

Health Promotion for Young Prisoners - Literature review of Estonia

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1. Executive Summary

The "Guidelines for Development of Criminal Policy until 2018"¹ for Estonia define longterm objectives and activities on the basis of which the public sector shall plan and perform its activities. One of the primary objectives is juvenile delinquency.

The statistical numbers confirm that there is clear need for dealing with the juvenile crime issues. Most of the crimes registered in Estonia are committed by young people between the age of 18 to 24^2 . About 13% of crime offences are commited by juveniles in Estonia. Approximately 3000 juvenile crimes are registred annualy, that makes 5-6% of the total crimes commited in Estonia. About 22% of all convicted inmates are younger than 24 years old.

In prison young prisoners are exposed to several health risks. Epidemiological data describe Estonian prisons as a setting characterized by multiple health burdens: high spread of blood borne viruses (HIV, HBV/HCV), other infectious diseases (TB, STIs), co-infections, drug addiction, and mental diseases. A substantial number of prisoners are suffering from either of these health damages or more than one.³

About 20–30% of Estonia's new HIV cases are detected within the prison system⁴. HIV infection in prisons is primarily seen among IDU's, the majority of them male, young (between 15 and 25 years old), and Russian speaking fentanyl/amphetamine users⁵. Although Estonian legislation, children are viewed as a vulnerable group and several measures have been introduced to protect the children due to the special needs arising from

the specific nature of their development. Still as for the moment there are no young prisoners health promotion targeted policies.

The Ministry of the Justice is responsible for administering health and social services in prisons. All imprisoned persons arriving at the prison undergo an initial medical examination. This determines their possible diseases (e.g. infectious diseases such as tuberculosis, hepatitis and HIV) and, where necessary, further treatment is designated⁶.

¹ Annex Resolution of the Riigikogu of 9 October 2010 (757 OE I) Approval of "Guidelines for Development of Criminal Policy until 2018"
[http://www.inst.eg/orb.eu/olega_file/oction_providelines/for/Development/of/Criminal

[[]http://www.just.ee/orb.aw/class=file/action=preview/id=50982/Guidelines+for+Development+of+Criminal +Policy+until+2018.pdf] 12.08.2010

² Guidelines for Development of Criminal Policy until 2018" explanation letter to Estonia Parliament (Riigikogu) [http://www.riigikogu.ee/?page=pub_file&op=emsplain&content_type=application/msword&fi e_id=1034735&file_name=RO%20kriminaalpoliitika%20arengusuunad%20seletuskiri%20(760).docx&file _size=354948&mnsensk=757+OE&fd=] 12.08.2010

³ Prof. Dr. Heino Stöver 2008 "Evaluation of national responses to HIV/AIDS in prison settings in Estonia" [http://www.unodc.org/documents/baltics/Report_Evaluation_Prisons_2008_Estonia.pdf] 14.06.10

⁴₅ Ibid.

⁵ Ibid.

⁶"Healthcare in Estonian Prsions" [http://www.vangla.ee/43649] 15.08.2010

In the effort to resocialize juvenile and young people prisons offer several social programmes like anger management trainings and life style trainings. Two prisons offer also support groups for drug problematic juveniles and young prisoners in the cooperation with NGO Convictus Estonia.

2. National background information on the Criminal Justice System

2.2National Criminal Policy

"Guidelines for Development of Criminal Policy until 2018" (hereinafter guidelines for development) define long-term objectives and activities on the basis of which the public sector shall plan and perform its activities. One of the primary objectives is juvenile delinquency. According to the guidelines the prevention of juvenile delinquency helps to prevent criminal offences in adulthood.⁷

Prevention of juvenile delinquency actions according to the guidelines are as following:

- In order to prevent minors turning to crime and for early identification of children at risk, the local governments shall develop a system for early identification of problems occurring in growing environment; the Ministry of Social Affairs together with local governments shall develop the parenting skills of parents and improve cooperation between the specialists of this field.
- Dealing with the problems occurring in school environment helps to prevent minors turning to crime. The Ministry of Education and Research together with local governments and schools shall take measures for the prevention of non-performance of the obligation to attend school, bullying in schools and other problems occurring in school environment which affect mental and physical security of pupils .
- In order to respond better to juvenile delinquency, the Ministry of Education and Research shall ensure even quality of juvenile committees and of the sanctions applied by them all over Estonia, facilitate the
- establishment of local committees and ensure that the hearing of offences in a juvenile committee would not, as a rule, exceed 14 days.

