

SUMMARY

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Along with criminological description of the person who commits violence in the penitentiary institutions, it is also important to carry out such a scientific task as giving a victimological characterization of the victim of the violence in the penitentiary institutions. This article states that among the victims of violence in penal institutions are convicts (mainly crimes against life and health of a person, as well as some types of penitentiary crimes, first of all Article 392 of the Criminal Code of Ukraine) and penitentiary personnel (who were victims mainly from the crimes provided for in Articles 342, 345, 391 (in the form of psychological violence), 392 of the Criminal Code of Ukraine. A comparative victimological analysis of victims of violent crime among convicts and personnel revealed a greater number of victims of the first group.

Such a difference is explained by the following: 1) greater social and legal and logistical security of the personnel compared with the convicted persons (in particular, the presence of special means); 2) an imperative method of legal regulation that gives to the personnel more power to apply coercion to convicts; 3) the ability of penitentiary personnel to bring the prisoners to liability directly and not vice versa; 4) the dependence of the legal status (its changes in the direction of improvement and deterioration) of convicts directly from the personnel and its discretionary powers (preparation of relevant characteristics for the convicts, resolving the issue of promotion, granting other benefits, etc.), which creates additional guarantees for the security of penitentiary personnel.

At the same time, anonymous contact surveys of convicts and penitentiary personnel, analysis of monitoring reports within the framework of the national preventive mechanism shows that in reality the proportion of convicts – victims of violence – is even higher than recorded by official statistics, since crimes against them are characterized by a higher degree of latency compared to penitentiary personnel.

Keywords: *victimological characteristics, victim, violence, penal institution, convicts, personnel.*