EXPERIENCE OF LAW ENFORCEMENT AGENCIES OF SELECTED EUROPEAN STATES ON COUNTERACTION TO ORGANIZED GROUPS AND CRIMINAL ORGANIZATIONS FORMED ON AN ETHNIC BASIS

Abstract. The analysis of the scientific problems on combating crimes committed by organized groups and criminal organizations formed on an ethnic basis, necessitates further research of ethnic crime in Ukraine and the world in general. Formation of a multi-pronged mechanism to counter organized group and criminal organizations formed on ethnic basis is impossible without understanding the essence of this problem, relevant legal concepts and classification and allocation of features of organized ethnic crime, which are important for law enforcement and the State. The security of citizens and the integrity of the State from criminal encroachments of organized groups and criminal organizations formed on an ethnic basis is a key and effective factor of such activities. Having studied foreign experience and conducted a constructive analysis of the approaches of different countries to combating crimes committed by organized groups and criminal organizations formed on an ethnic basis, it should be noted that in recent decades the world has changed the approaches to determining the nature and essence of this phenomenon, as well as the concept of law enforcement agencies to combat organized ethnic crime. Namely, a number of European countries do not keep open statistics on the ethnic origin of criminals; just some law enforcement agencies keep record of such types of crime as trafficking in human, weapons, drugs, etc. Other States keep statistics only on the origin of convicts and prisoners in penitentiary institutions; some co-untries compare only the number of convictions in criminal proceedings, etc.

On the basis of the comparative study of the experience of European countries in combating crimes committed by organized groups and criminal organizations formed on an ethnic basis, the opportunities to implement positive foreign experience in the work of law enforcement agencies of Ukraine were considered. It was noted that the importance of our scientific study lies, first of all, in that law enforcement agencies involved in combating organized groups and criminal
organizations formed on an ethnic basis, have the opportunity to get an idea of this negative phenomenon.

**Keywords:** ethnic crime; organized groups formed on an ethnic basis; criminal organizations formed on an ethnic basis; opposition; foreign experience.

**Problem statement.** New trends in the development of organized groups and criminal organizations, formed on an ethnic basis, require new approaches in the work of the National Police and Security Service of Ukraine in combating such activities of ethnic groups, providing professional personnel trained in educational institutions, attaching great importance to foreign experience, primarily of European countries [1]. In the competition of ideology with expediency, part of the European countries by habit hold on to politically correct slogans, considering them as the safekeeping of collective public immorality. At the level of discourse, that is true in such States, but there are often overlaps with practice. Conscious self-incrimination against the wishes of its adherents contributes little by little to the deterioration of the criminogenic situation [2]. Regarding modern ethnic organized crime, in particular that operating in Europe, it should be noted that it is heterogeneous both in national composition and in the types of crimes committed by the relevant organized criminal groups [3]. At present, there are organized criminal groups operating in the European Union from the countries of the region, from European countries that are not members of the EU. On a national basis, these groups include, in particular, Albanians, Belgians, Estonians, Latvians, Lithuanians, Poles, Portuguese, Russians, Serbs, Turks, Ukrainians, French, Chechens and others [3]

Studying foreign experience and constructively analyzing the approaches of different countries to combating crimes committed by organized groups and criminal organizations formed on an ethnic grounds, it should be noted that in recent decades the world has changed approaches to determining the nature and essence of this phenomenon, as well as the concept of law enforcement agencies to combat organized ethnic crime. For example, a number of European countries do not keep open statistics on the ethnic origin of criminals; just some law enforcement agencies keep record of such types of crime as trafficking in human, weapons, drugs, etc. Other States keep statistics only on the origin of convicts and prisoners in penitentiary institutions; some countries compare only the number of convictions in criminal proceedings, etc. [4]. In view of this, we consider it necessary to carry out legal analysis of the positive experience of European countries in combating crimes committed by organized groups and criminal organizations formed on an ethnic basis, which led to the relevance of this topic.

