

## LAW

UDC 340

DOI 10.31733/2786-491X-2023-1-195-210



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### PROBLEMS OF ACCESS TO JUSTICE AND LEGAL ASSISTANCE OF INTERNALLY DISPLACED PERSONS

**Abstract.** It was emphasized that in February 2022, Ukrainians faced an unprecedented military aggression by their federation, which led to numerous violations of human rights and international humanitarian law. The restoration of violated rights and freedoms requires systematic efforts of law enforcement agencies and the judicial system of the Ukrainian state, since the vast majority of internally displaced persons have suffered material and non-material damages, lost access to a number of public services, and suffered illegal actions. interference in their lives. Access to justice for internally displaced persons depends on the availability of legal aid. Properly ensuring the access of internally displaced persons to judicial protection is one of the components of the mechanism for restoring the rights and freedoms of persons who suffered as a result of the military conflict. The authors emphasize that internally displaced persons are a vulnerable social group that needs support and assistance in various spheres of life. It was noted that one of the main guarantees of observing the rights, freedoms and legitimate interests of internally displaced persons is free legal aid.

The problems of implementing the powers of local self-government regarding the integration of internally displaced persons are analyzed. It has been proven that the decentralization of power creates conditions for ensuring the rights of IDPs and persons affected by the conflict, but it is not effective enough. Decentralization of power did not significantly

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affect the motivation of local self-government bodies to create conditions for the integration of IDPs, help in solving their problems. There is no balance between the scope of powers and resources for their implementation. It is expedient to further strengthen the abilities of local government specialists to assess and take into account the different circumstances in which IDPs find themselves, the specific problems they face. This will allow to improve and harmonize the fragmented policy in the field of integration of IDPs at the local level, which was formed, in particular, due to a lack of experience and expert support.

**Keywords:** *internally displaced persons, rights and freedoms, local self-government bodies, decentralization of power, integration, martial law.*

**Introduction.** For modern democratic, legal and social states, which recognize a person as the highest social value, the issue of effective implementation of the rights and freedoms of a person and a citizen becomes extremely urgent. As a result of the impact of globalization and European integration processes on the most important spheres of Ukrainian society, a certain positive development of the system of guaranteeing the rights and freedoms of various categories of the population may be noticed. However, the annexation of the Autonomous Republic of Crimea and the armed conflict in the East of Ukraine have become crisis phenomena that have led to the urgent need to modernize the system of protection of the rights and freedoms of such a category of subjects as internally displaced persons. Of particular importance for the implementation, protection and protection of the rights and freedoms of internally displaced persons are organizational and legal guarantees as a system of entities that provide such a guarantee. Organizational and legal guarantees, which constitute the second subgroup of legal guarantees of rights and freedoms, are provided for in normative legal acts of social and political institutions, which are entrusted with the relevant functions and powers regarding the organization and implementation of legal support for the implementation, protection and protection of human and citizen freedom.

**Analysis of recent research and publications.** The guarantors of the rights and freedoms of internally displaced persons must take certain steps that will ensure the effectiveness of the response to internal displacement in Ukraine and the realization of the rights of the specified category of persons, in particular: prevention of displacement and minimization of its adverse consequences; raising national awareness of the problem; collection of data on the number and condition of forced migrants; support for trainings on the rights of forced migrants; creation of a legal framework that ensures the protection of the rights of internally displaced persons; development of a national policy on internal displacement; definition of the coordinating body (eng. focal point) regarding issues of internally displaced persons; encouraging national human rights institutions to take care of internal displacement issues; ensuring the participation of internally displaced persons in decision-making; support for long-term solutions; allocating sufficient resources to address internal displacement issues (<http://www.refworld.org/docid/4790cbc02.html>).

In addition, the steps may include cooperation with the international community when national resources are insufficient for the effective implementation, protection and protection of the rights and freedoms of internally displaced persons. Today, the system of organizational and legal guarantees in Ukraine consists of: the Verkhovna Rada of Ukraine and the President of Ukraine; Cabinet of Ministers of Ukraine, ministries and other

central bodies of executive power; Local state administrations and local self-government bodies; Courts and Prosecutor's Office of Ukraine; Commissioner of the Verkhovna Rada of Ukraine for human rights; Advocacy; Political parties and public organizations; International judicial institutions or relevant bodies of international organizations of which Ukraine is a member or participant. Parliamentary guarantees. The only body of legislative power in Ukraine is the Parliament – Verkhovna Rada of Ukraine. By adopting legislative acts, the Verkhovna Rada of Ukraine guarantees the rights and freedoms of people and citizens as a whole, as well as certain categories, for example, internally displaced persons. Yes, internally displaced persons can apply to the Human Rights Commissioner of the Verkhovna Rada of Ukraine. Such an appeal can be either oral – to the "hot line", written, or through a personal reception of the Commissioner (Zavorotchenko, 2013, pp. 94-99).

