

THE MECHANISM FOR PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN UKRAINE

Nataliia Stepanenko

Department of Theory and History of the
State and Law
«KROK» University
03113, 30-32, Tabirna Str., Kyiv, Ukraine
e-mail: nataliasv@krok.edu.ua
<https://orcid.org/0000-0001-6216-2206>

Kristina Dobrova

«KROK» University
03113, 30-32, Tabirna Str., Kyiv, Ukraine
e-mail: DobrovaKO@krok.edu.ua
<https://orcid.org/0009-0009-7478-3152>

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Abstract

The article examines the mechanism for protecting the rights of internally displaced persons (hereinafter – IDPs) in Ukraine in the context of full-scale war and post-war transformations. The author emphasizes that, despite the existence of a legal framework, in particular the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” adopted in 2014. Based on the analysis of scholarly sources and regulatory legal acts, the main problems in the implementation of IDP rights are identified, including the absence of a comprehensive model of legal protection, difficulties in accessing housing, employment, social and educational services, as well as weak integration of displaced persons into host communities. Particular emphasis is placed on the inconsistency of the national protection system with European human rights standards and the lack of effective mechanisms for the implementation of international conventions. A comparative analysis of international experience (Kenya, Nigeria, Ethiopia) has shown that effective protection of IDP rights is possible only through the integration of legislative, institutional, and socio-economic measures, as confirmed by the practice of implementing the Kampala Convention and the case law of the European Court of Human Rights. The article substantiates the need to modernize Ukraine’s mechanism for protecting the rights of displaced persons by harmonizing national legislation with international norms, strengthening the institutional capacity of public authorities, expanding the role of local self-government, introducing comprehensive integration programs, and actively engaging civil society. The article also highlights the role of judicial practice and law enforcement in shaping real guarantees for the protection of IDP rights, in particular through the analysis of national court decisions and administrative procedures that directly affect displaced persons’ access to effective legal remedies. Particular attention is paid to the issue of access to legal aid for IDPs as a key element in ensuring the principle of equality and non-discrimination in the context of armed conflict. It is concluded that only an interdisciplinary approach combining legal, managerial, and social instruments can ensure real, rather than formal, protection of IDP rights in Ukraine.

Keywords: internally displaced persons; human rights; legal protection; social integration;

international standards; European experience..

1. Introduction

The protection of the rights of internally displaced persons (IDPs) in Ukraine constitutes one of the most pressing issues within the context of the country's contemporary socio-legal development. The question of safeguarding the rights of IDPs in Ukraine has acquired particular urgency due to the profound transformations triggered by the armed aggression of the Russian Federation. The large-scale internal displacement that began in 2014, and which reached unprecedented proportions following the full-scale invasion in 2022, has posed a serious challenge not only to the social welfare system but also to the entire legal framework of the state. Under these conditions, the issue of effectively guaranteeing the rights and freedoms of IDPs extends beyond a narrow disciplinary inquiry and becomes an interdisciplinary concern encompassing constitutional law, administrative law, social policy, and international law (Abdulkadr et al., 2024).

With the onset of the full-scale invasion by the Russian Federation, Ukraine faced an unprecedented level of internal displacement, resulting in a multi-layered crisis encompassing legal, social, economic, and humanitarian dimensions (Bielov and Bielova, 2023). According to official data, the number of IDPs in the country is measured in millions, highlighting the urgent need to establish a comprehensive system of guarantees for their rights and freedoms (Dirikgil and Efstathopoulos, 2024). At the same time, scholarly analysis indicates that the existing mechanism for their legal protection remains fragmented, inconsistent, and insufficiently effective (Holubenko and Yehorova, 2025).

