Inspection Visits



Tarrvi Laamann. Banana Fish. Acrylic and print on canvas. 2022 (fragment of the work)

The Chancellor of Justice regularly inspects places of detention to assess whether the fundamental rights and freedoms of the people held there are guaranteed. Inspection visits form part of the Chancellor's duties as the national preventive mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

A place of detention is a place where persons are or may be deprived of their liberty by order of a public authority or with its consent and which they are not permitted to leave at will. Thus, in addition to prisons and police detention facilities, the Chancellor also inspects social welfare institutions, psychiatric wards of hospitals, providers of 24-hour special care services and Defence Forces units where conscripts are serving.

In 2026, the Estonian Defence Forces began implementing the "Defence Readiness 2027" plan, under which Defence Forces instructors are to receive additional training: they will learn to use new weapons systems and acquire new knowledge about organising military training.

For this purpose, instructors will temporarily be released from training conscripts, and the number of call-up selectees entering conscript service will be reduced from the usual level. Approximately 1,200 conscripts will enter conscript service in 2026. In 2027, the usual number of call-up selectees – up to 4,100 young people – will again enter conscript service in two intakes, in winter and summer. A uniform 12-month period of conscript service will also apply from 2027.

In the course of such changes, it is important to ensure that conscripts are always treated in a manner that respects human dignity. The Chancellor therefore paid greater attention to the rights of conscripts during the reporting year.

The Riigikogu made significant amendments to the Health Services Organisation Act. Under the amendments which entered into force on 1 July 2026, physical restraint, mechanical restraint and restraint by means of medicinal products may now also be used in the provision of emergency care, ambulance services, in-patient specialised medical care and in-patient nursing care. Restraint is permitted only where the behaviour of a patient without decision-making capacity poses an immediate danger to the life or health of the patient or of others. Previously, means of restraint could be used only in the provision of psychiatric care.

Already in 2023, the Chancellor drew the attention of the Ministry of Social Affairs to the fact that in other situations where it became necessary, in the interests of the safety of the patient or others, to restrain a patient while providing medical care, there was no clear legal basis or uniform requirements for doing so. The legislative amendment established clear grounds for the use of means of restraint outside psychiatric care, while also strengthening the protection of patients' fundamental rights and increasing legal clarity for health care professionals.

In 2024, the European Union adopted a comprehensive reform of migration and asylum, aimed at making migration management in the Member States more consistent, faster and more effective. The reform consists of several interconnected legal acts dealing, among other things, with the screening of people at the European Union's external borders, asylum procedures, the collection of data on people crossing the border, the sharing of responsibility between Member States and the management of crisis situations. Strengthening the protection of fundamental rights is an important part of the reform. To this end, Member States must establish an independent monitoring mechanism to oversee compliance with fundamental rights during screening and to help prevent violations of fundamental rights at the European Union's external borders.

On 12 June 2026, the new Act on Granting International Protection to Aliens entered into force, assigning the Chancellor of Justice the task of monitoring compliance with fundamental rights during screening and the asylum border procedure. The Chancellor monitors whether the procedures comply with the requirements for the protection of fundamental rights and with the safeguards laid down in European Union legislation.

Defence Forces

During the reporting year, the Chancellor of Justice inspected the Medical Centre of the Support Command of the Estonian Defence Forces, the Viru Infantry Battalion and Navy units, and analysed the language proficiency requirement for conscripts.

The inspection visits revealed that conscripts of different sexes were unable to change clothes in privacy in the barrack rooms of the units. The Chancellor asked the Defence Forces to provide suitable conditions for this, for example by using a screen or curtain.

The Chancellor also recommended that the Medical Centre of the Support Command and the Navy units make arrangements for conscripts to meet visiting family members and other close persons on the premises of their place of service. She explained that, under the law, conscripts are entitled to receive visitors at their place of service at least once a month. Conversations with conscripts also confirmed the need for such meetings.