⁷ Annex Resolution of the Riigikogu. Approval of "Guidelines for Development of Criminal Policy until 2018" [http://www.just.ee/orb.aw/class=file/action=preview/id=50982/Guidelines+for+Development+of+Criminal +Policy+until+2018.pdf] 12.08.2010

- Reform schools shall not induce repeat offending by minors, but shall support the ability of minors to cope independently and law-abidingly. The Ministry of Education and Research shall develop reform schools into functioning educational institutions: systematise the infrastructure, individualise schooling and education,
- ensure the necessary support services and together with local governments ensure continued care of pupils leaving a reform school.
- Expedited proceedings in criminal matters related to juvenile perpetrators helps to decrease future offences committed by young people and reduces the potential negative effects to minors arising from criminal proceedings. The Prosecutor's Office and the police shall ensure that the pre-trial procedure in criminal matters regarding minors would not last, as a rule, for more than one month.⁸

2.3 Juvenile crime prevention

The main coordinators of the issues of juvenile crime prevention are committees of juvenile issues formed in counties (15), local municipalities and town governments (52) under the Juvenile Sanctions Act. The discussion of the cases of juvenile delinquency in order to find the suitable leverage from a warning to sending minors to schools for children needing special provisions is under their jurisdiction. Committees can apply 9 different measures to youngsters aged 7-18: warning, community service, youth or social programmes, counselling by specialists, mediation (conciliation), etc. prevention councils and crime prevention committees have been formed in many counties.⁹

4521 juvenile cases were dealt by committees in 2008, mediation is used rarely (2008 less than 1%, average 20 mediations per year)¹⁰.

Local governments also deal with crime prevention through several committees of legal protection, social issues, children and welfare issues, education, culture, sports, etc. Drug

⁸ Annex Resolution of the Riigikogu. Approval of "Guidelines for Development of Criminal Policy until 2018" [<u>http://www.just.ee/orb.aw/class=file/action=preview/id=50982/Guidelines+for+Development+of+Criminal</u> <u>+Policy+until+2018.pdf</u>] 12.08.2010

⁹ Estonian Youth Work Strategy 2006-2013 [www.hm.ee/index.php?popup=download&id=7157] 18.08.2010

⁰ Kaire Tamm 2008 "The future of restorative justice in juvenile delinquency prevention in Estonia" [http://www.politika.lv/index.php?f=1598] 22.08.2010

2.4 The Penal Code and Juvenile Sanctions Act

The Penal Code determines that a person, who has attained at least fourteen years of age for the moment that he or she commits a criminal act (or other offences) and will be liable for the act committed.

Juvenile offences and also minor deviations from social regulations are processed primarily on the basis of the Juvenile Sanctions Act. For the purposes of the Juvenile Sanctions Act, a minor is a person between seven and eighteen years of age.

The purpose of the Juvenile Sanctions Act is to influence and support the juveniles without application of stricter penal measures. This Act provides sanctions applicable to minors and the competence of juvenile committees.

The Act applies to a minor:

1) who, at less than 14 years of age, commits an unlawful act corresponding to the necessary elements of a criminal offence prescribed by the Penal Code;

2) who, at less than 14 years of age, commits an unlawful act corresponding to the necessary elements of a misdemeanour prescribed by the Penal Code or another Act;

3) who, between 14 and 18 years of age, commits a criminal offence prescribed by the Penal Code, although a prosecutor or court finds that the person can be influenced without the imposition of a punishment or the application of a sanction prescribed in § 87 of the Penal Code and criminal proceedings with respect to him or her have been terminated;
4) who, between 14 and 18 years of age, commits a misdemeanour prescribed by the Penal Code or another Act, although a body conducting extra-judicial proceedings finds that the person can be influenced without the imposition of a punishment or a court finds that the

person can be influenced without the imposition of a punishment or the application of a sanction prescribed in § 87 of the Penal Code and misdemeanour proceedings with respect to him or her have been terminated.

The Act also applies to minors who:

1) do not fulfil the obligation to attend school arising from § 8 of the Republic of Estonia Education Act

2) consume alcoholic beverages, narcotic or psychotropic substances.

A juvenile who does not fulfil the obligation to attend school, loiters or steals is referred to a juvenile committee by the school, local government or frequently also by the prosecutor who uses the right to discipline a minor through the juvenile committee.

In addition to milder sanctions, such as sanctions concerning organisation of study, conciliation, obligation to live with a parent or guardian, warning, community service, etc.,

the Act also provides as an extreme measure for a possibility to file a court application for sending the minor to a school for students with special needs. The latter is a special sanction, which the court may impose for one year and thereafter extend for one more year subject to the submission of a respective application.

