

## **ЗАКОНОДАВЧЕ ВРЕГУЛЮВАННЯ ПРАВОЗАСТОСУВАННЯ**

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### **Ways to Improve the Legal Regulation of Socio-Psychological Adaptation of Internal Trafficked Persons**

*The article provides an analysis of the problem of socio-psychological adaptation and examines its features in the context of forced relocation of people as a result of events in eastern Ukraine. A modern understanding of who is internally displaced and the features of these individuals in our society is presented. The objective and subjective reasons for their adaptation, as well as the problems that arise in the process of social and psychological adaptation of internally displaced persons and the need to provide them with social and psychological support are determined. According to the modern interpretation, internally displaced persons (IDPs) are people who are forced to leave their places of permanent residence suddenly as a result of armed conflict, internal hostility, systematic violations of human rights or natural disasters, but nevertheless did not leave the territory of their country, that is not crossed the internationally recognized state border. The military conflict that continues in the east of Ukraine caused a significant number of people to leave their places of residence, migrate to someone else's environment, adversely affect their physical and psychological state, they have problems with adaptation, their quality of life deteriorates. The solution of the problems of internally displaced persons is conditioned by the need to find, as soon as possible, ways to solve the many-sided tasks that are facing the society today and to stabilize the situation that has arisen. Forcibly displaced persons are integrated into a new socio-cultural environment with a complex image of social reality and themselves in it. The extent to which social and psychological adaptation will be successful depends both on the characteristics of these individuals, and on the extent to which the new social environment has a willingness to perceive such a person. Socio-psychological adaptation of internally displaced persons is the process of integration into the system of social and psychological ties and relations arising in the new social environment of their life activity. Adaptation of such persons is considered as the process of entering a person into a certain group, assimilating norms, relationships and determining the place in the structure of relations between members of the group. Features of socio-psychological adaptation of internally displaced persons are due to the experience of psychological trauma, formed on this soil by social attitudes. The definition of psychological problems that arise in individuals with such a special status in the course of their adaptation, as well as the study of the socio-psychological factors of the subjective well-being of internally displaced persons, the disclosure of their communicative interactive nature is a prerequisite for improving the socio-psychological work with the persons of this group to improve level of their subjective well-being and quality of life.*

**Keywords:** internally displaced persons; internal forced migration; anti-terrorist operation; socio-psychological adaptation.

**The problem statement.** Conduct of the anti-terrorist operation in certain areas of Donetsk and Lugansk regions with the aim to deoccupy these areas and neutralize illegal militarized formations operating under the leadership of the Russian Federation, annexation of the Autonomous Republic of Crimea, manifestations of separatism – all this led to a large-scale forced internal migration and caused the emergence of a new social category – internally displaced persons (hereinafter referred to as IDPs). According to UNICEF data, in February 2017, 1 626 137 internally displaced persons, including 225 866 children, were officially registered [1].

The complex problems of forced internal migration as a consequence of the ongoing armed conflict, a large number of different categories of IDPs, including individuals, families, communities, their further migration for addressing humanitarian and material needs, revealed imperfections in state migration policy and problems in the field of legal and socio-psychological work with the population as a whole.

So, the definite events have become the background for powerful community strengthening and volunteer movement activation, stimulating the manifestation of the best human qualities, such as: compassion, support, tolerance, mutual assistance, which create positive conditions for solving basic problems of IDPs. The most problematic questions that have arisen due to the forced internal displacement of the population are connected with the placement (lack of adequate social housing), unemployment, difficulties with employment, access to education, medical care, psychological rehabilitation, cultural, religious and social integration into a new community, etc. Current problems do not only include the protection of the rights, freedoms and interests of internally displaced persons by state and local self-government bodies, public and charity organizations but also ensuring effective social and psychological adaptation to hosting local communities.