The conscripts in the units inspected were generally satisfied with the food provided by the Defence Forces. However, there have been situations in the Navy units at Miinisadam and in the Viru Infantry Battalion where there has not been enough food for conscripts arriving at the canteen towards the end of the mealtime. In her recommendation to the commanders of the units, the Chancellor emphasised that catering arrangements in both units should be changed so as to ensure that there is enough food for all conscripts.

The Chancellor asked that the requirements of the internal rules of the Navy’s coastal defence subunits be brought into conformity with the Rules for Wearing the Defence Forces Uniform. Under the uniform rules, conscripts are permitted to wear a beard, whereas the internal rules of the coastal defence subunits prohibited conscripts from growing a beard.

The Chancellor analysed the compatibility with the Constitution of the Republic of Estonia of an amendment to the Military Service Act (MSA) that had been adopted by the Riigikogu but was not promulgated by the President. Under the proposed amendment, call-up selectees whose proficiency in Estonian did not meet level B1 were to be excluded from military service. The Chancellor found that excluding call-up selectees with insufficient proficiency in Estonian from conscript service until they had acquired the required level of language proficiency would result in unjustifiably more favourable treatment of those call-up selectees.

Care homes and psychiatric hospitals

During the reporting year, the Chancellor of Justice inspected four care homes providing the general care service (Viljandi Hospital Foundation care home, Paunküla Care Centre NGO, Elora Keila Hospital Ltd care home, and Tartu Mental Health Care Centre Foundation), three care homes providing 24-hour special care services (Maarjakodu NGO, HKT Karula Home Ltd, and HKT Sillamäe Home Ltd), as well as two hospitals providing psychiatric care (the psychiatric department of South Estonian Hospital Ltd and the Psychiatric Clinic of Pärnu Hospital Foundation).

The Chancellor reminded several care homes providing general or special care services that care workers and activity supervisors must have a sufficient command of Estonian. Without adequate language proficiency, it may be difficult to understand a resident’s condition or communicate important information. The Chancellor asked care homes to ensure that every shift includes at least one member of staff working directly with residents who has a sufficient command of the official language.

General care homes

A care plan is one of the most important documents in the provision of the general care service, as it reflects a person’s need for care and health services. Although all the care homes inspected had established procedures for drawing up and reviewing care plans, the Chancellor recommended that these procedures be followed more carefully. In some care homes, care plans did not contain all the required information or the service provider had failed to update them.

The documentation of care procedures at the Viljandi Hospital Foundation care home was particularly well organised. The records also indicated the reasons why a care procedure, such as washing a resident, had not been carried out. The Chancellor emphasised that the repositioning of bedridden residents should also be recorded. Regular changes in body position help prevent pressure ulcers, so care procedures must be organised in such a way that a person does not remain in the same position for too long. Records of repositioning make it possible to monitor whether this important procedure has been carried out regularly.

The Chancellor emphasised that more attention should be paid to creating a cosy living environment. Creating a homelike atmosphere is particularly important in care homes accommodating people diagnosed with dementia. This helps residents feel more secure.

The Chancellor once again reminded care homes of the need to protect residents' privacy. It was good to see that several care homes used curtains or screens between beds in shared rooms when hygiene procedures were being carried out. Residents who wish to do so must also be able to lock their bedroom door from the inside.

It was encouraging that all the care homes inspected employed at least one activity supervisor, and larger care homes employed two. Residents of two care homes could also meet with a pastoral counsellor. Having an activity supervisor on staff helps residents get outdoors more often, as care workers frequently do not have enough time for this alongside their other duties. All care homes should ensure that residents who wish to do so can regularly spend time outdoors. The Chancellor recommended that several care homes find ways to encourage less active residents to take part in more activities.

It is also positive that a nurse was regularly present in all the care homes inspected and helped residents with their health concerns. The doctor who participated in the inspection visits noted that more careful thought should be given to how information about residents' health is communicated to the nurse when the nurse is not present at the care home. There were some minor shortcomings in the handling of medicines. Nurses must regularly check the expiry dates of medicines and ensure that expired medicines are disposed of in accordance with the applicable requirements.

