

Testimony of the Yale College Democrats in support of H.B. No. 6581 and S.B. No. 1062, Committee on Judiciary, General Assembly, State of Connecticut

March 11th, 2013

Dear Madam, Sir,

My name is Christian Rhally and I am testifying on behalf of the Yale College Democrats. We urge the Committee on Judiciary of the General Assembly of the State of Connecticut to pass H.B. No. 6581 and S.B. No. 1062, which support the Juvenile Sentence Reconsideration Proposal. I am glad to also give you an overview on sentencing mechanisms for juvenile offenders of aggravated crimes in Switzerland.

In particular, areas of concern in Connecticut are life-without-parole sentences for juveniles. Under the current law in Connecticut, a juvenile older than 13 who commits a capital felony will receive a mandatory sentence for life without parole. We do not want to diminish the gravity of these heinous crimes. However, we do believe that a juvenile offender cannot be subjected to the same sentences that are applied to adult offenders.

Having talked with law students at the University of Fribourg in Fribourg, Switzerland, here is an overview on sentencing mechanisms for juvenile offenders or aggravated crimes in Switzerland:

Intentional murder in Switzerland is punished by imprisonment of at least 5 years (§ Art. 111 CP). Intentional murders in which the offender was particularly unscrupulous, or in which the behavior or the goal of the offender was particularly heinous, are punished by “life-long imprisonment” or imprisonment of at least 10 years (§ Art. 112 CP). However, these punishments can only be applied to adult offenders who are at least eighteen years old. For offenders between the age of ten and below the age of eighteen, Swiss law prescribes punishment according to the Codex of juvenile justice in Switzerland (§ Art. 3¹ DPMIn). Before the age of ten, offenders are under the age of criminal responsibility and are not subject to any penal intervention (§ Art. 4 DPMIn).

Swiss law prescribes imprisonment from one day to one year for juvenile offenders between the ages of fifteen and below the age of eighteen (§ Art. 25¹ DPMIn). For offenses for which the Codex of criminal justice in Switzerland prescribes imprisonment of at least three years – which include intentional murder –, juvenile offenders between the age of sixteen and below the age of eighteen are condemned to imprisonment of at most four years (§ Art. 25^{2a} DPMIn). Moreover, criminal justice authorities hear the juvenile offender personally before the punishment is declared (§ Art. 4² PPmin). The juvenile offender or their legal representative can also appoint an attorney (§ Art. 23 PPmin).

For offenders between the age of ten and below the age of eighteen, “imprisonment” must be undertaken in an institution for juvenile offenders, which guarantees to support the education of each juvenile offender, as well as to have an environment suitable for preparing the offender to their social reinsertion after their release (§ Art. 27² DPMIn). Furthermore, juvenile offenders must also have the possibility to start, continue, or end a vocational training, or have the possibility to

engage in a remunerated activity within the institution for juvenile offenders if there is no possibility for them to receive vocational training or to engage in a remunerated activity outside of the institution for juvenile offenders (§ Art. 27³ DPMIn).

In spite of the more lenient punishment of juvenile offenders, crime rates have been continuously and substantially lower in Switzerland than in the United States. In 2012, the United Nations Office on Drugs and Crime (UNODC) released a study to compare the murder rates in most countries of the world, defining intentional homicide as “unlawful death purposefully inflicted on a person by another person” (United Nations Office on Dugs and Crime, *Intentional homicide, count and rate per 100,000 population (1995-2011)*, 2012). The findings show that the rate of murders per 100,000 inhabitants has been of 0.7 in Switzerland, whereas the United States have averaged at 4.2.

I hope that this letter helped to show that just sentences for juveniles in Connecticut are a viable alternative to extremely long punishments or even life-without-parole sentences. Finally, I hope that the Connecticut State Legislature will work so that juvenile offenders, no matter their crime, will receive more just sentences that eventually rehabilitate rather than bar them from society.

Please feel free to contact me if you have any questions about the juvenile justice system in Switzerland.

Best regards,

Christian Rhally

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Explanations:

CP = Code pénal suisse = Codex of criminal law in Switzerland

DPMIn = Droit pénal des mineurs = Codex of juvenile justice in Switzerland

PPMin = Procédure pénale applicable aux mineurs = Criminal procedure applicable to juvenile offenders