

Germany: Right-wing campaign in the Hesse state election

The debate over youth crime

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Since the beginning of the year, Hesse state premier Roland Koch (Christian Democratic Union, CDU) has tried to place the issues of youth crime and “foreign criminals” at the centre of the state elections. In the classic manner of the extreme right, his election campaign is full of reactionary rhetoric about “criminal foreigners” and demands for harsh punishments for any foreign youth who breach the law.

Recent polls have shown that the CDU, which is presently governing alone, will not even be able to achieve a majority in a coalition with the free-market Free Democratic Party (FDP). Utilising a mixture of appeals for harsher law-and-order policies and xenophobia, Koch is now attempting to deflect attention away from the increasing social inequality that has dominated the headlines in Germany for weeks.

The CDU and Chancellor Angela Merkel have placed themselves completely behind Koch’s campaign, despite its having met with criticism and rejection by experts and a large section of the public. Last weekend, the CDU leadership held a conference in the Hesse state capital Wiesbaden to show their support for Koch in the current election. They presented a declaration that is not only meant to apply to the coming state elections in Hesse, Lower Saxony and Hamburg, but also to the federal election in 2009.

The “Wiesbaden declaration” not only contains the proposals put by Koch in his “Paper on Decency,” for harsher measures against young people and foreigners found guilty of committing a crime; it also contains far-reaching calls for the dismantling of democratic rights as well as the stepping up of state surveillance.

In the document, the CDU deals with the topic of youth crime under the heading, “Prevention-Detection-Intervention.” Its main thrust is to call for young people who commit crimes to face harsher punishments, and for foreign offenders to be rigorously deported.

Moreover, the declaration also demands extensive video monitoring, quick-fire detention (i.e., the locking up of young people following a short trial process) and “educational camps.” In the past, Koch has often shown his enthusiasm for American-style “boot camps,” in which young people face having their will broken in truly Orwellian manner.

In order to be able to deport foreign offenders more quickly, those sentenced to just one year’s imprisonment now face expulsion (this was three years previously). Juvenile sentences are to be raised from a maximum of 10 to 15 years, and those between the ages of 18 and 21 years will in future be dealt with in adult criminal proceedings.

At present, judges base their decision whether a young person should be tried under juvenile or adult law on their estimation of the personal maturity of the defendant. The CDU is also seeking to permit the use of preventive detention in certain cases of those aged 18 to 21.

These proposals amount to the complete abolition of juvenile criminal law, which dates back to the beginning of the last century.

Chancellor Angela Merkel (CDU) is supporting Koch, both in substance and in tone. She has demanded rapid changes in juvenile criminal law: “If the SPD do not support this, we will tell the people who is preventing it.” This issue cannot be postponed, she said.

Faced with this aggressive CDU campaign, the SPD is trying to manoeuvre and is allowing Koch to call the shots. SPD leader Kurt Beck has signalled his willingness to hold talks, but has rejected any changes to the law in the first instance. He accuses the CDU of “right-wing populism” and Koch of “raising a stink and election manoeuvring.” This is a massive understatement. Koch and the CDU are committing political arson. Right-wing extremists will take encouragement from their campaign and see it as justification to act brutally against immigrants.

The half-hearted approach of the SPD is completely consistent with their politics. They essentially share the views of the CDU. They too regard the brutalisation of some socially disadvantaged young people not as a social problem, caused by social cuts and the dismantling of education, but as a law-and-order question.

Former chancellor Gerhard Schröder (SPD), who for the first time in a long while has spoken out publicly on domestic affairs, rejected Koch’s proposals by declaring that, during his period of office, Interior Minister Otto Schily (SPD) had already ensured that the juvenile criminal law was harsh enough.

At a conference on Monday in Hanover, the state capital of Lower Saxony where elections are also taking place, the SPD executive committee agreed to a resolution in which it rejected any changes in the law. The resolution argues that existing legislation offers “sufficient possibilities to adequately and appropriately react to criminal offences by young people.” In Germany there is no “legislative deficit, but a deficit in applying the law.” What is needed are “necessary measures to fight juvenile crime”—“not slogans.” The SPD stresses it, too, “wants zero tolerance against those who use violence.”

