

GUIDANCE ON HUMANITARIAN EVACUATIONS OF CIVILIANS IN UKRAINE WITH SPECIAL CONSIDERATIONS FOR CHILDREN

BACKGROUND

Since 24 February 2022, thousands of civilians in Ukraine have been living under constant risk of harm due to the international armed conflict. Although many people have managed to leave dangerous areas on their own, there are still people who have not left due to a combination of factors, including high risks *en route*, the destruction of bridges and roads, landmines, lack of means for safe exit and other issues. Some individuals have no safe place to go and do not have information about accommodation options for displaced people, or have concerns about the length of displacement they will experience as well as the quality of services and accommodation that will be provided at the reception site, others do not want to leave their homes or livestock, while others face challenges to travel due to personal impairments, family concerns. Some people choose to stay in their residences despite the dangers posed by the armed conflict. As humanitarians, it is crucial that we acknowledge and respect the diverse reasons why people may opt not to evacuate and leave their homes in the face of imminent danger, while providing them with support to evacuate when they take an informed decision to do so.

Under international humanitarian law, States have the obligation to remove the civilian population from the vicinity of military objectives; States may not forcibly transfer a population, unless the security of the civilians involved or imperative military reasons so demand.¹ Since states have the exclusive authority to take decisions about issues of security and military necessity, as well as to enforce evacuation orders, it is appropriate that humanitarian actors play a role in facilitating only those humanitarian evacuations where civilians have given their informed consent to be evacuated, i.e., where the decision to be evacuated is voluntary.

PURPOSE OF THE GUIDANCE

The Guidance on Humanitarian Evacuations of Civilians in Ukraine with special considerations for evacuation of children builds on existing international guidance,¹ lessons learned and previous guidance issued by the Protection Cluster in Ukraine. It intends to **provide protection and child protection partners as well as other humanitarian actors, who contribute to humanitarian evacuations, with the guiding principles and minimum standards and recommended actions to be taken prior, during and after engaging in humanitarian evacuations.**

For the purposes of this note, humanitarian evacuations refer to situations where humanitarian protection actors facilitate the relocation of civilians from areas where they face heightened risk due to the armed conflict or other forms of violence to locations where they are at lower risk. The **guidance is addressed to the humanitarian actors and primarily cover the humanitarian evacuations *per se***. In Ukraine operation context, they are also applicable when the humanitarian protection actors are involved in the mandatory evacuations of general population led by authorities, provided that individuals have given informed consent to the humanitarian protection actors to be evacuated, i.e., that the evacuation is conducted voluntarily.

¹ Additional Protocol I, art. 58 (a); Rules of Customary International Humanitarian Law, no. 24.

The Guidance should be applied in complementarity with the existing institutional and legal framework in Ukraine elaborated in Annex 1 to this note. Humanitarian organizations should coordinate with designated Ukrainian authorities on all efforts regarding the evacuation of civilians, particularly when they concern children and people with disabilities. Such coordination is necessary both in the areas where the evacuation is carried out, and in the regions receiving evacuees. Humanitarian protection actors should never be involved in the forced or coerced evacuations or try to convince or pressure people to evacuate against their will². However, when the State conducts such evacuations in line with its IHL obligations, humanitarian protection actors will assist persons subject to such evacuations after they have reached a place of safety.

SPECIFIC CONSIDERATIONS FOR CHILDREN AND THEIR CARE-GIVERS LIVING IN AREAS UNDER MANDATORY EVACUATION ORDERS

When it comes to evacuations of people living in areas under government announced mandatory evacuation, humanitarian actors should be aware that Ukrainian regulations allow for the forced evacuation of children with their caregivers. Although forced evacuation or the removal of children from their parents/caregivers is a rare occurrence, the mere threat thereof could lead parents/caregivers to either evacuate with their children or to send them to live with relatives/others without their consent having been freely given.

