

More refugees, more offenders, more crime? Critical comments with data from Germany

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Abstract

This contribution assesses the topic of correlations between increasing refugee numbers and crime statistics based on data collected during the migration of more than one million refugees to Germany in 2015 and 2016. The first part is about the difficulties of comparing crime rates of nationals (in this case Germans) to those of non-nationals for various reasons, including registration and especially due to certain prevailing social factors and circumstances, such as gender and age. The contribution further analyses the paradox of citizens estimating sharply increasing crime rates, while the crime rates for most offences are in fact declining. After displaying and evaluating the rate of crimes committed by non-nationals, the contribution turns towards the subject of crimes committed against non-nationals, with a special focus on crimes committed against refugees in general and refugee women in particular.

Key words

refugees, crime, correlation, critical, Germany

Learning Outcomes

After reading this chapter, the reader should:

1. Understand that one cannot simply compare rates of crimes committed by non-nationals to those of crimes committed by nationals.
2. Realize that public opinions on the development of crime rates do not reflect the actual development of crime rates and even overestimate the increase in crime sharply.
3. Be aware of the fact that non-nationals are not only offenders, but also frequently victims of crimes.
4. Have an idea about which measures appear promising to promote integration and a stable society despite the influx of many refugees.

1. Introduction

Crimes committed by so-called “foreigners” is a subject which is of high political brisance and the topic of many controversial discussions in criminology. This contribution analyses in its first part how crimes of non-Germans are registered in Germany’s police crime statistics and which developments have unfolded in the years of 2015 and 2016 against the background of more than one million refugees fleeing to Germany during this time.

The official numbers are commented and evaluated criminologically. The second part displays the topic of crimes against foreigners, taking into account not only recent developments, but

also the crimes of the so-called „NSU“¹. The NSU is accused of inter alia having committed a series of murders against (at least) 10 migrants from 2000 until 2006, bombings, the murder of a police officer and 15 robberies. The Federal Prosecutor General labelled the group as right-wing extremist with the alleged purpose to kill citizens of foreign descent out of a xenophobic and subversive attitude.

From a criminological perspective, the central problem in evaluating crimes committed by “foreigners” is that the category of “foreigners” is criminologically worthless, because it cannot be defined distinctively. Even citizenship is no suitable criterion, since people can have more than one citizenship. Non-German suspects are not only foreigners in the sense of people without German citizenship, but also refugees, asylum seekers, exchange students, long-distance truckers, stationing forces and tourists. Migrants for example do not fall within this category. The city of Berlin alone with 3.5 million inhabitants is visited by roughly 8 million foreign tourists each year. It would thus be futile to compare the number of foreign suspects to the percentage of Berlin citizens with a foreign descent, as the demography unlike the crime statistics neither registers the groups named above, nor travellers or members of internationally organized gangs. For this reason the Federal Criminal Police Office explicitly points out that the police crime statistics do not allow for a valid comparison of crime levels between Germans and non-Germans.

We further know that there are no such things as a statistic reality, since statistics are only a more or less close, but never an exact depiction of reality. Nevertheless the subject of the criminality of foreigners has been on the rise in recent public debates and is increasingly abused in political discourse. The data on the criminality of foreigners are mostly interpreted incorrect – either unknowingly or on purpose. A scientific description and analysis of the development of crimes committed by non-Germans, foreigners, migrants and/or refugees in Germany is difficult due to various reasons. The following article aims at compiling and evaluating all information currently available.

2. The development of crimes, committed by non-Germans

Until 2014, the so-called „Polizeiliche Kriminalstatistik“ (PKS)², which is the crime statistics published by the German police, only categorized German as well as “non-German” suspects. These “non-German” suspects include foreign nationals, refugees and asylum seekers (legal and illegal ones), but also exchange students, commuters, military deployment officials and tourists. In the city of Berlin alone, with 3.5 million inhabitants, up to 8 million foreign tourists are registered yearly and some of them commit crimes. In 2015, the category “migrants” was introduced to the PKS.³

However, migrants and people with a migration background are not registered separately⁴. More than ever before, roughly 17 million people in Germany were estimated to have a migration background in 2015 (meaning approx. 21% of Germany’s total population). The large increase is mainly due to foreign migrants. In 2015, roughly 11.5 million people with direct

¹ The name national-socialist underground (NSU) refers to a right-wing extremist terrorist group discovered in November 2011 in Germany, which operated already in the 1990s, but was not recognized by federal investigations for many years.

² An overview of the content of the PKS 2015 in English can be found here: <https://www.bka.de/EN/CurrentInformation/PoliceCrimeStatistics/2015/pcs2015.htm>.

³ Cf. PKS 2015 Yearbook, pp. 6, 190ff.

⁴ Concerning the issue of crimes committed by migrants see Feltes/Weingärtner/Weigert, *Ausländerkriminalität*. In: *Zeitschrift für Ausländerrecht (ZAR)* 2016, p. 157 ff., <http://de.statista.com/statistik/daten/studie/1221/umfrage/anzahl-der-auslaender-in-deutschland-nach-herkunftsland/>.

migration experience (first generation migrants) lived in Germany; a 5.5% increase from the previous year.

According to the PKS in 2015, the proportion of non-German suspects was 38.5%, while the proportion of foreigners in the general population was estimated at 11.1%⁵. At first glance, these numbers show high discrepancies, but can already be put into perspective by subtracting the offences that refer to laws concerning only foreign citizens, and thus cannot be committed by German citizens. Taking this into account, the proportion of non-German suspects falls to 27.6%. But, factors influencing the development of the numbers included in the PKS must also be noted. These include reporting behaviors, police control, mistakes during statistical data collection and so on. The PKS does not offer a completely reliable reflection of the actual crime rate in Germany, but depending on the type of crime, a more or less reliable approximation to reality.

The so-called “Bochum Dark-field Studies” (Bochumer Dunkelfeldstudien) were able to show that about two-thirds of the increase of assaults registered by the police could be explained by an increase in the readiness to inform the police⁶. Thus, reporting to the police is an important determinant concerning the scope, structure and change of the statistically recorded and hence visible crime rate⁷. Without an appropriate clarification of those offences that remain unreported, statements on changes in crime rates, committed crimes and offenders based solely on the PKS remain inadmissible.

A comparison of the actual crime rates between the non-German and the German population is also inadmissible due to the dark figure of the unidentified perpetrators (“perpetrator dark field”). It’s almost a matter of common knowledge that less than 30% of all procedures given to the public prosecutor’s office by the police and are thus declared as “solved” by the police, actually lead to court proceedings⁸. The remainder of procedures is mostly dismissed due to various reasons.

Based on dark field studies, at least 20 to 25 million crimes are committed in Germany every year. Only six million crimes are reported to the police (approx. 25% of all crimes), less than two million people are identified as suspects by the police (10% of all crimes) and less than 800,000 (roughly 3.2%) are finally convicted by the courts. This implies that roughly 1 in 30 crimes leads to a conviction. Thus, basing the analysis on either the PKS or the law enforcement statistics to evaluate crimes committed by foreign residents, can lead to diverging results: In 2013, approx. 185,000 non-Germans were convicted by German courts. The number of non-German suspects registered by the police was about 538,000. This difference is partly based on the fact that the police categorize many cases as “solved”, even though this decision cannot be upheld in the course of the judicial procedures. In addition, the German judicial system has some special legal characteristics: Criminal proceedings can only be closed by the public prosecutor’s office, not by the police. The police are obliged to investigate all cases that come to their knowledge and must then submit their findings to the public prosecutor. One example: In only one or two of 100 burglaries, a person is convicted⁹. Hence, one can only give a very rough assessment on the origin of burglars, because we have no reliable knowledge of the offender in the remaining 98 of 100 cases.

⁵ On December 31. 2015, a total of 9.107.893 foreigners lived in Germany; Total population in September 2015: 81.770.944.

