

ABSTRACT

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Wars, human rights violations, and disasters which affect a significant part of the population, resulted also in the formation of the new category known as „internal refugees“ or „the internally displaced persons“. Although these people are situated in their own country, the mentioned events lead them to the conditions that not only menace their lives but also plunging them into a material and psychological hardship and to an uncertain future. The growing numbers of the internally displaced persons (from the first census in 1982) and the risks associated with them, led to the closer perception of this problem and actions aimed towards its detailed observation and formal capture. Therefore, the current efforts for a unified format of basic legal institutes and definitions in the area of internal migration gradually move towards universal and legally binding approach of internal migration issue, although the effort in this area is currently hindered by political resentment, national interests and in some areas also by unpreparedness to cover the displacement in a form of a concrete legal tool. Although the existing international legislation is applying to the needs of the displaced persons, the individual states have the main responsibility, and it is the national legislation of the individual countries which is a source of specific legal norms relating to the internally displaced persons. It can be clearly seen, through the national legislations, how the states respond to the displacement taking into account their specific conditions and possibilities. The refugees often occur in the similar (if not the same) situations as internally displaced persons, but with the significant difference. This difference lies in the legal recognition and in the obligation of their statute. Refugee law is relatively richly covered and quite clearly regulates the institutes of the refugee legal position. Their protection is directly incorporated to the international treaties and the obligations of the states are also captured by the treaties, or by the customary law. However, it is critical that not even valid and effective international legislation is the reason for that the states would stop to respond to the new challenges associated to the refugee issue, and give up to search the new legal tools, which would cover the gradually changing form of the refugee law.