As such:

1. Whilst conducting information and awareness raising campaigns on evacuations, humanitarian actors should limit their interventions to providing information on the legal and regulatory framework, available support, and potential consequences of a refusal to evacuate, but should not attempt to persuade or convince caregivers or children to evacuate.
2. The voluntariness of an evacuation should be independently confirmed on a case-by-case basis by humanitarian actors prior to their involvement in any movement of the caregivers and children.
3. Whether or not caregivers or children agree to evacuate should not hamper their access to humanitarian assistance to which they are entitled, unless such access would endanger children or otherwise not be in their best interests.
4. Where caregivers do not voluntarily consent to the evacuation of themselves and the children in their care, humanitarian actors:
 - Must leave to the mandated authorities determinations related to the best interests of children, including in particular, the separation of children from their caregivers or the forced evacuation of children and their caregivers.
 - Should not seek to persuade or convince caregivers or children to evacuate against their will;
 - Should not facilitate the transportation of children and their caregivers who have not consented to the evacuation (based on an independent assessment of voluntariness), even at the request of the authorities;
 - Should provide support to children and caregivers following evacuation, in line with support provided to all families and children.
5. Caregivers of children living in areas under mandatory evacuation who are assessed to have voluntarily chosen, for themselves and the children in their care, to be evacuated, should be supported by humanitarians in line with guiding principles and minimum standards, including those in this document.

² Humanitarian actors do not conduct or facilitate forced evacuations, as that is the prerogative of the State. However, humanitarian actors may assist people who were subjected to involuntary evacuation.

KEY CHALLENGES

Exposure to new protection risks due to evacuation. While the positive contribution of humanitarian evacuations is invaluable to reduce the exposure of civilians to violence and attacks, inadequately planned humanitarian evacuations may increase the exposure to new protection risks, for example: separation of families or legal representatives, human trafficking, theft and extortion, sexual exploitation and abuse, psychological trauma, particularly among those who are at risk already before the evacuation.

Coordination and information gaps: 1) lack of accessible information on evacuation procedure, accommodation capacity and services for evacuees in the areas into which they are evacuated; 2) lack of information on the available mechanisms for identifying the evacuees, their protection profiles and needs and referring them to organizations that can provide help; 3) gaps in coordination mechanisms for evacuation carried out by several organizations; 4) gaps in functioning of referral systems (informal referral systems, lack of follow up, breaches to confidentiality of referrals, lack of knowledge on service providers).

The legal framework informing **Government evacuation procedures does not fully correspond to the challenges of wartime.** Evacuation legislation was primarily drafted before the war, and therefore may not fully respond to the current context. Under existing evacuation legislation there is no clear procedure on information sharing and coordination between authorities and humanitarian actors. Lacking legal certainty, humanitarian organizations often find themselves assuming additional responsibilities and risks.

Lack of staff and facilities in hosting communities to accommodate people in need of specialized care, particularly people with disabilities and older people without family support, including individuals living in institutions.³ There are also challenges in identifying facilities with gender-segregated communal spaces which can pose increased protection risks for girls, boys and women. These gaps place evacuees with specific needs at heightened protection risks upon their arrival to their destination. Without confirmation of the availability of appropriate services, the process of evacuation from dangerous areas is slowed down.

The evacuation of children deprived of parental care, including unaccompanied/separated children, and other vulnerable groups, including from specialized institutions without proper coordination with authorities, increases the risks of exploitation, trafficking and separation of families.

Impeded access of evacuees arriving without ID documents to accommodation in collective sites, social and health care services and other assistance, including in case of marginalized groups.

GUIDING PRINCIPLES AND MINIMUM STANDARDS

Voluntary character: When conducted or facilitated by humanitarian actors, the humanitarian evacuation of civilians regardless of age, gender, disability, or other diversity factors must be based on the individual's informed consent and must be non-discriminatory.⁴ They should be objectively and reliably informed, with use of easy-to-understand formats, about the risks and consequences of evacuation. This includes their right not to settle in any

³ The complex and urgent challenges related to the organized evacuation of people with disabilities and older people living in institutions in oblasts close to the frontline lies beyond the scope of this note addressed mainly to humanitarian civil society organizations. Inter-cluster humanitarian engagement and advocacy with development actors to address these challenges requires high-level decision-making, in close collaboration with the Government.

