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LEGAL STATUS OF REFUGEES, INTERNALLY DISPLACED PERSONS: INTERNATIONAL AND NATIONAL EXPERIENCE

Today, it is essential to note that almost every continent in the world has experienced or is experiencing severe problems related to refugees in the past or now. Various factors, including conflicts between the military and the civilian population, massive violations of human rights, economic difficulties in the states, environmental disasters, epidemics and other problems, caused these problems.

It is important to remember that the word «refugees» appeared after the Second World War. However, the increase in local and global conflicts made it necessary not only to clarify the legal status of refugees in detail but also to create specialised organisations that would take responsibility for this area.

At the international level, the legal status of refugees is codified in the 1951 UN Refugee Convention. Subsequently, in 1967, the Convention Relating to the Status of Refugees was supplemented by a Protocol; later, it was signed by more than 145 countries. Instead, the States Parties to the Convention have tended to define the term «refugee» from the Convention [1].

A famous Ukrainian refugee scholar, Chekhovych, draws attention to the definition of «refugee» in the Convention on the Status of Refugees. The scientist notes that this document states that any person who, as a result of events before January 1, 1951, and because of a legitimate fear of being victimised because of his race, religion, nationality or place of birth, can be considered a refugee. A person's belonging to a certain social group or political ideology makes him a stranger to the country of citizenship, so he does not have the protection of the country or prefers not to use the security of the state because of this fear. In addition, a stateless person is considered a foreigner of the land of his previous residence, as a result of which he does not wish to return there [2].

It is worth noting that Ukraine is a country that has sheltered a large number of refugees for a long time. Since its independence, Ukraine has devoted itself to creating a democratic state based on the rule of law, the centre of which is the individual. The Constitution of Ukraine defines life, health, honour and dignity as the highest social value in Ukraine. Affirmation and provision of human rights and freedoms is the primary duty of the state (Article 3 of the Constitution of Ukraine) [3].

Instead, this specific demographic group of people, refugees, affects the legal behaviour of individual states and requires them to be responsible. Today, the UNHCR, as a representative of the international community, fulfils this duty properly, but respective countries can do it in the field of refugee protection no less effectively. For example, back in 2014, it forced many residents of the east of our

state and the Autonomous Republic of Crimea to relocate, due to which they were considered displaced people. Instead, by February 24, 2022, a third of Ukrainian citizens were forced to leave their homes. Today, it is the largest humanitarian crisis in history, which has led to the displacement of people worldwide. Approximately 4.9 million people have been displaced within Ukraine. In comparison, an estimated 3 million remain in conflict-affected areas, unable to leave due to increased security risks, destruction of bridges and roads, lack of resources or information on where to find shelter or lack of housing for living [4].

As a result, another concept became popular in Ukrainian society: internally displaced persons (IDPs). The Law of Ukraine «On Ensuring the Rights and Freedoms of Internally Displaced Persons», dated October 20, 2014, No. 1706-VII, defines the term «internally displaced person» as a citizen of Ukraine, a foreigner or a stateless person who is in the territory of Ukraine on legal grounds and has the right to permanent residence in Ukraine, who was forced to leave or leave their home due to or to avoid the negative consequences of armed conflict, temporary occupation, mass violence, human rights violations or emergencies [5].

In this regard, the primary duty of our state today is to create adequate housing for internally displaced persons in peaceful regions of the country and coordinate efforts between states to provide emergency assistance to Ukrainian refugees [6].

The greatest attention should be paid to providing legal assistance to compatriots on a wide variety of issues regarding the possibility of obtaining answers to the most pressing questions regarding the rights of refugees in the host country (for example, housing, financial, and medical). assistance, other social services), processing of documents of legal significance, etc., as well as learning the language of the country of residence and the possibility of temporary employment.

With the assistance of the UNHCR, our state must take daily measures to ensure the protection of the rights of Ukrainian refugees and displaced persons. They should do everything possible to minimise the humanitarian consequences of the terrible actions of the Russian «military machine», its aggressive actions and merciless actions against the civilian population of Ukraine.

References:

1. Status of the Convention on the Status of Refugees of July 28, 1951: Status of Org. United Nations, dated May 19, 2009. URL: https://zakon.rada.gov.ua/laws/show/995_i38#Text.
2. Чехович С. Б. Елементарний курс міграційного права України: навч. посібник для студентів вищ. навч. закл. Київ: МАУП, 2004. 216 с.
3. Мороз О. Б. Вимушена міграція і війна в Україні. Львівський державний університет внутрішніх справ (від 27.06.2022 р. № 11). 134 с.
4. В Україні офіційно зареєстрували 4 867 106 переселенців. Укрінформ – актуальні новини України та світу. URL: <https://www.ukrinform.ua/rubric-society/3649695-v-ukraini-oficijno-zareestruvali-4-867-106-pereselenciv.html>.
5. Про забезпечення прав і свобод внутрішньо переміщених осіб: Закон України від 20.10.2014 р. № 1706-VII: станом на 29.10.2022 р. URL: <https://zakon.rada.gov.ua/laws/show/170618#Text>.
6. Створення гідних життєвих умов для переміщених осіб: фахівці в Україні навчалися ефективному управлінню центрами для ВПО на тренінгах MOM. IOM Ukraine. URL: <https://ukraine.iom.int/uk/news/stvorennya-hidnykh-zhyttyevykh-umov-dlya-peremishchenykh-osib-fakhivtsi-v-ukrayini-navchalysya-efektyvnomu-upravlinnyu-tsentramy-dlya-vpo-na-treninhakh-mom>.