**Analysis of recent researches and publications.** It should be noted that the problem of socio-psychological adaptation of internally displaced persons is multidisciplinary in its nature as far as it concerns a lot of the person's life aspects, requires a complexity of actions and the activities of various institutions' coordination. Theoretical and practical problems of internal migration were reflected in the works of such scientists as D. Balaniuk, N. Bortnyk, S. Brytchenko, Y. Herasyenko, O. Honcharenko, N. Hrabar, T. Zhvaniia, I. Kovalyshyn, V. Kolpakov, O. Kuzmenko, O. Malynovska, V. Nadraha, O. Pozniak etc. The internal forced migration as the object of state administration is defined by Y. Soloviov. Peculiarities of legal protection and the realization of the rights and freedoms of internally displaced persons are analyzed in

works of K. Levchenko, H. Tymchyk, D. Tsvihun etc. Problems of social and psychological adaptation of the person are studied in the papers of H. Ball, O. Blynov, F. Berezina, M. Korolchuk, O. Maklakov, A. Nalchadzhian. Theoretical fundamentals of the study of the IDPs' socio-psychological adaptation are considered by O. Zinchenko. Specifics of a person's adaptation in the conditions of social transformations are explored by L. Orban-Lembryk, N. Panina, T. Tytarenko. Peculiarities of the native practical experience of social-pedagogical and psychological assistance provision to both adults and children are revealed by V. Andrieienkova, P. Voloshyn, H. Kukuruza, N. Maruta, V. Panok, T. Proskurina, L. Shestopalova. The ways of adaptation of internally displaced children to new living and learning conditions are determined by N. Bochkor, T. Hnida, O. Kalashnyk, O. Klimenko, Y. Larina, I. Nykonova, T. Razvodova, A. Tiniakova.

**The purpose** of this article is to identify current tendencies, peculiarities and ways of internally displaced persons' socio-psychological adaptation improvement.

**Presentation of subject of the research.** The solution of the main problems of IDPs strongly depends on qualitative social and psychological adaptation, which combines two directions: social – entry into receiving local communities, assimilation of norms, relations and occupation of a certain place in the structure of interpersonal relations, awareness of itself as the subject of this process without loss of one's own personality, mass communication, conflict situations with the community; psychological – peculiarities of the personality of the internally displaced person (dominant mental states, the presence of PTSD, social settings, value-motivational education, behavior strategies, self-esteem, level of claims, etc.).

In the scientific works socio-psychological adaptation, in general, is understood as the process of establishing the optimal correspondence of the personality to the environment in the course of individual activity implementation that allows to meet the actual needs and achieve the goals whilst ensuring the conformity of human mental activity and behavior to the requirements of the environment.

H. Soldatova points out that an involuntarily displaced person integrates into a new socio-cultural environment with a complex image of social reality and his/her own personality in it. The extent to which social and psychological adaptation succeeds will depend on the peculiarities of these individuals, and new social environment preparedness to accept such person [2, p. 344].

The positive factor in the adaptation of the IDPs is the cultural and psychological affinity with the hosting communities, the culture and the language, but the social-cultural environment has been significantly

changed for them and this factor requires the establishment of new social ties. As O. Blinova defines, there is a need to create a mechanism in the form of the effective system of further adaptation of forced migrants because they often demonstrate the unwillingness to solve the problems of their arrangement on a new place, in new conditions of life adequately [3, p. 111].

Y. Soloviov notes that due to the specific features of internal forced migration the choice of mechanisms for state regulation of this phenomenon should be based on the theoretical substantiation of changes mediated by the processes of forced migration in various spheres of social relations [4, p. 4].

For the period from 2014 to 2017 the Government of Ukraine took measures in order to solve the problems of the displaced persons, especially in the sphere of the legal framework. The Comprehensive State Program for Support and Social Adaptation of the IDPs adopted by the Cabinet of Ministers of Ukraine on December 16, 2015, No. 1094 [5] provides unification of the efforts of public authorities of all levels, local authorities, public and international organizations, institutions of social infrastructure of all forms of ownership regarding the protection of rights and the resolution of the problems of IDPs, the formation of mechanisms for compensating the displaced persons moral and financial damage resulted from hostilities and the temporary occupation of Ukrainian territories. The program is aimed to ensure the observation of the Constitution of Ukraine, the Law of Ukraine «On rights and freedoms of internally displaced persons» [6] and other national and international legislative acts that are related to the protection of human rights and freedoms.

It should be noted that effective international principles, strategies, rules and procedures for the adoption of IDPs by hosting communities have been recently developed. The accumulated international experience covers practically all main areas of activity on the relationship between IDPs, residents and plenipotentiaries of local communities [7] and is reflected in national legislation.

