

The amended Law on Evacuations – Law No. 4779

Legal Brief

Law No. 4779 adopted in February 2026 aims at strengthening the evacuation mechanism and procedures with a focus on safeguarding civilians in areas of active or possible hostilities. While the objective of safeguarding civilians in high-risk areas is important and legitimate, the amended law has several shortcomings. The following stand out:

- Overall, while laws aim to provide legal certainty, the law on evacuations **creates ambiguity and inconsistency** with other laws, which in particular in the absence of relevant by-laws, aggravates risks and may cause diverse implementation approaches. In addition, the law is **misaligned with operational realities and capacities**.
- The law fails to adapt the evacuation mechanism and procedures to the particular needs of **older people and people with disability**, who are at greatest risk in evacuation situations.
- At the same time, the law introduces new rules concerning the evacuation of **children** raising a several serious child protection concerns, in particular with regards to family unity, guardianship and care, requiring urgent safeguards.
- The law suggests the possibility of use of coercive means for the mandatory evacuation of the general civilian population for defence purposes and requires **additional safeguards** to ensure compliance with international protection standards.

Aligning the law with operational realities, existing capacities and protection standards will be essential to ensure that evacuation measures remain lawful, proportionate, and centred on the needs and rights of the civilian population living in endangered areas. In particular, the implementation of the law will require clear safeguards and mitigation of identified risks through by-laws and practical arrangements responsive to the needs of children, older persons, people with disabilities and other vulnerable groups.

Context

Large-scale evacuations in Ukraine have been ongoing since the start of the full-scale invasion in 2022. The legislative framework governing evacuations, originally developed in response to the Chernobyl disaster in 1986, has since been updated and adapted to wartime conditions, often under compressed timelines. The adoption of Law No. 4779 in February 2026, while pending in Parliament for an extensive period, also took place without public consultation or systematic engagement of actors directly involved in evacuation processes, including humanitarian organizations involved in carrying out evacuations and receiving newly displaced people.

Key concerns

Legal uncertainty and inconsistency: The law has introduced several new definitions and types of evacuations creating inconsistencies and ambiguities when interpreted in connection with other legislations in place, such as the Civil Defense Code or the Family Code. This may lead to diverse and inconsistent implementation of this law by authorities, further aggravating the legal uncertainty caused by this law for the civilian population affected by it. A particularly challenging uncertainty is caused by the inconsistent use of terminology related to the nature of the evacuation of the general population, which creates ambiguity and may in practice result in the introduction of forced evacuations. In addition, the law allows for restrictions on entry, stay, and movement in areas under mandatory evacuation. While there may be legitimate reasons for such restrictions, further clarification is required to ensure that their scope and application remain proportionate and consistent with applicable legal standards. A range of other inconsistencies in the law creates further ambiguity affecting the protection of civilians and require clarification before the law's implementation.

Misalignment with operational reality and capacity: A critical gap remains between law's objective and the operational reality and capacity. This misalignment concerns particularly the reception and accommodation capacity for newly displaced people, including children, older persons, people with disabilities and other vulnerable groups, as well as the continued absence of an effective and coordinated early warning, information and preparedness protocol, which would be especially important for vulnerable groups as well as for receiving hromadas to better prepare for adequate reception and accommodation. Such a protocol would require to early warn populations before an evacuation is declared, for hromadas of evacuation to properly inform civilians about the applicable evacuation process and, in coordination with receiving hromadas, about existing reception and accommodation capacities, as well as to offer both, psychological and practical preparedness support for an eventual evacuation. This misalignment reduces the possibility for people to take evacuation decisions and may increase the resort to mandatory evacuation.

