

Migration and ethnic minorities in Germany: impacts on youth crime, juvenile justice and youth imprisonment

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Contents

	Page
1. Young migrants and ethnic minorities: problems of defining specific groups and their involvement in crime	3
1.1 Some aspects of the (criminal) political debate	3
1.2 Crime related problem groups	6
2. What do we know about the crime rates of ethnic minorities in Germany?	6
2.1 “Foreigners” as registered by the police – the shortcomings of police statistics	6
2.2 The crime rates of the second and third generation of immigrants	7
2.3 Violent crimes of young foreigners and immigrants according to self report studies	10
3. Theoretical explanations for the over-representation of crime rates of young migrants	13
3.1 Cultural conflict theory	13
3.2 Social structural theories: foreigners and ethnic minorities as socially disadvantaged groups (lower class criminality)	13
3.3 Labelling theory and discrimination by the justice agencies	14
3.4 Conclusion: the necessity of a synthesis of theoretical approaches by differentiating specific groups	17
4. The problem of young “German” migrants from the former Soviet countries	18

5. Foreigners and ethnic minorities as victims of crime: the issue of xenophobic and right wing attitudes amongst young persons in Germany	19
6. Young migrants and ethnic minorities in prisons: the evolution of prisoner rates in German youth prisons	20
6.1 The German juvenile justice system and the sentencing practice concerning youth imprisonment – explaining the development of youth prisoners rates	22
6.2 The proportion of foreigners and ethnic minorities in German youth prisons	28
7. Causes of the over-representation of foreigners in youth prisons	30
8. Problems regarding the treatment of foreigners and ethnic minorities in prison and treatment programmes in Germany: an overview	31
9. How to integrate ethnic minorities in Germany? What do we know about what works in crime prevention?	37
10. Summary and conclusion	38
References	42

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1. Young migrants and ethnic minorities: problems of defining specific groups and their involvement in crime

Young migrants and ethnic minorities constitute a heterogeneous phenomenon in Germany which is partly a result of specific regulations of traditional immigration laws. Migrants from the former Soviet countries or other countries who can claim to be of “German” ancestry are legally seen as Germans and have the right to bear a German passport (see Art. 116 of the Constitution, “*Grundgesetz*”), whereas third generation Turkish youngsters, although their parents are born in Germany, have until recently been seen as “Foreigners”. They often no longer speak the language of their grandparents, whereas the young Russian migrants in many cases have serious problems with the German language.

The problem of defining different groups of ethnic minorities is strongly related to the criminal political debate, as particularly right wing extremist parties, but also the conservative Christian Democratic Party in election campaigns repeatedly run for more restrictive immigration laws in order to fight “imported” criminality of foreigners etc.

1.1 Some aspects of the (criminal) political debate

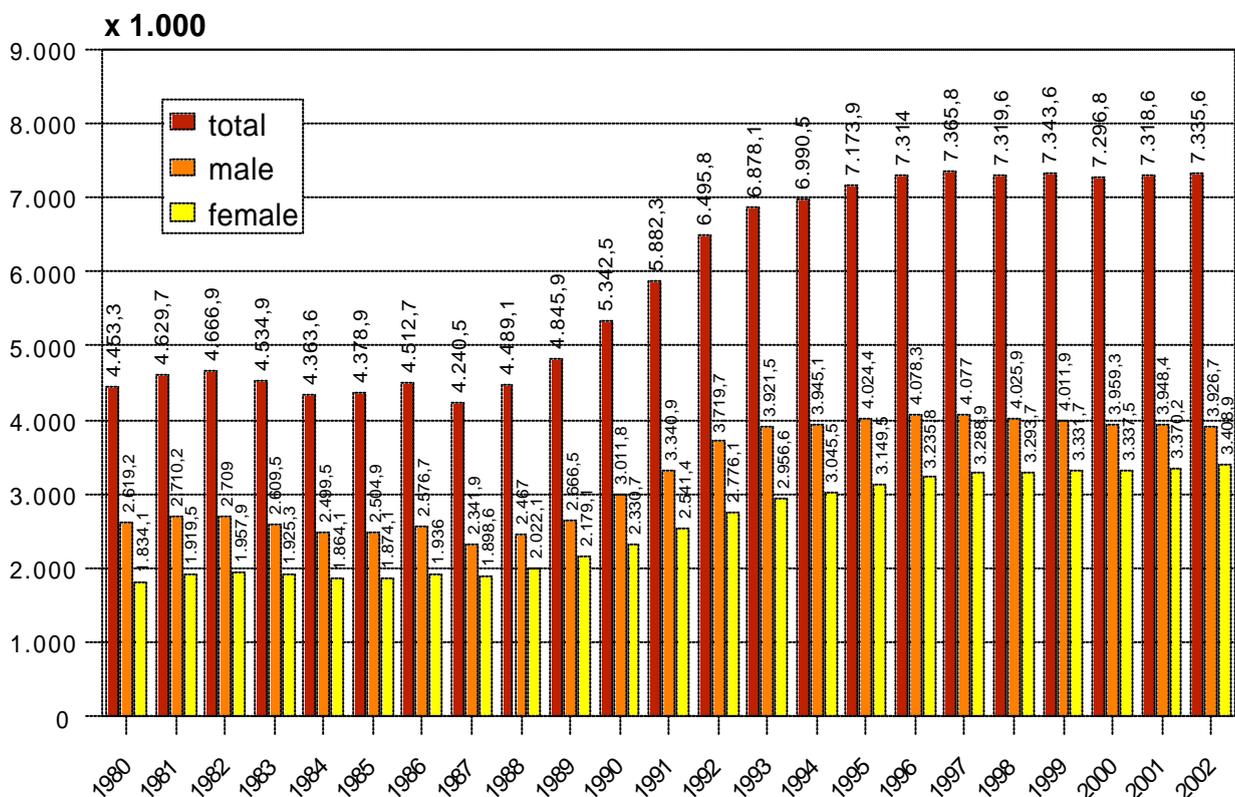
In the political debate populist arguments often emphasise asylum seekers and young male migrants who are prejudiced to be involved more in violent crime than the German residents. In addition, the recent discourse is much influenced by the problem of terrorism and also of organised crime where foreigners are over-represented (particularly in drug offences, trafficking young females for prostitution etc.). I will not go into detail for the latter groups as the offenders in most cases are adults.

As the subject of ethnic minorities and crime is often abused in the political debate for promoting xenophobic attitudes, some go so far to argue that statistics shouldn't even differentiate between Germans and foreigners, a question of political correctness that is emphasised particularly in Sweden. This would, however, result in a loss of knowledge concerning social integration. The differentiation of specific groups of ethnic minorities can support group related integration and therefore crime prevention strategies.

The situation of migrants in Germany in general has changed considerably since the late 1980s. The absolute numbers of foreigners increased from about 4.5 million foreigners in the 1980s to a stable number of 7.3 million since the mid 1990s (see **Figure 1**). In addition to foreigners, the number of “German” immigrants from former states of the Soviet Union or empire since the end of the 1980s rose to almost 400,000 annually (in 1990). From 1991 to 1995 the annual numbers were slightly more than 200,000 and then dropped to less than 100,000 in 2002 (see **Figure 2**). The new Immigration Law from 1999 permits the naturalisation of foreigners who have lived in Germany for longer periods and who are integrated into German society. Moreover the new Immigration Law changes the concept towards a “ius soli”, i. e. “foreign” children born in Germany are by definition “Germans”, if the parents have lived in Germany for at least 8 years and have a “right” to live there.

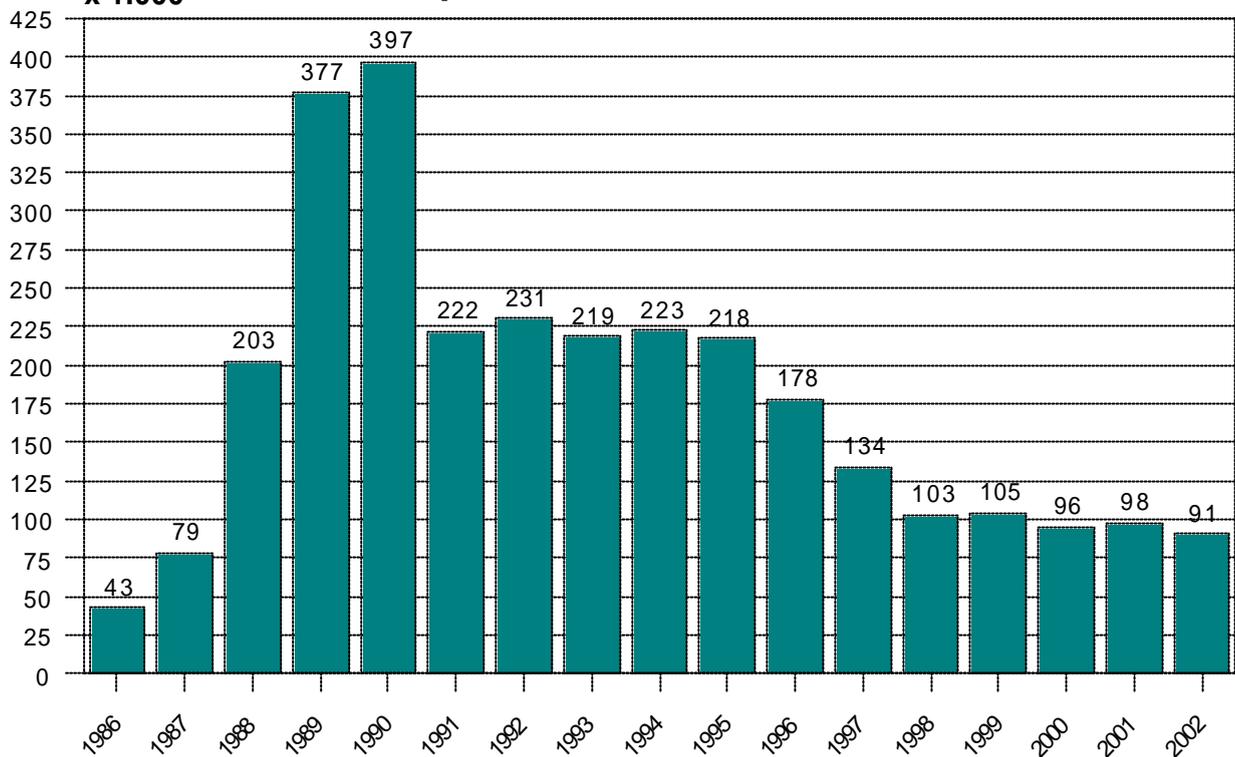
The absolute numbers of naturalisation of adult foreigners, however, are unexpectedly low. Only less than 150,000 in 1999 and between 150,000 and 190,000 in the years 2000-2002 have been naturalised and received a German passport (see **Figure 3**).

Fig. 1: Foreigners in Germany, 1980 - 2002



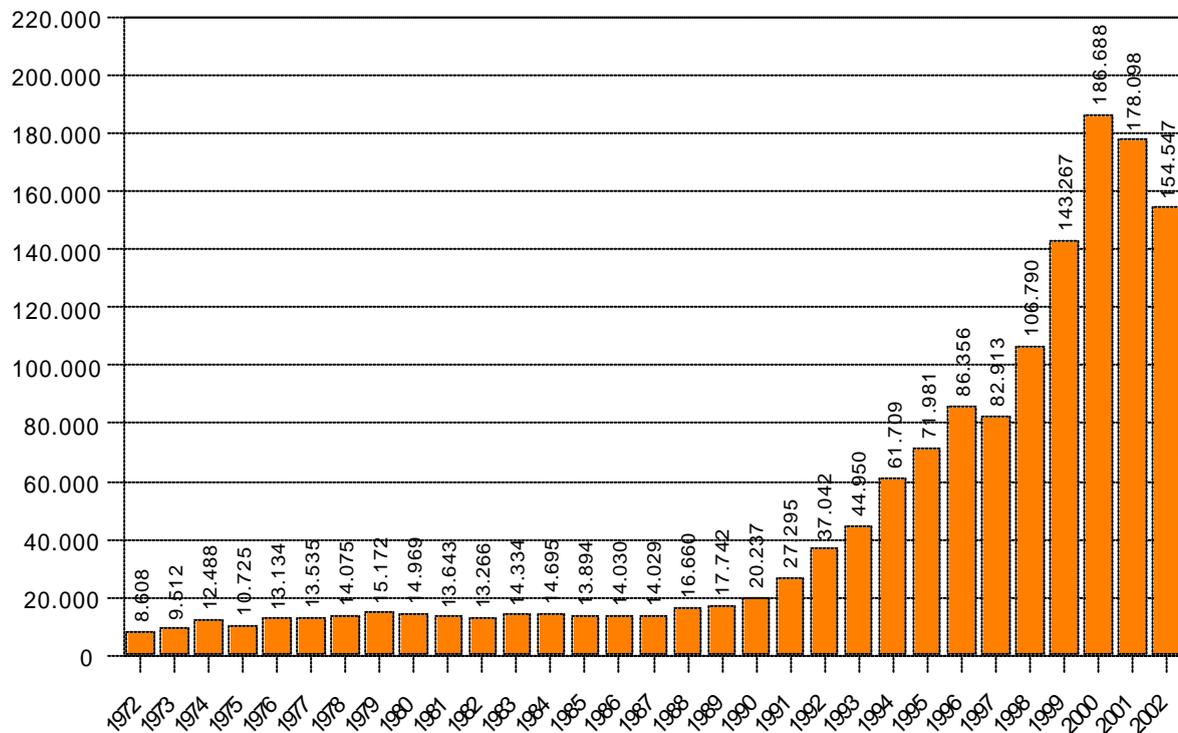
Source: Statistisches Bundesamt Deutschland, 2003, <http://www.destatis.de>

Fig. 2: "German" immigrants from former states of the Soviet empire, 1986 - 2002



Source: Statistisches Bundesamt Deutschland, 2003, <http://www.destatis.de>

Fig. 3: Naturalization of foreigners in Germany, 1972 - 2002



Source: Statistisches Bundesamt Deutschland, 2003, <http://www.destatis.de>

1.2 Crime related problem groups

In general we can differentiate at least nine crime related “problem groups” (see *Schwind*, 2003, 463 f.):

- Long term residents in Germany, so-called “guest workers” (“*Gastarbeiter*”) who since 1955 have been hired from mostly Southern European countries (Italy, Spain, Portugal etc.) and who are highly socially integrated (first generation of immigrants), some of them being naturalised by the above mentioned legislation of 1999;
- “German” foreigners who were born in Germany and who concerning the German language are socially integrated (second and third generation);
- “Foreign” Germans who according to Art. 116 of the Federal Constitution (*Grundgesetz*) legally are Germans, but who have particular problems of social integration, particularly those who have come since the early 90es (so-called *Spätaussiedler*);
- Foreign immigrants who have been naturalised and received a German passport; in 1999 the German legislator gave up the strict principle of *ius sanguinis* and added principles of *ius soli* to the Immigration Law, which enables to naturalise foreigners born in Germany more easily);
- Foreigners from EU member states who enjoy the principle of freedom of movement;
- Refugees and asylum seekers;
- Members of foreign army forces (mostly US),
- Tourists and
- Political extremists (who are fighting against other foreign groups in Germany (e. g. Kurds against Turkish people) and members of non-political organised crime groups).