⁴ This is without prejudice to the State's authority and obligation under IHL to evacuate civilians, even if they do not voluntarily give consent if necessary to protect their safety or remove them from the vicinity of a military object.

place where their life, safety, liberty and health may be at further risk, or to change their mind on whether or not to evacuate at any stage of the evacuation. It also means that no coercion measures should be used.⁵

Human rights-based and inclusive approaches: Human rights, such as the right to seek safety within or outside of the State's borders; to be protected from arbitrary displacement or detention; the right to family unity; and the freedom to choose one's place of residence should be carefully considered when planning or executing humanitarian evacuations. All humanitarian evacuations should be planned and organized without discrimination and with due consideration to specific needs and capacities of girls, boys, women and men of diverse groups, incorporating measures to mitigate specific risks related to age, gender, disability and other diversity characteristics of evacuated individuals. Whenever feasible, mitigation measures shall be in place against the risk of placement to institutional care of people with disabilities and older people living independently before the evacuation.

SPECIFIC CONSIDERATIONS FOR PEOPLE WITH LOW OR REDUCED MOBILITY AND PEOPLE WITH DISABILITIES

The evacuation of persons with disabilities, including children, and those with low or reduced mobility requires special consideration to ensure their safety and well-being. These individuals may face greater challenges during emergency situations and require additional time and resources for safe evacuation. The process should be carefully planned and executed, using appropriate equipment and trained personnel to minimize the risk of physical and psychological harm, whenever possible in collaboration with Organizations of People of Disabilities (OPDs). Informed consent or assent for evacuation shall be ensured as per considerations above.

As such:

1. Humanitarian actors are encouraged to conduct regular assessments to identify individuals with mobility issues and ensure they are included in evacuation plans.
2. Humanitarian actors facilitating the evacuations of people with mobility issues should ensure the availability and use of specialized equipment tailored to the needs of individuals with various disabilities and mobility impairments. This includes wheelchairs, stretchers, and transfer boards for those with mobility impairments and medical beds and lifting equipment for bedridden individuals.
3. Humanitarian actors are recommended to provide comprehensive training to all personnel involved in the evacuation process on the specific needs and proper handling of persons with disabilities and mobility impairments. Training should cover safe lifting and transferring techniques to prevent physical injuries and maintain dignity, effective communication strategies to ensure clear and respectful interaction, including gender-sensitive considerations.
4. Evacuees with disabilities and mobility impairments should receive continuous support post-evacuation, including access to medical care, rehabilitation services, and any necessary assistive devices. Humanitarian actors should provide information on available resources and support networks in the hosting community to aid in their adjustment and recovery.

⁵ According to para. 31 of The Procedure for evacuation in case of a risk of occurrence, or occurrence of emergencies in case of refusal of being mandatory evacuated, the individual signs the waiver of mandatory evacuation.

Safe and non-discriminatory access to basic services: The authorities, humanitarian and volunteer organizations undertaking evacuations need to ensure, to the greatest extent possible, that proper transportation means, accommodation, food and water, health care, hygiene supplies (including for older people and persons with disabilities), and psychosocial support are provided to displaced persons during the evacuation and upon relocation without any distinction or discrimination.

Family unity preserved: Children and caregivers should not be separated against their will or best interests. Practical steps should be taken to prevent separation of children from their parents and adult family members or from other relatives. Similarly, working closely with regional Child Welfare Units, measures should be in place to facilitate reunification should separation inadvertently occur, including additional registration or identification mechanisms. It is critical that special measures be taken in the best interests of children, to preserve the unity of the family and its reunification in case of a family separation. Children should only ever be separated from their caregivers as a measure of last resort and for the shortest possible period and only when it is in the best interest of the child. Separated children should never be placed in institutions.⁶ In case family separation does occur during the evacuation process, recognising that these can sometimes be done in a hasty manner due to the emergency nature of evacuations, investigations should be done to determine whether these were done taking into account to the fullest extent possible the best interests of the child, the primacy of family-based care and the prioritization of family reunification following separation. Children and families should also be given access to effective remedies and access to justice.