The words of Eckhart Körting, the SPD state interior minister in the Berlin city legislature, permitted a somewhat deeper examination of the soul of contemporary social democracy. In an interview with the magazine *Focus*, he blamed judges for regarding foreign juvenile offenders as “victims of late capitalist means of production.” He called the judges “all-understanding and all-forgiving,” who are only concerned with the psyche of the culprits; some judges did “not give a sh*t” about the psyche of the victim.

He supported the CDU demand that 18-year-old offenders should only be dealt with as juveniles in exceptional cases. Some judges would have made the exception a rule, he complained. “These judges, and above all the court-appointed experts, treat nearly every 18- to 21-year-old as if they were a little dope,” according to Körting.

Körting’s colleague Gisela von der Aue (SPD) from the Justice

Department has stressed since 2003 that juvenile offenders should be punished more harshly. At the same time, the number of those placed on probation has decreased.

According to Volker Ratzmann, who heads the Green Party's Berlin city parliamentary group, in the past, "the Berlin Youth Detention Facility was only filled 80 to 90 percent; today, it is overcrowded by 120 percent." The same applies in Hesse and the other states. It is no wonder that prison-building is booming, and is now done in partnership with the private sector.

Koch's campaign has found little support in the wider public, so far. According to a poll by Emnid, 66 percent of those asked thought it was "wrong" to make the issue of foreign juvenile crime the centrepiece of the election campaign. Even among CDU supporters, 56 percent shared this view. This is a remarkable statistic, given that nobody within the political establishment is really confronting the CDU and articulating any opposition to Koch's campaign.

Koch's outpourings are based on the tacit assumption that harsher punishments will result in fewer criminal offences: This is a brazen lie and is contradicted by experience and scientific findings.

For example, in 1998, the penalties for offences resulting in bodily harm were significantly raised. Nevertheless, such offences have continued to rise among 21- to 25-year-olds. And as far as the likelihood of those punished to reoffend, all studies come to the opposite conclusion: The harsher the punishment, the more likely is recidivism. More than 80 percent of young people detained in youth custody go on to reoffend.

As an example of the sort of "education camp" he favours, Koch proudly cites the Kassel Training Camp Philipinnenhof. But this is nonsense. Former boxer Lothar Kannenberg, who leads this facility, sees his organisation rather as a place where young people can pursue sports "as a release valve for their accumulated emotions, as an alternative course of action." Kannenberg also rejects strengthening juvenile criminal law.

The Ausblick facility opened in April in Bedburg-Hau is certainly not a boot camp, as the CDU now claims. It has been planned for a long time and is part of a new model being introduced by North Rhine-Westphalia's CDU-led state government. Without reaching any final conclusions about this model, the Ausblick facility more closely follows the concept of "re-socialisation," on which the juvenile criminal justice system is based, than the recent demands of the CDU. The facility, with its play areas and workshops, is designed to reintegrate into society children and young people between 12 and 15 years who have committed serious offences.

The facility is run by the Evangelical Youth and Welfare Service (EJF). Similar facilities already exist in Brandenburg and follow the motto, "people instead of walls." Twelve pedagogues, who all have skilled trades backgrounds, spend approximately one-and-a-half years working with just eight youth, helping them gain a practically oriented high school diploma. "Making them do push-ups over a puddle is just degrading, as far as I am concerned," was the comment of Hilde Benninghoff Giese of the EJF regarding the present discussion.

Koch and the CDU are very loose with the truth, as can be seen through a closer view of the crime statistics. According to criminological research, violent crime by young people is due neither to "a significant rise of youth violence" nor to "general brutalisation." Rather, "the figures of actual offences tend to remain at a relatively constant level."

This is the conclusion made by a study on behalf of the federal and state governments that examined the "development of violent crime by young people."

