

SUMMARY

Lifelong Prison Sentence – Execution of the Sentence and Release.

The author of the thesis describes the concept of lifetime imprisonment, its impact on the individuals, and conditions of parole. He compares the practices of different countries and their respective legislation. Since focus of the analysis is on the countries within the European Union, the author has deemed it necessary to compare the Estonian implementation of the lifetime prison sentences with the respective recommendations of the European Council. According to those recommendations it is necessary to approach lifetime prison sentences on an individual basis paying special attention to the design of a sentence that is tailored to the needs of the individual inmate.

Looking at the practices of lifetime prison sentences in the EU, the author concludes that incarceration for the period of the whole life sentence is a rare event in the EU. Most of the time, inmates are released after serving 10-25 years of imprisonment. In Estonia it is only possible to apply to the Parole Board after serving 30 years of imprisonment. The author recommends to change the Estonian Penal Law in this regard to bring Estonia closer to EU practices. The Baltic Institute for Crime Prevention has made proposals to the Ministry of Justice to make the necessary changes in the Penal Law. However after recent changes in the Penal Law the author decided to change his earlier proposal. The author of this thesis concludes that with the new possibility to keep an inmate incarcerated after doing his/her full sentence time, there is no longer a need for the sentence of lifetime incarceration.

However if the lifetime sentence is not abolished then it is still necessary to take into consideration the proposal of the Baltic Institute for Crime Prevention to limit the maximum prison sentence to 25 years; and inmates should have opportunity to apply to the Parole Board after 15-18 years of incarceration. According to the author, the social attitude which sees lifelong prisoners as being dangerous, and a single homogeneous group, is based on prejudice and not justified by the evidence. According to several research studies, the actual risk of new crime and reoffending after release from prison is lower, while the risk of suicide and becoming a victim of crime is higher among lifetime prisoners, when they are compared to the inmates with fixed sentences.

Looking at the research studies on the impact of long time imprisonment, the author concludes that such a negative impact is not in accordance with the overall aims of incarceration, and is more of an inhibition than an assistance to the resocialization of inmates. This conclusion is also supported by the interviews and focus groups that the author conducted with inmates. In order to decrease the negative impact of long time prison sentences, the author of the thesis deems it necessary to use different educational and cultural

programs, especially programs which are aimed at bringing along therapeutic changes among inmates. These changes would be in accordance with the European Council's Recommendations. Those European Council documents bring out necessity to revitalize our thinking about inmates, the need to focus on their risks and needs, and also the need to take into consideration the ability of inmates to accept accountability which in turn needs to be combined with a multimodal approach. There is a need to take into consideration the UN Basic Principles of Restorative Justice both in the further development of Penal Law and in the treatment of inmates. The author of the thesis concludes that negative impacts of long time prison sentences are somewhat alleviated by a general belief in the meaning of life; by dividing the prison sentence into more bearable smaller units; and by the careful planning of those smaller units in accordance to the long-range sentence fulfillment plan. Inmates should be involved in the making those plans in order to reduce their opposition to prison officials.

The Prison Service is a vital public service, and it needs to be appreciated and organized as such. A Healthy Prison is prison where inmates feel safe; are treated with respect; they have lots of opportunities for different activities; and where they are prepared for the upcoming release. Officials should take extra responsibility and caution, and take into consideration the impact of seclusion on human beings while creating and using wards with special restrictions. In every repression, there lurks a negative tendency to progress, and this is especially true when the inmate is kept incarcerated after completing his/her full time due to the perception of potential risk. The Penal Law and treating of inmates should be based on science and **morality**. The present gap between Criminology and Criminal Policy should be reduced. Decisions concerning how life- and long time inmates are treated is going to be the litmus test of our own humanity.

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