⁶ 2. Periodischer Sicherheitsbericht der Bundesregierung, 2006, S. 20.

⁷ See Henkel: Anzeigeverhalten. In: Kriminologie-Lexikon Online, http://www.krimlex.de/artikel.php?BUCHSTABE=&KL_ID=17 (19.06.2016).

⁸ In 9.4% of all cases, a charge is made, in 11.5% a penalty order is issued (Numbers taken from the year 2014).

⁹ Cf. Feltes (2013), available here:

<https://www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument?Id=MMST16/951>.

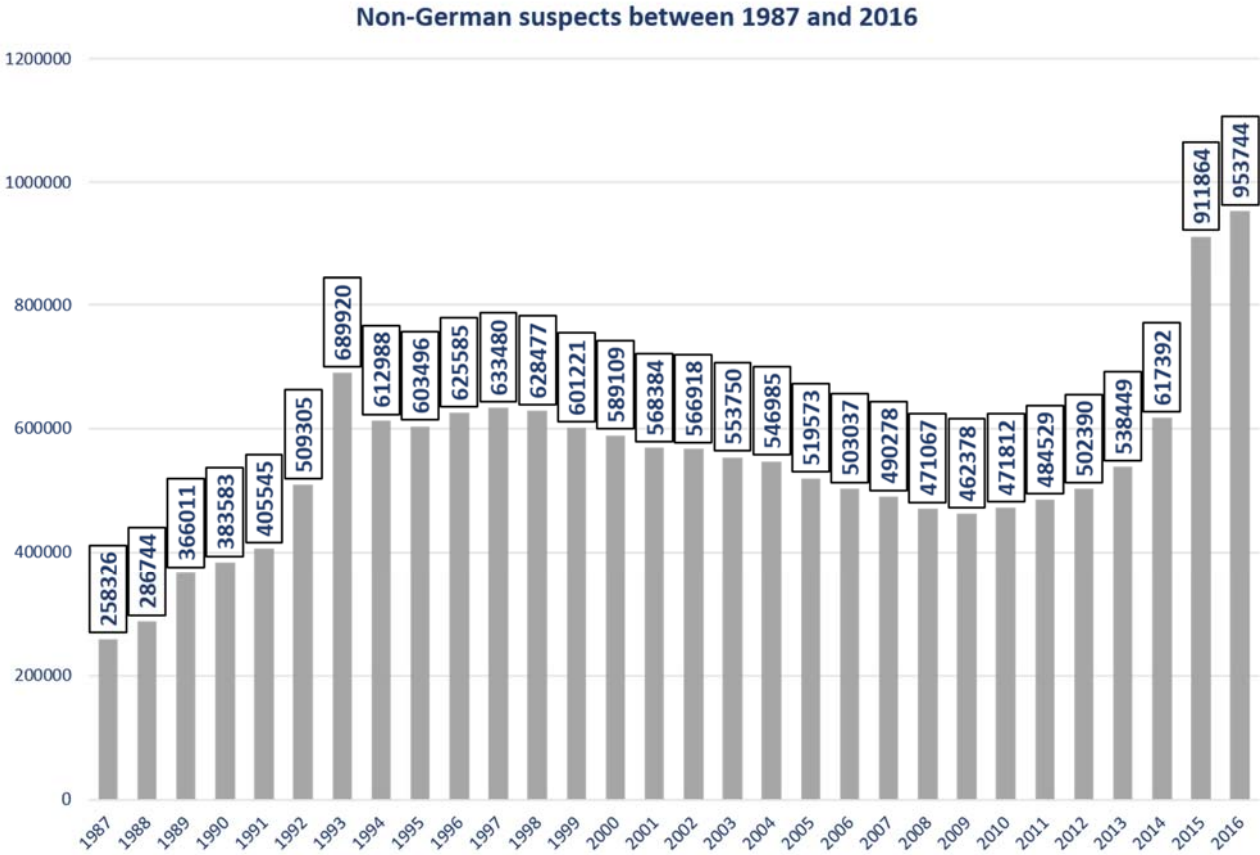
As about 1.2 million refugees arrived in Germany in 2015 and 2016 in total, this also changed the ratio of Germans to Non-Germans. Refugees surely also commit crimes in Germany – and they also are victims of crimes (see following part). But, they do not necessarily have to be more delinquent than the average “German”. In Berlin, for example, the crime rate of refugees and asylum seekers is close to the average of the total population. The local state office of criminal investigation in Berlin (Landeskriminalamt, LKA) has emphasized that no disproportionate crime rate of migrants can be observed.

It is thus scientifically inadmissible and politically pointless to compare the number of crime suspects with a migration background to the proportion of foreigners in the general population, as the population statistics does not include the above-mentioned groups (refugees, migrants), or passing-by tourists or members of internationally organized gangs. Therefore, the PKS does not allow for a comparative analysis of the crime rates of Germans and non-Germans.

Still, the issue of foreign crimes and criminals has become important in the public discussion in Germany since 2016. This topic was and is still being abused for political debates, especially on the background of right wing or even extremist parties getting stronger in nearly all European countries.

In fact, the total number of non-German suspects registered by the police has risen from 617,392 in 2014 to 911,864 in 2015 and to 953,744 in 2016.

Figure 1: Number of non-German suspects between 1987 and 2016¹⁰



¹⁰ PKS 2015 Yearbook, Table 50 and PKS 2016, p. 59; author’s own depiction.

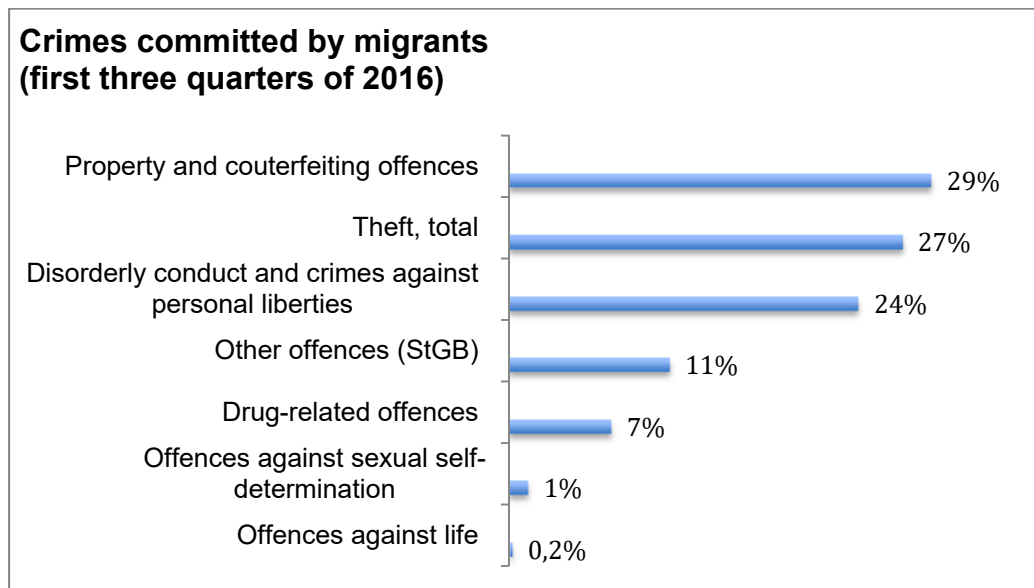
To examine this development, the following must be taken into consideration: The PKS includes only a fraction of all crimes committed in Germany (dark-field). Approximately 20 million crimes are committed in Germany every year, but only 6 million crimes are reported to the police. In addition, it is possible that non-Germans are reported more often than Germans¹¹. Moreover, the question whether police investigations against foreigners are done more thoroughly and thus, these suspects are convicted more often, still remains unanswered.