**The analysis of the recent studies and publications.** Domestic and foreign theorists and practitioners have made a significant contribution to the development of various aspects of combating organized groups and criminal organizations formed on an ethnic basis in Asia, Africa and Australia, in particular: M. Ansel, I. I. Badjuk,
The purpose of the article is the legal analysis of the experience of European countries in combating crimes committed by organized groups and criminal organizations formed on an ethnic basis.

**Statement of the main material.** A significant part of the organized crime of European countries are groups formed on an ethnic (national) basis, which include Albanians, Estonians, Iraqis, Latvians, Lithuanians, Poles, Russians, Serbs, Albanians, Lebanese, Thais, Somalis, Nigerians, Moroccans and the representatives of the North and South America. Organized criminal groups from the Baltic States (mainly Lithuania) and Russia, which specialize mainly in smuggling various types of goods, have the greatest influence in these countries. [3]

The ISRD (International Self-Report Delinquency) research group, which has been monitoring gang-related cases in Europe for many years, recently released a report on Scandinavia. The report was coordinated by Janne Kivivuori, the Head of Criminological Research at the Finnish National Research Institute of Legal Policy. The working group, founded by the Scandinavian Research Council on Criminology and the National Research Institute for Legal Policy, has been investigating criminal activity in major Scandinavian cities since the 1960s. Its work has resulted in a 125-page report, full of research and facts, which leads to the conclusion, albeit not very deep one, about the relationship between crimes committed and the immigrants, particularly in the two capitals, Stockholm and Oslo, and in most cases crimes committed by minors in the age group from 13 to 16 years [5].

Other studies are dedicated to the critical situation in various European countries, including Sweden, where generous social assistance is provided, including to immigrants. Such studies include: “Europe's Angry Muslims: The Revolt of The Second Generation” (Robert Leiken) and “Street Gangs, Migration and Ethnicity” (Edited By Frank van Gemert, Dana Peterson, Inger-Lise Lien) [5].

Law enforcement agencies of a number of States and the international community generally make a realistic assessment of threats from criminal organizations of this type. For example, the analysis of the criminal activity of ethnic criminal structures in the EU, which operates largely in the field of drug trafficking, is almost entirely devoted to Europol’s 2011 analytical review of the threat of organized crime in the EU. The actors of this analysis are criminal groups of the Western Balkans (Albanian), South-Eastern Europe (Polish and Romanian) and the former Soviet Union. It is emphasized, in particular, that the joint activities of Lithuanian, Georgian and other organized drug groups, consisting of people from
different republics of the former USSR, are often greatly facilitated by the presence of a common Russian language. The Review states that organized drug crime is changing and becoming more diverse in its methods, group structure and impact on society; new criminal situation, characterized by very mobile and flexible groups operating in several jurisdictions and spheres of criminal activity and through the Internet is emerging; diversification of criminal activity is growing; organized crime is very sensitive to control measures taken by law enforcement agencies [6, pp. 90 – 91].

There are a total of around 5,000 organized crime groups in the EU according to the Europol police service. According to the report by the Italian research center Transcrime on international crime in 2016, their income is about 110 billion Euros a year – about 1% of total EU GDP. Most of this amount (28 billion Euros a year) criminals get from drug trafficking. Tax fraud, VAT schemes, in particular, is becoming an increasingly lucrative business. Other illegal activities include trafficking in human beings, smuggling and illicit trafficking in tobacco products and weapon [7]. Organized crime in the region is composed of organized criminal groups of ethnic residents of the respective countries, groups of immigrants from other EU Member States, as well as Albanians, Algerians, Chinese, Moroccans, Poles, Russians, Surinamese and Turks. In addition to criminal groups of local origin there are also organized criminal groups originating from other EU Member States in the territory of these countries, as well as groups composed of Albanians, Arabs (persons originating from Arab countries in the Middle East), Afghans, Belarusians, Vietnamese, Chinese, Moldovans, Nigerians, Russians, Serbs, Turks, Ukrainians, Chechens, Montenegrins [3].