The primary problem lies in the fact that, despite the adoption of the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons" (2014), the legal framework does not provide comprehensive protection across all key spheres of life. In particular, IDPs encounter difficulties in exercising their constitutional rights to housing, employment, social security, education, healthcare, and participation in local self-governance (Abonyi and Eluke, 2025; Abonyi and Nwakoby, 2023). Interest in this topic is also driven by its significance to a broad audience, including scholars, legal practitioners, public officials, representatives of local self-government, and civil society actors. Research into the mechanism for protecting IDP rights allows not only a critical assessment of the current state of legal regulation but also the formulation of practical recommendations for improving state policy in this area. Of particular value is the integration of theoretical analysis with applied dimensions, facilitating the development of more effective management decisions and law enforcement practices (Agbu and Ifere, 2024).

The relevance of the issue is further underscored by Ukraine's European development trajectory, as the constitutional rights of IDPs should be ensured in accordance with European human rights standards. However, in practice, there remains a significant gap between the norms declared in law and their actual implementation (Perederii, 2023). This discrepancy leads to situations of social isolation, discrimination, and undermines the foundations of the rule of law. Simultaneously, the mechanism for protecting IDP rights cannot be effective without taking international experience into account, particularly the case law of the European Court of Human Rights and the implementation of international conventions, such as the Kampala Convention (Abonyi and Eluke, 2025; Abonyi and Nwakoby, 2023). Comparative analysis demonstrates that in countries facing similar challenges (Kenya, Nigeria, Ethiopia), legal mechanisms supporting IDPs are based on a combination of legislative, institutional, and socio-economic components (African Union, 2009; Agbu and Ifere, 2024), emphasising the need for Ukraine to refine its model to be more integrated and oriented towards the

long-term integration of IDPs into host communities.

The premise for this research is the evident discrepancy between a reasonably developed legal framework and its limited effectiveness in practice. The adoption of the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” in 2014 represented a significant step in establishing legal guarantees for displaced persons. Nevertheless, subsequent practice has revealed a number of systemic deficiencies, including fragmented regulation, lack of clear coordination among state bodies, insufficient resourcing, and weak integration of legal and socio-economic support mechanisms for IDPs.

The theoretical foundation of this research is grounded in contemporary human rights concepts, the principles of the rule of law and social state, as well as approaches that conceptualise the mechanism of legal protection as a comprehensive system incorporating normative, institutional, and procedural elements (Bielov and Bielova, 2023). In scholarly literature, the protection mechanism for IDP rights is viewed as a set of interconnected instruments and measures aimed at ensuring the realisation of the rights and freedoms of this population (Dembitskyi et al., 2024). However, existing approaches often focus on isolated aspects such as legal status, social guarantees, or the activities of public authorities (Holubenko and Yehorova, 2025). Analysis of the literature reveals considerable scholarly contribution in the field of IDP rights; yet most works remain fragmented and fail to provide a holistic view of the protection mechanism (Hrytsai, 2024). Notably, insufficient attention is devoted to the interaction between different components, the evaluation of enforcement effectiveness, and issues concerning the long-term integration of displaced persons into host communities (Izarova et al., 2023). Additionally, harmonising national legislation with European standards and international obligations continues to be a matter of debate. A critical issue is the gap between the declarative nature of legal norms and their practical implementation. In practice, IDPs often face administrative barriers, discriminatory practices, and the absence of effective mechanisms to protect their rights (Nalyvaiko and Isaieva, 2023). This underlines the necessity of rethinking the existing legal framework and transitioning to a more integrated approach, one which considers both legal and socio-economic factors.

International experience is also an essential consideration. In several countries confronting similar challenges, comprehensive models for the protection of IDP rights have been developed, combining legislative guarantees with effective institutional mechanisms and programmes for socio-economic integration (Ongele et al., 2025). Analysis of such approaches allows the identification of effective practices that may be adapted to the Ukrainian context. Accordingly, the scholarly problem addressed by this research is the absence of a coherent, effective, and coordinated model of the mechanism for protecting the rights of internally displaced persons in Ukraine that responds to contemporary challenges and complies with international standards. This necessitates a comprehensive analysis of the existing legal framework, identification of its deficiencies, and the development of proposals for improvement (Onsarigo, 2024; Perederii, 2023).