Minimum number of care workers

A care home operator asked the Chancellor to explain how § 3 of Regulation No 36 of the Minister of Social Protection of 19 June 2023, "Requirements for 24-hour general care service provided outside the home", should be interpreted. Confusion arose from the wording of the Regulation and its explanatory memorandum concerning the number of care workers required to be on duty in a care home during the daytime shift. It emerged that, on the basis of the explanatory memorandum to the Regulation, the Social Insurance Board had provided service providers with explanations that did not correspond to the provisions of the Regulation, thereby causing confusion.

The Chancellor sent a memorandum to the Ministry of Social Affairs, recommending that service providers be given clear guidance on how the service must be provided in order to comply with the applicable requirements. She recommended clarifying the wording of § 3 of the Regulation. The Minister of Social Protection amended the Regulation, and the amended wording of § 3 entered into force on 10 July 2026.

24-hour special care service

When inspecting care homes providing the 24-hour special care service, the Chancellor found that staff appeared to be working under a heavy workload and that there might not be enough activity supervisors to provide a high-quality service. Care homes should always have enough activity supervisors on duty to ensure that residents receive the necessary care and supervision.

The quality of the special care service depends not only on a safe living environment but also on whether people receive individual support. If a large proportion of activity supervisors' working time is spent on care procedures, they have correspondingly less time to guide residents in their activities.

It is positive when a care home is able to offer living conditions resembling a home environment. This was the case, for example, at Maarjakodu NGO. The service provider must ensure that people can live safely in all respects in the care home and must also protect residents' fundamental rights. The freedom of movement of care home residents may not be restricted unlawfully, for example by locking them within the grounds of the care home or in their bedrooms. A person's fundamental rights may be restricted only in accordance with the law, and this requirement must also be observed when dealing with people exhibiting

challenging behaviour.

The Chancellor pointed out that a person receiving 24-hour special care service on the basis of a court ruling has the right to decide whether or not to share food sent to them with others. A care home may not require residents to give their sweets to others.

Residents must also be able to eat food brought to them in private if they so wish.

Psychiatric hospitals

The Chancellor once again pointed out that a psychiatric hospital may not restrict the freedom of movement of patients receiving treatment voluntarily. If patients receiving voluntary treatment may leave the ward only when accompanied by staff, this constitutes a restriction on their freedom of movement. These patients must be able to leave the ward at their own discretion. All cases of involuntary treatment must be formalised in accordance with the law.

Fundamental rights may be restricted only on a lawful basis, and this must also be observed when providing psychiatric care. Video surveillance may be used only in the rooms of those patients for whom there is a clear and justified need for it. A doctor’s decision to use video surveillance must be documented.

The use of a personal telephone may likewise not be restricted without a reasoned decision by a doctor.

In both hospitals, the Chancellor’s advisers carefully examined whether means of restraint were being used lawfully and whether their use was properly documented. All instances of restraint must be properly documented, and means of restraint may be used only in the course of involuntary treatment and under the conditions laid down by law. For example, the Psychiatric Clinic of Pärnu Hospital conducts internal audits concerning the use and documentation of means of restraint. Such internal checks make it possible to monitor whether the fundamental rights of people receiving psychiatric treatment are protected.

When organising psychiatric treatment, it is important that the surrounding living environment supports the treatment. The Chancellor recommended making the living conditions in both the psychiatric department of South Estonian Hospital and the Psychiatric Clinic of Pärnu Hospital cosier, and emphasised that a more homelike environment can also

be created for treating patients in a psychotic state. Opportunities should also be found to offer a wider range of therapeutic activities and meaningful recreation. Patients undergoing treatment should be able to wear their own clothes if they wish.

Prisons

Inspection visits to open prisons

During the reporting year, the Chancellor of Justice focused on the conditions of detention in the open prisons of Tallinn Prison, Tartu Prison and Viru Prison.

