

CRIME AND MIGRANTS: SOME MYTHS AND REALITIES

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The nexus of crime and migration is complex and surprisingly little-researched, despite its increasing salience in European countries over the last two decades. We can discern four basic types of migration-related crime:

- i. Illegal immigration by the migrants
- ii. Trafficking of migrants by organised criminal groups
- iii. Crimes committed by foreigners
- iv. Crimes committed against foreigners by national citizens

These different sorts of crime have different actors, meanings and victims; however, they cannot be understood separately (Savona, 1996b: 4). In this paper, I shall concentrate on type iii – crimes committed by foreigners – but always with this latter proviso.

Some European trends

Across Europe there has been massive illegal immigration, after the inception of a “fortress Europe” mentality by northern European countries in the 1980s. Originally spontaneous overstaying and asylum applications, this illegal migration has now turned into smuggling and trafficking of people as a lucrative business by international crime syndicates. Recent estimates (Budapest Group, 1999) suggest that up to 20-50% of illegal immigration is organised, particularly for longer distance journeys, and of that proportion about half is by organised criminal groups. The IOM estimates that over the last few years about 500,000 people a year have been trafficked into Europe (Galiana, 2000: 5).

Two major consequences have arisen from this illegal migration: first, that all of Europe, but especially the southern European countries, has large numbers of illegal immigrants working in the informal economy (Baldwin-Edwards and Arango, 1999). Without serious efforts by the state to legalise them, these immigrants are in breach of both immigration laws and employment laws. Secondly, and much more seriously, those migrants who have been “trafficked” by criminal gangs are frequently caught up

in organised crime, and exploited by mafia type syndicates (Budapest Group, 1999: 19; Savona, 1996b: 13). The most noted recent phenomenon is that of forced prostitution, with girls from the former USSR being trafficked, then extensively abused, raped and exploited by criminal organisations (Campani, 1999; Galiana, 2000). Thus we can see, that even without any active engagement on their part, illegal immigrants are likely to be caught up in various sorts of crime in their destination country.

Since 1983, when the Council of Europe started to compile comparative data, there has been a continuous increase in the proportion of foreigners in European prisons. Table 1 shows these data.

Table 1
Immigrants as proportion of total prison populations [%]

	1983	1988	1991	1997
Austria	7	9	22	27
Belgium	22	30	34	38
France	25	26	30	26
Germany		15	15	34
Greece	12	19	22	39
Italy	8	9	15	22
Netherlands	23	20	25	32
Spain	8	12	16	18
Sweden	17	22	20	26
Switzerland	32	40	44	

SOURCES: Council of Europe data, Cols. 1,2,3 – cited in Savona (1996a: Tables 2 and 3); Col. 4 – cited in Wacquant (1999: Table 1)

Over the period 1983-97, the largest growth in immigrant prison populations has been in Austria, Greece and Italy – although in both Austria and Italy, the number of imprisoned natives declined by about 30% over the period 1983-91 whereas Greece's increased by 17% (Savona 1996a: Table 1), making Greece the clear leader across Europe in expanding immigrant imprisonment. By 1999, the figure for Greece had reached 46% (own calculations from unpublished MPO Prison data).

In terms of the ratio of immigrants to national citizens, Greece is now clearly also the leader across Europe, with nearly half of its prison occupants as aliens. There has been no systematic research across Europe to account for the over-representation of foreigners in prisons. There are conflicting explanations provided, varying from actual

criminality of migrants to changed police and court practices; in Belgium, pre-trial detention has been cited as accounting for 25% of foreign prisoners (Savona, 1996a: 15). In Germany, pre-trial detention rose to two thirds in some lander in 1992 whilst by 1994 15% of detained foreigners in another land were awaiting deportation (Albrecht, 1996: 97-8). Other possible factors are detention for immigration-related offences, and the length of appeal procedures. Thus we can see that the criminality of immigrants may not be a major cause of their overpopulation of Europe's prisons: Wacquant attributes it solely to a Europe-wide process of "criminalization of immigrants" where police, judicial and penal practices converge onto easily identified 'non-Europeans', pushing such populations further into clandestinity and illegality (Wacquant, 1999).

