

March 2015

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INTERNATIONAL SCIENTIFIC SYMPOSIUM ON "CRIMINAL JUSTICE SYSTEM AND THE SOCIAL WELFARE"

TIRANA, 6 MARCH 2015

It is a great pleasure for me to welcome you to our symposium on the topic of "Criminal Justice System and the Social Welfare" on behalf of the Rule of Law Program South East Europe of the Konrad Adenauer Foundation.

I would like to express my profound thanks to our partner, the Faculty of Law of the University of Tirana and its dean, Prof. Altin Shegani. The cooperation with you has always been excellent and we highly appreciate your work.

[...]

We happily support this symposium because it provides the opportunity to elaborate a comprehensive analysis on the main problems of the Criminal Justice System in Albania and other neighboring countries and to discuss on the factors that contribute to the effectiveness of criminal justice institutions. We hope that this event serves as a baseline for effective evaluation and empirical research on the main problems of the criminal justice system and crime controlling mechanisms as well as for producing recommendations on further relevant matters that should be analyzed and on measures that should be implemented. And we want to analyze critically two different approach-

es when coping with crime in transition countries: (a) Reducing crime through criminal justice and (b) reducing crime through social welfare policy.

I am a lawyer but I am not a criminologist. I will therefore not speak about the theories on the origins of criminal behavior. We have experts among us who are much more competent regarding this issue.

But I was a state legislator for sixteen years, spokesman on justice policy of my party, and later on deputy mayor of my home town responsible for security. So I talked to many judges, prosecutors, police officers, probation officers, prison wardens and inmates. I would therefore like to share some thoughts with you that are based on my experience.

Franz von Liszt, a German law professor who lived from 1851 until 1919 used to say "The best crime policy is a good social policy." He was most likely not referring to all forms of crime. After all we are talking about a very complex phenomenon. We are talking about murder and infliction of bodily harm, treason and disclosure of state secrets, capital investment fraud, violation of book-keeping duties, driving under the influence of alcohol or drugs. All forms of

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crime can probably not be prevented or fought by a good social policy. On the other hand there are lots of studies that show certain crimes are more likely to be committed by poor people. To give one example: A study published in Sweden last year showed that teenagers who had grown up in families whose earnings were among the bottom fifth were seven times more likely to be convicted of violent crimes and twice as likely to be convicted of drug offences as those whose family incomes were in the top fifth. If you organize a fair society in which all people can live in dignity you will most likely reduce crime. We do, however, not advocate to organize a fair society in which all people can live in dignity in order to fight crime –that is a nice side effect – but because we consider it a value on its own.

A good social policy is of course more than handing out benefits, providing decent housing or giving people access to education and medical attention. I have always been impressed by the Danish SSP concept which is a locally based cooperation between school, youth clubs, social services and police. By exchanging information they identify risks that provide criminal opportunities and they intervene immediately if they get information that an individual gives reason for concern about getting involved in criminal activities. In Germany many municipalities have crime prevention councils that follow a similar concept.

It has become my conviction that tough penalties and high incarceration rates do not make a society safer. There are countries which are extremely punitive and have a high incarceration rate but if you look at their crime statistics and their recidivism rate the results are poor. Penalties must be fair and adequate. And the rights that accused people and defendants have according to Article 6 of the European Convention on Human Rights must be fully respected; investigation and court proceedings must be

fair and as fast as possible. This is especially true for juvenile offenders. A 20 year old who is convicted for infliction of grave bodily harm two years after he has committed the crime will hardly be impressed and maybe will have committed further crimes in the meantime. And all the legal professionals that I ever talked to confirmed the theory that the best deterrents are not harsh sanctions but a high risk to get caught.

When I talk to Justice Ministers in South East Europe they almost all complain how difficult it is to get money for modernizing the penitentiary system. You don't obtain public support because many people who abide by the law have little money themselves and think that money should better be allocated to other institutions. But the objective of modernizing the penitentiary system is to make society safer and to prevent people from becoming the victims of recidivists. If prison inmates have to live under conditions that must be called inhumane their social reintegration will be much harder. The recidivism rates in countries that invest little in their penitentiary systems are very often not convincing.

I did probably not tell you anything that you did not yet know and maybe many of you share my convictions. But they are far from being common sense both in Albania and Germany and therefore I wanted to make these points.

I now look forward to the following lectures and interventions. Once again I wish to thank the Law Faculty of the University of Tirana and each of you for your interest and participation.

The Rule of Law South East Europe of the Konrad Adenauer Foundation looks forward to further cooperating with you.