According to the Report, ethnic Albanian organized criminal groups, which are primarily involved in trafficking in drugs and human beings, are the most dangerous and pose the greatest threat, in particular due to their extremist nature and violence [8, p.170].

Russian organized criminal groups focus on financial crimes, money laundering, extortion against their compatriots and illegal migrants. They remain very influential because of the effective hierarchical structure and division of labor, the huge financial resources invested in legal business, and because of their internal discipline, which is often maintained using violence [8, p.170].

Other organized criminal groups operating in the EU include the representatives of Turkey (trafficking in drug and arms, money laundering, racketeering), Nigerians (trafficking in human beings, drugs, fraud), Moroccans (trafficking in cannabis, smuggling), Colombians (trafficking in cocaine), Chinese (illegal migration), Vietnamese (illegal migration, smuggling of goods, general criminal services) [8, p.170].

North African organized crime groups control channels of illegal migration to Spain and Portugal, and Eastern European ones control Italy and Greece. The ethnic structure of organized crime in these countries is characterized by the activities of local organized crime groups with close international ties. There are also groups...
from other EU Member States and groups of Albanians, Moldovans, Pakistanis, Serbs, Turks, Gypsies and people from South America, including Colombia, North Africa (Nigerians and Moroccans) [3].

Among the organized criminal groups of the countries, which are new EU members and candidates to this organization, the following are most often mentioned: Polish, which are influential in Germany, related to the criminal car business, smuggling of various goods: from the Baltic countries (smuggling of goods, counterfeiting); Lithuanian groups (trafficking in human beings, drug, extortion, kidnapping, counterfeiting); Bulgarian ones (counterfeiting of Euros and credit cards, carjacking, human trafficking) [8, p.170; 9].

Among the organized criminal groups of non-European origin are:
- Turkish and Kurdish organized crime groups;
- African organized crime groups operating in European countries;
- South American organized crime groups operating in the EU;
- Asian organized criminal groups that perform their criminal activities in European countries [3]. The feature of organized crime in the Nordic European Union is the presence of organized criminal groups – the so-called "bikers", who are mostly involved in the distribution of drugs and substances [3].

Criminal groups most frequently involved in trafficking in human beings in the EU, starting with the most important ones: the Roma ethnic group, Nigerian, Romanian, Albanian-speaking, Russian, Chinese, Hungarian, Bulgarian and Turkish RAMs. The biggest threats to society are Bulgarian, Romanian (mostly the Roma ethnic group), Nigerian and Chinese organized armed formations [10].

Among the transnational criminal organizations, UN experts distinguish the Sicilian and Italian mafias, which have the most complex secret structures. The migration of Sicilians to the United States led to the creation of the sphere of influence in the American heroin market. The same is occurring in Germany, where it has recently been found that groups of Sicilian immigrants, who maintain close ties with their families, are engaged in investment activities and train groups of perpetrators for criminal operations in Sicily [11].

The three largest Italian mafia structures include the Ndrangheta group from the Calabria region, the Neapolitan Camorra and the Sicilian Cosa Nostra. It is worth noting that Ndrangheta is considered one of the richest and most influential criminal clans in the world and, besides Europe, is operating in North and South America [7]. The members of the Sicilian one Salvatore Lo Bue, Salvatore Lo Cicero, Gaetano Lo Presti, Giuseppe Scaduto, Antonino Spera, Gregorio Agrigento, Luigi Caravello, Mariano Troia, Giovanni Adelfio and Francesco Bonomo [12].

