

RIGHTS ISSUES OF INTERNALLY DISPLACED PERSONS AND CHALLENGES OF MODERNITY

QUESTÕES DE DIREITOS DE PESSOAS DESLOCADAS INTERNAMENTE E DESAFIOS DA MODERNIDADE

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Abstract: The military aggression of the Russian Federation against Ukraine in certain areas of Luhansk and Donetsk regions, and the annexation of the Autonomous Republic of Crimea forced thousands of citizens to change their place of residence and move to other regions of the country or beyond its borders. Subsequently, this has created a new subject of social security law – internally displaced persons (IDPs); however, it has also created new problems in the social security sphere, especially regarding employment, housing, and restoration of pension payments, cash assistance and medical care. These issues are a challenge for state bodies and the modern science of social security law. Studying the features of the status of IDPs as a separate subject of social security law, the specifics of its legal regulation is a necessary part of the general system of social protection of internally displaced persons. Identifying problems and emerging effective mechanisms for overcoming them are crucial for developing modern science, the state and society. The purpose of the academic paper is to characterize the most significant problems related to internally displaced persons' rights in the context of the challenges of the modern social-political situation, as well as to outline the primary prerequisites, factors and ways to solve the problems of this category of persons in current conditions. In the course of the research, analytical and bibliographic methods were used to study the scientific literature on the issues of establishing internally displaced persons'

rights. At the same time, induction, deduction, analysis, synthesis of information, system-structural, comparative, logical-linguistic methods, abstraction, and idealization were applied to study and process data. By the way, the research authors conducted the survey in online mode to practically clarify the most significant issues related to the rights of internally displaced persons. Based on the research results, the primary and most significant theoretical aspects of problematic issues related to establishing and implementing the rights of internally displaced persons were determined. At the same time, the standpoints of scientists, employees of local self-government bodies and specialists of migration service departments regarding the principal practical aspects of this issue were investigated.

Keywords: Rights of internally displaced persons. Social adaptation of displaced persons. Resettlement circumstances. Forced displacement. Simplifying the lives of internally displaced persons.

Resumo: A agressão militar da Federação Russa contra a Ucrânia em certas áreas das regiões de Luhansk e Donetsk e a anexação da República Autônoma da Crimeia obrigaram milhares de cidadãos a mudar de local de residência e se mudar para outras regiões do país ou além de suas fronteiras. Posteriormente, isso criou um novo sujeito da lei de seguridade social – pessoas deslocadas internamente (IDPs); no entanto, também criou novos problemas na esfera da seguridade social, especialmente no que diz respeito ao emprego, moradia e restauração do pagamento de pensões, assistência em dinheiro e assistência médica. Essas questões são um desafio para os órgãos estatais e para a ciência moderna do direito previdenciário. Estudar as características do estatuto dos deslocados internos como um sujeito separado da lei da segurança social, as especificidades da sua regulamentação legal é uma parte necessária do sistema geral de proteção social das pessoas deslocadas internamente. A identificação de problemas e o surgimento de mecanismos eficazes para superá-los são cruciais para o desenvolvimento da ciência moderna, do Estado e da sociedade. O objetivo do trabalho acadêmico é caracterizar os problemas mais significativos relacionados aos direitos das pessoas deslocadas internamente no contexto dos desafios da situação sócio-política moderna, bem como delinear os pré-requisitos primários, fatores e formas de resolver os problemas desta categoria de pessoas nas condições atuais. No decorrer da pesquisa, métodos analíticos e bibliográficos foram usados para estudar a literatura científica sobre as questões do estabelecimento dos direitos das pessoas deslocadas internamente. Ao mesmo tempo, indução, dedução, análise, síntese da informação, sistema-estrutural, comparativo, lógico-linguístico, abstração e idealização foram aplicados para estudar e processar dados. A propósito, os autores da pesquisa realizaram a pesquisa no modo online para esclarecer de forma prática as questões mais significativas relacionadas aos direitos dos deslocados internos. Com base nos resultados da pesquisa, foram determinados os aspectos teóricos primários e mais significativos das questões problemáticas relacionadas ao estabelecimento e implementação dos direitos dos deslocados internos. Ao mesmo tempo, os pontos de vista de cientistas, funcionários de órgãos locais de governo autônomo e especialistas em migração.

Palavras-chave: Direitos dos deslocados internos. Adaptação social das pessoas deslocadas. Circunstâncias de reassentamento. Deslocamento forçado. Simplificando a vida dos deslocados internos.