2. What do we know about the crime rates of ethnic minorities in Germany?

2.1 “Foreigners” as registered by the police – the shortcomings of police statistics

The crime rates of foreigners and ethnic minorities on the basis of registered police data suffer from a lot of specific shortcomings. In consequence the police themselves publish the statement that the crime rates per 100.000 are not comparable. The crime rate is at first glimpse about 5 times higher than that for Germans. If we look thoroughly at the shortcomings of the statistical database the picture changes totally.

First we have to consider that certain offences as those against the immigration laws can only be committed by foreigners. The group of foreigners in the population is underestimated as many are not statistically registered (tourists, members of army forces, illegal immigrants). Germans and foreigners differ according to the age, gender and social structure. So e. g. almost half of foreigners live in bigger cities against only 29% of the German population.

The risk of being reported to the police and of being prosecuted, sent to pre-trial detention and being sentenced differ considerably, which will be discussed under 3.2 and 3.3.

A differentiated analysis of the Bavarian police (*Landeskriminalamt*) shows that the relation of 4.9 : 1 drops to only 2.7 : 1 if only the registered population of foreigners is taken into account. It further drops to 2.4 if offences that cannot be committed by Germans are taken off. Finally the ratio is 1.9 : 1 if only 14-21 years old male juveniles and young adults are considered.

The crucial point is the social structure. No empirical approach so far has successfully eliminated all factors influencing distortion. It may well be that the crime rate of really comparable groups will show no difference between foreigners and the domestic population (see *Geißler* and *Marißen*, 1990, 633 ff.; *Walter* and *Trautmann*, 2003, 75 ff., 77). The majority of German criminologists claim a real higher crime rate of some groups of foreigners and of the so-called *Spätaussiedler* (Russian immigrants since 1993 with a German passport), which is caused at least in part by more intensive social control by the police and justice system (see BMI and BMJ 2001, 315).

Therefore there are specific problems connected with some groups of foreigners and ethnic minorities which will be discussed under II.B., II.C and IV.

2.2 The crime rates of the second and third generation of immigrants

Whereas the first generation of foreigners, the so-called guest workers of the 50s and 60s, showed no increased crime rates (see *H.-J. Albrecht*, 1997; perhaps as the social control and pressure to adapt to the new living conditions were felt so strongly), studies in the 70s and 80s already revealed that young foreigners of the second and third generation of immigrants had considerably elevated crime rates (about twice as high as their German counterparts, see *P.-A. Albrecht* and *Pfeiffer*, 1979; *Gebauer*, 1981; *Villmow*, 1983; *Karger* and *Sutterer*, 1990; *Schöch* and *Gebauer*,

1991; *Kubink*, 1993). The hypothesis of cultural conflicts seemed to be somehow plausible. The data of the federal police statistics shows that the proportion of foreigners amongst 14-25 years old young offenders is between 17% and 33%, whereas the proportion of foreigners in the total population is between 10% and 16% (see also *Schwind*, 2003, 465).

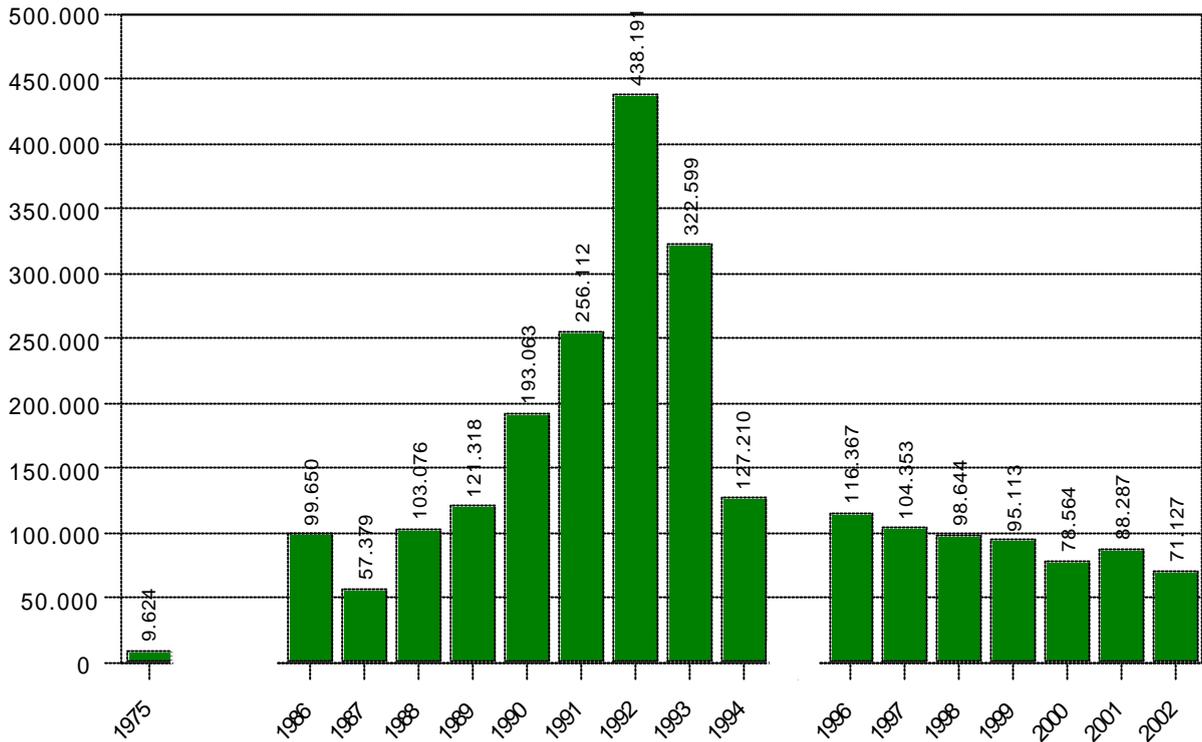
A study of the Lower Saxony criminological research institute demonstrated that 83% of the increase of crime rates for the 14-21 years old age group during the period from 1984-97 (in the old federal states) was caused by foreigners (see *Pfeiffer et al.*, 1998).

The development until 1993 was also greatly influenced by the increase in the number of asylum seekers and refugees who faced serious discrimination and social control. When in 1993 the Immigration Law was changed the number of asylum seekers dropped considerably (see **Figure 4**).

In the same time the proportion of foreign suspects of crime with respect to the total number of police recorded suspects of crime dropped from 34% in 1993 to 25% in 2001 (if one excludes offences against Immigration Laws, which cannot be committed by Germans, from 27% to 19%; see **Figure 5**). This development is remarkable as the number of police recorded German suspects continued to rise since 1993.

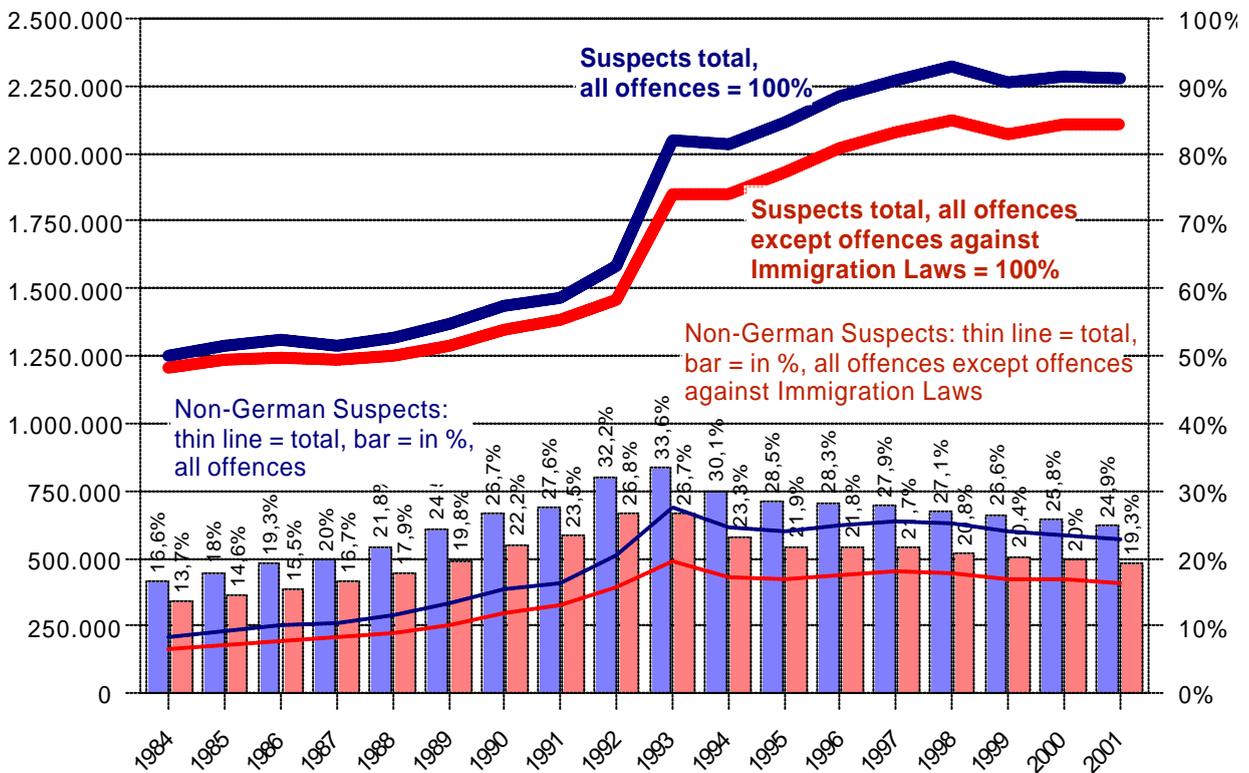
A differentiation of the groups of foreigners involved in police registered crime is given by **Figure 6**. It shows that the proportion of so-called guest workers (foreign employees) has decreased from 33% of Non-German suspects in 1984 to around 17% in the years 1998-2001. On the other hand, the proportion of asylum seekers with 14% in 2001 is still considerably higher than in 1984 (8%). A maybe unexpected group are foreign students, who still contribute with about 8% to the Non-German group of suspects of crime (in 1984 they even accounted for 15%, see **Figure 6**).

Fig. 4: Number of asylum seekers in Germany, 1975 - 2002



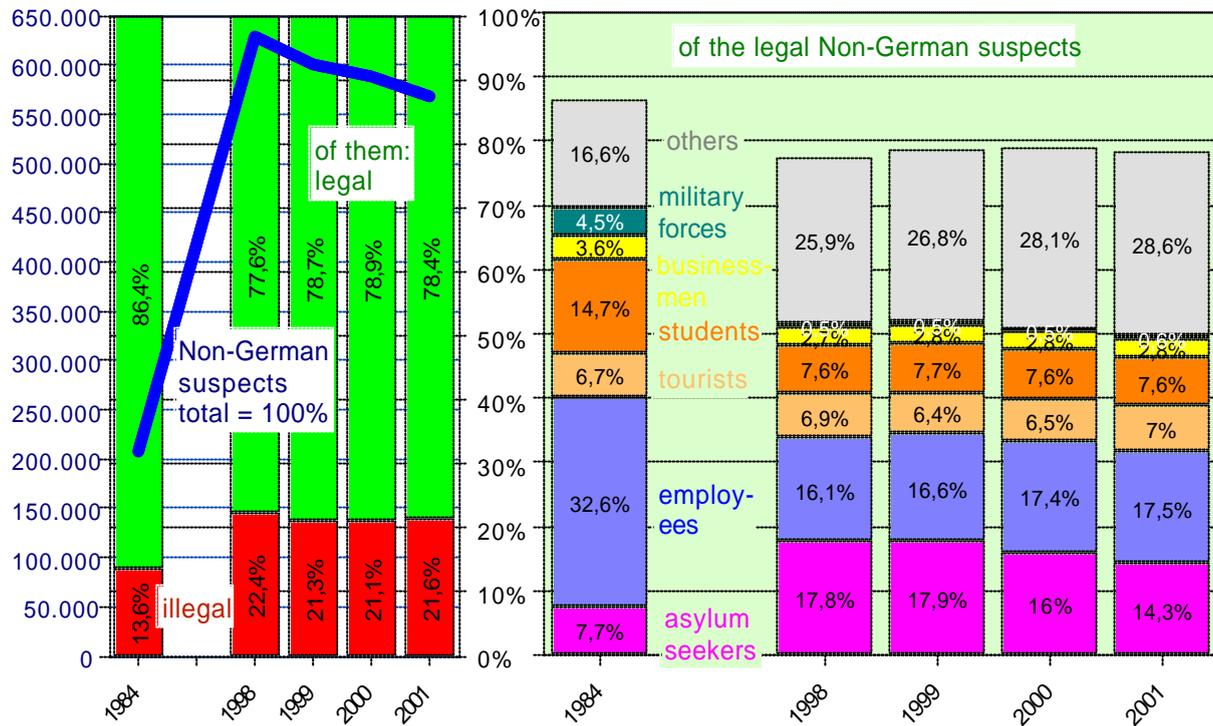
Source: Statistisches Bundesamt Deutschland, 2003, <http://www.destatis.de>

Fig. 5: Non-German suspects of crime, 1984 - 2001



Source: Schwind, 2003, 462.

