

# The right to social security for internally displaced persons: the experience of Ukraine

*El derecho a la seguridad social de las personas desplazadas internamente:  
la experiencia de Ucrania*

Valentyna ZHURAVEL<sup>1</sup>

Ihor DASHUTIN<sup>2</sup>

Oleh DENEHA<sup>3</sup>

Volodymyr VITRUK<sup>4</sup>

Volodymyr BIELOUSOV<sup>5</sup>

**Abstract:** Over the past few years there has been a notable worldwide emphasis on social security and safeguarding individuals who are forced to depart their residences involuntarily as a result of violent conflicts, extensive human rights violations, or unforeseen catastrophic incidents. Ukraine experienced an extraordinary challenge in 2014 when it faced the war in its eastern regions, the Russian occupation and annexation of Crimea, and the full-scale invasion by the Russian Federation in February 2022. These events forced many people to abandon their homes and seek safety either within Ukraine or in other countries. Consequently, Ukraine emerged as one of the top ten countries worldwide in terms of the number of internally displaced persons. The theoretical-conceptual framework has been constructed on the basis of the documentary method, analysing the most recent publications on the subject. Subsequently,

---

1 Valentina Zhuravel's Law Office 02095, 18B Dniprovska Embankment Str., Kyiv, Ukraine. ORCID: <https://orcid.org/0000-0002-5621-7642> E-mail: [zhuravel\\_valentina@ukr.net](mailto:zhuravel_valentina@ukr.net).

2 Judge of the Supreme Court in the Administrative Cassation Court, LL.D., Associate Professor. Supreme Court 01029, 8 Moskovska Str., Kyiv, Ukraine. ORCID: <https://orcid.org/0000-0003-4443-0240>. E-mail: [dashutin8260-2@acu-edu.cc](mailto:dashutin8260-2@acu-edu.cc).

3 Interregional Academy of Personnel Management 03039, 2 Frometivska Str., Kyiv, Ukraine. E-mail: [oleh\\_deneha@acu-edu.cc](mailto:oleh_deneha@acu-edu.cc).

4 Department of Legal Studies Scientific Research Institute of Public Law 03055, 2a Georgiy Kirpa Str., Kyiv, Ukraine. E-mail: [volodymyrvitruk@ukr.net](mailto:volodymyrvitruk@ukr.net).

5 Joint-stock company Closed non-diversified venture corporate investment fund "Leo Invest Hrup" 03035, 14 Lypkivskoho Str., Kyiv, Ukraine.

addressing the social security concerns of this particular group necessitates in-depth research and effective solutions. The study employed both general scientific methods and specialized scientific approaches to achieve the desired objectives.

**Keywords:** Social security, internally displaced persons, internally displaced family, social protection, military aggression.

**Resumen:** Durante los últimos años ha existido un notable énfasis a nivel mundial en la seguridad social y la protección de las personas que se ven forzadas a huir involuntariamente de sus domicilios como resultado de conflictos violentos, violaciones a derechos humanos o incidentes catastróficos. Ucrania ha experimentado un desafío extraordinario en el 2014 cuando tuvo que enfrentar las guerras en las regiones del este de Europa, la ocupación rusa, anexión de Crimea y la invasión a gran escala en febrero de 2022. Estos eventos han forzado a muchas personas a huir de sus hogares y buscar seguridad ya sea en Ucrania u otros países. Consecuentemente, Ucrania ha surgido como uno de los 10 países en el mundo en el número de personas desplazadas internamente.

El marco teórico conceptual ha sido construido en base al método documental analizando las más recientes publicaciones en la materia. Por consiguiente, se trata la seguridad social respecto de este grupo considerando sus necesidades y soluciones efectivas. Este estudio utilizó tanto los métodos científicos generales como específicos para lograr sus objetivos.

## 1. Introduction

The effective implementation of the rights and freedoms of individuals and citizens has become a pressing issue for modern democratic, legal, and social states that prioritize the well-being of people. The impact of globalization and European integration processes has brought about some positive developments in protecting the rights and freedoms of various groups within Ukrainian society. However, the military aggression by Russia against Ukraine has created an urgent need to modernize the system of protecting the rights and freedoms of internally displaced persons.

According to research conducted by the Cedos analytical center (a sociological center specializing in surveying all strata of the population in Ukraine), the escalation of the conflict resulted in approximately 3.6 million people leaving territory of Ukraine within the first

month of the full-scale war<sup>6</sup>, and 6.5 million individuals have been relocated within the country. This created not only a new subset of individuals requiring social security measures, known as internally displaced persons, but it also gave rise to new challenges in the realm of social security. These challenges primarily revolved around employment, housing provisions, restoration of pension payments, cash benefits, and medical care, which need to be addressed.

By social protection we understand the system of state measures and programs aimed at ensuring and preserving the social and economic well-being and safety of citizens, especially in conditions of risk, need, vulnerability or difficult life circumstances. Social protection provides various types of benefits, support and services aimed at reducing social inequalities, improving the quality of life and ensuring minimum social standards for all citizens. In turn, an important definition in the context of our study is social security, which is intended to ensure minimum social standards and facilitate the life of citizens in conditions of financial, physical or other types of difficulties. This is an important part of the social policy of the state in order to ensure social justice and improve the quality of life of the population.

The displacement of individuals resulted in the forced loss of their established homes, livelihoods, and connections with family and loved ones, leaving many without basic means of subsistence. This necessitated the search for ways to provide social protection for them. Effective coordination among all relevant stakeholders became crucial in addressing the issues faced by internally displaced persons and finding appropriate solutions.

