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A COMPARATIVE ANALYSIS OF FORCED MIGRANTS' RIGHTS ABROAD AND IN UKRAINE AND CONTROL OVER THEIR OBSERVANCE UNDER CONDITIONS OF MARTIAL LAW

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ABSTRACT

A Comparative Analysis of Forced Migrants' Rights Abroad and in Ukraine and Control Over Their Observance Under Conditions of Martial Law

The scientific work aims to determine which rights are provided for forcibly resettled persons in Ukraine and other European countries, identifying common and distinctive features. This study uses various research methods to assess the situation of internally displaced persons in Ukraine, including their legal status, regional distribution, and rights under special conditions. It also investigates Ukrainian forced migrants' main destinations, living conditions, rights to education and employment, and Ukrainian and host countries' social policies on financial aid and housing.

KEYWORDS: internally displaced persons, social policy, migration policy, Russian-Ukrainian war, humanitarian crisis

IZVLEČEK

Primerjalna analiza pravic prisilnih migrantov v tujini in v Ukrajini ter nadzor nad njihovim spoštovanjem v pogojih vojnega stanja

Namen prispevka je ugotoviti, katerih pravic so deležne prisilno preseljene osebe v Ukrajini in drugih evropskih državah, ter pri tem opredeliti skupne značilnosti in posebnosti. Avtorji študije z različnimi raziskovalnimi metodami proučujejo položaj notranje razseljenih oseb v Ukrajini, vključno z njihovim pravnim statusom, regionalno porazdelitvijo in pravicami pod posebnimi pogoji. Obravnavajo tudi glavne destinacije ukrajinskih prisilnih migrantov, njihove življenjske razmere in pravico do izobraževanja in zaposlitve ter socialne politike Ukrajine in držav gostiteljic na področju finančne pomoči in zagotavljanja nastanitve.

KLJUČNE BESEDE: notranje razseljene osebe, socialna politika, migracijska politika, rusko-ukrajinska vojna, humanitarna kriza

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INTRODUCTION

Since the beginning of Russia's full-scale invasion of the territory of Ukraine on February 24, 2022, the majority of the country's population has been forced to leave the occupied territories, as well as the territories where active hostilities are conducted. It is important to understand the legal status such persons have both in the territory of the country of citizenship and in the territory of a foreign country. For example, what are the features of rights and obligations in Poland, Germany, and other countries where Ukrainians are migrating the most? Other scientists and authors have also studied this issue. Thus, for example, Polish authors Paweł Strzelecki, Jakub Growiec, and Robert Wyszynski (Strzelecki et al., 2022) note that the number of forced migrants from Ukraine began to increase since the beginning of 2014 due to the occupation of the Crimean Peninsula and the anti-terrorist operation in Donbas. These authors also emphasize the problem of observing the labor rights of Ukrainian forced migrants on the territory of Poland, which are connected with the problem of official employment, wages, etc. Turkish researchers Armağan Teke Lloyd and Ibrahim Sirkeci note that several stages of migration took place in Ukraine, the last of which coincides with the beginning of the full-scale invasion (Lloyd & Sirkeci, 2022). They also note that some representatives of Ukrainian society intended to leave the territory of Ukraine before the start of the full-scale Russian invasion, considering the turning point in the country's economic well-being. Lloyd and Sirkeci emphasize that in European countries, the legal status of Ukrainian forced migrants includes a wide range of rights and freedoms in the areas of employment and education, etc.

Canadian author Christina Greenaway (2022) notes that Russia's invasion of Ukraine significantly led to an increase in the number of forced migrants from the territory of Ukraine to the territory of Canada and other countries. She cites statistical data that illustrate that as of May 25, 2022, around eight million people are IDPs (internally displaced persons), and around seven million people have left the country. Greenaway notes that the medical area of Canada was not fully prepared for the increase of immigrants; in particular, the country granted more than one hundred thousand temporary visas to Ukrainians. The author also emphasizes that to guarantee the observance of s' healthcare rights, healthcare providers should change their approach and prepare for increased migration. Norwegian authors (Hernes et al., 2022 and others) indicate the problems that Ukrainians who arrived in Norway faced. In particular, according to sociological survey data, the majority of Ukrainian forced migrants indicated insufficient regulation of their rights in the area of obtaining information and access to it. Around 70% of respondents noted this insufficiency. Also, problematic issues arose with law enforcement agencies in Norway and with their lack of awareness regarding the treatment of refugees and IDPs.