An open prison gives prisoners an opportunity to practise law-abiding behaviour before release. To this end, they are allowed to work or study outside the prison so that they can restore and strengthen their ties with society and their families. If, after release, a person has a place to live and a job, as well as healthy personal relationships, there is a significantly greater prospect that they will lead a law-abiding life.

The Chancellor highlighted the considerable improvement in opportunities to use information and communication technology in open prisons. Broader, though still controlled, access to the internet enables prisoners to study, look for work and better organise their lives after release. Prisoners may now use limited-function mobile phones issued by the prison when they are outside the prison (for example, at work or school or during a home visit). This has improved their opportunities to communicate with the prison and stay in contact with their family and other close persons, as well as to quickly call for help when necessary (for example, an ambulance in the event of a medical emergency).

At the time of the inspection visits, each of the three open prisons had one functioning desktop computer configured for use by prisoners. The Chancellor recommended acquiring additional computers, since several people may sometimes need to use a computer at the same time, for example to look for work or study.

The Chancellor recommended that the open prisons of Tallinn Prison and Tartu Prison consider introducing cordless telephones, as these prisons currently use wall-mounted telephones. A cordless telephone allows a person to move around the common room and choose a more suitable place for a telephone conversation. Cordless telephones are already in use in the open prison of Viru Prison.

The Chancellor commended the open prisons for allowing prisoners, under specified conditions, to spend time with their children, for example in a park, cinema, museum or swimming pool. This gives an imprisoned parent more opportunities to spend meaningful time with their child and strengthen their relationship. It is also positive that, when checking on a prisoner during a home visit, officials take into account whether there are children in the family and try to carry out the checks discreetly, where possible also taking account, for example, of children’s sleeping hours. When carrying out checks in families with children, prison officers have sometimes worn plain clothes. It is important that, in the presence of children, an imprisoned parent is not conspicuously treated as a prisoner.

During home visits on weekdays, families often have little time to spend together because spouses and children spend much of the day at work or school. The Chancellor therefore recommended that open prisons arrange home visits in a way that enables families to spend more time together, for example by allowing more such visits at weekends.

The Chancellor commended the open prisons for acquiring more comfortable furniture, board games, drawing materials and toys for visiting rooms. Comfortable and child-friendly rooms support children’s well-being, help strengthen family ties and facilitate prisoners’ reintegration into society.

The Chancellor recommended continuing to install window shades in prisoners’ rooms in open prisons in order to adequately protect their privacy and improve their sleeping conditions.

Open prisons have stocked both urine and saliva tests for detecting the use of narcotic substances. Thus, prisons also consider saliva tests to be a reliable and suitable alternative to urine tests. A urine sample is provided in a toilet while the procedure is observed by a prison officer. This constitutes a significant intrusion into the privacy of the person being tested and is also unpleasant for the officer observing the procedure. Given that open prisons use different types of tests, the Chancellor considered that prisoners could be given the opportunity to choose the option that interferes least with their privacy.

During the inspection visits, all three open prisons accommodated elderly people as well as people with serious illnesses. The number of such prisoners is increasing in both closed and open prisons. The Chancellor recommended that open prisons find solutions enabling bedridden prisoners and prisoners with reduced mobility to quickly call for assistance when necessary. For example, an alarm button could be installed beside the bed or a person could be provided with a wrist-worn alarm button. The Chancellor also asked prisons to continue

improving elderly prisoners' computer skills, to offer activities suited to people's needs and abilities, and to train prison officers to recognise health problems in elderly prisoners as early as possible, including symptoms of neurodegenerative diseases and mental health problems.

At the time of the inspection visits, several prisoners in open prisons did not have a valid Estonian residence permit. A person without a residence permit cannot use a number of services that support reintegration into society (for example, participate in language training or courses organised by the Estonian Unemployment Insurance Fund, receive career counselling or access job offers) and cannot properly prepare for release from prison. Obstacles to submitting a residence permit application or lengthy processing of an application may result in a situation where a person is released from prison without a residence permit and is therefore unable to lawfully take up employment, register a place of residence or use the public services they need.