*The current state of implementation of organizational and legal guarantees of the rights and freedoms of internally displaced persons.* In 2019-2021, Ukraine faced the COVID-19 pandemic. Although personal receptions of citizens in all state bodies were suspended, state institutions accepted all appeals from citizens, in addition, along with written and verbal appeals to the "hotlines", electronic appeals also worked. There should have been an appropriate response to such appeals 188 and the removal of obstacles to the realization of the legal rights of a person and a citizen.

Presidential guarantees. The President of Ukraine is the guarantor of state sovereignty, territorial integrity of Ukraine, compliance with the Constitution of Ukraine, rights and freedoms of man and citizen, in particular, he makes decisions on acceptance of Ukrainian citizenship and termination of Ukrainian citizenship, on granting asylum in Ukraine and granting pardons.

Government guarantees. The Cabinet of Ministers of Ukraine is the highest body in the system of executive authorities. An important institutional (institutional and organizational) guarantee is the functioning of the Ministry of Reintegration of Temporarily Occupied Territories. In the corresponding provision, the status of this ministry is defined as: the central body of executive power, the main body in the system of central bodies of executive power, which ensures the formation and implementation of state policy on the issues of temporarily occupied territories in Donetsk and Luhansk regions and the temporarily occupied territory of the ARC and the city of Sevastopol, and adjacent territories, information sovereignty of Ukraine (<https://zakon.rada.gov.ua/laws/show/376-2016-%D0%BF#Text>).

Judicial guarantees. Human rights and freedoms are protected by the court. Everyone is guaranteed the right to appeal in court decisions, actions or inaction of state authorities, local self-government bodies, public officials and executives. The Constitution of Ukraine stipulates that everyone has the right, after using all national means of legal protection, to apply for the protection of their rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant (Pastukhova, 2016).

Therefore, organizational and legal guarantees of the rights and freedoms of internally displaced persons are understood as an internally coordinated complex system of institutions, which includes public authorities and institutions of civil society, whose activities are aimed at ensuring, implementing and

protecting the rights and freedoms of internally displaced persons. These guarantees may include the following: parliamentary, presidential, governmental and judicial guarantees.

**The purpose of the article** is to investigate the challenges and obstacles faced by internally displaced persons in accessing justice and legal assistance in Ukraine, particularly in the context of the ongoing military conflict with russia.

**Formulation of the main material.** In February, 2022, Ukrainians faced an unprecedented military aggression by the russian federation, which led to numerous violations of human rights and international humanitarian law. The restoration of violated rights and freedoms requires systematic efforts of law enforcement and the judicial system of the Ukrainian state, since the vast majority of internally displaced persons suffered material and non-material damages, lost access to a number of public services, and suffered unlawful interference in their lives.

Access to justice for internally displaced persons depends on the availability of legal aid. Adequate provision of access of internally displaced persons to judicial protection is one of the components of the mechanism for restoring the rights and freedoms of persons affected by the military conflict.

Internally displaced persons are a vulnerable social group that needs support and assistance in various spheres of life. One of the main guarantees of observing the rights, freedoms and legitimate interests of internally displaced persons is free legal aid. After all, this is a type of state guarantee, which consists in creating equal opportunities for the protection of rights and access of persons to justice. The issue of access to free legal aid for internally displaced persons is one of the most acute problems affecting this category of the population (<https://legalaid.gov.ua/novyny/pravovyj-zahyst-vnutrishno-peremishhenyh-osib/>).

Secondary legal aid provides equal opportunities in access to justice. These are the following types of legal services: protection; representation of the interests of persons in courts, other state bodies, local self-government bodies, before other persons; drawing up procedural documents (<https://zakon.rada.gov.ua/laws/show/3460-17#n80>). Internally displaced persons have the right to receive all types of specified legal services. Legal services provided by lawyers and employees of the free legal aid system are free of charge for clients and are paid for by the state.

Since the beginning of the armed conflict, there has been a change in the priority of issues, for the solution of which internally displaced persons turn to free legal aid centers. If in February-May, 2022, internally displaced persons primarily decided on the issue of finding housing, receiving social benefits and humanitarian aid, then in the future, for internally displaced persons, labor relations, restoration of documents, compensation for material damage as a result of the armed conflict, the procedure for establishing death on temporarily occupied territory.