A team of authors from Great Britain, including Miller et al. (2022), emphasize the problem of ensuring and guaranteeing the rights and freedoms of forced migrants who entered the territory of countries without obtaining a visa. Thus, they note that

such persons end up in distribution centers to provide them further shelter, but often, such processes are delayed and ineffective, which violates the basic rights and freedoms of displaced people. The analysis of these works provides an idea of the real existence of the problem of ensuring the rights and freedoms of displaced persons in Poland, Germany, etc. However, it is important and necessary to study and clarify the issue of the possibilities of internally displaced persons (IDPs) in Ukraine. The issue of controlling the observance of such rights and freedoms and identifying the spectrum of difficulties that internally displaced persons and persons in need of temporary protection outside the country of citizenship may face is also considered quite narrowly. Therefore, it is advisable to consider and analyze these aspects in more detail and suggest ways to solve the abovementioned issues. Investigating the subject of forced migrants' rights in Ukraine and abroad, particularly under martial law conditions, holds profound significance. Forced migrants, especially those displaced under duress, are vulnerable to rights abuses. Understanding their legal protections is crucial for ensuring that these rights are upheld, respected, and integrated into the humanitarian responses of governments and international bodies. During martial law, the risk of overreach by authorities increases. Research in this area ensures that control mechanisms are in place to prevent potential human rights violations and hold those in power accountable. The comparative analysis of forced migrants' rights under the extraordinary conditions of martial law is pivotal for safeguarding the dignity, freedom, and welfare of displaced individuals, enhancing policy effectiveness, and promoting international legal standards.

The research aimed to investigate the rights afforded to forcibly displaced individuals in Ukraine and across various European nations and to discern the shared and unique characteristics of their legal provisions.

MATERIALS AND METHODS

In the study, we use several scientific knowledge methods. The main method among them is the comparative one, which was used to find similar and different features of the legal status of forced migrants both on the territory of Ukraine and other states. A comparative analysis was carried out on the example of Ukraine and the Czech Republic, Poland, Germany, etc. We compared the categories connected with the observance and guarantee of protecting such persons as particularly vulnerable from security incidents and providing a basic set of social, economic, and political rights and freedoms. The comparative method made it possible to indicate the main differences between the rights and obligations of internally displaced Ukrainian persons and those granted to them by the foreign authorities of Poland, Germany, and other countries. We also used this method to study the protection and observance of basic rights and freedoms of forced migrants in education, labor, and

medicine, distinguish violations faced by such persons, and clarify the issue of ensuring such rights under martial law conditions.

The statistical method made it possible to distinguish the number and dynamics of migrations from the beginning of 2014 and throughout 2022 using open data from the United Nations Ukraine (2022), State Statistics Service of Ukraine (2022), Ministry for Reintegration of the Temporary Occupied Territories (2022), and Ministry of Foreign Affairs of Ukraine (2022). Also, using this method, we defined to which countries the Ukrainian population migrated most often and the most. The statistical method of scientific knowledge illustrated the percentage values regarding the number of Ukrainians who became internal forced migrants and which regions and in what volumes received such persons. By using the appropriate method, we illustrate the results connected with the number of Ukrainian forced migrants in the territories of Poland, Germany, the Czech Republic, and Ukraine; we thus distinguished the migration dynamics during 2014–2022.

The historical method was also used to study the main prerequisites of Ukraine migrations. Thus, most of the migrations are connected with the beginning of military aggression in the east of Ukraine in 2014, the economic decline of the country, as well as the full-scale invasion of Russia into the territory of the Ukrainian state. The historical method helped to distinguish the main prerequisites for the Ukrainian migration. In particular, we paid attention to the full-scale Russia-Ukraine war as the cause of the largest migration. We noted that internally displaced persons are forced to leave their places of residence due to active hostilities and increased levels of danger. Additionally, we used the systematic method, which made it possible to study the reasoning and developments of scientists regarding the issue of the rights and freedoms of forced migrants, compare the stages of this work with the results obtained by other authors, distinguish the main disadvantages and advantages of such developments, and suggest topics for further studies on migration and resettlement of Ukrainians under conditions of war. The systematic method of scientific knowledge and the historical method made it possible to study the causes of Ukrainian migration, particularly by comparing the main events that caused the internal and external migration of Ukrainians.

RESULTS

With the proclamation of martial law in Ukraine under conditions of the Russian offensive, the issue of people who are forced to leave their place of residence is becoming a rather urgent one. Within Ukraine, this aspect is regulated by the special legal and regulatory act: Law of Ukraine No. 1706-VII (2014) “On ensuring the rights and freedoms of internally displaced persons” (2014). In Article 1 of Law, the term “internally displaced persons” is defined as a person who has Ukrainian citizenship, does not have such or is a foreigner but is in the territory of Ukraine on legal

grounds, is recognized as such, and has the right to permanent residence, who was forced to leave their place of residence to avoid negative consequences caused by armed conflict, occupation, violation of human rights and freedoms or technogenic or natural situations. Although such persons leave the borders of their place of residence, the concept is partially identified with the relative concept—of forced migrants. However, they move exclusively within their country's borders and are under its protection, not under the protection of a foreign state, international organizations, etc. It is also advisable to study the concept of "forced migrant" in more detail. The legislator equates these concepts because they have the same features set; they are forced to leave their place of residence and are under the legal protection of their government to change their place of residence within the country.

