

## Are Nordic Countries Getting tough on crime? Helsinki 1.-2.11.2016

Organisers: Scandinavian Research Council for Criminology together with the Faculty of Law, University of Turku and “Laws of Surveillance and security” (LOSS)-project.

Venue: Ministry of Justice, Eteläesplanadi 10

<b>Tue 1.11.</b>	Min of Justice, meeting room JULKISUUS
11.30-12.15	Informal Sandwich Lunch
12.15 -12.30	Anne Alvesalo-Kuusi: (FIN) <i>Welcome address &amp; setting the scene</i>
12.30-12.50	Henrik Tham (SWE) <i>Processes associated with the punitive turn in Swedish criminal policy.</i>
12.50-13.10	Klara Hermansson (SWE) <i>The symbolic meaning of the Swedish concept ‘trygghet’ – between welfare and punishment</i>
13.10-13.30	Discussion
13.30-13.45	Break
13.45- 14.25	Nicolay Borchgrevink Johansen and May-Len Skilbrei (NO) <i>The increase in the Us-Them divide in penal policy</i>
14.25-14.45	Discussion
14.45-15.15	Coffee break
15.15-15.55	Annette Olesen and Linda Kjær Minke (DK) <i>The impact of the refugee crisis on Danish criminal policy and crime control.</i>
15.55-16.15	Discussion
16.15-16.30	Break
16.30-16.50	Helgi Gunnlaugsson (IS): <i>Have any of the bankers in Iceland been convicted for any criminal wrongdoings for the system collapse in 2008?</i>
16.50-17.10	Hanna Malik (POL) <i>Criminal Policy in Poland in the light of recent political changes</i>
17.10-17.40	Discussion and conclusions
17.40	Closing of the first day (audience leaves)
17.45 -18.00	Very short meeting with working group members
19.30-	Dinner at Belge ( Kluuvikatu 5, very close to the hotel)
<b>Wed 2.11.</b>	Min of Justice: meeting room RUNDI
9.30- 9.50	Tapio Lappi-Seppälä (FI): <i>Nordic Sentencing</i>
9.50-10.10	Päivi Honkatukia (FI): <i>Integration of Crime Victims into the Finnish Criminal Political Thinking - Three Examples</i>
10.10-10.30	Discussion
10.30-10.45	Break
10.45-11.05	Anne Alvesalo-Kuusi: <i>Way forward &amp; short introduction of LOSS –project</i>
11.05-12.15	Discussion: way forward
12.15-13.00	Lunch: Apollo restaurant, Ministry of Justice
13.00-14.30	Concluding discussion and departures

Note: On the first day there is a small audience of Finnish criminologists/sociologists until 17.40, and on the second day the attendees are only the participants of the working group (i.e. the people who are listed in the schedule above).

## **Theme of the Working Group: Are Nordic Countries Getting tough on crime?**

In many western industrialized countries there has been a shift in the past decades towards law-and-order-societies. Punitive campaigns against crime, such as zero tolerance, three strikes and you're out, being tough on crime and tough on the causes of crime, have focused on the so-called traditional offending or street crime. On the other hand, it has been rather widely accepted by legal scholars, criminologists, and other social scientists that this so called punitive turn has not been realized in the Nordic countries.

Today Nordic countries – along with the rest of Europe – are facing simultaneously political, economic, and social crises on an unprecedented scale. Increasing migration and refugee flows to Europe, the breakdown of welfare societies, political and religious radicalisation, and armed conflicts at the borders of Europe are creating threats to well-being and security. This, in turn, is reflected in increasing distrust, fears, and in questioning of traditional Nordic criminal policies. The aim of the working group is to discuss and compare recent developments in crime control in the Nordic countries: are they getting tougher on crime? Has the “refugee crisis” had impact on these developments?

### **ABSTRACTS**

**Henrik Tham (Sweden)** Processes associated with the punitive turn in Swedish criminal policy.

My perspective would be up to 50 years which I think is necessary in order to ultimately understand the change that has taken place. The punitivity I identify in terms of the development of the prison population and the prison conditions, the political debate, and the expansion of penal law legislation. Processes that I will identify are among others changes from experts to politicians, from instrumental to expressive arguments, from optimism to pessimism in the public discourse, and from the treatment of perpetrators to the redress of the crime victim.