The analysis of the practices of the institutions, involved in the work of the IDPs, has shown that there are both objective and subjective reasons for successful or unsuccessful adaptation of IDPs. Objective ones include general political, social and economic situation in the state, the uncertainty of the armed conflict duration and the occupation of territories, the inconsistency internally displaced person's mentality with the changed social-cultural environment, and subjective – personal factors, for example, the crisis of confidence, the loss of autonomy, the violation of identity, affective disorganization of thinking, which complicates the planning of activities aimed at overcoming the crisis; the uncertainty about the

future, the distrust to the current authorities, search of alternative ways of life, the inevitability and the desperation, the main trust to personal subjective powers and opportunities. N. Lebedeva emphasizes that for successful migrants lucky adaptation is «an adaptation according to the type of integration», and unsuccessful «adaptation relates to the type of psychological protection or isolation» [8, p. 27].

It should be noted that IDPs may have an adaptation disorder and, regarding to this fact, a person has urgent need in emotional support and intellectual assistance. A person obtaining the support of the social environment is more likely to experience the critical moments of life and has an opportunity to overcome the consequences faster and with fewer psychological losses. That is why the important resource of social support is the interpersonal communication of IDPs which supports the internal unity in the community.

In general, the important tasks of the relevant bodies, organizations and services which are involved in the socio-psychological adaptation of the IDPs are the reliance on the family and the maintaining family relations; the identification of the desired individual strategies for the further life path of the individual, as well as the development of strategies for social-economic policies aimed at adapting and integrating the IDPs into a new community. International organizations, volunteers, charity and religious organizations, representatives of business structures, individuals and internally displaced persons take place in solving the problems and socio-psychological requests of IDPs. However, it can be noted that this process is separated from the state policy, without the necessary coordination, without a common vision of principles and final results by all participants. On the part of state institutions there is a slow response to the demands of the IDPs, in the majority, the declarative development of the relevant regulatory basis, attempts to transfer the problems of IDPS on them themselves, on the initiatives of international and volunteer organizations.

Unfortunately, applicable legislation does not always help to ensure the latter, but rather the opposite. Consequently, the creation of a united center for organizational, coordinational, informational and analytical support for the implementation of state policy in this area, endowed with wide range of powers and obliged to use the "strategic vision" of the systematic long-term IDPs problem-solving activity which would comply with international standards of human and citizen rights respect, is necessary.

As to the sphere of psychologists, social workers and teachers, other specialists in the branch of social and psychological assistance provision, a significant increase in volume of their work causes certain professional burnout, there are cases of professional training

insufficiency, lack of experience, lack or imperfection of available methods of work with certain categories of IDPs, families and children affected by the armed conflict. After moving to a new community IDPs are in a stress condition and express dissatisfaction with the work of employees of various bodies and services.

We consider that the improvement of the situation is in the regular professional monitoring of the specialists' activities, providing them with the necessary assistance, including psychological, in taking measures with the aim of motivating effective activities, timely training and retraining, skills development, organization of interaction and exchange of experience with specialists from different fields (psychology, pedagogics, healthcare, social work), organization of supervision (counseling in the process of working with a more experienced specialist); in the usage with this purpose the forces and means of international and public organizations that have experience in the field of assisting the IDPs and people in crisis situations and conditions.

Programs of social and psychological adaptation should respond to the specifics of certain categories of IDPs, separate groups (people with special needs, women, children, single parents, elderly persons, unaccompanied minors, ethnic minorities etc.), have more individualized nature of care, as each person has lived his/her unique life, and he/she has formed a complex of values, needs, desires and beliefs that are to be taken into account. While working out programs and planning assistance to internally displaced persons with the aim of their socio-psychological adaptation, it should be taken into account that most of the IDPs often do not realize what kind of help they need. Psychological adaptation on the initial stages can be performed in the forms of conversations, focus groups, supporting meetings in the groups of mutual assistance, which contribute to the formation of community cohesion, to the development of their autonomy and self-confidence. The main purpose of the programs is to stimulate internally displaced persons to professional, educational, creative activities, to build life plans, to take responsibility for solving their own problems, to overcome those complicated life circumstances that have taken place; to stabilize and restore the sense of security; to support their dignity and self-esteem, productive potential; to promote the development of harmonious relations between different groups of IDPs living in a particular place; to support the positive interaction of the IDPs with the local population, to overcome the negative stereotypes of the local population to IDP, to develop tolerance and prevention of all forms of discrimination; to launch their private business and self-realization.