At the end of 2022, the most common legal issues with which internally displaced persons addressed free legal aid centers were: restoration of lost documents; receiving social assistance as an internally displaced person; solving the issue of men going abroad as accompanying persons; alienation or purchase and sale of real estate under martial law, as well as any other transactions with immovable and movable property; consultations on family issues: appointment

and payment of alimony, divorce; inheritance issues; resolution of issues related to the restoration of property destroyed as a result of military aggression; legal issues in the field of application of labor legislation.

In order to improve the work of free legal aid centers, the following is proposed: harmonization of domestic legislation and state institutions in accordance with the norms of international conventions and European standards regarding the legal protection of citizens; increasing the responsiveness of free legal aid centers to requests from citizens in general, and internally displaced persons in particular; simplification of the procedure for resolving legal issues of internally displaced persons; introduction into operation of centers for providing free legal assistance with free access to electronic databases of internally displaced persons and other services necessary for solving the legal problems of such persons; allocation within the system of legal aid of lawyers and legal advisers who will deal exclusively with legal problems of internally displaced persons. Access to justice includes the opportunity to participate in the proceedings; physical (territorial) availability of courts; financial availability of court procedures; access to legal aid, including free legal aid; reasonableness of the terms of consideration of the case; intelligibility of the language in which justice is administered (Lisova, 2021). The activity of the courts is one of the levers of ensuring the protection of the rights and freedoms of internally displaced persons.

Analysis of the activity of the courts allows us to conclude that there is a direct proportionality between the number of appeals received from internally displaced persons and the territory covered by the court's jurisdiction. For example, the largest number of internally displaced persons turned to the judicial authorities; city courts consider more appeals from internally displaced persons than district courts. It should be noted that there is a high number of appeals by internally displaced persons to judicial authorities, which indicates the need to maintain the focus of attention on improving the system of assistance to internally displaced persons by judicial authorities.

The analysis of cases decided by the judges of the courts of the Dnipropetrovsk region confirms that most often internally displaced persons apply for issues, including: obtaining the status of an internally displaced person; obtaining copies of court decisions of courts that remained in the temporarily occupied territory; conducting consideration of court cases under the jurisdiction of the temporarily occupied territory; resolution of court cases in the field of family legal relations: divorce, determination of the child's place of residence, establishment of paternity, collection of alimony, etc.; recognition of a person as deceased or missing; an appeal to resolve the question of jurisdiction in case of loss of materials of a civil case or another category of cases; resolution of inheritance issues; appointment of social assistance or other social benefits; damage or destruction of property by the Russian military, causing death or bodily injury as a result of missile attacks; establishment of other legally significant facts ([https://www.kiis.com.ua/materials/pr/20160111\\_Shpiker-report/Rep\\_Internews.ukr.pdf](https://www.kiis.com.ua/materials/pr/20160111_Shpiker-report/Rep_Internews.ukr.pdf)).

So, we can note that the spectrum of issues with which internally displaced persons turn to judicial authorities is quite wide, despite the existence of alternative dispute resolution methods.

The results of social studies, which are regularly conducted in Ukraine



among internally displaced persons, show that the rights of such persons are violated mainly in the sphere of receiving social benefits and benefits guaranteed by the state. 52 % of the respondents drew attention to this, another 58 % of the respondents noted that their loved ones faced such difficulties (Kolesnyk, 2022, pp. 257-259). State-guaranteed rights and freedoms are in the vast majority of cases ensured by relevant institutions and organizations. The conditions of war, namely active hostilities, problems with electricity, communication, threats to life make it difficult for citizens to access justice. However, there are more opportunities to participate in court proceedings remotely, outside the courtroom using one's own means of communication (Kravchenko, 2022, pp. 191-194).

The issue of introducing the possibility of remote justice reached its peak in February-March 2020, when the whole world was concerned about the spread of the acute respiratory disease COVID-19, caused by the SARS-CoV-2 coronavirus. Currently, the remote form of participation in the court process appears to be the only safe option for the population to more or less exercise their right to judicial protection (Nalyvaiko, 2021, pp. 31-36). Facilitating access to justice through information and communication technologies is especially relevant for internally displaced persons.

*Legal principles of the status of internally displaced persons.* Ukrainians were forced to leave their homes to avoid armed conflicts and violence. Some of the victims sought asylum in the European Union, the United States, Canada, and other countries, but most of the refugees became internally displaced. Thus, the number of internally displaced persons from the Donetsk and Luhansk regions, as well as the Autonomous Republic of Crimea, currently exceeds one million people and was formed as a result of several waves of migration directly related to the frequency and intensity of hostilities. The absence of real prospects for the rapid restoration of state control over all territories will result in a further increase in the scale of internal population migration.

