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Racism and Xenophobia as Phenomena of Criminality: Current State and Separate Issues of Counteraction

The current state and separate issues related to combating racism and xenophobia as background phenomena of criminality, the concept of racism and xenophobia discussed in criminological science as a background for the crime phenomena are discovered and their criminal and criminological characteristics are shown in this article. Actualization of xenophobic and racist sentiments caused an increase of immigrants in Ukraine. In general, traditional Ukrainian society is among those in which the level of racism and xenophobia is not critical. The number of crimes motivated by hate is not less than 190 per year. This violent crimes are usually committed by organized groups of young people who belong to groups of skinheads and neo-fascis and aimed primarily at foreign students, asylum seekers, refugees and immigrants, businessmen, diplomats and family members of UN staff who often come from Africa, Asia, the Middle East, the Caucasus or are visible groups of minorities from the West. Decision of these issues primarily consist of reduction of a high latency of these crimes, improvement of national legislation to implement a wider range of reasons for criminal and administrative liability of perpetrators of crimes aimed at inciting national, racial or religious hatred, legal assistance to victims of xenophobia and discrimination; expertise of national legislation in combating racism and xenophobia; drafting proposals to improve legislation related to combating offenses with a racial motive; improvement of reaction to using xenophobic clichés and expressions by media; development of appropriate training programs.

Keywords: racism, xenophobia, hatred, crime, skinheads.

Racism and xenophobia are antisocial phenomena that have an old history of reproduction in various societies. Its extension has recently become a tendency, and the appropriate forms of manifestations increasingly overstep the limits of domestic intolerance and acquire features of grave and gravest crimes which are mainly aggressive and violent. At the same time, criminological science investigates these types of hostility, which are implemented in social practices, as a background for the crime phenomenon.

Criminological issues of racism and xenophobia emission have been addressed in papers of Y.I. Hilinskyi, O.A. Martynenko, D.O. Nazarenko, H.U. Soldatova, D.H. Zabroda, O.V. Mashak, V.A. Yavir, D.O. Sits, S.A. Mozol and the others. However, admitting the essential contribution of these prominent scholars to the development of the stated issues, we should note that the current best practices are mostly fragmentary. They are not all-inclusive and do not contain the newest manifestations of intolerance that emerged on the basis of information and military confrontation of Ukraine to external aggression.

The objective of the article is to determine the present condition of racism and xenophobia in Ukraine, to highlight general issues of resistance to their reproduction.

Xenophobia (from the Greek *xenos* - alien and *phobos* - fear) – fear or hatred of someone or something strange, unfamiliar, unusual; perception of others' as incomprehensible, immense, and so – dangerous and enemy. The brain washing of this unperceived feelings contributed to racism - totality of concepts that are based on a physical or mental disparity of human races, and the decisive influence of racial differences on the history and culture of the society [1, p. 239].

In domestic scientific publications one of the first cases of criminal acts of racism usually dated July 2001, when a refugee from Rwanda was beaten to death near his home in Vinnytsia, which caused concern of official UN High Commissioner for Refugees [2]. This incident coincided with the general expansion of racist and religious hate crimes, which became an acute in post-industrial countries of Europe due to unresolved issues of migration and national cultural policy.

We shall note that Ukrainian society is one of those where the level of racism and xenophobia is not critical. Ukrainian society is friendly and tolerant primarily to the ethnic groups that traditionally live in such countries as Ukraine, Russia, Belarus, but the attitude is worse towards people of other nationalities and races, and those who live in countries which are poorer than Ukraine. So, Ukrainian attitude towards people of other nationalities and races has national, social and economic background [3].

Number of hate crimes rose sharply from October 2006 to middle 2008 and it has become threatening. This forced the state to take various measures [4] by which the number of crimes in 2009-2010 decreased, what state statistics and monitoring of NGOs certify. However, it is clear that the issues of racism and xenophobia are painful.

It is also necessary to draw attention to a high latency of hate crimes. For the last seven and a half years, official statistics confirm only 16 crimes committed under Art. 161 of the Criminal Code of Ukraine – “Violation of equality based on their race, nationality or religion” (46 crimes have been officially registered under this article during Ukrainian independence). Thus, only one person, on an average, is brought to criminal liability for violation of equality based on race, nationality or religion [1, p. 247].

The research of NGOs shows that crimes motivated by racism and xenophobia are not less than 190 per year. These are usually violent crimes committed by organized groups of young people who belong to groups of skinheads and neo-fascists and aim primarily at foreign students, asylum seekers, refugees and immigrants, businessmen, diplomats and also family members of UN personnel who are often immigrants from Africa, Asia, the Middle East, the Caucasus, and visible minorities from Western countries [6]. Hereby based on the results of a Complex demographic forecast of Ukraine till 2050, one could argue that the tendency to increasing migration balance will continue, and part of emigrants from Africa and Asia “non-traditional” immigrants will also increase [7, p. 98] and it will only worsen the crime situation in this sphere in future.