It should be noted that persons crossing the border of Ukraine due to the above-mentioned circumstances are defined as persons in need of temporary protection or those with refugee status. Regarding the interpretation of these concepts, Law of Ukraine No. 3671-VI (2011) "On Refugees and Persons in Need of Subsidiary Protection or Asylum" states that a refugee is a person who does not have Ukrainian citizenship and due to well-founded fears of becoming a victim of prosecution on ethnic, religious, racial, political grounds is outside the borders of the country of which they are a citizen and is unable and unwilling to remain under the protection of such country because of such fears and is unable and unwilling to return to it.

The concept of a person in need of additional protection differs from that of a refugee. It is additionally regulated by the Council Directive 2001/55/EC (2001) "On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof" (2001). Regarding the general definition, foreigners and stateless persons forced to seek protection and shelter in a certain country are recognized as such. This status's defining feature is precisely the mass nature and collectivity of the need for external protection caused by occupation, war, etc. In particular, in most cases, Ukrainians forced to leave their country's borders use the status of a person in need of temporary protection (Wypych & Bilewicz, 2022).

We advise distinguishing the main reasons for the collective migration of the Ukrainian population. In particular, this process began in 2014, which was caused by Russian aggression in the east Ukraine, the occupation of parts of the Donetsk and Luhansk regions, and the annexation of the Crimean Peninsula. The same reasons currently exist in 2022, but on a larger scale. Thus, collective migration is caused by missile danger, significant destruction of houses unsuitable for living in the future, critical infrastructure that causes disruptions with heating, electricity, etc., and occupation risk (Korzh et al., 2022). However, it should be noted that in the intervening periods, the Ukrainian population also had the dynamics of crossing the border and changing residence due to individual motives, in particular, dissatisfaction with the Ukrainian labor market, living conditions, etc. Therefore, in contrast

with this way of existence, individuals choose to live in other countries with higher social and economic indicators (Omurzakova et al., 2022). Another reason for resettlement, permanently or temporarily, outside the territory of Ukraine is the signing of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community, and their member states, on the other hand (Verkhovna Rada of Ukraine, 2020), one of the consequences of which is the granting of visa-free entry to certain European countries.

Regarding the statistical data on internal resettlement in 2014–2016, according to the UN Refugee Agency, as of September 2014, the total number of internally displaced persons from Crimea and Donbas was 275,695 persons. Already in November, about 445,000 persons left the area of the Anti-Terrorist Operation. Data from the United Nations indicate a slightly higher number at the end of November—490,046 persons. The UN Office for the Coordination of Humanitarian Affairs indicates that as of the beginning of 2015, the number of internally displaced persons was 1,177,000. In 2016, 1,780,946 internally displaced persons were registered (United Nations Ukraine, 2022). However, the statistics do not accurately and fully reflect the real number of IDPs because not everyone applies to social protection authorities and receives such status (Karpachova, 2021a). Regarding the departure to other countries, according to the United Nations Ukraine (2022), as of 2014, around 550,000 persons left the borders of Ukraine, 445,000 of which crossed the border into Russia, 60,000 crossed the border into Belarus, and around 30,000 crossed the border into Poland. In the next year, the total number of refugees and persons in need of temporary or additional protection increased to 760,000.

The largest migration occurred precisely in 2022 when the full-scale invasion of Russia into the territory of Ukraine was launched. Thus, data from the UN Refugee Agency indicate that as of September 2022, around 8.3 million people have left the country, and around half of them are registered in social centers to acquire the status of a person in need of temporary protection (United Nations Ukraine, 2022). Figure 1 shows the main destination countries to which Ukrainians forcibly emigrated in 2022. The data also indicate the number of IDPs—7 million citizens (Ministry of Foreign Affairs, 2022). According to the Ministry for Reintegration of the Temporary Occupied Territories (Ministry for Reintegration, 2022), the largest number of forced migrants is from the eastern regions, in particular, about 2 million in total from the Zaporizhia, Dnipropetrovsk, and Kharkiv Regions; 1.7 million persons moved to the western regions of the country; around 0.7 million persons chose the southern regions as their place of temporary residence; and 2.6 million persons chose the northern and central ones.