Confounding the Myths

In evaluating the recent phenomena of increased crime in Greece, there are very serious problems with statistical data, judicial data and a general lack of policy and planning. However, some certainties can be extracted – and most of these conflict with popularly held "myths" about crime and immigrants in Greece. Here, I deal with a few of these myths.

Myth no. 1

That the increased crime rate in Greece over the 1990s has been caused by immigrant criminality.

Apparently, a 1995 survey of the police revealed that 92% believed this myth (Karydis, 1998: 353). As shown by Papantoniou (1998: 12-25), Greece's experiences of general crime increases (as shown by the imprisoned population) are most dramatic in the period 1981-3, and annual crimes reported to the police peaked at just under 400,000 for 1983 over the entire period 1970-1996. Clearly this was independent of any immigration into Greece, and is usually attributed to modernisation and urbanisation. Looking at specific crimes of a more serious nature, we see that these follow a different pattern, with reported robbery, theft/burglary, murder and drugs offences climbing throughout the 1990s. The number of reported rapes, however, seems to vary greatly and shows no consistent pattern.

What role have immigrants played in this? Looking at two sorts of data – persons "known to" the police and criminal convictions, we can see that the latest available data show ratios of 4,9% (1998) known to police and 1,8% (1994) convicted. These ratios are well below the proportion of foreigners in Greece, and clearly make no

contribution to the overall level. What of specific crimes? Karydis (1998) has shown with data from 1993 and 1994 that with the crimes of murder, robbery and rape the immigrant contribution is around 11% for murder and rape, and actually only 6% for robbery. The most recent data of “persons known to the police” show very high levels of document forgery [about 70%], beggary [65%], burglary [33%] and robbery [35%]; for “crimes against life”, immigrants constitute only 7% and for drugs offences 8% (own calculations from published NSSG data). Thus we can provisionally conclude, in the absence of judicial data, that certain immigrant groups appear to be strongly involved in crimes against property, document forgery and begging. In these very specific ways, immigration has played a recent role in the evolution of crime in Greece.

Myth no. 2

That the high level of imprisoned immigrants is simply because of their criminal activities.

As was noted in Table 1, the immigrant population of Greek prisons has climbed continuously over the last two decades, and reached 46% in 1999. The overall prison population has also continued to climb, as shown in Table 2, at an average annual increase of 12%. To what extent does the immigrant imprisonment reflect criminality, as they constitute now some 50% of prisoners?

Table 2
Evolution of Greek prison population [total]

1/1/1998	1/7/1998	1/1/1999	1/1/2001
6150	7012	7280	8295

SOURCE: MPO unpublished data

The statistical data on sentences from the Greek criminal courts, and from the prisons themselves, are so poor that in fact there is complete ignorance by the public authorities of exactly why so many immigrants are behind bars. The latest data for 1999 show out of a total prison population of just over 7,000 that there are 1,900 convicted immigrants and about 1,500 awaiting trial (own calculations from unpublished MPO data).

We are heavily dependent upon private research initiatives to establish any facts. Two such pieces of research have been undertaken by A. Papantoniou in Korydallos

Prison in 1997; and by Human Rights Watch in the same prison in 2000 (Human Rights Watch, 2001).

Papantoniou found that 61% of immigrants in Korydallos were awaiting trial, compared with 39% of Greeks – with routine practice that “almost all foreign offenders arrested for a relatively serious crime are...detained before trial” (Papantoniou, 1998: 103). Further, he noted that 66% had been detained before trial for over 6 months, 40% for over a year, and 14% in excess of the 18 month ceiling. Of the crimes committed by them, the most common were drugs-related [39%], burglary [30%], robbery [11%] and murder [6%]. A comparison with Greek prisoners revealed that a similar number [250] was jailed for drugs offences and robbery [82], but rather more for murder [125 Greeks as opposed to 36 immigrants]. Papantoniou concludes that the major crimes of the Korydallos immigrant prisoners were against property, and secondarily drugs – with the important proviso that they were not systematic professional drug dealers, but usually individuals with small quantities of unprocessed cannabis.

Human Rights Watch in November 2000 interviewed 132 foreigners [approximately one third of convicted foreigners in Korydallos] who had been detained for violation of the 1991 Aliens Law or minor offences and awaiting deportation which could not be executed because of conditions in their country of origin. Of these, 58 had already served their sentence, another 53 supposedly had suspended sentences; 85% of the foreigners detained for violations of the Aliens Act were being detained beyond their original sentences.