The category of internally displaced persons (IDP) includes persons who were forced to flee or relocate as a result of conflicts (in the context of Ukraine – people who were deprived of their homes as a result of the escalation of violence by the Russian Federation), which pose a threat to their life, safety and well-being. Internally displaced persons may find themselves in difficult humanitarian situations and require assistance to ensure their safety, housing, health care and other basic needs. In fact, in a country where until recently there were no participants in social relations with the status of “internally displaced person”, the appearance of such people became a challenge for social policy. Internally displaced persons need adequate legal and socio-economic state protection as well as support and mutual understanding from the host society. Therefore, today the issues of social security of the specified category of persons require a fundamental study and effective steps to solve them.

The current legislation of Ukraine, particularly the Law of Ukraine “On Ensuring the

---

6 Cedos (2022): “Forced migration and war in Ukraine (February 24 - March 24, 2022)”. [Retrieved from: <https://cedos.org.ua/researches/vymushena-migracziya-i-vijna-v-ukrayini-24-lyutogo-24-bereznnya-2022/>]. [Date of access: 13.09.2023].

Rights and Freedoms of Internally Displaced Persons” enacted on October 20, 2014<sup>7</sup>; guarantees the unimpeded realization of the rights of internally displaced persons (IDPs). The fundamental principles governing the rights and guarantees of adequate protection for IDPs at all stages of displacement are established by international standards on internal displacement, specifically the Guiding Principles on Internal Displacement developed by the representative of the United Nations Secretary-General on IDPs.

In the challenging circumstances of forced displacement, the state bears several obligations to enhance the protection of the human rights of IDPs, in accordance with international human rights norms. The Council of Europe, as the sole European intergovernmental organization authorized to operate in the fields of human rights, rule of law, and democracy, supports Ukraine in its efforts to ensure the basic rights of displaced persons and other civilians affected by the conflict.

These issues present a significant challenge for both the state and the field of modern social security law. The examination of the status of IDPs as a distinct subject within social security law, along with the peculiarities of their legal regulation, is an essential component of the comprehensive system of social protection for internally displaced persons. Identifying the problems they face and establishing effective mechanisms to overcome these challenges is crucial for the advancement of contemporary science, the state, and society as a whole.

In the context of social protection, there are urgent need to receive social payments and pensions regardless of the location of IDPs, to provide housing, to ensure the right to free accommodation with payment of only communal services for socially vulnerable IDPs - the elderly, people with disabilities, large families. Scientists such as L. A. Chvertko<sup>8</sup>, M. Menjul<sup>9</sup>, D. M. Belov<sup>10</sup>, Y. P. Pesotska<sup>11</sup>, I. A. Galiahmetov<sup>12</sup> investigated aspects of social protection and social security of internally displaced persons. However, taking into account the full-scale invasion of Russia on the territory of Ukraine, this aspect requires a more detailed study and consideration of globalization aspects. The objective of this article is to assess the social

---

7 Law of Ukraine No 1706-VII “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023]. The Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” dated October 20, 2014 was adopted in the context of events related to the conflict in eastern Ukraine and the internal displacement of the population as a result of this conflict. The law aims to ensure the rights and social protection of internally displaced persons (IDPs) and to regulate their status and position in Ukraine.

8 Chvertko (2022), pp. 51-63.

9 Menjul (2023), pp. 193-197.

10 Belov (2022), pp. 47-50.

11 Pesotska (2022), pp. 23-31.

12 Galiahmetov (2022), pp. 63-68.

security rights of internally displaced persons amidst the contemporary circumstances of the war in Ukraine.

## 2. Materials and methods

To achieve the defined objectives, various scientific methods were employed in this research. Theoretical-conceptual framework has been constructed on the basis of the documentary method, analysing the most recent publications on the subject. The historical-legal method was employed to study the historical facts of internal population displacement in Ukraine and the development of legislation concerning the social protection of internally displaced persons. The formal-logical method was used to define the concept of an internally displaced person. Comparative legal analysis, supported by the comparative legal method, was conducted to compare the legal regulations regarding social protection of internally displaced persons across international legal acts, Ukrainian legislation, and the legislation of specific foreign countries. The systematic and theoretical-legal forecasting methods were employed to investigate the realization of social protection rights by internally displaced persons.

The study is based on a normative framework consisting of the Constitution of Ukraine, international legal acts, current Ukrainian legislation, and legislation from certain foreign countries. Additionally, several relevant articles related to the research topic were analyzed. In particular, various aspects of IDPs were analyzed, including regional peculiarities of IDPs' adaptation<sup>13</sup>, aspects of social work with internally displaced persons<sup>14</sup>, Legal status of IDPs under martial law<sup>15</sup>, practical and theoretical aspects of ensuring the rights of internally displaced persons, social protection and social security of IDPs<sup>16</sup>. In addition, the analysis of scientific sources took into account not only scientific articles<sup>17</sup>, but also a monograph<sup>18</sup>, conference sources on various issues of social security and social protection of internally displaced persons<sup>19</sup>.

---

13 Zhurba *et al.* (2021), pp. 147-155.

14 Kuts *et al.* (2021), pp. 2-13.

15 Petrosyan and Kotova (2021), pp. 86-97. Zelinska and Nikitina, O.M. (2019), pp. 138-146.

16 Shapovalova (2022), pp. 123-130. Law of Ukraine No 1706-VII "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023].

17 Yaremko (2022), pp. 149-152. Biryukova, Rushchenko, Lyashenko and Grigoryeva (2022), pp. 143-156.

18 Menjul (2023), pp. 193-197. Belov (2022), pp. 47-50.

19 Kachan and Marchenko (2023), pp. 60-68. Ibid 4. International Labor Organization (1952): "International Labor Organization Convention No. 102". [Retrieved from: [https://zakon.rada.gov.ua/laws/show/993\\_011#Text](https://zakon.rada.gov.ua/laws/show/993_011#Text)]. [Date of access: 13.09.2023].