It must be noted that the work with families and children, forced displaced persons, is one of the most difficult and important tasks faced by professionals in host communities. I. Trubavina emphasizes that the consequences of the failure to solve the problems of family

socialization, its adaptation and the acquisition of autonomy in the new life conditions are multidirectional and difficult both for the individual person and for our society as a whole – from the loss of the patriotic feeling and self consciousness of IDPs, long-term stresses, fears, anxieties to the losses and significant health disorders, life perspectives, failure of their civil obligations' fulfilment by individuals, their distrust to government and to the ideals of society, from domestic conflicts in families and communities to the conflicts in society, understanding of aggression and violence, weapons and power as an effective method of overcoming any problem in society [9, p. 440].

The main ways of IDPs children adaptation: within the families and in the educational institutions. It is necessary to pay a great amount of attention to solution of socio-psychological problems of this category of IDPs, which is at first connected to the peculiarities of the child's psyche and the important role of the family in providing normal psychological development and welfare of the child, the later is able to give support to a child, to renew his/her sense of defence and confidence, to restore a feeling of safety and stability and serves as a «shock absorber» against all external dangers that threaten a child. Unfortunately, there are cases of unprofessional work of psychologists in schools, which does not promote faster adaptation of children to new conditions. That is why professionals, working with families and children, should feel increased responsibility for the quality of their work, which should be conducted with all the participants and not only during the period of adaptation, but also be presented on the regular ground in order to prevent the negative phenomena on a regular basis.

The creation of special resources, publications, newsletters, etc. for obtaining legal information relevant for IDPs, as well as the development of clear algorithms for obtaining legal aid, both on primary and secondary levels, is necessary. There are positive examples of self-organization of IDPs in public organizations that deal with the dissemination of relevant information in some cities. The work of Governmental Contact Center is almost not known by the IDPs. In addition, there is a need to increase the channels for disseminating information about/from IDPs: sites, newspapers for IDPs, which would highlight the norms, ambiguities of current legislation and changes to it, open resources for clarifying the legislative base on the questions about IDPs.

**Conclusions.** The necessity of expanding the types, forms, methods of work in the field of socio-psychological adaptation of the IDPs, creation of center coordinating the efforts of responsible subjects; development of special training of specialists, which requires changes in the current legislation, increase of relevant state

program financing at the expense of local and state budget and involvement of donor organizations; mastering of social and psychological techniques by means of creative groups, usage of training groups and groups of mutual support potential; conduct of public cultural and artistic events, projects aimed at social adaptation of IDPs and overcoming negative stereotypes was shown in the research. Particular attention should be paid to the work with children and women, as they are the most vulnerable categories.

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## **Шляхи вдосконалення правового регулювання й соціально-психологічної адаптації внутрішньо переміщених осіб**

*Проаналізовано проблеми соціально-психологічної адаптації, розглянуто її особливості в контексті вимушеного переселення людей унаслідок воєнних дій на Сході України. Сформульовано тлумачення поняття внутрішньо переміщених осіб, схарактеризовано їх специфіку. Визначено об'єктивні та суб'єктивні фактори, що позначаються на їх адаптації, а також проблеми, що постають у процесі соціально-психологічної адаптації внутрішньо переміщених осіб. Обґрунтовано необхідність надання їм соціально-психологічної підтримки. Констатовано, що вимушено переміщена особа інтегрується в нове соціокультурне середовище зі складним образом соціальної реальності та себе в ній. Успішність соціально-психологічної адаптації залежить від особливостей цих осіб, а також від готовності нового соціального оточення сприйняти таких осіб. Специфіка соціально-психологічної адаптації внутрішньо переміщених осіб зумовлена переживанням психологічної травми, сформованої на цьому підґрунті соціальними установами, що транслюються через міжособистісну та масову комунікацію. Визначення психологічних проблем, що виникають в осіб із таким особливим статусом у процесі їхньої адаптації, а також вивчення соціально-психологічних чинників суб'єктивного благополуччя внутрішньо переміщених осіб, висвітлення їх комунікативно-інтерактивної сутності є необхідною передумовою для вдосконалення соціально-психологічної роботи з особами цієї групи для підвищення рівня їхнього суб'єктивного благополуччя та якості життя.*

**Ключові слова:** внутрішньо переміщені особи; внутрішня вимушена міграція; антитерористична операція; соціально-психологічна адаптація.