Fig. 6: Non-German suspects of crime according to the reason of stay; 1984 old Federal States, 1998 - 2001 Germany total



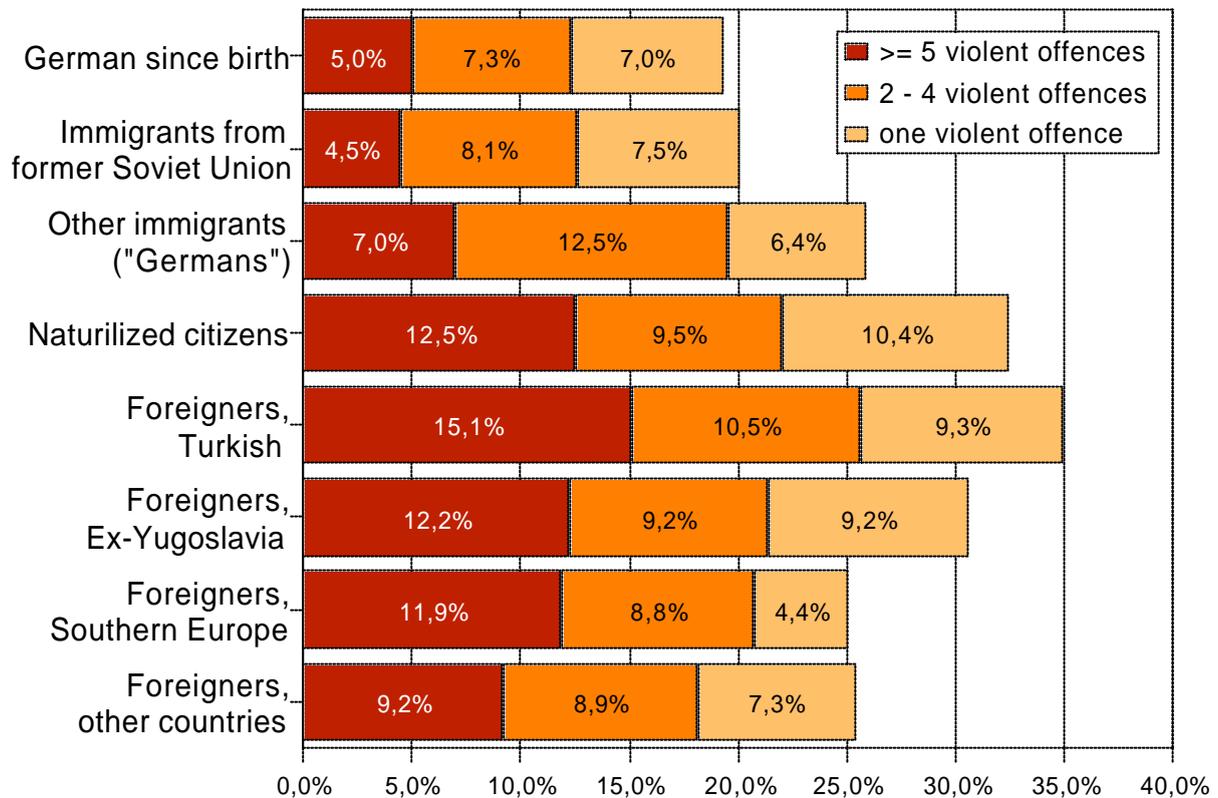
Source: Schwind, 2003, 485.

2.3 Violent crimes of young foreigners and immigrants according to self report studies

Another important issue is that young foreigners and the so-called *Spätaussiedler* are seen as highly involved in violent crimes. Pfeiffer *et al.* (1998, 50) demonstrated that in the city of Hannover 95% of the increase of robbery and assault during the 90s could be attributed to these groups.

If we look at self report studies the high violent crime rates particularly of the Turkish and ex-Yugoslavian group become evident. Another problematic group are young naturalised immigrants (see **Figure 7**).

Fig. 7: Rates of active violent offenders in Germany according to their ethnicity (1997)



Source: Pfeiffer et al., 1998, 81.

The authors explain the results by

- the bad perspectives to get a promising professional education, and parents that face unemployment and dependency of the social welfare system
- the fact that many juveniles face refusal by their German peers
- the fact that foreign pupils, particularly the Turkish group, much more often have experienced violence of or by their parents.

This may result in a wider acceptance of violence, which is also shown by our research in Greifswald (see *Düinkel et al.*, 2004; *Düinkel and Geng*, 2003; 2003a).

Another recent self-report study by the Lower Saxony criminological institute revealed that young migrants were not over-represented concerning offences like using a bus or metro without paying ("*Schwarzfahren*"), shoplifting, vandalism, and only slightly over-represented with regard to qualified (aggravated) theft like car theft or burglary (see *Wilmers et al.*, 2002, 92). If we look, however, at crimes like assault or robbery 14.5% of the native Germans reported at least one violent crime for the last 12 months, whereas naturalised and non-

naturalised Turkish juveniles had a prevalence rate of 28%. Foreigners from ex-Yugoslavia with 22% also were over-represented. On the other hand the “Russian” Germans (“*Aussiedler*”) from the former Soviet Union showed a smaller prevalence rate of less than 12%.

The prevalence rates of all ethnic minorities as well as of native Germans, particularly concerning violent crimes and aggravated theft (burglary et al.), were strongly related to the socio-economic conditions under which the juveniles lived. Shoplifting, vandalism and using a bus or metro without a ticket were somehow similarly distributed independently from social class variables (see *Wilmers et al.*, 2002, 94; using busses without a ticket in contrast was more widespread among juveniles from better socio-economic conditions!).

Looking at those self reporting offenders with at least five violent offences during the last 12 months again revealed that the Turkish (14%) and the ex-Yugoslavian and southern European minorities (8%) had a significantly higher prevalence rate than native Germans or naturalised “Russian” Germans (6%). If the variables “unemployment”, “socio-economic status” and “educational level” in multivariate analyses have been controlled the differences in violent offending for the Turkish and ex-Yugoslavian male juveniles remained significant. *Enzmann and Wetzels* (2003) explain these differences by using the theoretical framework of the “culture of honour”. Violent offending in the Turkish culture e. g. is “characterised by a greater acceptance of violence as a means of restoring one’s reputation and honour as a man” (*Enzmann and Wetzels*, 2003, 319). The results support the assumption that “violence-legitimising norms of masculinity” apart from socio-economic variables (which have been controlled in several multivariate models) play an important role in explaining the higher prevalence and incidence rates of certain ethnic groups like the Turkish and ex-Yugoslavian minorities. If one controls also the variables of violence acceptance and other socio-economic variables the differences between the Turkish and the native German population vanish. This means that under the same socio-economic conditions and in milieus where violence-legitimising norms prevail, like e. g. in some neo-nazi subcultures (skin heads etc.), particularly in East Germany, the prevalence rates do not differ. Interestingly, the Turkish minority – under controlling these socio-economic variables – showed a significantly lower prevalence rate than Germans when considering only property offences (see *Enzmann and Wetzels*, 2003, 339).

Foreigners are also more often involved in violent crimes *as victims*, not only as offenders. In certain regions like in East Germany, their risk of being victimised is multiply increased, as they are the target of xenophobic attacks and assaults. However, the research results in general are not

consistent (see *BMI* and *BMJ*, 2001, 310 f.). The somehow elevated victimisation risk is plausible as they less often report incidents to the police (as they fear problems regarding their allowance to stay in the host country, with their status of asylum seekers etc.). The Lower Saxony study on pupils revealed that pupils in general tend to report a victimisation more likely if the offender is from a different ethnic group (see *Pfeiffer et al.*, 1998, 75 f.; *Wilmers et al.*, 2002, 37). Foreigners and members of ethnic minorities are quite often victimised by other foreigners and therefore report only a minority of victimisation incidents.

3. Theoretical explanations for the over-representation of crime rates of young migrants

3.1 Cultural conflict theory

This theoretical approach is probably the oldest criminological theory concerning crimes of immigrants. It claims that special tensions arise particularly for the children of immigrants who on the one hand are exposed to expectations of the “old” culture of the parents and on the other hand by different expectations of their peers, the school and models propagated by the media. Tensions and quarrels in the family are consequences that may enforce orientations to join the peer group (see *Schwind*, 2003, 467 ff.; *Walter* and *Trautmann*, 2003, 66). Due to experiences of xenophobia this group might be the Turkish or Kurdish youth gang that is involved more and more in fights with other ethnic groups or the German majority.

The research so far gives some plausibility to some of the cultural conflict theory, but other theoretical approaches must be considered as well.

3.2 Social structural theories: foreigners and ethnic minorities as socially disadvantaged groups (lower class criminality)

The studies of the Lower Saxony criminological institute mentioned above as well as our own internationally comparative studies in Greifswald indicate that the over-representation of violent offending in specific groups of juveniles can be explained to some extent by social class variables like the educational level, socio-economic deprivation (unemployment, dependency from social welfare etc.) etc. There is no doubt that the professional perspectives of young foreigners and ethnic minorities without good knowledge of the German language face considerable problems in the labour market (see already *Schüler-Springorum*, 1983, 533 f.). The

distribution of poverty and unemployment is radically different for the foreign immigrants compared to the native German population (see *Hanesch et al.*, 1994; *Walter and Trautmann*, 2003, 69 f.). The hypothesis that ethnic differences of crime rates disappear when controlling socio-economic variables could be confirmed only for property offences. Concerning violent crimes, the ethnic imbalance of the distribution of violence acceptance has to be considered as mentioned above (see *Wilmers et al.*, 2002; *Enzmann and Wetzels*, 2003).

3.3 Labelling theory and discrimination by the justice agencies

One of the most prominent theories in the context of ethnic minorities is the labelling approach. Indeed, *prima vista* there is much evidence that some discrimination takes place on the different levels of the criminal justice system (see e. g. *Hamburger, Seus and Wolter* 1981, 168; *Geißler and Marißen* 1990; *Walter and Pitsela* 1993, 12; *Mansel and Albrecht* 2003, 679 ff.).

The awareness of crimes by the police in more than 90% of “classic” crimes is a result of the victim’s or witness’s reporting. The rise of crime figures of foreigners in the early 90s according to the lower Saxony study of youth violence is attributed to the fact that foreigners also report violent conflicts to the police more often, as increasingly violent conflicts are not restricted to intra-cultural problems, but to inter-cultural problems. If Turkish and German youngsters have problems with each other, they are more likely to report than if Turkish or German youngsters have conflicts that are restricted to persons of their national peer group (see *Wilmers et al.*, 2002, 37 and above 2.3). According to several studies in Germany, there seems to be greater risk of being reported to the police for foreigners or those who look like them than for native Germans. I. e. the level of tolerance with regard to deviant behaviour is different (see *Walter*, 1993, 349; *Schwind*, 2003, 471 with further references).

On the police level several research studies show discriminative and sometimes hostile practices, whereas one cannot say that the police in general adhere xenophobic attitudes. It is, however, the situation of suspecting a person, and sometimes young foreigners at least have the feeling of generally being suspected for crimes. Therefore the chance of being detected might be greater than for young Germans.

Looking from the prosecutor’s perspective, an interesting observation can be made: More cases of foreign suspects are dismissed by the public prosecutor than in cases of German suspects (diversion according to §§ 153 ff. Criminal Procedure Act, *stop*, or §§ 45, 47 Juvenile Justice Act, *JGG*, see in general *Dünkel*, 2003). This is particularly true for juveniles (14-18

years) and young adults (18-21 years). The result is that the prevalence rates of foreign compared to German offenders are still higher but not as much as the police data would suggest (see *Mansel and G. Albrecht*, 2003, 687 ff.). This means that prosecutors somehow “de-dramatise” (petty) offences of foreigners to a more “realistic” level. *Mansel and G. Albrecht* in their comprehensive nation-wide statistical analysis furthermore demonstrate offence related and regional variations and conclude that the considerable differences between federal states can be understood by different strategies of crime control (including different rates of reporting to the police) and not so much by the relevant behaviour of foreigners (see *Mansel and G. Albrecht*, 2003, 713 f.).

The research study of *Steffen* in Bavaria revealed, however, that the risk for foreigners of being convicted increased in the 90s. The proportion of foreigners, particularly of young foreigners (under 21 years), measured as percentage of all (German and Non-German) police suspects resp. all formally sentenced offenders, increased, whereas the proportion of Germans decreased (see *Steffen*, 1998, 676 ff.; 2001, 259 ff.), due to an extended application of diversionary procedures (§§ 45, 47 Juvenile, Justice Act, *JGG*). So at least in Bavaria the “de-dramatising” process of earlier years has disappeared. This could be the result of intensive crime policy debates about (illegal) immigrants in the 90s and the strong pressure of public opinion to a tougher policy approach.