The aim of this article is to conduct a comprehensive study of the mechanism for protecting the rights of internally displaced persons in Ukraine, taking into account contemporary conditions, international standards, and European experience, as well as to formulate evidence-based recommendations for its enhancement. To achieve this aim, the following objectives have been identified: to analyse theoretical approaches to understanding the mechanism for protecting IDP rights; to examine the legal framework of Ukraine in this field; to assess the effectiveness of the practical realisation of IDP rights; to identify the main problems and gaps in the functioning of the protection mechanism; to conduct a comparative analysis of international experience; and to justify directions for improving the national model of IDP rights protection.

The research hypothesis posits that the effectiveness of the mechanism for

protecting the rights of internally displaced persons in Ukraine can be enhanced if it is transformed from a fragmented system into an integrated model combining legal, institutional, and socio-economic components, ensuring coherence among different levels of government and aligning with international human rights standards.

Thus, the present study seeks to deepen scholarly understanding of the mechanisms for protecting IDP rights and aims not only at theoretical insight but also at generating practical recommendations capable of improving the effectiveness of state policy in this sphere under conditions of wartime and post-war transformations.

2. Materials and Methods

The methodological foundation of this study is based on a combination of general scientific and specialised legal methods, the application of which has enabled a comprehensive analysis of the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine in the context of wartime and post-war transformations.

The materials of the study comprised Ukrainian legal and regulatory acts, including the Constitution of Ukraine, the Law of Ukraine "On Ensuring the Rights and Freedoms of Internally Displaced Persons", and other legislative and subordinate acts governing the legal status of IDPs and the mechanisms for the realisation of their rights. A significant part of the source base consists of international legal instruments, in particular documents of the Council of Europe, the case law of the European Court of Human Rights, and the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons (the Kampala Convention). To ensure the comprehensiveness of the research, scholarly works by both domestic and international authors, analytical reports, monographs, and publications in specialised journals dedicated to the protection of IDP rights were also utilised.

The dialectical method was employed to analyse the development of legal regulation concerning the protection of IDP rights in relation to socio-economic and political changes within the state. This approach allowed the mechanism for protecting the rights of displaced persons to be considered as a dynamic system that evolves under the influence of both external and internal factors. The formal-legal method was applied to examine the content of normative legal acts, define legal categories, rights, and obligations of IDPs, and identify conflicts and gaps within the legislation. This method facilitated a systematic analysis of the legal norms governing the relevant legal relations.

The system-structural method enabled the mechanism for protecting IDP rights to be conceptualised as an integrated system consisting of interrelated elements: normative, institutional, and organisational. Its application contributed to the identification of the role of each element in ensuring the effective functioning of the protection mechanism. The comparative-legal method was employed to analyse international experience in protecting IDP rights, including practices from African countries and European standards. This approach allowed the identification of commonalities and differences in regulatory approaches, as well as the potential for adapting effective models to the Ukrainian context.

The method of analysis and synthesis was used to consolidate scholarly approaches, identify the main challenges in the functioning of the IDP rights protection mechanism, and develop a holistic understanding of the phenomenon under investigation. Using this method, the results of individual studies were integrated into a unified conceptual model. Inductive and deductive methods were employed to formulate conclusions and generalisations: from the analysis of specific legal norms and practical cases to the identification of general patterns, and conversely, from general theoretical propositions to the evaluation of their practical implementation.

Furthermore, elements of empirical analysis were applied to the study of the practical implementation of IDP rights, particularly through the examination of judicial decisions, administrative procedures, and the practices of state authorities and local

self-government bodies.

The combined application of these methods ensured the objectivity, systematicity, and scholarly rigour of the research findings and facilitated the formulation of practical recommendations for improving the mechanism for protecting the rights of internally displaced persons in Ukraine.

3. Results

The mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is shaped by a complex interplay of socio-economic, political, and legal factors, which have undergone significant transformation following the onset of Russian aggression. According to scholars (Rohach et al., 2018), it constitutes a system of legislative, institutional, and organisational measures aimed at ensuring the realisation of the constitutional rights and freedoms of IDPs (Bielov and Bielova, 2023).

