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HATE CRIME IN UKRAINE

Dear Mr Chairman, ladies and gentlemen,

I would like to draw your attention to the numerous human rights violations in Ukraine from the Maidan massacre to Odessa fire and the recent discovery of mass graves in Donetsk and Lugansk regions. I urge the OSCE to establish a special commission to investigate these crimes. I appeal to Ukrainian representatives to provide opportunities for such investigation and actively support the elimination of hate crime. □

Frankly speaking, Ukraine was among the countries with a relatively high hate crime rate even before these events. In 2013, 44 cases of xenophobic vandalism were reported in Ukraine (23 cases in 2012); there were 26 attacks motivated by hate that resulted in 56 victims, according to official data. However, in reality there was much more such attacks. Even so, these crimes were not properly investigated. This is largely due to the fact that Ukraine lacks a legitimate state expert institution in the field of interethnic relations and lacks an accountability mechanism for disseminating hate speech.

Ministry of Justice of Ukraine is reluctant to amend its own Decree № 53/5 (8.10.1998), which identifies expert organisations in different fields for court examinations and expert investigations. The Decree does not include the field of interethnic relations, which means that no specialist opinion on the presence (or lack) of incitement to enmity can be considered as examination. In this conditions, qualification of hate crime remains fully within the competence of the law enforcement, who often qualify such cases as everyday crime.

In conditions of mass human rights violations in Ukraine, especially in combat zones, it is particularly important to eliminate this issue, which would affect an objective investigation in the future.