand prisoners.

We spoke with the head of the medical centre and a member of the medical staff dealing with HIV (both female). They said that when the prisoners come to Tartu, it is often the first time they have had access to such facilities. The medical centre is very popular with prisoners and they want to get everything checked out and treated. The woman who specialises in HIV said that she enjoys working at the medical centre and that it provides a high level of care for the prisoners.

On arrival to prison each prisoner is given a medical check-up. An X-ray to check for tuberculosis is compulsory. Medication is prepared for prisoners in the medical centre and then taken to the prisoner's cell by a nurse. Pills are ground up so that prisoners cannot hoard them.

### Mental Health

We were told that female prisoners in general have more health problems than male prisoners. They are more likely to get depressed than male prisoners and are also more likely to be depressed than women outside prison. Many have children and have worries associated with them. We were also told that the women have more problems and are more emotional and always show their emotions, unlike the men. Anti-depressants are given to those with depression.

There is not a problem with suicide by female prisoners (there is a higher risk with male prisoners). If women self-harm, then they are given help. The social workers, psychiatrist, or psychologist works with the woman and tries to find the reason behind the woman self-harming. Sometimes women use self-harm as a form of manipulation in which case it is explained to them that it won't achieve anything.

### HIV and sexual health

At the time of the visit 5 out of 17 women prisoners at Tartu were HIV positive. As part of the medical examination that takes place when prisoners arrive at Tartu there is a voluntary HIV test. Although the test is voluntary the medical staff try to persuade as many prisoners as possible to take it. Before and after the test counselling and advice are given to the prisoner. The percentage of women prisoners who find out that they are HIV positive on arrival to Tartu has been decreasing over time (2 women diagnosed this year). One reason for this is that many women are re-offenders who found out during a previous sentence in prison.

HIV positive prisoners are not kept separately from other prisoners. All medical information pertaining to each prisoner is confidential and no guards are present

when the prisoners are with the medical staff. If a woman is HIV positive it is up to her whom she tells. Many tell their cell-mates so that they know to avoid contact. In the past there have been 3 HIV positive pregnant women at Tartu, all of whom received treatment at the prison.

As well as HIV, many women prisoners 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.

When asked about sexual relations between the female prisoners the head of the medical department said that there is no homosexuality but there is sexual physical contact and affection between the female prisoners. She explained that the prisoners need this physical contact because they are so young and that they do it to relax themselves. Only one woman prisoner has said that she is homosexual and no women have ever asked for female condoms (although the prison does not have any female condoms, only male ones).

### Drugs

Drugs are another main problem. Women who enter prison with drug problems are given medication for their symptoms (e.g. painkillers) but their addiction is not treated. Often they have come straight from a remand house (police detention centre) so have often been without drugs for a week. This makes it easier for them at Tartu.

Drug tests are done on prisoners if security has suspicions that a prisoner or prisoners are taking drugs. Between 60 to 70 tests are done a month but only a small number of these are done on women prisoners. Women are often addicted to harder drugs than the men and in general men start on cannabis and amphetamines whereas the women start on opiates, mostly heroin. They have often been hooked on methadone from the black market and heroin outside which takes a long time to get over.

### Staff and security and punishment cells

Most of the guards are male (as most of the prisoners are male), but the number of female guards in relation to the number of female prisoners is high. (Guards are not well paid.) However, the prison tries to keep the right balance of male and female guards vis-à-vis prisoners. Female guards have no physical contact with male prisoners and vice versa. Prisoners have to walk with their hands behind their backs so the guards can see their hands.

There are two types of punishment cell; an ordinary one and one for difficult prisoners (such as those on drugs or who harm themselves).

In the ordinary punishment cell there is a fold down bed which is locked up during the day, 2 hard seats on either side of a small table, and a toilet and sink. All the furniture is built in.

For difficult prisoners the punishment cell doesn't have a bed but has a raised ledge in the middle of the room instead where the person can sleep. There are no seats or a table 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.

The length of time that a prisoner will have to spend in a punishment cell depends on the nature of what they have done as well as previous punishments. For convicted prisoners the maximum detention in a punishment cell is 45 days, for remand prisoners it is 15 days. A prisoner may be put into a punishment cell for doing something forbidden or having something which is forbidden.

At 10.30pm the bed is unlocked from the wall and the prisoner is given sheets, blankets and pillows. Prisoners are allowed one book to read plus a copy of the punishment rules in the cell. While in a punishment cell prisoners retain all their other rights (1 hour in the exercise box a day, meals etc) but are not allowed to see any visitors during this period.

#### Foreign nationals

In the women's section there are not many prisoners without Estonian citizenship, but most females are Russian speaking.<sup>5</sup>

#### Summary of best practice at Tartu prison

- The medical facilities at Tartu prison are excellent and have been praised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- Pregnant prisoners do not have to leave the prison for pre-natal ultrasound scans.
- Female prisoners may choose to see female medical staff.

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<sup>5</sup> Russian speakers within Estonia are often the most marginalized in society.