The findings of the present study allow for a refinement of this definition, conceptualising the mechanism not merely as a collection of measures but as a multi-level functional system encompassing:

- the normative level (legislative codification of rights and guarantees);
- the institutional level (activities of state authorities and local self-government bodies);
- the procedural level (mechanisms for the implementation and protection of rights);
- the socio-economic level (the actual conditions for IDP integration).

This approach enables the identification of systemic bottlenecks in the functioning of the mechanism and explains why, despite the existence of a legal framework, the rights of IDPs remain partially unrealised.

Within the Ukrainian legal framework, the cornerstone is the Law of Ukraine “On Ensuring the Rights and Freedoms of Internally Displaced Persons” of 20 October 2014, which enshrines fundamental guarantees, including the right to register a place of residence, access social benefits, employment, and education (Yaroshenko et al., 2025). At the same time, the practical application of this law has revealed numerous conflicts and gaps. As O. Perederiy notes, the legislation does not fully address the social integration of displaced persons, and its implementation largely depends on the financial and organisational capacities of local authorities [3, p. 30].

The analysis conducted indicates that a key limitation of the current legislation is its reactive nature: the majority of norms are aimed at responding to existing challenges rather than preventing them. The absence of a long-term strategic approach leads to fragmentation in state policy regarding IDP protection. Furthermore, the legislation insufficiently accounts for the differentiated needs of specific groups of IDPs (persons with disabilities, children, older persons), thereby reducing the effectiveness of legal regulation.

Research also highlights inconsistencies in the state’s provision of housing rights for IDPs. Programmes for rental compensation or housing construction remain ad hoc and fail to establish a sustainable mechanism for addressing housing needs (Selikhov, 2024). Consequently, a significant proportion of displaced persons experience social isolation, which negatively affects their capacity to integrate into new communities (Shevlytalov, 2024). Housing has been identified as a system-forming factor in the realisation of other rights: the absence of stable housing directly impedes access to employment, education, and social protection. Thus, housing should be considered a central element within a comprehensive model of IDP rights protection.

The realisation of employment rights also represents a critical dimension. Although legislation guarantees equal labour rights, in practice employers often discriminate against IDPs due to stereotypes or reluctance to assume additional social risks (Starynskyi, 2024). A similar situation is observed in access to healthcare and educational

services. As Hrytsai emphasises, mechanisms to ensure social standards for IDPs exist largely at a declaratory level, while practical implementation is hindered by insufficient resources and a lack of coordination among state authorities (Perederii, 2023). The analysis further demonstrates that one reason for the ineffectiveness in the realisation of social rights is the institutional dispersion of responsibilities across various bodies. The absence of a central coordinating authority or clearly designated lead agency results in either duplication of functions or gaps in service provision, underscoring the need for institutional reform of the IDP rights protection mechanism.

The complexity of the issue also has a constitutional-legal dimension. Starinsky (2024) notes that, despite legal guarantees, the constitutional rights of IDPs are incompletely realised, generating a situation of legal uncertainty. Holubenko and Yehorova (2025) similarly emphasise the inconsistency between Ukrainian legislation and European human rights standards. This is corroborated by an analysis of judicial practice: Ukrainian court decisions in IDP cases often contradict the positions of the European Court of Human Rights, undermining trust in the national legal system. A review of case law indicates a systemic problem the absence of a unified approach to interpreting IDP rights across different judicial instances creating legal uncertainty and diminishing the effectiveness of judicial protection. Nevertheless, judicial practice possesses the potential to serve as a key instrument for harmonising national legislation with European standards.

The integration of IDPs also presents socio-economic challenges. According to researchers at the Institute of Sociology of the National Academy of Sciences of Ukraine (Dembitsky et al., 2024), displaced persons experience higher levels of unemployment, poverty, and psychological stress than other population groups. A significant proportion is compelled to accept low-paid employment that does not match their qualifications, increasing the risk of marginalisation and social exclusion, thereby undermining social cohesion and the rule of law. The findings also indicate a “double vulnerability” effect: the combination of economic instability and legal barriers significantly complicates IDP integration. This necessitates a shift from short-term assistance policies to long-term strategies for integrating IDPs into socio-economic processes.