The Chancellor emphasised that such a situation does not contribute to achieving the objectives of imprisonment and may also increase the risk of reoffending. She asked the Ministry of Justice and Digital Affairs, the Police and Border Guard Board and the Ministry of the Interior to jointly analyse whether Estonian legislation and the working arrangements of the authorities comply with international standards. These authorities should find solutions that support the successful reintegration of foreign prisoners into society.

Provision of writing paper

A prisoner complained to the Chancellor that, because of the conditions laid down in the internal rules of Tallinn Prison, he was unable to obtain writing paper and therefore could not, when necessary, write in good time to the Chancellor of Justice, prisons, the Office of the President, the prosecutor's office, an investigative body, the prison committee or a court.

It is clear that if a prisoner has no paper on which to write a letter, the prisoner's right to send letters to these addressees *at the prison's expense* becomes meaningless. Moreover, a lack of writing paper may encourage prisoners to borrow items from other prisoners and thereby create relationships of dependency between them.

The Chancellor asked Tallinn Prison to consider reviewing clauses 14.1.7 and 14.1.8 of its internal rules, which concern the provision of writing paper. The same recommendation was made to Tartu Prison and Viru Prison, as their internal rules contain similar provisions.

Opening letters in prison

A prisoner asked the Chancellor to examine whether Viru Prison was entitled to open a letter sent to him by the Office of the Chancellor of Justice. In view of the prison's explanations and similar applications received by the Chancellor, there was reason to believe that this was not an isolated incident but a practice that had recently become widespread.

The Chancellor reminded the prison that, under the law, a prison may not open a prisoner's letter if it has been sent by the prisoner's criminal defence counsel, a representative who is an advocate, the prosecutor's office, a court, the Chancellor of Justice or the Ministry of Justice and Digital Affairs. Such letters must be handed to the prisoner in a sealed envelope. The Riigikogu has considered it necessary to ensure the confidentiality of such correspondence. The prison's argument that letters need to be opened for security purposes is not a sufficient basis for infringing a right guaranteed by law.

The Chancellor found that Viru Prison had acted incorrectly by opening a letter sent to a prisoner by the Chancellor of Justice. She asked the prison to refrain from opening letters sent to prisoners by their criminal defence counsel, a representative who is an advocate, the prosecutor's office, a court, the Chancellor of Justice or the Ministry of Justice and Digital Affairs.

Use of the internet

The Chancellor submitted an opinion to the Supreme Court in constitutional review proceedings concerning access by prisoners serving their sentence in a closed prison to the websites of the Tax and Customs Board, the Ministry of Justice and Digital Affairs, the Police and Border Guard Board, and the Estonian state portal eesti.ee.

The Chancellor found that the information published on these websites concerns the activities of state authorities and is intended for public use. Everyone has a fundamental right to receive such information. Websites are now the main channel through which state authorities provide information to the public. Requesting information available on a website by means of an information request is neither simple nor efficient for a prisoner and may entail significant financial costs. At the same time, responding to such information requests, whether orally or in writing, may become excessively burdensome for the authorities.

Public security is a highly important interest, but in the Chancellor's assessment restricting access to the websites at issue is not a proportionate means of achieving that aim. Modern technology makes it possible to manage the risks associated with prisoners' use of the internet quite effectively. Organisational measures can also help reduce security risks. Providing access to these websites at a prisoner's request and on a desktop computer would give the prison a better overview of who accessed the websites and when. Presumably, this would make it easier to investigate suspected misuse. When assessing the costs associated with such a change, account must be taken not only of the immediate financial cost but also of the longer-term impact on public security and the costs associated with reimprisonment.

The Supreme Court agreed with the Chancellor and, in judgment No 5-26-16 of 17 June 2026, declared § 31^1 of the Imprisonment Act and § 52^1(1) of Regulation No 72 of the Minister of Justice of 30 November 2000, "Internal Rules of Prison", partially unconstitutional.