Child participation and the right to be heard: All children, including children with disabilities, should be able to express their views on decisions related to relocation, family tracing and reunification, etc. These views shall be given due weight according to their age, maturity and evolving capacity. Efforts should be made to promote family reunification immediately, and if this is not possible, to consider family-based alternative care. Additionally, both children and their parents/legal guardians should have the right to remedies in such situations.

Best interest of the child: The primary consideration for all decisions and measures taken in regards to a child is the best interest of the individual child, taking into account the various circumstances in each case.

RECOMMENDED ACTIONS PRIOR TO THE HUMANITARIAN EVACUATIONS

- Joint protection analysis to be conducted by protection actors, volunteer groups, local authorities and local communities from where the evacuation proceeds, and host communities, where relevant together with the Coordination Headquarters for Mandatory Evacuation of the Population under Martial Law and other public authorities involved. The analysis should include information on *inter alia* evacuation requests, security situation, risks and needs; selection of a relocation site considering the specific needs of the evacuated population, i. e. access to social services, basic infrastructure and transport links; distance from area of hostilities / presence of armed actors, possible accommodation arrangements evacuees may have secured themselves, etc.
- Consultations with affected people to obtain their individual informed consent to be evacuated to the agreed receiving area, so as to ensure that the evacuation of individuals is based on their voluntary decision and is informed by understanding of the risks and consequences associated with evacuations; route and final destination of the evacuation; type and conditions of temporary accommodation; and the availability

⁶ According to para. 3 of The Procedure for evacuation in case of a risk of occurrence, or occurrence of emergencies children are mandatory-evacuated in a forced manner together with their parents, persons substituting them, or other lawful representatives.

of the services they need. Whenever possible, consultations with Organizations of People with Disabilities, Women's Rights Organizations and organizations representing marginalized communities are advised.

- Disseminate reliable and verified information in accessible and easy-to-understand formats at the national and community level among populations in frontline areas who may evacuate, so they can make an informed decision on evacuation and be prepared in case they decide to evacuate. Apart from the process of evacuation, to extent possible, information shall be provided on reception conditions and assistance available upon arrival. Information materials should also include key protection messaging on prevention of risks related to evacuations such as preventing family separation, risk of human trafficking and sexual exploitation and abuse, organization of the evacuation process and how to prepare for it, services and assistance available in receiving areas including for families/caregivers with children. This could be information from or by mandated authorities or elaborated in coordination and cooperation with them.
- Conduct individual assessment and individual planning for each family with children planned to be evacuated to enable adequate support before, during and after the evacuation. This to ensure it is based on the needs and preference of choice by each family, and based on the best interest of the child.
- Identified separated or unaccompanied children should be immediately referred to the appropriate child protection authorities, and identified alternative care families should be referred to the Child Affairs Department.
- Organization of logistics and security, taking into consideration the specific needs of evacuated individuals, for example, of people with disabilities and older people or people with pets; or taking concrete measures to ensure that the transfer will be done in safety and protecting family unity. This should include providing information about public authorities and humanitarian organizations involved in the evacuation, their coordination; place, date and time of evacuation; address of reception points in safe areas.
- Capacity building for local authorities and organizations carrying out evacuations including on safety and security, first aid, basic protection principles, including trauma informed approaches, identification of vulnerable individuals, including children, GBV mainstreaming, disability inclusion, safeguarding, safe referrals and Protection Cluster's Service Advisor and CP AoR and GBV AoR Referral Pathways.