In the preliminary remarks of the PKS, the Federal Criminal Police Office (Bundeskriminalamt, BKA) points out that due to the increase of asylum seekers and refugees in 2015, “unusual increases” of criminal offences were recorded, concerning residence and asylum process laws (increase of 246,345 cases, 157%). This has led to an increase in the overall crime rate of 4.1%. The fact that almost all of these proceedings are closed by the public prosecutor’s office, does not affect the PKS. Observing the development of the crime rate without these offences, a mere increase of 2,240 crimes (+ 0,04) could be registered.

For the first time in 2015, not only “Germans“ and “non-Germans“ were registered in the PKS, but also “migrants”. “Migrants” here refers to persons who enter Germany as natives of a non-European-Union state to stay either temporarily or permanently. Suspected “migrants” according to this definition, are registered within the PKS with the resident titles “asylum seeker”, “tolerated stay”, “quota refugee/civil war refugee” or “unauthorized resident”.

For the first nine months in 2016, the Federal Office of Criminal Investigation (BKA) reported 215.000 crimes with refugees as suspects. The different types of these crimes, registered by the police, are shown in the following figure.

Figure 2. Crimes committed by migrants in Germany from January to September 2016¹²



How complicated and refined the registration of foreign suspects is, becomes clear with the following statement from the BKA: “Suspects with a positively concluded asylum procedure, who are recognized as ‘internationally/nationally entitled to protection or asylum’ are registered within the collective term ‘other permitted residence’. There is no sufficient knowledge of the

¹¹ See Mansel, in Groenemeyer & Mansel (Eds.), 2003, pp.261-283.

¹² https://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Kurzmeldungen/2017/kernaussagen-kriminalitaet-im-kontext-von-zuwanderung.pdf?__blob=publicationFile, p. 5.

ratio of those persons entitled to ‘international/national protection or asylum’ within the ‘other’ category. The following information on suspected migrants can therefore only be seen as a ‘partial amount’ of the category of persons that must be taken into account. In the observation of crime rates, offences against laws concerning foreigners are not included.”¹³

Taking these remarks into account, the following was registered in 2015: 1,456,078 German suspects, 441,582 non-German suspects and 114,238 migrant suspects.

The proportion of male suspects within the migrant category was 86% (in comparison: Germans 73%, non-Germans 78%).

Divided by nationality, most offenders came from Syria and Afghanistan, as most of the refugees came from these countries also. This is the reason, why absolute data on the numbers of foreign offenders are not presented here. They are useless from a criminological point of view, although they might be necessary for internal purposes by state organizations.

The proportion of migrants committing serious offences is very low. For example, only 1.2% of all crimes committed by Syrians were aggravated robberies – a smaller percentage than in 2015.

The following table illustrates that the increase is ultimately limited to 63,000 offences, if one analyzes crimes without offences against laws concerning foreigners’ provisions, because these offences cannot be included in the comparison. There remains an increase of 13% - considerably less than the 48% suggested by the inadmissible comparison of suspects of all types of crime. Moreover, it becomes evident that those crimes that were discussed mostly and most controversially by the public, e.g. domestic burglaries and sexual assaults clearly increased at a lower rate.

Table 1: Police-registered offences of non-Germans from 2014 to 2016

Type of offences	2014	Increase	% ⁽¹⁾	2015	Increase	2016	% ⁽¹⁾
Total offences, excluding offences against the laws of residence, asylum process and against the Freedom of Movement Law/EU (89000) (without key number 725000)	492.610	63.210	13%	555.820	60.410	616.230	11%
Burglary including housebreaking (435*00)	6.052	1.044	17%	7.096	200	7.296	3%
Aggravated theft (4***00)	38.471	4.465	12%	42.936	50	42.986	0%
Simple theft (3***00)	124.734	25.810	21%	150.544	1.614	152.158	1%
Offences against sexual self-determination (100000)	6.090	502	8%	6.592	2.106	8.698	32%

(1) %-numbers are rounded off. Sources: Excel-tables of the BKA, PKS Table 50 of 2014, 2015 and 2016 respectively.

(2) The numbers in brackets after the offence refer to the category in which they are listed in the PKS. An asterisk indicates sublevels of offences, e.g. “Simple theft” (3***00) includes sublevels such as “Simple theft of cars”, including “Unauthorized use” (3**100), which may then include sublevels such as “Unauthorized use of vehicles by men” (300140). Why this (*) total sum is clearly higher than the total number of crime suspects according to the PKS (911.864), remains unclear.

¹³ See PKS 2015 Yearbook, p. 190.

We need to be very cautious when comparing the crime rates of Germans and migrants. If one would attribute the increase in crime that was observed in 2015 entirely to the refugees that entered Germany in this year, this would lead to a rate of suspects per 100.000 (Tatverdächtigenbelastungszahl, TVBZ) of 5,800 for this group of refugees. This rate for Germans was 2,124. Hence, the rate for refugees would be considerably higher than the rate for the Germans. But if we take a closer look at the rate of Germans aged between 16 and 30 (which is the age group most closely to that of refugees¹⁴), one comes to another conclusion. Here the rate for Germans ranges between 4,200 and 5,800, so absolutely in the range that is calculated (though inadequately¹⁵) when observing refugees only. If we apply these numbers to those offences that seem to matter most to the public (such as burglaries and sexual assaults), then the increase of non-German suspects (and especially of refugees) is considerably lower than one would initially expected.

Additionally, most of the migrants are men and as such (just like their German counterparts) appear significantly more often in crime statistics than women. The ratio of crimes committed by men to crimes committed by women is 4:1 in general and even 7:1 regarding violent crimes. The high proportion of crimes among young migrants can thus also easily be explained criminologically.

The statistically shown, superficial crime-surplus of foreigners and refugees can be almost completely explained by other factors such as age, sex and socioeconomic status. Crime is not a question of one's passport or ethnic affiliation, but of one's living circumstances.

Generally speaking, the crime rate of Germans and non-Germans, and especially of refugees, cannot be compared directly, mainly due to different structural compositions (age, sex and social structure), which play a major role for the crime rates within the individual groups. Those persons residing in Germany without German citizenship are – in comparison to the German population – on average younger and more often of male sex. They are more likely to live in large cities, more likely to belong to lower income and lower education classes and are more likely to be unemployed. These factors lead to a higher risk of committing crimes and becoming conspicuous to the police. If one tries to take the distorting overrepresentation caused by these factors into account when examining the PKS, no or only a marginally higher crime rate of non-Germans remains¹⁶.

The ethnic background is not a crime-inducing factor. More important are the respective living circumstances and history of education as contributing factors to the development of delinquency. As the Police of Berlin have pointed out: "The causes of crime are various (...). An important role is played by an individual's socialization and social background. Relevant sociological factors of influence include the level of education, language skills (or lack thereof), confrontation with crime in one's childhood, peer groups and one's financial status." Some of the economic and social conditions may affect foreign natives in Germany more than German nationals¹⁷. This effect has already been observed in early studies by the Bavarian state office of criminal investigation under the leadership of Wiebke Steffen¹⁸. Crime is strongly dependent

¹⁴ Approximately 513.000 or 56% of the total group of non-German suspects were under 30 years of age (in 2015).

¹⁵ This calculation is also inadmissible due to the fact that not all 1.1 million refugees were in Germany for the complete year of 2015 and thus could not commit crimes there.

¹⁶ See Heinz (2003), available at: <http://www.uni-konstanz.de/rtf/kik/Jugendkriminalitaet-2003-7-e.pdf> and Heinz (2015), available at: <http://www.bpb.de/politik/innenpolitik/gangsterlaeufer/203562/zahlen-und-fakten?p=all>.

¹⁷ PKS Berlin 2014, p. 104.

