

## **GUIDELINES FOR DEVELOPMENT OF CRIMINAL POLICY UNTIL 2018**

### **OBJECTIVES**

1. “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.
2. The objective of criminal policy is to ensure public safety through the prevention of and responding to offences, reducing of damage caused by offences and dealing with offenders.
3. The primary objectives of criminal policy are the prevention of recidivism and juvenile delinquency. The prevention of juvenile delinquency helps to prevent criminal offences in adulthood; the prevention of recidivism reduces the number of criminal offences and the risk of falling victim to crime.
4. Since organised crime, including economic crime, corruption crime, cybercrime and trafficking in human beings and criminal offences against persons, including domestic violence, cause the greatest damage to the society, enhanced attention shall be paid to the prevention of and responding to the abovementioned criminal offences.
5. The public sector shall take the guidelines for the development of criminal policy into account upon setting its operating objectives and development of policy, in particular of social and educational policy and upon planning of settlements. Each Ministry shall report to the Ministry of Justice on the implementation of the guidelines for the development, on the basis of which the Government of the Republic shall submit an annual overview concerning the implementation of the guidelines for the development of criminal policy to the Riigikogu not later than by 1 March each year. The efficiency of criminal policy shall be assessed on the basis of the data of annual victim surveys and crime statistics.

### **PRINCIPLES**

6. Upon planning and implementation of criminal policy, the public sector shall cooperate with the private and non-profit sector and involve volunteers. It is the task of the public sector to develop an environment where both, the non-profit and the private sector could fulfil their role in the prevention of offences.
7. The prevention of offences shall, first and foremost, take place at the local level. It is the task of local governments to reduce the factors contributing to offences by involving the local populations and the private and non-profit sector.
8. The decisions concerning criminal policy and amendments to legislation shall be based on scientific research and the analysis of high-quality statistics. In order to avoid draft legislation prepared in haste by compromising quality, prior impact studies shall be carried out in case of all the important draft legislation. The E-File processing information system shall be developed continuously in order to obtain high-quality and comprehensive statistics.
9. Criminal policy shall take potential future risks into account and be ready for the prevention of and responding to problems with racial, ethnical and religious background unknown or rare so far in Estonia such as forced marriages, honour killings, becoming a destination country for trafficking in human beings.
10. Dignified treatment of victims and witnesses in criminal proceedings increases people’s trust in the system of legal protection, helps to prevent secondary victimization and alleviate damage caused by criminal offences. Law enforcement agencies and courts shall take measures to prevent secondary victimization of victims and witnesses by criminal proceedings, including avoiding delay of proceedings and ensuring personal data protection.
11. The development and expanding the use of modern types of forensic examination (DNA, IT, etc.) helps to ensure economical criminal proceedings of higher quality which violates less the fundamental rights of persons.
12. The development of the digital E-File processing information system facilitates better cooperation between parties to criminal proceedings and reduces the administrative burden. The state shall develop these

information systems consistently by ensuring the possibility of international access to the examination and punishment data.

## GUIDELINES FOR DEVELOPMENT

### Prevention of juvenile delinquency

13. 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.
14. 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 .
15. 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.
16. 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.
17. 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.

### Prevention of recidivism

18. Addiction problems and later inability of convicted offenders to cope affect recidivism most of all. Drug treatment as an alternative to imprisonment is useful due to the fact that, in addition to weaning off from or taking control over addiction, it reduces recidivism. The Ministry of Justice together with the Ministry of Social Affairs shall ensure the places and possibilities for the treatment of criminal offenders with drug addiction disorders and the Ministry of Social Affairs shall develop and approve quality standards for the services of the treatment and rehabilitation of drug addicts.
19. In order to facilitate the ability of released prisoners to cope, the Ministry of Justice shall, in cooperation with the Ministry of Social Affairs, local governments and non-profit associations, establish a national system of support persons for supporting the ability of released prisoners to cope independently. In order to reduce recidivism, rehabilitation programmes shall be ensured for criminal offenders, including sexual offenders.
20. The Ministry of Justice together with research institutions shall establish an internationally comparable system for monitoring recidivists, the objective of which is to provide sociological information concerning the ability of persons who have undergone criminal punishment to cope and their subsequent life (recidivism study).
21. The most dangerous criminal offenders shall stay at penal institutions but at the same time the use of alternative punishments shall be promoted (community service, addiction treatment, conciliation, etc.). Since the big number of prisoners facilitates recidivism, the Ministry of Justice, shall, in order to take the number of

prisoners to the level of Western Europe, complete the reforming of prisons and close the camp-type prisons, join Tallinn and Harku prisons and open the new Tallinn prison and also close Murru prison.

#### Prevention of criminal offences against persons

22. Alcohol abuse is the main factor facilitating commission of criminal offences against persons. The Government of the Republic shall approve a framework document of national alcohol policy, the objective of which is to reduce drinking of alcohol by minors and the damage caused thereby, risky drinking of alcohol and the damage caused thereby.
23. Domestic violence is a serious criminal offence against a person, being the witness and victim of which in childhood increases the likelihood of coming into contact with violence in adulthood both, as a victim and as an offender. Provision of broad range of information on domestic violence as a serious criminal offence against a person helps to develop a negative attitude to such a criminal offence in the society and to combat it, which is why the Ministry of Social Affairs shall raise awareness of domestic violence by involving the police and local governments. In appropriate cases, the prosecutors shall, in cooperation with staff members of victim assistance service, apply conciliation between a victim and a criminal offender.
24. The Ministry of Social Affairs together with local governments and non-profit sector shall ensure a sufficient number of shelters for victims of criminal offences against persons, including victims of trafficking in human beings and domestic violence, all over Estonia. The police shall inform the target groups of the possibilities to receive assistance and refer the persons who need assistance to the staff members of victim assistance service. The Ministry of Social Affairs shall develop the victim assistance system by making it more client-centered.
25. In the case of criminal offences against persons where the victim is a minor, the police and the Prosecutor's Office shall ensure expedited pre-trial proceedings which, as a rule, should not exceed three months.

#### Prevention of organised crime and serious hidden crime

26. In combating organised crime the proceeds received by criminal offenders from crime shall be reduced. Law enforcement agencies shall focus on measures related to confiscation of proceeds from crime and systematic training of specialists in this field shall be ensured for that purpose.
27. Judicial, police and customs cooperation instruments of international organisations shall be used and developed in combating organised and cross-border crime. The Prosecutor's Office and investigative bodies shall plan together resources for dealing with priority areas.
28. In order to combat serious economic crimes and corruption causing major damage, a sufficient number of preliminary investigators and prosecutors shall be ensured in each investigative body and district prosecutor's office for processing the abovementioned criminal offences. The quality of investigation of corruption crimes in police prefectures shall be improved.
29. Combating cybercrime shall focus on combating sexual abuse of minors, prevention of major computer fraud and prevention of spreading of computer viruses and hacking. Upon the prevention of cybercrime, the awareness of vulnerable target groups (such as minors, elderly people) shall be raised in cooperation with the private sector. The existence of a sufficient number of IT specialists in law enforcement agencies shall be ensured in order to set bounds to cybercrime more efficiently.