Deaths in prisons

The Chancellor assessed how the prison service had investigated the circumstances of five deaths that occurred in prisons during the year from 1 September 2024 to 1 September 2025. Staff of the prisons' internal control department investigated the deaths effectively and made useful recommendations to prisons on preventing deaths. The prison service has also done good work in supplementing its guidelines for the prevention of deaths.

The Chancellor emphasised that people under video surveillance who are agitated and pose a danger to themselves must be monitored more closely. Prisons must establish cells in which an agitated person who poses a danger to themselves can stay safely. Prisons must also acquire safe bedding that can be provided to suicidal people when necessary.

The Chancellor again noted that prisons and health care professionals working in prisons should give more careful consideration to how to ensure daily monitoring of, and meaningful human interaction with, people in solitary confinement and suicidal people. This may help identify problems at an early stage and prevent the most serious consequences.

Renting out prison capacity

The Chancellor has been monitoring the plan of the Ministry of Justice and Digital Affairs to rent out part of Tartu Prison for the detention of people serving prison sentences imposed in Sweden. At a sitting of the Legal Affairs Committee of the Riigikogu on 24 March 2026, an

adviser to the Chancellor reiterated that the rights of Estonian prisoners must be protected at least as well as those of prisoners transferred here from Sweden, taking into account the Estonian Constitution, laws and international obligations.

If it becomes apparent that less restrictive measures are sufficient in the case of Swedish prisoners while also ensuring their safety and effective reintegration into society, the stricter restrictions applied to Estonian prisoners may no longer be necessary or proportionate. A situation should be avoided in which questions concerning amendments to the Imprisonment Act are left for the courts to resolve, as this prolongs the process and places an unjustified burden on the courts. The Ministry of Justice and Digital Affairs should itself initiate the necessary legislative amendments rather than waiting for guidance from the courts.

The prison rental must not endanger Estonia's internal security in the broadest sense. A situation should not arise in which guarding foreign prisoners further reduces the number of officers and specialists working in other Estonian prisons, including health care professionals, or in which staff are transferred to guarding foreign prisoners from other security agencies that are themselves short of personnel.

At the sitting, the Chancellor's adviser also pointed out that careful consideration should be given to how Article 29 of the Agreement, concerning postal items, is to be implemented. The arrangements laid down in the memorandum of cooperation to be concluded under the Agreement must not conflict with the obligation to protect the right to the confidentiality of messages guaranteed by § 43 of the Constitution. Estonia should neither examine postal items without court authorisation itself nor assist in the examination of postal items in Sweden.

On 10 June 2026, the Riigikogu ratified the Agreement between the Republic of Estonia and the Kingdom of Sweden on the Enforcement in Estonia of Swedish Sentences of Imprisonment, and the President of the Republic promulgated the Act on its ratification on 25 June 2026.

The Chancellor of Justice is also required to regularly inspect the conditions of detention and treatment in Estonia of prisoners transferred from another country under the prison rental arrangement. This obligation arises from § 1(7) and § 27 of the Chancellor of Justice Act and Article 3 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. To enable the Chancellor to perform this task, an

additional appropriation must be provided in the Chancellor’s budget for inspection visits, training and possible international communication and reporting.

Police and Border Guard Board detention facilities

A married couple contacted the Chancellor of Justice after they had been refused entry to Estonia at Tallinn Airport. Instead of being allowed to wait in the airport transit zone for their return flight, which was due to depart 15 hours later, the spouses were taken to the detention centre of the law enforcement bureau of the North Prefecture of the Police and Border Guard Board (PBGB). During transport, one of them was placed in a barred compartment of a police van. At the detention centre, the spouses and their belongings were searched, and they were placed separately in locked rooms. They were unable to access their belongings at the detention centre, including their luggage or mobile phones.

The complainants considered that keeping them in prison-like conditions was unnecessary and excessive. Both had agreed to take the return flight and neither resisted PBGB officials. Nor did the documents collected by the Chancellor indicate that either spouse had attempted to obstruct their return or that their behaviour had been challenging. The information collected also did not suggest that the couple had applied for asylum or that, while awaiting their return flight, they required closer supervision because of their state of health or other circumstances.