### 3. Results

In contemporary scholarly literature, the concept of “social protection” encompasses a range of measures, including organizational, legal, and economic aspects, aimed at ensuring the welfare of all members of society, taking into account specific economic conditions. The overarching goal of social protection is to provide equal opportunities for all individuals in society, regardless of their social background, nationality, or race to freely develop and fulfill their potential. Within a market economy, the disabled population is recognized as particularly vulnerable and requires comprehensive support from the state. However, it is important to note that the state’s ability to provide social guarantees for the disabled population depends heavily on the effective functioning of its able-bodied citizens. Merely increasing monetary expenditures without a corresponding improvement in the production of competitive goods and services cannot ensure a decent standard of living for individuals. Instead, it may lead to higher inflation rates and further impoverishment of the population.

It is crucial to acknowledge that social protection should not be limited to caring for the most vulnerable segments of society, nor should social development be seen as an incidental byproduct of economic progress. Social protection plays a vital role in maintaining social stability and promoting human resource development by safeguarding population health, well-being, and the quality of the labor force. Additionally, it contributes to economic development through the growth of human capital and the stimulation of consumption. The specifics of social protection for different social groups arise from variations in interests, needs, and the factors that create social risks. In the case of the able-bodied population, social protection primarily focuses on creating favorable conditions for their effective participation in economic activities, ensuring that their well-being is primarily shaped by personal income. Ukraine ratified International Labour Organization (ILO) Convention No. 102 in 2016, which establishes minimum standards of social security for the population. These standards include medical care, assistance in cases of illness, unemployment benefits, old age assistance, support for occupational disabilities or diseases, family assistance, aid during pregnancy and childbirth, disability assistance, and bereavement allowances<sup>20</sup>.

Moreover, it is important to note that “the costs of all forms of assistance provided for under this Convention and the costs associated with their administration shall be borne collectively by insurance contributions, taxation or both methods, in such a way that they are not burdensome to individuals with low incomes taking into account the economic situation of the Member State and the relevant categories of protected persons”<sup>21</sup>. Since 2014, the

---

20 International Labor Organization (1952): “International Labor Organization Convention No. 102”. [Retrieved from: [https://zakon.rada.gov.ua/laws/show/993\\_011#Text](https://zakon.rada.gov.ua/laws/show/993_011#Text)]. [Date of access: 13.09.2023].

21 Social Security (Minimum Standards) Convention, 1952 (No. 102). [Retrieved from: [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C102](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C102)]. [Date of access: 13.09.2023].

government has implemented measures to provide social support to individuals who have been displaced from the temporarily occupied territories of Ukraine, areas affected by anti-terrorist operations, and settlements located along the conflict line. According to researchers, the concept of social protection for internally displaced persons (IDPs) encompasses various components which are the responsibility of the state<sup>22</sup>.

Ukraine is currently facing a challenging period due to the imposition of martial law on its territory in response to the armed aggression by the Russian Federation (RF). The outbreak of the Russian-Ukrainian war in 2014 and the subsequent full-scale invasion in February 2022 led to the departure of millions of Ukrainians abroad, while others remain in the occupied territories. The concept of internally displaced persons (IDPs) emerged, referring to Ukrainian citizens, foreigners, or stateless individuals who legally reside in Ukraine and have the right to permanent residence but were forced to leave their homes to avoid the negative consequences of armed conflict, temporary occupation, widespread violence, human rights violations, or natural or man-made emergencies.

Forced migration is a challenging life situation that can be classified as extreme, as individuals are confronted with the daunting task of resolving extremely difficult circumstances that equate to matters of survival. International normative acts that safeguard the rights of internally displaced persons include the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Declaration on the Right to Development, Convention on the Protection of Human Rights and Fundamental Freedoms, Final Act of the Conference on Security and Cooperation in Europe, Convention on the Status of Refugees, and more<sup>23</sup>.

The aforementioned international legal acts address various problematic issues within the sphere of social security, including the renewal or acquisition of documents, employment, restoration and receipt of pension payments, cash benefits, medical assistance, and temporary housing. They serve as an important supplementary component of national policy concerning the protection of rights and freedoms of internally displaced persons in Ukraine. These international standards enable the establishment of a system of national legislation in line with international norms in the field of social protection for internally displaced persons. Among these, the primary international legal instrument governing the status of internally displaced persons is the UN Guiding Principles on Internal Displacement, although they are non-binding in nature. The provisions of these Guiding Principles form the basis of Ukrainian legislation in this area.

---

22 Chvertko (2022), pp. 51-63.

23 Biryukova, Rushchenko, Lyashenko and Grigoryeva (2022), pp. 143-156.

At the national level, the protection of internally displaced persons is primarily ensured through the Constitution of Ukraine<sup>24</sup>. The Constitution of Ukraine lays the foundation for the protection of the rights and freedoms of all Ukrainian citizens, including IDPs. Article 2 of the Ukrainian Constitution, for example, states that “Human beings, their rights and freedoms are the highest value in Ukraine.” The stability of the Basic Law plays a crucial role in guaranteeing the rights of internally displaced persons, as amending or replacing the Constitution involves a complex and lengthy legislative process. Chapter II of the Constitution of Ukraine outlines a list of rights and freedoms afforded to individuals, including internally displaced persons. It is worth noting that there is a direct correlation between the normative legal guarantees of the rights and freedoms of internally displaced persons and their actual needs, as defined by the Constitution of Ukraine. When displaced from their homes, individuals find themselves in precarious circumstances where their fundamental rights and freedoms may be at risk and require additional protection<sup>25</sup>.

