



REPUBLIC OF ESTONIA
MINISTRY OF JUSTICE
AND DIGITAL AFFAIRS

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Your Ref: 17.08.2026

Our Ref 29.09.2026 No 11-3/6225-2

Response to the call for input (practical measures to reduce and prevent prison overcrowding)

Dear Ms Federica Donati

The Republic of Estonia respectfully submits the following response to the questionnaire issued by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning practical measures to reduce and prevent prison overcrowding.

The responses below provide an overview of the Estonian legal framework, policies, institutional practices and relevant developments related to reducing prison populations, promoting alternatives to detention and imprisonment, safeguarding the rights of persons deprived of liberty, and preventing prison overcrowding.

The information is presented in accordance with the structure of the questionnaire. Where appropriate, the submission highlights examples of effective measures, implementation experiences, challenges encountered and lessons learned that may be relevant for consideration in other jurisdictions.

The Republic of Estonia remains committed to sharing experiences and good practices that may contribute to international efforts to reduce prison overcrowding and ensure respect for the human rights of persons deprived of liberty.

Should the Special Rapporteur require any further information, clarification or additional details regarding any of the responses provided in this submission, including specific aspects of individual answers, the competent authorities would be pleased to provide supplementary information upon request. Please do not hesitate to contact us should any questions arise concerning the content of this submission.

1. Measures that have successfully reduced prison populations

Over the past two decades, Estonia has justified its penal policy reforms as a means of enhancing public safety through evidence-based and proportionate measures. The reforms have focused on reducing the use of imprisonment in cases where alternative sanctions are better suited to support the offender's reintegration into society, reduce recidivism, and ensure more efficient use of public resources. Estonia's criminal policy is based on the principle that punishment should not serve solely a punitive function but should also promote law-abiding behaviour, facilitate reparation of harm, and contribute to long-term public safety.

Estonia has justified its reforms on the basis that the primary objective of the criminal justice system is the reduction of offending rather than the maximization of imprisonment. To achieve this, Estonia has expanded the use of alternative sanctions, including community service, probation supervision, and electronic monitoring. It has also strengthened reintegration measures and support services for

individuals released from prison and increased the use of conditional early release. These measures are intended to reduce reoffending while maintaining public safety.

In Estonia, one of the guiding principles has been the guidelines of criminal policy, which is approved by the Parliament¹. Among other things, the document sets the direction for Estonia's criminal justice and prison policies. Estonia has pursued a criminal policy aimed at reducing unnecessary reliance on imprisonment. This has been achieved through a combination of legislative reforms, the development of community-based sanctions and investments in rehabilitation and reintegration measures (including project-based initiatives)². Prison, as a last resort, has been particularly important in responding to juvenile crime since the 2018 child protection reform. The Penal Code established the principle that a minor may be imposed a punishment only in case it is impossible to influence the minor not to commit offences in the future by sanctions applicable to minors.

Over the years, there has been a shift toward greater use of probation and less reliance on incarceration. Key measures include the expanded use of probation supervision, community service and electronic monitoring. The availability of structured rehabilitation programs and evidence-based risk management tools has further supported the reduction of reoffending and facilitated the safe management of offenders in the community.

Reducing the prison population has been a criminal justice policy goal and a choice that has required consistent effort. Effective cooperation among the courts, the prosecutor's office, the prison and probation service, local governments and civil society organizations has been essential for the successful implementation of these reforms. Over the past 10 years, the number of prisoners has decreased by about half, and the number of individuals under probation supervision has decreased by about 40 percent. In 2016, there were 2,864 prisoners and 4,232 individuals under probation supervision in Estonia. In 2025, there were 1,621 prisoners and 2,707 individuals under probation supervision in Estonia.