Thus we can deduce that there are several reasons other than criminality why Greek prisons are full of foreigners:

- many are automatically imprisoned before trial, by virtue of not being Greek
- many are imprisoned for breaking the Aliens Law, i.e. simply through being in Greece
- some are being detained – unlawfully, as HRW claims – because they cannot be deported.

Myth no. 3

That immigrants receive the same treatment from the criminal justice system as Greeks.

This is not an easy myth to attack, but there are several grounds for doing so. First, we should note the very large proportion of arrests for non-immigration offences since 1993. Papantoniou (1998) has shown that in 1994 the number of immigrants arrested exceeded that for Greeks [61,000 compared with 49,000 Greeks] and that this continued into 1995. If we include arrests for the Aliens Law, the figure goes up to 210,000 for 1995. This concentration of police arrests of immigrants is remarkable given the very low proportion of immigrant participation in general criminality, but instead a high degree of specialisation, as noted in Myth 1, above. It can only have the effect of being a self-fulfilling prophecy, in that wherever the police concentrate their efforts they are likely to find crime: thus, this first stage of the criminal justice system is biased toward finding immigrant criminals rather than Greek ones.

The second stage of the justice system, is of course the courts. Here, we should note several structural problems:

- that an immigrant is more likely to have been imprisoned before trial, and therefore less able both psychologically and practically to prepare for it.
- that an immigrant probably has limited Greek
- that an immigrant almost definitely will have limited knowledge of Greek cultural behaviour and will be less able to cope in court
- that courts tend to view illegal status as a contributory factor to guilt in other crimes
- that legal assistance is often awarded on the same day as the trial, so the defence is inadequate

Finally, we should note sustained claims by convicted immigrants, documented by Papantoniou (1998) in his extensive interviews in Korydallos, that they were given much harsher sentences than Greeks for similar crimes, and even in some cases with identical roles in the same crimes. Furthermore, we should not disregard the *double peine* policy of Greek courts, which is to punish immigrants twice for the same crime – once by serving a sentence, then followed by deportation. Of course, even worse where such deportation is not actually carried out, and the imprisonment continues.

Myth no. 4

That there is little Greece can do about the problem of crime and immigrants, other than to keep out or expel illegal immigrants.

I conclude my paper with this myth, which is perhaps the most serious of all. First, it should be said that no country has managed to keep out illegal immigrants, so it seems odd that the Greek state thinks it can do so. Secondly, in the views of many analysts, the problems of criminality in the immigrant population are mostly related to their illegal status and their poverty. Thus a more intelligent immigration policy, as I have advocated elsewhere (Baldwin-Edwards, 2001), can relieve much of the pressure on the police, courts and prisons. Another issue for the future is the criminality of subsequent immigrant generations: here, the experience of Sweden is unusual, with massive drops in second generation crime – in contrast to the rest of Europe (Savona, 1998: 5,8). The crucial point here is the successful *incorporation* of immigrants into society, rather than being left as ‘aliens’ or outsiders.

Below, I offer some thoughts on where attention might be directed for the future:

- A reform of immigration practices which would facilitate lawful rather than illegal migration and work in Greece, and allow the police and public authorities to focus on major crime rather than the breaking of immigration rules.
- Serious reflection on policing practices, where concentration on immigrants may be leaving unsolved much crime by Greeks and exposing too easily the petty crime of aliens
- Attempts to go beyond the petty criminals and deal with the serious crime problems of Greece – organised crime, largescale trafficking in drugs and people, forced prostitution, other “mafia-style” activities
- Proper statistical data collection and rapid publication, with detailed data on all crimes, arrests and court cases which permits reliable analysis of crime in Greece – particularly conviction rates by region, crime and nationality
- Recognition by the state and police forces, of the social legitimacy of the majority of immigrants in Greece who are accepted and frequently welcomed by the Greek population – perhaps we could call this “community policing”
- Some reflection by the Ministry of Justice on exactly why they have so many immigrants in prisons, and what alternatives can be quickly developed
- Modernization of policing methods and specialised training courses for police officers, with increased pay as the necessary incentive for acquiring new skills

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