International experience convincingly demonstrates that effective protection of IDP rights is achievable only through integrated models combining legislative, institutional, and socio-economic mechanisms. In Kenya, for instance, in addition to statutory guarantees, civil society organisations and international agencies play a key role, providing temporary housing while facilitating economic self-sufficiency through access to microcredit, employment schemes, and vocational training programmes (Dirikgil and Efstathopoulos, 2024). In Nigeria, the implementation of the Kampala Convention has been pivotal, obliging the state not only to guarantee fundamental rights but also to develop long-term strategies for social integration, including education, healthcare, and employment for IDPs (Abonyi and Eluke, 2025). Researchers, however, caution that international conventions and declarations remain largely declarative without effective national monitoring mechanisms, which should include transparent institutional procedures, independent judicial oversight, and meaningful cooperation with civil society (Bielov and Bielova, 2023). Comparative analysis demonstrates that the effectiveness of international IDP protection models largely depends on the level of decentralisation and local community involvement. Successful practices show that adaptation occurs most rapidly at the local level, whereas central authorities fulfil a coordinating and regulatory function.

For Ukraine, it is essential to draw upon the jurisprudence of the European Court of Human Rights concerning housing, education, and social protection. As analyses of Ethiopia demonstrate, judicial practice reinforces the effectiveness of legislative guarantees (African Union, 2009). Accordingly, integrating the Ukrainian IDP protection mechanism into the European legal space requires not only legislative adaptation but

also active consideration of international judicial practice.

In summary, several key directions for improving the IDP rights protection mechanism in Ukraine can be identified: (1) the development of a coherent legal model combining constitutional, social, and organisational guarantees; (2) harmonisation of national legislation with European standards; (3) strengthening the role of local self-government in implementing support programmes; (4) active utilisation of international experience, including that of African countries and ECHR jurisprudence; and (5) the creation of comprehensive integration programmes for IDPs based on long-term socio-economic strategies.

Thus, the contemporary mechanism for protecting IDP rights in Ukraine requires substantial modernisation to ensure not only the formal recognition of rights but also their effective realisation amid wartime and post-war transformations. This necessitates an interdisciplinary approach, combining legal, administrative, and social instruments, as well as systematic cooperation between the state, international organisations, and civil society.

In conclusion, the research identifies the following principal problems in the functioning of the IDP rights protection mechanism in Ukraine:

- Fragmentation of legal regulation;
- Lack of effective coordination among policy implementation actors;
- Insufficient integration of socio-economic and legal instruments;
- Non-alignment of practical implementation with European standards;
- Focus of state policy on short-term measures rather than strategic

approaches.

These challenges are systemic in nature and require a comprehensive review of the existing model for the protection of IDP rights.

5. Discussion

The findings of this study confirm that the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is undergoing a process of transformation; however, its current state does not ensure the full realisation of guaranteed rights. The fragmentation of legal regulation and institutional incoherence identified in this study align with the conclusions of domestic scholars, notably Rohach, Savchyn, and Mendzhul (2018), who conceptualise the mechanism as a set of interrelated yet insufficiently integrated elements. At the same time, the present research extends these perspectives by emphasising the multi-level nature of the mechanism and the need for its systemic modernisation.

