

Migration and crime: let's not underplay crimes against refugees

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Summary

The media may be quick to conflate migration with crime, but statistics reveal that migrants do not actually contribute to rising crime rates. Conversely, crime targeting migrants is under-reported. Women and children are among the most vulnerable groups of migrants and currently account for the majority of refugees from the war in Ukraine. If incoming refugees are to be protected, the labour market and the enforceability of their labour rights must be given the utmost attention.

Recommendations

- *Central government:* Analyse and proactively root out the underlying causes of violence in migration processes and in the responses to them (e.g. by dismantling dependency on an accommodation provider or employer, regulating specific occupations such as care workers).
- *Police:* Rigorously investigate and prosecute violence directed against migrants, including by building stronger relations between migrants and the police, providing the police with targeted and ongoing training, and establishing mechanisms to facilitate the reporting of violence against migrants.
- *Police:* Recruit police officers from among migrants and actively work with migrants.
- *Police:* Help to raise awareness among migrants by providing them, for example, with information on criminal proceedings – especially on victims' rights – that is easy to understand and in their own language.
- *Central government:* Promote free legal advice for migrants, also taking into account regional accessibility; increase the staffing and powers of the State Labour Inspectorate and other authorities (e.g. the Customs Administration of the Czech Republic, Labour Offices of the Czech Republic).
- *Local government:* Work with data on new arrivals in municipalities and, in cooperation with other entities, aim to share information and interconnect in relation to new arrivals (e.g. by supporting outreach work, having a clear agenda coordinator in the municipality).

Migrants as perpetrators of crime

Research has shown time and time again that people overstate the correlation between migration and crime,¹ partly because of the media's tendency to portray migrants as particularly predisposed to crime or imply that the presence of migrants somehow exacerbates crime in society.² The fact of the matter is that more than twenty empirical studies have found that areas with larger concentrations of immigrants or with a higher rate of immigration exhibit crime rates that are either roughly the same as, or actually lower than, the prevailing rates in the society in question.³ Therefore, despite the often unflattering media portrayal of migrants, this means that migration generally has a zero or negative impact on the level of crime. By contrast, the fact that migrants themselves often fall victim to crime tends to be given short shrift in the media.⁴ At present, however, media coverage of the plight faced by Ukrainian war refugees appears to be much more sympathetic than it has been for other waves of refugees.

Although the number of foreign nationals in the Czech Republic has long been on the rise, the incidence of crimes has been steadily decreasing since 2008.⁵ Looking at the 2019 figures, which are untainted by the COVID-19 pandemic, foreign nationals were behind 8.9% of the crimes solved, while the percentage of foreign nationals in the Czech Republic stood at 5.6%.⁶ However, these figures should be read against the background that crime statistics make no distinction between foreign tourists who commit crimes in the Czech Republic and migrants who are long-term residents of the country. With over 10.8 million tourists visiting the Czech Republic in 2019,⁷ the cited figure is therefore heavily skewed. Likewise, the statistics on foreign nationals in the Czech Republic have been underestimated for a long time as they do not capture data on the tens of thousands of EU citizens who live in the Czech Republic, but have not registered for residence here.⁸ Last but not least, the age structure of foreign nationals also plays a part in the distortion of this data in that most crime is committed by middle-aged men, the group that predominated among foreign nationals in the Czech Republic prior to the outbreak of the war in Ukraine.⁹

As at 25 April 2022, 308,170 individuals from Ukraine had been granted temporary protection in the Czech Republic.¹⁰ As 77% of them are women and 40% are minors, a rise in crime seems unlikely. The rates of crime committed by women and minors are several times lower than those recorded for adult males. (While the proportion of women involved in crime in the Czech Republic has long been following a steady upward trend, it is still only 17%, and the share of minors caught up in crime is a mere

¹ Nunziata, "Immigration and Crime"; Hooghe and de Vroome, "The Relation between Ethnic Diversity and Fear of Crime".

² Harris and Gruenewald, "News Media Trends in the Framing of Immigration and Crime, 1990–2013".

³ Ousey and Kubrin, "Immigration and Crime".

⁴ Harris and Gruenewald, "News Media Trends in the Framing of Immigration and Crime, 1990–2013".

⁵ Except for a minor spike in 2013.

⁶ Ministry of the Interior of the Czech Republic, "Zpráva o situaci v oblasti migrace a integrace cizinců na území České republiky v roce 2019" [title in translation: "Report on Migration and the Integration of Foreign Nationals in the Czech Republic in 2019"].

⁷ "Cestovní ruch - 4. čtvrtletí 2019" [title in translation: "Tourism – Q4 2019"].

⁸ Jelínková and Valenta, "Migration Integration in the Czech Republic".

⁹ Jurečková, "Migranti a kriminalita v České republice" [title in translation: "Migrants and Crime in the Czech Republic"].

¹⁰ "Počty osob s uděleným pobytovým oprávněním v souvislosti s válkou na Ukrajině" [title in translation: "Numbers of persons granted residence in connection with the war in Ukraine"].

2.4%).¹¹ On this basis, we can therefore assume that the new arrivals are likely to make a negligible contribution to the rise in crime.

Migrants as victims of crime

Even so, migration and crime remain an exceptionally important issue. Yet what needs to be targeted is the under-reported and under-researched area of crime against migrants. Women and children, the groups that make up the majority of new arrivals of Ukrainian war refugees in the Czech Republic,¹² are among particularly vulnerable categories of migrants, and the risk of this group falling prey to crime is therefore systemically high.