1. Introduction

Currently, processes of social adaptation of immigrants, guarantees of protection of legally guaranteed electoral, labor and social rights, protection of property rights, restoration of lost identity documents, and rights in the field of access to information and public services require the formation of new scientific approaches to understanding the constitutional and legal status of internally displaced persons all over the world. At the same time, adaptation to a new environment, perception of values, feelings and beliefs prevailing among the local population, and development of the social activity of IDPs take place in different ways and require active investigation.

The theoretical part of the present research substantiates the concept, relevance, main components and trends in solving the problems of internally displaced persons.

The practical part of the research includes assessing the most significant areas of protection of the internally displaced persons' rights, currently containing a variety of problems,

establishing aspects by which the dynamics of the situation of internally displaced persons in the country can be assessed. It also reveals particularly acute legal issues of internally displaced persons. It clarifies the priority tasks of state authorities and public structures regarding the fullest possible implementation of internally displaced persons' rights.

The research's findings revealed, in particular, that today's issues regarding the violation of internally displaced people's rights throughout the process of their return home and in relation to the protection of such people from being forcibly relocated demand the most attention. The survey made it possible to reveal that the most indicative aspects of solving internally displaced persons' problems, by which one can evaluate the development of a particular country in terms of improving the situation of IDPs, are as follows: the dynamics and quality of the existing legal mechanisms for protecting the rights of IDPs, the process of establishing institutions that would be responsible for solving problems of internally displaced persons, and the availability of sufficient resources to settle the issues of this category's persons. The research showed that the most problematic issues of the legal nature of internally displaced persons nowadays are the right of access to obtaining or restoring housing, protection of property rights and issues related to obtaining means of livelihood. At the same time, the most significant tasks of public and state authorities in the field of protecting the rights of internally displaced persons are the development of effective national legislation and the implementation of international legal acts, the effective work of national human rights institutions and the activation of the allocation of resources to optimize the material situation of IDPs.

The purpose of the research is to determine the standpoints of scientists, employees of local self-government bodies and specialists of migration service departments regarding the current features of the problem of establishing and implementing the rights of internally displaced persons.

2. Literature Review

Domestic and international legal acts, including international treaties, provide for guarantees of compliance with the rights, freedoms and legitimate interests of internally displaced persons. As indicated in international legal norms, guaranteeing the rights of internally displaced persons is a set of international law principles and norms, enshrined in international legal agreements on the rights of internally displaced persons and to which every civilized state as a member of the world community strives. According to another wording, it is a regime of action

based on the international law's norms aimed at guaranteeing, protecting and supporting the rights and freedoms of internally displaced persons, as well as restoring these rights through international and national bodies (Balinchenko, 2021), (Pittaway & Bartolomei, 2018).

The primary international standards concerning the rights and freedoms of internally displaced persons are the Guiding Principles on Internal Displacement, formulated in 1998 by the representative of the UN Secretary-General on Internally Displaced Persons. The main idea of the guidelines is that the state is obliged and responsible for providing legal protection and humanitarian assistance to internally displaced persons under its jurisdiction. In cases where state bodies are unable to provide physical protection and assistance to their citizens, such persons must seek and receive help from the outside (Sabates-Wheeler, 2019), (IOM in Ukraine, 2019).

The UN Guiding Principles on Internal Displacement define internally displaced persons as persons or groups of persons who have been forced to leave their homes or places of permanent residence, in particular as a result of a threat, or to escape the consequences of armed conflict, situations of general violence, human rights violations, natural disasters or man-made disasters, and which did not cross an internationally recognized state border (IOM in Ukraine, 2019).

The significant directions of activity and responsibility of state bodies authorities and local self-government, as well as civil society organizations are creation of relevant conditions for implementing constitutional rights and freedoms, in particular political and legal ones, the promotion of self-organization, participation in the active life of local, territorial entities and, thus, the affirmation of national ideals of persons who were forced to leave their permanent place of residence (Haran, Yakovlyev & Zolkina, 2019), (Stebelsky, 2018).

