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INTERNALLY DISPLACED PERSONS AS A SPECIAL OBJECT OF SOCIAL PROTECTION IN UKRAINE

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The article is devoted to the study of certain issues related to the social protection of internally displaced persons in Ukraine through the prism of security and economic aspects, which are the main ones for this category of persons. It is emphasized that the issues of migration processes throughout all the years of Ukraine's independence were quite acute for our state. The issue of the legal status of persons who returned to the state from the territories of the republics of the former Soviet space was replaced by the issue of refugees, deported peoples, illegal and labor migration, and since 2014, a new category of migrants has emerged – internally displaced persons. Terrible events: the annexation of the Autonomous Republic of Crimea, the armed conflict in the East of the country, and in 2022 – a full-scale aggressive war by the Russian Federation, which continues to this day, caused the largest internal displacement of the population of Ukraine. All this became a good reason for the adoption of a number of legislative acts that created the basis for regulating their status and creating an appropriate mechanism for the realization and protection of the rights and freedoms of this category of persons.

It has been established that today in our country an extremely terrible mass forced migration crisis continues, which in terms of its scale and consequences is considered to be almost the largest in terms of its nature and number of forced displacement of the population. The large-scale military aggression shown by the Russian Federation against Ukraine left a large number of residents of our country without homes, radically changed their security, economic and financial situation, as well as the state of their social security and well-being. Such vulnerability of IDPs requires the state to create and use a whole range of possible measures and means that will ensure the proper social integration of these persons in the new environment, among which the most important are the issues of: provision of housing, employment opportunities, realization of the right to medical care and education, psycholo-

gical support, etc., as well as financial support, which is almost the most important element of providing social services.

Key words: internally displaced persons; social protection; legal regulation; social services; employment; medical services; security environment; forced migration; financial support; psychological support; adaptation; integration.

Formulation of the problem. The issues of migration processes throughout all the years of Ukraine's independence were quite acute for our state. The issue of the legal status of persons who returned to the state from the territories of the republics of the former Soviet space was replaced by the issue of refugees, deported peoples, illegal and labor migration, and since 2014, a new category of migrants has emerged – internally displaced persons. Terrible events: the annexation of the Autonomous Republic of Crimea, the armed conflict in the East of the country, and in 2022 – a full-scale aggressive war by the Russian Federation, which is still active today, caused the largest internal displacement of Ukrainian citizens. All this became a good reason for the adoption of a number of legislative acts that created the basis for regulating their status and creating an appropriate mechanism for the realization and protection of the rights and freedoms of this category of persons.

Despite the fact that Ukraine currently has a regulatory framework, on the basis of which the rights of IDPs are protected, there are still problems that require further resolution. However, in connection with the situation that has developed in Ukraine, the number of research requests related to solving the problems of integration of internally displaced persons, ensuring the achievement of the necessary standards of their social protection and developing mechanisms of assistance to internally displaced persons has increased sharply. At the same time, the regulation of migratory behavior of the population at the regional level also requires operational changes in the light of the revealed consequences of forced migration in the context of increased riskiness of society, in particular, correction of the security provision of tools for its implementation. This also applies to the improvement of diagnostic mechanisms, monitoring of migration changes regarding the identification of signs of migration risks and factors of their formation, the level of generation of the migration potential of IDPs, the level of its implementation in the host society [1, p. 48]. So, we can state the great importance and the need to pay scientific attention to this topic.

State of problem research. The issue of social protection of internally displaced persons has been a very relevant topic for ten years, not only in the scientific context, but also in the context of its practical implementation. Such scientists as: O. Bandurka, V. Bidak, V. Boniak, V. Borysova, N. Bortnyk, I. Haliakhmetov, Y. Herasymenko, O. Honcharenko, N. Hrabar, R. Karpenko, I. Kovalyshyn, T. Kolomoiets, V. Kolpakov, O. Kuzmenko, E. Libanova, L. Nikolenko, S. Pyrozhkov, T. Podoliaka, O. Rohach, U. Sadova, M. Sirant, I. Khomyshyn, D. Tsvihun, S. Chekhovych, M. Shulha etc.