¹⁸ Cf. Steffen (1992) available at https://www.polizei.bayern.de/content/4/3/7/15_auslaenderkriminalitaet_bayern.pdf.

on one's living conditions. The word "foreigner" is a political category, "which is a result of the difference between an individual's citizenship and his current geographical location". The fact of whether or not an individual holds a German or non-German citizenship cannot make him/her more of a criminal¹⁹, but instead the thereto-relating features and issues may lead to higher crime rates. Within the field of criminology, it remains undisputed that one's living circumstances play a decisive role for the potential development of crime and especially for the development of criminal careers. Neither individual nor cultural features determine crime development, but instead, the social, economic and family features are of high relevance.

If one takes a look at the individual feelings of German citizens, especially at the fear of crime, one can observe a very unique tendency for some years: Although violent crime is decreasing in Germany, fear of crime is increasing. The following data stem from a survey in Bochum in 2016, where we interviewed 3500 inhabitants via the Internet.

Table 2. Bochum Survey 2016²⁰

	Theft	Robbery	Assault
"... increased in Germany."	92 %	81 %	80 %
Crime Statistics* in Germany	+ 1,8 %	- 1,8 %	+ 0,3 %
"... increased in neighborhood."	53 %	34 %	29 %
Crime Statistics* in Bochum	n.a.	- 15 %	- 1 %
"I will be victimized within the next 12 months."	32 %	19 %	21 %
"I have been victimized within the last 12 months."	12.3 %	0,3 %	1.6 %

* between 2014 and 2015.

Although the number of crimes registered by the police decreases or remains stable for robbery and assault in Germany and in Bochum, the people have the feeling, that these crimes are raising dramatically (over 80% in Germany and 29% (assault), respectively 34% (robbery) in their neighborhood). And this discrepancy is even bigger if we look at the relation between their own victimization (as reported in our survey) and their assessment of being victimized within the next 12 months: Although only 0.3% have been a victim of a robbery during the last 12 months, 19% estimate that they will be a robbery victim within the next 12 months (for assault, the relation is 21% vs. 1.6%).

Analyzing these discrepancies, we must consider the fact that more and more people in Europe realize the disadvantages of a globalized world and the fact, that the European Union is fading and terrorist attacks are getting closer. The currently high anxiety about one's future as well as general social worries, e.g. of poverty or illness at a high age are hereby easily projected on a group of people, who is not criminal per se, but may potentially become criminal, if we do not treat them adequately. In general, such fear of the future, caused by a broad and exceedingly understandable insecurity in our society, seems to massively influence public discussion. Factors that are not or not easily influenced include the global challenges of more than 60 million people world-wide currently fleeing from war, riots or droughts²¹ as well as the financial crisis caused by zero-interest politics as well as the increasingly high gap between rich

¹⁹ See Eisner, Neue Kriminalpolitik 1998, 11 (11 ff.).

²⁰ Data will be published end of 2017. Preliminary data are available here: www.kriminologie.rub.de.

²¹ Cf. <https://www.uno-fluechtlingshilfe.de/fluechtlingszahlen-fakten.html>.

and poor becoming more and more visible to all citizens²². But these factors are often covered up by instead searching for scapegoats, who cannot defend themselves. If you feel like an outcast, you are less likely to see the importance of society and are thus less likely to empathize with your fellow citizens.

This makes the successful integration of refugees into our society more difficult, though integration is the best approach of preventing crime. If one applies the basic criminological findings to the current situation in Germany, then it becomes clear that we must succeed in integrating refugees and creating appropriate social conditions for them. It also makes family reunifications indispensable, as intact families are a protective factor against crime, together with well-functioning neighborhoods. Social cohesion, which meanwhile is seen as the most important crime-preventing variable²³, must therefore be strengthened.

3. Crimes against refugees and migrants in Germany – Overview and developments of the past decade²⁴

Crimes against refugees have been on the rise in Germany. This part aims at examining the recent developments within the Federal Republic of Germany, focusing first on available data of the years 2015 and 2016. It also gives a broader overview of crimes against refugees and migrants since Germany's reunification in 1990, including crimes committed by the so-called "National Socialist Underground" or "NSU". Finally, potential causes of these crimes are explored.

With the increased influx of refugees and asylum seekers to Germany and the whole of Europe in the late summer of 2015, crimes against refugees also became more prevalent. Although the influx of refugees has been markedly decreasing²⁵, the same cannot be said about crimes committed against them. In 2016 alone, about 10 attacks against refugees were recorded daily, leading to a total of approximately 3,500 attacks²⁶. These are the official numbers published in a paper by the German Federal Government, which strongly condemns these crimes. Accordingly, there were 2545 attacks on refugees outside their accommodations, in addition to 988 attacks on refugee housing. In total, 560 people were injured, including 43 children²⁷. These are the highest numbers in the history of Germany.

²² Cf. the Poverty- and Wealth-report of Germany's federal government, available here <http://www.armuts-und-reichtumsbericht.de/DE/Startseite/start.html>. In the year 2013, ten percent of all households owned 51.9 percent of the net wealth. 15 years earlier, the figure was still at 45.1 percent. In contrast, the lower 50 percent of all households owned less than one percent of net wealth in 2013. In 1998, they still owned 2.9 percent.

²³ Cf. Weisburd, Farrington & Gill (Eds.), 2016.

²⁴ We thank Jasmine Golombe for assisting us in preparing this part.

²⁵ As an example for the decrease of refugees entering Germany: In March 2017, 14,976 asylum seekers officially entered Germany, mainly from Syria, Afghanistan and Iraq (See:

[http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2017/04/asylantraege-maerz-](http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2017/04/asylantraege-maerz-2017.html?nn=3315588)

[2017.html?nn=3315588](http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/04/asylantraege-m%C3%A4rz-2016.html)) while in March 2016 the official number was 20,608 asylum seekers (source:

<http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/04/asylantraege-m%C3%A4rz-2016.html>).

The current decrease of incoming refugees does not pertain to Germany alone, but has been recorded for Europe by Frontex, the European border protection agency, in January 2017. <http://frontex.europa.eu/news/drop-in-arrivals-to-the-eu-on-three-main-migratory-routes-in-january-qNS6lJ>.

²⁶ <http://www.ulla-jelpke.de/2017/02/ueber-3-500-gemeldete-uebergriffe-auf-gefuechtete/>, for details see:

http://www.ulla-jelpke.de/wp-content/uploads/2017/02/KA-18_11085-%C3%9Cbergriffe-Fl%C3%BChtlingsheime-IV-2016-Teil-1.compressed.pdf and

http://www.ulla-jelpke.de/wp-content/uploads/2017/02/KA-18_11085-%C3%9Cbergriffe-Fl%C3%BChtlingsheime-IV-2016-Teil-2.compressed.pdf.

²⁷ <http://www.sueddeutsche.de/politik/fremdenhass-mehr-als-angriffe-auf-fluechtlinge-im-jahr-1.3395560>.

A confidential report by the BKA stated that 450 physical assaults against refugees were reported in 2016, leading to the BKA’s conclusion that “‘hate-motivated, personalized crimes violent crimes’ may still increase even further”. The dark figure is even higher, especially for right wing motivated crimes, as not every crime against refugees comes to the authorities’ attention. The reporting rates of violent crimes are often especially low and especially arson attacks on refugee accommodations usually have a low rate of successfully being solved²⁸.

The German PKS does not include comprehensive data on crimes committed against refugees or migrants. Instead, the BKA lists right-wing crimes against refugees. For the year 2015, 1305 right-wing crimes against refugees were registered, in comparison to 482 crimes in the previous year²⁹ and the BKA registered 1031 attacks on refugee housing³⁰, while the number marginally decreased to 988 attacks in 2016³¹.