The first challenge emerging with the issue of migrants as victims of crime is the difficulty of comprehending the nature and extent of the violence faced by migrants. The dearth of reliable data makes this all the harder. Crime studies theorise that migrants under-report the crimes, including violent acts, that are perpetrated against them.¹³ The figures available on violence against migrants are thus, if anything, the proverbial tip of the iceberg rather than numbers telling the true story. There are numerous reasons for this phenomenon: some migrants are unaware of their rights or are unable to assert them; others have no choice but to put up with the situation they are in. That situation is also often in constant flux, with small improvements in migrants' lives (e.g. the payment of part of the wages that have been withheld from them) resulting in the long-term tolerance of a deeply unsatisfactory predicament. Other causes are linked to judicial procedures, which may prove ineffectual, whether due to insufficient capacity, linguistic or cultural differences, distrust or incomprehension of the legal system on the part of migrants, or a lack of access to legal aid.¹⁴ All these factors need to be taken into account by the justice system and, especially, in the work of the police.

The role and impact of various support professions and organisations and the facilitation of areas such as access to legal advice, social services and outreach (social) work should not be overlooked either. Local authorities play a vital role in the process of integrating migrants because local contact, a clearly defined agenda on the part of municipalities, mutual exchanges of information, and local ties are essential factors that can deter undesirable situations or at least contribute to the resolution of such problems.¹⁵

The most serious and prevalent types of crime against migrants are linked to human trafficking for sexual or labour exploitation, and exploitative situations in the labour market.¹⁶ Migrants are also more likely to be victims of usury and bribery. Attention should also be paid to the employment of migrants in areas such as care work and domestic work, as the isolated nature and extremely low regulation of these activities

¹¹ "Statistická ročenka kriminality rok 2019" [title in translation: "2019 Crime Statistics Yearbook"].

¹² International Organization for Migration, *Working to Prevent and Address Violence against Women Migrant Workers*.

¹³ "Combating violence against migrants".

¹⁴ Baker et al., "More Sinned against than Sinning?"

¹⁵ SIMI, *Manuál lokální integrace migrantů v České republice* [title in translation: *Manual for the Local Integration of Migrants in the Czech Republic*].

¹⁶ Anderson, "Migration, Immigration Controls and the Fashioning of Precarious Workers".

in the Czech Republic heightens workers' vulnerability.¹⁷ Violence born of racism, discrimination and intolerance, as well as violence between migrant groups or among migrants, is also an issue. Unaccompanied and separated children are in a particularly vulnerable position.

Within a Czech context, the role and structure of the labour market which Ukrainian migrant women are or will be entering is another crucial factor that needs to be considered. The Czech labour market is known to be highly flexibilised, often to the detriment of employment rights, and the protection of migrants' labour rights in particular has long been a concern,¹⁸ as evidenced by the plethora of cases involving labour exploitation.¹⁹ One of the core principles of Czech migration policy is that economic migrants are only allowed to come here if there is a specific vacancy for them to fill. Although that principle does not apply to Ukrainian war refugees, in the past this system has prompted numerous intermediaries and agencies with varying levels of integrity to become involved in the process of economic migration from Ukraine. Clientelism in various forms, where an intermediary organises Ukrainian labourers and often offers them on the Czech labour market in conjunction with organised crime in order to make a profit, is rife.²⁰ With this in mind, we can assume that the existence of these structures and the difficulty of enforcing labour rights will result in many newly-arrived Ukrainian women being exposed to illegal or quasi-legal treatment.

Therefore, averting and tackling labour-law problems will be a key challenge in connection with Ukrainian refugee migration. It is expected that this situation will be made more difficult both by established illegal or quasi-legal structures and by the fact that there is a broad continuum of problems between Labour Code violations and forced labour, which shift frequently over time and are often hard to prove and prosecute. To deal with this, the State Labour Inspectorate will need to increase its staffing levels, as planned under the new Refugee Integration Strategy, and its powers and cooperation with other authorities will need to be strengthened. It is then crucial to focus attention primarily on the organisers of illicit employment rather than on their victims. An essential role will be played not only by the aforementioned availability of legal advice (including in the language spoken by refugees), but also by the enforceability of labour law. This will largely depend on the approach taken and the consistency with which cases are investigated, the representation of migrants in legal cases, the building of trust between law enforcement agencies and migrants, and legislative changes that may prove necessary to counter adverse labour-market phenomena.

¹⁷ Ezzeddine and Semerák, "The situation of migrant women on the Czech market of domestic work".

¹⁸ Čížinský et al., *Zahraniční zaměstnanci na trhu práce v ČR a ve vybraných zemích EU* [title in translation: *Foreign Workers on the Labour Market in the Czech Republic and in Selected EU Countries*].

¹⁹ Kremr, "Ústavní soud se zastal cizinců údajně vykořisťovaných při práci v lesích" [title in translation: "Constitutional Court Defends Foreign Nationals Allegedly Exploited in Forestry Work"]; Křížková, "Bez ochrany v lese: vývoj a shrnutí kauzy „stromkáři"" [title in translation: "Unprotected in the Forest: Course and Summary of the 'Tree-cutters' Case".

²⁰ Nekorjak, "Klientský systém a ukrajinská pracovní migrace do České republiky" [title in translation: "The Client System and Ukrainian Labour Migration to the Czech Republic"].

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