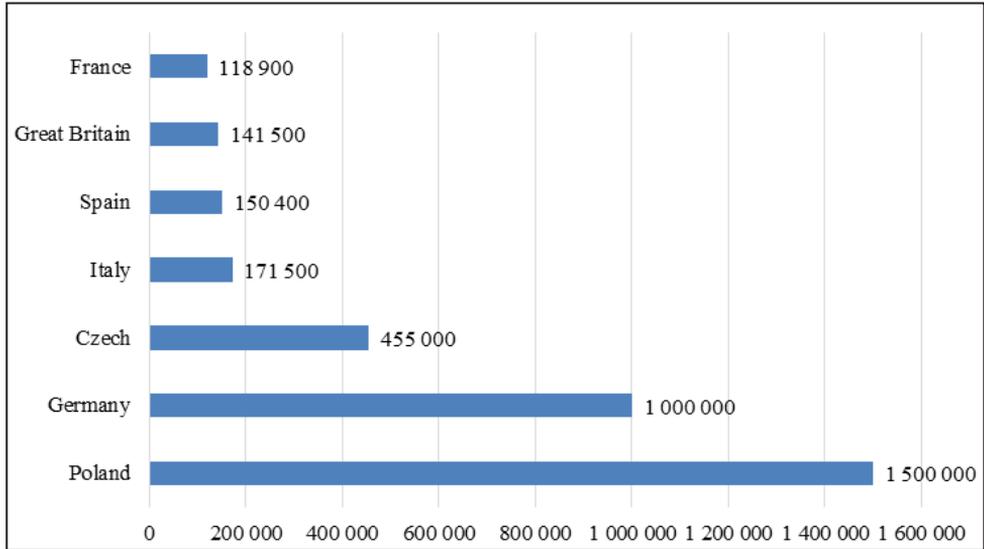


Figure 1: The main destinations and numbers of Ukrainians seeking shelter in foreign countries (source: State Statistics Service of Ukraine, 2022)

It is advisable to find out the legal status of forced migrants, persons in need of temporary protection within the borders of Ukraine, and the main differences between the rights and obligations of the specified categories of persons in Poland, Germany, and the Czech Republic. Thus, refugees and persons in need of additional protection have the same rights as citizens of Ukraine in most areas of social life, particularly in entrepreneurship, freedom of movement, employment, medical, educational, legal, preferential, and family areas. Persons in need of temporary protection in Ukraine have a kind of narrowed set of rights and freedoms. In particular, they are provided with the opportunity for temporary studying and access to work and medical care; the issue of residence is also regulated: such persons may live with persons related to them, in hotels, shelters, etc. (Duszczuk & Kaczmarczyk, 2022a).

We must mention the opportunities available to internally displaced persons. In particular, according to Articles 8 and 9 of Law of Ukraine No. 1706-VII (2014), "On ensuring the rights and freedoms of internally displaced persons" (2014), they have the right to vote during the election process, family unity, access to information about missing family members, conditions of a proper nature for a permanent or temporary place residence, the right to free temporary residence, medical care, education, free travel to a previous place of residence, social benefits, humanitarian assistance, and charitable assistance. Supervision and control over the observance of such persons' rights under martial law conditions is entrusted to governmental authorities, local government bodies, and military administrations. However, there are still a number of problematic issues that only increase under conditions of war. Finding and renting housing is currently difficult for IDPs, considering the rising prices

in the Ukrainian regions that shelter IDPs. At the same time, the controlling bodies do not regulate rent or set fixed or preferential prices regarding this issue (Kumisbekova et al., 2019). However, a positive step has been made toward constructing shelters, apartment blocks, etc., for such persons (Yaroshenko & Tomashevski, 2021).

The next problem for IDPs is employment. Although this right is legally guaranteed, the mechanism for its implementation is ineffective, in particular, because such persons often do not have relevant documents, for example, a certificate of graduation from a relevant professional educational institution or a document confirming the person's labor experience (Zhanbulatova et al., 2020). Considering this, the majority of qualified specialists are forced to choose a job outside of their specialty. Documents are also a significant obstacle for sending children to educational institutions. Although the educational area is quite flexible for internally displaced persons, in particular, benefits, social scholarships, and priority places in dormitories are provided for students (Nesterenko, 2022). It is advisable to investigate the rights of Ukrainian forced migrants seeking protection and shelter outside of Ukraine. Regarding Poland, persons in need of temporary protection have the following basic rights and freedoms on the territory of the Republic: legal stay for eighteen months; stay in shelters and reception centers of forced migrants and refugees; employment opportunity.