Independent of the PKS, the Federal Ministry for the Interior registers “Politisch Motivierte Kriminalität” (“PMK”), meaning politically motivated crimes. It includes the categories ‘left wing PMK’, ‘right wing PMK’ and ‘PMK committed by foreigners’. From 2014 to 2015, an overall increase of 34.9% percent of right-wing PMK was registered, crimes which also include attacks on refugees and refugee housing³². These numbers do include more crimes than those aimed solely against refugees, but noting this development contributes to the larger picture that right-wing crimes are generally increasing in Germany. Still, non-governmental organizations such as Pro Asyl criticize that the PMK is not a valid depiction of reality, mainly because the underlying model of extremism does not allow for racism stemming from parts of the middle class to also commit these types of crimes³³.

To examine the development of crimes against refugees, it makes sense to not only look at the official numbers of the BKA, but also at those of non-governmental organizations. Since 2015, a “chronicle of anti-refugee incidents” includes four categories: (1) Arson attacks on (planned) refugee housing or other accommodations for refugees, (2) other, miscellaneous attacks e.g. right-wing graffiti, (3) physical attacks of refugees and (4) right-wing demonstrations and rallies³⁴.

Table 4: Number of anti-refugee incidents listed by “Mut gegen rechte Gewalt”. (Author’s own depiction)

	2015	2016
Attacks on asylum-seekers and their accommodations	1249	3730
Including assaults of refugees (physical attacks)	188	589
Including arson attacks of accommodations	125	120
Including other attacks on accommodations or asylum seekers (threats, firing of shots, throwing stones etc.)	936	3021

²⁸ See Röpke (2017), p. 19.

²⁹ Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Monika Lazar, Luise Amtsberg, Volker Beck (Köln), weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN – Drucksache 18/6513 – Fragen zur polizeilichen Lagebilderstellung von Anschlägen gegen Flüchtlingsunterkünfte (PDF), Deutscher Bundestag, 14. December 2016, p. 2 f.

³⁰ Kriminalität: BKA-Chef warnt vor Gefahr neuer rechter Terrorzellen, Süddeutsche Zeitung, 25. Juni 2016.

³¹ sueddeutsche.de: Mehr als 3500 Angriffe auf Flüchtlinge.

³² See: https://www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2016/05/pmk-2015.pdf?__blob=publicationFile.

³³ <https://www.proasyl.de/news/rassistische-gewalt-gegen-fluechtlinge-nimmt-weiter-zu/>.

³⁴ <https://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

Injured asylum seekers (either by assault or arson attacks, etc.)	267	432
Demonstrations/rallies	291	59

At the same time, at least 141 cases of suspected arson in refugee accommodations could be observed in 2016, while the official numbers of the BKA are stated at merely 66 cases. The newspaper “taz” explain this discrepancy by stating that the BKA only receives data of the federal state police on those crimes that are seen as politically motivated. This also includes the risk of the police falsely suspecting refugees, when in fact the crime may have been politically motivated³⁵.

Taking a closer look at the distribution of crimes against refugees across Germany, the crime rate in one state is particularly striking. The state of Saxony appears to have the highest rate of right-wing motivated crimes, considering it is a relatively small state. Formerly part of the German Democratic Republic, its economy is still not on par with other states, especially in Western Germany. “More than 700 far-right and racist events were registered in Saxony in 2015, more than anywhere else in Germany and more than ever in the history of the Federal Republic. More than 200 right-wing crimes of violence were officially registered that year, more than double the figure in 2014. (...) As measured by the population density, Saxony is the undisputed forerunner when it comes to such attacks. (...) It can be no coincidence that the far-right terrorists of the NSU (National Socialist Underground) could live here undiscovered for thirteen years”³⁶.

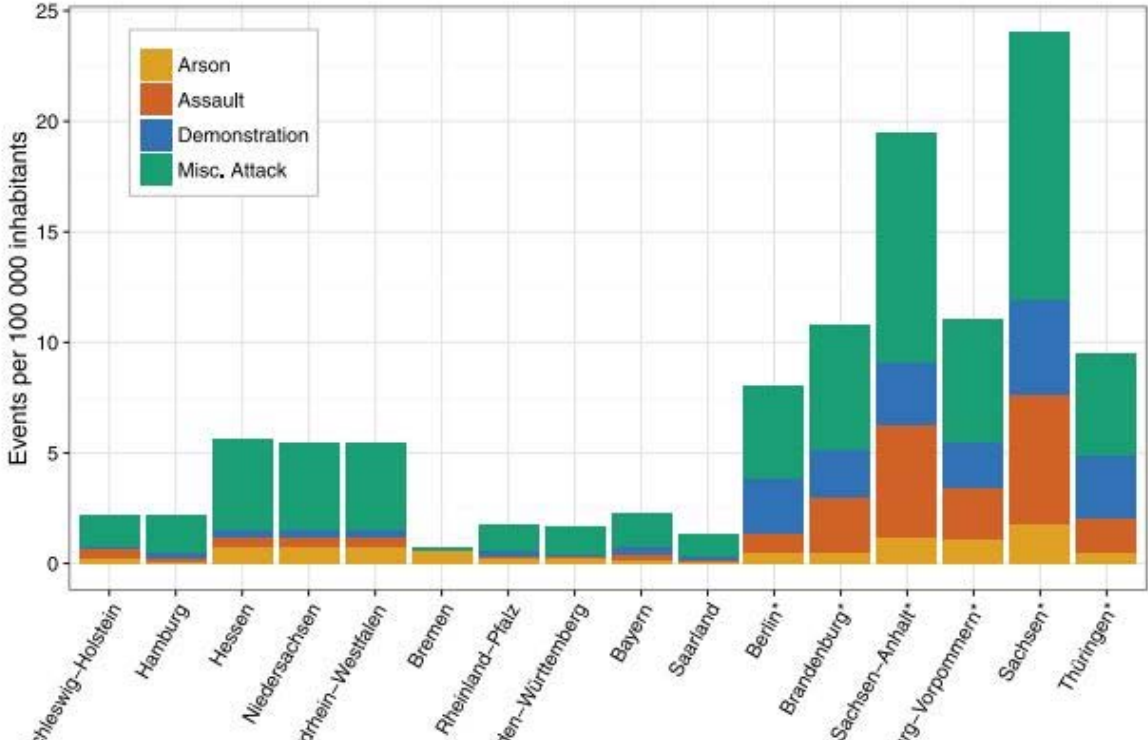
Based on the before mentioned, “chronicle of anti-refugee incidents”, a dataset was developed by Benček and Strasheim³⁷. The following figure is taken from their study and depicts the various anti-refugee events per 100,000 inhabitants and grouped by federal states.

³⁵ <http://www.taz.de/Brandanschlaege-2016/!5367296/>.

³⁶ Röpke 2017, p. 114.

³⁷ Benček/Strasheim (2016), in: Research and Politics, 3, 4, 1-11.

Figure 3. Anti-refugee events per 100,000 inhabitants by state and category.



Events per 100,000 inhabitants by state and category. Federal states of the former German Democratic Republic are marked with an asterisk.

There appears to be a strong discrepancy between the Western and Eastern regions of . The

Federal states of the former German Democratic Republic, located in the east of Germany, show a much higher ratio of events, with Saxony having the highest overall numbers, but also for the individual categories of arson, assaults, demonstrations and miscellaneous attacks.

Crimes against refugees are not a completely new phenomenon in Germany. They have existed since its foundation in 1949, with a marked increase in 1990 after the reunification of East and West Germany and an even more visible increase in 2015, mainly due to the European “migrant crisis”. Since Germany’s reunification, the first increase of crime against migrants was recorded in 1991-1992, especially between the riots of Hoyerswerda in 1991³⁸, and the Rostock-Lichtenhagen riots in 1992³⁹. Back then, these attacks and protests against refugees were presumably also sparked by an increase in refugees coming to Germany.

