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CONCERNING THE PROTECTION OF INTERNALLY DISPLACED PERSONS

The problem of protecting and ensuring the rights of internally displaced persons is currently quite relevant for every Ukrainian. In connection with the full-scale invasion of the Russian Federation on February 24, 2022, unfortunately, many of our fellow citizens lost their homes and were forced to seek protection both abroad and on the territory of our state. The rights and freedoms of citizens, their guarantees determine the content and direction of the activities of each state. Affirmation and protection of human rights, including in conditions of war, is the main duty of every state.

Ukrainians who, against their own will, were forced to leave their places of permanent residence as a result of active hostilities on their territory - the state provides an opportunity to obtain the status of an internally displaced person. Internally displaced persons belong to the economically, socially, and psychologically vulnerable population.

The term «internally displaced persons» was mentioned by the General Assembly for the first time in 1972, and it came into use only in the last decade of the last century, when the international community drew attention to this problem.

An internally displaced person, in accordance with the legislation of Ukraine, 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 his place of residence as a result of or for the purpose of avoiding 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 [1].

This category of persons, in accordance with the generally recognized principles of international law, enjoy the protection and assistance of their state.

Basic human rights have, in such a case, universal application, since when determining the scope of rights, one should refer to general norms - norms of international human rights protection law. Measures to ensure effective compliance with such norms belong to the sphere of human rights.

On behalf of the UN General Assembly and the Commission on Human Rights in 1998, the Guiding Principles on Internal Displacement were developed, which supplemented the existing norms of international law in the field of human rights and international humanitarian law. concerning IDPs.

According to this document, «IDPs are individuals or groups of individuals who have been forced to flee or who have been forced to leave their homes or places of habitual residence as a result of or to avoid the consequences of military conflict, mass violence, human rights violations, natural or man-made disasters, in particular , and which did not cross internationally recognized state borders» [2].

This document is not legally binding, but the Guidelines reflect the obligations of states under international treaties and customary law. They therefore represent the most authoritative statement of standards that governments and other actors, including UNHCR, should apply when responding to the plight of IDPs.

The rights and freedoms of IDPs can be conventionally divided into the following groups: 1) rights that ensure the normal physical existence of IDPs; 2) social rights; 3) rights in the field of administrative legal relations, electoral rights; 4) other rights.

The rights that ensure a normal physical existence include: the right to create appropriate conditions for the permanent or temporary residence of IDPs; the right to be provided by state executive authorities, local self-government bodies and private law subjects with the possibility of free temporary residence within six months from the moment the internally displaced person is registered, and for large families, disabled persons, persons of old age, this term can be extended.

The social rights of IDPs include: the right to receive material support; the right to pay the cost of utility services; the right to receive social services at the place of stay; receiving humanitarian and charitable aid.

The rights of IDPs in the field of administrative legal relations are: the right to apply for registration as an IDP; the right to terminate the self-employment of an IDP upon his application under a simplified procedure (without the requirements applicable under the normal procedure) at the place of residence of such a person in the relevant territorial body of the state executive power implementing state policy in the field of migration (immigration and emigration), on the basis of a certificate on registration of IDPs; the right to register as an IDP of a legal entity (provided that it is one of the founders of such a legal entity) or to register such a natural person-entrepreneur upon his application and a simplified procedure (without the requirements applicable under the normal procedure) at the place of residence of such a person in the relevant territorial body , authorized to carry out state registration of legal entities and individual entrepreneurs, on the basis of a certificate of registration of IDPs; the right to receive administrative services at the place of stay of the IDP.

As a result of the act of aggression of the Russian Federation against Ukraine and the external military conflict between them, more than 6.9 million people were forcibly given the status of internally displaced persons on the territory of Ukraine. They have the same rights and freedoms as other comparable categories of persons who are covered by the relevant legal guarantees of human rights and freedoms, but this category of persons is very vulnerable due to the unresolved nature of many issues.

References:

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2. Guiding Principles on Internal Displacement E/CN.4/1998/53/Add.2.
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РЕАЛІЗАЦІЯ МЕХАНІЗМІВ РАДИ ООН З ПРАВ ЛЮДИНИ В РЕЗУЛЬТАТІ ЗБРОЙНОЇ АГРЕСІЇ РФ ПРОТИ УКРАЇНИ

Результат глибинних правових перетворень на тлі Другої світової війни – укладання статуту «нової» глобальної міжнародної організації від 26.06.1945, зокрема, заснування ООН; сприяння міжнародному співробітництву у вирішенні міжнародних проблем економічного, соціального, культурного та гуманітарного характеру, в заохоченні та розвитку поваги до прав людини і основних свобод для всіх, без розрізнення раси, статті, мови та релігії (ст. 1 Статуту ООН).

Задля досягнення цілей у структурі ЕКОСОР (ст. 68 Статуту) 10.12.1946 створено функціональну Комісію ООН з прав людини – універсальний контролюючий орган у сфері захисту прав людини та основоположних свобод із широкими повноваженнями щодо контролю за дотриманням прав людини, проводити дослідження у сфері захисту прав людини та надавати рекомендації та пропозиції ЕКОСОР, готувати проекти міжнародних документів щодо прав людини, розглядати скарги про грубі та масові порушення прав людини згідно процедури 1503 резолюції ЕКОСОР (1); засновувати механізм спеціальних процедур та співпрацювати з іншими міжнародними органами у галузі захисту прав людини.

Роль та діяльність Комісії – значний внесок у розуміння прав людини, формування універсальних міжнародних стандартів прав людини та розвиток міжнародного співробітництва в окресленій сфері. Однак, окремо, діяльність