Among the numerous military-political, economic and social problems that our state faces in such a difficult and responsible time, a special place is occupied by the issue of solving the fate of people who did not voluntarily leave their place of permanent residence, namely, were forced to flee from hostilities and the humanitarian disaster caused by them to other regions of the country. The primary tasks requiring an urgent solution include providing displaced people with food, shelter, minimal social and psychological assistance, at least temporary work, and placement of children in kindergartens and schools. In this regard, social services, and law enforcement agencies, side by side with volunteers and simply concerned citizens, are forced to accept today's challenges. Currently, issues related to simplifying the lives of displaced people have become relevant. Granting them the status of internally displaced persons is of particular importance (Pop-Eleches & Robertson, 2018), (Sasse & Lackner, 2018), (Bauböck, 2018).

3. Methods and materials

A practical study of current issues related to the rights of internally displaced persons was conducted by interviewing 211 scientists investigating problems related to internally displaced persons' rights, 237 employees of local self-government bodies and 194 specialists of the migration service departments of Vinnytsia, Cherkasy, Poltava, Odesa and Kyiv regions of Ukraine. The research was conducted using the MySurveylab service.

4. Results

According to the survey participants' standpoints, currently, in conditions of special attention to the search for the most effective ways to implement the rights of internally displaced persons, the most significant problems are related to the following types of protection of the violated rights of this category's persons (Figure 1).

It can be observed from Figure 1 that the issues of violating the rights of internally displaced persons during their return and in connection with the protection of such persons from forced displacement require the greatest attention.

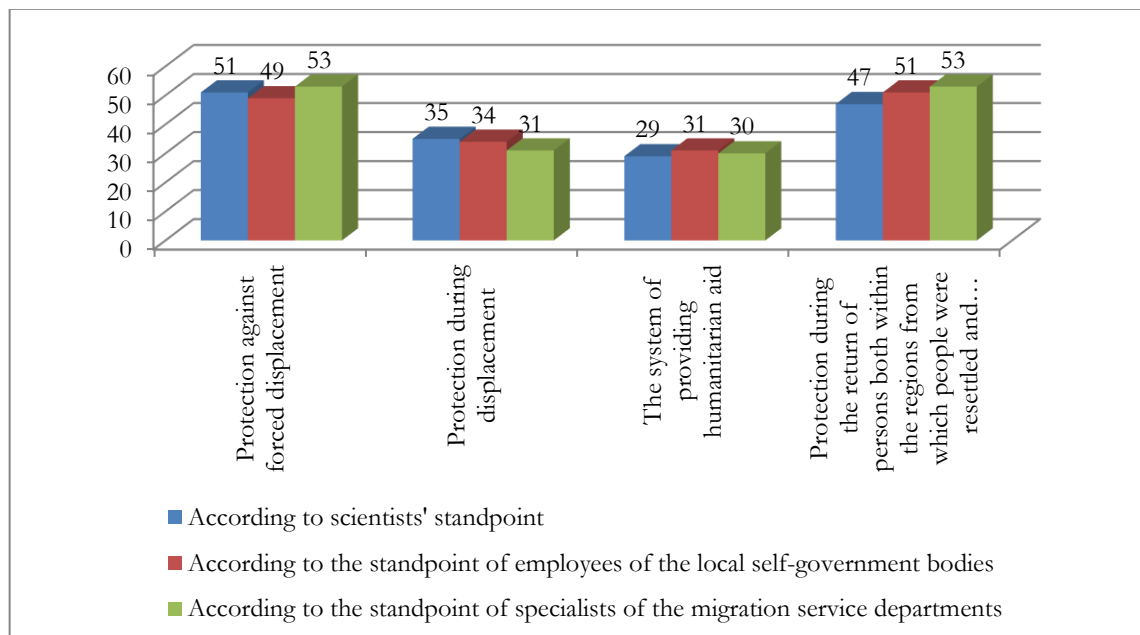


Figure 1. Types of protection of internally displaced persons' rights, containing most problems that should be solved, %.

Source: compiled by the authors.

During the survey, the respondents identified the following aspects of solving the internally displaced persons' problems, which can be used to assess the development of a particular country in improving the status of IDPs (Figure 2).

As the survey showed, the state of protection of the rights of internally displaced persons is primarily evidenced by the dynamics and quality of the existing legal mechanisms for protecting the rights of IDPs, the process of creating institutions that would be responsible for solving the problems of internally displaced persons, and the availability of sufficient resources to solve the problems of this category of persons.