There are at least 20 major criminal, territorial and ethnic communities in France. Such data were contained in the secret report by the Police Judiciaire – the Office within the Ministry of Internal Affairs, which deals with organized crime, which fell into the hands of Le Figaro in 2012. Since then, more recent official
information on criminal syndicates and clans has not appeared in the public domain. However, experts believe that the situation in this area has only worsened [13]. There is an opinion in the French security forces that the taboo on determining the ethnic origin of criminals should be abandoned gradually. Firstly, clearly introduce a closed recording of information: only to the use of investigative bodies. This can help to combat organized banditry in particular [2].

Last year, the analytical department of the Police Judiciaire noted an increase in the number and intensification of a whole range of other ethnic groups: Romanian, Bulgarian, Baltic, African, and Latin American ones, etc. The homegrown gangs are also operating actively. Thus, an outbreak of violence in recent months has been noted in Northern Paris, where two Arab groups have clashed.

At the same time, the State’s authorities have avoided naming criminal associations as «mafia» (except for the Corsicans) for many years and say that there is no French organized crime in the country. May be so; but a real criminal international is doing well [13].

It is worth noting the view of the policeman Jean-Paul from the French seaside town of Perpignan, who notes that times have changed; not only France, but the whole world must respond to new challenges. “It is not just about big organized crime, but also about the terrorist threat. What was justified and logical 70 years ago is now delaying the work of investigators. We all know that many criminal groups are organized on an ethnic basis. We know, but we have no right to record it in the reports. The criminal world takes full advantage of this. We have created especially comfortable conditions for drug dealers. The politically correct becomes unconstructive, at least in our profession [2].

The Netherlands has written a large number of studies on Islamic gangs (e.g., Van Gemert and Fleisher, 2005), offering a detailed social and anthropological panorama of the gangs of such important European city as Amsterdam. Amsterdam gangs are segmented by religious and ethnic parameters that we see in other countries' gangs: the majority of gangs are young Moroccans; the Windmill Square gang includes marginalized members of society, coming from large families with low incomes, children, systematically missing school, with numerous precedents for the violation of laws – this element is constantly present in all gangs. It is not easy for law enforcement agencies to control this situation; it is already deeply rooted [5].

In Norway, there are (historically) gangs of Pakistanis, which, according to research in this area, exist according to completely different rules, since they do not fit into the classical framework of marginalization. For example, in a study on this topic we read the following (Lien 2005): “Pakistani gangs are formed by people from high-income families, very well organized and closely linked to their ethnic community, but these young people, on the one hand, want to meet the requirements of their religion, and on the other one – to follow Western traditions, and thus are on the verge of double exclusion - on the margins of both society and community [5].
There are also problems with ethnic crime in Norway. There are 23% of the population in Oslo, who are immigrants, and a vast Pakistani community has emerged. Since the 1980s, the local police have focused on two gangs, each composed of about 50 members of purely Pakistani origin. Both groups have been causing unrest in metropolitan areas for a long time of Furuset, Khomlya, Stovner. Here the gangs “A” and “B” commit theft, robbery, acts of vandalism, arrange fights. The clashes, which were covered by Swedish newspapers and the media, often broke out between the groups [5].

The Serious Organized Crime Agency (SOCA) has been operating in the United Kingdom since April 1, 2006. Its priority areas are: 1) raising public awareness of organized crime, 2) increase in the amount of recovered funds received by way of and the number of criminal cases solved; 3) increasing the threat to the activities of organized criminal groups in the UK through the operational and investigative actions, as well as the introduction of new ways to combat this phenomenon [14, p.180]. In the UK, as early as 2007, the Metropolitan Police Chief described the existence of gangs as “the most serious threat to Britain after terrorism, the roots of which can be found in the processes unleashed by the economy and the culture of globalization” [5].

London’s criminal gangs are mostly ethnically based and active in the areas of the concentration of their communities (although some of them have spread their influence over large areas of the city). At the beginning of 2007, there were 169 gangs in London, with the highest concentration in Heckney (22), Infield (13), Lambeth (12), Merton (12), Walt Forest (11) and Brent (11). Among the 2,000 known police gangsters, black Caribs were the most numerous, followed by South Asians and white Britons. Besides, the most important organized criminal groups are: the Clerkenuel Syndicate, the Turkish Mafia, the Chinese Triads, the Albanian Mafia, and the South Asian Mafia.

