

## **Resumé**

### **“Is the International Legal Framework of Protection of Internally Displaced Persons Sufficient?”**

At present, there are millions of people worldwide who left their homes – in particular we can mention refugees and internally displaced persons (IDPs). In general we may say that refugees and IDPs are the same. They have similar needs and similar reasons why they left the place they used to live and why they need to be protected by law. However, legally they are recognized as two different categories of persons. IDPs were forced to flee their homes but, unlike refugees, remain within their country's borders. The definition of IDPs is provided in the document entitled Guiding Principles on Internal Displacement and covers “*persons who have been forced to flee or to leave their homes as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.*” The aim of this study is to analyze current international legal framework of IDPs protection and assistance. Is the legal basis sufficient or does it contain any gaps? Does it protect all the special needs IDPs have, both during flight and while in displacement?

This thesis is composed of five chapters, each of them dealing with different aspects of internal displacement. First chapter is introductory and defines who is an internally displaced person. It also compares the legal situation of IDPs and refugees and provides arguments for distinguishing these two categories. How did the phenomenon of internal displacement develop? What did affect the increased attention of international community for IDPs in recent years? The answers to these questions are outlined in chapter two. The main part of this thesis is the third chapter. It examines actual international legal framework in relation to internal displacement. IDPs are protected by the human rights law, the humanitarian law, the criminal law and the refugee law although none of these systems refers directly to IDPs. This chapter analyzes the international standards applicable to internally displaced and also explains whether the legal provisions effectively protect IDPs or not. Chapter four examines the Guiding Principles on Internal Displacement. This document constitutes a minimum standard for the treatment of IDPs. Although not-binding it is considered to be an important tool for dealing with situations of internal displacement. Chapter five concentrates on

insufficient institutional protection of IDPs. Currently there does not exist any international agency which would provide protection and assistance directly to IDPs. There are many which cover partly the problems of internal displacement – depending on their mandate, but in praxis there is need to establish a new agency which would only focus on IDPs. This chapter offers a brief summary of international institutions and organizations providing assistance to IDPs. Conclusions are drawn in the last part of the thesis. The main aim of this study is to prove that the protection of internally displaced persons by international law is not as sufficient as it should be and that the international assistance could be more effective especially until either new international legal provisions will be passed or a new agency will be established in favour of IDPs.