Since 1990, the BKA’s crime statistics has recorded 75 deaths of right-wing violence victims while the non-governmental organizations lists at least 179 cases, if not even more⁴⁰. This example alone demonstrates that in order to comprehensively understand the current situation in Germany, it does not suffice to look at solely the official government statistics. Even when considering other, non-official statistics, one must also take into account that there is still a high dark figure, mainly based on the underreporting of crime due to e.g. fear of the perpetrator or fear of not being taken seriously by the police.

³⁸ <http://www.nytimes.com/1991/10/01/world/a-wave-of-attacks-on-foreigners-stirs-shock-in-germany.html>.
³⁹ https://en.wikipedia.org/wiki/Rostock-Lichtenhagen_riots.
⁴⁰ <https://www.mut-gegen-rechte-gewalt.de/news/chronik-der-gewalt/todesopfer-rechtsextremer-und-rassistischer-gewalt-seit-1990>.

The most alarming right-wing crimes in the past years were allegedly committed by the “Nationalist Socialist Underground” or “NSU”; a group that can be seen almost as a synonym for right-wing terror⁴¹. It radicalized in the 1990s and committed its first bomb assault in 1999, followed by a number of bomb assaults and shootings. The alleged trio⁴² is accused of committing ten murders (of nine men with a migration background and one police woman) and three bomb attacks which presumably targeted migrants. The NSU was supposedly active from 1998 up to their discovery by law enforcement agencies in 2011. While the two men committed suicide, the woman (Beate Zschäpe) was taken into custody in November 2011. She is currently on trial for the NSU’s crimes and a judgment is expected in the course of 2017. Why the NSU remained undetected for so many years is an ongoing debate⁴³.

One potential cause of crime against refugees is an increase in xenophobia. As of late 2014, approx. 44 percent of all Germans held prejudices against refugees, while at the same time often not knowing much about them⁴⁴. Data of other studies clearly show that hostility towards young migrants has been on the rise⁴⁵. Most recently, 49% of all people surveyed without a migration background and 48% of those with a migration background agreed to the statement: “The more refugees are taken in by Germany, the higher is the danger of terrorism”. Especially the older generation of 61 years of age or older has a stronger tendency of hostility towards refugees and sees Germany endangered by recent developments. Respondents to this survey, who have a higher level of education, tend show to significantly less negative attitudes towards refugees, while there seems to be no difference between people of a low and medium level of education.

Table 5: Attitudes of Germans towards refugees 2015/2016⁴⁶

Statement „I agree“	Germans <u>without</u> a migration background	Germans <u>with</u> a migration background
The high number of refugees endangers the future of Germany.	35,7 %	38,3 %
The more refugees are taken in by Germany, the higher is the danger of terrorism.	49,3 %	47,9 %
As soon as the conditions in the refugees’ home countries is improved, they should be sent back.	54,8 %	53,8 %

Source: ZuGleich Zugehörigkeit & (Un-)Gleichwertigkeit. Studie der Stiftung Mercator. Author: Andreas Zick; available at <https://www.stiftung-mercator.de/de/projekt/zugleich-zugehoerigkeit-un-gleichwertigkeit/>.

These numbers are alarmingly high and may contribute to the increase of crimes against refugees. Andreas Zick, professor for social psychology and expert on right-wing-populism, sees feelings of fear as a cause for scapegoating of refugees: „At the European level, we have

⁴¹ Röpke 2017, p. 172.

⁴² In 2017, more and more information support the assumption, that there have been more co-perpetrators and a broad infrastructure of supporters.

⁴³ For an overview in English, see: <https://www.nsu-watch.info/2017/03/the-nsu-case-in-germany/>.

⁴⁴ Röpke 2017, p. 13.

⁴⁵ See: Zick (undated), available at: <https://www.stiftung-mercator.de/de/projekt/zugleich-zugehoerigkeit-un-gleichwertigkeit/> (28.07.2016).

⁴⁶ Zick (undated).

clearly seen: If there is a subjectively felt fear of terror, then the people demand discrimination. They want something to happen to the group that is suspected of terror“⁴⁷.

In addition to xenophobia and subjectively increased fear, other recent developments are also noteworthy. Although not directly responsible, the Internet, and especially social networks such as Facebook, can be seen as facilitators for (right-wing) groups to organize and hence plan crimes⁴⁸. Subjective fear of refugees has also been heightened by an increase of fake news spread on social media, e.g. of young girls being attacked or abused by male refugees⁴⁹.

Moreover, citizens' initiatives, supposedly independent of political organizations, seem to have replaced e.g. the far-right party NPD (Nationalist Party Germany), when it comes to successfully establishing refugees as the supposed enemy stereotype⁵⁰. Another alarming development is the recent rise of the populist right-wing party “Alternative for Germany” (AfD). Founded in 2013, it currently holds seats in 13 of 16 German state parliaments. While the party in itself is not yet labeled as extreme right wing, some of its members are currently being watched by the German Agencies for the Protection of the Constitution⁵¹.

An empirical study suggests that while there is a significantly higher probability of anti-refugee crimes in the Eastern parts of Germany, this development can partially be explained by a low presence of foreigners in these areas and thus a higher “fear of the unknown”. Moreover, their findings suggest that the political strength of right-wing parties in a particular area is linked to an increase of attacks on refugees in that area. An interesting finding of this study based on the concept of “behavioral contagion” is that there is an increased likelihood of an anti-refugee crime occurring in a specific area, if there has already been a similar crime there shortly before⁵².

The transitions between right-wing militancy and terrorism are hard to discern and can be fluent.⁵³ Improving the current situation in Germany will be a complex task. More research is necessary on the actual prevalence of crimes against refugees and on potential causes of these crimes (e.g. subjective fear, xenophobia, right-wing parties). Especially in the eastern parts of Germany, where crimes against refugees are high, preventive measures should be implemented. As crimes seem to be especially high in places where refugees are the minority, preventive efforts should focus on bringing refugees and locals together, to diminish the ‘fear of the unknown’ and prejudices.

4. Violence against migrant women

While the general public cried out about cases of sexual harassment that have been performed presumably predominantly by male refugees against Western women on New Year's Eve 2015⁵⁴, female and minor refugees were put at risk to become sexually exploited and assaulted in shelters, due to poor reception conditions and the ‘blind eye’ of authorities. While the official claim for security and protection of (Western) women against rape and harassment received a specific significance especially in the context of the refugee influx in 2015 and continued, the

⁴⁷ See: Interview with Andreas Zick in the newspaper taz on 26.07.2016, <http://www.taz.de/!5327727/> (26.07.2016); Resources for this project can be found here: <https://www.stiftung-mercator.de/de/projekt/zugleich-zugehoerigkeit-un-gleichwertigkeit/> (28.07.2016).

⁴⁸ Röpke 2017, p. 36.

⁴⁹ Röpke 2017, p. 137.

⁵⁰ Röpke 2017, p. 39.

⁵¹ <http://www.zeit.de/politik/deutschland/2017-02/rechtsextremismus-verfassungsschutz-afd-beobachtung>.

⁵² <http://www.tandfonline.com/doi/pdf/10.1080/01402382.2016.1215614?needAccess=true>.

⁵³ Röpke 2017, p. 181.

⁵⁴ https://en.wikipedia.org/wiki/New_Year%27s_Eve_sexual_assaults_in_Germany

risky conditions in which female refugees exist in asylum facilities in Europe and also Germany remained unrecognized and unimproved. Actually, the Western European Countries – and especially Sweden – suddenly appear as „high risk countries for rape“ due to the challenges of the „refugees crisis“ and accompanying post-colonialist stereotypes of the foreign „Other“, perceived as culturally intolerant and sexually aggressive⁵⁵. The perception of sexualized violence shifted exclusively to male refugees as the perpetrators with the migrant flow. As the European migration discourse determines refugees and asylum-seekers primarily as a threat to national security and stability, recognition of how this approach and its implications affect people’s and especially women’s experiences of seeking asylum is outstanding. Not only the question about sexualized violence within the own „white“ (resp. Bio-German) community muted and so far achieved equality between women and men was idealized, equal opportunities between women and men as one of the putative cornerstones of EU of social policy seem not intended to be extended to migrants and – even less – to refugees⁵⁶. Against this background, it is interesting how perceptions about gender and race also shape state-decisions regarding migration and asylum and their implementation.