**Klara Hermansson (Sweden)** The symbolic meaning of the Swedish concept ‘trygghet’ – between welfare and punishment”.

I am working on a paper now and would very much appreciate a discussion on the role of “trygghet” in Nordic crime policy debate. What does the concept signal and what kind of policies does it legitimize? I will argue that the concept plays a part in legitimizing punitive measures in Sweden. Although my presentation will focus on the crime policy debate the concept definitely play a central role in the migration debate as well, at least in Sweden.

**Nicolay Borchgrevink Johansen and May-Len Skilbrei (Norway)** : An increase in the Us-Them divide in penal policy and related fields of politics

Since the turn of the century Norway have seen a shift in penal public discourse, polarizing natives and foreigners. The terror attacks in 2011 have resulted in paradoxical developments in public

discourse. However, these changes have not resulted in significant changes of penal policies. Despite the fact that the penal law was substituted in the period, this has resulted in surprisingly few changes (except that maximum prison sentence has increased). However, we have witnessed criminalization of acts typically involving foreigners and asylum seekers. Furthermore, a number of changes has occurred in the administration of penal policies and related fields. The divide between "us and them" has become more significant in police priorities, penal process and court decisions. The presentation will summarize (some of) these changes.

Nicolay Johansen will discuss developments in political discourse, administration and legislation regarding drugs and theft and May-Len Skilbrei will do the same regarding prostitution and trafficking.

**Annette Olesen and Linda Kjær Minke (Denmark)** Impact of the refugee crisis on Danish criminal policy and crime control

Our presentation will include a discussion about the impact of the refugee crisis on Danish criminal policy and crime control. Furthermore, we want to relate current changes in Danish social and immigration policies to the tough-on-crime-debate

**Helgi Gunnlaugsson (Iceland)** Have any of the bankers in Iceland been convicted for any criminal wrongdoings for the system collapse in 2008?

The Icelandic banking collapse in 2008 constituted the largest banking collapse in history relative to economic size and made Iceland the biggest casualty of the Great Recession. In fact Iceland's crisis has been called "the greatest financial crisis ever" by the eminent US economist Paul Krugman. How did the Icelandic criminal justice system respond? Have any of the bankers or public officials been convicted for any criminal wrongdoings? If so, for what kind of crime?

A new prison legislation was passed earlier this year in Iceland. Finally, this bill will be examined to assess whether Iceland is moving towards more punitive control measures or if lenient measures are becoming more pronounced than before.

**Hanna Malik (Poland)** Criminal Policy in Poland in the light of recent political changes

The presentation will first briefly address the history of Polish crime control and then concentrate on examining recent changes in both policy and criminal law. I will shed light on these developments by presenting some examples of legislative changes initiated by the present government.

**Tapio-Lappi-Seppälä (Finland)** Nordic Sentencing

I will present of short joint comparison of law reforms and sentencing policies and practices in the Nordic countries with an emphasis on the period over the last 10 years. As a specific issue I will discuss about the observable shift away from pragmatic and rational policy making toward resort to public opinion and the "general sense of justice" as a justification for setting sentencing levels.

Background paper "Nordic Sentencing" is available in Michael Tonry (ed), Crime and Justice vol 45. Sentencing Policies and Practices in Western Countries: Comparative and Cross-National Perspectives (Chicago 2016).

**Päivi Honkatukia** : Integration of Crime Victims into the Finnish Criminal Political Thinking – Three Examples

The Scandinavian criminal justice policy has received broad attention among criminologist and the concept of the Scandinavian exceptionalism has been established to describe the lenient and fair policies. Although it has been argued that hardening punitive tendencies has gained traction also in Scandinavian countries, the Finnish criminal justice policy seems to be the least affected by this development when compared with other Scandinavian countries. The Finnish criminal justice policy has been defined as fair, humane and rational. One of its distinctive features has been the protection of the rights and just treatment of offenders. In consequence, the position of crime victims has remained rather invisible until the turn of the millennium when the consequences of victimization started to be more acknowledged also in Finland. Through an analysis of selected texts/documents ranging from 1970s to 2010s, the paper aims to document different models to include victims in the Finnish criminal political thinking: (a) in influential texts by Inkeri Anttila & Patrik Törnudd (1970s-1980s), 2) in the Crime Victim Committee (2001), 3) in the introduction of the Crime Victim Fee (2013). Through this exploration we discuss the premises for a criminal justice policy in which human rights and humane treatment could concern both the offender and the crime victim.