The connection between the Constitution of Ukraine and the UN Guiding Principles on Internal Displacement is that the Constitution of Ukraine and international principles defined by the UN jointly define the principles and rights of internally displaced persons (IDPs) in Ukraine. The Universal Declaration of Human Rights and international documents such as the UN Guiding Principles on Internal Displacement (IDP) provide common standards and principles regarding the rights and protection of IDPs. The connection between the Constitution of Ukraine and the IDPs is that the Constitution recognizes and guarantees the rights of IDPs, and the IDPs provide additional standards and principles to ensure the protection and observance of the rights of IDPs in accordance with international standards. Thus, the Constitution of Ukraine and the CPVPO together serve as the basis for the protection and support of IDPs in Ukraine.

National legislation in this area includes various laws regulating all spheres of life of internally displaced persons<sup>26</sup>, starting from the legal status that certifies a person or their special status<sup>27</sup>, outlines the mechanism of granting additional rights to persons who have suffered from displacement and confirmed their status<sup>28</sup>, provides for additional social

---

24 Verkhovna Rada of Ukraine (1996), Constitution of Ukraine. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/254/96-000#Text>]. [Date of access: 13.09.2023].

25 Zhurba *et al.* (2021), pp. 147-155.

26 Law of Ukraine No 1706-VII “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023].

27 Law of Ukraine No 1382-IV “On Freedom of Movement and Free Choice of Residence in Ukraine” (2003). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1382-15#Text>]. [Date of access: 13.09.2023].

28 Law of Ukraine No 3334-IV “On the Housing Fund for Social Purposes” (2006). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/3334-15#Text>]. [Date of access: 13.09.2023].



payments to internally displaced persons<sup>29</sup>. The bylaws of the President of Ukraine<sup>30</sup>, the Cabinet of Ministers of Ukraine<sup>31</sup>, and other state authorities also play a significant role in ensuring the rights and freedoms of internally displaced persons<sup>32</sup>.

Regarding the documentation of IDP status, individuals acquire it through registration at the relevant social protection unit of the district or city state administrations, executive bodies of cities, or district councils at their actual place of residence in Ukraine. Upon registration, an “immigrant’s certificate” is issued, which grants the status of an internally displaced person. This status enables individuals to enjoy a wide range of rights declared by the Law “On Ensuring the Rights and Freedoms of Internally Displaced Persons”<sup>33</sup> as well as benefits provided through various state and international programs.

There are certain conditions where individuals are not eligible to receive assistance. This includes those who were registered as internally displaced persons before February 24, 2022, and did not receive monthly targeted assistance, and did not relocate again after February 24, 2022, from the temporarily occupied territory of the Russian Federation, the territory of Ukraine, or the territory of territorial communities affected by military actions or temporary occupation. However, exceptions are made for individuals whose housing was destroyed or damaged due to hostilities, terrorist acts, or sabotage caused by the military aggression of the Russian Federation against Ukraine. The amount of assistance received is not taken into account when calculating the total family income for all types of social assistance provided by law. Additionally, the assistance received is not included in the calculation of the total monthly or annual taxable income according to the relevant provisions of the Tax Code of Ukraine<sup>34</sup>. In the challenging circumstances of forced displacement, the state has multiple obligations to enhance the protection of the rights of internally displaced persons, in line with international human rights norms.

---

29 Law of Ukraine No 1368-IX “On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Certifying a Person or Their Special Status” (2021). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1368-20#Text>]. [Date of access 13.09.2023].

30 Law of Ukraine No 2764-IX “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine” (2022). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/2764-20#Text>]. [Date of access: 13.09.2023].

31 Law of Ukraine No 245-VIII “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Social Protection of Internally Displaced Persons” (2015). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/245-19#Text>]. [Date of access: 13.09.2023].

32 Verkhovna Rada of Ukraine (2014): “Law of Ukraine On Ensuring the Rights and Freedoms of Internally Displaced Persons”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>]. [Date of access: 13.09.2023].

33 Law of Ukraine No 1706-VII “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023].

34 Verkhovna Rada of Ukraine (2011): “Tax Code of Ukraine”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/2755-17#Text>]. [Date of access: 13.09.2023]

On March 21, 2022, the government introduced a program to support IDPs, aiming to provide social assistance to displaced individuals, compensation to employers for employment, and compensation for utility services to individuals and communities who provided free shelter. As part of this program, the state will provide a minimum monthly cash allowance of UAH 2,000 to each IDP, and UAH 3,000 for individuals with disabilities and children. It should be noted that upon leaving Ukraine, an individual loses the status of an “internally displaced person” and must be removed from the IDP database, with the simultaneous cancellation of the certificate. Consequently, the payment of benefits to such individuals should cease<sup>35</sup>. Since 2014, Ukraine has gained valuable experience in social security for vulnerable categories of internally displaced persons, addressing issues related to cash assistance payments and the provision of social services. For instance, social protection for low-income families of internally displaced persons, including those with many children, is ensured through the Law of Ukraine “On State Social Assistance to Low-income Families”<sup>36</sup>. To meet the social protection needs of IDPs and provide them with monthly targeted assistance, the Cabinet of Ministers of Ukraine adopted resolutions No. 505 and No. 637 in October and November 2014. The implementation of the national budget program “Providing monthly targeted assistance to internally displaced persons to cover living expenses, including the payment of housing and communal services” (KPKVK 2501480) supported the social protection of IDPs and the provision of monthly targeted assistance in Ukraine.

The increase in the number of individuals with IDP status in 2022 led to the launch of a new government program to assist internally displaced persons, covering crucial areas of their social security, such as monthly cash assistance, housing assistance, employment support, and more. Financial resources for implementing the program’s objectives in terms of social security for IDPs were derived from state and local budgets, domestic non-governmental support, funds from international donor organizations, and foreign governments. It’s worth noting that insured individuals with IDP status are guaranteed financial support in accordance with mandatory state social insurance schemes. Article 7 of Law No. 1706-VII in Ukraine establishes the right of registered internally displaced persons to employment, pension provision, mandatory state social insurance in case of unemployment or temporary loss of work capacity due to work-related accidents or occupational diseases, and the receipt of social services. The realization of these rights is governed by Ukrainian legislation.

