

HUMANITY CRIMES

After the collapse of the USSR, in the context of the political and economic crisis and socio-cultural transformation, the level of mass anxiety increased significantly in the post-Soviet countries. During 1989-1992, it was still possible to speak of a rather significant potential for resistance to xenophobic manifestations, aggression, violence and discrimination on this land, because the significance of the "Soviet" rather than "national" identity, which declared the equality of all the peoples of the USSR, prevailed [1 , with. 70]. But the situation of rising crisis, instability, disorientation, uncertainty in the present and fear of the future led to an increase in not only national consciousness and ethnic solidarity, but also xenophobic sentiment - not relevant to the forms of collective ideas about social identity. The general vector of mass sentiment was moving from a sense of danger and anxiety to the development and spread of xenophobic sentiments, above all ethnophobia and migrant phobia. It quickly turned out to increase the number of their extreme most dangerous manifestations - "hate crimes". In general, the history of the concept of hate crimes ("hate crimes") takes its origin since the late 80's of the twentieth century. The official conquest was the result of the adoption on April 23, 1990 by the US Congress of the Hate Crime Statistics Act (Hate Crime Statistics Act) that defined the "hate crime" as any form of violence directed at group representatives, united by a certain identity ".

"Hate crime" is an offense in which the victim, object or purpose of the crime was chosen on the basis of their actual or imaginary affiliation with a particular group, a connection with it (the group may be based on any crime, which are socially relevant characteristics or characteristics of its members: race, nationality, religion, language, sexual orientation, physical or mental inferiority, gender, other distinction) [2, p. 3].

In the decision of the OSCE Council of Ministers dated December 1-2, 2009, No. 9/09, hate crimes are defined as "punishable acts committed on grounds of prejudice" [3]. At the same time, there is a problem that the Ukrainian legislation lacks a well-defined notion of hate crime, despite the fact that almost every crime provided for by the Criminal Code of Ukraine may contain signs of crimes in this category. A special part of the Criminal Code of Ukraine contains a number of special articles, which stipulate responsibility for the crimes of this category.

In particular, Article 161 (Violation of the equality of citizens according to their race, nationality, religious beliefs, disability and other grounds) establishes criminal responsibility for deliberate acts aimed at incitement to national, racial, religious hatred or hostility, to humiliate national honor and dignity or the image of feelings of citizens through their religious beliefs. The imposition of crimes on the grounds of intolerance is reflected in articles 178 (Damage to religious buildings or religious buildings), 179 (Illegal restraint, desecration or destruction of religious shrines) and 180 (Preventing the implementation of religious rite) of the Criminal Code of Ukraine [4]. It should also be added that in 2009, in compliance with the requirements of ECRI, in Ukraine, amendments to the Criminal Code of Ukraine were introduced, in which a number of articles found that the aggravating circumstance was motives of racial, national or religious intolerance.

Thus, in particular, this feature is enshrined in the following articles of the Criminal Code of Ukraine: § 14 part 2 of Art. 115 "The deliberate murder of motives of racial, national or religious intolerance"; Part 2 of Art. 121 "Intentional grave bodily harm, committed on motives of racial, national or religious intolerance"; Part 2 of Art. 122 "Intentional medium gravity of bodily harm, committed on motives of racial, national or religious intolerance"; Part 2 of Art. 126 "Beating and torture, committed on the grounds of racial, national or religious intolerance"; Part 2 of Art. 127 "Torture committed on grounds of racial, ethnic or religious intolerance"; Part 2 of Art. 128 "Threat of murder on grounds of racial, national or

religious intolerance"; Part 2 of Art. 161 "Violation of the equality of citizens depending on their race, nationality or religious beliefs, combined with violence".

Changes in a number of articles of the Criminal Code of Ukraine regarding the establishment of the so-called "motive of hatred" as qualifying circumstances (Articles 115, 121, 122, 126, 127, 129, 300) did not change the situation for the better. While fixing crimes committed against foreign citizens, the Ministry of Internal Affairs of Ukraine is in no hurry to regard crimes committed by them, motivated by religious or racial hatred.

Consequently, the subject of crimes committed on the ground is very relevant. But, unfortunately, the situation in Ukraine can be described with the statement: "there are crimes, there are no statistics". This is due to a number of causes that are interdependent and are causally related. First, this kind of crime has a high degree of latency. Often, victims themselves are not interested in disclosing the crime. Secondly, the statistical picture of the dynamics of "hate crimes", which exists today, can not be accepted as credible. Law enforcement agencies use information only on registered facts, while statistics on crimes committed against foreigners as a whole are published, while incidents of motivated hatred are not singled out separately. Thirdly, there is no qualitative assessment of information on "hate crimes".

In addition, it is important to add that the main responsibility for the fight against hate crimes lies with the state. The employees of the bodies and units of the National Police as representatives of the state are often the first specialists who arrive at the place of a crime committed on the basis of hatred.

However, the lack of training on the detection and investigation of hate crimes can lead to their inability to properly identify the crime, to gather evidence of motivation, and to comply with reporting requirements.

Consequently, from the foregoing it can be concluded that clear legislative consolidation, awareness raising, training and training of the employees of the National Police organs and units in

detecting, investigating and preventing intolerance of criminal offenses are necessary. And underestimation and ignoring of these crimes can lead to unforeseen tragic consequences.

List of references:

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