Determining the status of internally displaced persons is relevant and necessary in order to effectively solve the problems of this population category and regulate the consequences to which this form of forced migration leads. Internally displaced persons are people or groups of people who have been forced to leave their homes or places of residence in order to escape the consequences of armed conflict, situations of violence, human rights violations or natural or man-made disasters, and who have not crossed an internationally recognized the state border of the country (<https://documentsddsny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>).

Refugees and internally displaced persons are forced to leave their places of residence for the same reasons. But refugees are persons who cross the border, and internally displaced persons will remain on the territory of their countries (Tyshchenko, 2014, pp. 124-126). Such a category of persons was recorded for the first time in Ukraine during the time of independence. Currently, the legal framework for the protection of the rights and freedoms of IDPs and the population of the occupied territories is already quite developed. In this field, a specialized law was adopted – "On Ensuring the Rights and Freedoms of Internally Displaced Persons", which should be used as a starting point when developing a policy on IDPs (On ensuring the rights and freedoms of internally displaced persons: Law of Ukraine dated October 20, 2014).

The development of political decisions and political programs that should

solve the problems of IDPs is included in a number of articles of the law. This law is fundamental to the legal status of internally displaced persons. The approval of such a normative legal act is undoubtedly a legal achievement of the state, which seeks to soften the negative consequences of armed conflict, temporary occupation, human rights violations, as well as to provide priority assistance to those citizens of Ukraine who, in order to realize their rights to safe living conditions and health I was forced to move out of the danger zone. Separately, it should also be noted the Resolution of the Cabinet of Ministers dated March 31, 2016, which approved the Recommendations of the parliamentary hearings on the topic "The state of compliance with the rights of internally displaced persons and citizens of Ukraine living in the temporarily occupied territory of Ukraine and in the temporarily uncontrolled territory in the area of the anti-terrorist operation". This document is primarily of a guiding framework nature and needs to be further translated into the format of current legal documents and programs.

As for the organization of direct practical activities to protect the rights of IDPs and solve their problems, the reference point here is the Comprehensive State Program for Support, Social Adaptation and Reintegration of Ukrainian Citizens who have relocated from the temporarily occupied territory of Ukraine and areas of anti-terrorist operations to other regions of Ukraine. Normative acts were also adopted to ensure the legal status of internally displaced persons: Resolution of the Cabinet of Ministers of Ukraine No. 505 dated October 1, 2014 "On providing monthly targeted assistance to internally displaced persons to cover living expenses, including payment of housing and communal services" and resolution "On approval of the Procedure for the use of funds received from individuals and legal entities for the provision of one-time monetary assistance to injured persons and internally displaced persons" No. 535 dated October 1, 2014.

The first involves the provision of monthly targeted assistance to IDPs to cover the costs of housing and housing and communal services. General assistance for one family cannot be provided for more than 6 months. The second regulated the use of funds received from foreign donors. One of the key elements of this scheme is the further use of such funds for one-time assistance to IDPs. This resolution provides for consideration of requests for assistance for IDPs by special commissions. At the same time, in the current legislation, the interaction of authorities and local self-government with public associations, whose activities are aimed at solving the problems of IDPs, is only outlined and requires the development and implementation of more specific and detailed mechanisms (Nalyvaiko & Cherednichenko, 2020).

A balance must be observed here in actions on a partnership basis. But today this principle is only a desired reference point, and the real reality testifies to the reproduction of traditional relations, when civil society is listened to only in the presence of protest activity and certain actions, or when the processes become weakly controlled. Therefore, the current legislation regarding the legal status of internally displaced persons needs significant revision in the direction of specifying programmatic, institutional, organizational-management and financial support for its implementation (Nalyvaiko, Bochkovy & Minakova, 2022, pp. 130-136).

*Problems of implementing the powers of local self-government bodies*

*on the integration of internally displaced persons in conditions of power decentralization.* Local self-government bodies (LSGBs) occupy the main place in guaranteeing the rights and interests of internally displaced persons (IDPs) and are the closest to their problems and needs. Society and communities expect local self-government bodies to actively participate in solving the problems of IDPs. The Ukrainian state in general and public authorities in particular are responsible for persons who find themselves in difficult living conditions, therefore the quality of protection of IDPs is an indicator of social orientation in general. The lack of coordinated activities of local self-government bodies within a single district or region leads to a fragmented, inconsistent solution to the problems of IDP integration. The lack of communication and exchange of experience between local self-government bodies of different territorial communities, the use of different approaches or the general disregard for the need to ensure the rights, interests and needs of IDPs make their full integration in communities impossible. In addition, a certain inconsistency of the regional policy regarding IDPs undermines the authority of local self-government bodies in general. It is relevant to study the real capabilities of local self-government bodies to respond to the problems of IDP integration.