RECOMMENDED ACTIONS DURING THE HUMANITARIAN EVACUATION

- Monitoring of protection risks for evacuees *en route* and after their arrival at destinations with a particular focus on children, people with disabilities, and older people. Organizations should identify people at risk as early in the evacuation process as possible and refer them to specialized services as soon as possible.
- Provision of Psychological First Aid (PFA) and continued information dissemination.
- Identification and registration of children and families being evacuated should occur to facilitate reunification if necessary, and evacuated children separated from caregivers should be immediately identified and referred to the appropriate child protection authorities.
- Provide support to families with children, including alternative care families during the evacuation based on individual needs, which can include facilitation of transportation, PFA, cash assistance, supply distribution, dissemination of preventive and supportive messages.
- When evacuating people with low or reduced mobility due to age and disabilities, ensure the transportation of the available specialized equipment and medical supplies.

POST-EVACUATION CHECKLIST - HOW HUMANITARIAN ACTORS CAN SUPPORT EVACUATED PEOPLE, INCLUDING CIVILIANS EVACUATED BY THE AUTHORITIES, IN RECEIVING AREAS

In delivering assistance to displaced people, including civilians evacuated by the authorities, humanitarian partners must abide by humanitarian principles, maintain their operational independence and continue to be guided by independently assessed needs and enable people's access to basic services, bearing in mind the principle of do no harm, and the provision of assistance on the basis of vulnerability.

The below checklist helps to guide humanitarian actors in the type of support they can provide to evacuated civilians at accommodation/ reception sites.

Protection Actors:

- Immediately after the evacuation, provide the information on available cash and other types of assistance from the state and non-governmental organizations; access to administrative, social, medical, educational and other services; employment opportunities, possible duration of stay in the place of temporary accommodation in receiving areas etc.
- Carry out protection monitoring in transit and collective sites to identify and mitigate risks and promote dignified and meaningful access to information and services.
- In case of gaps or duplications in protection actor's presence in the site, notify the Protection Cluster to mobilize protection partners to effectively respond to protection needs of evacuees.
- In consultation with humanitarian organizations engaged in the evacuations, identify vulnerable people who are particularly at risk of violence and exploitation, such as women, men, girls or boys at risk, single-headed households, separated and unaccompanied children, older people (particularly older women), people with disabilities, Roma and LGBTIQ+ people, for referral to case management and specialized services, including home-based care. Whenever possible, support national social service in assessing the condition and social capacity of older people and people with disabilities provide support to determine whether the person can reside independently or is in need of facility-based care.
- Identify people who have experienced psychosocial distress for referral to mental health and psychosocial support.
- Identify people who may be in need for legal assistance for referral to service providers, with particular focus on personal documents that are crucial to access services and exercise rights.
- Raise awareness among affected and displaced populations of protection risks (e. g., human trafficking, sexual exploitation and abuse, contamination by explosive remnants of war) and of services available to prevent, respond to and mitigate such risks. Always underline that humanitarian assistance is free-of-charge.
- Implement gender and age-inclusive community-based protection activities, involving both the evacuees and host communities, in order to foster social cohesion, prevent exclusion of marginalized groups and strive for durable solutions for the evacuees from the start by linking them up with possible housing and livelihood options.
- In collaboration with Health Cluster partners, strengthen referral systems to provide items relevant to meet immediate needs of people with low or reduced mobility due to age and disabilities, including children. The availability and use of specialized equipment tailored to the needs of individuals with various disabilities and mobility impairments is recommended, as per the guidance of health actors and OPDs. This includes but is not limited to wheelchairs, stretchers, and transfer boards for those with mobility impairments; medical beds and lifting equipment for bedridden individuals; hearing aids and

communication devices for individuals with hearing or speech impairments; visual aids and guidance tools for those with visual impairments, and medical supplies and assistive devices necessary for individuals with chronic health conditions.