Unlike in France, the laws of the United Kingdom do not restrict the collection and processing of information on the origin of convicts. The British openly publish data on the proportional presence of immigrants from different countries in various regions of the country, their educational level, employment, etc. Greek and Dutch legislation on the study of the origin of the country’s inhabitants is close to the British one. The only restriction applies to the names of persons under investigation, in accordance with the principle of the presumption of innocence. Information on the origin of its inhabitants is transparently published by Sweden, but only in the matters of education. When it comes to crime, Swedes only point to the region (Latin America, Asia), but never indicate the country, in which the convict was born [2].

Romania allows the collection of information on the origin, mother tongue and religious affiliation of citizens in the population census [2]. Organized crime groups of Romanian origin are widespread in Austria, France, Greece, Hungary, Italy, the Netherlands, Spain, Slovakia, Belgium and Portugal [3].
The spheres of interest for organized criminal groups of Romanian origin are:
1. Trafficking in human beings: - trafficking in women for sexual exploitation (in Austria, France, Greece, Hungary, Italy, the Netherlands and Spain); - trafficking in children for sexual exploitation (in Italy and Spain). 2. Illicit drug trafficking (in Spain and Northern Italy). 3. Fraud with the use of counterfeit payment cards (in different parts of the EU). 4. Crimes against property (in Austria, Belgium, Slovakia, the Netherlands, Spain, Portugal), including: - pickpocketing (in Austria and Slovenia); - theft (in Austria, Slovakia and Greece) and transportation of vehicles to the Eastern European countries (3, p.34 – 35; 16).

Austria is a transit country for stolen vehicles from Western and Southern Europe to Romania, Yugoslavia, Bulgaria, and the countries of the former Soviet Union. As a result of close cooperation between the Schengen law enforcement agencies, 181 vehicles worth a total of € 3,960 million were returned in 2010 and 206 people were detained, the most numerous of whom were Romanians – 48 persons, Germans – 23 persons and Italians – 17 persons [11].

According to the researchers, after the unification of East and West Germany, the problem of ethnic crime was not solved even with serious financial support. The differences between the ethnic criminal groups of those countries persisted. We face the same problems in the post-Soviet countries[17].

The national statistical institutes of Germany and Italy allow the use of information on the nationality of individuals, but not on their origin. “In the fight against trafficking in drugs, human trafficking and other crimes, often committed by ethnic groups, German and Italian investigators have the same problems as French ones. The solution lies in detailed descriptions of the appearance of detainees and suspects. They provide information on ethnicity where possible” [2].

In the statistics of the Federal Criminal Police (Germany), all identified organized groups are ranked according to their potential. The potential of organized crime is an indicator (index) aimed at fixing the organizational, operational level of complexity and professionalism of the criminal group. The index contains 50 indicators that were originally compiled to help investigators. These indicators were determined on the basis of information from the survey (study) among analysts who ranked each indicator according to their own assessment of its impact on a perfectly typical organized group [18; 14, p. 182].

In 2001, the highest index of organized crime potential was found among groups that committed environmental crimes. They were followed by groups that committed tax crimes, commercial crimes and violent crimes. In terms of ethnic composition, the highest index had groups whose members were the representatives of the countries of the former Yugoslavia, Germans, Turks, and Italians. It is the criminal activity of these organized communities that receive special attention [14, p. 182].

Spain and Portugal, on the other hand, have the laws similar to the French ones, prohibiting public identification of the ethnicity of persons in official documents.
Exceptions may be permitted only in scientific research [2].