Mandatory state social insurance operates on the principles of a distribution system that takes into account the insurance experience and income of the working population to determine eligibility for social benefits and assistance. In the event of an insured event, social

35 Kuts *et al.* (2021), pp. 2-13.

36 Law of Ukraine No 1768-III “On State Social Assistance to Low-income Families” (2000). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1768-14#Text>]. [Date of access: 13.09.2023].

insurance ensures that insured individuals, their family members, and in some cases, other individuals, maintain a standard of living not lower than the national standard of subsistence established by law. The appointment of material support and the provision of social services are carried out based on information contained in the personalized accounting system of insured persons in the State Register of mandatory state social insurance.

The state trust funds responsible for mandatory state social insurance in Ukraine play a crucial role in guaranteeing assistance and simplified procedures for receiving payments for insured individuals, including immigrants. The Social Insurance Fund of Ukraine (FSSU) manages and administers mandatory state social insurance in Ukraine, specifically covering accidents, temporary loss of working capacity, and medical insurance. During the first six months of the war, the FSSU directly accrued over UAH 19.5 million in “hospital” and “maternity” payments for evacuated workers whose employers were unable to apply due to hostilities<sup>37</sup>.

To receive temporary disability or maternity benefits from the FSSU, evacuated workers only need to provide a certificate of their IDP status, along with original and copy documents such as a passport or other identity document, taxpayer registration card (RNOKPP) number, and a certificate of incapacity for work. The employee can apply in person or through a legal representative at the FSSU branch in their place of registration or stay as an IDP. The FSSU covers the costs of making payments to victims and individuals entitled to insurance payments in case of the victim’s death, related to insured events provided for by social insurance against accidents. In the first half of 2022, approximately 39.9 thousand people, or 21,7 % of the total number of recipients of monthly insurance payments, were internally displaced persons or their family members who received payments from the FSSU<sup>38</sup>.

For internally displaced persons of retirement age, the mechanism for pension payments under mandatory state pension insurance remains unchanged. The Pension Fund of Ukraine (PFU), as the central executive body, manages and administers the solidarity system of mandatory state pension insurance. Pension payments to internally displaced persons are carried out according to the procedure determined by the Cabinet of Ministers of Ukraine. In 2022, pensioners who are internally displaced persons continued to receive pension payments, with adjustments made according to changes stipulated by Cabinet of Ministers Resolution No. 363 of March 25, 2022. According to this resolution, individuals subject to mandatory state social insurance can submit a pension payment application to the PFU in electronic form through the PFU electronic services web portal, using a qualified electronic signature. Howe-

---

37 Zelinska and Nikitina, O.M. (2019), pp. 138-146.

38 Menjul (2023), pp. 193-197.

ver, the situation regarding the receipt of benefits by insured displaced persons under mandatory social insurance in case of unemployment has posed some difficulties, particularly due to obstacles in obtaining unemployed status<sup>39</sup>.

Until recently, internally displaced persons (IDPs) in Ukraine faced challenges in terminating their employment contracts at their previous places of residence, which made it difficult to register with the State Employment Service. However, the Law of Ukraine “On Amendments to Certain Legislative Acts Regarding the Functioning of the Employment Spheres and Mandatory State Social Insurance in Case of Unemployment During Martial Law” passed in April 2022, simplified the process of receiving financial payments. With the legislative changes, forced migrants can unilaterally terminate their employment contracts through the State Employment Center.

The main objective of the unemployment social insurance system is to provide temporary and partial compensation of income for insured individuals who have lost their jobs due to reasons beyond their control while searching for new employment. It is important to note that due to the adopted legislative initiatives, the amount of payments has decreased for some unemployed individuals. Previously, the maximum amount of unemployment benefits depended on the subsistence minimum, but now it is tied to the minimum wage. The maximum amount of unemployment benefits is set at one and a half times the minimum wage, which is UAH 9,750. The total duration of unemployment benefit payments cannot exceed 180 calendar days<sup>40</sup>.

Unemployment benefits are granted from the first day of receiving unemployment status. The Fund of Compulsory State Social Insurance of Ukraine in Case of Unemployment is responsible for managing unemployment insurance, collecting insurance contributions, controlling fund usage, providing social services, and fulfilling other functions as defined by law. It is worth mentioning that, in addition to unemployment benefits, a significant portion of the Fund’s expenses is directed towards addressing the employment issues of forced migrants, including IDPs<sup>41</sup>. To support the employment of IDPs, the government provides a subsidy of 6.5 thousand hryvnias to employers who hire displaced individuals from affected regions. In 2022, the fund’s budget allocates UAH 200 million to compensate employers for labor costs for each employed IDP during martial law in Ukraine.

Currently, Ukraine has established a legal framework for implementing the right to hou-

---

39 Petrosyan and Kotova (2021), pp. 86-97.

40 Kachan and Marchenko (2023), pp. 60-68.

41 Amelicheva (2022).

sing for IDPs. This has led to the adoption of social programs, construction or repair of buildings for IDPs, and the organization of housing needs assessments. There have been successes in housing implementation when IDPs united to build housing at their own expense. However, significant challenges remain, as many IDPs face a lack of affordable housing and, despite the threat to their lives and health, some return to areas that have not yet been fully demined and are located near the front lines (conflict zones).