The conclusions of this research are based on the results of a survey of local self-government experts who directly implement tasks related to the integration of internally displaced persons. The survey was held in selected communities and included several blocks of questions: regarding the impact of the reform of power decentralization on the expansion of local government's ability to promote the integration of IDPs; regarding the awareness of local government in the problems of IDPs and motivation in solving them; regarding the understanding of the responsibility of local government for the integration of IDPs; regarding the existing experience of supporting IDPs; about the main problems in this area. The purpose of scientific research is to substantiate the legal and practical problems of implementing the powers of local self-government bodies on the integration of internally displaced persons in conditions of decentralization of power, as well as to develop a proposal for their solution in the future.

According to Art. 18 of the Law of Ukraine "On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine" dated April 15, 2014, citizens of Ukraine are guaranteed full observance of their rights and freedoms provided by the Constitution of Ukraine, including social, labor, and electoral rights and the right to education, after leaving the temporarily occupied territory.

This important norm obliges all public authorities to take all measures to ensure the rights and freedoms of people and citizens of internally displaced persons. As a result of decentralization, the regulatory array of constitutional and legislative powers is expanding. Discretion objectively arises on the basis of the specified powers – first, in the form of the need for detailing and concretization of the specified powers, with the aim of their further fuller and proper implementation by local government organizations, their officials and officials, as well as with the aim of regulating new types of social relations, which arise in the course of life activities of the territorial community and its members within the framework of relations that have already developed and



are stable.

The discretionary powers of local government are deterministic, that is, they arise and are carried out under the influence of the teleological dominance of local self-government – the resolution of a wide range of issues of local importance in the interests of the territorial community and its members. (Baymuratov & Boyars'kyi, 2019, pp. 31-41).

One of the manifestations of the discretionary powers of local self-government bodies is the right to determine and shape the content of local policies in long-term and short-term strategic and planning documents – target programs. Those responsible for the development of the target program must: clearly imagine local problems in the relevant field, resource and other opportunities of the community; to know why and for whom the program is being developed (beneficiaries, interested parties); to understand the causes of certain troubles and ways to overcome them; predict possible risks and negative consequences; calculate the program budget and funding sources (it can be not only the local budget, but also, for example, grant funds), determine the necessary non-financial resources; to determine the indicators by which it will be possible to assess whether the program has achieved its goals (Stashchuk & Lysenko, 2020).

IDPs can be stakeholders and beneficiaries of such plans. Local self-government bodies and regional state administrations choose different approaches to formulating policies in the field of IDP integration: special integration programs (as comprehensive policies related to various aspects of IDP integration); programs and measures in certain areas (for example, targeted programs on access to housing, employment promotion, social protection, etc.); programs and measures to support integration at the local level, not at the regional level. Some State Administrations and Local Governments have demonstrated a complex and holistic vision of the integration of IDPs. However, some regions have only one-off or fragmented measures, such as free meals or gifts for IDP children, which are mostly related to the social protection of vulnerable populations, rather than policies with a long-term impact on the integration of IDPs ([https://www.humanitarianresponse.info/files/documents/files/05\\_2021\\_nrc\\_idp\\_integration\\_policies\\_ukr.pdf](https://www.humanitarianresponse.info/files/documents/files/05_2021_nrc_idp_integration_policies_ukr.pdf)).

The main problem is low motivation and initiative of LGUs to take measures to strengthen the integration of IDPs; lack of stable communication between state authorities, local self-government bodies, local self-government institutions and IDPs; lack of financial resources and low institutional capacity of LGUs to influence the integration of IDPs. At the same time, the legal possibilities of local government in this area are almost unlimited.

A lack of understanding of the local government's role, necessity and responsibility in solving the problems of integration of IDPs dominates. According to the experts of the pilot communities, the decentralization of power had a tangible impact on expanding the powers and responsibilities of communities and on the level of responsibility of local self-government bodies, but the resources for their implementation are insufficient. The mechanism of implementation of individual powers is still unclear in certain areas, but this is a nationwide trend. Decentralization of power creates conditions for ensuring the rights of IDPs and persons affected by the conflict, but it is not effective enough. At the same time, the decentralization of power did not significantly affect the

motivation of local self-government bodies to create conditions for the integration of IDPs, help in solving their problems.