Regarding the labor rights of forced migrants, the State Labour Inspectorate controls their observance on the territory of Poland, and the possibility of providing assistance to Ukrainians in finding work through employment centers is also provided. Such persons have the right to conduct business activity in accordance with the necessary procedure, the right to receive free psychological and medical assistance, and access to education, in particular, the arrangement of children in educational institutions, which is also an obligation. Persons who come to Poland for temporary protection have the right to the accrual of social assistance, and such persons are also provided the right to free travel on some trains (Aitymova et al., 2023). To use this scope of rights, citizens should obtain a PESEL (Polish Personal Identification Number). Almost all the rights of forced migrants in Poland parallel the corresponding rights provided to IDPs in Ukraine, except for the right to free travel on railway transport. Thus, in Ukraine, free travel on public transport is only provided if a person uses it to return home (Duszczuk & Kaczmarczyk, 2022b). Germany also provides basic rights and needs in the social, labor areas, etc., to persons in need of temporary protection. However, to use this scope of rights, persons arriving in Germany should apply for a status that allows them to receive accommodation that is not completely free: persons are obliged to pay some utilities; the possibility of living with relatives or acquaintances is also provided, in other cases a person cannot choose their place of residence, the state carries out such distribution; a registered person has the right for the social security, humanitarian assistance, and medical protection (Juric, 2022).

Such a person must obtain a work permit to gain employment (Yaroshenko et al., 2022a). Like in Poland, children must attend school. A comparative analysis reveals minor differences between the legal status of a person in need of temporary protection in Germany and Poland, as well as differences between the Ukrainian provision of the rights of such a person, in particular regarding the allocation to places of residence, mandatory registration in the relevant authorities to obtain a permit engage in labor activity. The legal status of forced migrants in the Czech Republic should be studied as one of the three countries to which most Ukrainians migrated as a result of the war. In particular, registration as a person in need of temporary protection is not mandatory. However, in such cases, Ukrainians are obliged to purchase insurance. They can also apply for housing at the Regional Assistance Center for Ukraine (KACPU) in the Czech Republic. The Czech Republic has created a special website for the Ukrainian population, which contains all the necessary legislative information regarding the legal stay of Ukrainians in the Czech Republic. Free legal, psychological, and medical assistance is provided (provided that a person has medical insurance in the Czech Republic), the possibility of employment, but only in case of obtaining the status of a person in need of temporary protection; travel in public transport is not free. However, it is possible to issue a discount card; as in Poland, transportation of such persons on international trains is free (Juric, 2022).

Analysis of the legal status of persons in need of temporary protection in Poland, Germany, and the Czech Republic allows the conclusion that in all these countries, access to basic needs and legal opportunities in the social, medical, educational, and employment areas is provided. The procedure for accessing such services is different. In particular, the registration procedure with state authorities to obtain the appropriate status is provided everywhere, for example, to have the possibility of employment (De Coninck, 2022).

One formidable impediment to various facets of life, including employment and educational enrolment, pertains to the language barrier. While English serves as one of the world's predominant languages, empirical evidence illustrates that a majority of employers exhibit a predilection for individuals who possess proficiency in the native language of the country (Naka & Spahija, 2022).

Poland and Germany, two primary destinations for forced migrants from Ukraine, have implemented several initiatives to facilitate language acquisition and adaptation for new arrivals. The Polish government and various NGOs offer free or subsidized Polish language courses to forced migrants, which are crucial for day-to-day communication and integration into the job market.

Cultural Orientation programs are designed to help forced migrants understand Polish culture, societal norms, and legal systems, easing their cultural adaptation. Polish schools have initiatives to integrate forced migrant children, including additional Polish language classes to help them catch up with their peers. Information and support centers for forced migrants provide assistance in numerous languages, aiding with paperwork, job searches, and access to services. Some initiatives in

Poland are worth highlighting. For example, the Office for Foreigners (Urząd do Spraw Cudzoziemców, n.d.). This official government portal provides information on integration courses and other services for forced migrants. It is also worth highlighting the Foundation for the Development of the Education System (Fundacja Rozwoju Systemu Edukacji, n.d.). They manage EU programs for education and may have information on language acquisition initiatives.

In Germany, Integration Courses (Integrationskurse) (Bundesamt für Migration und Flüchtlinge, n.d.) are a combination of language instruction and civics courses that the German government provides to help forced migrants learn German and understand the legal system, history, and culture. Germany also has established “Welcome Centers” (Make it in Germany, n.d.) in many cities to provide a one-stop-shop for forced migrants, offering advice, language course placement, and integration assistance. Job Training Programs are offered to help forced migrants learn German language skills specific to their professional fields, which is crucial for career advancement.