The Procedure for providing housing assistance to internally displaced persons in Ukraine facilitates the provision of social benefits to IDPs who have been forced to move from territories temporarily occupied by the Russian Federation or where hostilities are taking place. It also covers IDPs whose housing has been destroyed or rendered uninhabitable due to damage. To apply for compensation, IDPs can use the Unified State Web Portal of Electronic Services (Diya Portal) or submit documentary evidence from local self-government bodies regarding the damage or destruction of their property due to hostilities or acts of terrorism caused by Russian aggression. If the territory is excluded from the list of areas affected by hostilities or temporary occupation, IDPs are generally expected to return to their original homes<sup>42</sup>.

This highlights the need to enhance the efforts of the government in implementing the IDPs' right to free temporary housing, as provided by Article 9, paragraph 1, clause 8 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons"<sup>43</sup>. The right to a pension and other forms of assistance is protected by Article 1 of Protocol No. 1 to the Convention on the Protection of Human Rights and Fundamental Freedoms, which guarantees the right to peaceful enjoyment of property. Property can only be deprived in the interests of society and in accordance with the conditions prescribed by law and general principles of international law<sup>44</sup>. Regarding the collection of debts, according to Clause 10-2 of the Transitional Provisions of the Law of Ukraine "On Enforcement Proceedings"<sup>45</sup> the collection of wages, pensions, scholarships, and other income of debtors is suspended during the period of martial law, except for alimony and debts owed by Russian citizens. This provision aims to protect the rights of Ukrainian citizens during a challenging period<sup>46</sup>.

However, the Constitutional Court of Ukraine, in its decision of March 22, 2023, declared paragraphs four and five of the second part of Article 70 of the Law of Ukraine "On Enfor-

42 Nikitina (2021).

43 Law of Ukraine No 1706-VII "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023].

44 Shapovalova (2022).

45 Law of Ukraine No 1404-VIII "On Enforcement Proceedings" (2016). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1404-19#Text>]. [Date of access: 13.09.2023].

46 Verkhovna Rada of Ukraine (2000): "Law of Ukraine On state social assistance to low-income families". [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1768-14#Text>]. [Date of access: 13.09.2023].

cement Proceedings”<sup>47</sup> and paragraphs of the third and fourth parts of Article 50 of the Law of Ukraine “On Mandatory State Pension Insurance”<sup>48</sup> unconstitutional. These provisions prevented the payment of pensions not lower than the subsistence minimum, which is the minimum amount prescribed by law for basic existence. They set deductions from pensions. As a result of the cancellation of these unconstitutional provisions, concerns arise regarding the protection of the rights of debtors in alimony collection proceedings, particularly the rights of children<sup>49</sup>. The proposed addition to Article 70, paragraph 2, sections 4 and 5 of the Law of Ukraine “On Enforcement Proceedings”<sup>50</sup> and Article 50, paragraph 2, sections 3 and 4 of the Law of Ukraine “On Mandatory State Pension Insurance”<sup>51</sup> suggests including a condition that the debtor should maintain a total income equal to the subsistence minimum guaranteed for the relevant socio-demographic group of the population<sup>52</sup>. This addition aims to address the different types of pensions and socio-demographic groups that receive them.

While Ukraine has a well-developed system of legal acts regulating social security for IDPs and individuals affected by Russian aggression, there are still numerous unresolved issues. Therefore, it is proposed to establish a separate body responsible for implementing state policies regarding IDPs. The collaboration between civil society and the government in assisting IDPs remains crucial. State authorities should study and learn from the experiences of other countries to effectively address the challenges faced by IDPs. Since Ukraine lacks extensive experience in working with IDPs, it is appropriate and necessary to draw upon international developments and the experiences of foreign countries. The development of a specialized regulatory and legal framework, dedicated administrative bodies for implementation, coordination among various departments, and adequate funding from the state budget for IDP support programs are equally important. Given the limited resources in conflict conditions, significant assistance can be provided by international organizations, and cooperation with them should play a significant role in the policy of protecting internally displaced persons.

---

47 Law of Ukraine No 1404-VIII “On Enforcement Proceedings” (2016). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1404-19#Text>]. [Date of access: 13.09.2023].

48 Law of Ukraine No 1058-IV “On Mandatory State Pension Insurance” (2003). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1058-15#Text>]. [Date of access: 13.09.2023].

49 Verkhovna Rada of Ukraine (2003): “Law of Ukraine On mandatory state pension insurance”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1058-15#Text>]. [Date of access: 13.09.2023].

50 Law of Ukraine No 1404-VIII “On Enforcement Proceedings” (2016). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1404-19#Text>]. [Date of access: 13.09.2023].

51 Law of Ukraine No 1058-IV “On Mandatory State Pension Insurance” (2003). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1058-15#Text>]. [Date of access: 13.09.2023].

52 Galiametov (2022), pp. 63-68.

## 4. Discussion

Addressing discrimination against internally displaced persons (IDPs) in the exercise of their rights and freedoms is an imperative of great significance. The burgeoning discontent among the population in western Ukraine regarding the escalating influx of forced migrants from the eastern regions resonates profoundly through the vast realm of social media. Alarming, the proportion of IDPs in Ukraine who report instances of discrimination predicated solely on their IDP status is witnessing an unprecedented surge. This regrettable discrimination predominantly manifests itself in critical domains such as housing, accounting for an overwhelming 65 % of reported cases, followed closely by employment at 28 % and healthcare at 26 %.

Remarkably, the Georgian experience presents itself as an intriguing paradigm, illuminating a path toward combating discrimination against IDPs. The crux of their approach lies in the implementation of a highly nuanced and meticulously designed strategy, underpinned by a comprehensive point system meticulously tailored to evaluate the multifaceted needs of IDPs. Consequently, this assessment affords an equitable allocation of services, with the utmost priority rightfully accorded to the most vulnerable segments within the IDP community. Furthermore, Georgia has successfully augmented their efforts by expanding targeted state programs aimed at fortifying social protection for IDPs, while concurrently fostering an enabling environment by introducing temporary tax incentives for employers to actively engage and support IDPs.