The reason for this is the lack of state subsidies and own financial resources. Non-material support for IDPs is not actively carried out by local self-government bodies, and support through mechanisms that are already in place is provided on a general basis. In particular, the delegation of powers from state bodies to local self-government bodies to provide basic administrative services (registration of place of residence, issuance of passport documents, state registration of legal entities and individuals, entrepreneurs, citizen associations, registration of acts of civil status, property rights, resolution of land issues, etc.) expands their opportunities to ensure the interests of IDPs, but among the problems noted in this area are a lack of financial resources and bureaucratic procedures at the level of state authorities. The problem of forming local budgets is ambiguous, as there is no balance between the scope of powers and resources for their implementation. The budget of the surveyed communities provides for expenditures for the implementation of programs for the support and protection of IDPs and persons affected by the conflict. At the same time, in the pilot communities, individual special measures to ensure the rights and interests of IDPs are almost never organized, so they have the opportunity to realize their needs on the same level as other residents.

It is expedient to further strengthen the abilities of local government specialists to assess and take into account the different circumstances in which IDPs find themselves, the specific problems they face. This will allow to improve and harmonize the fragmented policy in the field of integration of IDPs at the local level, which was formed, in particular, due to a lack of experience and expert support. Local self-government bodies and officials keep track of the number of IDPs who have moved to communities and analyze the dynamics. The prevailing understanding is that central executive bodies and local self-government bodies should be responsible for persons affected by the conflict. At the same time, there is a mostly everyday understanding of the reasons for such responsibility, rather than a political and legal one (local self-government bodies must be responsible for every person in general, and their fate cannot be indifferent to local governments; IDPs are full-fledged citizens in the community; IDPs become part of the community, but such persons have many problems).

There are also opposing views and arguments (the issue of providing for the needs of IDPs is a state issue; local self-government bodies should support IDPs in the case of guaranteed state assistance with the provision of financial resources for LGUs). The assessment of the state's activities in ensuring the rights of IDPs and persons affected by the conflict in general is ambiguous. It is emphasized that the state (through state bodies) should independently carry out more positive actions for the benefit of IDPs. There is an opinion that the state unjustifiably shifted responsibility to the communities, which indicates a misunderstanding of the goals and significance of the policy in the field of integration of forced migrants. The transfer of responsibility to state bodies and the unclear understanding of the responsibility of local self-government bodies for the integration of IDPs are monitored. Whereas IDPs themselves become an important resource of the community, work and pay taxes to the local budget, participate in the

development of the community.

It is worth noting that communities have experience in implementing state and regional (local) programs to support IDPs, in particular in the field of health care, providing social services, creating a modular transit town for IDPs, providing IDPs with permanent housing). Local self-government bodies evaluate the effectiveness of the implementation of state programs to support IDPs positively, but note the feasibility of their improvement. In communities, the needs and interests of IDPs are studied mainly through interaction with public organizations that represent IDPs; holding meetings and sessions, round tables, conferences, public events to discuss ways to solve the problems of protecting and ensuring the rights of IDPs; independent study of individual needs, in particular in solving the housing issue, etc.

Residents of communities can use such legal means of participation in local self-government as: submitting electronic petitions, exercising the right to appeal, public consultations and public hearings. But the IDPs themselves do not initiate such forms of participation and, if they join, then only on the same level as other residents of the community. IDPs use only certain means of influence on local authorities, both indirectly (through interaction with public organizations) and directly (through coordination councils on IDP issues). The problem is that the tools of local democracy created in communities are almost unknown to residents and are not often used. Social and administrative services of local self-government bodies are aimed at satisfying all categories of the population, including IDPs. Social and administrative services are provided to all vulnerable categories of the population, although experts state insufficient regulation of this activity at the state level. IDPs receive social and administrative services on a common basis and with the help of common approaches.

Local self-government bodies hardly apply an individual approach to IDPs, services are provided without taking into account the specifics of their situation. An exception is positive actions in the provision of educational services for internally displaced children (extraordinary enrollment in educational institutions and provision of tickets to communal children's health camps). Specialists of local self-government bodies state that comfortable and safe movement of vehicles and pedestrians is ensured in the interests of less mobile population groups (buses are equipped with ramps, pedestrian paths are equipped with tactile lines, ramps are provided in public places, call buttons, social taxis are available to order). At the same time, no emphasis is placed on internally displaced persons with disabilities.