2. Reducing entry into prison

Estonia has emphasized that imprisonment is not always the most effective response to offending. Criminal policy has therefore promoted the use of diversion measures, restorative justice, conciliation proceedings, treatment programs for offenders with substance-use disorders, and alternatives to custody, particularly for young offenders. The rationale has been that sanctions should be individualized and should support the offender's capacity to lead a law-abiding life.

Estonia does not currently experience prison overcrowding at a level that would place persons deprived of liberty at serious risk of torture or other ill-treatment. Where capacity pressures arise in an individual prison, the prison population can be redistributed within the available capacity of the prison system, including through transfers between prisons. Estonia has not had to resort to emergency population-reduction measures specifically in response to critical overcrowding. Estonia has not experienced a situation in which the legally established overall capacity limits of the prison system have been reached. The prison system currently has sufficient available capacity to accommodate people deprived of liberty. Capacity and occupancy levels are monitored as part of the management of the prison system. If capacity pressures were to arise in an individual prison, they could be managed within the prison system, including through the allocation of new admissions or transfers between prisons, taking into account available capacity and applicable placement requirements.

It is important to note that in Estonia, both the number of prisoners and the number of reported crimes have decreased over the past ten years. Estonia attaches particular importance to ensuring that deprivation of liberty is applied only when necessary and proportionate. The decline in the number of prisoners has been influenced by several factors, which are primarily based on our studies of recidivism - that is, what works. For example:

- wider use of alternatives to incarceration in cases where a person's risk level and dangerousness allow the objectives of the sentence to be achieved within the community, without isolating the person from society;

¹ [Kriminaalpoliitika põhialuste aastani 2030 heakskiitmine-Riigi Teataja](#)

² Project based initiatives examples:

[Reentry service | Kriminaalpoliitika](#) (2015-2023)

[A youth-friendly legal system | Ministry of Justice and Digital Affairs](#) (2019-2024)

[Preventing juvenile reoffending | Ministry of Justice and Digital Affairs](#) (2023-2029)

- promoting early release in cases where the inmate's behavior, the course of the sentence, and the risk assessment indicate that their safe reintegration into society is possible with the support of probation services and, if necessary, electronic monitoring;
- using incarceration of minors as a last resort, which is also effective in preventing recidivism among minors, thereby reducing the likelihood of them falling into the "vicious cycle of incarceration".

The legal framework offers courts and prosecutors a variety of alternatives to imprisonment, including probation, community service, conditional release from custody, and electronic monitoring. For minors and young adults, the options are even broader. These measures make it possible to respond to offenses on a case-by-case basis, while ensuring public order and supporting rehabilitation.

3. Reducing time spent in prison

There are several mechanisms available that can reduce unnecessary periods of incarceration while ensuring public order and supporting reintegration into society. These include probation, release under electronic monitoring (where provided for by law), sentencing plans focused on rehabilitation, and access to behavioral, educational, and treatment programs. Such mechanisms create incentives for constructive participation and support a successful return to society. Estonia's experience indicates that effective reintegration requires not only appropriate release mechanisms but also access to housing, employment opportunities, healthcare and social support services. Accordingly, cooperation between prison and probation service, municipalities and non-governmental organizations play a central role in preparing individuals for release and reducing the likelihood of reoffending. Prior to release, the local government is notified, and, if necessary, contact is made with cooperation partners who provide services such as support services or housing. The probation service organizes needs-based meetings within a secure cooperation framework, in which the person being released is involved alongside specialists.

4. Capacity limits, prevention and emergency responses

Estonia has not established specific legal mechanisms or maximum occupancy thresholds specifically designed to prevent or respond to prison overcrowding, as overcrowding has not been a practical problem in the Estonian prison system in recent decades. Prison infrastructure has provided sufficient capacity in relation to the prison population, and a substantial share of the available capacity remains unused. Estonian legislation does, however, establish limits on the number of persons who may be placed in individual prisons. Under § 1² of the Prison Placement Plan, the maximum numbers for closed prisons are 1,190 in Tallinn Prison, 933 in Tartu Prison and 908 in Viru Prison. Separate limits apply to open prisons and open prison units: 102 in Tallinn Prison, 60 in Tartu Prison and 75 in Viru Prison. These limits primarily serve to regulate the placement and distribution of prisoners within the prison system rather than constituting a specific mechanism for preventing overcrowding. Each prisoner is guaranteed a minimum of 4.9 m² of personal space per prisoner in the cell.