The aim of this article is to study the state of social protection of internally displaced persons, as well as the regulatory and legal regulation of this activity in Ukraine.

Presenting main material. On the path of Ukraine's integration into the European community, one of its priority tasks is to ensure the realization of human and citizen rights and freedoms defined by the Basic Law of Ukraine. Improving domestic legislation on social protection and bringing it into line with global legal standards of human rights is one of the most important tasks of our democratic legal state.

The socio-economic situation in Ukraine, the state of ensuring human rights in the social sphere and the development of legal regulation of social policy during the years of independence were interpreted mainly as political categories, which are adopted mostly for quick response to direct threats in the social sphere, and not for overcoming systemic disparities that formed in the state and society. In addition, today our state faced an unknown problem – the need to solve issues related to forced migrants, which were not relevant before [2, p. 127].

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As I. Haliakhmetov notes, internal displacement associated with conflicts and persecution is certainly not a new phenomenon. Yet this was the case in the 1990s, when the level of human rights abuses and consequent mass displacement of people, caused mainly by internal armed conflicts, linked to international and national security, to the protection of IDPs, was on the rise. Internal displacement was put on the international agenda as a result of the convergence of humanitarian, regional and international security problems, which caused wider debates in the field of security and research development and trends in the development of international law [3, p. 64].

According to Art. 1 of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons”, “an internally displaced person is 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 place of residence as a result of or in order to avoid the negative consequences of armed conflict, temporary occupation, widespread manifestations of violence, violations of human rights and emergency situations of a natural or man-made nature” [4].

As V. Boniak emphasizes, the properties of the legal status of internally displaced persons are that they have both the actual status of an internally displaced person and may have another status of a subject of social security (pension, unemployment, pregnancy and child care, disabilities, etc.). For example, a person can be a pensioner and receive the status of an internally displaced person. Or the person received unemployment or disability benefits and at the same time received the status of an internally displaced person. Hence the question of doubling the status of such a person as a subject of social security arises. On the one hand, a person has the right to pension and other social benefits, on the other hand, to receive assistance as a subject with the status of an internally displaced person. In this context, one cannot fail to pay attention to the fact that the forced resettlement of such a person to another area imposes additional obligations on him, to obtain the status of an internally displaced person and to be registered, to report a change of residence, to provide truthful information about himself, etc. [5, p. 21].

According to M. Chichkan, the recognition by the state of certain difficult life circumstances as grounds for acquiring the right to additional types of social protection outside the insurance system is due to the social orientation of state policy (disability, homelessness, orphanhood, loneliness, partial or complete loss of motor activity and etc.), as well as the special significance of such social risks, which does not allow the state to remain aloof (social risks caused by environmental disasters, man-made accidents, military actions, etc.). Internal displacement in the studied aspect belongs precisely to non-insurable social risks, the occurrence of which in a person's life, under the conditions clearly provided for in the legislation, gives him the right to additional types of social protection [6, p. 124].

Analyzing the state of state policy in the field of social protection for IDPs in 2022 against the background of a full-scale invasion of Russia, M. Chichkan states that the state is trying to respond to the challenges and problems faced by internally displaced persons as quickly as possible. In his opinion, the key task of the state is the formation of the most effective legislation regarding the creation of legal, socio-economic and other mechanisms to ensure the realization of the rights and opportunities of IDPs on a par with others. Among the normative legal acts that are of great importance regarding the possibility of IDPs to exercise their socio-economic rights, the scientist includes, in particular, the following Resolutions of the Cabinet of Ministers of Ukraine: “On approval of the Procedure for compensation of costs for temporary accommodation of internally displaced persons who moved during the period of martial law” dated 03/19/2022; “On the approval of the Procedure for providing the employer with compensation for labor costs for the employment of internally displaced persons as a result of hostilities during martial law in Ukraine” dated March 20, 2022; “Procedure for providing accommodation assistance to internally displaced persons” dated 03/20/2022; “Amendments made to the resolutions of the Cabinet of Ministers of Ukraine regarding pension payments and cash assistance to internally displaced persons” dated 03.25.22, etc. [6, p. 125].