Child protection risks surge: The law introduces new measures that increase risks of a resort to coercive measures resulting in family separation and even institutionalization of children upon evacuation. The preservation of family unity must be a top priority in any evacuation situation, and every effort must be made to avoid the separation of children from their parents or caregivers. In exceptional cases only, when separation cannot be avoided, decisions concerning the separated child should be guided by its best interests, and family- and community-based care arrangements, including foster families, family-type children's homes, small group homes, and patronage care be prioritized in line with de-

institutionalization requirements. Concerns regarding the continuity of care and related accountability during the evacuation process remain in the absence of clearly defined procedural safeguards and related implementation arrangements. Such would need to be urgently devised in related by-laws and implementation instructions.

Older people remain unprotected: Old age and the prevalence of specific needs are the most important factors to consider for a people-centred evacuation mechanism as older people, and especially those with specific needs, are least likely and often last to evacuate and face particular barriers notably due to reduced mobility and health conditions (see [Ukraine Protection Survey 2](#), November 2025). The law, however, does not adapt the evacuation mechanism and procedures to remedy these risks or address these particular needs. It provides only limited guidance regarding the evacuation and reception of older persons, people with disabilities, and other individuals with specific care and support needs.

Possibility of use of coercive measures for the mandatory evacuation of the general population: Concerns also arise regarding law's provisions on the mandatory evacuation of the general population for defense purposes, which may involve coercive measures and the engagement of actors without a civilian protection mandate, notably the Military Law Enforcement Service, and thus de facto turn into forced evacuations. While such an evacuation may be justified by public security interests, it needs to remain proportional and comply with applicable protection guarantees. Further clarification is also required regarding the legal consequences of such evacuations, including related to documentation of ulterior use of vacated housing, remedies and potential access to compensation, as may be applicable.

Key Recommendations

While Law No. 4779 seeks to enhance the evacuation mechanism and procedures, its implementation requires additional clarification and the introduction of additional safeguards, including through the development of by-laws and implementation instructions as well as the development of additional mechanisms to augment the protection of civilians in an evacuation situation:

- **Legal clarity, safeguards, and coherent implementation:** The law requires greater clarity to reduce legal ambiguity and to support the consistent and coherent interpretation and implementation. Key protection risks should be mitigated through the timely development of by-laws and implementation instructions. Humanitarian organizations operational in the sphere of evacuations should be involved in the development of these measures.
- **Advanced preparedness and enhanced reception capacity:** Strengthened early warning, information provision and preparedness support and enhanced adequate, dignified reception capacity in areas receiving evacuations would better enable voluntary evacuation decisions, including by families with children, older people and people with disabilities, thereby limiting the need for coercive measures to exceptional cases of last resort. Relevant preparedness measures should be developed for all population groups including older persons, persons with disabilities, families with children, and others requiring tailored support, including for continued access to services.
- **Child protection measures:** By-laws and implementation instructions should ensure that the preservation of family unity in evacuation situations is prioritized by all involved in evacuations, and set out that children separated from their parents/caregiver should be identified and registered for ensuring continued guardianship and placement in adequate family- or community-based care arrangements, and all decisions must be guided by the child's best interests. Clear roles and responsibilities should be assigned to all actors involved at each stage of the evacuation process, including guardianship authorities, the police, and other competent authorities to ensure accountability.
- **Old-age responsive evacuation mechanism:** More detailed legal and operational arrangements are required to ensure that the evacuation mechanism and procedures overall are adapted to the situation of older people, with a particular emphasis on the need for the above mentioned early warning, information and preparedness protocol, increasing social transport, social accompaniment or case management to access safe and dignified reception and alternative accommodation and, where necessary, continuous care and access to other services as needed.
- **Additional safeguards for the evacuation of the general population:** In situations of mandatory evacuations of the general civilian population for defense purposes using coercive means, de facto becoming a forced evacuation, additional safeguards need to be elaborated, and clarification is required regarding the documentation, confirmation of status and legal remedies related to vacated housing, land or property.



This legal brief was prepared by UNHCR in collaboration with the Protection Cluster in Ukraine. For further questions or detailed briefing on this law, please contact UNHCR at UKRRI@unhcr.org.