In 2026, the Chancellor received another petition concerning a similar situation in which the PBGB had refused a foreigner entry to Estonia at the airport. This indicated that the case was not an isolated incident but reflected the PBGB’s standard arrangements for detaining foreigners.

Already in 2022, the Chancellor sent the PBGB a recommendation, asking it to bring the arrangements for detaining foreigners refused entry at Tallinn Airport into line with the standards and principles of international organisations. In its reply to the Chancellor at the time, the PBGB agreed that a foreigner refused entry at the border should, as a rule, be able to wait for a return flight departing within 24 hours in the airport transit zone. The PBGB noted in its reply that it might be necessary to amend the Obligation to Leave and Prohibition on Entry Act.

When examining the complainants' petitions, it became clear that the PBGB had not taken account of the Chancellor's recommendation and that the arrangements for detaining foreigners refused entry to Estonia had not been changed.

The Chancellor reiterated her earlier recommendation that placing foreigners refused entry at the airport in a closed institution should remain an exceptional measure. This means that states must develop and implement alternatives to detention (so-called *non-custodial measures*). The PBGB has set a six-hour limit in its operational guidelines for the place of detention. It is clear that if a foreigner is transferred from the airport transit zone to the detention centre after only six hours, the person's individual circumstances are not taken into account.

The Chancellor pointed out that, instead of being placed in the detention centre or in the PBGB detention cells at the airport, the complainants could have moved relatively freely within the transit zone, communicated with each other and used their own means of communication, such as a mobile phone or laptop, including for arranging their return flight. If they wished, they could also have visited a café and made purchases from a shop or vending machines in the transit zone. In that situation, the complainants would have been in much the same position as ordinary passengers, who may also sometimes have to wait more than six hours for their flight to depart.

The Chancellor also questioned whether transferring a foreigner to the detention centre whenever the return flight does not depart within six hours constitutes an efficient use of PBGB resources. Among other things, this requires transporting the foreigner to the detention centre and then back to the airport, while also taking up the working time of detention centre officials, since the person must be admitted to the centre and attended to there.

Placement in Kuressaare Detention House

A person contacted the Chancellor complaining that they had been required to spend approximately 13 hours under video surveillance in a cell at Kuressaare Detention House of the West Prefecture, wearing only underwear, a shirt and socks. The person explained that, after being detained, they had also not been given a copy of the search report or a list of the items taken into custody.

The Chancellor found that the police had violated the detainee's rights by failing to provide a copy of the search report and a list of the items taken into custody. Under the law, these documents must be handed to the detainee regardless of whether the person specifically requests them. Providing the documents enables the person to verify which items have been taken from them and, where necessary, to protect their property rights.

The Chancellor also found that the police had failed to ensure conditions of detention that respected the person's dignity. The person's trousers had been removed for security reasons, but no suitable replacement clothing had been provided, so they had to remain in the cell in their underwear throughout the period of detention. The Chancellor emphasised that although § 39 of Regulation No 21 of the Minister of the Interior, "Internal Rules of Detention Houses", allows items and clothing that could be used to cause self-harm to be removed for security reasons, a person's dignity must nevertheless be respected during detention, as required by § 18 of the Constitution, § 6 of the Code of Misdemeanour Procedure and § 4^1(1) of the Imprisonment Act.

According to the European Court of Human Rights, placing a person in a detention cell without clothes or wearing only underwear amounts to degrading treatment. The Chancellor also referred to the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, according to which, where there is a risk of self-harm, a person should, where necessary, be provided with tear-resistant clothing rather than left naked or in their underwear in a cell.

The Chancellor recommended that the Police and Border Guard Board obtain sufficient stocks of safe replacement clothing for all detention houses and temporary detention cells. Such clothing can be provided when a person's own clothes have to be removed for security reasons.