Particular attention must be given to the observed gap between the normative codification of IDP rights and their practical implementation. While similar concerns have been raised by other researchers (Hrytsai, 2024; Perederiy, 2023), this study demonstrates that the causes of this discrepancy are not solely legal but also managerial in nature. Specifically, the institutional dispersion of authority and the absence of effective coordination mechanisms substantially undermine the effectiveness of state policy in this area. This suggests that legislative improvements alone, without concurrent institutional reform, are unlikely to achieve the desired outcomes. The role of local self-government in safeguarding IDP rights remains a subject of debate. On one hand, decentralisation offers opportunities for more flexible responses to the needs of displaced persons, as evidenced both by national experience and international practice. On the other hand, the results of this study indicate that insufficient resources at the local level and the lack of unified service provision standards lead to uneven realisation of IDP rights across regions. This raises the question of achieving an optimal balance between centralisation and decentralisation in the protection of displaced persons' rights.

Comparison with international experience, particularly in Kenya, Nigeria, and

Ethiopia, demonstrates that effective models of IDP rights protection rely on an integrated approach combining legal, institutional, and socio-economic instruments. At the same time, mechanical adoption of such models is impractical without accounting for the national context. Ukraine faces specific conditions arising from a protracted armed conflict, a European development trajectory, and the particularities of its legal system. Therefore, adaptation of international experience must consider these factors and prioritise practical implementation rather than mere formal adoption of norms.

The role of judicial practice in shaping an effective IDP rights protection mechanism warrants separate consideration. The study's findings indicate that national courts do not always ensure consistency with the jurisprudence of the European Court of Human Rights, thereby reducing legal certainty. Nevertheless, judicial practice itself has the potential to serve as a key instrument for harmonising national law with European standards. Achieving this requires enhancing the legal culture of judges and systematically incorporating ECHR decisions into legal practice.

A significant contribution of this study is the substantiation of the need to shift from short-term support policies for IDPs towards long-term strategies for their integration. While the literature predominantly addresses this issue in socio-economic terms, the present findings highlight its legal dimension. IDP integration should be viewed as an integral component of the mechanism for realising their rights, rather than as an ancillary element of social policy.

The study has certain limitations. It primarily relies on the analysis of normative legal acts and academic sources, whereas the empirical component (e.g., sociological data or surveys of IDPs) is represented indirectly through the results of previous research. This opens avenues for future investigations aimed at a more detailed exploration of the practical aspects of rights implementation for displaced persons.

In conclusion, the discussion of the IDP rights protection mechanism in Ukraine extends beyond purely legal analysis and necessitates an interdisciplinary approach. The findings support the research hypothesis that the formation of a coherent, integrated model encompassing legal, institutional, and socio-economic dimensions is essential. Such an approach would ensure not only the formal codification of rights but also their effective realisation in the face of contemporary challenges.

5. Conclusions

The analysis undertaken provides grounds to assert that the mechanism for protecting the rights of internally displaced persons (IDPs) in Ukraine is still at a formative stage and requires substantial improvement. Despite the existence of a legislative framework and certain state programmes, their implementation does not ensure a comprehensive or effective resolution of the challenges faced by IDPs. Key difficulties persist, including the absence of a coherent legal protection model, limited resources for the practical implementation of support programmes, insufficient alignment of national legislation with European standards, and weak integration of displaced persons into local communities.

The study confirms that legal regulation in this sphere requires harmonisation with international instruments, particularly the jurisprudence of the European Court of Human Rights and the provisions of the Kampala Convention. Comparative analysis of African countries' experience indicates that the effectiveness of IDP protection mechanisms depends on the combination of legislative, institutional, and socio-economic measures. Such an integrated approach could serve as a foundation for enhancing the Ukrainian model.

In the current context of wartime and post-war transformations, the establishment of sustainable long-term integration programmes for displaced persons within host communities assumes particular significance. This entails the development of effective social adaptation mechanisms, access to quality education, modern healthcare, and

secure housing. Comprehensive measures of this kind would contribute to the restoration of fundamental rights and freedoms, strengthen social cohesion, and create conditions for sustainable democratic development.

Thus, the effective protection of IDP rights is only achievable through a comprehensive modernisation of the national mechanism, encompassing legislative reform, the strengthening of institutional capacity, active engagement of local self-government, and the utilisation of international experience. Only such an approach can ensure not merely the formal recognition of IDP rights, but their actual realisation and the full integration of displaced persons into society.

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