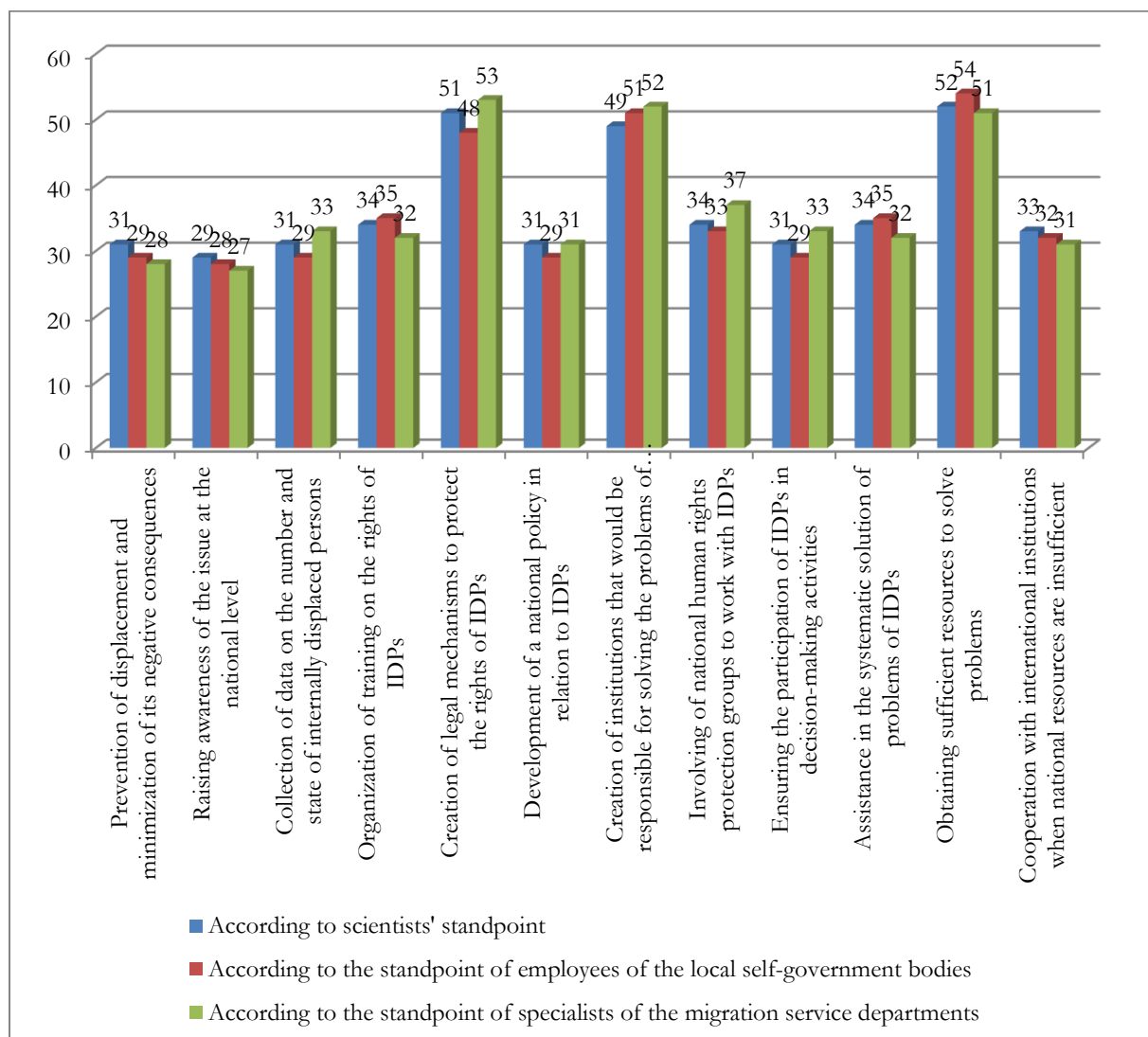


Figure 2. Aspects by which it is possible to assess the dynamics of the status of internally displaced persons in the country, %.

Source: compiled by the authors.

The research revealed that internally displaced persons in Ukraine face the same difficulties and problems as displaced persons worldwide due to their displacement. Issues of a legal nature are especially acute (Figure 3).

Figure 3 shows that the most problematic issues of the legal nature of internally displaced persons nowadays are the right of access to obtaining or restoring housing, the protection of property rights, and issues related to obtaining means of livelihood.