About 32 percent of asylum applicants in 2015 were women and girls,⁵⁷ the main group are in the age of 18 to 29 years⁵⁸. Many of the often (due to the higher quota of men) male-dominated and overcrowded facilities for refugees do not offer separated lavatories and shower rooms and no designated rooms for women. The operators of reception facilities do not need to verify standardized regulations to prevent sexualized violence in their housings; in practice, no skilled contact person system is installed in refugee shelters. Against this background, aid organizations and researchers presume a high prevalence of sexualized violence against female refugees. Due to various reasons that have to be seen in the cultural framework, foregoing traumatic experiences of war, threat, violence and subjection and missing information of rights and laws, there is no representative research available. But smaller studies hypothesize the existence of diverse forms of sexualized exploitation and violation in refugee facilities also in Germany. At least two main factors influence the settings in which sexualized violence against female refugees occur. Both are closely connected, but take effect also on their own: One refers to the legal structures and corresponding measures of the „host“ countries. In the case of migrant women, their status is primarily perceived as dependent⁵⁹. The other factor is related to the socio-cultural embeddedness and norms of the refugee that become reasserted in the face of daily experiences of racism, powerlessness and exclusion. This concerns not only refugee women, but also men. But as both the treatment and the behavior of women are seen as important markers for the (self-) conception of any cultural body - especially in the context of migration experiences – it becomes obvious to consider gender as a crucial dimension in this instance.

Especially, single travelling women (with or without children) are at risk for exploitation and sexualized violence. Family fragmentation and social isolation accompanied by lacking economic resources keep female refugees in a constant state of uncertainty. Furthermore, „cultural norms that govern women’s roles in social situations may render it difficult for them to become part of larger refugee communities: this isolation may heighten risks of sexual and gender-based violence, including sexual exploitation and forced prostitution“ (Chung, Hong & Newbold 2013, p. 67). Often male refugees in facilities seem to be the perpetrators of exploitation and violence.

⁵⁵ See Messerschmidt (2015), p. 71.

⁵⁶ See Kofman et al. (2000), p. 195.

⁵⁷ Bundesamt für Migration und Flüchtlinge (2015), p. 19.

⁵⁸ Bundesamt für Migration und Flüchtlinge (2016).

⁵⁹ See Kofman et al. (2000), p. 169.

But also married women can be concerned as a consequence of implementing the law: The right to asylum for the wife (and potential children) of an asylum seeker is derived from his status as a refugee and the flight causes consisting in his person, as family and marriage is protected by the German Basic Law. Correspondingly, the applicant related rules of the asylum law concern also the family members. This practice contributes to assess certain asylum-seekers as more “legitimate” than others. Tensions between individuals of different genders can be produced by receiving countries with consequences for the vulnerabilities of single groups of people⁶⁰. So single women „generally can exhibit less evidence for their application in comparison to men when they encounter for proving their claim for asylum“⁶¹. This can also become problematic in cases of (domestic) violence, when residential allowances contribute to continuing assaults respectively limiting the opportunities for (married) women to stop violations. The absence of autonomous flight reasons for wives hamper the decision to separate – both because of missing knowledge of one’s own rights, but also because of the reluctance of authorities to react. Due to their migrant status, asylum seekers have mandatory residence which limits their place of residence locally for a certain period. This obligation cuts down the protection from violence and may contribute to continued assault. The Aliens Authority can abrogate the mandatory residence in specific cases or dispense a perpetrator (or victim) to another accommodation. But very often, concerned women or girls either do not know of counselling services or are reluctant to disclose their experiences to someone external. The under-reporting of sexual violence is supposed as quite high as in most cultures the migrants come from, sexual attacks are perceived as very shameful and disclosure can lead to disintegration and ostracism of the victim⁶². Against this background and keeping the emphasis on the family and ethnic community as a refuge and source of support in mind, the possibility should be considered that even migrant women with experiences of domestic violence see their main priority in their chance to have a family life.

Another reason for missing disclosure can be found in the circumstance that the offender is a volunteer and belongs to the facility or security staff. Former traumatic experiences during war and/or flight with agents of military or police units increase the likelihood that female victims of assaults on site refrain from notification toward authorities in the country of destination. The fear to possibly endanger the success of the ongoing asylum procedure, the lack of knowledge of law and language problems hinders the disclosure of incidents. Sexual „favors“ in exchange for further transfer or food seem to be common on the route to the final destination. But also in shelters in Germany, female refugees complain about an atmosphere of (sexual) violation, generated from the circumstances of placement: missing distance, demonstration of power, brutalization and the lack of self-determination is evident for both women and men, but affects women more than men due to strict gender regimes and cultural standards against the background of their origin and their weak position in the arrival country. Furthermore, the heated societal mood in the connection with the huge number of 800.000 refugees in 2015 and the accompanying medial reaction triggered German authorities to address certain issues inadequately that were assumed to appear problematic. As such issues refer to all kind of debates about national welfare and stability (alleged increase of burglary and drug-related crimes, unjustified utilization of social benefits, terroristic threat etc.), sexualized attacks by male refugees have been (and still are) one of the civil commotion that run between hysteria (in connection with Western female victims) and understatement (in connection with female refugees). In the latter case, the desire of German authorities to calm down things politically in order to meet rising rightwing nationalist denouncements and anti-migrant and racist bias, incidents such as sexualized exploitation and assault especially against women and children in refugee facilities remained unmentioned and unsettled. Their intention not wanting „to fan the

⁶⁰ See Kofman et al. (2000), p. 195.

⁶¹ Bonewit, A., & Shreeves, R. (2016).

⁶² UNHCR (1995).

fires of phobia and contribute to the narrative⁶³ of racism finally led to a situation that put vulnerable groups of people at risk and thereby refuse to adopt International Human Rights and correlated laws⁶⁴ in order to secure the societal quietude.

By cultivating a “securitized” approach to migration, the European Union Member States „transform particular subjects into matters of security in order to legitimize extreme measures to protect a given object, entity or idea“⁶⁵ – in this case the supposed threatened wellbeing and sovereignty of a nation-state. This also has a gender dimension, as it affects women’s experiences of seeking asylum due to their lacking social and economic resources and – in consequence also – their vulnerability for sexualized exploitation and violation. This is the case when the receiving state provides facilities that put refugees at (a more or less accepted) risk of being violated, or when already violation which already occurred is (continuously) ignored. Then, it should be discussed if „the state’s quest for security (through, for example, securitizing migration) can, in itself, be constitutive of violence“⁶⁶. The practiced migration law seems to abolish gender divide and – with the feminization of (economic) migration – create incentives for female migrants. As this already has to be questioned for (labor) migration, it is not true at all for female refugees who are confronted with a presumably nonreflective, but basically racist and female-discriminatory approach and corresponding regulations.

By observing sexualized exploitation and violence against refugee children in the framework of the migrant crisis, three different settings have to be distinguished, which carry different possibilities of endangerment for the target group: children accompanied by their parents/family, unaccompanied and separated children. At the first glance there seems to exist no difference between unaccompanied and separated children, but actually there is an important one. Whereas separated children are accompanied by an adult person who can be an indirect relative (uncle, cousin) or someone (far) known and not originally responsible for their care, unaccompanied children are not in company by adult persons who – at least temporarily - take care of them. While there is more or less clear legislative regulation with regard to unaccompanied children in the EU Member States, the handling of separated minors is inconsistent and risky. As both groups are marked by the absence of a close family member, it cannot be deduced that existing tools for the treatment of unaccompanied children can always be applied to separated children. While for unaccompanied children it is clear that they do not stay under the patronage of any adult person, the link between separated children and the accompanying adult(s) often is not questioned, as for example often no cross-checking of the identity of adults accompanying separated children is conducted. In fact, the relation between minor and adult is of basic relevance for the potential risk of exploitation and abuse. Questioning it would contribute to a decline of sexual exploitation by abusers, smugglers or traffickers.