Both countries recognize the centrality of language acquisition in the integration process and have, therefore, invested in comprehensive programs that not only teach the language but also facilitate a deeper understanding of societal norms and values, helping forced migrants to become active, contributing members of society.

Regarding the differences between regulating the legal status of such persons abroad and on the territory of Ukraine, it should be said that the list of possibilities for internally displaced persons is much wider. However, there is a problem with controlling the observance of such rights. It consists of an insufficiently developed legislative framework and an ineffective mechanism for implementing the stipulated provisions, for example, in employment and choosing a place of residence. Therefore, it is advisable to review the relevant regulations and declare guarantees that will provide benefits for IDPs renting housing in private legal relations, increasing benefits to landlords who shelter such persons, and providing a real response mechanism to violations of IDPs’ labor rights in case of refusal of employment without objective reasons, especially under conditions of martial law.

DISCUSSION

The reasoning and results of Ukrainian scientists and authors from Poland, Denmark, Belgium, and other countries should also be studied regarding the issue of the legal status of forced migrants both in Ukraine and in other countries. For example, Ukrainian authors Ganna Khrystova and Olena Uvarova note statistical data on the number of internally displaced persons worldwide (Khrystova & Uvarova, 2022). Thus, in 2020, there were around 55 million such persons. Ukraine is one of the ten countries with the largest number of IDPs, which is due to the anti-terrorist operation in the eastern regions of Ukraine, as well as the occupation of Crimea and parts

of the Donetsk and Luhansk regions. The authors also emphasize that the majority of internally displaced persons are women, who are pretty vulnerable in this status: the problem of employment, integration into new social relations and place of residence, housing payment, and family maintenance. According to the data provided by Khrystova and Uvarova, women are actively looking for work in the area of work—79%. However, they more often face employment rejections. Such rejections are due not only to the gender and a person's status but also to the family situation: pregnancy and small children. Scientists also emphasize the increased level of danger of human trafficking among internally displaced women and men.

We must consider these results and include them in this paper. The statistical indicators regarding the employment needs of internally displaced persons are particularly important here. Indeed, in Ukraine, there is a gender gap in both employment opportunities and wages (Yaroshenko et al., 2022b). Considering the data of the State Statistics Service of Ukraine (2022) in the second half of 2021, such a gap was around 21%. Thus, it is reasonable to assume that for internally displaced women, such a percentage is much higher because, as was already mentioned, due to the loss of documents confirming the qualifications of a person in a certain area, IDPs lose the opportunity to obtain employment that corresponds to their professional skills. Ukrainian scientist Nina Ivanivna Karpachova (2022b) analyzes the issue of violations causes of human rights and freedoms within Ukraine. Thus, she notes that such violations result from global processes within the country and internationally and distinguishes poverty as the main obstacle to access to the full range of rights provided for by legal and regulatory acts, international terrorism, and the global economic crisis. Within Ukraine, N.I. Karpachova distinguishes the military actions that began in 2014 in the eastern part of the country. Thus, they led to the violation of basic human rights and medical, social, and labor needs, etc. She also focuses on the importance of ensuring and guaranteeing such persons' safety on the part of the state.

N. I. Karpachova's results coincide with the results of our article, particularly regarding the problem of controlling the observance of the rights of persons under martial law conditions. More vulnerable are the forced migrants who have to adapt to life in a new place, obtain employment, etc. (Abudaqa et al., 2019). The increased level of danger caused by missile attacks and military operations also affects the state's ability to guarantee citizens' security (Nurtazina et al., 2015). The team of authors Vitalii Pashkov, Marianna Liubchenko, and Oleksii Liubchenko (Pashkov et al., 2019) focuses on forced migrants' opportunities in the medical area. They note that the observance of the rights of such persons is an important aspect of the state policy. In particular, the authors also note that to guarantee access to medicine, cooperation should take place at the international level. Thus, the activities of the world community should be focused on the development and improvement of declarations and other regulatory acts that would guarantee permanent and unconditional access of forced migrants in all countries to healthcare services (Abudaqa et

al., 2021; Pētersone et al., 2021). Likewise, V. Pashkov et al.'s results coincide with the results of our article because, as already mentioned, in most countries, as well as in Ukraine, free access to medical services, personal insurance, etc., is provided. Indeed, this is important under the conditions of most IDPs in need of temporary protection, as many of them may have physical health problems resulting from shelling, lack of access to medical care, and psychological problems that require attention (Teymurova et al., 2023).