At the same time, quite logically, the researcher concludes that the state policy in the field of social protection of IDPs is a component of state social policy and consists in the creation of organizational, legal

and socio-economic mechanisms to ensure the implementation of the constitutional right of IDPs to social protection. In his opinion, the main directions of state activity in the specified area are:

- 1) improvement of the regulatory and legal framework in the specified area, in particular, the legislative regulation of the assignment of financial assistance for accommodation;
- 2) introduction of the Institute of the Commissioner for IDPs;
- 3) establishment of cooperation with international institutions regarding additional measures for social support of IDPs and with the aim of attracting additional financial resources [6, p. 126].

According to L. Nikolenko, the issue of protecting the social rights of IDPs requires the definition of a mechanism for the implementation of pension and social payments... Women who are raising minor children and are deprived of the opportunity to work full-time, and pensioners need special attention from the legislator. It is impossible to find a job for such a category of people. Therefore, the state must legally define guarantees regarding the employment of these persons [7, p. 48, 49].

K. Borychenko places special emphasis on social protection of internally displaced families with children. The scientist draws attention to the fact that social protection of internally displaced families with children is carried out within the framework of additional social protection, which consists in providing families with children with additional material support and social services at the expense of state and local budgets, other sources of financing social protection, in connection with the forced or independent leaving of the place of residence as a result of or in order to avoid the negative consequences of armed conflict, temporary occupation, widespread manifestations of violence, mass violations of human rights and emergency situations of a natural or man-made nature.

Nevertheless, the researcher emphasizes that despite the implementation of additional social protection of internally displaced persons in the form of cash payments, provision of social benefits, medical assistance and social services, it is difficult to say that the measures provided for by the current legislation of Ukraine, aimed at overcoming the negative consequences of the armed conflict, widespread manifestations of violence, massive violations of human rights, with the aim of ensuring the possibility of internally displaced families with children to exercise their rights and freedoms, as well as the proper conditions for their social adaptation, is enough to achieve the set goal, it is still too early [8, p. 91].

Analyzing separate approaches to solving the problems of internally displaced persons, within the framework of the scientific project "Achieving social justice for forcibly displaced persons", O. Pankova and O. Kasperovych single out some elements that should become key in activities aimed at solving the problems of IDPs. In their opinion, these are, in particular:

- ensuring social justice for IDPs, first of all by creating for them a state-guaranteed level of social security, as well as conditions equal to those of the native inhabitants of the host communities regarding the realization of their own potential for participation in the social, political and economic life of the community and the state as a whole;
- taking into account the fact that a large number of IDPs will no longer return to their former places of residence, because in fact they have already adapted to new living conditions and moved to the status of permanent residents of the host communities; accordingly, measures aimed at their harmonious integration and attraction of potential should have a strategic long-term nature and be taken into account in the system of state and regional management of the socio-economic development of territories, regions, and the state;
- creation of favorable conditions for the development of business activities of IDPs as one of the key directions of attracting their potential to the development of host communities and ensuring social justice for citizens who were forced to leave their homes as a result of the armed conflict [9, p. 152].

On the basis of these and other elements, the researchers formed a number of main qualitative criteria for achieving social justice in relation to IDPs:

- compliance with the level of provision of the needs of citizens from the number of IDPs, guaranteed by state standards and European norms implemented in Ukraine;
- the existence of an effective system of protection of the constitutionally guaranteed rights and freedoms of IDPs in all spheres of life (political, economic, social, cultural, etc.);

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- ensuring equal living conditions and livelihood for IDPs as full-fledged residents and members of host communities in terms of realizing their social, economic, cultural, and human potential (including in the field of entrepreneurial activity);
- inadmissibility of any forms of discrimination based on belonging to IDPs, punishment of those who discriminate against IDPs in any form;
- strengthening of social ties between IDPs, establishment of a fundamentally new system of contacts between strangers from among IDPs, growth of social capital to solve existing socio-economic problems;
- formation in the mass consciousness through appropriate information support with the involvement of social networks (on the basis of many examples of successful IDPs, including entrepreneurs) of a positive image of forced migrants as resilient people who were able to withstand severe trials and did not lose resources for further development and self-development, debunking myths about IDPs as temporary residents who only create additional problems;
- creation of a favorable environment for the organic integration of IDPs into territorial communities, for revealing their potential and attracting their resources for the needs of self-development and self-sufficiency, development of territorial communities, especially in regions of mass concentration of IDPs;
- direction of economic reforms to increase the role of highly qualified labor force, specialists of a high level of qualification to overcome the innovative passivity of human resources, stimulating economically active IDPs to this end;
- development of civil society, including public associations of IDPs, while preventing the emergence and development of pseudo-civic activity, its acquisition of a criminal and radical character;
- introduction of effective tools for cooperation between the government and civil society structures, support for socially beneficial activity of these structures [9, p. 153].