The organization of family recreation and leisure (entertainment programs, space for collective development, open days, decorative and applied forms of activity, collective creative works, evenings of rest, patriotic education, inclusive spaces for people with disabilities) is carried out for all residents of the community on equal terms. Ensuring equal access for everyone is positive, but local self-government bodies are recommended to implement additional measures to inform, create conditions and involve IDPs and other vulnerable population categories. However, no educational, scientific, cultural or educational projects, educational programs, which, in particular, affect the better integration of IDPs, have been created in any pilot community (according to the interviewed experts). This shows that local self-government bodies are not fully aware of the projects implemented by public organizations, educational

institutions and other entities.

The pilot communities lack the experience and practice of implementing programs to promote the youth movement and youth activism, which is a rather popular direction of human capital development in communities. The development of social entrepreneurship, among the beneficiaries of which IDPs can be identified, requires the attention of local self-government bodies. The creation of centers for training and retraining, in particular, in the interests of veterans of the ATO and OOS, IDPs, is relevant in those communities where displaced educational institutions operate. Such centers can be opened on the basis of a memorandum between higher education institutions and local self-government bodies, and educational services can be partially paid for from the local budget (for retraining or advanced training of specialists in areas relevant to the community).

The reform of decentralization of power is quite successfully implemented in Ukraine. There are many examples of effective implementation of new opportunities on the ground due to the redistribution of funding and increased autonomy in solving urgent community problems. At the same time, local bodies of state executive power and local self-government bodies do not have sufficient information about the state of integration of IDPs into the socio-economic and cultural life of the regions due to ineffective communication with the latter. This situation is relevant for the whole country.

The development of the practice of concluding agreements on the cooperation of territorial communities with the aim of implementing a single, comprehensive approach to the integration of IDPs in communities, improving the quality of providing services to them, and effective implementation of national legislation in this area is relevant. The subject of such an agreement may be the implementation of a joint target project – a set of joint activities carried out by local self-government bodies at the expense of local budgets and other sources not prohibited by law.

Therefore, the recommendations for improving the implementation of the powers of local self-government bodies on the integration of internally displaced persons in the conditions of decentralization of power are as follows:

- communication and exchange of experience between local self-government bodies of different territorial communities in the field of ensuring the rights, interests and needs of IDPs contribute to a consistent and comprehensive regional policy on the integration of IDPs in communities, will increase the quality of services provided to them;

- in order to obtain sufficient information about the state of integration of IDPs into the socio-economic and cultural life of the region and to ensure effective communication with the last local self-government bodies, it is advisable to create appropriate social groups – Viber, Telegram, Facebook, etc.;

- to introduce forms of participatory democracy in communities, which include public hearings, public expertise, public monitoring, activities of public councils, local initiatives, public media control, etc. Their advantage is accessibility for IDPs and, as a result, establishment of feedback from IDPs;

- local self-government bodies in host communities to develop and adopt comprehensive regional strategies, action plans and/or a program for the

integration of IDPs, and/or to establish/expand integration measures within other programs (for example, to ensure access to housing programs, improvement of existing housing conditions, access to employment, etc.);

– to monitor the effectiveness of integration programs and activities, in particular regarding the number of IDPs participating in such programs/events (both candidates and recipients), financial indicators regarding the lack of funds for the full implementation of the program, etc.;

– expedient management of gender statistics in the community by local self-government bodies and the use of gender-oriented approaches in making management decisions, implementation of gender-oriented budgeting, support for gender education and enlightenment, etc. The application of an end-to-end gender approach in the activities of local self-government bodies in the interests of IDPs requires additional training of experts.

**Conclusions.** 1. As a result of decentralization, the regulatory array of constitutional and legislative powers expands. On the basis of these powers, the discretion of local self-government bodies objectively arises. One of the manifestations of the discretionary powers of local self-government bodies is the right to determine and shape the content of local policies in long-term and short-term strategic and planning documents at their own discretion. Territorial communities (directly or through local self-government bodies formed by them) approve local budgets, socio-economic and cultural development programs, as well as target programs aimed at solving specific community development problems. Stakeholders and beneficiaries of such plans are internally displaced persons. Measures and policies of local authorities, which are carried out for the integration and support of IDPs, have a general and special character, but they ensure the interests of the whole community in direct proportion.

2. The main problems of implementing the powers and responsibilities of local self-government bodies on matters related to IDPs and persons affected by the conflict are as follows: local self-government bodies do not fully implement their capabilities in the field of IDP integration; specialists are not sufficiently aware of the capabilities of local self-government bodies in general, there is a lack of initiative and understanding of the goal of IDP integration; there is a dominant tendency to transfer responsibility for the integration of IDPs to the state (state bodies) and a lack of understanding of one's responsibility; IDPs are perceived as an additional burden for which the state does not provide funding, rather than as a prospect for the community; the problems of implementing projects and programs for the benefit of IDPs are focused on the lack of financial resources and unwillingness to take measures if the state does not provide subsidies to the local budget; no individual approach is applied and almost no positive actions are applied to balance the situation of IDPs in the community.