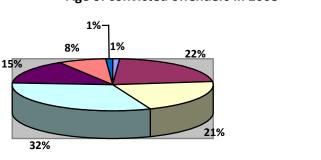
The purpose of a sanction is to provide assistance in the re-socialisation of a juvenile offender and to prevent him or her from committing offences in the future.¹¹

Most often juveniles are imposed with warning (40%), community service (22%) or counseling with a sepcialist $(19\%)^{12}$.

3. National statistical background information on young people in the prison setting

On the 20th of September 2010 the website of Ministry of Justice states that the total number of prisoners on Estonia is 3433 out of this 44 are minors/juveniles meaning under 18 years old¹³. The percentage of young prisoners of the total prison population in 2008 was 23% (look Table 1).

Table 1 The percentage of young prisoners of the total prison population in 2008¹⁴.



Age of convicted offenders in 2008

¹⁴ "Estonian prison system and probation year book 2008"

Under 17 years old

18-24 years old

50-59 years old

60 and older

25-29 years
 30-39 years old
 40-49 years old

¹¹ Juvenile Sanction Act [http://www.entk.ee/Juvenile Sanctions Act.pdf] 29.08.2010

¹² Guidelines for Development of Criminal Policy until 2018" explanation letter to Estonia Parliament (Riigikogu) [http://www.riigikogu.ee/?page=pub_file&op=emsplain&content_type=application/msword&fi e_id=1034735&file_name=RO%20kriminaalpoliitika%20arengusuunad%20seletuskiri%20(760).docx&file _size=354948&mnsensk=757+OE&fd=] 12.08.2010

¹³ "Prison statistics" [<u>http://www.vangla.ee/41291</u>] 10.08.2010

[[]http://www.vangla.ee/orb.aw/class=file/action=preview/id=35787/Vanglate_aastaraamat_2008.pdf] 12.08.2010

Substantial changes in the number of prisoners have taken place over the last few years; in 2005 the number was 4,463, whereas in January 2008 this number has dropped down to 3,490¹⁵. Since restoration of independence the number of prisoners in the Estonian prison system has considerably exceeded that of the average of the Member States of the European Union. The reasons for the high number of prisoners can be found in recent history, the legacy of the occupant regime. The decomposition of the village society due to the acts of the occupant regime and repressive penal system which was remote from European values was some of the main reasons for the high number of prisoners. After restoration of independence the number of prisoners in Estonian prisons amounted to 4,800. In 2007 the number of prisoners decreased considerably, reaching the lowest level in the last 16 years, i.e. 3,467. The number of prisoners decreased as a result of increasing the number of prisoners released on parole and a decrease in the number of convicts entering the prison system.¹⁶

The decrease in the number prisoners shows also among young and juvenile prisoners (look Table 2).

	2004	2005	2006	2007	2008
15-17 years old	56	37	41	31	33
18-21 years old	435	377	370	259	242
22-24 years old	486	462	438	309	294

Table 2 Development of the number of young prisoners within the last years¹⁷.

3.1 Juvenile and young people in prison

In Estonia there are no special Juvenile Justice System authorities, as for example special courts or prisons or special police departments working with youth.

¹⁵ Prof. Dr. Heino Stöver 2008, Evaluation of national responses to HIV/AIDS in prison settings in Estonia" [http://www.unodc.org/documents/baltics/Report_Evaluation_Prisons_2008_Estonia.pdf] 14.06.2010

¹⁶ Drew, R., Donaghoe, M., Koppel, A., Laukamm-Josten, Politi, C., Rotberga, S., et al. (2008). Evaluation of Fighting HIV/AIDS in Estonia. WHO/UNAIDS. Denmark: World Health Organization.

¹⁷Estonian Youth Institute "Development of the number of young prisoners within the last years" [http://www.eni.ee/?s=24] 02.09.2010

Currently, there are five prisons in Estonia. There is an open prison ward for 48 people in Murru Prison and for 75 people in Viru Prison.

Juvenile female prisoners are kept in Harku prison and juvenile male prisoners on Viru prison. The competence of prisons are showed in Table 3.

There is also a juvenile department, accommodating up to 250 minors. All underage prisoners who have been convicted or who are being held in custody and all young prisoners who have been convicted are held there¹⁸.

Table 3 The competence of prisons is as follows¹⁹.

Prison	Imprisoned persons
Harku	Convicted female adults and minors
Murru	Convicted male adults, low risk
Tallinna	Male and female adults held in custody
Tartu	Male and female adults held in custody
Viru	Male minors held in custody and convicted male minors

Most of the young prisoners are 18 years old and above (look Table 4).