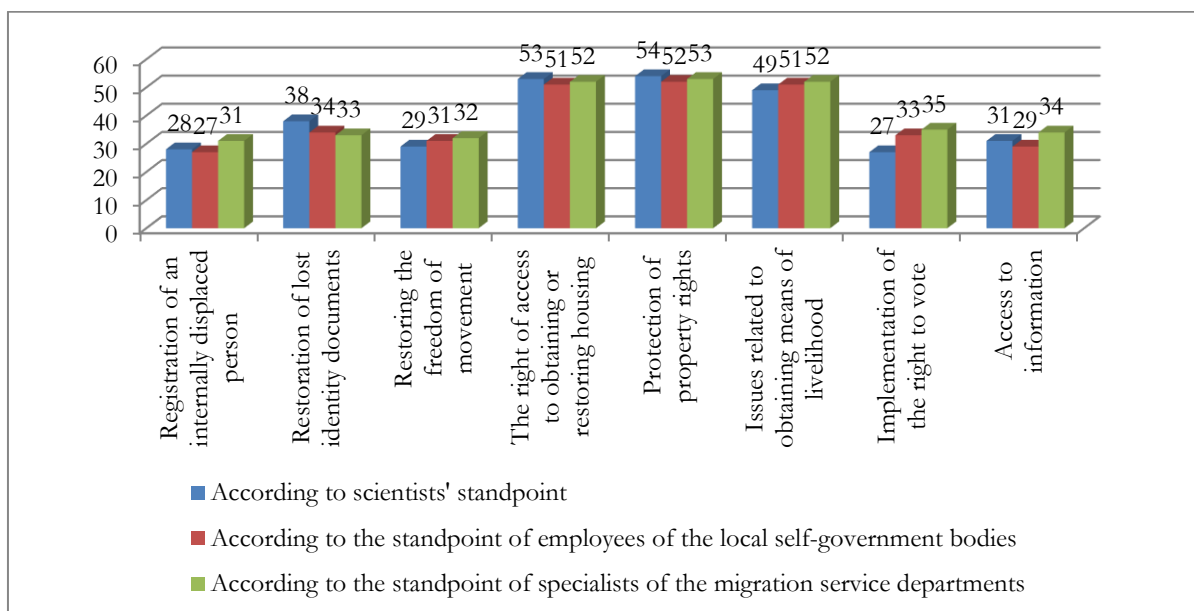


Figure 3. The most urgent legal issues of internally displaced persons, %.

Source: compiled by the authors.

The conducted survey made it possible to clarify the priority tasks of state authorities, as well as public national and international structures, which require urgent measures for the fullest possible implementation of the internally displaced persons' rights (Figure 4).

As can be seen from Figure 4, the most significant tasks of public and state structures in the field of protecting the rights of internally displaced persons nowadays are the development of effective national legislation and the implementation of international legal acts, the effective work of national human rights institutions and the activation of the allocation of resources to optimize the material situation of IDPs.