- In collaboration with CCCM and GBV actors, facilitate conducting safety audits at transit and collective sites to prevent and mitigate protection and GBV risks, and prioritize the follow up on its recommendations.⁷

Child Protection Actors:

- As soon as locations subject to evacuation are identified, undertake activities, including awareness raising and information sharing, on available services and how to access them, and on preventive and supportive messages, including to prevent family separation.
- Closely coordinate and collaborate with local authorities, including social services and child protection authorities to provide necessary services identified through child protection case management. Services can include MHPSS, positive parenting, GBV, crisis interventions, cash assistance, supply distribution and referrals to specialized services, such as legal, education and health services.
- Immediately notify local social services/child protection authorities about separated or unaccompanied children. Every effort should be made to reunite children with their families as soon as possible, unless determined to not be in their best interest.⁸

⁷ For more recommendations on GBV prevention and response during evacuations, consult [this document](#) developed by GBV AOR.

⁸ Additional considerations on education activities are available in the [Education Cluster Memo for partners working in de-occupied and frontline areas](#) (March 2024).

Annex 1. ANALYSIS OF THE EXISTING INSTITUTIONAL AND LEGAL FRAMEWORK FOR EVACUATIONS IN UKRAINE

The State is responsible for the safety of its citizens and those of other people living on its territory, including in the context of armed conflict. Therefore, the State, in certain situations, may have an obligation to provide its citizens access to safe and dignified evacuation measures in the manner prescribed by domestic law.

According to Ukrainian legislation⁹, depending on the circumstances during the emergency situation (including armed conflict or hostilities), a mandatory evacuation of the general population¹⁰ or mandatory evacuation in a forced manner of children together with their legal guardians may be announced. In the former case, people can be *de facto* evacuated voluntarily considering that they have a right to sign a waiver and refuse to evacuate. In the latter case, a child must be evacuated with at least one legal guardian (for example, one of the parents or grandparents). In practice, although the Ukrainian authorities provide its population with transport (for example, special trains or vehicles), the means of government transportation provided is not always sufficient or inclusive enough to evacuate all civilians in need. In this case, humanitarian actors, including civil society organizations, may be engaged in areas where mandatory evacuations have been ordered.

At the same time, in Ukraine, many civilians living in areas including along the frontline and in proximity to the Russian and Belarusian borders independently request NGOs, civil society organizations and volunteers to help them leave dangerous areas. To address these requests such organizations and volunteers conduct humanitarian evacuations even when mandatory evacuations are not announced by the authorities. Therefore, it is observed that evacuations in Ukraine have been undertaken both under the leadership of Ukrainian authorities and by civil society organizations or volunteers, including relocations of children and persons with disabilities.

Overview of the applicable national legal framework

The procedure for the evacuation of the [civilian] population in Ukraine is laid out in, amongst others, the following regulations:

[Code of Civil Protection of Ukraine \(Article 33\);](#)

[Law of Ukraine "On the Legal Regime of Martial Law" \(Article 8\);](#)

[The Procedure for evacuation in case of a risk of occurrence, or occurrence of emergencies;](#)

[The Procedure for identification of people with disabilities and other low-mobility groups living in the zone of emergency or of possible damage, and organization of their accompaniment;](#)

[The Procedure for temporary relocation \(evacuation\) of children and persons residing or enrolled in institutions of various types, forms of ownership and management for their overnight accommodation, and their return to the place of permanent residence \(stay\), and return to the country of those who left Ukraine;](#)

[Methodology of evacuation planning;](#)

[Guidelines on planning and conducting of evacuation of population \(workers\) in case of man-made, natural or military emergencies;](#)

[Regulation on Coordination Headquarters for Mandatory Evacuation of the Population under Martial Law.](#)

⁹ See a non-exhaustive list of the Ukrainian legislation regulating evacuations below.

¹⁰ For example, the Cabinet of Minister of Ukraine announced mandatory evacuation of its whole population from the Donetsk oblast on 02 August 2022. As of 2018, over 4 mln people were residing in this oblast.