 Table 4 The age structure of young prisoners

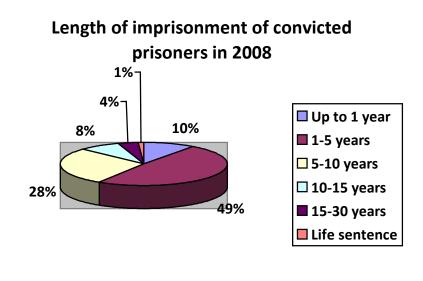
¹⁸"Viru Prison" [http://www.vangla.ee/35470] 17.08.2010

¹⁹ "Estonian prison system and probation year book 2008" [<u>http://www.vangla.ee/orb.aw/class=file/action=preview/id=35787/Vanglate_aastaraamat_2008.pdf]</u> 12.08.2010

Age	% on prison population
Up to 17 years old	1%
18-24 years old	22%

There is no data available on the average imprionment of juvenile or young prisoners. The average length of imprisonment for all prisoners is shown in Table 5.

Table 5 Length of imprisonment of convicted prisoners²⁰.



There is no data available on the ethnicity of juvenile or young prisoners. The ethnicity for convicted prisoners is shown in Table 6.

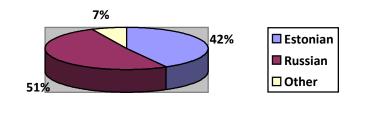
Table 6 Ethnicity of convicted offenders in 2008²¹

²⁰Estonian prison system and probation year book 2008"

[http://www.vangla.ee/orb.aw/class=file/action=preview/id=35787/Vanglate aastaraamat 2008.pdf] 12.08.2010

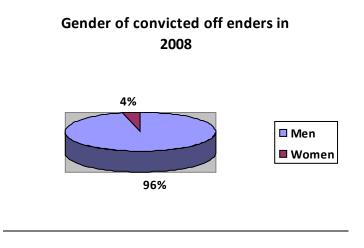
²¹Ibid.

Ethnicity of convicted offenders in 2008



The proportion of men and women in prisons is shown in Table 7.

 Table 7 Gender of convicted offenders in 2008²².



3.2 Breakdown by the main offences

Most of the crimes registered in Estonia are committed by young people between the age of 18 to 24²³. About 13% of crime offences are commited by juveniles in Estonia. Approximately 3000 juvenile crimes are registred annualy, that makes 5-6% of the total crimes commited in Estonia (look Table 8).

²² Estonian prison system and probation year book 2008" [<u>http://www.vangla.ee/orb.aw/class=file/action=preview/id=35787/Vanglate_aastaraamat_2008.pdf</u>]12.08.2010

²³ Guidelines for Development of Criminal Policy until 2018" explanation letter to Estonia Parliament (Riigikogu) [http://www.riigikogu.ee/?page=pub_file&op=emsplain&content_type=application/msword&fi e_id=1034735&file_name=RO%20kriminaalpoliitika%20arengusuunad%20seletuskiri%20(760).docx&file _size=354948&mnsensk=757+OE&fd=] 12.08.2010

Table 8 Juvenile crime in 2008²⁴.

Number of crimes committed by juveniles	3208
Number on juveniles that have committed crimes	2289
Juvenile propotion to 100 000 inhabitants	171
Number of convicted juvenile prisoners	33
Percentage of juvenile prisoners in prison population	1,3%
Number of juveniles in probation	346
Percentage of juveniles in probation	4%

In Estonia the structure of juvenile crimes has not been changed during the last years. For years dominant criminal offences committed by minors (as for the adults) have consisted of larcenies and other offences against property, following breach of public order, illegal entries and unauthorised use of things (mainly the use of parents' cars without asking the permission to do this). Most juvenile delinquents commit one crime and only a few commit several crimes. The minor offenders are mainly boys, 83%, 17% girls are identified as offenders. Most of juvenile criminal offences have been committed in a group (for example more than 60% in 2006); and they mostly consist of larcenies, including theft from vehicles.²⁵ In 2007 commission of drug-related crimes was established for 613 suspects of whom 85% were men and 46% of the suspects were younger than 25²⁶.

4. Existing policies, practices and initiatives on health promotion for young prisoners

4.1 Existing policies for young people in Estonia

There are a number of nationwide strategies which carry relevance for youth health: National Strategy for Prevention Cardiovascular Diseases 2005-2020, National Drug Prevention Strategy 2012, National HIV/AIDS Prevention Strategy 2006-2015, National Strategy on

²⁴Ibid.

