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Guidelines for Development of Criminal Policy until 2010 Resolution of the Riigikogu of 21 October 2003

Because of the need to ensure everyone's constitutional rights and freedoms and increase security in society,

having regard to the spread of offences and its harmful impact on society,

noting that prevention of offences is usually more efficient than attending to the consequences of offences, and

emphasising that approved development guidelines must be followed upon planning the means for combating crime and that local authorities, citizens' associations and individuals must be more involved in preventing offences,

the Riigikogu finds it necessary to declare the development of the criminal policy a matter of significant national importance.

Proceeding from the aforementioned and based on Subsection 154 (1) of the Riigikogu Rules of Procedure Act (State Gazette I 2003, 24, 148) the Riigikogu has resolved the following:

- 1) to approve the annexed Guidelines for Development of Criminal Policy until 2010 prepared by the Government of the Republic;
- 2) to make a proposal to the Government of the Republic to consistently implement the national criminal policy aimed at crime prevention primarily through the Ministry of Justice, Ministry of the Interior, Ministry of Social Affairs and the Ministry of Education and Research;
- 3) to make a proposal to the Government of the Republic to submit to the Riigikogu an annual report on the implementation of the Guidelines for Development of Criminal Policy by 1 November.

GUIDELINES FOR DEVELOPMENT OF CRIMINAL POLICY UNTIL 2010 GENERAL PRINCIPLES

1. Definitions

Criminal policy means development, improvement and implementation of social action plans for the purpose of impeding the spread of offences, reducing the severity of offences and possibilities of committing offences and the damage caused by them as well as influencing people to refrain from offences, protecting public order and increasing security in society.

Social prevention measures means influencing factors which cause crime through social, education, family, youth, cultural, church, economic, traffic and other policies for the purpose of laying the foundations for involving each person in social life, considering the objectives of society, in order to prevent the deviating behaviour arising from a person's marginalisation.

Situational prevention measures means influencing people tending to commit offences or influencing criminal situations or places for the purpose of preventing offences.

Attending to the consequences of offences means measures aimed at reducing the recidivism of people who have committed offences, protecting public order and remedying the damage caused by offences.

Community prevention work means planning and implementing preventive measures at the community level taking into account the local and community characteristics of offences.

2. The Guidelines for Development of Criminal Policy until 2010 (hereinafter the Criminal Policy Guidelines) stipulate the common principles and long-term goals of the criminal policy which the public authorities shall take into account upon planning their activities.

3. Usage of social prevention measures for preventing offences helps to reduce unnecessary suffering and is usually less expensive and more effective than circumstantial prevention measures and attending to the consequences of offences. Since the tools that are at the disposal of society are limited, an optimal mixture of financing these three areas shall be found, considering the general goals of our society.

4. Offences cannot be prevented or notably reduced by applying individual measures. Prevention of offences and an increase in the safety of society is possible only as a result of coordinated and long-term work. This means, in particular, an investment with a long pay-back period in people and via people in the community.

5. Offences cannot be prevented or notably reduced only with the help of the criminal justice system or authority of the state – local authorities, business circles and social organisations need to be involved in the prevention work. The most important, however, is the responsibility of each individual himself or herself and the obligation to develop oneself and educate one's children to become responsible members of society.

6. For the purpose of implementation of the Guidelines for Development of Criminal Policy all institutions and people shall cooperate at the national, local and population levels.

7. Local authorities shall develop and implement action plans to prevent offences and increase security (community-centred prevention) in which the state shall assist the local authorities. The Ministry of Justice along with other relevant institution shall, in 2003, draft an act which regulates the protection of public order and national and local prevention work.

8. For the purpose of identifying the reasons for offences and the efficiency and cost-effectiveness of measures applied to influence those reasons research through public procurement of social surveys shall be conducted and the results shall be taken into consideration upon making criminal policy decisions. The Ministry of Justice shall cooperate with the Ministry of the Interior, the Ministry of Finance and research institutions for the

purpose of implementing in 2004 uniform principles of collecting and analysing statistics relating to offences.

9. As of 2004 criminalisation of new acts shall be preceded by evaluation of the social, economic and other effects of such decision based on research.

SOCIAL PREVENTION MEASURES

10. In order to keep as many people active, healthy, working and managing on their own, more attention shall be paid to social prevention measures. Since the people whose social ties are weak are under the greatest threat of marginalisation, the integration of people belonging to risk groups and non-Estonians shall be promoted. To that end, the importance of the measures applied in these areas (i.e. social prevention measures) has to be taken into account and increased upon the development and implementation of social, education, family, youth, cultural, church, economic, integration and other policies.

11. By 2004 the Ministry of Social Affairs shall, in cooperation with the Ministry of Agriculture and other relevant institutions, develop a long-term concept aimed at reducing alcohol abuse and the damage arising from it to individuals and society.

12. For the purpose of reducing the damage caused to individuals and society due to drug abuse it is necessary to reduce the supply and demand of narcotic drugs and develop a treatment and rehabilitation system for drug addicts. The respective long-term action plan shall be drafted by the Ministry of Social Affairs in cooperation with the Ministry of Justice, the Ministry of the Interior and other relevant institutions by 2004.