To decide these issues it is necessary to reduce a high latency of these crimes, because most foreigners during attacks committed by “skinheads”

almost do not report police. A real number of crimes against illegal immigrants is also unknown.

It is also important to improve national legislation in order to implement more reasons for criminal and administrative liability in crimes aimed at heating up national, racial or religious hatred. European experience suggests that an extensive system of legal regulations reduces the risk of growth of such crimes, but this experience requires a thorough work of domestic lawmakers for its convergence [3].

A certain worry among the total number of hate crimes are caused by the facts that illegal acts against foreigners are mainly committed by members of radical youth organizations and movements, such as “skinheads” and neo-Nazis. The main purpose of their work, as they mention, is to fight for the “purity” of the European race by expatriating from Ukraine Africans, Asians and Latin Americans.

Far right groups as “White Power – Skinhead Spectrum”, Ukrainian branch of the worldwide extremist network “Blood and Honor”, militarized neo-Nazi sect “World Church of the Creator Ruthenia”, WCOTC are considered to be the most active and aggressive. They are united by a universal ideology of racism and nationalism based on principles of their superiority over the other races and nationalities.

At least 30 web sites with features of neo-Nazi and nationalism (Radical Ukrainian Nationalism, Web site of true patriots, Nachtigall, Blood & Honor Ukraine, etc.) operate on the Internet constantly.

The necessity for public policy in developing preventive measures to counteract contemporary types of racism was confirmed by the Resolution No. 4/03 of Maastricht meeting of foreign ministers of 55 countries in December 2003, which recognized the need for OSCE countries to inspire tolerance and combating discrimination, including all manifestations of aggressive nationalism, racism, xenophobia, and extremism [5].

Business results in this area have confirmed that racism and xenophobia, have been not social phenomenon in Ukraine yet, but have considerable criminogenic potential under such factors as the further political instability, low-income population, and illegal immigration.

Despite the growing number of crimes committed against foreigners in Ukraine, statistical records on the number of hate crimes and the number

of victims of them, and precise data related to incidents of inciting intolerance are made superficially and incompletely. The absence of comprehensive and reliable information in this area makes it possible to analyze the features, expansion and dynamics of hate crime, and, therefore, to implement effective measures related to prevention and investigation of hate actions.

It is obvious that systematic approach to combating hate crimes lacks. If civil society has recently tried to develop partner relations inside (establishment of the Coalition to combat racism and xenophobia, active participation in advocacy activities, training activists and representatives of vulnerable groups, establishment and development of the Strategic Affairs Found, seeking opportunities to cooperate with the authorities) then the state authorities are largely dysfunctional, deprived from duly political will in this regard. The exception is the Office of the Commissioner of the Verkhovna Rada for Human Rights, which cooperates with public institutions in this sphere. Thus, several discussions related to the development of the office; comments on the draft law number 2342, and recommendations of NGOs to the Commissioner strategy on combating discrimination in 2014-2017 years were held within the Advisory Council of the Department for Children's Rights, Gender and Nondiscrimination. The other state and local self-government bodies are either unwilling to cooperate or do it just formally.

In summary, we note that the current rate of crimes motivated by racism and xenophobia demonstrates the newest threatening trends. They are based, respectively, on transformation of racism and xenophobia as a background for crime phenomena.

Psychology rejection and rejection of "strange", intolerance to representatives of other nationalities, religion, and speakers become dangerous signs of social disease that require immediate state including criminal and legal reaction.

Improving public policy depends on the optimization of institutional mechanisms for its implementation in this area, compliance of national legislation with international standards and practices of counteraction to racism, xenophobia and other manifestations of intolerance. To achieve this it is necessary: to reform relevant legislation to end all manifestations of discrimination, namely the obligatory participation of experts and civil society; to address the possibility of renewal of liquidated or the establishment of new institutional structures to combat racism, xenophobia and intolerance in Ukrainian society; to contribute to cooperation between public authorities with home and international NGOs that combat xenophobia, racism and intolerance; to hold human rights training for police officers, prosecutors, courts, the services of State Border and correction and to establish an effective procedure for information about violations of equality and discrimination by the police officers concerning Roma, members of other ethnic groups and sexual minorities; to ensure effective investigation of such complaints and bring offenders to liability; to create the atmosphere of intolerance for racism and xenophobia, including development and implementation of educational and cultural campaigns aimed at establishing tolerance to foreigners.

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