The team of Danish authors K. Klyver et al. (2022) point out the importance of involving refugees, including Ukrainians, in the social life of the country to which they emigrated. After all, such persons have no social capital or financial capabilities and are vulnerable. Thus, the authors emphasize the improvement of other countries' legislation, in the example of Denmark, which will allow Ukrainian refugees to be involved in entrepreneurship, small business, etc., as a way of providing such persons a sense of self-worth and significance in a new environment, to integrate into it in social, economic, and other areas. We agree with K. Klyver et al.'s reasoning because most of their results correspond to ours. Thus, we see that the legislation of the countries (Poland, the Czech Republic, and Germany) expands the opportunities for persons in need of temporary protection in business activity to provide rights regarding entrepreneurship and employment (Sinaj & Vela, 2022). However, in the example of Ukraine, it has been proven that the loss of documents confirming a person's labor experience and qualifications makes it problematic to find a workplace that corresponds to the professional skills of the unemployed person, etc.

Maria Giżewska (2022) emphasizes the consequences of the Russian invasion for the physical and mental health of Ukrainian children. This Polish author points out that the majority of minors and young persons who survived the occupation, military actions, etc., will have anxiety disorders, depression, and other psychological abnormalities as a result. War can also affect the normal development of such persons. In light of Giżewska's results, it is true that a significant number of Ukrainian children suffer from the consequences of the Russian invasion. In particular, data provided by the State Statistics Service of Ukraine (2022), as of the end of October 2022, shows that more than 1,246 children suffered from the armed aggression of the Russian Federation, 429 of them were killed, and more than 800 were injured.

Belgian authors Uri Dadush and Pauline Weil (Dadush & Weil, 2022) emphasize the trend of emigration even before the beginning of the full-scale invasion of the Russian Federation into Ukraine. The authors identify the unstable economy, the occupation of the Crimean Peninsula, and hostilities in the Donetsk and Luhansk Regions as the reasons. Dadush and Weil suggest that European countries contribute to the reconstruction of the country to avoid a future migration crisis due to the Russian invasion. Lebanese scientist Celine Chaaya (2022) emphasizes similar reasoning, in particular, the fact that the psychological health of Ukrainian youth suffered both during the crisis caused by the coronavirus infection and during the Russia-Ukraine war.

Here, we only partially agree with the above authors, particularly regarding the existence of prerequisites for the migration of Ukrainians until 2022. As mentioned in the work, such prerequisites were problems in social security, individual wishes regarding resettlement, etc. However, only helping to reconstruct Ukraine to prevent the migration crisis is not enough. Solving the relevant issue requires a comprehensive approach consisting of humanitarian aid, military weapons for defense and protection, open borders, and an improved program for the reception and resettlement of persons needing temporary protection.

CONCLUSIONS

Through this work, we have clarified the similarity between the concepts of “internally displaced person” and “forced migrant.” The legally provided concepts are identical and refer to persons who were forced to leave their place of residence as a result of military operations, occupation, technogenic, natural, or other phenomena that are dangerous to the life and health of a person. The concept of a person in need of temporary protection, which characterizes a person who was forced to leave the territory of their citizenship to seek shelter and protection in a foreign country, turned out to be different from the abovementioned concepts. We have also cited some statistical data. In particular, as of November 2022, the number of internally displaced persons reached 7 million; as of September 2022, the number of persons who crossed the border is 8.3 million. The largest number of internally displaced persons moved from the eastern regions. People were most often forcibly moved to the following countries: Poland, the Czech Republic, Germany, France, Great Britain, etc.

We have also indicated the legal status of such persons. In particular, within Ukraine, displaced persons have a full range of legal opportunities and freedoms in all areas of public life, including the right to vote, distinguishing internally displaced persons from persons in need of temporary protection abroad. The main problems accompanying the integration of internally displaced persons into a new environment are distinguished. Thus, most of them are connected to the search for housing, obtaining employment, and placing children in educational institutions. The need to improve the legislation regulating displaced persons' legal status to improve the mechanisms of supervision and control over the observance of their rights and freedoms was emphasized. It was also found that the legal status of persons in need of temporary protection in Poland, Germany, and the Czech Republic is almost identical. Thus, in the mentioned countries, individuals have the right to shelter, social assistance, employment, and medical care. For further studies, it is advisable to consider the following issues: human trafficking as a risk for persons crossing the border in search of a shelter, return of temporarily displaced persons to the country of citizenship, sociological study, state support for forcibly displaced persons, and reconstruction and benefits.