The most important stage of discrimination is on the level of pre-trial detention. The legal preconditions are constructed in a way that foreigners a priori run at greater risk of being sent to pre-trial detention. This is at least the case for those who do not dispose of a place of permanent residence, like asylum seekers, or other travelling persons. The definition of a risk to abscond and not to stand trial is much greater than for domestic residents. The research evidence is quite evident. So *Jehle* (1995) stated in his comprehensive report on pre-trial detention, that he found many cases of foreigners sent to pre-trial detention “who, if they had been Germans, would not have been detained.” The bad consequence of this practice is that those having been sent to pre-trial detention run a much greater risk of receiving an unconditional prison sentence than those who stayed outside detention. This might be one of the reasons why foreigners are so over-represented in prisons (see *Dünkel and J. Walter*, 2004).

On the other hand an actual empirical study of suspected and sentenced young burglars in Bavaria could not find a negative discrimination of foreign suspects, particularly concerning the sentencing decisions of the courts (see *Dittmann and Wernitznig*, 2003, 195 ff.). Most important factors were the confession of the crime, prior convictions, the value of the stolen good and the fact of being in pre-trial detention. Pre-trial detention in these

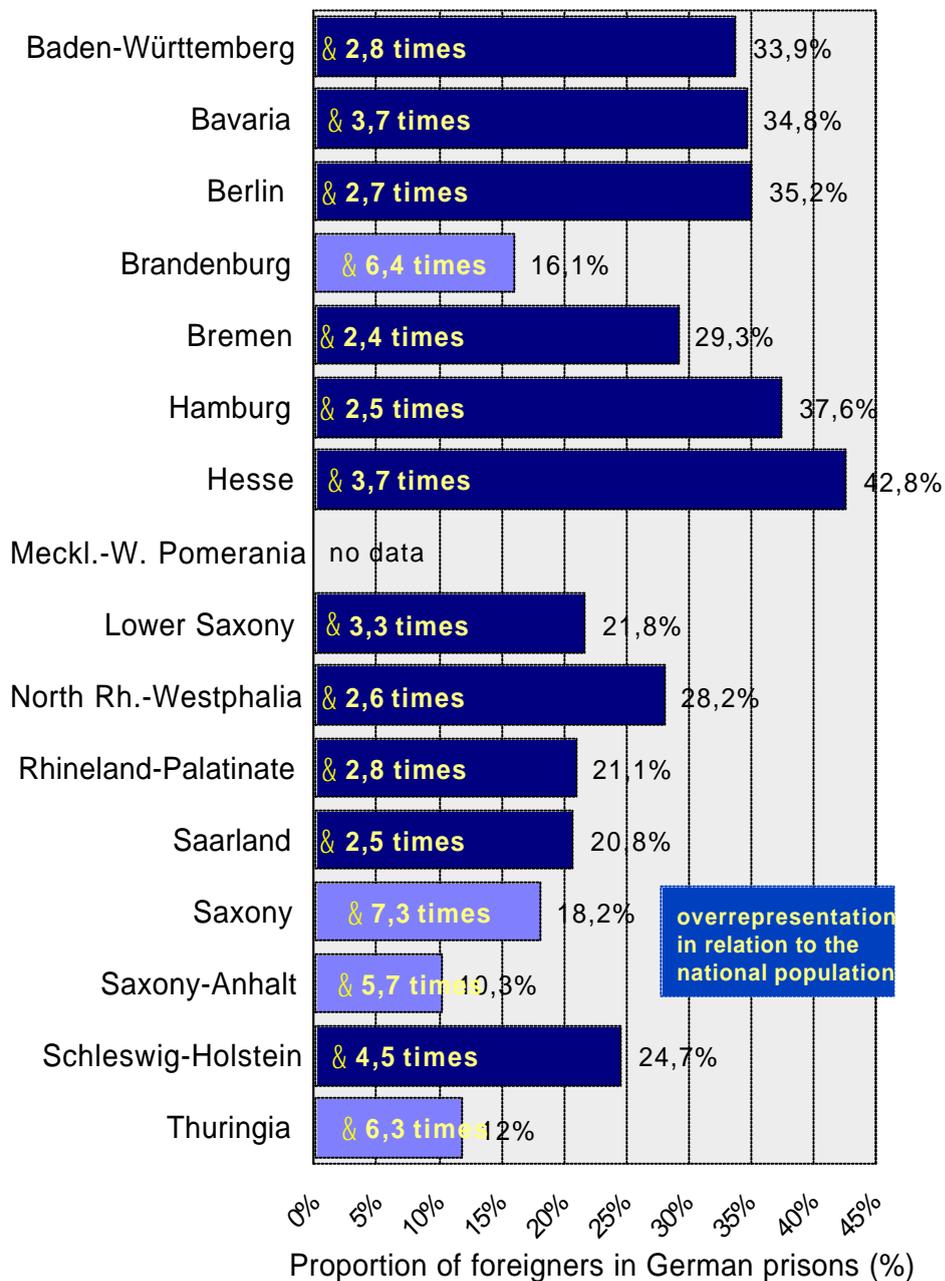
cases, however, did not correlate with the status of nationality. On the other hand an indirect effect of “nationality” could be found as foreigners tended more likely to confess to the crime than Germans (see p. 203).

Other studies concerning Turkish and Yugoslavian offenders clearly demonstrated that they received a harsher punishment than their German counterpart (see *Ludwig-Mayerhofer* and *Niemann* 1997; see also *Mansel* and *G. Albrecht*, 2003). Foreign recidivists were exposed to more severe punishment, particularly imprisonment (see *Hartmann*, 1995).

However, the data base is limited and further research is necessary (see *Walter* and *Trautmann*, 2003, 66 f.).

Independent of to what extent a discrimination of foreigners and ethnic minorities can be confirmed by empirical data, one striking result cannot be denied: The over-representation of foreigners in German prisons and particularly in youth prisons (see **Figure 8**). Another striking result in this context is that in East Germany, where the foreign population is a very small group, foreign prisoners are even more over-represented (about 6 times higher than their proportion of the general population) than in West-Germany (2-3 times higher, see *Winkler*, 2003, 70 ff.; also *Dünkel* and *J. Walter*, 2004). These facts raise the question about what selective practices of the justice system explain the elevated prisoner rates.

Fig. 8: Proportion of foreigners in German prisons and overrepresentation according to the population 2002



Source: Winkler, 2003, 76 ff.

3.4 Conclusion: the necessity of a synthesis of theoretical approaches by differentiating specific groups

The actual research situation indicates that no single theoretical approach seems to be sufficient to explain elevated crime rates of specific foreign offender groups, but that a differentiation according to the legal and social status will give evidence for a stronger explanatory power. Therefore a

combination of cultural conflict theory, experiences of social structural disadvantages and discrimination by the criminal justice system is most promising for an explanation of the over-represented crime rates of foreigners and ethnic minorities. But if we take this seriously, ethnicity and the status of being a foreigner are not a valuable factor for explaining crime. The social problem of young migrants and foreigners as a specific target group for crime prevention is nothing more than a social construct. They are a “problem group” as disadvantages in various aspects (socio-economic, educational and family background, discrimination by victims and the criminal justice system, etc.) are cumulating and exposing them as a specific vulnerable group with sometimes serious problems of integration into society (see *Steffen*, 1998, 673 ff.; 2001, 234 ff., 247 ff.; *Walter*, 2001, 216 ff.; *Walter and Trautmann*, 2003, 68 ff.). This aspect should be emphasised in the public debate (see below VI.) rather than looking for ethnicity as an explanatory variable of crime.

4. The problem of young “German” migrants from the former Soviet countries

The young “German” migrants from the former Soviet countries since the early 90es have been seen as a special challenge for the criminal justice system. They speak only poor German and support forms of “national” solidarity in their “Russian” subculture (see *Otto and Pawlik-Mierzwa*, 2001). As they are defined as “Germans” and have German passports it is difficult to differentiate them in crime statistics. The Lower Saxony criminological research institute compared the crime rates for the federal state of Lower Saxony of districts with a high and a low immigration rate of the so-called “*Spätaussiedler*”. One result was a higher crime rate of those districts with a high immigration rate, particularly concerning drug and violent offences as well as theft (see *Pfeiffer et al.*, 1996; *BMI and BMJ*, 2001, 324 f.). The districts with high immigration rates showed an increase of crime rates by 250%, whereas the other districts had a plus of “only” 76%.

A totally different picture is given by a Bavarian study of *Luff* (2000), who could not prove an over-representation of the group of the so-called “*Spätaussiedler*”.

Further analyses of the Lower Saxony criminological institute revealed that one had to differentiate young migrants from the former Soviet countries and those from other countries. Whereas the young “Russians” seemed to be less involved in crime (-30%), the other migrants showed a higher crime rate (+25%). Delinquency rates of young migrants, however, disappeared when the socio-economic status and the unemployment rate/social welfare dependency of the parents and the educational level of the juveniles,

experienced violence by parents and violence acceptance as a male subculture attitude were held constantly (see *Wilmers et al.*, 2002, 190). The high violent crime rate of young migrants therefore is a result of – inter alia – a different culture of masculinity e. g. in comparison to domestic Germans and Turkish juveniles (see above II.C.).

A cohort research study in Baden-Württemberg showed a higher crime rate of young “Russian” *Spätaussiedler* from the former Soviet countries in the early 90s (in contrast to young migrants from Poland or Romania, see *Grundies*, 2001, 298 ff.).

The picture of delinquency of young migrants from the former Soviet countries is not unanimous. Some studies found clear evidence of higher crime rates which can be explained by the difficult situation to get integrated to the host society. A lack of language training programmes, partly hostile living conditions and unemployment make the integration more difficult. Crime can be a solution, particularly if the peer group of similarly disadvantaged groups supports such behaviour (see *Kerner et al.*, 2001; *Reich*, 2003). At least on the level of youth imprisonment the over-representation of young migrants from the former Soviet countries is a matter of fact which causes serious problems for the youth prison system (see *Otto and Pwalik-Mierzwa*, 2001; *Düinkel and Walter*, 2004 and below 6. and 8.).

5. Foreigners and ethnic minorities as victims of crime: the issue of xenophobic and right wing attitudes amongst young persons in Germany

The debate about foreigners and ethnic minorities often neglects the fact that foreigners and ethnic minorities are not so much the “dangerous class” of (violent) offenders, but much more the “endangered class” of victims exposed to xenophobic violent assaults by young German right wing extremists. This problem increased since the beginning of the 90s, particularly in the “new federal states” in East-Germany after the German reunification (see *Düinkel and Geng*, 2003 with further references).

The literature on the causes of xenophobic attitudes amongst juveniles in Germany has expanded considerably. There is quite good and unanimous research demonstrating that right wing extremism and xenophobia are more wide spread in Eastern than in Western Germany. On the other hand, there is evidence that; independent of regional variations, a low educational level, poor professional perspectives and anti social and violence oriented attitudes support the climate of xenophobia (see *Düinkel and Geng*, 2003; 2003a). The complex model of *Düinkel/Geng* gives much emphasis for a multi-centric causal model, where socio-economic, social structural and socialisation factors are combined with personal attitudes and traits.

Xenophobic attitudes and actual violent behaviour to a large extent are explained by violence acceptance, which itself is a result of specific life events (in particular experiences of parental violence during childhood and adolescence) and socio-economic disadvantages (see *Diinkel* and *Geng*, 2003, 169 ff.; 2003a, 308). This means that the fewer the economic resources and the more problematic the social relationships of the family, the more likely that juveniles show attitudes of xenophobia and right wing extremism and of violence acceptance which result in active violent behaviour (mostly not only against ethnic minorities).

6. Young migrants and ethnic minorities in prisons: the evolution of prisoner rates in German youth prisons

As mentioned before, young migrants and members of ethnic minorities have become a major problem and challenge for the prison system. The prison statistics available from the statistical central office at Wiesbaden (*Statistisches Bundesamt*) only show part of the problem, as they only differentiate between persons with and without a German passport. As described above (see 1.2) some “new” groups of immigrants like the so-called Russian Germans (who are naturalised Germans because of the specific German immigration legislation) cause serious crime problems (see *Grundies*, 2000; *Reich*, 2003 with the explanation of delinquent behaviour by the negative experiences of immigration) and are also highly over-represented in prisons. Other groups like refugees and citizens of the former Yugoslavia as well as asylum seekers (who suffer from particular living conditions as they are not allowed to work and move freely) have influenced the development of prisoner rates. This can be seen when one takes the pre-trial detention rate into account, which increased with the rise of the number of asylum seekers at the beginning of the 1990s by several thousand persons, and decreased after the new immigration legislation in 1993, which reduced the number of asylum seeking immigrants considerably (see above 2.2).

The following part of the report focuses on the situation in **youth prisons**, where the proportion of foreigners and members of ethnic minorities is particularly high. Youth prisoners are juveniles (14-17 years) or young adults (18-21 years) who are sentenced to a youth prison sentence (6 months up to 5 years, in serious cases or in the case of young adults up to 10 years of imprisonment). They can stay in the youth prison until the age of 25. Therefore, almost 90% of the daily youth prison population consists of 18 to 25 year old “adults” (see *Diinkel*, 2003a).

The statistical data regarding “foreigners” in German prisons reveal that in the adult prison system the proportion of foreigners is 22%, compared to 24% in youth prisons. Foreigners are even more over-represented in the age groups of 18-21 years, but also 21-30 year olds in the general prison system and in the very young age group of juveniles in the youth prison system (see Table 1).