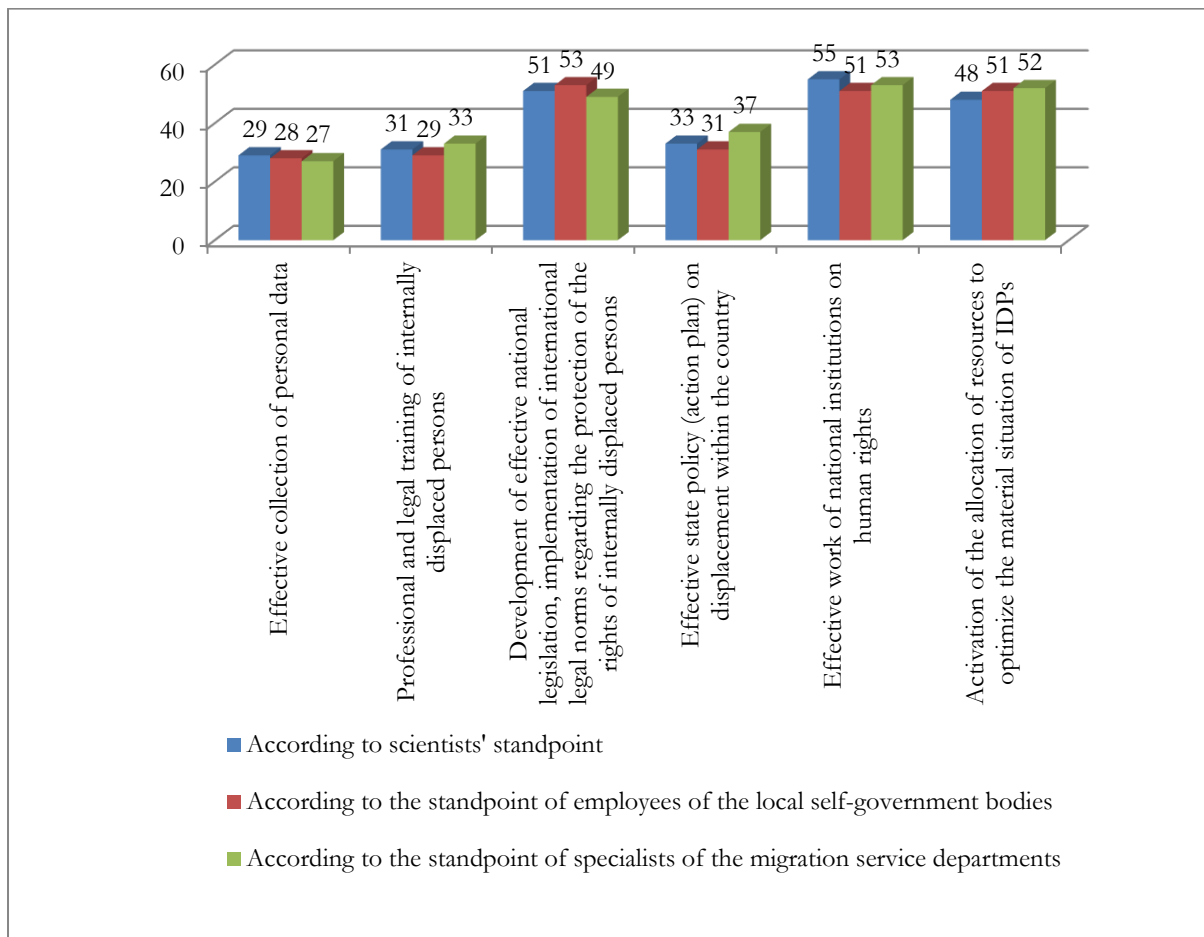


Figure 4. The primary tasks of state authorities and public structures regarding the fullest possible implementation of the internally displaced persons' rights, %.

Source: compiled by the authors.

5. Discussion

The actions of authorities and local self-government bodies regarding integrating displaced persons into local communities are not always effective, as the latter are often unable to meet the IDPs' needs adequately. Therefore, the comprehensive support declared by the authorities for internally displaced persons and territorial communities, to which the displaced persons have arrived as a new place of residence, must be filled with real content, making maximum use of the mechanism and opportunities of state support (Pittaway & Bartolomei, 2018), (Izuakor, 2022).

Currently, the fate of internally displaced persons largely depends on their own self-organization and cooperation with civil society organizations, participation in the active life of

territorial communities, association of displaced persons and local residents (Letswa & Isyaku, 2018), (Grundy & Biggs, 2019).

An analysis of national and international legislation shows that persons granted refugee status generally have the same rights as foreigners and stateless persons legally present in the country (Schaffer, Dobbins & Pearson, 2021).

In accordance with national and international legal norms, internally displaced persons have the right, in particular as follows: the assistance of state law enforcement agencies, local self-government bodies and private legal entities, safe living conditions and protection of life and health, reliable information about the presence of threats to life and health on the territory of their abandoned place of residence, as well as places of their temporary residence, state of infrastructure, environment, ensuring their rights and freedoms, creating relevant conditions for their permanent or temporary residence, etc. (Ekezie et al., 2022), (Gichunge, Mutiso & Brynjarsdottir, 2020), (Greene-Cramer et al., 2020).

The duties of IDPs usually have their own specifics, given the special status of these persons. The imposition of such obligations is necessary to preserve the relevant status, confirm the information and facilitate the effective provision of special rights, guarantees and assistance to such persons (Cantor et al., 2021), (Roberts et al., 2022).

Regarding the practical implementation of the displaced persons' rights declared in the legislation, public organizations supporting IDPs are constantly faced with dismissals, refusal to calculate social benefits, the bureaucratic nature of verification procedures, problems related to re-issuing documents, receiving subsidies, etc. (Ekezie, Adaji & Murray, 2020), (Ojeleke, Groot & Pavlova, 2022).

6. Conclusion

Therefore, the analysis of the scientific literature on the research topic and the questionnaire results showed that the protection of internally displaced persons' rights is one of the most significant legal issues. After all, one should bear in mind that such persons often face difficulties, which should be decided by the state, entrusted with the duty of protecting the rights of internally displaced persons.

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