²⁵ Anu Leps "Estonian Juvenile and Restorative Justice System"

[[]http://www.politika.lv/en/topics/rule_of_law/18170/] 27.08.2010

²⁶Tervise Arengu Instituut. Eesti Uimastiseire Keskus. (2008b). National Report (2007 data) to the EMCDDA by the REITOX National Focal Point. Estonia. New developments and trends and in-depth information on selected issues. Tallinn: TAI [http://eusk.tai.ee/failid/report_2008_english_ESTONIAN.pdf]

Protection of Children's Rights effect of youth health and health behavior. In addition, there are a number of initiatives which target various aspects of youth related health issues. While some initiative target health misbehavior and preventing diseases (disease prevention, substance misuse), others focus on achieving fitness and good functional condition (health promotion). There are no national policies or action plans that are targeted to juvenile or young prisoners health promotion.

4.2 Health and social services in prisons

The Ministry of the Justice is responsible for administering health and social services in prisons. The medical ward in each prison complies with the Health Care Services Organisation Act and there is a family doctor system in wards. In the medical ward prisoners get outpatient general medical aid and dental treatment. Inpatient specialised medical aid is given by the health care ward of Tallinn Prison located in Maardu. If the detainee requires aid that the central hospital is unable to provide, the detainee is assigned to a civil hospital for care. The treatment costs are covered through the Ministry of Justice from the state budget. All imprisoned persons arriving at the prison undergo an initial medical examination. This determines their possible diseases (e.g. infectious diseases such as tuberculosis, hepatitis and HIV) and, where necessary, further treatment is designated²⁷.

Social work in prison is carried out by social workers and psychologists who are employees in the structure of the prison, but not prison officials. The purpose of the social work is to help the detainee maintain and create important and positive social contacts outside the prison, to increase the ability to cope and to influence him/her to act more legally obedient. Since illegal behaviour is usually caused by the person's personal and social problems, the social work with the detainee includes personal, economic and legal issues.

The prison's social work can be characterized through the reception, main and release phase. In the reception phase, the emphasis is on the safety of the family, the chance to retain the job position and the need to secure property. Also, the detainee's alcohol and drug problems, vocational skills and work experience and the desire to acquire education in prison will be determined. Based on this info, the social worker will present suggestions for the individual action plan. The psychologists will use discussions, tests and questionnaires to determine the detainee's physical and emotional state and make suggestions about planning the time of the sentence. The psychologists will also help cope with the changes.

²⁷"Healthcare in Estonian Prsions" [http://www.vangla.ee/43649] 15.08.2010

In the main phase, the social worker gives the detainee legal counsel in social issues, supports his/her relationship maintenance or reestablishment with the family members, helps to create or preserve contacts with the employer, helps in overcoming the difficulties in learning, helps to solve the conflicts between the detainee and the prison officials or other detainees. The psychologists help the detainee to resocialize through individual counsel and group work (incl. social rehabilitation programs). The purpose of the social learning programs is to teach social skills to the detainee to help him/her cope in the society in the legally obedient manner. In the release phase, the social worker helps the detainee to solve problems that have occurred due to the narrowing of external contacts. Often, the detainee has lost social ties, his/her home, job and income. By preparing for the release, the social worker helps the detainee in acquiring documents, finding a job and a place to live and to apply for support through the general welfare. If the detainee has the chance for a premature release, the social worker and psychologist will write a characterization where they assess the detainee's psychological state and the readiness to return to the society to live in the legally obedient manner.

In the effort to resocialize juvenile and young prisoners prisons offer several social programmes like anger management trainings and life style trainings. Viru and Harku prison offers also support groups for drug problematic juveniles and young prisoners in the cooperation with NGO Convictus Estonia.

For several years psychological support groups in all prisons for PLWHA and drug dependent inmates in the prisons have been organised by NGO Convictus Estonia.²⁹ The goal of Convictus to offer psychosocial help and consultations for HIV-positive and drug addicts in Estonian prisons in the effort to stop the progressive spread of HIV/AIDS and guarantee HIV-infected persons and drug problematic inmates quality treatment and access to the health care and social services.

Target groups:

- HIV-positive prisoners
- Prisoners with drug problems (including juveniles and young prisoners)

Convictus work with young and juvenile prisoners in both Viru prison (boys and young men) and Harku prison (girls and young women). The actitivties of Convictus are financed by the Ministry of Justice.

²⁸" Social Work"[<u>http://www.vangla.ee/43647</u>] 11.08.2010

²⁹ Prof. Dr. Heino Stöver 2008 "Evaluation of national responses to HIV/AIDS in prison settings in Estonia" [http://www.unodc.org/documents/baltics/Report_Evaluation_Prisons_2008_Estonia.pdf] 14.06.09

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