To holistically tackle and redress the multifarious manifestations of discrimination faced by IDPs in Ukraine, it is undeniably imperative to devise a comprehensive program, borne out of collaborative efforts that bring together the invaluable perspectives of IDPs themselves, representatives from public associations, state authorities, local self-government bodies, esteemed public figures, and altruistic volunteers. Drawing inspiration from the Serbian experience, Ukraine can glean substantial insights by promulgating a robust legislative framework that mandates the seamless provision of all indispensable internal documents to IDPs, accompanied by unwavering support and facilitation in cases of document loss or destruction precipitated by the tumultuous circumstances of displacement.

Building on the knowledge gleaned from Ukraine's endeavors as well as the profound wisdom derived from foreign jurisdictions, a series of proactive steps can be undertaken to ensure even more resolute protection of IDP rights. These measures encompass the establishment of dedicated full-time units wholly committed to fortifying social protection mechanisms, and the creation of an extensive information base comprising comprehensive websites and readily available operators providing region-specific consultations. Additionally, a meticulous map-

ping system capturing settlements and their corresponding support infrastructures will prove instrumental in catering to the needs of IDPs settling in rural areas. Increasing educational opportunities for IDP students through the development of innovative projects, coupled with the implementation of a diligent and comprehensive monitoring framework for existing and future initiatives, serves as an indispensable blueprint for success.

Reference to international law in the context of IDPs is an important means of ensuring the rights and protection of IDPs, and promotes international cooperation and support to address issues related to internal displacement. A thorough analysis of the legislative frameworks prevalent in various nations underscores the comprehensive range of social protection measures extended to IDPs. These encompass a diverse array of support mechanisms, ranging from monetary assistance in the form of both one-time and recurring cash payments to temporary accommodation solutions tailored to accommodate different vulnerable segments, including the elderly, children, and families with disabilities. Furthermore, IDPs are entitled to receive humanitarian aid, gain access to vital medical supplies and medications, and benefit from educational advantages, such as streamlined enrollment procedures in preschools and secondary education institutions, all geared towards facilitating their seamless integration into society.

## 5. Conclusions

Ukraine is currently facing a challenging period due to the aggressive actions of the Russian Federation and the implementation of martial law. This has resulted in a significant number of individuals being internally displaced as they were forced to leave their homes to seek safety. International regulations impose an obligation to safeguard the rights of internally displaced persons, and Ukraine has established programs and measures to provide social assistance and support them.

The Ukrainian government has implemented a support program specifically designed for internally displaced persons. This program encompasses social assistance, compensation for employers, and compensation for communal services. The funding for this program is derived from various sources, including state and local budgets, non-governmental support, and donor organizations. Additionally, an essential aspect of social protection is the mandatory state social insurance system, which ensures material security and social services for internally displaced persons.

It is important to acknowledge that Ukraine has gained positive experience in providing social security for internally displaced people, such as offering cash assistance and delivering



social services. However, the increasing number of internally displaced persons presents new challenges for the state, necessitating further development and enhancement of support programs to ensure an adequate level of social protection for all those in need.

Ukraine has taken significant steps in establishing a legal framework to protect the housing rights of internally displaced persons. In certain areas, social programs aimed at constructing or reconstructing residential buildings for internally displaced persons and addressing their housing needs have been implemented. Encouraging results have been observed when internally displaced persons, through collective efforts, provide housing for themselves at their own expense. However, the lack of affordable housing leads to the return of internally displaced persons to areas that are still dangerous and located near the frontlines, even at the risk of their lives and well-being. The right of internally displaced persons to temporary housing without charge is recognized in legislation, which includes the provision of social benefits based on their status and needs.

Effectively resolving the challenges faced by internally displaced persons requires active involvement from the state. It is proposed to establish a separate body responsible for implementing state policies regarding internally displaced persons. The collaboration between civil society and the government in assisting internally displaced people, learning from the experiences of other countries, and leveraging international developments is also crucial. Addressing the issues of internally displaced persons necessitates the development of a specialized legal framework and coordination of actions.

The findings and recommendations presented in this study have significant practical implications that can be applied across various areas. In terms of research, they provide valuable insights for further exploration of both theoretical and practical aspects surrounding the status of internally displaced persons within the field of social security law. From a legislative perspective, they serve as a valuable resource to inform and guide efforts aimed at enhancing the legal provisions concerning the social protection of internally displaced persons. This includes the incorporation of international standards and drawing on positive legislative experiences from other countries. In the realm of law enforcement, these findings and recommendations can play a crucial role in improving the application and enforcement of relevant legislation pertaining to the social protection of internally displaced persons. Finally, in the educational sphere, these conclusions and proposals hold great value for teaching subjects such as Labor Law, Social Security Law, and specialized courses on the Social Protection of Internally Displaced Persons. They can also be instrumental in the development of teaching materials, training manuals, textbooks, and workshops tailored to these disciplines.