Table 1: Prisoners of foreign nationality in German prisons
(on 31 March 2002)

Sentenced prisoners	n =	% of foreigners
Prisons for adults	52,988	22.3
Age groups		
18-21	214	45.8
21-25	5,619	25.6
25-30	11,292	29.8
30-40	19,697	25.1
40-50	10,801	16.2
50-60	3,979	11.8
60 and more	1,386	7.5
Youth prisons	7,455	18.6
Age groups		
14-18	849	24.0
18-21	3,540	18.4
21 and more	3,066	17.4

Source: Prison statistics (Statistisches Bundesamt, Ed, Strafvollzugsstatistik), 2002.

6.1 The German juvenile justice system and sentencing practice concerning youth imprisonment – explaining the development of youth prisoners rates

The sentencing practice in Germany is greatly influenced by the legal approach of **youth imprisonment** being a reaction of **last resort**, if informal (diversion) and formal community sanctions, probation (suspended prison sentence) etc. seem to be insufficient or are inappropriate with respect to the seriousness of the young offender's guilt. Youth prison sentences therefore are seen as "*ultima ratio*" (see §§ 5 (2), 17 (2) Juvenile Justice Act, JGG). In practice, indeed, unconditional youth imprisonment (six months up to five, in exceptional cases, to ten years) accounts only for 2%; the suspended youth prison sentence for 4% of all formal and informal sanctions against 14-21 year-old offenders. The reduction of youth prison sentences from 8% to 6% is remarkable insofar as in the 1990s the proportion of youth prison sentences has remained stable, although the number of violent juvenile (14-17 years old) and young adult (18-21 years old) offenders has increased considerably. The juvenile justice system has kept its reluctant approach to the application of youth prison sentences, however, the increase in serious crimes by young offenders has contributed to an increase in the number of youth prisoners. Unlike the sentencing practice in other countries the German juvenile judges in general did not impose more severe punishment or longer youth prison sentences, which can be seen in the practice concerning robbery and assault (serious and dangerous bodily harm, for details see *Dünkel*, 2003: 118 f.).

The **youth imprisonment rate** differs when comparing the federal states in East and West-Germany (see Table 2). In 2002 the rate per 100,000 of the 15-25-year old population was 91 in the old and 130 in the new federal states (East-Germany). The highest rates could be seen in the West-German federal state of Bremen (166) and in the East-German states of Saxony-Anhalt (148) and Saxony (133), the lowest rates in Schleswig-Holstein (63), Baden-Württemberg (70) and Hamburg (72; see **Figure 9**). The statistics indicate that the principle of "last resort" is interpreted differently according to different crime problems and also to the involvement of young foreigners or members of ethnic minorities (see *Walter*, 2002: 132; 2003: 11 ff.).

The **pre-trial detention rate** of juveniles and young adults reveals similar differences as the rate for sentenced young offenders (see **Figure 10**). The variation is between 22 in Schleswig-Holstein and 122 in Hamburg. The relation between sentenced and pre-trial detainees shows that pre-trial detention in some cases is used extensively and probably not always according to the rather restrictive legislative provisions (see §§ 72, 72a

JGG). At a given day, e. g. in Hamburg, more juveniles and young adults are accommodated in pre-trial detention than in youth prisons, whereas in Schleswig-Holstein the ratio is around 1 : 3, in most other states around 1 : 2. Although **Figure 9** and **10** are not exactly comparable (the rates are related to the 15-25-years resp. 14-21-years old population), they can be taken as an indicator for disproportionate pre-trial detention practices.

Fig. 9: Young offenders (15-25 years) in juvenile prison in a comparison of the Federal States at 31 March 2002

Germany total: 93,7
 New Federal States: 130,0
 Old Federal States: 90,7

* Including those young adult prisoners (over 18 resp. 24 years of age) who have been transferred to adult prisons according to sect. 92 (2) Juvenile Justice Act.

Sentenced youth prisoners per 100,000 of the 15-25 years old age group*

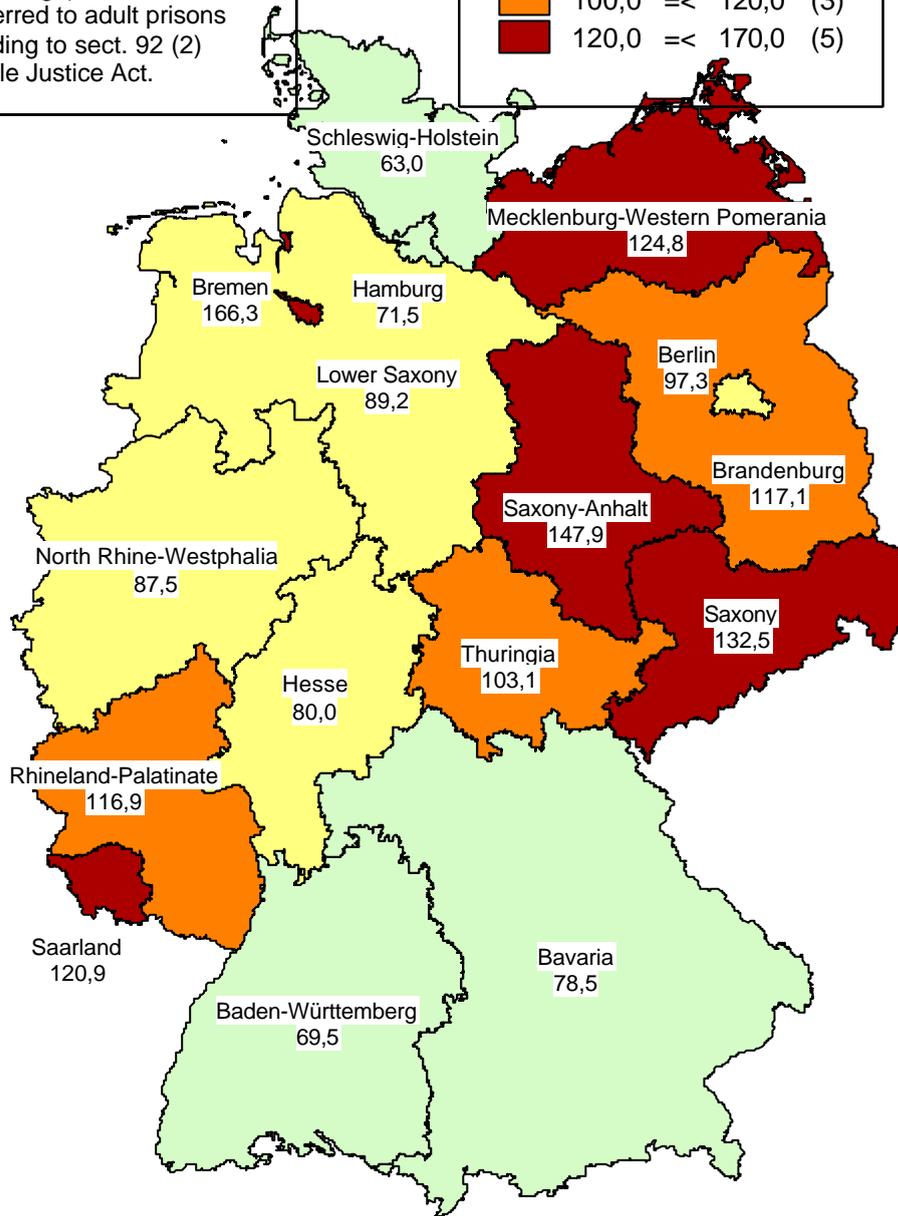
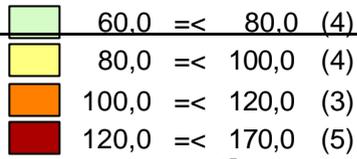


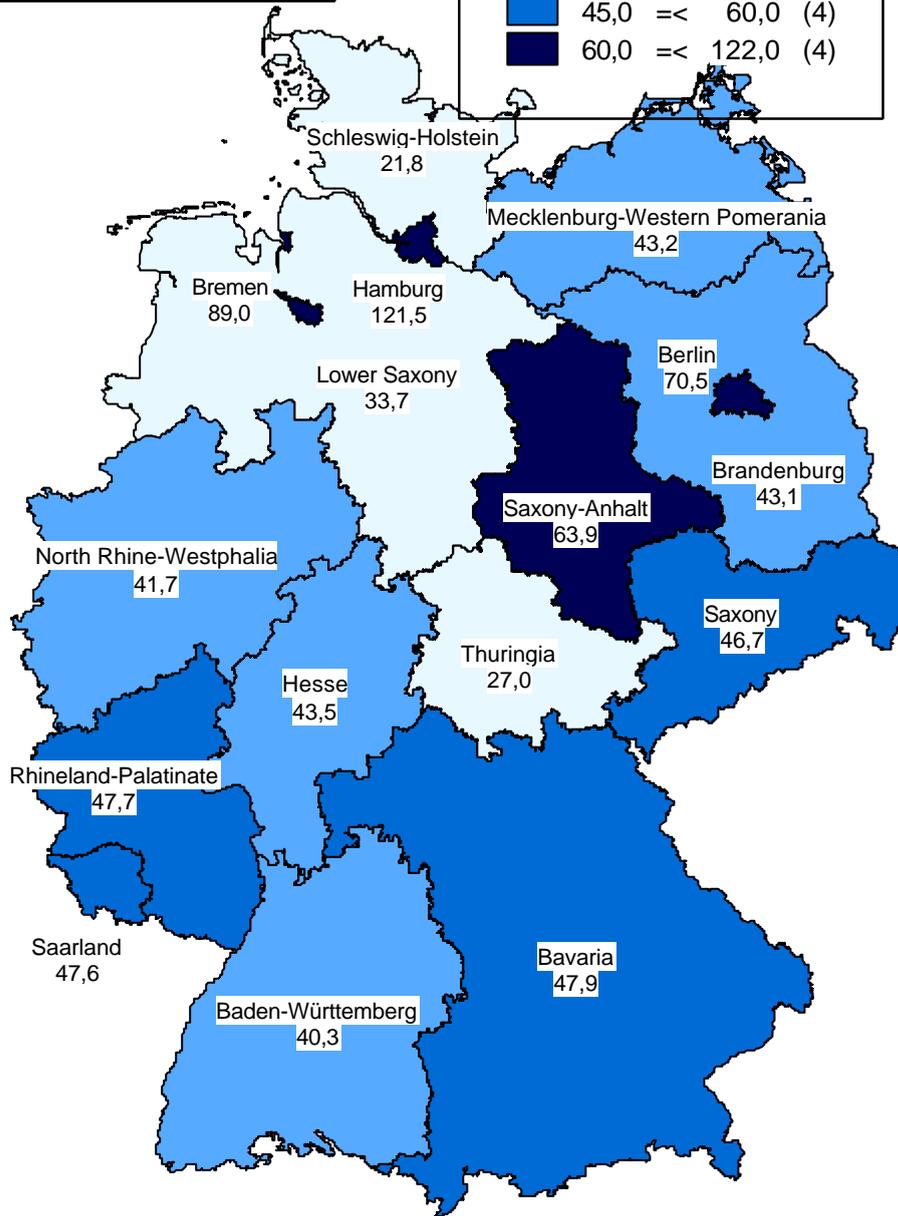
Fig. 10:

Remand prison population rates of juveniles (14-18 years) and young adults (18-21 years) at 31 March 2002

Germany total: 45,1
New Federal States: 45,2
Old Federal States: 47,4

Pre-trial detainees per 100,000
of the 14-21 year old
national population

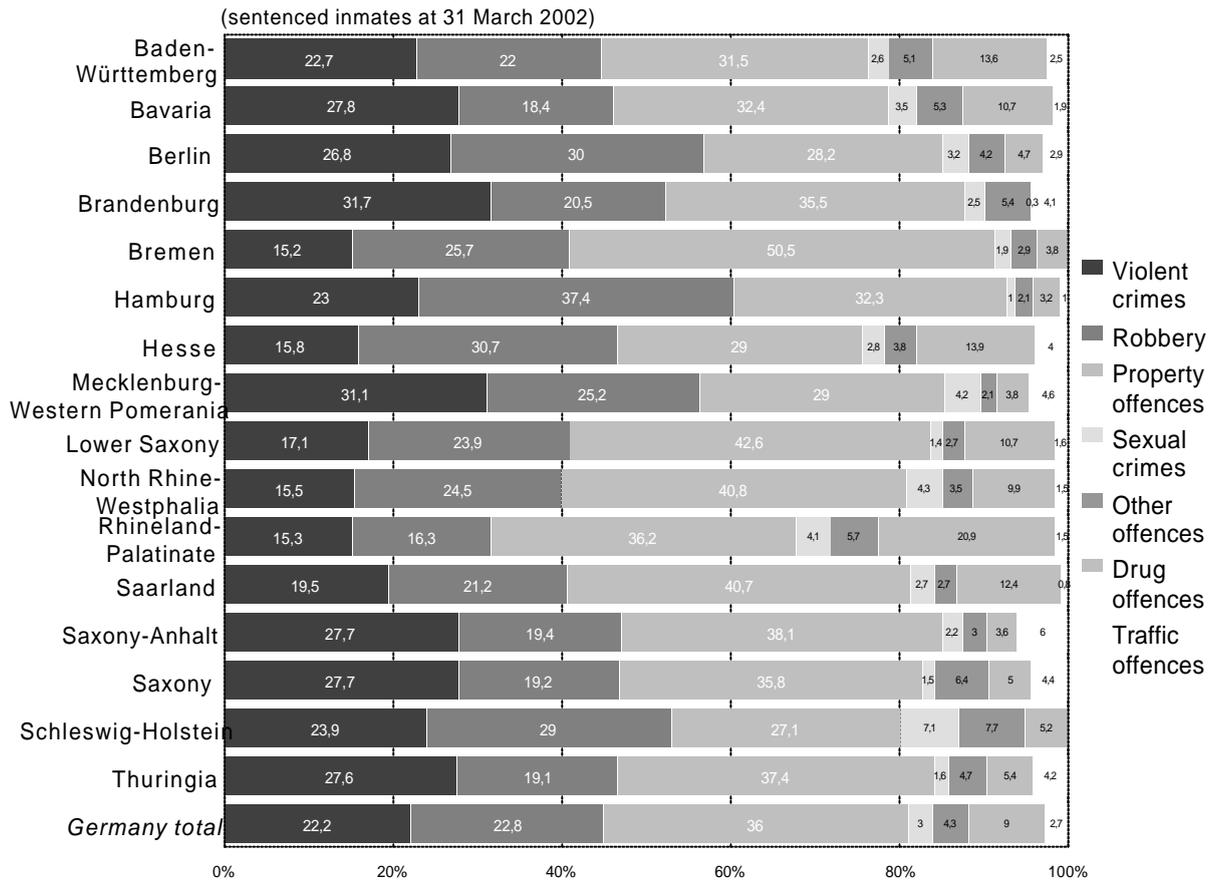
20,0 =< 40,0	(3)
40,0 =< 45,0	(5)
45,0 =< 60,0	(4)
60,0 =< 122,0	(4)



