

# Judicial Systems in Transition Economies: Assessing the Past, Looking to the Future



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## Judicial Rehabilitation in Germany – The Use of Criminal Records and the Removal of Recorded Convictions

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### Abstract

*This paper has two aims: First, it will explore the German legal system of central data collection on convicted offenders, the limited access to the data stored and the different modes of removing data. This exploration will be linked to the question of re-socialisation as a right of the offender and, more practically, to his "real life chances" of finding a workplace as a decisive element of the re-integration process. Second, debates about judicial rehabilitation through the means of a formalized redemption ritual or ceremony (see Maruna, 2011) that acknowledges the desistance of ex-offenders will be examined in the German context.*

**Keywords:** Re-socialization – Re-integration - Judicial rehabilitation – Criminal record

### Introduction: Labeling, re-biographing and the right to re-socialization

The articles in this Special Issue of the European Journal of Probation (EJP) are based on two theoretical considerations: First, we assume that having a criminal record may seriously impede the process of re-integration of an ex-offender into society; in particular because it may hinder him or her in finding a job. A piece of paper, identifying somebody as previously convicted, literally is a label in the Beckerian sense (Becker, 1973: 9) – with possible negative consequences for the desistance process. It therefore seemed to be interesting to ask in a comparative approach, how strong is such a label if stamped on a convicted offender? How long does he have to bear this label and to whom is it visible? To that end, the German legislative framework and practice for keeping a criminal record and the possibilities to access this information will be explored. Second, different techniques to render entries in the criminal register inaccessible or to remove them are of interest and will be explained in the German context. This analysis will be linked to debates about desistance-supporting measures and specifically to the question of whether 'redemption rituals' (that acknowledge or honors

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20

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former Soviet Union) market .. heightened fears about future developments in the broader economic. The first reform attempts of the Romanian judicial system which can be linked to the EU membership Judicial systems in transition economies. Assessing the past, looking to the future, Washington, DC: World Bank. the functioning of the judicial systems in transition economies beyond Transition Economies: Assessing the Past, Looking to the Future.

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