*Conflict of Interest and other Ethics Statements*

The authors declare no conflict of interest.



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### **ПРОБЛЕМИ ДОСТУПУ ДО ПРАВОСУДДЯ ТА ПРАВОВОЇ ДОПОМОГИ ВНУТРІШНЬО ПЕРЕМІЩЕНИХ ОСІБ**

**Анотація.** Наголошено, що у лютому 2022 року українці зіткнулися з безпрецедентною військовою агресією з боку російської федерації, яка призвела до численних порушень прав людини та міжнародного гуманітарного права. Відновлення порушених прав і свобод потребує системних зусиль правоохоронних органів та судової системи Української держави, оскільки переважній більшості внутрішньо переміщених осіб завдано матеріальних і нематеріальних збитків, втрачено доступ до низки державних послуг, зазнали протиправних дій, втручання в їх життя.

Доступ внутрішньо переміщених осіб до правосуддя залежить від наявності правової допомоги. Належне забезпечення доступу внутрішньо переміщених осіб до судового захисту є однією зі складових механізму відновлення прав і свобод осіб, які постраждали внаслідок військового конфлікту. Автори підкреслюють, що внутрішньо переміщені особи є вразливою соціальною групою, яка потребує підтримки та допомоги в різних сферах життя. Зауважено, що однією з основних гарантій дотримання прав, свобод і законних інтересів внутрішньо переміщених осіб є безоплатна правова допомога.

Проаналізовано проблеми реалізації повноважень місцевого самоврядування щодо

інтеграції внутрішньо переміщених осіб. Доведено, що децентралізація влади створює умови для забезпечення прав ВПО й осіб, які постраждали від конфлікту, але недостатньо ефективно. Децентралізація влади суттєво не вплинула на мотивацію органів місцевого самоврядування щодо створення умов для інтеграції ВПО, допомоги у вирішенні їх проблем. Відсутній баланс між обсягом повноважень і ресурсами для їх реалізації. Доцільним є подальше посилення спроможностей фахівців ОМС оцінювати та враховувати різницю обставин, в яких опинилися ВПО, специфічні проблеми, з якими вони зіткнулись. Це дозволить удосконалити і гармонізувати фрагментарну політику у сфері інтеграції ВПО на місцевому рівні, що сформувалась, зокрема, через брак досвіду і експертної підтримки.

**Ключові слова:** внутрішньо переміщені особи, права і свободи, органи місцевого самоврядування, децентралізація влади, інтеграція, воєнний стан.

**Submitted:** 23.01.2023

**Revised:** 07.03.2023

**Accepted:** 14.03.2023

UDC 340

DOI 10.31733/2786-491X-2023-1-210-217



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### CREATING MODERN, COMMUNITY-ORIENTED POLICE: SOME DUTCH EXPERIENCES

**Abstract.** The Netherlands differ in many respects (historically, geographically, economically) from Ukraine. Consequently, the experiences of the Dutch police are different too. Nevertheless, those experiences may be useful to Ukrainian colleagues.

After the end of the National Socialist occupation (1940-1945), the Dutch population and police wanted to forget that time as quickly as possible, to reconstruct their economy, but that turned out to be unwise: for decades a taboo on that past hindered a good relationship between the police and the citizens. That relationship was finally not restored by politicians, but by a new generation of police chiefs who learned from police abroad, in particular the Anglo-Saxon police. An important tool for improving the relationship turned out to be training police personnel in social skills: citizens require more from the police than enforcing laws. The ability to mediate in conflicts and to help finding psychosocial support strengthens policing enormously. A particular issue turned out to be dealing with misbehaving police officers.

Frontline police-managers were given a special responsibility in counteracting misbehavior, but misbehaving police officers must also be able to count on correct treatment. Organized crime poses a particular threat to society and good policing in particular. In the fight against organized crime, the police learned that the administration is an indispensable ally, but that it is important too to preserve focus and that the population must be made resilient against the lure of this kind of crime. In modern policing, a special responsibility rests on the shoulders of police chiefs: they must seek a balance between the vertical relationship with the competent authorities and the horizontal relationship with the citizens.

**Keywords:** police relationship with citizens, police integrity, combating organized crime, police history.

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