First of all, the low rates in Schleswig-Holstein and Hamburg can be explained by a very liberal sentencing practice in general which favours diversion and community sanctions also in the case of more serious crimes by young offenders. The raised youth prisoner rates in East Germany can be explained by the increased rates of young violent offenders. I. e., in Brandenburg 52%, in Mecklenburg-Western Pomerania even 56% of the youth prison population (on 31 March 2002) were imprisoned for violent crimes (serious bodily harm, homicide, robbery etc.). The average for all federal states was 45%, whereas only 36% of youth prisoners served their sentence because of property offences. Sexual offences (3%), traffic offences (3%) and drug offences (9%) in general play only a marginal role. However, as to drug offences, an interesting observation concerning East and West-Germany can be made: in East-Germany the consumption and trafficking of illegal drugs has not yet reached the same level as in the old federal states. The proportion of young drug offenders in prison is lower than 5%, whereas in some West-German states it goes up to 14% in Baden-Württemberg and Hesse or even 21% in Rhineland-Palatinate (see **Figure 11**).

In East-Germany there is not only an over-representation of young violent offenders, but also of right-wing extremists (skin-heads and other neo-nazi activists). Therefore the challenges for the youth prisons differ according to the inmate structure (see below 6.2 and 8.).

Fig. 11: Youth prisoners according to crimes in the federal states of Germany, 2002



Source: own calculations on the base of the Strafvollzugsstatistik - Arbeitstabelle ST 6 of the Federal Statistical Office, Wiesbaden

6.2 The proportion of foreigners and ethnic minorities in German youth prisons

As indicated earlier, the official prison statistics only differentiate between German and Non-German nationality, but not according to ethnic minorities like the so-called Russian Germans etc. However, some Data in some federal states are available from a few research studies (see *Walter*, 2002; 2003). First of all, it is interesting to see that the youth prisoner rates for 14 to 21-years-olds in the federal state of Baden-Württemberg (in the south-west of Germany) tripled between 1980 (50 per 100,000 of the age group) and 2000 (150; 2001: 124) in the case of Non-Germans, whereas the rate for Germans dropped from 56 in 1983 to 24 in 1997 and rose again up to 40 in 2001 (see *Walter*, 2003: 13 and **Figure 12**). Although this may partly be due to an increase of youth crime, particularly violent offences, among young migrants, the degree of over-representation of foreigners is striking and indicates discriminatory sentencing practice (see *Diinkel*, 2004 and above 3.3). If we look at the data regarding admissions to youth prisons in Baden-Württemberg in more detail, it becomes apparent that the increase of “Germans” since 1996 is caused to a large extent by German resettlers from the former USSR-states (see **Figure 13**). They accounted for 19% of all admissions in 2001, with another 2.3% being resettlers from other countries. Less than half of the youth prisoners’ admissions were Germans by birth (47%; see *Walter*, 2003: 13).

This structure is not typical for all, but at least for many West-German federal states. According to a poll of *Pfeiffer* and *Dworschak* in 1998, the proportion of resettlers (“*Aussiedler*”) in 19 West-German youth prisons was 10% (the highest rate to be seen in Bavaria with 11.0%, Baden-Württemberg with 13.3% and Bremen with 14.0%, the lowest rate in Schleswig-Holstein, Hesse and Hamburg with 4-6%, see *Pfeiffer* and *Dworschak*, 1999: 185).

In East Germany the proportion of both foreigners and German resettlers is still very low. The largest federal state of North Rhine-Westphalia shows an interesting development in the national and foreign youth prison population. The absolute numbers of Germans dropped from almost 2,000 to less than 800 in 1996 and then increased to 1,000-1,100 again. The number of Non-Germans since 1980 (almost 100) rose to more than 500 in 1994 and then remained stable, with a slight decrease since 1999 (see **Figure 14**). The increase in the number of Germans since 1996 can probably be attributed to young immigrants with a German passport.

Fig. 12: Youth prison population rate (14-21 year old juveniles and young adults) in Baden-Württemberg

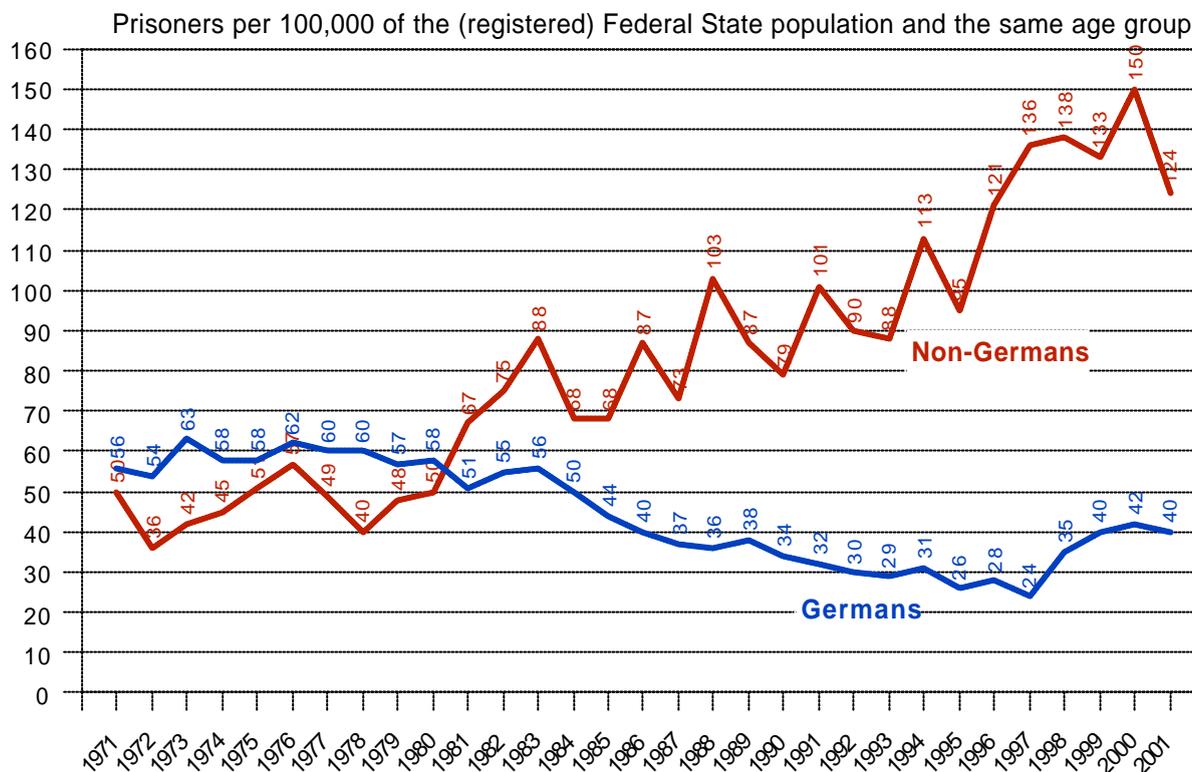


Fig. 13: Admissions to youth prisons in Baden-Württemberg according to "nationality" in percent, 1987 - 2001

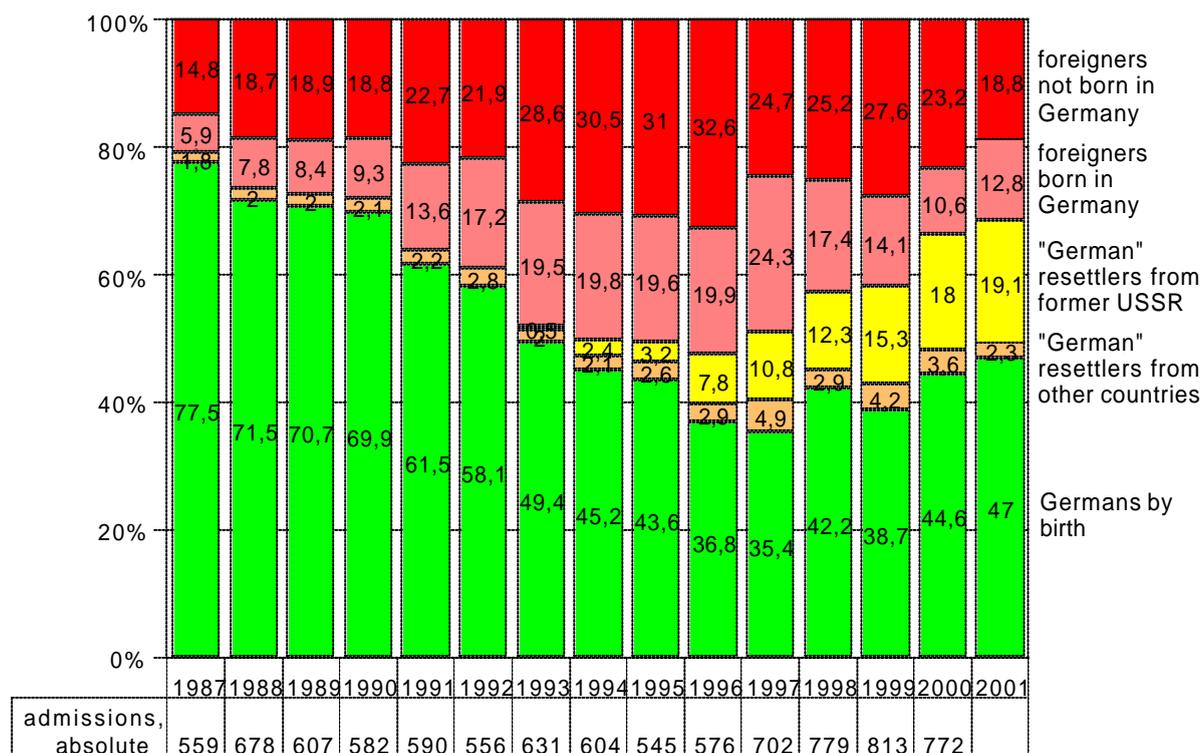
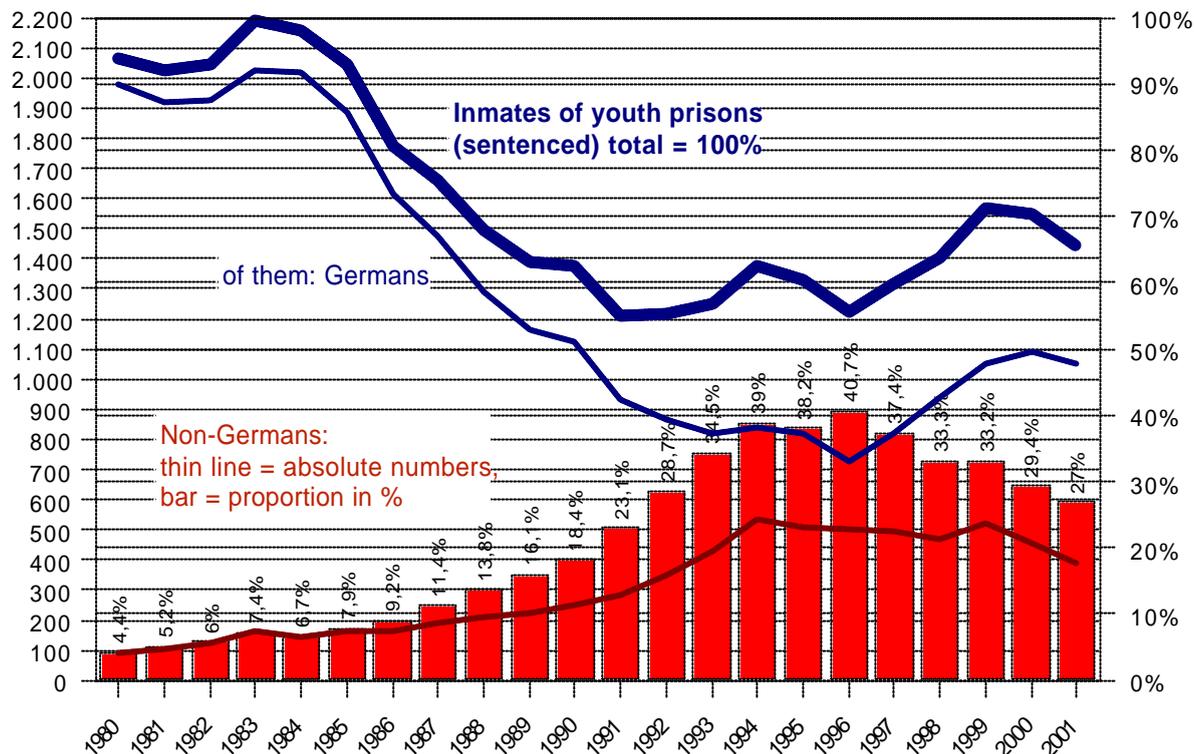


Fig. 14: Development of German and Non-German youth prisoners in North Rhine-Westphalia, 1980 - 2001



7. Causes of the over-representation of foreigners in youth prisons

There are several indicators for the over-representation of foreigners and young migrants in German youth prisons. One main factor has to do with the violent crimes committed by these groups. Another factor seems to be the sentencing practice which privileges Germans by sentencing them to community sanctions more often than their foreign counterparts, although the data are not consistent in this point (see *Dünkel*, 2004 and above 3.3; *Suhling* and *Schott*, 2001; *Walter*, 2003, 13 f.). It is possible that discrimination can be found particularly in the cases involving violent offenders. On the other hand, the number of foreigners in this crime group is particularly high, which in part could be a reason for their over-representation in prisons. Some studies show that foreigners and members of ethnic minorities who have serious language problems tend to be excluded from community sanctions (like social training courses) that are mainly based on verbal competence. On the other hand, there are examples of specific training courses that aim to improve the prisoners' language competence (see *Dünkel*, *Geng* and *Kirstein*, 1998).