13. Educational institutions shall, in addition to children's knowledge, develop children's mental and social abilities so that they become full-fledged members of society who are ethically responsible for their acts. The Ministry of Education and Research shall revise the national curricula and criteria for evaluation of study results by the academic year beginning in 2004.

14. By 2005 the Ministry of Education and Research shall, in cooperation with the Ministry of Social Affairs and the Ministry of the Interior, develop a system which allows for noticing and eliminating any shortcomings in the environment where a child grows as early as possible.

15. In cooperation with the Ministry of Social Affairs and local authorities the Ministry of Education and Research shall by 2004 develop measures which help to prevent pupils from dropping out of basic school.

SITUATIONAL PREVENTION MEASURES

16. The possibilities of committing offences shall be reduced. To that end:

- 1) committing offences shall be made more difficult;
- 2) the probability of detecting offences shall be increased;
- 3) the benefits arising from offences shall be reduced.

Since the effectiveness of the measures reducing the possibilities of committing offences depends on the type of the offence, the most suitable combination of various situational

prevention measures shall be found for each essential type of offence. Law enforcement agencies shall focus mainly on offences which reduce security in society, cause extensive damage or which people may fall victim to in everyday life.

17. Securing public order, which belongs within the responsibility of the police, shall become a part of community prevention work.

18. Order in public places shall be secured better. Consumption of alcohol in public places and abuse of drugs and other psychotropic substances shall be limited.

19. Upon planning settlements and designing buildings local authorities shall take into account the standards of creating a secure human environment.

ATTENDING TO THE CONSEQUENCES OF OFFENCES

20. The laws regulating criminal proceedings shall establish a legal opportunity to process crimes in the order of priorities determined by the Government of the Republic. Law enforcement agencies shall concentrate their attention on serious offences against persons and on crimes which otherwise cause extensive damage. The adherence to the priorities shall be ensured primarily by the Ministry of Justice and the Ministry of the Interior to the extent of their authority.

21. Laws regulating criminal proceedings shall establish a legal opportunity to waive initiation of criminal proceedings or terminate criminal proceedings if the criminal proceedings are not justified given the facts of the specific crime. Even and reasoned use of this opportunity shall be ensured by the Ministry of Justice to the extent of its authority.

22. Upon imposing a punishment more attention shall be paid to how much the punishment actually influences the offender in refraining from committing offences. Even and reasoned application of this principle shall be ensured primarily by the Ministry of Justice and the Ministry of the Interior to the extent of their authority.

23. The Ministry of Justice shall ensure that as of 2004 research shall be conducted into the efficiency of sanctions and the results of the research shall be used to develop the penal system and practice, primarily with respect to punishments established for minor crimes.

24. In cooperation with other relevant institutions the Ministry of Justice shall ensure the possibility to impose alternative punishments and other sanctions provided by the Penal Code.

25. The Ministry of Justice in cooperation with the Ministry of Internal Affairs shall improve prerequisites for confiscating property gained by offences and for imposing pecuniary punishments.

26. The Ministry of Justice shall develop prerequisites which would enable from 2006 onwards the majority of persons who have been punished with imprisonment to serve their sentence in a prison conforming with contemporary requirements and prior to being released from prison to experience a stage of open prison or to be released prior to serving their sentence along with subjecting the offender to the supervision of conduct. To that end the cooperation between the prison and probation systems shall be improved.

27. To support persons released from prison the Ministry of Social Affairs along with the Ministry of Justice shall develop a national network of rehabilitation services by 2010.

28. To support persons who have fallen victim to a crime the Ministry of Social Affairs shall develop a system for assisting victims of crime by 2010.

29. The Ministry of Social Affairs, in cooperation with the Ministry of Justice, shall develop the possibilities of treatment of drug addiction and alcoholism.

30. Criminal proceedings with respect to a minor should be prompt and take into consideration the lawful interests of the minor. Upon imposing sentences or other sanctions on a minor the lawful interests of the minor and the opportunity to deter the minor from committing offences in the future shall be considered.

31. The Ministry of Justice and the Ministry of the Interior shall, in cooperation with the Ministry of Finance, implement by 2005 a balanced system of social guarantees covering all the institutions related to implementation of penal law for the purpose of ensuring sustainable and balanced development of the criminal justice system.

IMPLEMENTATION OF THE GUIDELINES FOR DEVELOPMENT OF CRIMINAL POLICY

32. The Ministries who have any obligations pertaining to the Guidelines for Development of Criminal Policy, which have not been stipulated in the former action plans, shall draft respective action plans in cooperation with the relevant institutions by 2004, unless another deadline has been established. The implementation of the former action plans shall continue for as long as they are in compliance with the Guidelines for Development of Criminal Policy. Draft acts or draft amendment acts required for implementation of the Guidelines for Development of Criminal Policy shall be submitted to the Riigikogu by the Government of the Republic.

33. Upon implementation of the Guidelines for Development of Criminal Policy the Ministries shall involve as much as possible local authorities, business circles, social and other organisations and people. The Ministry of Justice shall supervise the implementation of the actions and achievement of the objectives laid down by the Guidelines for Development of Criminal Policy and shall also be liable for advising other institutions in this respect. Once a year the Government of the Republic shall submit to the Riigikogu a report on the implementation of the Guidelines for Development of Criminal Policy.