## References

- Amelicheva, L. P. (2022): “Administrative courts as a human rights instrument in the field of social protection under martial law”, in *Scientific notes of Lviv University of Business and Law* (33), pp. 63-71.
- Belov, D. M. (2022): “Legal and organizational principles of protection of the rights of refugees and internally displaced persons”, in *Editorial Board* (1), pp. 47-50.
- Biryukova, M.; Rushchenko, I.; Lyashenko, N.; Grigoryeva, S. (2022): “Refugees and internally displaced persons of the Russian-Ukrainian war: social characteristics and practices”, in *Scientific and Theoretical Almanac Grani* (Vol. 25, No. 6), pp. 143-156.
- Cedos (2022): “Forced migration and war in Ukraine (February 24 - March 24, 2022)”. [Retrieved from: <https://cedos.org.ua/researches/vymushena-migracziya-i-vijna-v-ukraini-24-lyutogo-24-bereznia-2022/>]. [Date of access: 13.09.2023].
- Chvertko, L. A. (2022): “Social insurance as a component of the national system of social protection of internally displaced persons”, in *Economic Horizons* (Vol. 4, No. 22), pp. 51-63.
- Galiahmetov, I. A. (2022): “Content description of the rights of internally displaced persons and host territorial communities”, in *Analytical and Comparative Jurisprudence*, (4), pp. 63-68.
- International Labor Organization (1952): “International Labor Organization Convention No. 102”. [Retrieved from: [https://zakon.rada.gov.ua/laws/show/993\\_011#Text](https://zakon.rada.gov.ua/laws/show/993_011#Text)]. [Date of access: 13.09.2023]
- Kachan, Ya.; Marchenko, V. (2023): “Organizational and procedural aspects of ensuring the rights of internally displaced persons”, in *Scientific Perspectives (Naukovì Perspektivi)* (Vol. 4, No 34), pp. 60-68.
- Kuts, H. M.; Nakonechny, V. V.; Kuts, Y. O.; Sergeeva, O. Yu. (2021): “State policy of social protection of internally displaced persons in the Kharkiv region of Ukraine”, in *State construction* (Vol. 1, No. 30), pp. 2-13.
- Law of Ukraine No. 1058-IV “On Mandatory State Pension Insurance” (2003). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1058-15#Text>]. [Date of access:

13.09.2023].

Law of Ukraine No. 1368-IX “On the Unified State Demographic Register and Documents Confirming Citizenship of Ukraine, Certifying a Person or Their Special Status” (2021). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1368-20#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 1382-IV “On Freedom of Movement and Free Choice of Residence in Ukraine” (2003). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1382-15#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 1404-VIII “On Enforcement Proceedings” (2016). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1404-19#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 1706-VII “On Ensuring the Rights and Freedoms of Internally Displaced Persons” (2014). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1706-18#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 1768-III “On State Social Assistance to Low-income Families” (2000). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/1768-14#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 245-VIII “On Amendments to Certain Legislative Acts of Ukraine on Strengthening the Social Protection of Internally Displaced Persons” (2015). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/245-19#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No 2764-IX “On Ensuring the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine” (2022). [Retrieved from: <https://zakon.rada.gov.ua/laws/show/2764-20#Text>]. [Date of access: 13.09.2023].

Law of Ukraine No. 3334-IV “On the Housing Fund for Social Purposes” (2006). [Retrieved from: <https://zakon.rada.gov.ua/laws/main/3334-15#Text>]. [Date of access: 13.09.2023].

Menjul, M. (2023): “State protection of family rights of internally displaced persons”, in *Scientific Bulletin of the Uzhhorod National University. Series: Law* (Vol. 1, No. 75), pp. 193-197.

- Nikitina, V. (2021): “Social vulnerability of internally displaced persons as a basis for social work with them”, in *Scientific Bulletin of Uzhhorod University. Series: “Pedagogy. Social Work”* (Vol. 2, No. 49), pp. 120-123.
- Pesotska, Y. P. (2022): “Social rehabilitation and social adaptation of internally displaced persons”, in *Social Work and Education* (Vol. 9, No. 1), pp. 23-31.
- Petrosyan, K. E.; Kotova, L. V. (2021): “Implementation of the right to social protection by internally displaced persons: in the aspect of ensuring the principle of the rule of law”, in *Actual Problems of Law: Theory and Practice*, (41), pp. 86-97.
- Shapovalova, T. (2022): “The concept and content of social protection and social security of the population in modern Ukraine”, in *Economic Analysis* (Vol. 32, No. 3), pp. 123-130.
- Verkhovna Rada of Ukraine (1996), Constitution of Ukraine. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/254/96-000#Text>]. [Date of access: 13.09.2023].
- Verkhovna Rada of Ukraine (2000): “Law of Ukraine On state social assistance to low-income families”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1768-14#Text>]. [Date of access: 13.09.2023]
- Verkhovna Rada of Ukraine (2003): “Law of Ukraine On mandatory state pension insurance”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1058-15#Text>]. [Date of access: 13.09.2023].
- Verkhovna Rada of Ukraine (2011): “Tax Code of Ukraine”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/2755-17#Text>]. [Date of access: 13.09.2023].
- Verkhovna Rada of Ukraine (2014): “Law of Ukraine On Ensuring the Rights and Freedoms of Internally Displaced Persons”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1706-18#Text>]. [Date of access: 13.09.2023].
- Verkhovna Rada of Ukraine (2016): “Law of Ukraine On Executive Proceedings”. [Retrieved from: <https://zakon.rada.gov.ua/laws/show/1404-19#Text>]. [Date of access: 13.09.2023].

Yaremko, O. M. (2022): “The right of internally displaced persons to receive social services in Ukraine”, in *Scientific Events of the Faculty of Law of the West Ukrainian National University*, (1), pp. 149-152.

Zelinska, M. I.; Nikitina, O. M. (2019): “Rights to social protection of internally displaced persons”, in *Manager*, (3), pp. 138-146.

Zhurba, I. O.; Yakushev, O. V.; Gubar, O. E.; Ternova, L. Yu.; Samara, N. S. (2021): “Social work as a component of the policy of social protection of internally displaced persons in the region”, in *Collection of scientific papers of the Cherkasy State University of Technology. Series: Economic Sciences*, (63), pp. 147-155.