Suhling and *Schott* (2001) demonstrated that between 1990 and 1998 the number of police registered young foreigners in Germany dropped by 2%, whereas the number of convicted persons per 100,000 of the age group

increased by 22% and the prisoners rate even by 74%. The German group showed the opposite trend: police registered young offenders increased by 14%, the conviction rate only by 10% and the prisoners rate dropped by 0.2% (see *Suhling* and *Schott*, 2001: 61). Interestingly the group of foreigners had less prior convictions than the German group. So the risk for being sent to prison increased particularly for foreigners, which can be attributed to a more severe sentencing practice towards ethnic minorities in the 90es. The authors further show that not only the risk of being sentenced to youth imprisonment increased for foreigners, but also the length of imprisonment for the same crime committed (see *Suhling* and *Schott*, 2001: 62 ff., concerning a comparison of the states of Lower Saxony and Schleswig-Holstein).

Very similar results have been obtained through the research study by *Steffen* in Bavaria. Her research revealed that for foreigners the risk of being convicted increased in the 90s. The proportion of foreigners, particularly of young foreigners (under 21 years), increased, whereas the proportion of Germans decreased (see *Steffen*, 1998, 676 ff.; 2001, 259 ff.), due to an extended application of diversionary procedures (§§ 45, 47 Juvenile Justice Act, *JGG*). So in Bavaria, too, the foreign offender population is insofar discriminated that the “de-dramatising” processes of diversion are more and more restricted to Germans.

8. Problems regarding the treatment of foreigners and ethnic minorities in prison and treatment programmes in Germany: an overview

The problems of foreigners and members of ethnic minorities in youth prisons have recently been the focal point of a study by the University of Bielefeld. This study involved the questioning of experts of the federal state ministries. On the one hand, this revealed the possibility of differentiated structural problems within the prison system as well as its lack of appropriate programmes. Furthermore, problems of the prisoners themselves were also revealed, for example motivational factors and language competence. A specific East-German problem seems to be the emergence of the treatment of young neo-nazis and xenophobic offenders as a new challenge for the youth prison system.

The following table summarises the results of the Bielefeld-study mentioned above.

Table 2: Problems of foreign prisoners and members of ethnic minorities and specific treatment programmes and opportunities for these groups (Questioning of Prof. *Britta Bannenberg*, University of Bielefeld, from September 2002, see *Bannenberg*, 2003; *Winkler*, 2003)

<i>Federal states</i> (Länder)	Problems	Treatment programmes
<i>Baden-Württemberg</i>	<ul style="list-style-type: none"> • Language problems • Increasing numbers of “German” immigrants from Russia • Problems of the “Russian” subculture 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • Regular school classes in Italian language • working groups and conferences concerning “Russians” in some prisons • Consideration of religious practices (food etc.)
Bavaria	<ul style="list-style-type: none"> • Language problems complicate individual treatment and care • Increasing numbers of “German” immigrants from Russia • Problems of the “Russian” subculture (resistant to treatment offers, abuse of group activities, specific language problems, etc.) 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • General foreign language courses • Leaflets in foreign languages • Consideration of religious practices (food etc.) • Foreign language courses for staff members • Employment of staff of foreign nationality or with foreign language knowledge (particularly Russian) • Suppression of subculture developments

Berlin	<ul style="list-style-type: none"> • No information 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • Leaflets in foreign languages
Brandenburg	<ul style="list-style-type: none"> • Language problems • Proportion of foreigners who participate in work programmes is considerably lower 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • Leaflets in foreign languages
Bremen	<ul style="list-style-type: none"> • No information 	<ul style="list-style-type: none"> • No specific programmes for foreigners
Hamburg	<ul style="list-style-type: none"> • No information 	<ul style="list-style-type: none"> • No information
Hesse	<ul style="list-style-type: none"> • No information 	<ul style="list-style-type: none"> • No information
Mecklenburg-Western Pomerania	<ul style="list-style-type: none"> • No information 	<ul style="list-style-type: none"> • No information
Lower Saxony	<ul style="list-style-type: none"> • Only language problems cause difficulties with foreign prisoners • Instead: sincere difficulties with “German” immigrants from Russia (subculture, extortion of other prisoners, forcing other <i>Aussiedler</i> to participate in drug dealing, assaults against other prisoners and prison staff, hunger strikes etc.) 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • Employment of foreigners as staff members • Project “searching social case work”, external volunteers contacting foreign prisoners with special need of care • Work-group for problems with <i>Aussiedler</i>, developing a treatment and security concept

North Rhine-Westphalia	<ul style="list-style-type: none"> • Multicultural, multiethnic structure of inmate population causes serious problems with prison subcultures • Language problems • Increasing numbers of “German” immigrants from Russia • Problems of the “Russian” subculture 	<ul style="list-style-type: none"> • In general equal treatment of German and foreign prisoners resp. <i>Aussiedler</i> • Consideration of religious practices (food etc.) • Efforts to diminish language barriers and to integrate foreigners into general treatment programmes • Foreign literature in the prison library
Rhineland-Palatinate	<ul style="list-style-type: none"> • no information 	<ul style="list-style-type: none"> • no information
Saarland	<ul style="list-style-type: none"> • No specific problems with foreign prisoners • Increasing numbers of “German” immigrants from Russia (subculture problems, hierarchical structure, resistant to treatment offers, strong group cohesion) 	<ul style="list-style-type: none"> • No concrete solutions or programmes
Saxony	<ul style="list-style-type: none"> • Only few “German” immigrants from Russia, therefore no specific problems 	<ul style="list-style-type: none"> • No information
Saxony-Anhalt	<ul style="list-style-type: none"> • Language problems with foreign prisoners 	<ul style="list-style-type: none"> • No information

Schleswig-Holstein	<ul style="list-style-type: none"> • Language problems as a hindrance for integrating foreigners and <i>Aussiedler</i> in schooling/vocational training and therapeutic programmes 	<ul style="list-style-type: none"> • Language courses for foreigners and “<i>Aussiedler</i>” from Russia • Consideration of religious practices (food etc.) • Counselling and leisure time activities by external foreign volunteers for Turkish, Polish and Russian prisoners • Leaflets in 12 foreign languages • Since 2002: in Neumünster a central office for the work with foreign and <i>Aussiedler</i> prisoners was opened (offering language courses for staff members, employment of foreign staff members, further vocational training seminars for staff members)
Thuringia	<ul style="list-style-type: none"> • Proportion of foreign prisoners is very small, therefore no serious problems • In single cases language problems 	<ul style="list-style-type: none"> • Some general measures (not described in detail) to fight language problems

In general we may conclude that the East-German federal states do not face a serious problem with foreigners or members of ethnic minorities in youth prisons, whereas most West-German states reported language problems in general and the increasing numbers of young “German” Russians as a violent oriented group creating a problematic subculture in the youth prison.

The study by *Winkler* (2003) reveals that most federal states offer some language training courses, but besides that have not developed specific treatment programmes for foreign youth prisoners or members of ethnic minorities (see Table 3 above). Insofar the “German” Russians (*Aussiedler*) are perceived as a particularly problematic group in some West-German states, where they are highly over-represented as indicated before (see *Grundies*, 2000; *Reich*, 2003).

With respect to the general treatment efforts in youth prisons in Germany, one can state that young foreigners are integrated into school and vocational training programmes quite well. They are also integrated into anger-management programmes, developed in some institutions for violent offenders in general or in so-called socio-therapeutic units.

An exception must be made in the case of those who are sent back to their country of origin after having served their sentence partially (in general, they are extradited after two thirds of the sentence). They are not granted home leaves or other forms of the relaxation of the prison regime (including the transfer to an open prison).

In some youth prisons the recruitment of staff with foreign background (e. g. Turkish social workers) has started which simplifies the involvement and commitment of foreign prisoners.

Xenophobic or right-wing extremist offenders have, until recently, not been seen as a specific problem and some prison directors still deny having difficulties with them. In some of the new federal states these (regularly violent) offenders are now a matter of concern as they promote their extremist ideas and by that contribute to the development of a specific subculture which can be as explosive as that of young immigrants from Russia.

One experiment which could be interesting in this context is the “just community” project in a department unit of the Adelsheim youth prison in Baden-Württemberg. Its focus lies on developing democratic structures and of educating young prisoners towards tolerance and democratic attitudes (see *Dünkel* and *Walter* 2004). It could be of particular importance for young persons with a social background of former totalitarian systems as well as for young anti-democratic nationalists of the neo-nazi scene. Although there exists not yet an empirical evaluation on its outcome concerning later recidivism, there is some evidence that the prison climate has improved and that a culture of democratic conflict resolution can be established even under the particular difficult situation in youth prisons.

First empirical results have also shown that the level of development of moral judgement (in the sense of *Kohlberg’s* model of moral development, see *Kohlberg*, 1987) of most participants in the pre-post comparison increased significantly, mostly about half a stage. There is also a visible shift from pre-conventional to conventional levels of development of moral

understanding (*Brumlik and Sutter, 1996: 46 ff.*; see also *Sutter 1996; Sutter, Baader and Weyers, 1998*). As negative effects did not occur and as the reported experiences allow confidence, it is now important to integrate the model into the “grey routine” of the total youth prison. At least there is evidence that social and moral learning is possible even under the conditions of the juvenile penal system (see *Weyers, 2003: 106 ff.*). The presupposition is therefore, that we summon up our courage to dare more democracy, even in prison.

The project seems to be of major importance also for the living together of different ethnics and nationalities in prison. The climate insofar has improved under the rules of the “just community” model, as well.

9. How to integrate ethnic minorities in Germany? What do we know about what works in crime prevention?

There have been great efforts to implement programmes for integrating young (and adult) migrants in Germany. There have been fewer efforts to evaluate these programmes. The empirical evidence on “what works and what doesn’t” is, however, modest. A successful integration depends on several factors, like the inter-ethnic contacts, perceived and real xenophobia and prejudices, socio-economic chances, education and socio-structural conditions of the receiving society (see *Bannenberg, 2003, 193*). Although unanimously the issue of integration is stressed, the reality of handling the problems with young migrants is characterised by helplessness. The improvement of the language capacity is prioritized, but there is also general acceptance that the social and cultural background of the young “Russian” minorities has to be taken in account. It becomes evident that social workers with language and other knowledge of the different cultures are a favourable factor of integration. There are proposals to use the strong family orientation as a resource to handle conflicts by the conflict resolution models of family group conferences as known from New Zealand and Newfoundland (see *Weitekamp, Reich and Bott, 2002: 43 ff.*). Other proposals stress the importance of leisure time programmes as violent and other delinquent behaviour is based in this area (see *Kerner et al., 2001: 373 ff.*). In general, however, the concepts for crime prevention seem to be eclectic and without a specific theoretical concept. They accidentally develop and disappear, mostly without a thorough evaluation. Projects for the integration of young foreigners share the shortcomings of preventive projects in general: much action with sometimes not very convincing theoretical approaches. There is no doubt that programmes that enforce the language competence, the educational level and professional perspectives might be promising, the problem remains, however, how to

reach the very problematic subgroups of young migrants in difficulties or who are living in very deprived situations.

10. Summary and conclusion

Young migrants in Germany are perceived as a problematic group with a greater risk of entering the criminal justice system, particularly as violent offenders. However, they are not only over-represented as young offenders but also as victims of (violent) crimes. Particularly because of this fact they deserve our attention and preventive strategies are urgently needed to be enforced. The empirical data show that there is no value in just emphasising “foreigners” and/or so-called “*Spätaussiedler*” as problematic or even “dangerous” groups. One has to differentiate according to the socio-economic and other living conditions that determine the chances of integration into the domestic society. And also the concept of higher crime prevalence rates does not correspond to ethnic minorities in general. Some groups of minorities show higher violent crime rates, but concerning property offences the “native” Germans are more involved in crime. Theoretical explanations must consider the labelling perspective as well as social structural aspects of young migrants as a disadvantaged and sometimes stigmatised group. Furthermore, one has also to differentiate groups according to their specific social and national backgrounds when explaining specific problems of integration.

The youth prison system in Germany – regularly dealing with young adult inmates of between 18 and 25 years of age – has experienced a strong increase of the numbers of foreign prisoners as well as of young migrants from Eastern Europe (who because of their German ancestors are “Germans” by the immigration laws). This development is partially due to an increase of the particular (violent) crime rates, but possibly also due to discriminative sentencing practices which tend to exclude foreigners (with language problems) from educational community sanctions as alternatives to imprisonment. But in prison, too, young immigrants experience disadvantages because of their language problems. The federal states responsible for the correctional system try to improve the situation through language training courses and in some prisons by other specific training programmes. Young migrants and foreigners are mainly a problem in the West-German states, whereas in East-Germany they still account only for a small minority. In East-Germany the problems with violent offenders and in this context with xenophobic and right-wing extremists prevail, but only a few programmes (e. g. anger-management training programmes) have been developed so far. A promising model of democratic education is the “just community” project in the Adelsheim youth prison in Baden-

Württemberg, which seems to be appropriate to develop conflict resolution mechanisms that are particularly important in the living together of the above mentioned problem groups.

