



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE
AND DIGITAL AFFAIRS

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Replay to the Office of the United Nations High Commissioner for Human Rights

Excellency,

I wish to thank you for your letter of 17 July 2026 and for your continued engagement with Estonia on matters relating to the promotion and protection of human rights. Estonia highly values its longstanding cooperation with the Office of the United Nations High Commissioner for Human Rights and remains firmly committed to fulfilling its obligations under international human rights law.

The Agreement has been developed on the understanding that both Estonia and Sweden are States Parties to the principal international and regional human rights instruments governing the treatment of prisoners. Accordingly, the implementation of the Agreement does not derogate from, nor limit, the human rights obligations of either State.

The transfer of a prisoner under the Agreement is not automatic but is subject to an individual assessment and the fulfilment of the eligibility criteria established in the Agreement. Sweden is responsible for assessing whether a prisoner should be proposed for transfer, while Estonia independently assesses whether the conditions for accepting the prisoner are met. A transfer may only take place where both Parties agree that the requirements of the Agreement have been fulfilled. In assessing whether a prisoner is suitable for transfer, the Swedish authorities consider the prisoner's individual circumstances in accordance with Swedish law and the Agreement, including family ties and, where applicable, the best interests of the child. Estonia, in turn, assesses whether the prisoner fulfils the conditions for enforcement in Estonia under the Agreement, including the applicable health and security criteria.

The Agreement furthermore contains several safeguards designed to ensure that transfers do not result in arbitrary or disproportionate interference with prisoners' rights. These include provisions concerning family contacts, access to communication, legal representation, healthcare, religious practice and other aspects of daily prison life. Prisoners transferred to Estonia remain under the legal responsibility of Sweden in accordance with the Agreement, while Estonia is responsible for ensuring that the sentence is enforced in accordance with Estonian law, the Agreement and the applicable international human rights obligations.

Once transferred, prisoners retain the means to maintain family contacts provided for under the Agreement and Estonian legislation, including correspondence, telephone communication, video communication and visits. The Memorandum of Cooperation further specifies the practical arrangements for implementing these measures, with the aim of preserving family ties to the greatest extent possible while considering the practical realities of cross-border enforcement of prison sentences. For example, it provides that, when assessing the frequency of long-term visits, the best interests of the child shall be a primary consideration. This reflects the Parties' commitment to ensuring that the

implementation of the Agreement takes due account of the rights and welfare of children affected by a prisoner's transfer.

Prisoners transferred under the Agreement continue to have access to effective remedies. They may submit complaints through the mechanisms available under Estonian law concerning the execution of imprisonment and may also pursue remedies available under Swedish law where matters remain within the competence of the Swedish authorities under the Agreement. The Agreement also provides for close cooperation between the competent authorities of both States throughout the enforcement period. The Memorandum of Cooperation complements the Agreement by setting out practical arrangements for its implementation. It does not modify the rights and obligations established by the Agreement or by international law. Rather, it provides operational guidance to facilitate consistent implementation by the competent authorities while fully respecting the applicable human rights obligations of both States.

Oversight of the implementation of the Agreement is ensured through the ordinary supervisory mechanisms applicable to places of detention in Estonia. These include judicial oversight, the Chancellor of Justice and other competent supervisory authorities. In addition, the Agreement provides for continuous cooperation between the Estonian and Swedish prison administrations, including regular communication and oversight throughout the enforcement of sentences.

We appreciate the Office's interest in this matter and remain committed to maintaining an open and constructive dialogue. We would be pleased to provide any further information that may assist the Office and look forward to continuing our excellent cooperation.

Yours sincerely,

(signed digitally)
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