In 2016, 35 percent of all refugees were children.⁶⁷ Among the overall 300.000 minor refugees, one third is younger than six years. In Germany, 22.255 unaccompanied children below the age of 18 years were seeking asylum in 2015, while there were 35.939 in 2016. The number of children who are not accompanied by their close family is rising even more. Data about refugee children is not systematically collected in EU Member States. In Germany, no detailed information about the number of minor refugees is available. Not only is the specific age not

⁶³ Franciska Vigaud-Walsh in: thinkprogress 11th October 2015.

⁶⁴ Rabe 2015, p. 21.

⁶⁵ Luthmann 2017, p. 6.

⁶⁶ Luthmann 2017, p. 52.

⁶⁷ Eurostat 2016.

measured, but also the risk of missing or double counted recording is present⁶⁸. Therefore, it is impossible to quantify how many children live in Germany without applying for asylum. Furthermore, it is unknown how many children are staying in mass accommodations. The average refugee child's profile is about a 14-17-year-old Syrian boy, accompanied by a relative. In refugee facilities, for example in Germany, exploitation and (sexual) violence against refugee children is both executed by other refugees (male adult and adolescent) and assistance staff (security and voluntary staff). Critics of the conditions in facilities in Germany speak of „structural child endangerment“⁶⁹ and accuse authorities who, although knowing about the risks for sexual abuse in closed communities, establish requirements that put children (and women) at risk: conditions such as multisex, multicultural, multinational environments, tight and noisy spaces, without any activities offered and no specific counselling offered to (traumatized) children (and women). An often-problematic background of the security staff is accompanied by the absence of a basic claim (until previously) for a (extended) clearance certificate for voluntary staff in facilities.

Girls make up about 20% of all minor refugees. They form the most vulnerable group among female refugees⁷⁰. Besides culturally based reasons, the fact that a female refugee minor enters the European Union married (mostly at the age of 16-17-years) is interpreted by some researchers as a „coping strategy“ in their (Syrian, Afghanistan, Iraqi) societies as a way for fathers to send their daughters away without having to pay smugglers⁷¹. Basically, those forced child marriages have to be defeated. In fact, in 2016 1.475 married minors under 18, amongst them 361 under 14 years old have been registered in Germany, whereas the dark figure is estimated much higher. Critics express concerns with regard to the loss of rights and economic security for young women when the marriage gets cancelled in the receiving country.

In Germany, unaccompanied children are supervised by the Youth Welfare Service (Jugendamt), but many of the EU-Member States fail to share necessary information: for example, they do not report missing minors to Interpol's database. These circumstances contribute to the issue of „missing children“ who are assessed by Europol in a figure of up to 10.000, which is – from the view of NGO's - probably underestimated. In Germany, 5.835 children under 18, therefrom 555 under the age of 14 are registered as missing. The number of lost children can have multiple and concurrent reasons: Besides failed filing in national and EU databases, the absence of a clear jurisdiction and an existing multiple responsibility among authorities respectively can contribute to a difficult complexity. In addition, it is imputed that authorities might have no interest to find children because of the efforts or the expenses (for example a migrant child costs €45 per day in Italy whereas an adult costs €35 per day)⁷². Also the – often due to unreasonable bureaucracy exceeding – length of the asylum process contributes to „the risk of children going off the radar“⁷³ as the children become disillusioned, frustrated and desperate – and decide to continue to attempt the journey illegally – and with the help of smugglers. This circumstance is linked to another problem, that of the – false – indication that the (minor) refugee makes with regard to his/her age: With the goal to avoid the authorities' surveillance for unaccompanied children („red tape“), refugees are lying about their age in order to stay „unrestricted“. This can contribute to serious problems in other European countries counting the minor as an adult and thus denying rights, for example of reunification with the family registered in another European country.

⁶⁸ Unicef-Report 2016.

⁶⁹ Süddeutsche Zeitung, 28.09.2016.

⁷⁰ Sansonetti 2016, p. 8.

⁷¹ FRA 2016, p.10.

⁷² Mucci & Paravicini 2016, p. 5.

⁷³ Mucci & Paravicini 2016, p. 7.

On the part of the minor, these „structural“ problems listed above accumulate to certain retentions and behaviors. Huge fear of being caught and sent back or loss of faith in a legal path might make unaccompanied minors hide themselves from the authorities and continue their „own run“ through Europe. Sometimes, even some migration centers help the children stay ‘underground’ when legal status is still not clarified or it was rejected⁷⁴. Actually, just a minority of minors knows about their rights in the asylum procedure. According to their rights, they should be offered secure accommodation, and support to be reunited with their family in a third country. Sometimes they are held intentionally in a lack of knowledge or are provided even with false information – by smugglers, traffickers or accompanying persons. So, separated children are allowed to apply for asylum independently from the accompanying adult, but often these children decide to stay with the adult, probably because they feel safer in company of an adult, but possibly also because of misinformation: „Merging the child’s and the accompanying adult’s asylum applications without conducting a best interests assessment and without involving the guardian can expose children to risks – such as trafficking and exploitation“⁷⁵. Unaccompanied children can be misused by accompanying adults as an inconspicuous „entry“ to the EU: „Thus, loopholes in the protection of unaccompanied refugee children under the European Law create a favourable environment for members of organised crime groups to take advantage of the vulnerabilities of these children in the context of migration“.⁷⁶

Making themselves ‘invisible’ becomes not only dangerous for the children themselves, but also counterfeits the intended protection of rights of unaccompanied children by the EU Member States. Human or organ trafficking, sexual and economical exploitation have become areas of operations within a ‘pan-European criminal structure’ that grows with the increasing migration flow of the last years. Reports about the high number of missing children in Europe and single reported crimes, e.g. concerning refugee boys being raped in Calais refugee camp evolve to a nightmare of potentially lost children abused or killed on their way through Europe. But children, ‘invisible’ or accompanied by abusive adults, are also vulnerable to other forms of coercion deemed as „criminal“, such as selling drugs or food in trafficker-controlled night-time markets, opening lorries etc. Such forced recruitment of children can transform our understanding of what constitutes the causality for acts of crime (...) it places children beyond victim-perpetrator binary⁷⁷ and in consequence endangers or respectively prohibits a felicitous inclusion of the child refugee.

5. Conclusion

In our article we have shown that migration and crime have many different facets. Migrants and refugees are both offenders and victims of crimes. But while more (primary male and young) refugees "produce" - for obvious statistical reasons - more offenders and more crime, the victimization of migrants and refugees as a result of their "journey" is often neglected by the public, politicians and the media. We have also shown that the surplus of crime is mainly a result of the composition of the migrants (young, single males), and that most of the offences committed are non-violent offenses. Up until now, we can only estimate that most of the violent offenses have been committed between migrants and in the context of refugee housing or shelters. The one who commits a crime today might be a victim tomorrow, and vice versa. Further research is needed to understand this phenomenon and preventive measures need to be

⁷⁴ Mucci & Paravicini 2016, p. 4.

⁷⁵ FRA: Current migration situation in the EU: separated children 2016, p. 7.

⁷⁶ Mitra 2016, p. 4.

⁷⁷ Mitra 2016, p. 4.

discussed and evaluated. Criminological research has emphasized the importance of social cohesion and family relations in crime prevention. As a consequence, families, separated by terror, war, flight and migration, must be brought together. For young, male refugees and migrants, education is a crucial condition for integration, and more and better preventive measures for women and children are necessary to avoid second or even third victimizations.

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