Germany will need much more immigration in order to maintain the economic level of society and to counteract the “superannuating” of society. One precondition will be to better integrate young migrants and their families. Penal law will not help to overcome common difficulties of integration. Therefore social policy is to be reinforced. It seems that the political parties have not yet realised these facts and/or are not willing to accept them because of short term political interests to win elections by right wing or xenophobic rhetoric. It remains an open question if rational arguments will get more importance or even prevail in the future. Criminologists should at least in their field try to fight against populist and irrational crime policy orientations.

References

- ALBRECHT H.-J., Ethnic Minorities, Crime, and Criminal Justice in Germany, in TONRY M. (Ed), *Ethnicity, Crime, and Immigration*, Chicago, University of Chicago Press (Crime and Justice, Vol. 21), 1997, 31-99.
- ALBRECHT P.-A., PFEIFFER C., *Die Kriminalisierung junger Ausländer. Befunde und Reaktionen sozialer Kontrollinstanzen*, München, Juventa Verlag, 1979.
- BANNENBERG B., *Migration – Kriminalität – Prävention. Gutachten zum 8. Deutschen Präventionstag, 28./29.4.2003, Teil I, 2003, 1-70* (www.praevensionstag.de/content/8_praev/dateien/Gutachten_8_DPT.pdf).
- BMI/BMJ (Bundesministerium des Innern/Bundesministerium der Justiz), *Erster Periodischer Sicherheitsbericht*, Berlin, BMI/BMJ, 2001 (see also www.bmi.de).
- BRUMLIK M., SUTTER H., *Rekonstruktion sozial-kognitiver und sozio-moralischer Lernprozesse im Rahmen eines demokratisch geregelten Vollzugs als 'Just Community'. Projektverlängerungsantrag und Zwischenbericht*, Heidelberg 1996.
- DITTMANN J., WERNITZNIG B., Strafverfolgung und Sanktionierung bei deutschen und ausländischen Jugendlichen und Heranwachsenden. Eine Untersuchung am Beispiel des Einbruchsdiebstahls. *Monatsschrift für Kriminologie und Strafrechtsreform*, 2003, Vol. 86, 195-205.
- DÜNKEL F., Youth violence and juvenile justice in Germany, in DÜNKEL F., DRENKHAHN K. (Eds), *Youth violence: new patterns and local responses – Experiences in East and West*, Mönchengladbach, Forum Verlag Godesberg, 2003, 96-142.
- DÜNKEL F., Situation und Reform des Jugendstrafvollzugs in Deutschland. *Recht der Jugend und des Bildungswesens*, 2003a, Vol. 51, 318-334.
- DÜNKEL, F., Migration and ethnic minorities: impacts on the phenomenon of youth crime – the situation in Germany, in QUELOZ, N., et al. (Eds): *Youth Crime and Juvenile Justice – The Challenge of Migration and Ethnic Diversity*, Bern, Staempfli, 2004(in print).
- DÜNKEL F., GENG B. (Eds), *Jugendgewalt und Kriminalprävention*, Mönchengladbach, Forum Verlag Godesberg, 2003.
- DÜNKEL F., GENG B., Experiences of violence, social orientations and risk factors among juveniles in the Hanseatic City of Greifswald, 1998-2002: Findings of an empirical longitudinal study about the conditions of life and delinquency of juveniles, in DÜNKEL F., DRENKHAHN K. (Eds), *Youth violence: new patterns and local responses – Experiences in East and West*, Mönchengladbach, Forum Verlag Godesberg, 2003a, 295-315.
- DÜNKEL F., GENG B., KIRSTEIN W.: *Soziale Trainingskurse und andere neue ambulante Maßnahmen nach dem JGG in Deutschland*. Mönchengladbach: Forum-Verlag, 1998
- ENZMANN D., WETZELS P., Ethnic Differences in Juvenile Delinquency: The Role of Violence Legitimising Norms of Masculinity, in DÜNKEL F., DRENKHAHN K. (Eds), *Youth violence: new patterns and local responses – Experiences in East and West*, Mönchengladbach, Forum Verlag Godesberg, 2003, 316-345.
- GEBAUER M., Kriminalität der Gastarbeiterkinder, *Kriminalistik* 1981, Vol. 35, 2-8, 83-86.
- GEISLER R., MARISSSEN N., Kriminalität und Kriminalisierung junger Ausländer. Die tickende soziale Zeitbombe, *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 1990, Vol. 42, 663-687.
- GRUNDIES V, Kriminalitätsbelastung junger Aussiedler. Ein Längsschnittvergleich mit in Deutschland geborenen jungen Menschen anhand polizeilicher Registrierungen. *Monatsschrift für Kriminologie und Strafrechtsreform*, 2000, Vol. 290-305.
- HAMBURGER F., SEUS L., WOLTER, O., *Zur Delinquenz ausländischer Jugendlicher – Bedingungen der Entstehung und Prozesse der Verfestigung*, Wiesbaden, Bundeskriminalamt (BKA-Schriftenreihe), 1981.
- HANESCH et al, *Armut in Deutschland*, Reinbek, Rohwolt, 1994.

- HARTMANN S., Jugendliche Ausländer und der Ladendiebstahl. Zur situativen Interpretation eines gesellschaftlich brisanten Sachverhalts. *Informationsdienst zur Ausländerarbeit*, 1995, Nr. 3-4, 96-99.
- JEHLE J.-M., Entwicklung der Untersuchungshaft bei Jugendlichen und Heranwachsenden: vor und nach der Wiedervereinigung, Bonn, Bundesministerium der Justiz, 1995.
- KARGER T., SUTTERER P., Polizeilich registrierte Gewaltdelinquenz bei jungen Ausländern. Befunde der Freiburger Kohortenstudie unter Berücksichtigung von Verzerrungen in der Polizeilichen Kriminalstatistik. *Monatsschrift für Kriminologie und Strafrechtsreform*, 1990, Vol. 73, 369-383.
- KERNER H.-J. ET AL., Wenn aus Spaß Ernst wird. Untersuchung zum Freizeitverhalten und den sozialen Beziehungen jugendlicher Spätaussiedler. *DVJJ-Journal* 2001, Vol. 12, 370-379.
- KOHLBERG L., Moralische Entwicklung und demokratische Erziehung. In: Lind G., Raschert, J. (Eds.), *Moralische Urteilsfähigkeit. Eine Auseinandersetzung mit Lawrence Kohlberg über Moral, Erziehung und Demokratie*. Weinheim and Basel, Beltz Verlag, 1987, 25-46.
- KUBINK M., *Verständnis und Bedeutung von Ausländerkriminalität. Eine Analyse der Konstitution sozialer Probleme*, Pfaffenweiler, Centaurus Verlag, 1993.
- LUDWIG-MAYERHOFER W., NIEMANN H., Gleiches (Straf-)Recht für alle? *Zeitschrift für Soziologie*, 1997, Vol. 26, 35-52.
- LUFF J., *Kriminalität von Aussiedlern. Polizeiliche Registrierung als Hinweis auf misslungene Integration?* München, Bayerisches Landeskriminalamt, 2000.
- REICH K., Delinquent Behaviour: One Possible Response to Migration-related Problems for Young Male Ethnic-Germans, in DÜNKEL F., DRENKHAHN K. (Eds), *Youth violence: new patterns and local responses – Experiences in East and West*, Mönchengladbach, Forum Verlag Godesberg, 2003, 443-457.
- MANSEL J., ALBRECHT G., Migration und das kriminalpolitische Handeln staatlicher Strafverfolgungsorgane. Ausländer als polizeilich Tatverdächtige und gerichtlich Abgeurteilte. *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 2003, Vol. 55, 679-715.
- OTTO M., PAWLIK-MIERZWA K., Kriminalität und Subkultur inhaftierter Aussiedler, *DVJJ-Journal*, 2001, Vol. 12, 124-132.
- PFEIFFER C., DWORSCHAK, B., Die ethnische Vielfalt in den Jugendvollzugsanstalten. *DVJJ-Journal* 1999, Vol. 10, 184-187.
- PFEIFFER C. et al., Steigt die Jugendkriminalität wirklich? In Pfeiffer C., Greve W. (Eds), *Forschungsthema Kriminalität. Festschrift für Heinz Barth*, Baden-Baden, Nomos Verlag, 1996, 19-53.
- PFEIFFER C. et al., *Ausgrenzung, Gewalt und Kriminalität im Leben junger Menschen – Kinder und Jugendliche als Täter und Opfer*, Hannover, Eigenverlag der DVJJ (Sonderdruck zum 24. Deutschen Jugendgerichtstag 1998 in Hamburg), 1998.
- PFEIFFER C., WETZELS P., Junge Türken als Täter und Opfer von Gewalt, *DVJJ-Journal*, 2000, Vol. 11, 107-113.
- SCHÖCH H., GEBAUER M., *Ausländerkriminalität in der Bundesrepublik Deutschland. Kriminologische, rechtliche und soziale Aspekte eines gesellschaftlichen Phänomens*, Baden-Baden, Nomos Verlag, 1991.
- SCHÜLER-SPRINGORUM H., Ausländerkriminalität – Ursachen, Umfang und Entwicklung, *NStZ*, 1983, Vol. 3, 529-536.
- SCHWIND H.-D., *Kriminologie*, 13th ed., Heidelberg, Kriminalistik Verlag, 2003.
- STEFFEN W., Problemfall „Ausländerkriminalität“, in H.-J. ALBRECHT et al. (Eds), *Internationale Perspektiven in Kriminologie und Strafrecht – Festschrift für Günther Kaiser*, Berlin, Duncker & Humblot, 1998, 663-680.
- STEFFEN W., Strukturen der Kriminalität der Nichtdeutschen, in Jehle J.-M. (Ed), *Raum und Kriminalität. Sicherheit der Stadt – Migrationsprobleme*, Mönchengladbach, Forum Verlag Godesberg, 2001, 231-262.

- SUHLING S., SCHOTT T., Ansatzpunkte zur Erklärung der gestiegenen Gefangenenanzahlen in Deutschland. In: BERESWILL M., GREVE W., Eds., *Forschungsthema Strafvollzug*, Baden-Baden, Nomos Verlagsgesellschaft, 2001, 25-83.
- SUTTER H.-J., Demokratieerziehung und Moralentwicklung – Kohlbergs Just-Community-Modell unter den Bedingungen des Jugendstrafvollzugs. In: Stark et al., Eds. (Hrsg.): *Moralisches Lernen in Schule, Betrieb und Gesellschaft*. Bad Boll, Evangelische Akademie (Protokolldienst Nr. 7/96), 1996.
- SUTTER H.-J., BAADER M., WEYERS S., Die „Demokratische Gemeinschaft“ als Ort sozialen und moralischen Lernens. Der Modellversuch in der Justizvollzugsanstalt Adelsheim – eine Zwischenbilanz. *Neue Praxis*, 1998, 383-398.
- VILLMOW B., Kriminalität der jungen Ausländer: Ausmaß und Struktur des abweichenden Verhaltens und gesellschaftliche Reaktion, in KERNER H.-J., GÖPPINGER, H., STRENG, F. (Eds), *Festschrift für Heinz Lefrenz*, Heidelberg, C. F. Müller, 1983, 323-343.
- WALTER J., Jugendvollzug in der Krise? *DVJJ-Journal*, 2002, Vol. 13, 127-143.
- WALTER J., Aktuelle Entwicklungen und Herausforderungen im deutschen Jugendstrafvollzug. *Neue Kriminalpolitik*, 2003, Vol.15, 10-14.
- WALTER M., Über die Bedeutung der Kriminalität junger Ausländer für das Kriminalrechtssystem, *DVJJ-Journal*, 1993, Vol. 4, 347-359.
- WALTER M., Migration und damit verbundene Kriminalitätsprobleme, in Jehle J.-M. (Ed), *Raum und Kriminalität. Sicherheit der Stadt – Migrationsprobleme*, Mönchengladbach, Forum Verlag Godesberg, 2001, 211-230.
- WALTER M., PITSELA A., Ausländerkriminalität in der statistischen (Re-) Konstruktion. *Kriminalpädagogische Praxis*, No. 34, 6-19.
- WALTER M., TRAUTMANN S., Kriminalität junger Migranten und gesellschaftliche (Des-)Integration, in RAITHEL J., MANSEL J. (Eds), *Kriminalität und Gewalt im Jugendalter*, Weinheim, München, Juventa Verlag, 2003, 64-86.
- WEITEKAMP E. G. M., REICH K., BOTT K., Deutschland als neue Heimat? Jugendliche Aussiedler in Deutschland zwischen Veränderung und Verweigerung. *Neue Praxis*, 2002, 33-52.
- WEYERS S., Funktioniert Demokratie(erziehung) im Knast? Demokratische Partizipation und moralisches Lernen im Vollzug. *Neue Kriminalpolitik* 2003, Vol. 15, 106-109.
- WILMERS N. et al., *Jugendliche in Deutschland zur Jahrtausendwende: Gefährlich oder gefährdet?* Baden-Baden, Nomos Verlagsgesellschaft, 2002.
- WINKLER S., *Migration – Kriminalität – Prävention. Ausländer und Aussiedler im Strafvollzug. Gutachten zum 8. Deutschen Präventionstag, 28./29.4.2003, Teil II*, 2003, 70-168 (www.praeventionstag.de/content/8_praev/dateien/Gutachten_8_DPT.pdf).