5. Prison construction and expansion

The construction of new prisons in Estonia formed part of a broader modernization of the prison system, including the replacement and closure of older prison facilities, rather than being solely a response aimed at increasing capacity to address overcrowding. Over the longer term, Estonia's prison population has declined substantially, and the country does not currently experience prison overcrowding.

Estonia has not experienced a sustained pattern whereby an increase in prison capacity was followed by renewed growth in the prison population that absorbed the additional capacity. On the contrary, the prison population has declined considerably over the longer term.

In Estonia's experience, additional prison capacity alone does not ensure a sustainable reduction in overcrowding. Its long-term impact depends on the development of the prison population and on broader criminal justice policies and practices that influence the use and duration of imprisonment, including the availability and use of non-custodial measures. A sustainable reduction in overcrowding therefore requires that prison capacity and the factors affecting the size of the prison population are addressed together, rather than relying on additional capacity alone.

No assessment has been identified indicating that prison construction in Estonia has diverted resources from measures aimed at reducing reliance on imprisonment.

The Estonian experience suggests that increasing prison capacity should not be regarded as a stand-alone or sustainable solution to overcrowding. While adequate prison infrastructure is essential for ensuring appropriate conditions of detention, long-term prevention of overcrowding also requires measures that address the factors determining the size of the prison population, including broader criminal justice and sentencing policies.

6. Groups disproportionately affected and social drivers of imprisonment

Estonia recognizes that certain groups may face vulnerabilities within the criminal justice system and may therefore be disproportionately affected by imprisonment. Children and young people are the focus of special attention and the target of preventive approaches. Estonian criminal law establishes the following principle: a minor may be sentenced or punished only if the measures applicable to the minor are insufficient to deter him or her from committing future offenses. The goal of interventions must be to change behavior, foster a sense of responsibility, and promote social inclusion, while avoiding unnecessary contact with the criminal justice system or detention facilities. Estonia also considers that successful reintegration depends upon access to housing, employment, healthcare and family support. There is no serious problem with homelessness on the streets in Estonia, but we recognize its importance in preventing recidivism. Strengthening these services contributes not only to individual well-being but also to broader public safety objectives.

7. Obstacles to implementation

Despite the existence of effective measures, efforts to reduce the prison population may be affected by number of challenges. These include public expectations that favor punitive measures for crimes, resource constraints (including project-based initiatives) that affect community-based services, barriers to social reintegration, and institutional challenges related to interagency cooperation. In addition, public safety concerns may generate resistance to reforms aimed at reducing reliance on incarceration. Estonia's experience suggests that these challenges can be addressed through evidence-based policymaking, transparent public communication, inter-agency cooperation, data-driven approach and data-based decision-making, including systematic monitoring of recidivism rates. Engagement with civil society organizations and academic institutions also contributes to informed policy development and implementation.

8. Costs and allocation of resources

Estonia recognizes that imprisonment typically involves significantly greater financial and social costs than many non-custodial measures. Investment in probation services, electronic monitoring, rehabilitation programs, mental health services, substance use treatment and reintegration support can contribute both to public safety and to reductions in reliance on imprisonment. To date, there have been no significant examples of redirecting resources—for example, from building prisons to developing alternatives to incarceration or expanding health and mental health services. Estonia's approach has focused primarily on modernizing prison infrastructure, with the goal of phasing out Soviet-era camp-style prisons, creating modern working and detention conditions, and to create an environment that more effectively supports reintegration efforts.

Yours sincerely,

(signed digitally)

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