The gangs, even ethnically mixed ones, are also present in Spain, the country, where immigration from Latin America is prevalent. Art. 515 of the Criminal Code of Spain enshrines punishment for illegal associations, which are characterized by the following features: 1) aimed at committing crime or facilitating its commission; 2) have legitimate goals, but use violent methods, intimidation or control to achieve them; 3) are of military nature; 4) incite or encourage discrimination, hatred or violence against persons, groups or organizations, by reason of their ideology, religion or belief, their members or any of them belonging to an ethnic group, race, nation, sex, sexual orientation, are characterized by a certain marital status, illness or disability [19]. In Barcelona, for example, the Latin Kings’ gangs were banned by Catalan police, who provided the following information: there are at least 20 units of the group than 2,000 gang members – a little less than 5% of Latinos living in the Catalan capital. Gangs called “bandas” or “pandillas” are known as “Latin Kings”, “Nietas”, ” Black Panthers”, “Vatos Locos”, “Maras Salvatrucha”. They are composed mainly of people from the Caribbean and the Andes, including many Ecuadorians, but include also Moroccans, Equatorial Guineans and Russians, although they all occupy a subordinate position in the internal hierarchy of the group; the members of the gang are mostly males, but it also includes a significant number of women [5]. Estonian and Russian groups operating in Spain smuggle hashish to Northern Europe and cocaine from South America to Northern Europe and Russia [3].

The Swiss Office of Federal Statistics (OFS) regularly compares the number of convictions in purely criminal proceedings with the number of permanent residents. Last year, Romanian citizens were on the 4th position of this negative rating. “When the former interior minister of France spoke about “Romanian crime” he was imprisoned; similar information in Switzerland was received without emotion. Even the Romanian embassy did not send an outraged letter to OFS. Why? Because everyone understands that it is not the case that Romanians are more likely to commit offences than other Southern Europeans. Not at all! The reasons for the high crime rate are economic and social ones: poverty, unemployment, ignorance ...” [2].

**Conclusion.** Thus, having analyzed the theoretical and practical problems of combating organized groups and criminal organizations formed on an ethnic basis in European countries, we agree with the view by M.H. Kolodiazhnyi: modern international practice of crime prevention indicates that the most progressive, innovative and effective approaches to combating crime and its individual manifestations take place mainly in developed and prosperous Western countries. This can be explained, firstly, by the financial capacity of the governments and law enforcement agencies of these countries to maintain law and order; secondly, there are scientific developments, established forensic traditions and theoretical foundations of the practice of crime prevention; thirdly, the introduction of a long-
term strategy of public influence on crime through the development and implementation of various prevention programs and projects [20, p.168]. Thus, it should be noted that although the prevention of organized ethnic crime in all countries is the prerogative of law enforcement, but in Western European countries non-traditional method of prevention, which has never been implemented in Ukraine due to imperfect civil society, is becoming widespread. Therefore, there is a necessity and expediency to borrow the experience of foreign countries in the prevention of organized crime in terms of creating special institutions at the level of law enforcement agencies. We believe that these institutions should be grouped within a single public authority, which would not be exclusively punitive, but will include functions to prevent and reduce the scale of organized crime [21, p. 146].

To combat organized crime, strategic actions that would correspond to modern realities and take into account the development trends of the society and the State are needed. On the one hand, they should be as simple and accurate as possible, and, on the other one, harmonize with corresponding counterparts in foreign criminal legislation in order to optimize the process of their application by the world community [22]. To solve these problems it is important to study foreign experience, facilitating the transposition of relevant provisions of Ukrainian criminal law in order to adapt, approximate, harmonize, unify it with the criminal law of other foreign countries, including the EU [23; 24; 25].

Finally, it should be noted that it is almost impossible to conduct full and comprehensive study of foreign experience in combating crimes committed by organized criminal groups and criminal organizations formed on an ethic basis, as this requires a separate dissertation on the study of the experience of law enforcement agencies to combat ethnic crime in each State. But it is still necessary to draw on the best practices of other States.

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