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POVZETEK

PRIMERJALNA ANALIZA PRAVIC PRISILNIH MIGRANTOV V TUJINI IN V UKRAJINI TER NADZOR NAD NJIHOVIM SPOŠTOVANJEM V POGOJIH VOJNEGA STANJA

Oleg Yaroshenko, Volodymyr Harashchuk, Olena Moskalenko, Galina Yakovleva, Vitalii Svitlychnyi

Ruska invazija na Ukrajino je vplivala na povečano število migracij tako znotraj države kot v tujino, zaradi česar je bilo treba nujno nasloviti vprašanja pravnega statusa teh oseb, določitve njihovih pravic in obveznosti na novih ozemljih ter zagotavljanja njihove zaščite. Cilj prispevka je ugotoviti, katere pravice Ukrajina in druge evropske države zagotavljajo prisilno preseljenim osebam, ter pri tem opredeliti skupne značilnosti in razlike med njimi. Avtorji so za pripravo prispevka uporabili primerjalno, sistematično, zgodovinsko in statistično znanstveno metodo. V prispevku pojasnijo pravni status notranje razseljenih oseb v Ukrajini ter predstavijo statistične podatke o številu notranje razseljenih oseb v različnih ukrajinskih regijah. V prispevku so predstavljeni nadzorni organi, pooblaščen za spremljanje in nadzor spoštovanja pravic in svoboščin notranje razseljenih oseb pod pogoji uvedbe njihovega posebnega pravnega statusa na ozemlju Ukrajine. Avtorji ugotavljajo, v katere države se je izselilo največ ukrajinskih prisilnih migrantov, v kakšnih razmerah živijo v določenih državah ter kakšne pravice imajo na področju izobraževanja in zaposlovanja, analizirajo pa tudi socialne politike Ukrajine in drugih držav, zlasti kar zadeva zagotavljanje finančne pomoči, nastanitve itd. Rezultati študije bodo lahko v pomoč zgodovinarjem, pravnikom in sociologom pri nadaljnjih študijah o socialnih politikah v Ukrajini ter v evropskih in drugih državah. Avtorji predstavijo pravice razseljenih oseb v Ukrajini in izpostavijo njihov dostop do širokega nabora zakonskih pravic in možnosti v javnem življenju, vključno z volilno pravico, po katerih se razlikujejo od tistih, ki prejemajo začasno zaščito v tujini. Opredelijo ključne izzive v procesu integracije, zlasti na področjih nastanitve, zaposlovanja in šolanja otrok. Pri tem poudarjajo, da je treba dopolniti zakonodajo, ki ureja pravni status razseljenih oseb, ter izboljšati nadzor in uveljavljanje njihovih pravic. Ugotavljajo tudi, da je pravni status prosilcev za začasno zaščito v Ukrajini v veliki meri enak kot na Poljskem, v Nemčiji in na Češkem. Zakonodajalci bi lahko priporočila iz prispevka uporabili za dodatno izboljšanje pravnega in regulativnega okvira na področjih socialne politike in politike ponovnega vključevanja.

TEMATSKI SKLOP / THEMATIC SECTION

MIGRACIJE DELOVNE SILE V UKRAJINI IN NA OBMOČJU NEKDANJE SOVJETSKE ZVEZE **LABOR MIGRATION IN UKRAINE AND THE POST-SOVIET SPACE**

Zhanna Bolat

Introduction: Labor Migration in Ukraine and the Post-Soviet Space

Tetiana Marusiak, Oksana Khymovych, Volodymyr Hoblyk, Vasyl Pigosh, Uliana Rosola

Migration Abroad as a Social Consequence of Transformations of the Institute of Education in Modern Ukraine

Akmanat Abuova, Nurlan Baigabylov, Mukhtar Abdikakimov, Saltanat Aubakirova, Gulnar Assylkhanova

Social-Economic Integration of Kazakh Migrants in Turkey

Zhuldyz Imasheva

Exploring Ethnic Entrepreneurship: Family Business of Tajik Migrants

Oleg Yaroshenko, Volodymyr Harashchuk, Olena Moskalenko, Galina Yakovleva, Vitalii Svitlychnyi

A Comparative Analysis of Forced Migrants' Rights Abroad and in Ukraine and Control Over Their Observance Under Conditions of Martial Law

Aigerim Adilgazinova, Lyailya Balakayeva, Mara Gubaidullina

Migrant Issues in Contemporary Japan

Gulsara Kappassova, Meiramgul Altybassarova, Gani Yelmuratov, Madina Rakhimbaeva, Boris Polomarchuk

Migration Processes in the Republic of Kazakhstan: Regularities, Problems, and Prospects

ČLANKI / ARTICLES

Loredana Panariti

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Vladimir Iveta, Marijeta Rajković Iveta

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Marjeta Vrbinc, Donna M. T. Cr. Farina, Alenka Vrbinc

Oris slovarjev in priročnikov za učenje angleščine slovenskih izseljencev v ZDA v obdobju 1895–1919

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