Altogether, the number of offences registered in Police Criminal Statistics (PKS) fell from 1997 to 2006 by 4.3 percent, from 6.6 million to 6.3 million. However, the number of violent crimes rose in the same period from 186,000 to 215,000. According to the study, this can be attributed to an increase in offences causing actual bodily harm (both

minor and serious), whereby those under 21 years old commit more than 43 percent of such registered offences.

The study warns, however, against drawing the conclusion that violence by young people has actually increased. Rather, it refers to a "diminishing tolerance towards physical conflicts that are typical among young people," paired with a rise in the readiness to record such incidents. In other words: punch-ups that in the past would have been sorted out by the young people themselves today land at the door of the police.

Statistics covering the period 1997 to 2006 show that although the ratio of foreign young people in the 14-to-21 age group against whom a "suspicion" is recorded is higher than their proportion of the population (8.8 percent in 2006), there has been an overall decrease of criminal offences recorded against this group, from 24.9 to 17.5 percent. In Hesse, the ratio of foreign suspects has decreased even more sharply.

Moreover, numerous related factors must be considered when considering these statistics.

The basis of most studies is formed by PKS. This is more a working account by the police rather than a database of statistics on the actual extent of crime. The PKS does not list actual perpetrators but suspects, without considering the result of any legal proceedings. But according to all studies, foreigners are far more likely to have a recording of "suspicion" made against them than Germans. They face more frequent police controls and are charged more frequently.

Foreigners living in Germany will also have criminal offences recorded that no German could commit—e.g., offences against the right to asylum or the Aliens Law. Thus an asylum seeker commits an offence if he leaves the city in which his residency is registered without the permission of the authorities. Since the authorities frequently forbid journeys to neighbouring cities or German states, such "criminal offences" are not a rare occurrence. Germany's restrictive asylum policies mean that there is no longer any legal route for refugees to enter the country. Thus every asylum seeker reaching German soil commits a criminal offence that is recorded in the PKS.

Juvenile foreigners, particular in the 14-to-17-year-old range, are represented proportionally more than their German contemporaries when it comes to criminal offences involving property and acts of violence. But this is only relative when social considerations are taken into account.

Due to social and economic discrimination, some 22 percent of young male foreigners finish school without any qualifications. Comparing the achievements of those leaving primary education, Professor Wilfried Bos of the University of Hamburg noted: "The son of the senior doctor who is German, even with poor results, is recommended for a gymnasium [comparable to a grammar school in the UK or a college preparatory high school in the US]; the daughter of Turkish cleaner, despite good grades, is only recommended for a general school."

After finishing school, these young people rarely receive training places or work. While the unemployment level in Germany in December 2007 was 8.1 percent, among foreigners it is 18.1 percent. In Germany's large cities such as Gelsenkirchen, Bremen, Berlin or Munich, approximately a third of all foreigners are unemployed—in some cases, even more.

The question of juvenile delinquency is a social problem, not a legal or police matter. Koch's campaign is a racist witch-hunt. The claim that foreigners are many more times likely to commit crime is, according to the Federal Centre for Political Education, "part of the repertoire of right-wing extremist propaganda."

While Koch and the CDU have adopted the politics of the racists and fascists, they show a remarkable indifference towards right-wing extremist violence. Every hour in Germany, official records show 2.5 criminal offences with a right-wing extremist background being committed. Every day, 2.5 right-wing extremist acts of violence are recorded. Over the past five years, a Jewish cemetery was desecrated, on average, once a week.

On December 22, 2007, when two youths, one of Turkish and one of

Greek origin, brutally attacked a pensioner on the Munich underground, there were also several racially motivated acts of violence. Two Sudanese students were insulted, kicked and beaten outside a discotheque in Dresden by approximately 15 attackers because of their skin colour. A 20-year-old German who sought to help the foreign student was also beaten up. The culprits escaped unidentified.

But while the terrible attack in Munich became the basis for Koch's campaign, there is a deafening silence from politicians and the media when it comes to the daily acts of right-wing violence. Instead, the establishment parties are adopting the slogans of the far right. The CDU and SPD are preparing for the coming social protests by stepping up state powers and by implementing harsher laws.



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