Therefore, in view of the above, a well-founded thesis expressed by T. Pavliuk and L. Serednytska is that currently “the question of promoting the integration of IDPs through the elimination of obstacles to the realization of their rights and fundamental freedoms, ensuring full access to administrative, social, cultural and other services, as well as the creation of conditions for developing the potential and strengthening the capacity of IDPs in the host territorial communities is the most urgent” [10].

Conclusions. Summarizing the above, we can state that today in our country there is an extremely terrible mass forced migration crisis, which, in terms of its scale and consequences, is considered almost the largest in terms of its nature and number of forced displacement of the population. The large-scale military aggression shown by the Russian Federation against Ukraine left a large number of residents of our country without homes, radically changed their security, economic and financial environment, and changed the state of their social security and well-being. Such vulnerability of IDPs requires the state to create and use a number of possible measures and means that will ensure the proper social integration of such persons in the new environment, among which the most important are the issues of providing housing, employment, realization of the right to medical care and education, psychological support, etc., as well as financial support, which is perhaps the most important element of providing social services.

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ВНУТРІШНЬО ПЕРЕМІЩЕНІ ОСОБИ ЯК ОСОБЛИВИЙ ОБ'ЄКТ СОЦІАЛЬНОГО ЗАХИСТУ УКРАЇНИ

Досліджено окремі питання, що стосуються соціального захисту внутрішньо переміщених осіб в Україні через призму безпекових та економічних аспектів, які є головними для цієї категорії осіб. Підкреслено, що питання міграційних процесів упродовж усіх років незалежності України були доволі гострими для нашої держави. Проблематика правового статусу осіб, які поверталися в державу з територій республік пострадянського простору, змінювалась проблематикою біженців, депортованих народів, нелегальною та трудовою міграцією, а з 2014 р. виникла нова категорія мігрантів – внутрішньо переміщені особи. Жахливі події: анексія Автономної Республіки Крим, збройний конфлікт на Сході країни, а в 2022 р. – повномасштабна агресивна війна з боку російської федерації, яка продовжується і нині, спричинили найбільше внутрішнє переміщення населення України. Все це стало вагомою підставою для прийняття низки законодавчих актів, що створили підґрунтя для регулювання їхнього статусу та створення відповідного механізму для реалізації та захисту прав і свобод цієї категорії осіб.

Констатовано, що сьогодні в нашій державі триває надзвичайно жахлива масова вимушена міграційна криза, яку за масштабами та наслідками вважають чи не найбільшим за характером та кількістю вимушеним переміщенням населення. Широкомасштабна військова агресія, яку проявила стосовно України російська федерація, залишила без домівок велику кількість мешканців нашої держави, кардинально змінила їхнє безпекове, економічне та фінансове становище, а також стан їхнього соціального забезпечення і добробуту. Така вразливість ВПО потребує від держави створення та використання цілої низки можливих заходів та засобів, що забезпечать належну соціальну інтеграцію цих осіб у нове середовище, з-поміж яких найвагомішими є питання: забезпечення житлом, можливості працевлаштування, реалізації права на медичне обслуговування та освіти, психологічної підтримки тощо, а також фінансової підтримки, що є чи не найголовнішим елементом надання соціальних послуг.

Ключові слова: внутрішньо переміщені особи; соціальний захист; правове регулювання; соціальні послуги, працевлаштування, медичні послуги; безпекове середовище; вимушена міграція; фінансова підтримка; психологічна підтримка; адаптація; інтеграція.